

## 2 Comments and Responses to the Draft EIR

This chapter contains copies of the comment letters received on the draft EIR of the proposed General Plan and Climate Action Plan. A total of 303 comment letters and emails were received during the initial 81-day comment period and afterwards, and through the additional 45-day comment period for the Recirculated DEIR.

Each letter is identified by a designator (e.g. “Letter A1”). Specific comments within each letter are identified by a designator in the page margin that reflects the sequence of the specific comment within the correspondence (e.g. “A1-1” for the first comment in Letter A1). Comments and responses to comments are organized by Public Agency comments and responses, Organization comments and responses, and Individual comments and responses.

Responses focus on comments that raise important environmental issues or pertain to the adequacy of analysis in the draft EIR or to other aspects pertinent to the potential effects of the proposed General Plan on the environment pursuant to CEQA. Comments that address policy issues, opinions or other topics beyond the purview of the draft EIR or CEQA are noted as such for the public record. Where comments are on the merits of the proposed General Plan and/or the Climate Action Plan rather than on the draft EIR, these are also noted in the responses. Where appropriate, the information and/or revisions suggested in the comment letters have been incorporated into the final EIR. These revisions are included in Chapter 3 (EIR revisions), Chapter 4 (General Plan revisions), and Chapter 5 (Climate Action Plan revisions) of this final EIR.

### 2.1 Master Responses

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Numerous comments raised common concerns or questions that are most appropriately answered or clarified in one comprehensive or “master” response. For this final EIR, the issues listed in **Table 2.1-1** are addressed in master responses, lettered MR1 to MR4. The intent of the master responses is to give a single, comprehensive response to the recurring comments to improve readability of the document by avoiding repetition and multiple cross-references. Many of the individual responses refer back to these master responses.

**Table 2.1-1: Master Response List**

<i>Master Response</i>	<i>Title</i>	<i>Page Number</i>
MR1	Open Space & Parks	
MR2	Olde Carlsbad & Buena Vista Reservoir	
MR3	Northeast Quadrant - New Sites Related	
MR4	Transportation	

**MASTER RESPONSE I: OPEN SPACE & PARKS**

**MRI-1** A number of comments disagreed with what the city counts as open space in the draft General Plan. The city’s definition of open space dates back many years and was thoroughly addressed with significant public input in the late 1980’s to early 1990’s. These efforts led to an update of the Open Space and Conservation Element in the 1994 General Plan. The definition of open space and the criteria used to designate it in the draft General Plan are essentially the same as the 1994 General Plan. This provides for consistency and continuity as to what and how lands are set aside for open space.

The Open Space, Conservation, and Recreation (OSCR) Element of the draft General Plan simplifies the open space definition to read as follows:

“Any area of land or water that is devoted to an open space use and is designated on the city’s Land Use Map as open space, or dedicated in fee title or easement for open space purposes (p. 4-5).”

All open space areas designated in the OSCR Element fall into one of four categories:

*Category 1: Open Space for Preservation of Natural Resources* (plant and animal habitat; nature preserves; beaches and bluffs; wetland and riparian areas; canyons and hillsides; and water features such as lagoons and streams);

*Category 2: Open Space for Managed Production of Resources* (forestry; agriculture; aquaculture; water management; commercial fisheries; and major mineral resources);

*Category 3: Open Space for Outdoor Recreation* (school recreation areas; public parks and recreation areas; greenways; trails; campgrounds; golf courses; and equestrian facilities);

*Category 4: Open Space for Aesthetic, Cultural and Educational Purposes* (lands with scenic, historical and cultural value; land use buffers; open space that marks entries to the city from surrounding communities and to major developments and neighborhoods within the city; greenbelts providing separation from surrounding communities; and museums, arboreta, zoos, and botanical gardens).

The 1994 General Plan included a fifth open space category: *Category 5: Open Space for Public Health and Safety*. However, since no land has been separately inventoried and mapped as such, this category was eliminated in the draft General Plan.

Existing, designated open space is summarized by category in Table 4-1 and shown graphically in Figure 4-1. The areas designated are consistent with the descriptions and criteria listed above.

The draft General Plan OSCR Element does not count as open space vacant lands that are designated for a non-open space use (such as residential or commercial), public rights-of-way or landscaped medians within them.

**MR1-2** This comment expresses concern that implementation of the draft General Plan would either reduce open space or fail to achieve the open space that was “promised” under the city’s 1986 Growth Management Program (GMP) and 1994 General Plan. This concern is based on incorrect assumptions and information.

Often cited is the erroneous claim that the GMP required the city to retain a minimum of 40 percent open space. Neither the original ordinance that established the GMP (Ord. No. 9808, July 1986)<sup>1</sup>, nor the Citywide Facilities and Improvements Plan (CFIP) that established the facilities performance standards (Reso. No. 8797, September 1986) required a 40 percent open space set aside. Furthermore, Proposition E, an initiative approved by voters in November 1986 that effectively ratified the city’s GMP, did not contain a 40 percent open space requirement.<sup>2</sup>

Rather than being a standard, the 40 percent figure has long been used by the city as an *estimate* of how much open space would remain in the future once all constrained lands and GMP performance standard open space areas are designated. At the time the GMP was adopted, it was estimated that 25 percent of the city contained undevelopable, constrained lands (steep slopes, permanent bodies of water, significant wetlands, etc.). The CFIP established the open space performance standard as follows:

“Fifteen percent of the total land area in the [specified Local Facility Management Zone (LFMZ)], exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development (CFIP, p. 46).”

Thus, the short hand estimate was derived by adding the 25 percent estimated constrained lands to the 15 percent GMP open space set-aside. However, it must be noted

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<sup>1</sup> The purpose and intent section of the GMP ordinance (CMC 21.90.010(2)) is in part to, “Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city [emphasis added].” The ordinance does not specify numerically what constitutes “adequate” open space.

<sup>2</sup> While an argument in favor of Proposition E appearing in the November 1986 ballot stated that its passage “...guarantees that we will always be a low density residential community with 40% open space”, nothing in the ballot language itself contained such a requirement. The relevant part of Proposition E ballot language states, “Shall an ordinance be adopted to provide as a part of the 1986 growth management plan that 1) NO DEVELOPMENT SHALL BE APPROVED by the City of Carlsbad unless it is guaranteed that concurrent with need all necessary public facilities be provided as required by said plan with emphasis on ensuring good traffic circulation, schools, parks, libraries, open space and recreational amenities...” [emphasis added].

that the 15 percent GMP open space standard applied to only 14 of the 25 Local Facility Management Zones (CFIP, p. 46), rather than the entire city. The other 11 zones were deemed to be already developed, or have met or exceeded the requirement. Likewise, contrary to common misperception, the 1994 General Plan did not establish a 40 percent open space goal or standard for the city.

**MRI-3** Table 4-1 of draft General Plan OSCR Element shows that 9,437 acres, or about 38 percent of the city, is currently (as of 2013) designated for open space. Rather than reducing open space, the draft General Plan will ensure that more open space will be added in the future through continued application of its open space policies, enforcement of the Growth Management open space performance standard, implementation of the Habitat Management Plan, and through discretionary acquisitions. Additionally, Land Use and Community Design (LUCD) Element policies describe areas for more open space such as at the Encina Power Station site (Policy 2-P.79), the Carlsbad Energy Center / Desalination Plant site (Policy 2-P.80), and Murphy site (Policy 2-P.88).

The draft EIR analyzed the impact of the draft General Plan on open space, and concluded it to be less than significant, noting General Plan policies that require compliance with Growth Management performance standards and the Habitat Management Plan (see draft EIR, Impact Analysis 3.9-2, pp. 3.9-16 through 3.9-19). In fact, application of General Plan land use, open space, and conservation policies will have a beneficial impact on open space.

**MRI-4** The city's Growth Management Program (GMP) requires that new development provide the public facilities necessary to serve that development. A key component of the GMP is the enforcement of minimum public facilities performance standards. The Citywide Facilities and Improvements Plan (CFIP)<sup>3</sup> establishes standards for 11 public facilities, including open space, as follows:

“Fifteen percent of the total land area in the [specified Local Facility Management Zone (LFMZ)], exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development (CFIP, p. 46).”

For purposes of the open space performance standard, environmentally constrained non-developable land includes beaches, permanent bodies of water, floodways, slopes greater than 40 percent, significant wetlands, significant riparian and woodland habitats, land subject to major power-line easements, railroad track beds, and other significant environmental features, as determined by the environmental process for a project. Lands not meeting these criteria are considered developable, and therefore subject to the 15 percent open space set-aside.

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<sup>3</sup> As a required component of the Growth Management Program (Ordinance No. 9808), the CFIP was adopted by City Council Resolution No. 8797, on September 23, 1986.

The city is divided into 25 LFMZ's. At the time the open space performance standard was established in 1986, LFMZ's 1-10 and 16 were already developed or met/exceeded the standard, and therefore are not subject to it (CFIP, p. 46). LFMZ's 13-15, and 17-25 are the zones required to comply with the open space performance standard. Compliance with the open space performance standard is ensured through preparation, review and approval of Local Facilities Management Plans (LFMP's). To date, LFMP's for all zones have been prepared, reviewed by city staff for adequacy, and approved through noticed public hearings by the Planning Commission and City Council. The adopted LFMP's subject to the open space performance standard provide data, maps, and analysis that demonstrate how the minimum of 15 percent open space performance standard is met. Before new development applications are approved for construction, they are reviewed for compliance with relevant General Plan policies, ordinances and for consistency with the adopted LFMP. This ensures continual compliance not only with GMP open space requirements, but with all GMP performance standards. Furthermore, the draft General Plan fully supports compliance with the GMP open space performance standard (see draft OSCR Element Policy 4-P.5).

Additional analysis of the draft General Plan's impact on the open space performance standard has been added to the EIR and found a less than significant impact (see Chapter 3 of the final EIR).

**MRI-5** The city's Growth Management Program (GMP) requires that new development provide the public facilities necessary to serve that development. A key component of the GMP is the enforcement of minimum public facilities performance standards. The Citywide Facilities and Improvements Plan (CFIP) establishes standards for 11 public facilities, including parks, as follows:

Three acres of Community Park or Special Use Area per 1,000 population within the park district [quadrant] must be scheduled for construction within a five-year period, or prior to construction of 1,562 dwelling units within the park district beginning at the time the need is first identified (CFIP, p. 33).

The draft General Plan establishes and defines three park classifications: Community Parks, Special Use Areas, and Special Resource Areas (OSCR Element p. 4-21). Consistent with these definitions, OSCR Element Tables 4-4 and 4-5 identify the city's Community Parks and Special Use Areas that count toward satisfying the GMP parks performance standard (Special Resource Areas do not count). They include a variety of single- and multi-purpose park facilities that provide a range of active and passive recreational opportunities, to serve the needs of a diverse population. It should be noted that many of these parks have long been an integral part of the GMP, dating back to adoption of the CFIP in 1986.

Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The parks performance standard is monitored by city quadrant (the four geographic areas defined by the

intersection of El Camino Real and Palomar Airport Road). The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with the parks performance standard in all four quadrants. Draft General Plan OSCR Element Table 4-7 shows that, with development of future park sites such as Robertson Ranch and Veteran's Memorial parks, there will be surplus park acreage to meet the future demand according to the GMP parks performance standard.

With the planned surplus in parkland and supporting policies to ensure compliance with the GMP parks performance standard, the draft Environmental Impact Report concluded that the draft General Plan would have a less than significant impact on the physical and environmental quality of Carlsbad's parks (see draft EIR, Impact Analysis 3.11-1, pp. 3.11-24 – 3.11-28).

**MRI-6** The city's General Plan and Growth Management Program (GMP) have long recognized the recreational value that public school sites add to the community. School sites provide recreational open space for school children during school hours and, for school sites under a joint-use agreement between the school district and city, serve neighborhood and community recreational needs during weekday evening hours and on weekends. The 1986 Citywide Facilities and Improvements Plan (CFIP) establishes the Growth Management Program (GMP) performance standards for 11 types of public facilities, including parks (see master response MR1-5 above for a discussion of the parks performance standard). The 1986 CFIP designated a number of school sites as Special Use Areas and included them in the city parks inventory for GMP compliance purposes. It is important to note that only the recreational portions of school sites covered under a joint-use agreement are counted towards the GMP park performance standard. Non-recreational portions of school sites (classrooms, parking areas, etc.) are not counted, nor are school grounds that are not covered under a joint-use agreement. The draft General Plan is consistent with the GMP and long-standing city practice to utilize joint-use agreements with local school districts to make school recreation facilities available to the public (see draft OSCR Element Policy 4-P.26).

**MRI-7** Veteran's Memorial Park is a city-owned, undeveloped community park site located in the northwest quadrant. Because of its size, centralized location, and citywide significance, the city intends that this site help fulfill future citywide park needs. Thus, when the Citywide Facilities and Improvements Plan (CFIP) was approved in 1986, Veteran's Memorial Park (then known as Macario Canyon) was apportioned equally to all four city quadrants to meet the GMP parks performance standard. Further, the City of Carlsbad Community Facilities District No. 1 (CFD) was established in 1991, creating a special tax lien on vacant properties throughout the city. The purpose of the CFD was to finance the construction of specific public facilities of citywide obligation and benefit, including Veteran's Memorial Park. Consistent with the intent of the CFIP and the CFD, the draft General Plan OSCR Element credits 22.9 acres of the 91.5-acre Veteran's Memorial Park to each quadrant's future park inventory (see draft OSCR Element Table 4-7).

**MRI-8** Open space is not “double-counted” in the city’s existing open space inventory, which is summarized in the draft General Plan OSCR Element Table 4-1 and Figure 4-1. All official open space is designated in one of four categories. Most city parks fall entirely within the Category 2: Open Space for Outdoor Recreation, but portions of some city park sites are considered to be Category 1: Open Space for Preservation of Natural Resources (See response to comment MRI-1 for a description of open space categories). Specifically, when the city’s Habitat Management Plan (HMP) received its final approval in 2004, portions of Hidden Canyon Community Park, La Costa Canyon Community Park, Leo Carillo Ranch Historic Park, Poinsettia Community Park, and the future Veteran’s Memorial Park, were designated as hardline preserve. All HMP preserve areas, whether in a park or not, are Category 1 open space.

While the primary purpose of the HMP is to protect the biological function and habitat value of designated preserve areas - including portions of city parks - such designation did not require deduction of these areas from the city’s park inventory. The acreage of a park site is determined by the size of the entire parcel(s) dedicated for use as parkland, regardless of specific site characteristics: areas designed for active and passive recreation use, buffers, habitat, easements, and non-recreational elements (accessory buildings, parking areas, etc.). The draft General Plan acknowledges that community parks “generally provide active and passive use amenities; however they are not limited to the exclusive use of either (OSCR Element p. 4-21) [emphasis added].” The draft OSCR Element also states that “the very nature of passive use implies quiet, contemplative, low impact activity, such as nature trails, walkways, picnic tables, benches, and small turf and/or landscaped areas (draft OSCR Element, p. 4-22).”

Since not all areas of a park are programmed for active use, habitat preserves are not automatically incompatible with passive recreational activities. The HMP recognizes that “public access is appropriate in selected areas of the preserve to allow entry to recreational areas and promote understanding and appreciation of the natural resources”; further, “passive recreational activities (e.g. hiking, bird watching) are anticipated within the preserve and are generally compatible with HMP conservation goals (HMP, p. F-11).” Preserve areas, even when not directly-accessible, provide visual relief to an otherwise urban landscape, offering vistas and scenic enjoyment to the public.

To avoid adverse impacts that uncontrolled access or intensive use may have on habitat, the HMP provides management and monitoring guidelines (HMP Section F.2.B) for recreational activities in preserve areas. All city-owned preserves are under active management and monitoring, including the hardline portions of the above-referenced parks, in compliance with the HMP. The city’s preserve manager ensures compliance with preserve rules regarding access and specific allowed and prohibited activities. Furthermore, the draft General Plan requires ongoing compliance with the HMP (see draft OSCR Element Policy 4-P.8). For these reasons, there is no inherent conflict, or “double-counting” when portions of certain park sites are protected for their biological and habitat values.

**MR1-9** This comment regarding lighted playgrounds counting as 1.4 playgrounds is a reference to the December 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan. One of the objectives of the assessment was to evaluate the adequacy of various types of park facilities against industry-accepted level of service standards. For purposes of the needs analysis only, a 1.4 weighting factor was assigned to lighted park amenities (e.g., playgrounds, outdoor sports courts, athletic fields) to recognize their increased hours of use as compared to unlighted amenities – which retained a factor of 1.0. Similar weighting of the use of such amenities has previously been performed by parks departments across the nation. Specific to the City of Carlsbad, the weighting was applied to the Parks and Recreation Department’s Needs Assessment and Comprehensive Action Plan only, and should not be confused with the city’s Growth Management Program parks performance standard, nor the city’s General Plan parks policies. The described weighting factor was not applied to the acreage calculations for either the Growth Management Program parks performance standard, or the General Plan parks inventories (see also master response MR1-5).

**MR1-10** In Carlsbad, the City Council cannot authorize the spending of more than \$1 million of general fund money for property acquisition or improvements without prior approval from voters. In 2002, voters passed Proposition C, which allowed the City Council to exceed the \$1 million limitation on four projects: the City of Carlsbad Safety Training Center, a new swimming pool complex (Alga Norte Community Park), an extension of Cannon Road, and acquisition of open space and trails. Proposition C did not direct the City Council to spend a specific amount of money on open space and trails by a certain time. Instead, it provided voter authorization to spend more than \$1 million to purchase one or more properties which might become available, if the city felt it was in the taxpayers’ best interest to purchase them for open space/trails purposes. City staff regularly monitor for opportunities to acquire open space from willing sellers, particularly properties identified by the Proposition C Citizens Committee in 2007. To date, the city has helped facilitate the acquisition of two of the listed properties by other entities for open space purposes (133 acre Sherman and 18 acre Mitsuuchi properties).

In addition, it is worth noting that the city has added approximately 1,400 acres of permanent open space since 2002, without spending local taxpayer money. This was accomplished through partnerships with other governmental entities, development approvals for private land owners and non-profit organizations, relieving taxpayers of the cost to purchase and maintain natural open space.

## **MASTER RESPONSE 2: OLDE CARLSBAD & BUENA VISTA RESERVOIR**

**MR2-1** A number of comments were received stating that there is a need for more parks in the northwest quadrant. The draft General Plan OSCR Element provides a comprehensive parks analysis (Section 4.5) that identifies existing parks and recreation areas (Table 4-4); lists anticipated future park development projects (Table 4-5); and summarizes the city’s projected park needs (Table 4-7) through buildout. The Growth Management Plan (GMP) requires three acres of community parks or special use area per 1,000 population within each park district (city quadrant). Based on this standard, Table 4-7 demonstrates



that projected park needs will be met at buildout in all four city quadrants, including the northwest quadrant.

Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with the parks performance standard in all four quadrants. For the Northwest Quadrant, there are currently 105.3 acres of developed parks and special use areas (see revised draft General Plan Table 4-4 in Chapter 4 of the final EIR), and demand for 90.4 acres, based on the estimated current population for the quadrant. Therefore, there is an existing surplus of park acreage in the Northwest Quadrant.

With the existing and planned surplus in parkland and supporting policies to ensure compliance with the GMP parks performance standard, the draft Environmental Impact Report concluded that the draft General Plan would have a less than significant impact on the physical and environmental quality of Carlsbad's parks (see draft EIR, Impact Analysis 3.11-1, pp. 3.11-24 – 3.11-28).

**MR2-2** A number of comments state that that there will be a deficiency of parks in Olde Carlsbad. Under the General Plan and Growth Management Program (GMP), parks adequacy is determined by city quadrant rather than by individual neighborhood. The Olde Carlsbad area is located within the Northwest quadrant and the draft General Plan and EIR analysis determined that there are sufficient existing and planned parks within this district (see master response MR2-1). The Buena Vista Reservoir site was not identified as a needed park facility.

**MR2-3** There are a number of comments stating a need for a separate neighborhood parks standard and for parks within walking distance in the Northwest Quadrant. While the draft General Plan does not have a separate neighborhood parks standard, it does have policies that support locating new parks in proximity to residential areas (see OSCR Policy 4-P.24 and 4-P.25). Special use areas (which include neighborhood-serving parks) comprise a substantial part of the city's existing parks inventory (see revised draft General Plan Tables 4-4 and 4-5 in Chapter 4 of the final EIR). Citywide, there are currently .73 acres of special use areas per 1,000 population (81.1 acres /110,653 population, estimated as of 2015). That ratio increases to .83 acres per 1,000 population in the future (108.4 acres / 131,152 projected build-out population). Therefore, currently and in the future special use parks will fulfill a significant amount of the city's parks needs.

While there is no distance requirement in the General Plan parks standard, many residential areas throughout the city have either a community park, neighborhood park, or other special use area within ½ mile. This is illustrated in Working Paper #3, Figure 4-1, which shows park locations with ¼ -mile and ½ -mile buffers around them (p. 4, available on the city's website at: [www.carlsbadca.gov/envision](http://www.carlsbadca.gov/envision)). Based on this analysis, many residential areas – particularly the Olde Carlsbad, Village, and Barrio neighborhoods in the Northwest Quadrant – are well-served by city parks. The figure

does not show the locations of private, master-planned community recreational facilities, which supplement the recreational needs of residents in newer neighborhoods.

**MR2-4** The General Plan update process began in 2008 with an extensive community outreach and visioning process. More than 8,000 residents, property and business owners participated in helping shape the community vision and identify the underlying values that formed the basis for the new General Plan. Additionally, the City Council appointed a nineteen member citizens committee representing a broad cross-section of community interests, including two residents from each of the four quadrants. The committee met 18 times over a three-year period, helping to mold the community input into a vision, reviewing and brainstorming issues and ideas, identifying opportunity areas to focus future growth, and recommending a preferred land use plan to the Planning Commission. Throughout the process, the Olde Carlsbad neighborhood was not identified as an appropriate area to focus future growth, or as an area requiring special planning attention. It was acknowledged by committee members that as a mature, developed residential neighborhood, no major change was anticipated for Olde Carlsbad. Therefore no special master planning for this neighborhood is proposed in the draft General Plan.

**MR2-5** The draft General Plan contains no discussion or policies regarding potential sale or lease of the Buena Vista Reservoir site, the City Hall property or adjacent city-owned land. Rather, the concern expressed in this comment appears to be related to recent city efforts to evaluate its various real estate holdings. The primary purpose of the review is to identify possible uses that would generate increased revenue to the city.

The initial phase of the real estate review consisted of 11 properties, including the Buena Vista Reservoir site, the agriculture site next to the Cole Library parking area (which also includes property on the south side of Carlsbad Village Drive adjacent to Fire Station No. 1), and the “Carey Estate” property, where the city’s Arts Office, Sculpture Garden, and Harold E. Smerdu Community Garden are located. The City Hall/Cole Library property was not among the properties evaluated. In August 2012, the City Council directed staff to initiate possible disposition (sale, lease, or land swap) of four of the properties, including the Buena Vista reservoir site<sup>4</sup>. To date, no further action has been taken regarding the Buena Vista Reservoir site.

**MR2-6** A number of comments inquired about the proposed General Plan land use and zoning designations of city-owned properties on and around city hall, and the city’s long-term plans for them. To guide long-term development, the draft General Plan Land Use and Community Design Element assigns generalized planned land uses for all lands within the city’s borders. In many cases, the General Plan land use designation allows for uses other than the main use of the designation. For example, in residentially-designated areas, public uses (parks, libraries, city offices, etc.), agriculture, churches, schools and open space are conditionally allowed because they are considered conditionally

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<sup>4</sup> The other properties were: city golf course lots 4, 5, and 9; and Foussat/Mission Avenue property in Oceanside.

compatible and complementary to residential uses. The city's zoning ordinance implements the General Plan designated land uses by applying detailed zoning use and development standards for every property within the city. Other than minor changes to the land use descriptors, the draft General Plan proposes no substantive land use or zoning changes for these properties. The draft General Plan Land Use Map designates City Hall, Cole Library and library parking lot as "Public". The Arts Office and Sculpture Garden are located on a parcel that is currently designated as residential; the draft plan maintains the residential designation and there is no plan to convert the Arts office and garden to another use. Public facilities like the Arts Office and Sculpture Garden are conditionally allowed uses in residential areas, and subject to an approved conditional use permit.

### **MASTER RESPONSE 3: NORTHEAST QUADRANT - NEW SITES RELATED**

**MR3-1** As part of the draft General Plan, seven sites within the city's northeast quadrant were evaluated and considered for a residential land use designation change (either as a change from a non-residential designation to residential or as a change from a residential designation to a higher density residential designation). If all seven sites were approved it would result in a net increase of 1,178 dwelling units above what the current General Plan would allow (based on Growth Management Control Point densities) in the northeast quadrant. Pursuant to the city's Growth Management Plan, a maximum of 9,042 dwelling units are allowed in the northeast quadrant. Today, there is capacity to add only 413 dwellings to the northeast quadrant (in addition to existing dwellings and dwellings yet to be built based on what is allowed by the current General Plan). The seven sites combined would exceed the Growth Management residential dwelling unit limit in the northeast quadrant by 765 units (413 unit existing capacity minus the net increase of 1,178 units resulting from the seven sites). Therefore, the city will not be able to approve all of the seven proposed residential sites in that quadrant. Staff will provide the Planning Commission and City Council with recommendations on which sites to approve a residential designation change; staff's recommendations will identify sites that are well located for residential development, have the fewest issues and potential land use conflicts, and that assist in meeting the city's Housing Element objectives. The change in land use designation for the selected sites will occur with the adoption of the General Plan by the City Council.

**MR3-2** The site known as Sunny Creek Commercial is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). It is also referred to in various comments as the "17 acre" site, "Lot 11" or the "Walmart site". The Sunny Creek Commercial property is located at the northeast corner of El Camino Real and College Blvd., and is currently vacant except for a small temporary RV storage facility. The site was graded in anticipation of a future commercial center at the time the Terraces at Sunny Creek residential project was developed across College Boulevard.

The site is currently designated as Local Shopping Center (L), and the property owner has requested that the property, as part of the General Plan update, be considered for a land

use change to a combination L and R-23 (Residential 15-23 du/ac). Reflecting this request and City Council direction, the site was evaluated in the EIR as a residential/local commercial site (R-23 on 11.58 acres and L on 6.02 acres), including a total of 250 multi-family dwelling units (30 mixed-use units on the L portion, and 220 units on the R-23 portion). Staff is recommending approval of a combination of R-23 and L designations on the site for the following reasons: the R-23 and L combination achieve “smart growth” goals by providing residential adjacent to commercial services and jobs, the site is in close proximity to other neighborhood services such a high school and two future parks, the proposed residential density assists in meeting housing element objectives, and the site possess no significant physical constraints.

However, staff recommends the proposed land use change be modified to reduce the proposed number of dwellings (for consistency with the quadrant dwelling limit) and to ensure adequate acreage for development of a local shopping center. The current General Plan and draft General Plan specify that eight acres is the minimum for development of a local shopping center (see draft General Plan Policy 2-P.82). This acreage standard was established when the Local Shopping Center land use designation was created. The intent of maintaining at least the minimum L designated acreage for this site is to preserve the opportunity to serve the local shopping needs (including grocery) of neighboring existing and future residents. Staff recommends that the site maintain a minimum of 8 acres for local shopping center development and a maximum of 9.6 acres for high density (R-23) residential development, which would allow for 182 dwellings (based on the R-23 Growth Control Point density of 19 dwelling units per acre).

A number of comments expressed concerns that construction of high density housing on a portion of the site, rather than the commercial uses on the entire site, would increase traffic congestion in the area. However, according to SANDAG weekday auto trip generation rates, commercial land uses are expected to generate more daily trips per acre than residential uses. For example:

- Commercial shopping center that is 15-40 acres generates approximately 700 daily trips per acre (based on 17.6 acres (entire site as currently designated for commercial use), the daily trips would be **12,320**);
- Commercial shopping center (less than 15 acres) generates approximately 1,200 daily trips per acre (based on 8 acres (as proposed), the daily trips would be **9,600**)
- Multifamily residential use that is developed at 19 du/ac would generate approximately 8 daily trips per dwelling (based on 182 residential units at 19 du/ac, the daily trips would be **1,456**).

Therefore, the proposed land use designation utilizing a mix of residential and commercial uses on the site is estimated to result in less traffic (11,056 daily trips) when compared to the existing land use designation utilizing the entire site for commercial uses (12,320 daily trips).

The draft General Plan EIR evaluated full buildout of the land use map at a programmatic level, and does not anticipate significant traffic impacts from this proposed land use change. For the section of El Camino Real between Cannon Rd. and College Ave. where the subject property is located, and for the broader section of El Camino Real between Palomar Airport Road and Tamarack Ave., the future traffic level of service is projected to be LOS C, which is not a significant impact (see draft EIR Chapter 3.13, Table 3.13-10). These traffic projections include the combination L and R-23 proposal in its future assumptions.

A number of comments expressed a concern that a future high density housing project on the residential portion of the Sunny Creek Commercial site would be for low income households. The R-23 designation specifies a density range between 15 and 23 dwelling units per acre, but does not require a specific product, type, tenure or affordability level. All residential development projects are subject to the city's Inclusionary Housing Ordinance, which requires that 15% of ownership units be affordable to lower income households, and this would apply to the residential portion of the Sunny Creek Commercial site. However, there is no requirement that the entire development be affordable to lower income households.

A number of comments made a request that if housing must be considered for a portion of this site, that it be low density single family or middle density townhomes. Staff does not recommend low or middle density housing on this site because the low/middle densities (1) do not meet Housing Element objectives and (2) are less supportive of smart growth goals than compared to the typical model of higher density housing adjacent to commercial services.

Several comments expressed a general concern that adding high density housing at this site would cause an increase in noise. The primary noise generator in the Sunny Creek area is traffic noise, and because residential uses generate less traffic than commercial uses, changing a portion of the site from L to R-23 would not increase the level of noise in the area. In addition, the draft EIR (Section 3.10) found that implementation of the draft General Plan would not result in significant noise impacts.

Several comments expressed a concern that adding high density housing at this site would cause an increase in crime. Crime statistics are not evaluated as part of the draft General Plan and EIR. A residentially-designated land use does not cause an increase in crime. The EIR (Section 3.11) concluded that the general plan would result in a less than significant impact on police and fire services. Draft General Plan policy 6-P.31 reduces risk of life or property loss that may be posed by population or building densities.

A number of comments expressed concern about potential negative impacts to property values that could result from construction of high density housing at the Sunny Creek Commercial site. Property values are not evaluated as part of the draft General Plan and EIR, and no response is required.

A number of comments state that they were “promised” a shopping center on the subject property. This comment does not raise any issue regarding the adequacy of the draft General Plan or EIR. These comments will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

#### **MASTER RESPONSE 4: TRANSPORTATION**

- MR4-1** Many comments received on the General Plan EIR are specific comments related to policies in the Mobility Element and do not comment on or reflect on the adequacy of the EIR. The information below provides responses to all comments received (whether the comment was related to the adequacy of the EIR or related to opinions on the Mobility Element) to provide as much information as possible to the decision makers.
- MR4-2** Several comments were made as to the number of facilities that were evaluated as part of the General Plan EIR. Please note that given the programmatic nature of this document, key locations were chosen and evaluated as part of the assessment. The city will be updating its mobility assessment guidelines, and policies in the Mobility Element to address future requirements to provide acceptable mobility within the city. This will require more detailed assessment of facilities for project-specific impacts. Given the scope of the General Plan (citywide) and the programmatic nature of the EIR, the selected key locations and identified policies to implement acceptable levels of service focus on decisions ripe for EIR assessment.
- MR4-3** A few comments were received related to improved transit services in the city. It should be noted that the city does not operate the transit service in the city and therefore has limited ability to require others to modify/improve transit service. However, Mobility Element policies 3-P.31 through 3-P.33 call on the city to coordinate with appropriate agencies (such as SANDAG and NCTD) to improve transit service in the city.

**LIST OF COMMENTS RECEIVED**

Table 2.2-1 contains a list of the 303 comment letters received on the draft General Plan, draft Climate Action Plan, and draft EIR.

**Table 2.2-1: Comment Letters Received on the Draft General Plan, Draft Climate Action Plan, and Draft EIR**

Letter #	Date	Commenter	Organization
<i>Public Agencies (Federal, State, Regional, Local, Tribal) (A)</i>			
A1	11/22/13	Tuba Ebru Ozdil	Pechanga Band of Luiseño Indians
A2	3/6/14	Rose Duro	Rincon Band of Luiseño Indians
A3	4/3/14	Peter Drinkwater	County of San Diego
A4	4/18/14	Ken Chiang	State of California Public Utilities Commission
A5	4/24/14	Warren Ruis	San Diego Gas & Electric Company
A6	6/13/14	Ingrid Stichter	Vallecitos Water District
A7	6/18/14	Khary S. Knowles	San Marcos Unified School District
A8	6/20/14	Jacob Armstrong	Caltrans
A9	6/20/14	Susan Baldwin	San Diego Association of Governments (SANDAG)
A10	6/20/14	Ed Gowens	San Diego County Regional Airport Authority
A11	6/20/14	Todd Snyder	County of San Diego
A12	n/d	City of Carlsbad Arts Commission	City of Carlsbad Arts Commission
A13	8/4/14	Edith Hannigan	Board of Forestry and Fire Protection
<i>Organizations (B)</i>			
B1	5/13/14	Joan Herskowitz	Buena Vista Audubon Society
B2	5/19/14	Justin Wilson	La Costa Glen Carlsbad
B3	5/19/14	Paul E. Robinson	On behalf of Camino Carlsbad, LLC
B4	5/28/14	Ted Tchang	Techbilt Construction Corp.
B5	5/29/14	Mike Howes	Howes Weiler & Associates
B6	6/4/14	Robert Ladwig	Ladwig Design Group, Inc
B7	6/12/14	William Culbreth & Bill Arnold	Rancho Carlsbad Owner's Association, Inc
B8	6/15/14	Allen Sweet	Individual
B9	6/16/14	David Bentley	Bentley-Wing Properties, Inc
B10	6/16/14	Everett Delano	On behalf of North County Advocates
B11	6/17/14	Robert Ladwig	Ladwig Design Group, Inc
B12	6/18/14	Henry Warshaw	VRE La Costa, LLC
B13	6/19/14	Lisa Roop	Carlsbad Community Gardens Collaborative
B14	6/19/14	Paul E. Robinson	On behalf of Camino Carlsbad, LLC
B15	6/19/14	Diane Nygaard	Preserve Calavera
B16	6/19/14	Diane Nygaard	Preserve Calavera
B17	6/20/14	Russell Grosse	Foursquare Properties, Inc

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Letter #	Date	Commenter	Organization
B18	6/20/14	Mike Howes	Howes Weiler & Associates
B19	6/20/14	Peter Landreth	NRG Energy, Inc/Cabrillo Power I LLC
B20	6/20/14	Patricia C. Bleha	North County Advocates
B21	6/20/14	Dwain Deets	SanDiego350
B22	6/20/14	Mike Bullock	Sierra Club, San Diego Chapter
B23	6/4/14	Bob Ladwig	Ladwig Deisgn Group, Inc.
<i>Individuals (C)</i>			
C1	4/14/14	Bradley Wells	
C2	4/22/14	Christine Davis	
C3	4/22/14	Ray & Ellen Bender	
C4	4/24/14	Robert Gilbert	
C5	4/25/14	Merle Albin Fendrick, M.D., PhD	
C6	4/27/14	Blanche Ramswick	
C7	4/28/14	Julie Peterson	
C8	4/29/14	Merle Albin Fendrick, M.D., PhD	
C9	4/30/14	Dianne McGee	
C10	5/1/14	Penny Johnson	
C11	5/2/14	Sandra Meador	
C12	5/5/14	Lisa Ash	
C13	5/6/14	George Moyer	
C14	5/6/14	Joan Herrera	
C15	5/6/14	Todd Goldstein	
C16	5/8/14	Fred Briggs	
C17	5/9/14	Nina Eaton	
C18	5/11/14	Al Gelbart	
C19	5/12/14	Fu-Dong Shi	
C20	5/14/14	Madeleine Szabo	
C21	5/14/14	Michael Kroopkin	
C22	5/18/14	Amy Sheets	
C23	5/19/14	Alelia Gillin	
C24	5/19/14	Ed Corneio	
C25	5/19/14	Janann Taylor	
C26	5/19/14	Ricardo Cisternas	
C27	5/20/14	Jacqui Lucas	
C28	5/20/14	Jacqui Lucas	
C29	5/20/14	Janann Taylor	
C30	5/26/14	James O'Leonard	
C31	5/26/14	Karen O'Leonard	



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Letter #	Date	Commenter	Organization
C32	5/27/14	Natalie Shapiro	
C33	5/28/14	Brian McInerny	
C34	5/28/14	Janann Taylor	
C35	5/28/14	Janann Taylor	
C36	5/28/14	Lee Shapiro	
C37	6/1/14	Marilyn Hendron	
C38	6/2/14	Blythe Doane	
C39	6/2/14	Brian McInerny	
C40	6/2/14	Janann Taylor	
C41	6/2/14	John Garcia	
C42	6/2/14	Stan Katz	
C43	6/2/14	T.D. Rolf	
C44	6/3/14	David Doane	
C45	6/4/14	Janann Taylor	
C46	6/4/14	Kervin Krause/ Patty Segovia-Krause	
C47	6/5/14	Martha Law-Edwards	
C48	6/5/14	Scott and Merri Adams	
C49	6/6/14	Judith Martin	
C50	6/6/14	Robert Craddick	
C51	6/6/14	Shannon & Gloria Johnson	
C52	6/7/14	Becky Larson	
C53	6/7/14	Lisa McKethan	
C54	6/7/14	Michele Leuke	
C55	6/10/14	Bladimir Hernandez	
C56	6/10/14	Linda Thompson	
C57	6/11/14	Jo Ann V. and William K. Sweeney	
C58	6/12/14	Paige DeCino	
C59	6/13/14	Mike McMahon	
C60	6/14/14	Patty Haugen	
C61	6/15/14	Jeff Lynch	
C62	6/15/14	Sheila and Jim Matthews/ Marilyn Hendron	
C63	6/15/14	Joey Kratcoski	
C64	6/16/14	Brian McInerny	
C65	6/16/14	Mark Remas	
C66	6/16/14	Prudence Sweeney	
C67	6/16/14	S. Ellisor	
C68	6/17/14	Blanche Ramswick	

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Letter #	Date	Commenter	Organization
C69	6/17/14	Connie Chavez	
C70	6/17/14	Jack L. Nelson	
C71	6/17/14	Julia Peebles Peterson	
C72	6/17/14	Linda Braun-Trautman	
C73	6/17/14	Samuel DePrimo	
C74	6/17/14	Steve Linke	
C75	6/18/14	Barbara Segal	
C76	6/18/14	Dr. Devora Lockton	
C77	6/18/14	Eugene Katz	
C78	6/18/14	Jerry Hansen	
C79	6/18/14	LaVonne Reiter	
C80	6/18/14	Mary and John Krebs	
C81	6/19/14	Christina Rosenthal	
C82	6/19/14	Dannie Mainwaring	
C83	6/19/14	Dennis and Barbara Lambell	
C84	6/19/14	Howard Krausz	
C85	6/19/14	Jinny Elder	
C86	6/19/14	Kristina Anderson	
C87	6/19/14	Mary Anne Viney	
C88	6/19/14	Michael Schertzer	
C89	6/19/14	Michael Schertzer	
C90	6/19/14	Charles Goodsell	
C91	6/19/14	Sharon Sova	
C92	6/19/14	Ulrike von Mehta	
C93	6/19/14	Whitnie Rasmussen	
C94	6/20/14	Amy Davis	
C95	6/20/14	Betsy Lieberman	
C96	6/20/14	Bruce Grouse	
C97	6/20/14	Christine Bevilacqua	
C98	6/20/14	De'Ann Weimer	
C99	6/20/14	Don Christiansen	
C100	6/20/14	Elizabeth Kruidenier	
C101	6/20/14	Evan Dwin	
C102	6/20/14	Glenn Garbeil	
C103	6/20/14	Howard Coffey	
C104	6/20/14	Jackie Peacock	
C105	6/20/14	Jennifer Jacobs	
C106	6/20/14	Julie Decker	

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Letter #	Date	Commenter	Organization
C107	6/20/14	Kasey Cinciarelli	
C108	6/20/14	Kip McBane	
C109	6/20/14	Mary Anne Viney	
C110	6/20/14	Mary Anne Viney	
C111	6/20/14	Mary Millet	
C112	6/20/14	Richard Somerville	
C113	6/20/14	Rob Mayers	
C114	6/20/14	Scott Morgan	
C115	6/20/14	Thomas Mark Powers	
C116	6/20/14	Thomas Mark Powers	
C117	6/20/14	Wesley Marx	
C118	6/23/14	Don and Jeane Holmes	
C119	6/23/14	Leslie Ramirez	
C120	n/d	Fred Briggs	
C121	4/8/14	Steve Jess/Carlsbad Golf Center	
C122	3/13/14	Alex Ning	
C123	3/26/14	Ben Costantino	
C124	3/21/14	Bill Odom	
C125	3/17/14	Bob Ladwig	
C126	3/18/14	Bradley Brunon	
C127	3/12/14	Carole Meredith	
C128	4/7/14	Carrie Timko	
C129	3/13/14	Crystal Gillotti	
C130	4/16/14	Daniel Burke	
C131	3/14/14	David Spencer	
C132	3/28/14	David Swagerty	
C133	3/17/14	Dean Goetz	
C134	3/13/14	Eric Hepfer	
C135	3/18/14	James Clark	
C136	3/28/14	Jason Iuculano	
C137	4/22/14	Jenny Racine	
C138	3/13/14	John Biondolillo	
C139	4/4/14	John Ireland	
C140	3/13/14	John Minan	
C141	3/18/14	Kevin Moriarty	
C142	5/20/14	Kieran Purcell	
C143	3/12/14	Kurt Hoy	
C144	5/9/14	Lydia Swize	

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Letter #	Date	Commenter	Organization
C145	4/23/14	Marguerite Hunt	
C146	3/13/14	Markus Spiegelberg	
C147	3/25/14	Maureen Bodow	
C148	7/14/14	Paul Turro	
C149	3/31/14	Rebecca Williams	
C150	3/21/14	Rick Shellnutt	
C151	4/1/14	Robin Gartman	
C152	3/19/14	Scott Trafford	
C153	4/7/14	Tina Newkirk	
C154	4/4/14	Steven Handelman	
C155	3/18/14	Ted Quirk	
C156	3/12/14	Tim Johnson	
C157	3/12/14	Kathryn Hall	
C158	3/17/14	Denise Hendricks	
C159	3/22/14	Jeffrey Neichin	
C160	3/17/14	Yehuda Krampfner	
C161	2/17/14	Chad Phillips	
C162	2/17/14	Giovanna Spinosi Phillips	
C163	2/17/14	Emy Reilly	
C164	2/17/14	Michael Barone	
C165	2/18/14	Connie Chavez	
C166	2/18/14	Robert Dentino	
C167	2/18/14	Mark Cunningham	
C168	2/20/14	Robert Gilbert	
C169	2/20/14	Rick Lantz	
C170	2/25/14	Manuel Contreras	
C171	2/26/14	Stephanie OBrien	
C172	3/3/14	Susan Berson	
C173	3/3/14	Larry Peifer	
C174	2/22/14	Lisa Ash	
C175	2/24/14	Kathy Tylor	
C176	3/25/14	Duv Macgurn	
C177	3/26/14	Joan Suffredini	
C178	3/30/14	Summer Johnson	
C179	3/31/14	Gerardeen Santiago	
C180	4/11/14	Michelle Lin	
C181	6/2/14	Nanci Chartier	
C182	6/11/14	Penny Johnson	

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Letter #	Date	Commenter	Organization
C183	6/17/14	Ziv Ran	
C184	6/18/14	Sidney Smith	
<i>Received after close of comment period for draft EIR (D)</i>			
D1	7/11/14	Allen Sweet	
D2	9/4/14	Evelyn Montalbano	
D3	7/26/14	Ian Pearson	
D4	8/11/14	Joann Sweeney	
D5	7/22/14	Madeleine Szabo	
D6	7/30/14	Madeleine Szabo	
D7	8/19/14	Madeleine Szabo	
D8	8/8/14	Michael Kroopkin	
D9	6/25/14	Mike Barnes	
D10	7/20/14	Osman Khawar	
D11	8/12/14	Patricia Parsons	
D12	7/11/14	Penny Johnson	
D13	9/15/14	Richard Bethel	
D14	7/10/14	Robert Gilbert	
D15	7/14/14	Wesley Marx	
D16	7/11/14	Whitnie Rasmussen	
D17	9/10/14	Cindy Molin	
D18	10/1/14	Ian Pierson	
D19	10/2/14	Jennifer Bradley	
D20	10/9/14	Clay Antonel	
D21	10/8/14	Peggy Sanchez	
D22	10/8/14	Ron Bedford	
D23	10/10/14	Harry (HK) Habermann	
D24	10/10/14	Manny Deluna	
D25	10/10/14	Gil Soto	
D26	10/10/14	Madeleine Szabo	
D27	10/13/14	Jim Hjerpe.	
D28	10/12/14	Dona Wilcox	
D29	10/13/14	Lora Zaroff	
D30	10/13/14	Najoo Panthaky	
D31	10/13/14	Jose Feliciano	
D32	10/14/14	Chuck Rogers	
D33	10/10/14	Rev. William F. Rowland, CJM	St. Patrick's Catholic Church
D34	10/17/14	Jacqueline Gunther	
D35	10/22/14	Alan Young	

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Letter #	Date	Commenter	Organization
D36	10/20/14	Anna Hofmeister	
D37	10/22/14	Brian Ramseier	
D38	9/4/14	Connie Bunnell	
D39	11/03/14	Delia Charvel	
D40	10/26/14	Ginger Dill	
D41	10/19/14	Hemanshu Tyagi	
D42	11/04/14	Janann Taylor	
D43	11/06/14	Jayce Fitch	
D44	10/20/14	Jim Hawkins	
D45	10/20/14	Joann Sweeney	
D46	11/09/14	Joy Hanawa	
D47	11/22/14	Patricia Parsons	
D48	10/30/14	Madeleine Szabo	
D49	11/05/14	Madhusudan Gujral	
D50	11/03/14	Megan Goodwin	
D51	08/19/14	Michael Kroopkin	
D52	10/07/14	Michael Kroopkin	
D53	10/13/14	Michael Kroopkin	
D54	10/14/14	Michael Kroopkin	
D55	11/09/14	Michael Kroopkin	
D56	10/23/14	Michele Cullen	
D57	10/08/14	Patricia Mehan	
D58	11/01/14	Priscilla Gess	
D59	11/05/14	Samuel Sunil Pattern	
D60	11/19/14	Joann Sweeney	
D61	11/19/14	Jerry Hansen	
D62	06/24/14	Lisa McKethan	
D63	07/10/14	Gerardeen Santiago	
D64	09/12/14	Kim Berkshire	
D65	10/20/14	Lindsey Cohn	
D66	10/20/14	Sandra Meador	
D67	10/21/14	Steven Borso	
D68	07/11/14	Ziv Ran	
D69	07/11/14	Pru Sweeney	
D70	12/19/14	Matt O'Malley	San Diego Coastkeeper
D71	01/09/15	Nick Ervin	Sierra Club
<i>Responses to Recirculated Portions of the Draft EIR (E)</i>			
E1	04/03/15	Rich Van Every	

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<i>Letter #</i>	<i>Date</i>	<i>Commenter</i>	<i>Organization</i>
E2	04/03/15	Ricardo Cisternas	
E3	04/27/15	Janann Taylor	
E4	04/29/15	Mike Howes	Howes Weiler & Associates
E5	05/04/15	Robert Little	Kilroy Realty Corporation
E6	05/04/15	Robert Ladwig	Ladwig Design Group, Inc.
E7	05/04/05	Michele Staples	Jackson DeMarco Tidus Peckenpaug
E8	05/04/15	Warren Kato	
E9	05/04/15	Connery Cepeda	Caltrans District 11
E10	05/04/15	Ray & Ellen Bender	
E11	05/05/15	Graham Thorley	
E12	05/04/15	Everett DeLano	Delano & Delano on behalf of North County Advocates

## **A. Agency Comments and Responses**

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

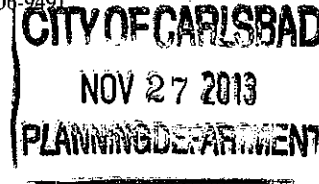




**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

November 22, 2013



Chairperson:  
Mary Bear Magee

Vice Chairperson:  
Darlene Miranda

Committee Members:  
Evie Gerber  
Bridgett Barcello Maxwell  
Richard B. Searce, III  
Germaine Arenas

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

**VIA E-MAIL and USPS**

Ms. Jennifer Jesser  
Senior Planner  
City of Carlsbad  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

**Re: Pechanga Tribe Request for Consultation Pursuant to SB18 on GPA 07-02/ZCA 07-01/LCPA 07-01 Envision Carlsbad**

Dear Ms. Jesser:

A1-1 | This letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign government in response to the SB 18 notice provided by the City of Carlsbad dated September 3, 2013. This letter serves as the Tribe’s formal request for consultation under SB 18 for this Project. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”).

A1-2 | Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

A1-3 | The Pechanga Tribe asserts that the City of Carlsbad is within Luiseño, and therefore the Tribe’s, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), villages and complexes within the City’s boundaries and Sphere of Influence (SOI). This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe’s cultural ties to this area, published ethnographic information and traditional tribal values documenting the Tribe’s ancestor’s use of this area. During our consultation we will provide more specific, confidential information as applicable.

A1-4 | The Tribe is concerned about the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be

A1-4

displaced by ground disturbing work conducted within Luiseño territory, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. Given the extensive, well-documented evidence of Luiseño ancestors within the City, inadvertent discoveries are foreseeable impacts and thus need to be appropriately mitigated for within the confines of the Project.

A1-5

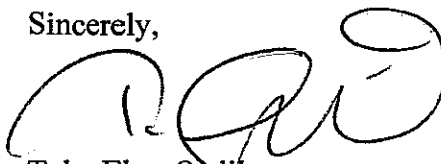
Therefore, the Tribe requests consultation pursuant to SB18 on the development of cultural resources policies in the new General Plan. As you know, the SB 18 consultation process is ongoing and continues for the duration of the Project. As such, under both CEQA and SB 18 we look forward to working closely with the City on ensuring that a full, comprehensive environmental review of the Project's impacts is completed. To assist with consultation, the Tribe requests copies of all documents pertaining to the cultural resources and archaeological site records and any existing and proposed policies, guidelines and/or City ordinances relating to Cultural Resources. Further, the Pechanga Tribe requests that the City adopt specific procedures and policies concerning the protection, preservation and mitigation of sacred places, and all cultural resources pertaining to projects within the General Plan area and we hope to assist the City with ensuring that the language is crafted to assist with avoidance, preservation and mitigation to cultural resources and associated cultural issues, as mandated by CEQA.

A1-6

In addition to those rights granted to the Tribe under SB 18, the Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with the City of Carlsbad in protecting the invaluable Pechanga cultural resources located within the City and its SOI. Please contact me at 951-770-8113 or at eozdil@pechanga-nsn.gov once you have had a chance to review these comments so that we might schedule our consultation meeting. Thank you.

Sincerely,



Tuba Ebru Ozdil  
Planning Specialist

Cc: Pechanga Office of the General Counsel

**RINCON BAND OF LUISEÑO INDIANS**  
**Culture Committee**

1 W. Tribal Road · Valley Center, California 92082 ·  
(760) 297-2621 or (760) 297-2622 & Fax:(760) 749-8901



**City of Carlsbad**

March 6, 2014

MAR 12 2014

Planning Division

Jennifer Jesser  
City of Carlsbad  
Community & Economic Development  
1635 Faraday Ave  
Carlsbad, CA 92008

**Re: Envision Carlsbad**

Dear Jennifer Jesser:

**A2-1** | This letter is written in response to a letter received dated September 3, 2013 in regards to the Envision Carlsbad Project. Rincon is submitting these comments concerning your projects potential impact on Luiseño resources.

**A2-2** | The Rincon Band has concerns for impacts to historic and cultural resources and findings of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is within the Luiseño Aboriginal Territory and the Tribe is concerned with the overall impact this project could have on the protection and preservation of Native American cultural assets. The Rincon Band of Luiseño Indians would like to remain informed of any and all updates and changes in regards to this project.

**A2-3** | If there are any questions or concerns please do not hesitate to contact the Rincon Cultural Resources Department at (76) 297-2635 and they will be happy to assist you.

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

Sincerely,

Rose Duro  
Rincon Culture Committee Chairman



# County of San Diego

City of Carlsbad

RICHARD E. CROMPTON  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
COUNTY AIRPORTS  
1960 JOE CROSSON DRIVE, EL CAJON, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: www.sdcountyairports.com

APR 08 2014

Planning Division

April 3, 2014

Mr. Corey Funk, Associate Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave  
Carlsbad, CA 92008

## CITY OF CARLSBAD PROPERTY OWNER NOTICE APN 209-050-25-00

Dear Mr. Funk:

A3-1

The County of San Diego Department of Public Works, Airports Division (County Airports) received a Property Owner Notice from the City of Carlsbad, dated March 13 2014, and appreciates this opportunity to comment. County Airports strongly objects to the proposed designation and zone change of future planned industrial land as open space.

A3-2

As the City of Carlsbad nears the end of its General Plan update, maintaining land use designations and zoning consistent with existing and planned uses is critical at McClellan-Palomar Airport. The Property Owner Notice from the City of Carlsbad includes exhibits of Proposed General Plan Land Use that would rezone property currently designated as Planned Industrial (PI), to Open Space (OS). County Airports-owned land within the City of Carlsbad is shown in the Draft North County Multiple Species Conservation Plan (MSCP) proposed by the County of San Diego. Within APN 209-050-25-00, the Draft North County MSCP (see exhibit attached) shows a portion of the County Airports-owned land as preserve, and a portion closest to the intersection of Palomar Airport Road and El Camino Real as Take Authorized for future planned industrial, as approved by the US Fish & Wildlife Service and California Department of Fish & Wildlife (formerly Fish & Game) in a letter dated March 1, 2011 (enclosed). As was stated in the County Airports' letters to the City of Carlsbad dated January 25, 2011 and March 19, 2014, the parcel's zoning and land use designation in the City's General Plan must be consistent with these use designations.

Mr. Funk  
April 3, 2014  
Page 2 of 2

A3-2 | Compatibility between planned land uses and airport operations is imperative for the General Plan update. County Airports would like to maintain ongoing coordination with the City of Carlsbad and the San Diego County Regional Airport Authority, acting in its capacity as the San Diego County Airport Land Use Commission, in order to ensure the General Plan update is consistent with the Airport Land Use Compatibility Plan (ALUCP) for the airport.

Thank you for the opportunity to comment on the Property Owner Notice, and we look forward to receiving updates on the General Plan update progress.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Drinkwater". The signature is stylized and cursive.

PETER DRINKWATER, Director of Airports

Department of Public Works

Attachment: "North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California." Dated March 1, 2011.

Attachment: "City of Carlsbad Draft General Plan and Coordination with County Airports on a new McClellan-Palomar Master Plan" Dated March 19, 2014

Cc: Mr. Don Neu, City of Carlsbad Planner



U.S. Fish and Wildlife Service  
 Carlsbad Fish and Wildlife Office  
 6010 Hidden Valley Road, Suite 101  
 Carlsbad, California 92011  
 (760) 431-9440  
 FAX (760) 431-5902



California Department of Fish and Game  
 South Coast Region  
 4949 Viewridge Avenue  
 San Diego, California 92123  
 (858) 467-4201  
 FAX (858) 467-4299

In Reply Refer To:  
 FWS-SDG-11B0102-11TA0273

**MAR 01 2011**

Ms. Cynthia Curtis  
 County of San Diego  
 Department of Public Works  
 5500 Overland Avenue, Suite 310  
 San Diego, California 92123

RECEIVED  
 MAR 07 2011

ENVIRONMENTAL SERVICES

Subject: North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California

Dear Ms. Curtis:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish (Department), collectively referred to as the Wildlife Agencies, have met numerous times with the County of San Diego (County) to discuss the hardline requirements, including footprint and preserve design, for the proposed McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project. This hardline agreement is proposed to be included in the County's North County Multiple Species Conservation Program (NCMSCP). Under the draft NSCMSCP, "hardline development projects" have planned development footprints within the Pre-Approved Mitigation Area (PAMA or preserve) that have been factored into the Plan's conservation analysis and goals/requirements and negotiated as "Take-Authorized" areas, as well as associated conserved lands. All hardlined projects must still comply with all applicable provisions of the Plan, County ordinances, and analyze a full range of alternatives under the California Environmental Quality Act (CEQA).

This project was discussed at multiple County MSCP staff/Wildlife Agency meetings from November 2005 through August 2010. In addition, we discussed the proposed project at the County Department of Planning and Land Use batching meeting on August 20, 2009, and at a County and Wildlife Agency coordination meeting on October 28, 2010. At the October 28, 2010, meeting the County and Wildlife Agencies reached agreement on the proposed NCMSCP "hardline" development footprint and mitigation strategy for the project.

The purpose of this letter is to memorialize the "hardline" agreement made at the October 28, 2010, meeting. The development footprint, preserve design, and mitigation criteria agreed to at the meeting to obtain a NCMSCP hardline for the project are identified below:

1. The development bubble proposed for the eastern property will be limited to the area outlined in red on the attached figure. Any changes to this hardlined area shall require written approval from the Wildlife Agencies.



2. Lands conserved that will be counted as baseline preserve (including restoration areas) and areas available to be used as future airport mitigation are shown in yellow and green on the attached figure. Any changes to the conserved area shall also require written approval from the Wildlife Agencies.
3. The following mitigation strategy will be implemented for impacts to southern maritime chaparral (SMC), coastal sage scrub (CSS) and vernal pool habitat:

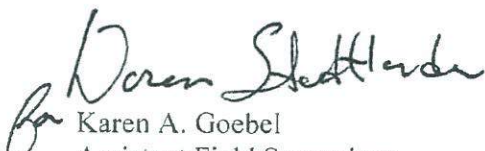
County's Proposed Actions	Vegetation Community Impacts	Proposed Mitigation/Preservation	
North Ramp	Vernal Pool Habitat (no fairy shrimp): 0.20 ac	Creation/Restoration at fallow ag (area outlined in pink on the attached figure): 6.78 ac	
	Chaparral, CSS & Dist. CSS (Occupied CAGN): 6.09 ac	@ 2:1 = 12.18ac	Total SMC = 35.55 ac
Industrial Park	So. Maritime Chaparral: approx 3.00 ac	@ 3:1 = 9.00ac	
SMC Preservation	NONE	Preservation of SMC as PAMA, used for future Airports mitigation: 14.37ac*	
NNG Preservation	NONE	Preservation of NNG as PAMA: 2.30 ac	
<b>TOTAL</b>	<b>9.29 ac</b>	<b>44.63 ac</b>	


\*The 14.37 acres of southern maritime chaparral credits remaining in PAMA on the eastern property can only be used for future mitigation needs of the McClellan-Palomar Airport in accordance with the NCMSCP and concurrence by the Wildlife Agencies. These credits cannot be sold, banked, or exchanged as mitigation for any other development or purpose.

4. All applicable requirements in the NCMSCP apply to the hardline and each specific development or use therein, and will be incorporated as part of project review to obtain coverage under the Plan (Section 7.5 of the draft NCMSCP). These requirements include development adjacency, compatible land uses in the preserve (e.g., designation of trails), long-term management of preserved open space, etc., and shall be included as enforceable conditions in all County permits, operations and authorizations to proceed work. If a project changes its hardline in a way that results in a greater impact, then an amendment to the Plan would be required (Section 4.2 of the NCMSCP).

Provided that the above-listed criteria are fully implemented, and there are no changes to the project design, we concur with incorporating the proposed project as a "hardline" project in the NCMSCP. If you have any questions, please contact Michelle Moreno of the Service at (760) 431-9440 or Randy Rodriguez of the Department at (858) 637-7100.

Sincerely,

  
 Karen A. Goebel  
 Assistant Field Supervisor  
 U.S. Fish and Wildlife Service

  
 Stephen Juarez  
 Environmental Program Manager  
 California Department of Fish and Game

Attachment

Palomar Airport  
NCMSCP Hardlines



Legend

CATEGORY

- █ Hardline Gain
- █ Pre-Approved Mitigation Area
- █ Preserve
- █ Take Authorized

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. The data is contained in the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG.

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# County of San Diego

**RICHARD E. CROMPTON**  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
COUNTY AIRPORTS  
1960 JOE CROSSON DRIVE, EL CAJON, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: [www.sdcountyairports.com](http://www.sdcountyairports.com)

March 19, 2014

Mr. Don Neu  
City of Carlsbad Planning Department  
1635 Faraday Ave  
Carlsbad, CA 92008

## **CITY OF CARLSBAD DRAFT GENERAL PLAN AND COORDINATION WITH COUNTY AIRPORTS ON A NEW MCCLELLAN-PALOMAR MASTER PLAN**

Dear Mr. Neu:

The County of San Diego Department of Public Works, Airports Division (County Airports) has initiated the process of developing a new 20-year (2015-2035) Master Plan for McClellan-Palomar Airport as the current 1997 Master Plan nears the end of its planning period in 2015. We appreciate the ongoing participation of City staff at our McClellan-Palomar Airport Master Plan User Group Advisory Committee (UGAC) meeting on January 28, 2014 and at our first public Master Plan workshop held on February 5, 2014 at the Faraday Center. It is important for us to coordinate with City staff on the development of the McClellan-Palomar Airport Master Plan as the City continues an update of the General Plan. This is particularly relevant in the General Plan elements for Land Use, Mobility, Noise, and Safety.

As the City is already aware, interest in additional commercial air service at the Airport could potentially lead to a higher level of passenger enplanements and demand on the surrounding traffic network than experienced historically. As we discussed with your staff over the last year, we are also considering an eastern extension of the runway in the Master Plan, which could have a beneficial reduction in noise impacts to residential areas of Carlsbad. As the County analyzes the 20-year aviation forecasts, facility requirements, and airport development for this next planning period, we want to keep the City as an active and informed participant in the Master Plan process.

County Airports submitted a public comment letter dated January 25, 2011 in response to the City's Notice of Preparation for an Environmental Impact Report (EIR) for the General Plan. In our review of the publicly available draft General Plan, we have a few clarifying comments as follows:

### **1) The City's draft General Plan Section 2: Land Use**

- A. On page 2-43, Policy 2-P.37 states: "Prohibit the geographic expansion of McClellan-Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code)

County Comment: The definition of "expansion" should be clarified to the reader. It is not clear what is meant by the term "expansion" either in the General Plan or in Carlsbad Municipal Code Section 21.53.015. Clarification was previously given as referenced in the meeting minutes of the Carlsbad City Council (Regular Meeting) on August 5, 1980, Item #31 states: "The City Attorney responded that the County would only need Council approval of expansion if same involved the acquisition of additional property, in which case, the adopted ordinance would require prior voter approval. Any expansion of existing property would not be affected" (emphasis added). By letter dated May 3, 1993 from former City Attorney Ron Ball to the County of San Diego, it was concluded that expansions subject to voter approval only meant acquisitions of property outside the existing airport boundaries for a use requiring a general plan amendment or other City legislative enactments.

## 2) The City's draft General Plan Section 3: Mobility

- A. Page 3-7 first full paragraph under McClellan-Palomar Airport should be replaced as follows:

"The Federal Aviation Administration issued an airport operating certificate to McClellan-Palomar Airport as a Class 1 commercial service airport. The airport serves all types of scheduled operations of air carrier aircraft in excess of 30 seats, and can service small air carrier aircraft (more than 9 seats but less than 31 seats). The airport currently serves smaller general aviation aircraft up to larger corporate jet aircraft. McClellan-Palomar Airport is the only airport with an instrument landing system between Lindbergh Field and Santa Ana that can accommodate the majority of instrument rated aircraft. Currently, the airport provides commercial passenger service to Los Angeles."

- B. Page 3-7 begins the description of McClellan-Palomar Airport, and the last paragraph states: "Medevac and transient helicopters also operate at the heliport/helipad located east of the runway. Because of the potential significant adverse impacts that could occur if the airport increased its aircraft and/or ancillary services, the Carlsbad Municipal Code prohibits the City Council from approving any legislative act (such as a zone change or general plan amendment) authorizing the expansion of McClellan-Palomar Airport without voter approval."

County Comment: This section leads the reader to believe that "if the airport increased its aircraft and/or ancillary services..." that would constitute an expansion of the airport requiring voter approval. Reference comment #1 above regarding the definition of airport expansion as limited to the acquisition of additional property.

The language should be changed to reflect that a change in aircraft would not constitute an expansion of McClellan-Palomar Airport requiring voter approval.

## 3) The City's draft General Plan Section 5: Noise

- A. Figure 5-2 Existing Noise Contours

County Comment: This figure should reference the year and number of operations reflected as the existing conditions.

- B. On Page 5-8 under "Airport Noise," paragraph 2 states "Annual aircraft operations of 201,100 (as of 2006) are expected to increase over the next 20 years to approximately

289,100 based on the airport's master plan." This language is misleading as the current master plan's 20 year forecast comes to an end in 2015. We recommend changing the language as follows: "The current Airport Land Use Compatibility Plan (ALUCP) modeled airport noise exposure levels based on approximately 289,100 operations, which is the aviation forecast in the current 1997 airport Master Plan." Also include reference to the County's Master Plan update that is currently underway. It should also acknowledge that as a part of the update, baseline noise conditions and noise exposure maps are being developed for 2013 and through the future planning year 2035, and the information as currently shown in the draft General Plan will be updated. The County will also be working with the San Diego County Regional Airport Authority (SDCRAA) to update the ALUCP with the findings of the new Master Plan.

- C. On Page 5-23, Policy 5-P.15 states: "Expect the airport to control noise while the city shall control land-use thus sharing responsibility for achieving and maintaining long-term noise/land use compatibility in the vicinity of McClellan-Palomar Airport."

County Comment: The "federal government has preempted the areas of airspace use and management, air traffic control, safety, and the regulation of aircraft noise at its source." FAA Order 5190.6B, p. 13-1 (emphasis added). The County does have limited authority as an airport proprietor to indirectly regulate aircraft noise through airport design and scheduling. Id. In accordance with 14 CFR Part 150, the County has developed a Noise Compatibility Plan for the airport. Within the limited authority available to it, the County can work to regulate noise, but must emphasize that this authority is significantly constrained.

#### **4) Section 6: Safety**

- A. On Page 6-27, Section 6.5 Airport Hazards, it would be beneficial to advise the reader that the ALUCP contours are expected to change upon adoption of the new Master Plan by County Airports.

The County's draft North County Multiple Species Conservation Program (MSCP) covers the County-owned property associated with the Airport within the jurisdictional limits of the City of Carlsbad. Draft MSCP designations for Airport property were negotiated with the US Fish & Wildlife Service and California Department of Fish & Wildlife, (formerly Department of Fish & Game) and memorialized in the attached letter dated March 1, 2011. The County-owned property at the corner of Palomar Airport Road and El Camino Real is designated in the letter's figure, and the "Take Authorized" polygon depicts the anticipated limits of future development. County Airports does not currently have any proposals for development of the site, but development of the area is being considered in the new Airport Master Plan process for meeting future needs. Please ensure your zoning and land use maps are compatible with these designations.

Our tentative Master Plan schedule anticipates completion of the Plan at the end of 2014, which will be followed by the preparation of a Program Environmental Impact Report and consideration by the County Board of Supervisors at the end of 2015. Upon adoption of the Master Plan, the County will work with the SDCRAA, (acting in its capacity as the San Diego County Airport Land Use Commission) and the City in order to coordinate the Master Plan findings with the General Plan and the ALUCP.

We also have updated information on the capacity of our existing facility and traffic counts at airport access points that we can share with your staff as you generate traffic forecasts in the

Mr. Neu  
March 19, 2014  
Page 4 of 4

General Plan's Mobility element. As mentioned in the January 25, 2011 letter, we also want to ensure that regional aviation planning documents such as the SDCRAA's Regional Aviation Strategic Plan (RASP) are considered in your General Plan due to the anticipated impact on the ground transportation network around the airport. As also mentioned in the letter, we are interested in discussing the zoning and land use designations of County-owned land related to the Airport to reflect current and future site planning. According to your website, the draft EIR will be released to the public soon. The County would like to discuss the land use and traffic assumptions being modeled for Palomar Airport in the Draft EIR. My staff is available at your earliest convenience to discuss the items above to reach consistency between the City and County's planning documents for McClellan-Palomar Airport. Please contact Nick Alex, Airport Planner at 858-694-3915 or [Nicholas.Alex@sdcounty.ca.gov](mailto:Nicholas.Alex@sdcounty.ca.gov) to schedule a meeting.

Sincerely,



RICHARD E. CROMPTON, Director  
Department of Public Works

Attachment: "North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California." Dated March 1, 2011

Attachment: "City of Carlsbad notice of preparation for an environmental impact report for the general plan, local coastal program, and zoning ordinance update—PUBLIC REVIEW COMMENTS" Dated January 25, 2011

Cc: Jennifer Jesser, City of Carlsbad Planner, Peter Drinkwater, County Airports Director



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS County Airports

Peter Drinkwater  
DIRECTOR OF AIRPORTS

1960 Joe Crosson Drive, El Cajon, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: <http://www.sdcountry.ca.gov/dpw/airports.html>

January 25, 2011

Mr. Don Neu  
City Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Neu:

### **CITY OF CARLSBAD NOTICE OF PREPARATION FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN, LOCAL COASTAL PROGRAM, AND ZONING ORDINANCE UPDATE—PUBLIC REVIEW COMMENTS**

The County of San Diego Department of Public Works, Airports Division (County Airports) received the Notice of Preparation (NOP) for an Environmental Impact Report (EIR), dated December 2010, and appreciates this opportunity to comment.

McClellan-Palomar Airport is owned and operated by the County Airports and lies within the limits of the City of Carlsbad. The Airport has been at this location since 1942, was opened to the public in 1959, and serves the general aviation community, corporate aircraft and commercial services. It is an important part of the community and a major contributor to the local economy.

As the City of Carlsbad begins the process of a General Plan update, maintaining land use designations and zoning consistent with existing and planned uses is critical at McClellan-Palomar Airport. County Airports-owned land within the City of Carlsbad is shown in the Draft North County Multiple Species Conservation Plan (MSCP) proposed by the County of San Diego. Within APN 2090502500, the North County MSCP shows a portion of the County Airports-owned land as preserve, and a portion closest to the intersection of Palomar Airport Road and El Camino Real as future industrial, as

approved by the Resource Agencies. The General Plan update must reflect these use designations.

Compatibility between planned land uses and airport operations is imperative for the General Plan update. County Airports would like to maintain ongoing coordination with the City of Carlsbad and the San Diego County Regional Airport Authority, acting in its capacity as the San Diego County Airport Land Use Commission, in order to ensure the General Plan update is consistent with the Airport Land Use Compatibility Plan (ALUCP) for the airport. This also includes consistency with the Noise Impact Notification Area for McClellan-Palomar Airport.

Thank you for the opportunity to comment on the NOP, and look forward to receiving updates on the General Plan update progress.

Sincerely,



PETER DRINKWATER  
Director of Airports

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



April 18, 2014

Ms. Jennifer Jesser  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, California 92008

RECEIVED  
APR 18 2014  
STATE CLEARING HOUSE

EX 06/20  
clear  
05/21/14  
C

Dear Ms. Jesser:

SUBJECT: SCH 2011011004 Carlsbad General Plan Update - DEIR

A4-1

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed City of Carlsbad (City) General Plan Update project.

The project area includes active railroad tracks. RCES recommends that the City add language to the General Plan Update so that any future development adjacent to or near the railroad right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

A4-2

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse



Regional Public Affairs  
8330 Century Park Court, CP31D  
San Diego, CA 92123

April 24, 2014

City of Carlsbad Planning Division  
Attn: Corey Funk, Associate Planner  
1635 Faraday Avenue  
Carlsbad, CA 92008

Re: Carlsbad General Plan Update  
Delivered by Mail and Email

Dear Mr. Funk:

**A5-1** Thank you for notifying San Diego Gas & Electric Company (SDG&E) last month about the proposed changes to the City of Carlsbad's General Plan. Additionally, we appreciated your generous offer to meet with us and discuss this issue on April 14 and address questions our Real Estate and Land Services department had about the notice.

**A5-2** As you are aware, the City of Carlsbad, NRG and SDG&E entered into a Settlement Agreement on January 14, 2014 that, among other things, provided a pathway to potentially relocate SDG&E's Service Center away from the existing site at Cannon Road and Carlsbad Boulevard. As the City is aware, the selection of potential new sites for our Service Center is ongoing, and will take some time. While this part of the Settlement Agreement is still being worked out, we feel it is premature to execute a zoning change on the existing Service Center location.

**A5-3** Our preference would be for the General Plan and Zoning to remain U and PU respectively while we work cooperatively to execute the terms of the aforementioned Settlement Agreement.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Warren Ruis".

Warren R. Ruis  
Public Affairs Manager  
San Diego Gas & Electric Company  
Office: (858) 654-6449  
[WRuis@semprautilities.com](mailto:WRuis@semprautilities.com)

CC: Gary Barberio, City of Carlsbad  
Jim Seifert, San Diego Gas & Electric Company





JUN 16 2014

Planning Division

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

June 13, 2014

Ms. Jennifer Jesser  
City of Carlsbad  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

**RE: NOTICE OF AVAILABILITY OF DRAFT GENERAL PLAN, DRAFT CLIMATE ACTION PLAN AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF CARLSBAD GENERAL PLAN UPDATE**

Dear Ms. Jesser:

A6-1

Thank you for the opportunity to review the Draft General Plan, Draft Climate Action Plan and the Draft Program Environmental Impact Report (Draft PEIR) to implement the City of Carlsbad General Plan Update (General Plan). The General Plan serves as a policy guide for determining the appropriate physical development and character of the Carlsbad planning area. The General Plan establishes the maximum level of development that can occur within this planning area, including areas serviced by the Vallecitos Water District (District).

A6-2

The General Plan highlights the areas that have been identified for change over the next two decades. The Vallecitos Water District provides water and/or sewer services to a portion of the South Eastern region of the City of Carlsbad. In addition the District has a major pipeline (the San Marcos Interceptor) that travels from the City of San Marcos to the Encina Wastewater Authority (EWA) in the City of Carlsbad. The EWA is partially owned by the District and treats wastewater from the service areas of San Marcos, Escondido, Vista and Carlsbad areas within the Vallecitos Water District Boundaries.

A6-3

Water and sewer service will be provided under the rules and regulations of the District, under normal operating conditions after all required fees have been paid and all conditions of the District have been satisfied.

Any existing District pipelines located within the areas that are in conflict with proposed development projects will require relocation within the public right-of-way or District easements. District policy requires that all newly created parcels have frontage on a District main and extensions of facilities to serve each newly created parcel will be required. The exact location of the main line extensions and relocation will be determined during the planning stage for each development project.

A6-3

Water or sewer facilities not within the public right-of-way will require a minimum 20-foot easement granted to the District. The District may require additional easements through the new development or private properties for future extensions. The developer for each area is responsible for obtaining any easements including expenses incurred. Joint use of these easements is not allowed by the District and easements for storm drain and other facilities should be analyzed early so that adequate sizing of easements for all facilities and various agencies is provided.

No structures will be allowed over District facilities. This includes, but is not limited to, walls, entrance medians, landscaping, gates, guard house structures, curbs and gutters, and driveways. For protection of District facilities, any areas with water pressures near or higher than 150 psi will require water pressure regulators between the water main and the metering device.

A6-4

The District adopted Ordinance No. 162 on May 6, 2009, which identifies a 10% voluntary water conservation level. Ordinance No. 162 also identifies various water conservation measures including mandatory conservation, the curtailment of availability letters and limiting new service connections as it relates to current and future drought conditions.

A6-5

The District currently obtains 100% of its water supply from the San Diego County Water Authority, which in turn obtains most of its water from the Metropolitan Water District of Southern California. Therefore, the District's primary water sources are from northern California via the California State Water Project and from the Colorado River via the Colorado River Aqueduct. The Vallecitos Water District is currently a member agency in the Poseidon Resources Desalination project. This project includes a 30 year water purchase agreement through the San Diego County Water Authority with an anticipated delivery of 2016.

A6-6

A water and sewer study and analysis for both onsite facilities and offsite facilities will be required for any specific development within the District boundaries to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

More specific comments regarding the draft documents are as follows:

A6-7

**Draft General Plan:**

**Chapter 2 – Land Use and Community Design (LUCD) Element**

**Section 2.4 Land Use Designation and Density/Intensity Standards**

- **Figure 2-1 Land Use Map**

This map shows the proposed land use designation changes as outlined in the Draft General Plan. The District is concerned with areas within the City of Carlsbad in which water and/or sewer services are provided by the Vallecitos Water District that may have a potential impact.

The District staff has been in contact with Mr. Corey Funk in an effort to be provided with a more precise depiction of the area of change within the Vallecitos Water District boundary. Mr. Funk generously provided the District with a map and shape file that shows all land use changes within the District boundaries. The District was also supplied with a corresponding table of the land use designation and a list of the effected assessor parcel numbers.

In reviewing these documents three land use designation questions were brought up by District staff:

A6-8

- 1) **Change in land use from E (elementary school) to P (public).**  
The capacity determinations in the 2008 Vallecitos Water District Master Plan for public facilities are calculated differently than for schools. As such the District requests that the City of Carlsbad provide a methodology to distinguish school (APN's: 215-410-15 and 215-410-14) land use from other public facilities.

A6-9

- 2) **RL (Low Density) to R 1.5 - Tanks and Reservoirs.**  
According to the District's interpretation the map is showing tanks and reservoirs at a current density of RL and changing to an R 1.5 designation. Neither of these designations seems like the proper designation for these areas, as these properties currently support public facilities. Please consider re-designating tank and reservoir properties to a public facilities land use.

A6-10

3) **OS (Open Space) – Components within Designation**

The proposed areas marked as OS appears to include parks, landscape, and other non-environmental green space. The majority of the parcels with this land use designation are under the ownership of La Costa Ridge and La Costa Oaks Community Association. This implies the proposed designation is an inclusion of HOA green belt areas, parks, etc. of planned development that often require water and sewer capacity. At least one APN: 223-724-17 with this proposed land use designation change shows an irrigation meter, according to District records. Open space typically is a more natural and undisturbed environment. Such uses have different utility needs and this should have a separate land use designation. The District requests that the City of Carlsbad provide a methodology to distinguish parks, HOA greenbelts, etc. land use from open space areas.

A6-11

**Conclusion**

The information provided by the City of Carlsbad stated that although the City is planning on changing the names of the residential land use designations, the density ranges allowed by each designation are not changing. By grouping some of the existing land uses into more broad land use categories, it may make it more difficult for the District to determine the appropriate water and wastewater capacity for these areas. Please clarify this issue.

A6-12

The Vallecitos Water District requests notification of and inclusion in any future public review and requests copies of any related studies and environmental documents when they become available.

If you have any questions, please contact the undersigned at (760) 744-0460 or by e-mail at [istichter@vwd.org](mailto:istichter@vwd.org).

Sincerely,



Ingrid Stichter  
Engineering Technician II  
VALLECITOS WATER DISTRICT

cc: Ken Gerdes, Director of Engineering and Operations  
James Gumpel, District Engineer  
Rob Scholl, Sr. Engineer – Development Services

June 18, 2014

Ms. Jennifer Jesser  
Senior Planner  
Planning Department  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Via FedEx

Dear Ms. Jesser:

The San Marcos Unified School District ("District") appreciates the opportunity to comment on the Draft Environmental Impact Report for the City of Carlsbad ("City") General Plan Update. The District would like to submit the following comments:

A7-1

- **Draft General Plan:**

- Page 7-17; Table 7-6: SCHOOL DISTRICTS SERVING CARLSBAD, ENROLLMENT
  - The draft reports the District's enrollment as 17,852 students based on information from 2010. If more recent information is needed, the District's certified enrollment for the 2013-2014 school year per the California Department of Education Data Quest is 20,107 students.

A7-2

- Page 7-19: Funding and Planned Improvements
  - If more recent or additional information is needed, please review the following: The District passed Proposition K in 2010, a General Obligation Bond Measure, for \$287 million for renovations, modernization and new construction and recently re-constructed the District's namesake high school with \$180 million of the Bond Funds.

A7-3

- Page 7-20: Private Schools and Higher Education
  - In the first paragraph, the report states, "The City of Carlsbad does not currently have charter schools." If additional information is helpful, note that the District charters Bayshore Preparatory Charter, which would be available to students living within the Carlsbad area of the District.

A7-4

- **Draft Environmental Report:**

- Figure 3.11-1: PROPOSED GENERAL PLAN, Parks & Recreation
  - Alga Norte Community Park is depicted as "under construction." The park opened on December 31, 2013.


A7-5

- Page 3.11-10; Table 3.11-6: School Districts Serving Carlsbad, Enrollment
  - The draft reports the District's enrollment as 17,852 students based on information from 2010. As stated in the comment for page 7-17 of the Draft General Plan, the District's certified enrollment for the 2013-2014 school year per the California Department of Education Data Quest is 20,107 students.

A7-6

If you have any questions regarding the comments submitted by the District, please do not hesitate to contact me by phone at (760) 290-2650, or by email at [khary.knowles@smusd.org](mailto:khary.knowles@smusd.org).

Sincerely,



Khary S. Knowles  
Executive Director  
Facilities Planning & Development

KSK/ntd

C: Gary Hamels, Assistant Superintendent, Business Services

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11, DIVISION OF PLANNING

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11-SD-5  
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Envision Carlsbad  
Draft EIR  
SCH 2011011004

Ms. Jennifer Jesser  
City of Carlsbad  
Planning Department  
Carlsbad, CA 92008

Dear Ms. Jesser:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Carlsbad (City) General Plan Update, known as Envision Carlsbad, as well as the Draft Climate Action Plan. Caltrans would like to submit the following comments:

- A8-1** Caltrans appreciates the acknowledgement in the Draft EIR that “Caltrans has established standards for street traffic flow and has developed procedures to determine if intersections require improvements. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities, but may influence traffic flow and levels of services at such facilities, Caltrans may recommend measures to mitigate the traffic impacts of such projects” (page 3.13-13).
- A8-2** Caltrans encourages the City to cooperate in the implementation of necessary improvements at intersections and interchanges where the agencies have joint jurisdiction, as well as coordinate with Caltrans as development proceeds and funds become available to ensure that the capacity of freeway on/off ramps are adequate.
- A8-3** For the Traffic and Circulation section (5.8) of the 2012 Carlsbad Land Use Concepts (DEIR Appendix G), please consider providing information about the impact of each of the land use concepts (Concepts A, B, and C), much like was done in the preceding sections, on all of the freeway ramps and the State Highway System. This information would be helpful when considering the benefits and disadvantages of each land use alternative.
- A8-4** The Draft EIR’s proposed Mitigation Measure 3-P.11 is to “Evaluate implementing a road diet to three lanes or fewer for existing four-lane streets currently carrying or projected to carry 25,000 average daily traffic volumes or less in order to promote biking, walking, safer street crossings, and attractive streetscapes” (page 3.13-31). Please clarify the locations where this policy will be implemented, and note that any work within Caltrans right-of-way needs to be constructed to Caltrans standards, as acknowledged on page 3.13-13.

**A8-5** The subsection on Impacts to Transportation states that “The impacts to I-5 and SR-78 are considered significant and unavoidable, as the city cannot guarantee implementation of improvement to reduce impacts to a facility they do not control” (page 3.13-27). Please note that there are plans to improve the Interstate 5 (I-5) and State Route 78 (SR-78) corridors, for which further information is provided below. Caltrans supports “fair share” contributions for all cumulative impact mitigations.

**A8-6** For your information, the following regional transportation projects are planned within the City of Carlsbad:

**I-5 North Coast Corridor (NCC) Project**

Caltrans has prepared a Final Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the I-5 NCC Project, which is the highway component of the larger NCC Program of transit, highway, community, and environmental enhancements planned along 27 miles between Sorrento Valley in San Diego and Oceanside. The Final EIR/EIS affirmed the Express Lanes Only option (8+4 Buffer Alternative) as the Caltrans Locally Preferred Alternative for the project, with Bus Rapid Transit (BRT) potentially using the Express Lanes. It is important in the implementation of future regional transportation improvements that right-of-way needs are consistent with proposed changes in land use plans.

**A8-7** Caltrans is also proposing the I-5 North Coast Bike Trail, which is a regional enhancement developed to support non-motorized travel in the corridor. Portions of the North Coast Bike Trail would be located within Caltrans, rail, and local jurisdictions R/W, with the San Diego Association of Governments (SANDAG) and Caltrans working with the appropriate jurisdictions to ensure consistency with local bike plans. The proposed North Coast Bike Trail would extend through the City of Carlsbad as shown on pages 2-142 through 2-145 of the I-5 NCC Final EIR/EIS. Please include the I-5 North Coast Bike Trail if it is not referenced in the City of Carlsbad General Plan.

**A8-8** In addition to the North Coast Bike Trail, Caltrans is proposing community enhancements within the City of Carlsbad, including enhanced pedestrian facilities. Page 2-136 of the I-5 NCC Final EIR/EIS shows a list of the proposed community enhancements in Carlsbad. More information on the project, including the Final EIR/EIS, is available at the following web address: <http://www.keepsandiegomoving.com/I-5-Corridor/>.

**A8-9 I-5/SR-78 Interchange Project**

Caltrans is currently evaluating alternatives to reduce congestion and improve mobility at the I-5 and SR-78 interchange, located along the border of Carlsbad and Oceanside. More information on the project is available at the following web address: <http://www.keepsandiegomoving.com/I-5-Corridor/I-5-sr78-intro.aspx>.



A8-10

**SR-78 Corridor Study / Project Study Report (PSR)**

SANDAG, in collaboration with Caltrans, the City of Carlsbad, and other key stakeholders, explored congestion management alternatives to SR-78 to address regional and local travel demand within the corridor. The SR-78 Corridor Study examined two alternatives, including the addition of two lanes on SR-78 (one eastbound, one westbound), auxiliary lane improvements, and transit and freeway connector projects consistent with SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). On May 18, 2012, the SANDAG Transportation Committee accepted the SR-78 Corridor Study and its findings, and directed staff to provide them to Caltrans for consideration in the project development process. Currently a PSR is being developed for the SANDAG SR-78 RTP project. More information on the study is available at the following web address: <http://www.sandag.org/index.asp?projectid=412>.

A8-11

Caltrans appreciates that the proposed actions in the City's Draft Climate Action Plan coordinate with the greenhouse gas emission reduction efforts outlined in the adopted RTP/SCS for the region.

A8-12

Caltrans looks forward to continuing coordination with City staff on Envision Carlsbad. If you have any questions, please contact Connery Cepeda, Community Planning Liaison, at (619) 688-6003.

Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch

c: State Clearinghouse



401 B Street, Suite 800  
 San Diego, CA 92101-4231  
 (619) 699-1900  
 Fax (619) 699-1905  
 www.sandag.org

June 19, 2014

File Number 3330300

Ms. Jennifer Jesser  
 Carlsbad Planning Division  
 1635 Farraday Avenue  
 Carlsbad, CA 92008

Dear Ms. Jesser:

**SUBJECT:** Comments on the City of Carlsbad Draft General Plan, Draft Climate Action Plan, and Draft Program Environmental Impact Report

Thank you for the opportunity to comment on the City of Carlsbad draft General Plan, draft Climate Action Plan (CAP), and draft Program Environmental Impact Report.

Our comments are based on policies included in the Regional Comprehensive Plan (RCP) and the 2050 Regional Transportation Plan and its Sustainable Communities Strategy (2050 RTP/SCS) and are submitted from a regional perspective, emphasizing the need for land use and transportation coordination, and implementation of smart growth and sustainable development principles. The goal of these regional plans is to focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure to create a more sustainable region.

The 2050 RTP/SCS sets forth a multimodal approach to meeting the region's transportation needs. Therefore, it is recommended that the traffic analysis consider the needs of motorists, transit riders, pedestrians, and bicyclists and the implementation of a robust Transportation Demand Management (TDM) Program. The San Diego Association of Governments (SANDAG) recommends that the following comments be addressed and analyzed in the Transportation Impact Study.

**Smart Growth Development**

A key goal of the RCP is to focus growth in Smart Growth Opportunity Areas. The City of Carlsbad has four areas identified on the Smart Growth Concept Map: CB-1, an Existing/Planned Town Center; CB-2, a Potential Town Center; and CB-3 and CB-4, both Potential Community Centers. Please keep in mind that projects located within the Smart Growth Opportunity Areas may be eligible to compete for Smart Growth Incentive Funds for planning and/or infrastructure through the City of Carlsbad.

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- Coronado
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- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

A9-1

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

A9-2

A9-2

SANDAG appreciates the goals and policies throughout the draft General Plan, which encourage a diversity of land uses and housing types, infill development, and efficient land use; emphasize the importance of a jobs housing balance; and aim to support alternative modes of transportation such as walking and bicycling.

A9-3

**Multimodal Transportation Analysis**

The 2050 RTP provides a multimodal approach to meet the region’s transportation needs. As such, SANDAG recommends balancing the needs of all users when performing traffic analysis, including motorists, transit riders, pedestrians, and bicyclists. Please keep in mind available tools and resources such as the SANDAG Smart Growth Trip Generation Spreadsheet Tool.

A9-4

**TDM**

In considering mitigation for regional transportation impacts, please also consider opportunities for encouraging alternatives to driving alone such as carsharing and bikesharing in addition to carpooling, vanpooling, telework, and compressed work weeks. The SANDAG TDM division, iCommute, can assist in developing a TDM Plan as a part of this project.

Parking management plans facilitate the effectiveness of Smart Growth and transit-oriented developments as well as encourage non-single occupancy vehicle trips. Similar to TDM Plans, Parking Management Plans can encompass a variety of strategies and are customizable to the needs of each jurisdiction. For more information contact the SANDAG TDM division, iCommute.

A9-5

**Transit and Mobility Options**

Please take into consideration the following comments and observations regarding Section 3 Mobility of the draft General Plan:

Page 3-6: There are currently six Amtrak trains per day that stop at Carlsbad Poinsettia and Carlsbad Village through a partnership with North County Transit District (NCTD) called Rail2Rail.

A9-6

Table 3-1: Please note that the Route 473 Rapid Bus on Highway 101 is planned to on “Identity Streets” and “Coastal Streets” and would require some level of transit prioritization through the use of queue jump lanes, transit signal priority, and in-lane bus stops, and would also require enhanced bus station amenities over traditional bus service. For streets that will receive Rapid Bus service, SANDAG would like transit, bicycle, and pedestrian accommodations to be coordinated.

A9-7

Page 3-7: “Door-to-Door” is a term most often used when describing paratransit service where a consumer is assisted from the doorway of their pick up location to the vehicle and then to the door of their destination. Page 3-7 seems to equivocates “door-to-door” with the concept of “first mile-last mile”. However, since “door-to-door” is most commonly referred to in paratransit rather than fixed route transit service, it may be beneficial to omit the use of the “door-to-door” terminology in the context of Page 3-7 (Transit) to avoid confusion.

A9-8

Page 3-23: Please ensure that any planned transit improvements referenced in the draft General Plan are sourced from the current 2050 RTP. Reference to Route 471 appears to be from a previous RTP and is no longer in the revenue constrained plan. The current adopted RTP has two new transit services within the City of Carlsbad. They are Route 473 Rapid Bus (2030), which would operate along Highway 101 and Bus Rapid Transit (BRT) Route 653 (2035), which would operate in the peak period between Kearny Mesa and Palomar Airport Road. Please refer to Table 6.2 in the 2050 RTP for more information.

A9-9

Page 3-24: The Chestnut Avenue and Chinquapin Avenue railroad crossings have not been previously identified in rail corridor plans. Adding at-grade rail crossings is very challenging due to the safety implications and additional train horn noise. SANDAG encourages the City of Carlsbad to coordinate with the NCTD and the California Public Utilities Commission regarding plans for providing pedestrian and bicycle access across the railroad.

A9-10

Page 3-25: SANDAG plans to build parking structures at Carlsbad Village and Poinsettia COASTER stations to accommodate additional demand. SANDAG fully supports the City of Carlsbad's flexible parking requirements to maximize the use of parking at transit centers through shared parking and parking management strategies, and commends the City for including such policies.

A9-11

Regarding Policy 3-P.31, please coordinate with SANDAG and NCTD to develop transit priority features for the Route 473 Rapid Bus on Highway 101 and for the BRT Route 653 serving the Palomar Airport area.

A9-12

#### **Other Considerations**

Section 15125 (d) of the California Environment Quality Act Guidelines state that the "Environmental Impact Report (EIR) shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to ... air quality attainment or maintenance plan ... regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions ..." As the City prepares the final EIR for the draft General Plan, please continue to coordinate with SANDAG to ensure consistency with regional plans, projects, and programs.

A9-13

We appreciate the opportunity to comment on the EIR for the draft Updated Carlsbad General Plan and the related draft CAP. We encourage the City of Carlsbad, where appropriate, to consider the following tools in evaluating this update based on the following SANDAG publications, which can be found on our website at [www.sandag.org/igr](http://www.sandag.org/igr).

- (1) *Designing for Smart Growth, Creating Great Places in the San Diego Region*
- (2) *Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region*
- (3) *Trip Generation for Smart Growth*
- (4) *Parking Strategies for Smart Growth*
- (5) *Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in EIRs*
- (6) *Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities*
- (7) *Riding to 2050, the San Diego Regional Bike Plan*

A9-14

If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or [susan.baldwin@sandag.org](mailto:susan.baldwin@sandag.org).

Sincerely,

A handwritten signature in cursive script that reads "Susan Baldwin". The signature is written in black ink and is positioned above the typed name.

SUSAN BALDWIN  
Senior Regional Planner

SBA/SSTRA/bga

**From:** Gowens Ed [mailto:egowens@san.org]  
**Sent:** Friday, June 20, 2014 4:59 PM  
**To:** Jennifer Jesser  
**Subject:** Airport Authority comments on General Plan EIR

Dear Ms Jesser:

The San Diego County Regional Airport Authority (SDCRAA) Airport Land Use Commission (ALUC) staff has reviewed the contents of the City of Carlsbad General Plan Environmental Impact Report (EIR) and offers the following comments:

**A10-1** | As a general comment, a distinction should be made between references to San Diego county and the County of San Diego throughout the entire document. As a geographic place, San Diego county is the appropriate reference, but in instances of reference to the government entity of the State of California, governed by the Board of Supervisors, the term “County of San Diego” is the official designation that should be used. This would prevent confusion, especially to help misunderstanding between the County of San Diego as owner and operator of McClellan-Palomar Airport and SDCRAA as an independent agency (not part of the County of San Diego, with its own governing board) which provides airport land use compatibility planning within San Diego county as a region. Specifically, we can advise replacing “County of San Diego” for “San Diego County” on pages 3.6-13, 3.6-33, and 3.13-34 in applicable sections reviewed for airport matters, but we recommend a general word search and substitution as applicable throughout the entire EIR.

**A10-2** | Page 3.6-13, Airport Hazards  
The McClellan-Palomar Airport ALUCP was developed according to Caltrans Division of Aeronautics, not FAA, standards. The State of California mandates ALUCPs with guidance from the *Airport Land Use Planning Handbook* prepared by Caltrans Aeronautics; the ALUCP mandate does not come from the FAA or any other federal law.

**A10-3** | Page 3.6-25, McClellan-Palomar Airport ALUCP  
Each ALUCP *is intended to* prevent exposure to excessive noise and safety hazards within the airport influence area; as a plan, it only establishes guidance to facilitate that goal to promote the general health and welfare of the community, rather than actually preventing it outright.

**A10-4** | Page 3.9-7, General Plan Consistency with ALUCPs  
Remove the word “Comprehensive” from the title of the ALUCP; the name Comprehensive Land Use Plan (CLUP) was retired by the State in 2004 and replaced by ALUCP.

**A10-5** | Page 3.10-21, Aircraft  
Residential infill development is not allowed above noise exposure levels of **70+** (not 65) dB CNEL by the ALUCP (see PAL 2.11.1(b)(3)). The statement “An Airport Influence Area is established in two parts—Review Area 1 and Review Area 2—in which the noise impact area is 60 dBA CNEL and 65 dBA CNEL respectively” is factually inaccurate. Review Area 1 encompasses all those areas impacted by all compatibility factors of the ALUCP (noise exposure contours, safety zones, airspace protection surfaces, and overflight). Review Area 2 comprises

A10-5 | those areas only impacted by airspace and overflight factors and excludes all noise and safety concerns; it is for that reason that Review Area 2 requires review only by the FAA and not SDCRAA for potential airspace compatibility concerns.

A10-6 | Page 3.10-37

Same comment as above regarding the noise limit for residential infill development.

Noise Element Policy 5-P.16: the ALUCP applies equally to both new *residential* and new nonresidential development for all factors, so the limitation of compliance with the ALUCP noise standards to only new nonresidential development is not appropriate.

A10-7 | Page 3.13-7, Air Travel

The official name of the commercial service airport in San Diego is *San Diego International Airport*, not Lindbergh Field. Similarly, if airports are specifically referenced, it would be better to call out John Wayne/Orange County Airport in lieu of referencing its Santa Ana location. Alternatively, it would also be congruent to say between “San Diego and Santa Ana” as geographic places that have airports.

A10-8 | Thank you for the opportunity to provide comments on the City of Carlsbad General Plan EIR. Please feel free to contact me directly should you have any questions about the preceding comments.

Regards,

*Ed Gowens*

Airport Land Use Commission  
San Diego County Regional Airport Authority →  
Post Office Box 82776  
San Diego, California 92138-2776  
voice (619) 400-2244  
fax (619) 400-2459



# County of San Diego

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ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

June 20, 2014

Jennifer Jesser, Senior Planner  
City of Carlsbad  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Via email to [Jennifer.jesser@carlsbadca.gov](mailto:Jennifer.jesser@carlsbadca.gov)

## COMMENTS ON THE CITY OF CARLSBAD DRAFT GENERAL PLAN AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

Dear Ms. Jesser,

**A11-1** The County of San Diego has received and reviewed the City of Carlsbad Draft General Plan and Draft Program Environmental Impact Report (PEIR) dated April 4, 2014, and appreciates this opportunity to comment. The County Department of Public Works, Airports Division (County Airports) has initiated the process of developing a new 20-year (2015-2035) Master Plan for McClellan-Palomar Airport as the current 1997 Master Plan nears the end of its planning period in 2015. As the City is already aware, interest in additional commercial air service at the airport could potentially lead to a higher level of passenger enplanements and demand on the surrounding traffic network than experienced historically. As discussed with your staff over the last year, County Airports is also considering an eastern extension of the runway in the Master Plan, which could have a beneficial reduction in noise impacts to residential areas of Carlsbad. As the County analyzes the 20-year aviation forecasts, facility requirements, and airport development for this next planning period, we want to keep the City as an active and informed participant in the Master Plan process.

**A11-2** We appreciate the ongoing participation of City staff at our McClellan-Palomar Airport Master Plan User Group Advisory Committee (UGAC) meeting on May 5, 2014, and at our second public Master Plan workshop held on May 7, 2014, at the Faraday Center. It is important for us to coordinate with City staff on the development of the McClellan-Palomar Airport Master Plan as the City nears completion of its General Plan Update and PEIR. This is particularly relevant in the Land Use, Mobility, Noise, and Safety Elements.

County staff have completed their review and have the following clarifying comments regarding the Draft General Plan Update and Draft PEIR:



A11-3

**GENERAL COMMENT**

- 1) Please ensure that the references to the McClellan-Palomar Airport are stated correctly throughout the documents. For example, Land Use Goal 2-G.9 (page 2-35) refers to the Airport as Palomar-McClellan Airport.

A11-4

**LAND USE AND PLANNING**

- 2) Maintaining land use designations and zoning consistent with existing and planned uses is critical at McClellan-Palomar Airport. The County strongly objects to the proposed designation and zone change as noted in the City's Property Owner Notice received by the County which includes exhibits of Proposed General Plan Land Use that would rezone property currently designated as Planned Industrial (PI) to Open Space (OS).

County Airports-owned land within the City of Carlsbad is shown in the Draft Multiple Species Conservation Program North County Plan (MSCP North County Plan) as proposed by the County. Within APN 209-050-25-00, the Draft MSCP North County Plan shows a portion of the County Airports-owned land as preserve, and a portion, closest to the intersection of Palomar Airport Road and El Camino Real, as Take Authorized for future planned industrial. This reflects the "hardline" development footprint and mitigation strategy set forth in a Hardline Agreement letter dated March 1, 2011, with the U.S. Fish & Wildlife Service and California Department of Fish & Wildlife (formerly Fish & Game) as documented in Attachment A. In addition, County Airports has previously stated this objection in letters to the City of Carlsbad dated January 25, 2011, March 19, 2014, and April 3, 2014 (Attachment B, C, and D, respectively), as well as expressing their objection at the April 28, 2014, meeting at the Faraday Center. The County-owned parcel's zoning must be consistent with these use designations.

A11-5

- 3) Land Use Policy 2-P.37 (Pg. 2-43) prohibits the geographic expansion of McClellan-Palomar Airport unless approved by a majority vote of the Carlsbad electorate, as codified in Carlsbad Municipal Code Section 21.53.015. The definition of "expansion" should be clarified to the reader in both the General Plan and the PEIR.

The County recommends that Land Use Policy 2-P.37, as well as pages ES-48 and ES-90 in PEIR, be clarified to clearly state that airport activities defined as "expansion" only apply to acquisitions of property outside the existing airport boundaries for a use requiring a General Plan amendment or other City legislative enactments.

This clarification was previously given by the City Attorney as reflected in the meeting minutes of the Carlsbad City Council (Regular Meeting) on August 5, 1980, Item #31, which states:

"The City Attorney responded that the County would only need Council approval of expansion if same involved the acquisition of additional property, in which case, the adopted ordinance would require prior voter approval. Any expansion of existing property would not be affected".

A11-5

In addition, in a letter dated May 3, 1993, from former City Attorney Ron Ball to the County, it was concluded that expansions subject to voter approval only meant acquisitions of property outside the existing airport boundaries for a use requiring a General Plan amendment or other City legislative enactments.

A11-6

#### **MOBILITY/TRANSPORTATION**

- 4) The General Plan Mobility Element (Pg. 3-7) and PEIR (Pg. 1.13-7) provides a description of services at McClellan-Palomar Airport that is inconsistent with the terminology used in the McClellan-Palomar Airport operating certificate. This description should be replaced with the following language:

“The Federal Aviation Administration issued an airport operating certificate to McClellan-Palomar Airport as a Class 1 commercial service airport. The airport serves all types of scheduled operations of air carrier aircraft in excess of 30 seats, and can service small air carrier aircraft (more than 9 seats but less than 31 seats). The airport currently serves smaller general aviation aircraft up to larger corporate jet aircraft. McClellan-Palomar Airport is the only airport with an instrument landing system between Lindbergh Field and Santa Ana that can accommodate the majority of instrument rated aircraft. In 2013, the airport provided commercial passenger service to Los Angeles.”

A11-7

- 5) The description of services at McClellan-Palomar Airport in the General Plan Mobility Element (Pg. 3-7) and PEIR (Pg. 1.13-7) includes a statement that implies that any increase in aircraft and/or ancillary services at the Airport would constitute an expansion of the Airport as follows:

“Medevac and transient helicopters also operate at the heliport/helipad located east of the runway. Because of the potential significant adverse impacts that could occur if the airport increased its aircraft and/or ancillary services, the Carlsbad Municipal Code prohibits the City Council from approving any legislative act (such as a zone change or General Plan amendment) authorizing the expansion of McClellan-Palomar Airport without voter approval.”

The language in this discussion should be changed to reflect that a change in aircraft would not constitute an expansion of McClellan-Palomar Airport requiring voter approval. This is consistent with the previously requested modifications to Land Use Policy 2-P.37.

A11-8

- 6) The General Plan Mobility Element Policy 3-P.8 (Pg. 3-28), exempts LOS standards for Palomar Airport Road between Interstate-5 and College Boulevard, and Palomar Airport Road between El Camino Real to Melrose Drive. The City of Carlsbad Growth Management Plan, Year 2013 Traffic Monitoring Program, uses 2012 traffic volumes, and accordingly, the PEIR baseline does not include the considerable increase in traffic along Palomar Airport Road associated with the newly constructed Lowes shopping center (at El Camino Real). As the intersections of Palomar Airport Road at College and El Camino Real approach their forecast LOS of E and F respectively, little can be done to the Palomar

A11-8

Airport Road segment from College Boulevard to El Camino Real that would improve functionality of the roadway as a whole.

The County recommends that the entire segment of Palomar Airport Road from Interstate-5 to Melrose Drive be exempt from LOS standards without a break in the middle. For cohesive facility planning, the roadway should be planned as a whole without different standards applying to one short segment.

A11-9

- 7) The Impact Analysis in the Draft PEIR Section 3.13 (Transportation), states that future traffic volumes were developed using the SANDAG travel demand forecasting model (Series 12). SANDAG's Regional Transportation Plan 2050 incorporates the assumptions of the Regional Aviation Strategic Plan (RASP) for projecting future growth throughout the regional transportation network. The County supports Carlsbad's traffic methodology, which includes the RASP's assumptions for future growth at McClellan-Palomar Airport, its effects on local street system, and recognizes the facility as a source of regional access.

A11-10

#### NOISE

- 8) The General Plan Noise Element (Pg. 5-8) states "Annual aircraft operations of 201,100 (as of 2006) are expected to increase over the next 20 years to approximately 289,100 based on the airport's master plan." This statement is based on the current Airport Master Plan which has a 20-year forecast horizon that ends in 2015. The County is currently updating the Airport Master Plan that will represent the baseline noise conditions and noise exposure maps for current conditions through the future planning year 2035. Following completion of the Airport Master Plan, County Airports will work with the San Diego County Regional Airport Authority (SDCRAA) to update the Airport Land Use Compatibility Plan (ALUCP) with the findings of the new Master Plan.

The County recommends changing the description of Airport operations as follows:

"The current Airport Land Use Compatibility Plan (ALUCP) modeled airport noise exposure levels based on approximately 289,100 operations, which is the aviation forecast in the current 1997 Airport Master Plan."

In addition, the discussion should include reference to the update of the Airport Master Plan that is currently in progress.

A11-11

- 9) The County recommends that General Plan Noise Element, Figure 5-2: Existing Noise Contours, be modified to reference the year and number of operations represented as the existing conditions.

A11-12

- 10) The General Plan Noise Element, Policy 5-P.15 (Pgs. 5-23, ES-70 and PEIR Pg. 3.10-37) states:

"Expect the airport to control noise while the city shall control land-use thus sharing responsibility for achieving and maintaining long-term noise/land use compatibility in the vicinity of McClellan-Palomar Airport."



A11-12

According to FAA Order 5190.6B, p. 13-1, the "federal government has preempted the areas of airspace use and management, air traffic control, safety, and the regulation of aircraft noise at its source" (emphasis added). The County does have limited authority as an airport proprietor to indirectly regulate aircraft noise through airport design and scheduling commercial air service flights within established operating hours. In accordance with 14 CFR Part 150, the County has developed a Noise Compatibility Plan for the airport. Within the limited authority available to it, the County can work to regulate noise, but must emphasize that this authority is significantly constrained.

A11-13

11) The sections of the General Plan and PEIR must indicate the limited scope of County Airports to govern noise. The PEIR (Pg. 3.10-6) discussion of California Code of Regulations Title 21 – Airport Noise Standards, states that the Title 21 regulations "are achieved by controlling and reducing noise that affects communities in the vicinity of the airport." This language misleads the reader to believe that the regulations were established to control and reduce noise rather than control and reduce noise impact areas (land use) as the California Code of Regulations Title 21, Subchapter 6 states:

"The regulations accomplish these ends by controlling and reducing the noise impact area in communities in the vicinity of the airports."

This underscores the City's role as the land use authority within the McClellan-Palomar Airport ALUCP. The language in this section should reflect the role of the City in controlling land uses within noise impact areas in the vicinity of the airport.

A11-14

#### **SAFETY**

12) The County recommends that the discussion of Airport Hazards in the General Plan (Pg. 6-27) advise the reader that the ALUCP contours are expected to change upon adoption of the new McClellan-Palomar Airport Master Plan.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. County staff are available at your earliest convenience to discuss the items above to reach consistency between the City and County's planning documents for McClellan-Palomar Airport. Please contact Nick Alex, Airport Planner, at 858-694-3915 or [Nicholas.Alex@sdcounty.ca.gov](mailto:Nicholas.Alex@sdcounty.ca.gov) to meet and discuss County comments prior to adoption of the General Plan and certification of the PEIR.

Sincerely,



Todd Snyder, Chief  
Advance Planning Division

June 20, 2014

Page 6 of 6

e-mail cc:

Chris Champine, Senior Policy Advisor Staff, District 5  
Megan Jones, Group Program Manager  
Peter Drinkwater, Department of Public Works, Director of Airports  
Nicholas Alex, Department of Public Works, Airport Planner  
Richard Chin, Department of Public Works, Transportation Division  
LeAnn Carmichael, Department of Public Works, Environmental Services Unit  
Tom Bosworth, County Counsel

Attachments:

A11-15 Attachment A: "North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California."; March 1, 2011.

Attachment B: "City of Carlsbad Notice of Preparation for an Environmental Impact Report for the General Plan, Local Coastal Program, and Zoning Ordinance Update—PUBLIC REVIEW COMMENTS"; January 25, 2011.

Attachment C: "City of Carlsbad Draft General Plan and Coordination with County Airports on a New McClellan-Palomar Master Plan."; March 19, 2014.

Attachment D: "City of Carlsbad Property Owner Notice APN 209-050-25-00"; April 3, 2014.

## Attachment A

# North County Multiple Species Conservation Program Hardline for the McClellan- Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California

March 1, 2011





U.S. Fish and Wildlife Service  
 Carlsbad Fish and Wildlife Office  
 6010 Hidden Valley Road, Suite 101  
 Carlsbad, California 92011  
 (760) 431-9440  
 FAX (760) 431-5902



California Department of Fish and Game  
 South Coast Region  
 4949 Viewridge Avenue  
 San Diego, California 92123  
 (858) 467-4201  
 FAX (858) 467-4299

In Reply Refer To:  
 FWS-SDG-11B0102-11TA0273

MAR 01 2011

RECEIVED

MAR 07 2011

ENVIRONMENTAL SERVICES

A11-16

Ms. Cynthia Curtis  
 County of San Diego  
 Department of Public Works  
 5500 Overland Avenue, Suite 310  
 San Diego, California 92123

Subject: North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California

Dear Ms. Curtis:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish (Department), collectively referred to as the Wildlife Agencies, have met numerous times with the County of San Diego (County) to discuss the hardline requirements, including footprint and preserve design, for the proposed McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project. This hardline agreement is proposed to be included in the County's North County Multiple Species Conservation Program (NCMSCP). Under the draft NSCMSCP, "hardline development projects" have planned development footprints within the Pre-Approved Mitigation Area (PAMA or preserve) that have been factored into the Plan's conservation analysis and goals/requirements and negotiated as "Take-Authorized" areas, as well as associated conserved lands. All hardlined projects must still comply with all applicable provisions of the Plan, County ordinances, and analyze a full range of alternatives under the California Environmental Quality Act (CEQA).

This project was discussed at multiple County MSCP staff/Wildlife Agency meetings from November 2005 through August 2010. In addition, we discussed the proposed project at the County Department of Planning and Land Use batching meeting on August 20, 2009, and at a County and Wildlife Agency coordination meeting on October 28, 2010. At the October 28, 2010, meeting the County and Wildlife Agencies reached agreement on the proposed NCMSCP "hardline" development footprint and mitigation strategy for the project.

The purpose of this letter is to memorialize the "hardline" agreement made at the October 28, 2010, meeting. The development footprint, preserve design, and mitigation criteria agreed to at the meeting to obtain a NCMSCP hardline for the project are identified below:

1. The development bubble proposed for the eastern property will be limited to the area outlined in red on the attached figure. Any changes to this hardlined area shall require written approval from the Wildlife Agencies.



2. Lands conserved that will be counted as baseline preserve (including restoration areas) and areas available to be used as future airport mitigation are shown in yellow and green on the attached figure. Any changes to the conserved area shall also require written approval from the Wildlife Agencies.
3. The following mitigation strategy will be implemented for impacts to southern maritime chaparral (SMC), coastal sage scrub (CSS) and vernal pool habitat:

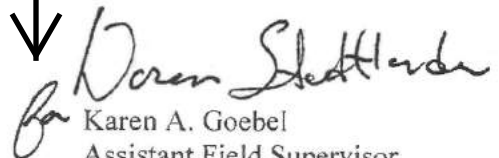
County's Proposed Actions	Vegetation Community Impacts	Proposed Mitigation/Preservation	
North Ramp	Vernal Pool Habitat (no fairy shrimp): 0.20 ac	Creation/Restoration at fallow ag (area outlined in pink on the attached figure): 6.78 ac	
	Chaparral, CSS & Dist. CSS (Occupied CAGN): 6.09 ac	@ 2:1 = 12.18ac	Total SMC = 35.55 ac
Industrial Park	So. Maritime Chaparral: approx 3.00 ac	@ 3:1 = 9.00ac	
SMC Preservation	NONE	Preservation of SMC as PAMA, used for future Airports mitigation: 14.37ac*	
NNG Preservation	NONE	Preservation of NNG as PAMA: 2.30 ac	
<b>TOTAL</b>	<b>9.29 ac</b>	<b>44.63 ac</b>	


\*The 14.37 acres of southern maritime chaparral credits remaining in PAMA on the eastern property can only be used for future mitigation needs of the McClellan-Palomar Airport in accordance with the NCMSCP and concurrence by the Wildlife Agencies. These credits cannot be sold, banked, or exchanged as mitigation for any other development or purpose.

4. All applicable requirements in the NCMSCP apply to the hardline and each specific development or use therein, and will be incorporated as part of project review to obtain coverage under the Plan (Section 7.5 of the draft NCMSCP). These requirements include development adjacency, compatible land uses in the preserve (e.g., designation of trails), long-term management of preserved open space, etc., and shall be included as enforceable conditions in all County permits, operations and authorizations to proceed work. If a project changes its hardline in a way that results in a greater impact, then an amendment to the Plan would be required (Section 4.2 of the NCMSCP).

Provided that the above-listed criteria are fully implemented, and there are no changes to the project design, we concur with incorporating the proposed project as a "hardline" project in the NCMSCP. If you have any questions, please contact Michelle Moreno of the Service at (760) 431-9440 or Randy Rodriguez of the Department at (858) 637-7100.

Sincerely,

  
 Karen A. Goebel  
 Assistant Field Supervisor  
 U.S. Fish and Wildlife Service

  
 Stephen Juarez  
 Environmental Program Manager  
 California Department of Fish and Game

Attachment





This map is for informational purposes only. It does not constitute an offer of insurance or any other financial product. The information on this map is provided for informational purposes only and should not be used as a basis for any investment decision. The information on this map is provided for informational purposes only and should not be used as a basis for any investment decision. The information on this map is provided for informational purposes only and should not be used as a basis for any investment decision.

Attachment B

City of Carlsbad Notice of Preparation for an  
Environmental Impact Report for the  
General Plan, Local Coastal Program, and  
Zoning Ordinance Update—PUBLIC  
REVIEW COMMENTS

January 25, 2011





# County of San Diego

## DEPARTMENT OF PUBLIC WORKS County Airports

Peter Drinkwater  
DIRECTOR OF AIRPORTS

1960 Joe Grosson Drive, El Cajon, CA 92020

(619) 956-4800 FAX: (619) 956-4801

Web Site: <http://www.sdcounty.ca.gov/dpw/airports.html>

A11-17

January 25, 2011.

Mr. Don Neu  
City Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Neu:

### **CITY OF CARLSBAD NOTICE OF PREPARATION FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN, LOCAL COASTAL PROGRAM, AND ZONING ORDINANCE UPDATE—PUBLIC REVIEW COMMENTS**

The County of San Diego Department of Public Works, Airports Division (County Airports) received the Notice of Preparation (NOP) for an Environmental Impact Report (EIR), dated December 2010, and appreciates this opportunity to comment.

McClellan-Palomar Airport is owned and operated by the County Airports and lies within the limits of the City of Carlsbad. The Airport has been at this location since 1942, was opened to the public in 1959, and serves the general aviation community, corporate aircraft and commercial services. It is an important part of the community and a major contributor to the local economy.

As the City of Carlsbad begins the process of a General Plan update, maintaining land use designations and zoning consistent with existing and planned uses is critical at McClellan-Palomar Airport. County Airports-owned land within the City of Carlsbad is shown in the Draft North County Multiple Species Conservation Plan (MSCP) proposed by the County of San Diego. Within APN 2090502500, the North County MSCP shows a portion of the County Airports-owned land as preserve, and a portion closest to the intersection of Palomar Airport Road and El Camino Real as future industrial, as

approved by the Resource Agencies. The General Plan update must reflect these use designations.

Compatibility between planned land uses and airport operations is imperative for the General Plan update. County Airports would like to maintain ongoing coordination with the City of Carlsbad and the San Diego County Regional Airport Authority, acting in its capacity as the San Diego County Airport Land Use Commission, in order to ensure the General Plan update is consistent with the Airport Land Use Compatibility Plan (ALUCP) for the airport. This also includes consistency with the Noise Impact Notification Area for McClellan-Palomar Airport.

Thank you for the opportunity to comment on the NOP, and look forward to receiving updates on the General Plan update progress.

Sincerely,



PETER DRINKWATER  
Director of Airports



A11-18

## Attachment C

# City of Carlsbad Draft General Plan and Coordination with County Airports on a New McClellan-Palomar Master Plan

March 19, 2014





# County of San Diego

**RICHARD E. CROMPTON**  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
COUNTY AIRPORTS  
1960 JOE CROSSON DRIVE, EL CAJON, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: [www.sdcountryairports.com](http://www.sdcountryairports.com)

March 19, 2014

A11-18

Mr. Don Neu  
City of Carlsbad Planning Department  
1635 Faraday Ave  
Carlsbad, CA 92008

## **CITY OF CARLSBAD DRAFT GENERAL PLAN AND COORDINATION WITH COUNTY AIRPORTS ON A NEW MCCLELLAN-PALOMAR MASTER PLAN**

Dear Mr. Neu:

The County of San Diego Department of Public Works, Airports Division (County Airports) has initiated the process of developing a new 20-year (2015-2035) Master Plan for McClellan-Palomar Airport as the current 1997 Master Plan nears the end of its planning period in 2015. We appreciate the ongoing participation of City staff at our McClellan-Palomar Airport Master Plan User Group Advisory Committee (UGAC) meeting on January 28, 2014 and at our first public Master Plan workshop held on February 5, 2014 at the Faraday Center. It is important for us to coordinate with City staff on the development of the McClellan-Palomar Airport Master Plan as the City continues an update of the General Plan. This is particularly relevant in the General Plan elements for Land Use, Mobility, Noise, and Safety.

As the City is already aware, interest in additional commercial air service at the Airport could potentially lead to a higher level of passenger enplanements and demand on the surrounding traffic network than experienced historically. As we discussed with your staff over the last year, we are also considering an eastern extension of the runway in the Master Plan, which could have a beneficial reduction in noise impacts to residential areas of Carlsbad. As the County analyzes the 20-year aviation forecasts, facility requirements, and airport development for this next planning period, we want to keep the City as an active and informed participant in the Master Plan process.

County Airports submitted a public comment letter dated January 25, 2011 in response to the City's Notice of Preparation for an Environmental Impact Report (EIR) for the General Plan. In our review of the publicly available draft General Plan, we have a few clarifying comments as follows:

### **1) The City's draft General Plan Section 2: Land Use**

- A. On page 2-43, Policy 2-P.37 states: "Prohibit the geographic expansion of McClellan-Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code)

A11-18

County Comment: The definition of “expansion” should be clarified to the reader. It is not clear what is meant by the term “expansion” either in the General Plan or in Carlsbad Municipal Code Section 21.53.015. Clarification was previously given as referenced in the meeting minutes of the Carlsbad City Council (Regular Meeting) on August 5, 1980, Item #31 states: “The City Attorney responded that the County would only need Council approval of expansion if same involved the acquisition of additional property, in which case, the adopted ordinance would require prior voter approval. Any expansion of existing property would not be affected” (emphasis added). By letter dated May 3, 1993 from former City Attorney Ron Ball to the County of San Diego, it was concluded that expansions subject to voter approval only meant acquisitions of property outside the existing airport boundaries for a use requiring a general plan amendment or other City legislative enactments.

## 2) The City’s draft General Plan Section 3: Mobility

- A. Page 3-7 first full paragraph under McClellan-Palomar Airport should be replaced as follows:

“The Federal Aviation Administration issued an airport operating certificate to McClellan-Palomar Airport as a Class 1 commercial service airport. The airport serves all types of scheduled operations of air carrier aircraft in excess of 30 seats, and can service small air carrier aircraft (more than 9 seats but less than 31 seats). The airport currently serves smaller general aviation aircraft up to larger corporate jet aircraft. McClellan-Palomar Airport is the only airport with an instrument landing system between Lindbergh Field and Santa Ana that can accommodate the majority of instrument rated aircraft. Currently, the airport provides commercial passenger service to Los Angeles.”

- B. Page 3-7 begins the description of McClellan-Palomar Airport, and the last paragraph states: “Medevac and transient helicopters also operate at the heliport/helipad located east of the runway. Because of the potential significant adverse impacts that could occur if the airport increased its aircraft and/or ancillary services, the Carlsbad Municipal Code prohibits the City Council from approving any legislative act (such as a zone change or general plan amendment) authorizing the expansion of McClellan-Palomar Airport without voter approval.”

County Comment: This section leads the reader to believe that “if the airport increased its aircraft and/or ancillary services...” that would constitute an expansion of the airport requiring voter approval. Reference comment #1 above regarding the definition of airport expansion as limited to the acquisition of additional property.

The language should be changed to reflect that a change in aircraft would not constitute an expansion of McClellan-Palomar Airport requiring voter approval.

## 3) The City’s draft General Plan Section 5: Noise

- A. Figure 5-2 Existing Noise Contours

County Comment: This figure should reference the year and number of operations reflected as the existing conditions.

- B. On Page 5-8 under “Airport Noise,” paragraph 2 states “Annual aircraft operations of 201,100 (as of 2006) are expected to increase over the next 20 years to approximately



A11-18

289,100 based on the airport's master plan." This language is misleading as the current master plan's 20 year forecast comes to an end in 2015. We recommend changing the language as follows: "The current Airport Land Use Compatibility Plan (ALUCP) modeled airport noise exposure levels based on approximately 289,100 operations, which is the aviation forecast in the current 1997 airport Master Plan." Also include reference to the County's Master Plan update that is currently underway. It should also acknowledge that as a part of the update, baseline noise conditions and noise exposure maps are being developed for 2013 and through the future planning year 2035, and the information as currently shown in the draft General Plan will be updated. The County will also be working with the San Diego County Regional Airport Authority (SDCRAA) to update the ALUCP with the findings of the new Master Plan.

- C. On Page 5-23, Policy 5-P.15 states: "Expect the airport to control noise while the city shall control land-use thus sharing responsibility for achieving and maintaining long-term noise/land use compatibility in the vicinity of McClellan-Palomar Airport."

County Comment: The "federal government has preempted the areas of airspace use and management, air traffic control, safety, and the regulation of aircraft noise at its source." FAA Order 5190.6B, p. 13-1 (emphasis added). The County does have limited authority as an airport proprietor to indirectly regulate aircraft noise through airport design and scheduling. Id. In accordance with 14 CFR Part 150, the County has developed a Noise Compatibility Plan for the airport. Within the limited authority available to it, the County can work to regulate noise, but must emphasize that this authority is significantly constrained.

#### 4) Section 6: Safety

- A. On Page 6-27, Section 6.5 Airport Hazards, it would be beneficial to advise the reader that the ALUCP contours are expected to change upon adoption of the new Master Plan by County Airports.

The County's draft North County Multiple Species Conservation Program (MSCP) covers the County-owned property associated with the Airport within the jurisdictional limits of the City of Carlsbad. Draft MSCP designations for Airport property were negotiated with the US Fish & Wildlife Service and California Department of Fish & Wildlife, (formerly Department of Fish & Game) and memorialized in the attached letter dated March 1, 2011. The County-owned property at the corner of Palomar Airport Road and El Camino Real is designated in the letter's figure, and the "Take Authorized" polygon depicts the anticipated limits of future development. County Airports does not currently have any proposals for development of the site, but development of the area is being considered in the new Airport Master Plan process for meeting future needs. Please ensure your zoning and land use maps are compatible with these designations.

Our tentative Master Plan schedule anticipates completion of the Plan at the end of 2014, which will be followed by the preparation of a Program Environmental Impact Report and consideration by the County Board of Supervisors at the end of 2015. Upon adoption of the Master Plan, the County will work with the SDCRAA, (acting in its capacity as the San Diego County Airport Land Use Commission) and the City in order to coordinate the Master Plan findings with the General Plan and the ALUCP.

↓ We also have updated information on the capacity of our existing facility and traffic counts at airport access points that we can share with your staff as you generate traffic forecasts in the

Mr. Neu  
March 19, 2014  
Page 4 of 4

A11-18

General Plan's Mobility element. As mentioned in the January 25, 2011 letter, we also want to ensure that regional aviation planning documents such as the SDCRAA's Regional Aviation Strategic Plan (RASP) are considered in your General Plan due to the anticipated impact on the ground transportation network around the airport. As also mentioned in the letter, we are interested in discussing the zoning and land use designations of County-owned land related to the Airport to reflect current and future site planning. According to your website, the draft EIR will be released to the public soon. The County would like to discuss the land use and traffic assumptions being modeled for Palomar Airport in the Draft EIR. My staff is available at your earliest convenience to discuss the items above to reach consistency between the City and County's planning documents for McClellan-Palomar Airport. Please contact Nick Alex, Airport Planner at 858-694-3915 or [Nicholas.Alex@sdcounty.ca.gov](mailto:Nicholas.Alex@sdcounty.ca.gov) to schedule a meeting.

Sincerely,



RICHARD E. CROMPTON, Director  
Department of Public Works

Attachment: "North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California." Dated March 1, 2011

Attachment: "City of Carlsbad notice of preparation for an environmental impact report for the general plan, local coastal program, and zoning ordinance update—PUBLIC REVIEW COMMENTS" Dated January 25, 2011

Cc: Jennifer Jesser, City of Carlsbad Planner, Peter Drinkwater, County Airports Director



A11-19

## Attachment D

City of Carlsbad Property Owner Notice  
APN 209-050-25-00  
April 3, 2014





# County of San Diego

**RICHARD E. CROMPTON**  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
COUNTY AIRPORTS  
1960 JOE CROSSON DRIVE, EL CAJON, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: [www.sdcountyairports.com](http://www.sdcountyairports.com)

April 3, 2014

Mr. Corey Funk, Associate Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave  
Carlsbad, CA 92008

## **CITY OF CARLSBAD PROPERTY OWNER NOTICE APN 209-050-25-00**

Dear Mr. Funk:

The County of San Diego Department of Public Works, Airports Division (County Airports) received a Property Owner Notice from the City of Carlsbad, dated March 13 2014, and appreciates this opportunity to comment. County Airports strongly objects to the proposed designation and zone change of future planned industrial land as open space.

As the City of Carlsbad nears the end of its General Plan update, maintaining land use designations and zoning consistent with existing and planned uses is critical at McClellan-Palomar Airport. The Property Owner Notice from the City of Carlsbad includes exhibits of Proposed General Plan Land Use that would rezone property currently designated as Planned Industrial (PI), to Open Space (OS). County Airports-owned land within the City of Carlsbad is shown in the Draft North County Multiple Species Conservation Plan (MSCP) proposed by the County of San Diego. Within APN 209-050-25-00, the Draft North County MSCP (see exhibit attached) shows a portion of the County Airports-owned land as preserve, and a portion closest to the intersection of Palomar Airport Road and El Camino Real as Take Authorized for future planned industrial, as approved by the US Fish & Wildlife Service and California Department of Fish & Wildlife (formerly Fish & Game) in a letter dated March 1, 2011 (enclosed). As was stated in the County Airports' letters to the City of Carlsbad dated January 25, 2011 and March 19, 2014, the parcel's zoning and land use designation in the City's General Plan must be consistent with these use designations.

A11-19

Compatibility between planned land uses and airport operations is imperative for the General Plan update. County Airports would like to maintain ongoing coordination with the City of Carlsbad and the San Diego County Regional Airport Authority, acting in its capacity as the San Diego County Airport Land Use Commission, in order to ensure the General Plan update is consistent with the Airport Land Use Compatibility Plan (ALUCP) for the airport.

Thank you for the opportunity to comment on the Property Owner Notice, and we look forward to receiving updates on the General Plan update progress.

Sincerely,



PETER DRINKWATER, Director of Airports

Department of Public Works

Attachment: "North County Multiple Species Conservation Program Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project, San Diego County, California." Dated March 1, 2011.

Attachment: "City of Carlsbad Draft General Plan and Coordination with County Airports on a new McClellan-Palomar Master Plan" Dated March 19, 2014

Cc: Mr. Don Neu, City of Carlsbad Planner

## Arts Commission Comments about the Arts Element document of the Draft General Plan 2014

These are the *main* concepts we were looking for and were achieved in the cultural arts policies.

A12-1

1. More gathering places and a bigger local venue
2. Secure funding for increased programs and public art
3. Programs designed for all the age groups and interests
4. Cooperation and partnering with community entities and businesses.

Here are our disappointments:

A12-2

1. We thought there would be more overlap of interests and cooperation between the historical resources and the library and education parts of the element. These policies seem to stand alone.
2. We are disappointed that architectural design, signage and landscape design were not considered as a cultural element in the plan. Vision and cooperation is needed in the planning of land uses.
3. In the Open Space & Recreation element, only recreational uses of spaces were listed, and no mention of using spaces for additional cultural programs.
4. Overall, it seems to us that the economic advantage of increased cultural arts, its visual aspects, and its vision in providing programming has not been given the respect it deserves in the overall documents, especially when the city is trying to attract tourists and high tech businesses in a world class environment. *Visual and performing arts can be an economic engine for businesses and visitors and should be included when mentioning tourism and taxes.*

Changes to the Cultural Arts Policies for consideration:

A12-3

- Add to the chart of institutions and programs on page 7-12  
California Center for the Arts in Escondido (regional)  
and  
Programs such as: 3-part art education  
Performance series of music

A12-4

- Changes to pages 7-24 & 7-25

P13 Take out the word "small" before affordable spaces.

P14. Take out "when possible"

P16 Take out 1<sup>st</sup> part of top sentence and change wording to start with "Ensure that appropriate funding is provided for the development of a broad ....."

A12-5

- As for the manager's suggestions; we would:

P19 delete existing sentence and replace it with the manager's statement titled p32 starting with "Foster..... (noted as p32 in memo)

P22. Add a new number by incorporating manager's statement starting with "Develop programs..... (noted as p33 in memo)

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007



Jennifer Jesser  
Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

August 4, 2014

Dear Ms. Jesser:

A13-1

The State Board of Forestry and Fire Protection (Board) is required to review and provide recommendations to the safety element of county and local government general plans when such plans are being amended. This review is in accordance with Government Code (GC) §65302.5 which requires the Board to review the fire safety elements when the general plans contains State Responsibility Areas or Very High Fire Hazard Severity Zones.

Enclosed is the final review and recommendations titled "*City of Carlsbad Review of the Fire Safety Element.*" The Board has prepared this document in cooperation with members of the San Diego Unit.

We recognize and apologize that these comments are outside the 60 day deadline from your submittal date; we appreciate your consideration of these recommendations and look forward to your response.

Thank you for the opportunity to participate in your planning process and we look forward to working with you on these recommendations. We hope this input leads to greater protection and reduced cost and losses from wildfires to the City of Carlsbad and adjacent wildlands.

Sincerely,

Edith Hannigan  
Board Staff

CC: Kathleen Edwards, MVU  
Board of Forestry and Fire Protection, Resource Protection Committee



# City of Carlsbad

## San Diego Unit

### General Plan Safety Element Assessment Version 2

July 30, 2014

Board of Forestry and Fire  
Protection



#### Contents

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**Purpose and Background:** The State Board of Forestry and Fire Protection (BOF/Board) is required to review and make recommendations for the fire safety element of general plan updates in accordance with Government Code (GC) §65302.5. The review and recommendations apply to those general plans with State Responsibility Area (SRA) (Public Resources Code 4125) or Very High Fire Hazard Severity Zones (VHFHSZ) (GC 51175).

The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- *“The draft elements...to the fire safety element of a county’s or a city’s general plan...shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ].”*
- *“The Board shall... review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element....”*
- *“Prior to adoption of the draft element..., the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors...determines not to accept all or some of the recommendations..., the Board of Supervisors... shall communicate in writing to the Board its reasons for not accepting the recommendations.”*

**Methodology for Review and Recommendations:** The Board established a standardized method to review the safety element of general plans. The methodology includes 1) examining the general plan for inclusion of factors that are important for mitigation of fire hazard and risks, and 2) making recommendations related to these factors. The evaluation factors and recommendations were developed using CAL FIRE technical documents and input from local fire departments.

Enclosed are a set of recommendations directed at communities that include:

- Medium Very High Fire Hazard Severity Zone acreage and/or State Responsibility Area acreage, or abuts large amounts of VHFHSZ/SRA
- Some existing, stable financial and physical resources
- General community support
- Some previous wildfire protection planning efforts

The General Plan Safety Element of each jurisdiction that fits those criteria will be assessed based on the recommendations below.



## Review Process and Timeline

The county, local jurisdiction, and local fire unit will receive and review technical guidance documents, the BOF checklist, and other relevant information from the Governor's Office of Planning and Research and CAL FIRE.



The county or local jurisdiction will work closely with the local fire unit during the development of the general plan and the safety element in particular.



**90 days prior to the adoption or amendment of the General Plan:** The county or local jurisdiction will submit the safety element to the local fire unit for review.



**No more than 30 days later:** The unit will submit to the BOF their findings and recommendations.



**No more than 60 days later:** The Board will consider the fire unit's recommendations and will approve or approve with amendments the recommendations at the next Board meeting.

# Standard List of General Plan Safety Element Recommendations

Please click on the appropriate box to “check” whether the plan satisfies each point. Standard recommendations are included in the checklist but please highlight or add additional comments as necessary.

## 1.0 Inter-agency Wildfire Protection Planning

1.1 General Plan references and incorporates County or Unit Fire Plan: Yes Partial No

**Recommendation:** Identify, reference or create (if necessary) a fire plan for the geographic scope of the General Plan. The General Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan. Identify or reference the local Unit Fire Plan and, if applicable, the Community Wildfire Prevention Plan.

**Priority:** High Medium Low N/A

**Recommendation:** Ensure fire plans incorporated by reference into the General Plan contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

**Priority:** High Medium Low N/A

A13-3 | **Recommendation:** According Federal Register, the City of Carlsbad is listed as a Community at Risk from wildland fire. Given this recognition, consider utilizing the Community Wildfire Protection Plan for evaluations of wildland fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

**Priority:** High Medium Low N/A

1.2 Map or describe existing emergency service facilities and areas lacking services, specifically noting any areas in SRA or VHFHSZs. Yes Partial No

**Recommendation:** Include descriptions of emergency services including available equipment, personnel, and maps of facility locations.

**Priority:** High Medium Low N/A

**Recommendation:** Initiate studies and analyses to identify appropriate staffing levels and equipment needs commensurate with the current and projected emergency response environment.

**Priority:** High Medium Low N/A

**Recommendation:** Establish goals and policies for emergency service training that meets or exceeds state or national standards.

**Priority:** High Medium Low N/A

1.3 Inter-fire service coordination preparedness/mutual aid and multi-jurisdictional fire service

agreements. Yes Partial No

**Recommendation:** Adopt the Standardized Emergency Management Systems for responding to large scale disasters requiring a multi-agency response. Ensure and review mutual aid/automatic aid and other cooperative agreements with adjoining emergency service providers.

**Priority:** High Medium Low N/A

**Additional Wildfire Protection Planning Recommendations:**

**2.0 Land Use:**

2.1 Disclose wildland urban interface hazards including Fire Hazard Severity Zones designations and other vulnerable areas as determined by CAL FIRE or fire prevention organizations.

Yes Partial No

Describe or map any Firewise Communities or other firesafe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organizations.

Yes Partial No

**Recommendation:** Specify whether the entity has a Very High Fire Hazard Severity Zones (VHFHSZ) designation pursuant GC 51175 and include a map of the zones that clearly indicates any area designated VHFHSZ.

**Priority:** High Medium Low N/A

**Recommendation:** Adopt CAL FIRE recommended Fire Hazard Severity Zones including model ordinances developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

**Priority:** High Medium Low N/A

A13-4

**Recommendation:** Consider fostering community wildland fire protection by establishing partnerships with programs such as the Fire Safe Council, Firewise communities or through other local organization that support wildland fire awareness.

**Priority:** High Medium Low N/A

2.2 Goals and policies include mitigation of fire hazard for future development. Yes Partial No

A13-5

**Recommendation:** Adopt fire safe development codes to be used as standards for fire protection for new development in Very High Fire Hazard Severity Zones (VHFHSZ) within the entity's jurisdiction that meet or exceed statewide standards in 14 California Code of Regulations Section 1270 et seq and have them certified by the Board of Forestry.

**Priority:** High Medium Low N/A

**Recommendation:** Establish goals and policies for specific ordinances, or specify the current existing ordinances, code sections, or regulations, that address evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Consider mitigation of previously developed areas that do not meet Title 14 California Code of Regulations Section 1270 et seq. or equivalent local ordinance.

**Priority:**  High  Medium  Low  N/A

- 2.3 The design and location of new development provides for adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allows civilian egress during an emergency:  Yes  Partial  No

**Recommendation:** Develop pre-plans for fire prone areas that address civilian evacuations to temporary safety locations.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Develop a policy that approval of parcel maps and tentative maps is conditional based on meeting regulations adopted pursuant to §4290 and 4291 of the Public Resources Code, particularly those regarding road standards for ingress, egress, and fire equipment access.

**Priority:**  High  Medium  Low  N/A

- 2.4 Fire suppression defense zones.  Yes  Partial  No

A13-6 **Recommendation:** Establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed.

**Priority:**  High  Medium  Low  N/A

- 2.5 Prioritizing asset protection from fire when faced with a lack of suppression forces.  
 Yes  Partial  No

A13-7 **Recommendation:** Identify and prioritize protection needs for assets at risk in the absence of response forces.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Establish fire defense strategies (such as fire ignition resistant areas) that

A13-8 provide adequate fire protection without dependency on fire resources (both air and ground) and could serve as safety zones for the public or emergency support personnel.  
**Priority:**  High  Medium  Low  N/A

**Additional Land Use Planning Recommendations:**

**3.0 Housing:**

3.1 Incorporation of current fire safe building codes.  Yes  Partial  No

**Recommendation:** Adopt building codes for new development in State Responsibility Areas or incorporated areas with VHFHSZ that are based on those established by the Office of the State Fire Marshal in Title 19 and Title 24 CCR, referred to as the “Wildland Urban Interface Building Codes.”

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Ensure new development proposals contain specific fire protection plans, actions, and codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

**Priority:**  High  Medium  Low  N/A

3.2 Consideration of diverse occupancies and their effects on wildfire protection.  
 Yes  Partial  No

A13-9 **Recommendation:** Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other unique structures/owners, are considered for appropriate wildfire protection needs.

**Priority:**  High  Medium  Low  N/A

3.3 Fuel modification around homes.  Yes  Partial  No

**Recommendation:** Establish ordinances in SRA or VHFHSZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines for SRA and the Very High Fire Hazard severity zones, including vacant lots.

See [http://www.bof.fire.ca.gov/pdfs/Copyof4291finalguidelines9\\_29\\_06.pdf](http://www.bof.fire.ca.gov/pdfs/Copyof4291finalguidelines9_29_06.pdf)

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Reduce fuel around communities and subdivisions, considering fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near high or very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

**Priority:**  High  Medium  Low  N/A

3.4 Identification and actions for substandard fire safe housing and neighborhoods relative to fire hazard area.  Yes  Partial  No

A13-10

**Recommendation:** Identify and map existing housing structures that do not conform to contemporary fire standards in terms of building materials, perimeter access, and vegetative hazards in VHFHSZ or SRA by fire hazard zone designation.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Identify plans and actions to improve substandard housing structures and neighborhoods. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, neighborhood-wide fuels hazard reduction projects, community education, and other community based solutions.

**Priority:**  High  Medium  Low  N/A

A13-11

**Recommendation:** Consider developing funding opportunities and/ or partnerships to assist with retrofitting the substandard housing structures and neighborhoods within the VHFHSZ to current fire safe standards.

**Priority:**  High  Medium  Low  N/A

3.5 Assessment and projection of future emergency service needs.  Yes  Partial  No

**Recommendation:** Ensure new development includes appropriate facilities, equipment, personnel and capacity to assist and support wildfire suppression emergency service needs. Future emergency service needs should be:

- Established consistent with state or national standards.
- Developed based on criteria for determining suppression resource allocation that includes elements such as identified values and assets at risk, ignition density, vegetation type and condition, as well as local weather and topography.
- Local Agency Formation municipal services reviews for evaluating level of service, response times, equipment condition levels and other relevant emergency service information.

**Priority:**  High  Medium  Low  N/A

**Additional Housing/Structures and Neighborhoods Recommendations:**



**4.0 Conservation and Open Space:**

4.1 Identification of critical natural resource values relative to fire hazard areas. Yes Partial No

**A13-12** | **Recommendation:** Identify critical natural resources and other “open space” values within the geographic scope of the General Plan.  
**Priority:** High  Medium  Low N/A

4.2 Inclusion of resource management activities to enhance protection of open space and natural resource values. Yes Partial No

**A13-13** | **Recommendation:** Develop plans and action items for vegetation management that provides fire damage mitigation and protection of open space values.  
**Priority:** High  Medium  Low N/A

**A13-14** | **Recommendation:** Establish goals and policies for reducing the wildland fire hazards within the entity’s boundaries and, with the relevant partners, on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts with fire hazards that threaten the entity’s jurisdiction.  
**Priority:** High  Medium  Low N/A

4.3 Integration of open space into fire safety effectiveness. Yes Partial No

**A13-15** | **Recommendation:** Establish goals and policies for incorporating systematic fire protection improvements for open space. Specifics policies should address fire mitigation planning with agencies/private landowners managing open space adjacent to the General Plan area, water sources for fire suppression, and other fire prevention and suppression needs.  
**Priority:** High  Medium  Low N/A

**Additional Conservation and Open Space Recommendations:**

**5.0 Circulation:**

5.1 Adequate access to high hazard wildland/open space areas. Yes Partial No

**A13-16** | **Recommendation:** Establish goals and policies for adequate access in Very High Fire Hazard Severity Zones that meet or exceed standards in Title 14 CCR 1270 for lands with no structures, and maintain conditions of access in a suitable fashion for suppression access or public evacuation.  
**Priority:** High  Medium  Low N/A

5.2 Incorporate a policy that provides for a fuel maintenance program along roadways in the agency having jurisdiction. Yes Partial No

A13-17

**Recommendation:** Develop an adaptive vegetation management plan that considers fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

**Priority:**  High  Medium  Low  N/A

5.3 Emergency response barriers.  Yes  Partial  No

**Recommendation:** Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

**Priority:**  High  Medium  Low  N/A

5.4 Adequacy of existing and future transportation system to incorporate fire infrastructure elements.  
 Yes  Partial  No

**Recommendation:** Establish goals and policies for proposed and existing transportation systems to facilitate fire infrastructure elements such as turnouts, helispots and safety zones.

**Priority:**  High  Medium  Low  N/A

**Additional Circulation and Access Recommendations:**

**6.0 Post Fire Safety, Recovery and Maintenance:**

The post fire recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk. They also provide for immediate post-fire life and safety considerations to mitigate potential losses to life, human assets and critical natural resources.

6.1 Develop post-fire priorities and goals for the recovery of the built and natural environments.  
 Yes  Partial  No

**Recommendation:** Reevaluate hazardous conditions and provide for future fire safe conditions. Evaluate redevelopment in high or very high fire hazard severity zones.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Restore sustainable landscapes and restore functioning ecosystems. Incorporate wildlife habitat/endangered species considerations.

**Priority:**  High  Medium  Low  N/A

A13-18

**Recommendation:** Provide polices and goals for maintenance of the post-fire-recovery projects, activities, or infrastructure.

**Priority:**  High  Medium  Low  N/A

6.2 Post fire life and safety assessments. Yes Partial No

A13-19

**Recommendation:** Develop frameworks for rapid post-fire assessment and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire.

**Priority:** High  Medium  Low N/A

**Additional Post Fire Safety, Recovery and Maintenance Recommendations:**

**Additional Recommendations:**

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## Agency Responses

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### AGENCIES

#### **A1: Pechanga Band of Luiseño Indians**

- A1-1: The comment requests a formal consultation under Senate Bill 18, which requires cities to notify and consult with California Native American tribes regarding proposed local land use planning decisions for the purpose of protecting traditional tribal cultural places, prior to adopting or amending a General Plan or designating land as open space. The city notified the Pechanga Tribe (Tribe) pursuant to Senate Bill 18 on September 3, 2013. The city acknowledges the Tribe's formal request for consultation and has notified the Tribe throughout the environmental review process.
- A1-2: The comment requests inclusion of the Tribe on the distribution list and public hearings for the Project. The city has added the Tribe to the notification list for distribution of and notification of public hearings for the draft General Plan and EIR.
- A1-3: The comment describes the location of the city within the Tribe's aboriginal territory and the cultural sensitivity of the area. Chapter 3.7 of the draft EIR discusses Historical, Archaeological and Paleontological Resources within the city. The comment does not address the adequacy or accuracy of information provided in the draft EIR; therefore, no further response is required.
- A1-4: The comment expresses concern regarding the protection of unique and irreplaceable cultural resources in the City of Carlsbad, and the potential for inadvertent discovery during ground disturbing work. The impact analysis found on pages 3.7-18 to 3.7-23 in Chapter 3.7 of the draft EIR, includes a discussion of potential impacts to such resources and identifies the draft General Plan goals and policies that would ensure preservation and protection of significant historical, archaeological, and paleontological resources. As described in Chapter 3.7 of the draft EIR, implementation of the proposed goals and policies would ensure that impacts to cultural resources remain less than significant and no mitigation measures are required.
- A1-5: The comment reiterates the Tribe's desire to be involved in the CEQA and Senate Bill 18 processes and requests copies of all documents related to cultural resources. Please see responses to comments A1-1 and A-4 for a discussion of the Senate Bill 18 process and the goals and policies that focus on preserving and protecting significant historical, archaeological, and paleontological resources. The documents used in preparation of the draft EIR, specifically the *Envision Carlsbad* working papers, which include the background cultural resources information, are available on the city's website at: <http://web.carlsbadca.gov/services/departments/community/envision-carlsbad/Pages/Documents.aspx>.

A1-6: The comment on participation in the environmental review process and further comment on the draft General Plan is appreciated and will be taken into consideration. No further comments from the Tribe were received on the draft EIR.

**A2: Rincon Band of Luiseño Indians**

A2-1: The comment provides background information on the contents of the letter. No response is required.

A2-2: The comment expresses concerns regarding the potential impacts of the draft General Plan on the protection and preservation of Native American cultural assets given the location of the project within the Luiseno Aboriginal Territory. The comment also requests information and updates regarding the project. The analysis in Chapter 3.7 of the draft EIR, from pages 3.7-18 to 3.7-23, includes a discussion of potential impacts to cultural resources and identifies the draft General Plan goals and policies that would ensure preservation and protection of significant historical, archaeological, and paleontological resources, including Native American cultural assets. As described in Chapter 3.7 of the draft EIR, implementation of the proposed goals and policies would ensure that impacts to cultural resources remain less than significant and no mitigation measures are required. The city has added the Rincon Cultural Resources Department to the notification list for information regarding the project.

A2-3: The contact information for Rincon Cultural Resources Department has been added to the city's notification list regarding the project.

**A3: County of San Diego**

A3-1: The commenter received a notice from the city informing them of a proposed land use designation change on their property, which was to change a portion of the property from the Government (G) and Planned Industrial (PI) designations to Open Space (OS). This change would make the land use designation consistent with the existing Open Space zone boundary. The comment objects to the proposal. After considering the comments, staff has revised the proposed OS boundary to the commenter's satisfaction (see response to comment A3-2 for more information).

A3-2: The comment expresses that the objection pertains to the city's proposal to designate as open space land that the property owner (County of San Diego) wishes to maintain as a Planned Industrial (PI) designation. The comment refers to a letter, dated March 1, 2011, and exhibit from the U.S. Fish and Wildlife Service and California Department of Fish and Game that, pursuant to the North County Multiple Species Conservation Program (NCMSCP), identifies the areas of the property that the wildlife agencies and the county agreed will be preserved as hardline open space, as well as pre-approved mitigation areas, and areas where habitat take is authorized. The comment also references and includes copies of two letters from the county to the city dated March 2014 and January 2011 (see comments A11-16 through A11-18) that reinforce the commenter's objective to ensure the city's land use and zoning designations are consistent with the county's existing and planned uses.

Based on the county's agreement with the wildlife agencies, staff agrees that the city's open space land use and zone boundaries should be adjusted to follow the area identified by the wildlife agencies as hardline and preserve areas. The draft General Plan Land Use Map has been modified to reflect this open space boundary adjustment. The revised proposal would result in more area designated for open space and less designated for development as compared to the land use map that was analyzed in the draft EIR and therefore, this change does not require additional environmental analysis. Furthermore, the open space boundary will now more accurately identify the sensitive habitat areas that must be preserved (per the NCMSCP). City staff has provided a revised draft land use and zoning map exhibit to the county, and the county has indicated their concurrence with the revised exhibits. Please see attachments to letters A3 and A11 (comments A11 – A16).

#### **A4: State of California Public Utilities Commission**

A4-1: The comment encourages that the General Plan contain language that future new development adjacent to or near the railroad right-of-way be planned with the safety of the rail corridor in mind. Draft General Plan Policy 3-P.39 provides that the city will, "Coordinate with other agencies and private entities to investigate methods of improving service, implementing a quiet zone, and enhancing connectivity and safety along the rail corridor; such as through development of a grade separated rail corridor that includes grade separated street crossings at Grand Avenue, Carlsbad Village Drive, Tamarack Avenue and Cannon Road, as well as new pedestrian and bicycle crossings at Chestnut Avenue, Chinquapin Avenue and the Village and Poinsettia COASTER stations.."

Additionally, a section has been added to the Public Safety Element to address railroad hazards and articulate the city's support for grade-separating the railroad tracks to improve east-west access and improve safety by reducing the potential for train collisions with automobiles, cyclists, and pedestrians. A new goal and policy regarding railroad safety have been added, as follows:

6-G.4 Minimize safety hazards related to emergency service, automobile, bicycle and pedestrian access across the railroad.

6-P.19 Coordinate with other agencies and private entities to investigate methods of improving service safety along and across the rail corridor; such as through development of a grade separated rail corridor that includes grade separated street crossings at Grand Avenue, Carlsbad Village Drive, Tamarack Avenue and Cannon Road, as well as new pedestrian and bicycle crossings at Chestnut Avenue, Chinquapin Avenue and the Village and Poinsettia COASTER stations.

A4-2: The commenter's contact information has been added to the city's notification list regarding the project.

#### **A5: San Diego Gas & Electric Company**

A5-1: The comment references a notice from the city that informed SDG&E of the proposal to change the land use designation on their property (part of the existing Encina Power

Station site on the northeast corner of Carlsbad Blvd. and Cannon Rd.). The proposed land use designation change is from Public Utilities (U) to Visitor Commercial (VC) and Open Space (OS). As noted by the comment, city staff met with SDG&E representatives to discuss the proposed designation change.

- A5-2: The comment refers to a settlement agreement between the city, Cabrillo Power I LLC, Carlsbad Energy Center LLC, and SDG&E. The agreement requires the Encina Power Station to be decommissioned, demolished, removed and remediated, including the associated structures, the black start unit and exhaust stack; the agreement also addresses construction of a new power plant in a different location and the relocation of SDG&E's existing service center. The comment suggests that until SDG&E selects a new site for their service center, SDG&E would prefer the land use and zoning designations not be changed. City staff does not agree with this suggestion, the purpose of the General Plan land use map is to identify what the intended future use of land is. In regard to the existing Encina Power Station site, it is the city's intent that the power station be removed (per the settlement agreement noted above) and, per the community visioning and outreach that was conducted for the draft General Plan, it is the community's preference that the site be developed in the future with visitor commercial and open space uses. As evaluated in the draft EIR, the draft General Plan appropriately identifies the future intended use of the land as visitor commercial and open space. Redevelopment of the site will occur only if and when the existing power plant is demolished and the site is remediated. At this time, there is no specific development plan to redevelop the property. Environmental impacts associated with removal of the existing power plant and any future development proposal will be evaluated pursuant to CEQA at the time such proposals are submitted to the city.
- A5-3: The comment again requests the land use and zoning designations not be changed at this time. See response to comment A5-2.

#### **A6: Vallecitos Water District**

- A6-1: The comment provides a summary of the commenter's understanding of the draft General Plan, CAP, and EIR. To clarify, the draft General Plan does not establish the maximum level of development that can occur within the planning area; rather, it describes the estimated new development anticipated to result from the application of the land uses shown on the proposed Land Use Map. Please see Section 2.4, General Plan Buildout, on pages 2-17 to 2-18 of the draft EIR.
- A6-2: The comment provides background on Vallecitos Water District and the San Marcos Interceptor pipeline, which travels through the city. No environmental issues are raised; therefore, no response is required.
- A6-3: The comment describes the rules and regulations of Vallecitos Water District relating to water and sewer service and facilities. The comment also describes the process for relocating facilities if necessary as a result of development and specifies restrictions regarding structures in close proximity to District facilities. The comment does not



address the adequacy or accuracy of information provided in the draft EIR; therefore, no further response is provided.

- A6-4: The information on Vallecitos Water District's Ordinance No. 162, identifying a 10 percent voluntary water conservation level is appreciated. The draft General Plan contains a number of goals and policies to promote water conservation, such as proposed policies 9-P.3, 9-P.4, 9-P.5, and 9-P.6.
- A6-5: This comment describes the Vallecitos Water District's water supply sources. No response is required.
- A6-6: This comment states the Vallecitos Water District's requirement for water and sewer studies for any specific development within Vallecitos Water District boundaries. These requirements will be considered by the city in connection with the environmental review of site-specific development proposals.
- A6-7: The comment refers to Figure 2-1 of the draft General Plan, which is included in the draft EIR as Figure 2.2-1, as the proposed Land Use Map and expresses the commenter's concern regarding the impacts of any proposed changes on its facilities. The land use designations questions are addressed in responses to comments A6-8, A6-9 and A6-10 below.
- A6-8: This comment refers to "change in land use from E (elementary school) to P (public) and requests that the city provide a methodology to distinguish schools from other public facilities since water capacity determinations differ between the schools and other public facilities within the VWD service area. It is important to note that the only land use designation changes proposed within the VWD services area are changing of labels/titles (e.g., changing the titles of the residential land use designations), consolidating land use designations that are public in nature (such as school designations) to the new Public (P) designation, and changing the designation of properties that currently have residential designations but are used as open space to the Open Space (OS) designation. All properties affected by these proposed designation changes within the VWD service area are already fully developed.

Regarding the specific comment on changing land uses from E (elementary school) to P (public), the current General Plan contains different land use designations for a variety of different public and quasi-public uses, such as schools. The draft General Plan proposes to consolidate these varied designations into a single new Public (P) designation, which will be a broader land use category intended for all of these public and quasi-public uses.

Regarding the request for the city to develop a methodology to distinguish schools from other public facilities, while the draft General Plan Land Use Map does not label sites as schools, there are various other data sources to identify school sites (i.e., information from the school district and Figure 7-1 of the draft General Plan). The property described in the comment is owned and operated by SMUSD as an elementary school. An elementary school is consistent with the proposed Public (P) designation. For more

specific details on the long-term plans by SMUSD for the elementary school, VWD should contact SMUSD.

- A6-9: This comment refers to the draft General Plan Land Use Map and states that the map shows a residential designation on sites with water tanks and reservoirs; the comment states that residential does not seem appropriate for such sites and suggests that a public facility land use designation would more appropriate. No change is proposed from a residential land use designation to public facility designation because there is no conflict between the existing residential land use and zoning designations and no conflict between the residential designation and the existing public facility uses. Public and quasi-public buildings and facilities are permitted in residential land use designations and zones. In addition, no request by the property owner was received during the preparation of the draft General Plan asking the city to consider changing the designation of the property.

The comment also makes reference to the city's proposal to change the designation of sites (that contain tanks and reservoirs) from RL to R-1.5 - this is not a land use change, but rather is a change in the land use label for the residential low density land use category; the density range is not changing. The city is not proposing to change the current land use designation of such sites (other than the label change), as no conflict exists between land use designations, zoning and existing uses.

- A6-10: This comment refers to the areas designated as open space on the draft General Plan land use map and requests that the city provide a methodology to distinguish parks, greenbelts, etc. from natural open space areas since water and sewer capacity differs between these uses. The land use map shows planned land use throughout the city, in terms of broad land use categories; the map does not necessarily reflect existing land use and does not identify specific types of land use. For example, the city defines "open space" as land that includes natural resources, parks, agriculture, and aesthetic and cultural purposes; and within these different types of open space, various types of uses are allowed. The General Plan land use map is intended to be "general", not specific as requested in the comment. Figure 4-1 of the draft General Plan identifies the different types of open space in the city (natural resources, parks, etc.), which may be of some assistance to the water district. The water district may also find information to identify the existing use of land from SANDAG and the County of San Diego Assessor.

- A6-11: The comment refers to information provided by the city that states that, although the city is changing the names of the residential land use designations, the density ranges allowed by each designation are not changing. The comment also states that by grouping some of the existing land uses into more broad land use categories, it may make it more difficult for the VWD to determine the appropriate water and wastewater capacity for these areas. Please see responses to comments A6-8, A6-9 and A6-10 above for an explanation of the land use designation changes.

The residential land use designation title/label changes will reflect the allowed residential density in the title of the designation (e.g., R4 reflects the current density range of 0-4 dwellings per acre vs. the current corresponding RLM title, which does not indicate the

allowed density); the residential title changes should assist the VWD in identifying allowed residential densities on specific properties.

Regarding the comment that it is more difficult for the district to determine water capacity needs for areas when land use categories are broad, as mentioned in responses to comments A6-8 and A6-10, there are other data sources that the VWD can utilize to identify the actual use of land. These sources include school districts, SANDAG, County of San Diego Assessor and city permit records. The General Plan Land Use Map should not be used as the sole source for identifying actual land uses, as it is a map that identifies planned land use, which is not necessarily the same as existing land uses.

A6-12: This comment states Vallecitos Water District's request to be notified and included in future public review and request for copies of related studies and environmental documents. The city has added Vallecitos Water District to its notification list and will continue to work with the District staff.

#### **A7: San Marcos Unified School District**

A7-1: The comment provides updated information about the district's enrollment data on page 7-17 (Table 7-6) of the draft General Plan. Table 7-6 has been revised with the updated enrollment number accordingly. Please see response to comment A7-5 for a change to the draft EIR.

A7-2: The comment provides updated information about the District's funding and planned improvements on page 7-19 of the draft General Plan. This information has been added to the draft General Plan.

A7-3: The comment states that the District charters Bayshore Preparatory Charter, a charter school which is available to students living in Carlsbad. This information has been added to the draft General Plan.

A7-4: The comment provides a correction for Alga Norte Community Park, which is no longer "under construction" and opened on December 31, 2013. Figure 3.11-1 of the draft EIR has been updated in Chapter 3 of this final EIR. Likewise, draft General Plan Figure 4-3 has been similarly updated.

A7-5: The comment provides updated enrollment information. Table 3.11-6 of the draft EIR has been updated in Chapter 3 of this final EIR to reflect the updated information.

A7-6: The contact information has been added to the city's notification list regarding the project.

#### **A8: Caltrans**

A8-1: This comment acknowledges portions of the draft EIR that address Caltrans matters. No response is required.

- A8-2: This comment encourages the city to coordinate with Caltrans on the implementation of necessary improvements. Draft General Plan Policies 3-P.15 and 3-P.16 discuss coordination and partnership with Caltrans to implement solutions at Caltrans' facilities. Accordingly, the city agrees to cooperate with Caltrans to implement solutions in the city.
- A8-3: The transportation assessment in Appendix G of the draft EIR was an early step in assisting the decision makers in refining the land use approach for the draft General Plan. Given the broad assessment associated with the alternatives evaluation, global transportation metrics (such as VMT and percentage of population within a transit catchment area) are appropriate for comparing land use plans. Although alternatives assessment does not typically involve detailed assessment for study facilities, in response to this comment a complete comparison of forecasted traffic volumes on Caltrans ramps within the city was conducted, which identified the alternatives that would be most impactful to Caltrans ramps.

To complete this assessment, the city and EIR consultants reviewed travel demand forecasting model outputs (generated by SANDAG) that were completed as part of the draft EIR alternatives assessment and the preferred plan model runs. Using daily traffic projections and assuming a planning capacity of 15,000 vehicles per lane per day on the ramps, the number of locations were identified where the model volume-to-capacity ratio exceeds 0.80 (or, the threshold between LOS C and LOS D). Please note that raw, unadjusted model forecasts were used for this assessment (raw model forecasts are not considered appropriate for identifying project impacts; however, they are sufficient for comparing alternatives to each other). The results indicated that the draft General Plan is likely to be the least impactful to Caltrans ramps, while Alternative 1 is likely the most impactful to Caltrans Ramps. Between alternatives 2 and 3, Alternative 3 is likely to result in slightly more impacted locations than Alternative 2. In regard to the reduced density alternative, the technical assessment of impacts was conducted prior to development of the reduced density alternative, which was provided in the recirculated portions of the draft EIR; however, the reduced density and intensity of development would result in fewer impacts compared to the draft General Plan.

To address the impacts future development may have on Caltrans facilities, a new policy is proposed to be added to the draft General Plan that requires developers of projects, which are determined to have a significant impact on Caltrans freeway facilities, to enter into a mitigation agreement with Caltrans to determine any necessary improvements and the payment of a fair share toward improvements of highway facilities.

- A8-4: The comment references page 3.13-13 of the draft EIR and states that the draft EIR's "proposed mitigation measure 3-P.11 is to evaluate implementing a road diet...for existing four lane streets...to promote biking, walking, safer street crossings..." The comment requests clarification regarding the locations where the policy will be implemented and states that any work within Caltrans right-of-way needs to be constructed to Caltrans standards, as acknowledged on page 3.13-13 of the draft EIR. Rather than a "mitigation measure", Policy 3-P.11 is a draft General Plan policy that is intended to assist in reducing potential impacts of future development. Although the

specific locations where Policy 3-P.11 would be implemented have not yet been determined, the policy would apply to existing four-lane streets carrying or projected to carry 25,000 average daily traffic volumes or less and would require an evaluation of such streets to determine whether a “road diet” (i.e., reduced lanes) should be implemented to promote biking, walking, safer street crossing and attractive streetscapes. Such streets include those streets classified on draft General Plan Figure 3-1 as Connector Streets, Identify Streets, Coastal Street, Employment Streets and some segments of Arterial Streets; however, some street segments within these street classifications currently carry more than 25,000 average daily traffic volumes and would not be candidates for a road diet, those street segments are:

- Cannon Road from Carlsbad Boulevard to Paseo Del Norte
- Carlsbad Village Drive from Harding Street to I-5 Southbound
- College Boulevard from North city limits to Cannon Road
- La Costa Avenue from I-5 to El Camino Real
- Poinsettia Lane from Carlsbad Boulevard to Aviara Parkway

The city acknowledges that that any work within Caltrans’ right-of-way will require Caltrans coordination and approval. It should also be noted that the following Caltrans’ policies related to complete streets also support the city’s exploration of this type of complete street policy: DD-64-R1, DP-22, Caltrans’ Complete Streets Implementation Action Plan, Caltrans’ endorsement of the NACTO Urban Bikeway Design Guide, and Caltrans’ Main Street guidelines.

- A8-5: This comment notes the draft EIR’s finding that impacts to I-5 and SR-78 are considered significant and unavoidable because implementation of improvements necessary to reduce impacts is not within the control of the city, and states there are plans to improve the I-5 and SR-78 corridors and Caltrans supports “fair share” contributions for all cumulative impact mitigations. The city is aware of the improvements to I-5 and SR-78 as they are included as funded projects in the SANDAG Regional Transportation Plan and are reflected in the assessment. A description of these projects has been added to the Draft EIR on pages 3.13-1 and 3.13-2. In order to reduce the potential impacts of future development allowed under the draft General Plan on freeway facilities, two new policies are proposed to be added to the draft General Plan: the first policy requires developers of future projects, which are determined to have a significant impact on Caltrans freeway facilities on I-5 and SR-78, to enter into a traffic mitigation agreement with Caltrans for implementation of the necessary improvements and the payment of fair-share fees to be determined by Caltrans based on the increase in freeway traffic directly attributable to the proposed project; the second policy encourages Caltrans to identify and construct necessary improvements to improve service levels on I-5 and SR-78. Although implementation of these policies would reduce the potential significant impacts to freeway segments, the timing and implementation of the fair share contributions and necessary improvements are within the jurisdiction of Caltrans, not the city, and the city

- cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance will occur prior to implementation of future development projects. Accordingly, the potential impacts of the draft General Plan on I-5 and SR-78 are considered significant and unavoidable.
- A8-6: This improvement is included in the environmental assessment on pages 3.13-1 and 3.13-2 of the draft EIR. Additionally, Policy 3-P.15 specifically notes the city's desire to support regional planning efforts such as the I-5 North Coast Corridor (NCC) project, which is included in the draft EIR analysis of traffic impacts. The comment states the importance of consistency between future regional transportation improvements and the right-of-way needs of changes in land use plans. The city will continue to coordinate with Caltrans to ensure the agency is aware of any changes to the city's land use plan.
- A8-7: The comment identifies that Caltrans proposes an I-5 North Coast Bike Trail as a regional enhancement as part of the I-5 NCC project; portions of the trail are proposed within Carlsbad. The comment requests that the trail be included in the draft General Plan. As mentioned in response to comment A8-6, the I-5 NCC project, which includes the referenced trail, was included in the draft EIR analysis of traffic impacts. Regarding the request to include the trail in the draft General Plan, the city and Caltrans continue to work on reaching agreement on how to implement the Caltrans trail proposal, therefore it is premature to include the trail in the General Plan. At such time that the city and Caltrans agree on implementation of the trail plan, the General Plan may be amended to reference the I-5 North Coast Bike Trail. Policy 3-P.16 of the draft General Plan specifically requires the city to engage Caltrans and other agencies for improved connections within the city including the Coastal Rail Trail and/or equivalent trail along the coastline. A description of the proposed I-5 North Coast Bike Trail has been added to the draft EIR on page 3.13-7.
- A8-8: This comment refers to the community enhancements proposed by Caltrans as part of the I-5 NCC project referenced in response to comment A8-6. These proposed community enhancements include a bicycle/pedestrian enhanced trail and bridge on the west side of I-5 at Batiquitos Lagoon, a park and ride enhancement at La Costa Avenue, a bicycle/pedestrian enhanced trail and bridge on the east side of I-5 at Agua Hedionda Lagoon, and a Chestnut Avenue I-5 bicycle/pedestrian crossing improvements.. The city will work with Caltrans to implement appropriate improvements within the city.
- A8-9: This comment states that Caltrans is currently evaluating alternatives to reduce congestion and improve mobility at the I-5/SR-78 interchange. No response is required.
- A8-10: The comment describes the multi-jurisdiction collaboration on the SR-78 Corridor Study and states that a project study report is being development. The comment provides a web address to more information about the study. No further response is necessary.
- A8-11: This comment states Caltrans appreciates the proposed actions in the city's proposed CAP. No response is required

A8-12: This comment states Caltrans looks forward to continuing to cooperate with the city. No response is required.

**A9: San Diego Association of Governments (SANDAG)**

A9-1: This is an introductory comment which describes the basis for comments which follow and which the author requests be addressed in the transportation impact study. The transportation impact study evaluates the project impacts to all modes of travel and incorporates a multi-modal level of services (MMLOS) analysis for prioritized modes (draft EIR, Appendix F). Draft General Plan policies support evaluation of all modes and implementation of TDM programs, as noted in the following Mobility Element policies: 3-P.4 (MMLOS), 3-P.6 (TDM), 3-P.31 (TDM), 3-P.34 (TDM), and 3-P.37 (TDM). Additionally, there are numerous other policies in the Mobility Element that consider the multi-modal needs for all users through implementation of livable streets.

A9-2: This comment refers to four Smart Growth Opportunity Areas considered by the city and states the author's appreciation for the goals and policies of the draft General Plan. No response is required.

A9-3: Please see response to comment A9-1 related to MMLOS. Additionally, this comment states that SANDAG's 2050 RTP provides a multi-modal approach to regional transportation needs and refers to tools and resources available through SANDAG. No response is required.

A9-4: This comment encourages the use of car-sharing, bike-sharing and parking management plans. The Mobility Element has been modified to identify car-sharing and bike-sharing as tools that could be used to reduce reliance on single-occupant vehicle travel and promote smart growth (p. 3-26). The Mobility Element contains a detailed discussion of a range of parking management strategies and techniques (see pp. 3-24 through 3-26, and policies 3-P.34 through 3-P.37). Please also see response to comment A9-1 related to TDM policies in the Mobility Element. The comment also provides information related to SANDAG's TDM resources.

A9-5: The comment asks the city to consider the comments and observations on Section 3 Mobility Element of the draft General Plan provided in Comments A9-5 through A9-11. The comment also observes that there are currently six Amtrak trains per day at associated Amtrak Stations in Carlsbad and the draft General Plan Mobility Element has been updated accordingly.

A9-6: The comment references Table 3.1 of the draft Mobility Element and states that Rapid Bus Route 473 on Highway 101 is planned on "Identity Streets" and "Coastal Streets" and would require some level of transit prioritization. The comment is correct, Carlsbad Boulevard (Highway 101) is classified in the draft Mobility Element as an "Identity Street" and a "Coastal Street"; Table 3.1 of the draft Mobility Element indicates that pedestrians and bicyclists are the priority modes of mobility and that buses and vehicles are provided for, but not prioritized. In addition, Table 3.1 of the draft Mobility Element specifies that streets within ½ mile of a transit center are prioritized for pedestrians, bicycles and buses;

portions of Carlsbad Boulevard are within ½ mile of two transit centers (Village and Poinsettia Coaster Stations) and those portions prioritize buses, as well as pedestrians and bicycles. As described in the draft Mobility Element, the city's approach to provide livable streets recognizes that optimum service levels cannot be provided for all travel modes on all streets within the city. This is due to competing interests that arise when different travel modes mix. For example, pedestrian friendly streets typically have slow vehicle travel speeds, short-distance pedestrian crossings, and include some type of buffer between the vehicle travel way and the pedestrian walkway. However, automobile friendly streets typically have wide travel lanes, multiple turn lanes (increasing the pedestrian crossing distance), and high automobile speeds. Therefore, the Mobility Element identifies a mode-prioritization approach to ensure livable streets. This approach identifies preferred travel modes for each street typology and identifies that preferred modes should be prioritized. Non-preferred travel modes are accommodated along the street, but their service is not prioritized (i.e., a lower service level for non-prioritized modes is acceptable to ensure that the service level for prioritized modes is enhanced). Due to the location of Carlsbad Boulevard adjacent to a prime recreation amenity (Pacific Ocean and beaches) and the pedestrian friendly Carlsbad Village, the draft General Plan proposes to prioritize pedestrian and bicycle modes of travel along the roadway; and where the street is within ½ mile of a transit center, buses are also prioritized. All portions of Carlsbad Boulevard will allow for buses (like Route 473) and vehicles, however, the service levels for buses and vehicles will not be prioritized over pedestrians and bicycles (except buses will also be prioritized where the street is within ½ mile of a transit center). The draft General Plan promotes transit and bus service as one of the multiple modes of transportation in the city; draft policies 3-P.31, 3-P.32 and 3-P.33 direct the city to coordinate with and encourage other agencies to improve transit connectivity within Carlsbad.

- A9-7: This comment states that use of the phrase “door to door” is often used to refer to paratransit rather than fixed route transit service and may result in confusion regarding its meaning. The door-to-door description is to explain the concept of getting individuals from the door of their house to the door of their destination and is illustrative in the broader discussion of transit services within the city.
- A9-8: This comment recommends verifying that planned transit improvements are sourced to the 2050 RTP and identifies two new transit services in Carlsbad. The draft General Plan Mobility Element has been updated to reflect the new information.
- A9-9: The comment refers to two railroad crossings which have not been previously identified in rail corridor plans and encourages the city to coordinate with NCTD and the California Public Utilities Commission. Policy 3-P.16 requires the city to engage Caltrans, the Public Utilities Commission, and railroad agency(s) regarding opportunities related to the identified improved connections in this area. Additionally, Policy 3-P.39 has been modified to investigate development of a grade-separated rail corridor that could include grade-separated crossings at Grand Avenue, Carlsbad Village Drive, Tamarack Avenue and Cannon Road, as well as new pedestrian and bicycle crossings at Chestnut Avenue, Chinquapin Avenue and the Village and Poinsettia COASTER stations.



- A9-10: This comment refers to two parking structures which SANDAG intends to build in the city and supports the city's flexible parking requirements. No response is required.
- A9-11: This comment asks the city to coordinate with NCTD and SANDAG to develop transit priority features for two specific transit routes. Policies 3-P.15, 3-P.31 and 3-P.32 all encourage the city to implement regional improvements consistent with those noted by the comment. The city will coordinate with NCTD and SANDAG as requested.
- A9-12: The comment refers to Section 15125(d) of the CEQA Guidelines regarding consistency with applicable plans. The draft EIR addresses the consistency between regional plans, projects and programs as listed in the CEQA Appendix G Environmental Checklist. The city welcomes the opportunity to work with SANDAG to continue to ensure consistency with regional plans, projects and programs.
- A9-13: The comment provides a list of suggested SANDAG publications. The referenced sections of the draft EIR and draft CAP list SANDAG reports used to prepare the draft EIR and draft CAP. SANDAG data was also used in the draft EIR and draft CAP to provide baseline and future projections for population growth, transportation, air quality, and other resource topics.
- A9-14: The comment provides contact information for questions concerning the foregoing comments. No response is required. The contact information has been added to the city's notification list regarding the project.

**A10: San Diego County Regional Airport Authority**

- A10-1: The comment refers to distinguishing between San Diego County as a geographic area and the County of San Diego as a governmental entity. Please see Chapter 3 of this final EIR for the correct references to "County of San Diego" on pages 3.6-13, 3.6-33 and 3.13-34.
- A10-2: The comment provides a correction on the state law source of the standards for the McClellan-Palomar ALUCP. Please see Chapter 3 of this final EIR for the correct citation of Caltrans Divisions of Aeronautics from page 3.6-13 of the draft EIR.
- A10-3: The comment provides a correction on the intent of the ALUCP to serve as guidelines for promoting the general health and welfare of a community. Please see Chapter 3 of this final EIR for corrected text from page 3.6-25 of the draft EIR.
- A10-4: The comment provides the correct title of the ALUCP. Please see Chapter 3 of this final EIR for corrected text on page 3.9-7 of the draft EIR.
- A10-5: This comment states that residential infill development is not allowed above noise exposure levels of 70+ (not 65) dB CNEL by the ALUCP. The comment also states that a sentence on page 3.10-21 of the draft EIR, regarding Review Area 1 and Review Area 2, is inaccurate and the comment provides the correct information. Page 3.10-21 of the draft EIR has been revised to include the correct information. Refer to Chapter 3 for this

revision. The inclusion of this information does not affect the significance findings of the draft EIR and no further revisions are necessary.

A10-6: This comment repeats Comment A10-5. Please see response to comment A10-5 above regarding the noise limit for residential infill development. The comment also indicates the draft EIR should be corrected to indicate that the ALUCP applies equally to both new residential and nonresidential development for all factors. Page 3.10-37 of the draft EIR has been revised to include the correct information. The inclusion of this information does not affect the significance findings of the draft EIR and no further revisions are necessary.

A10-7: The comment provides information regarding the official name of San Diego International Airport and John Wayne/Orange County Airport, which are corrected in Chapter 3 of this final EIR, on page 3.13-7 of the draft EIR.

A10-8: The comment provides contact information. No response is required. The contact information has been added to the city's notification list regarding the project.

#### **A11: County of San Diego**

A11-1: The comment describing the County of San Diego's initiation of a process for the development of the new 20-year (2015-2035) master plan for the McClellan-Palomar Airport. The comment further states that interest in additional commercial air service at the airport could lead to an increase in passengers and affect the surrounding traffic network and that the county is considering an eastern extension of the runway that could reduce noise impacts to residential areas in the city. The county presently is conducting public workshops to solicit input regarding the content of the new master plan. The public workshop process is intended to lead to the development of a draft master plan in 2015. When preparation of the draft master plan is completed, the county will begin environmental review of the draft plan, which is expected to commence in spring 2016.

A11-2: The comment acknowledges the city's participation in the public workshops for the proposed new master plan and states the importance of coordination between the county and the city with respect to the new master plan and the draft General Plan. The comment also introduces the county staff's comments on the draft General Plan and draft EIR which follow. The city looks forward to participating in the public process leading to preparation of a new master plan and will coordinate with the county concerning all matters of mutual concern.

A11-3: The comment requests correct reference to McClellan-Palomar Airport. Please see Chapter 3 of this final EIR the correction to page 2-35 of the draft General Plan.

A11-4: The comment states objection to the city's proposed land use designation and zone change on property owned by the County of San Diego. See response to comment A3-2.

A11-5: The comment requests that draft General Plan policy 2-P.37 and pages ES-48 and ES-90 of the draft EIR be revised to clarify that the restriction on expanding McClellan-Palomar

Airport only applies to “acquisitions of property outside the existing airport boundaries for a use requiring a General Plan amendment or other city legislative enactments.” Staff agrees that the General Plan policy should be clarified as requested and should be consistent with wording of Section 21.53.015 of the Carlsbad Municipal Code, which was proposed by voter petition in 1980. Draft General Plan policy 2-P.37, has been revised to read:

“Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate (Section 21.53.015, Carlsbad Municipal Code).”

This is a minor clerical change that does not change the intent of the General Plan policy, and does not result in the need for additional environmental analysis.

- A11-6: The comment requests that the description in the Mobility Element and draft EIR of services at McClellan-Palomar be replaced with terminology used in the airport’s operating certificate. Page 3-7 of the draft General Plan Mobility Element and page 3.13-7 of the draft EIR will be updated with the language proposed in the comment.
- A11-7: The comment requests a change in the description of airport services in the Mobility Element (p. 3-7) and draft EIR (p. 1.13-7) to reflect that a change in aircraft would not constitute an expansion of the airport. The descriptions in the draft General Plan Mobility Element and draft EIR have been modified to remove the implication that any change in aircraft or ancillary services constitutes an expansion subject to voter approval.
- A11-8: The comment refers to the segment of Palomar Airport Road from I-5 to Melrose Drive and requests that the entire segment be exempt from LOS standards. Table 3.13-10 in the draft EIR documents future traffic projections and level of service with implementation of the draft General Plan. These forecasts include traffic associated with the retail zoning at the identified location. With buildout of the draft General Plan, the section of Palomar Airport Road between College Boulevard and El Camino Real is projected to operate at an acceptable level. Given it is an auto-prioritized street and the technical analysis demonstrates that it is projected to operate acceptably, it is not included as an LOS-exempt facility. Please note that Policy 3-P.7 requires the city to develop and maintain LOS-exempt facilities in the city – if the city deems that this segment of roadway should be exempt in the future based on the reasons identified in the policy, this segment could be added as an exempt facility in the future.
- A11-9: The comment supports the city’s traffic methodology, which includes the RASP’s assumptions for future growth at McClellan-Palomar Airport. No response is required.
- A11-10: The comment requests a revision to the description of airport operations on page 5-8 of the draft General Plan Noise Element. The requested revision has been made and is reflected in Chapter 4 of this final EIR.

A11-11: The comment requests that Figure 5-2 of the Noise Element be modified to reference the year and number of operations represented as the existing conditions. This figure shows the correct source for the contours in the bottom right corner.

A11-12: The comment describes the federal government's role in regulating aircraft noise and the County of San Diego's limited authority to regulate noise. No response is required. Policy 5-P.15 has been revised to address this comment and is shown in Chapter 4 of this final EIR.

A11-13: The comment requests that the draft General Plan and draft EIR indicate the scope of the county's authority to govern noise and refers to the city's role in regulating land uses within noise impacts areas in the vicinity of the airport. Please see the correction on page 3.10-6 of the draft EIR in Chapter 3 of this final EIR.

A11-14: The comment suggests the discussion of airport hazards in the draft General Plan advise the reader that ALUCP contours are expected to change upon adoption of a new airport master plan. Please see Chapter 4 of this final EIR for revisions to the draft General Plan on pages 5-8, which described noise exposure modeled under the current ALUCP.

## **A12: Arts Commission**

A12-1: The comment identifies the main concepts addressed in the draft General Plan Arts, History, Culture and Education (AHCE) element which the commenter was looking for. The concepts referred to by the comment were evaluated in the draft EIR as part of the draft General Plan.

A12-2: The comment identifies "disappointments" with the draft AHCE element. Staff response is as follows:

- Regarding the comment's preference to see more "overlap" between policies regarding historical resources and the library and education, all of the goals and policies of the draft General Plan are intended to work together; also, the policies are written with the intent to avoid repetition.
- Regarding the comment's disappointment that architectural design, signage and landscape design are not identified as cultural elements, the cultural policies in the AHCE element focus on historic, archaeological and paleontological resources, as well as "arts and culture", which pertains to providing opportunities for various types of art in the community. Staff agrees that it is important to ensure high quality architecture, signage and landscape design in keeping with community values. While such topics may not be addressed in the AHCE element policies, they are addressed in the draft Land Use and Community Design (LUCD) element (see policies 2-P.43 and 2-P.47). Also, the city relies primarily on implementing ordinances to regulate the design of buildings, signage and landscaping. Policies in the LUCD and implementing ordinances (like the Zoning Ordinance, landscape guidelines, and various master and specific plans) ensure that design of buildings, signs and landscaping are part of the planning of land uses.

- The comment states that the use of land for cultural programs is not addressed in the Open Space, Conservation and Recreation (OSCR) element. The OSCR element identifies and addresses four types of open space, including open space for aesthetic, cultural and educational purposes. The intent of this category of open space is to identify lands that provide a cultural or educational purpose could be considered “open space” and designated as such by the draft General Plan. It is not the intent of these open space policies to identify cultural or educational programming on these lands. The city’s Zoning Ordinance specifies that within the Open Space zone, cultural activities and facilities and educational institutions are permitted (subject to a conditional use permit).
- The comment states that the draft General Plan does not give the economic advantages of cultural arts the “respect it deserves” and that it should be included when mentioning tourism and taxes. The draft Economy, Business Diversity and Tourism (EBDT) element does not address every aspect of Carlsbad that contributes to tourism and the economy. The objective of this new element is primarily focused on promoting business retention, expansion, and attraction, as well as encouraging increased tourism. While cultural arts provide an important contribution to the city’s tourism, it is not the intent of the element to identify all aspects of the community that contribute to tourism; rather, the element mentions some of the primary tourism attractors (e.g., beaches, lagoons, golf courses and LEGOLAND).

A12-3: As requested by the commenter, the draft AHCE element is proposed to be modified by adding “California Center for the Arts” and the “3-part art education series of music” to the list of existing cultural institutions, events and programs on page 7-12 of the AHCE element. Identifying existing arts facilities and programs has no impact on the EIR and requires no additional analysis.

A12-4: As requested by the commenter, the draft AHCE element is proposed to be modified to:

- Remove the word “small” from policy 7-P.13; this policy requires the city to explore the feasibility of the provision of “small” affordable spaces for local artists to produce and display art. Removing the word “small” will provide more flexibility and avoid ambiguity regarding what is considered “small”. Removal of the word “small” will not impact the EIR or require additional analysis.
- Remove the words “when possible” from policy 7-P.14; this policy requires the city to provide, “when possible”, for the siting, selection, installation and maintenance of works of art within or upon public facilities and land. The commenter’s request involves a policy decision for the City Council with respect to the scope of its discretion in the siting, selection, installation and maintenance of public art. The comment will be included in the final EIR for consideration by the City Council when it makes its decision whether or not to adopt the draft General Plan. As a result, this comment does not impact the EIR or require additional analysis.
- Change the wording of policy 7-P.16 from “Encourage and provide funding for the development of...high quality arts...” to “Ensure that appropriate funding is provided for the development of...high quality arts...”. The commenter’s request involves a policy decision for the City Council with respect to the scope of its

discretion in providing funding for the development of high quality arts. The comment will be included in the final EIR for consideration by the City Council when it makes its decision whether or not to adopt the draft General Plan. As a result, this comment does not affect the EIR or require additional analysis.

A12-5: As requested by the commenter, staff recommends that the City Council approve revisions to the draft General Plan as follows:

- Reword policy 7-P.19. This is a grammatical change; the intent and objective of the policy remains the same (utilize community partnerships to promote arts opportunities). The change does not affect the EIR and does not require additional analysis.
- Add new policy 7-P.22. This new policy requires development of programs that support cultural arts, cultural tourism and creative economic development. This policy requires the development of a program which does not affect the EIR and does not require additional analysis.

### **A13: Board of Forestry and Fire Protection**

A13-1: The comment provides background of the State Board of Forestry and Fire Protection's review of the Fire Safety element of the draft General Plan, and no response is required.

A13-2: The comment describes the purpose and background, methodology for review and recommendations, and review process and timeline of the State Board of Forestry and Fire Protection's review of Fire Safety elements. See responses to comments A13-3 to A13-19 below for responses to specific recommendations.

A13-3: The comment suggests that the city utilize a Community Wildfire Protection Plan (CWPP) [Recommendation 1.1]. CWPPs are a mechanism for communities to address their wildfire risk, and originated from the federal Healthy Forests Restoration Act (HFRA) of 2003. A benefit to communities with adopted CWPPs is that they can influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on nonfederal lands. However, CWPPs are not the only means of identifying community wildland fire risks and alternatives for mitigation. While the city of Carlsbad does not have an adopted CWPP, the city addresses many of the CWPP elements through other policy and regulatory documents, and outreach activities, including:

- General Plan. The Public Safety Element identifies wildland fire risk, including a map showing fire hazard severity zones within the city (Figure 6-10). It includes policies that require coordination of planned improvements to ensure maintaining adequate responses times throughout the community; enforce all applicable building and fire codes; require preparation of fire protection plans for new development bounded by, or within very high fire hazard severity zone, or which has or is bounded by hazardous vegetation; and promote public awareness of possible natural and man-made hazards (Policies 6-P.30 through 6-P.35).

- Landscape Manual. Requires new development within or adjacent to a very high fire hazard severity zone, or which has or is bounded by hazardous vegetation, to have a fire protection plan in place that conforms to the most current requirements for Wildland Urban Interface areas as adopted by the City of Carlsbad. The Landscape Manual also requires new development to comply with California Fire Code Chapter 49 and/or California Building Code Chapter 7a.
- Weed Abatement. The Carlsbad Fire Department conducts annual inspections of all vacant properties with excess brush growth, and notifies property owners when any weed abatement actions become necessary.
- Community Programs. The city's Fire Department conducts various outreach and education events, and distributes informational materials on various safety and firewise practices throughout the year. As well, the Fire Department engages the community and increases fire safety awareness through its Community Emergency Response Team (CERT) and Fire Explorer programs.

A13-4: The comment recommends fostering community wildland fire protection by establishing partnerships with programs such as the Fire Safe Council, Firewise communities, or through other local organizations that support wildland fire awareness [Recommendation 2.1]. As indicated in response to comment A13-3 above, the Carlsbad Fire Department promotes wildfire awareness through various outreach events and through distribution of firewise educational materials. Although not an officially-recognized Firewise Community, Carlsbad does dedicate resources to fostering community wildland fire protection.

A13-5: The comment recommends that the city adopt fire safe development codes to be used as standards for fire protection for new development in Very High Fire Hazard Severity Zones (VHFHSZ) within the entity's jurisdiction that meet or exceed statewide standards in 14 California Code of Regulations Section 1270 et seq and have them certified by the Board of Forestry [Recommendation 2.2]. The City of Carlsbad regulations are consistent with this recommendation in that new development in VHFHSZ is required to comply with California Fire Code Chapter 49 and/or California Building Code Chapter 7a. No further response is needed.

A13-6: The comment recommends that the city establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed [Recommendation 2.4]. The North County Fire Agencies JPA (North Zone) Emergency Operations Manual and the City of Carlsbad Emergency Management Plan pre-designate areas and locations throughout the city. These designated wildfire defense zones change as development or resource locations change. The Fire Department updates these manuals annually and after any incident that would prompt such a revision. No further response is needed.

A13-7: The comment recommends identify and prioritize protection needs for assets at risk in the absence of response forces [Recommendation 2.5]. The city addresses this issue

- through its Standards of Coverage Plan, the adopted and amended Fire Code, and adopted Urban Wildland Interface Code which is referenced in the California Fire Code. Please also see responses to comments A13-3 and A13-5 above.
- A13-8: The comment recommends that the city establish fire defense strategies (such as fire ignition resistant areas) that provide adequate fire protection without dependency on fire resources (both air and ground) and could serve as safety zones for the public or emergency support personnel [Recommendation 2.5]. The city addresses this issue through its Standards of Coverage Plan, the adopted and amended Fire Code, and adopted Urban Wildland Interface Code which is referenced in the California Fire Code. Please also see responses to comments A13-3 and A13-5 above.
- A13-9: The comment recommends that the city ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other unique structures/owners, are considered for appropriate wildfire protection needs [recommendation 3.2]. The city addresses this issue through its Standards of Coverage Plan, the adopted and amended Fire Code, and adopted Urban Wildland Interface Code which is referenced in the California Fire Code. Please also see responses to comments A13-3 and A13-5 above.
- A13-10: The comment recommends that the city identify and map existing housing structures that do not conform to contemporary fire standards in the VHFHSV, and develop plans and actions to improve substandard housing structures and neighborhoods VHFHSV [Recommendation 3.4]. The Carlsbad Fire Department reviewed the Structure Fire/Wildfire Threat map (Public Safety Element Figure 6-10) and determined that, with the limited exception of portions of the Hosp Grove area in northwest Carlsbad, the housing stock in the VHFHSV consists of newer development that conforms to contemporary fire codes. Therefore, the Fire Department has determined that no specialized planning for substandard housing is warranted.
- A13-11: The comment recommends that the city consider developing funding opportunities and/or partnerships to assist with retrofitting the substandard housing structures and neighborhoods within the VHFHSZ to current fire safe standards [Recommendation 3.4]. Please see response to comment A13-10 above.
- A13-12: The comment recommends that the city identify critical natural resources and other “open space” values within the geographic scope of the General Plan [Recommendation 4.1]. The draft General Plan Open Space, Conservation, and Recreation (OSCR) Element provides detailed text, maps and tables describing the critical natural resources and open space areas in the city. Included are maps identifying the comprehensive open space system (Figure 4-1) and the city natural habitat preserve areas (Figure 4-2). The OSCR Element describes in detail the various natural vegetation types occurring in Carlsbad.
- A13-13: The comment recommends that the city develop plans and action items for vegetation management that provides fire damage mitigation and protection of open space values [Recommendation 4.2]. Please see responses to comments A13-3 and A13-5 above regarding existing city policies and regulations to reduce wildfire risks. In addition, the adopted Habitat Management Plan, and citywide Open Space Management Plan provide



- more detail about vegetation types, locations, and conservation and management strategies for the citywide preserve system. Specific management requirements are detailed in the approved management plans for individual preserves, including issues related to fuel modification zones, fire history, and threats to the preserve, including from fire.
- A13-14: The comment recommends that the city establish goals and policies for reducing the wildland fire hazards within the entity's boundaries and, with the relevant partners, on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts with fire hazards that threaten the entity's jurisdiction [Recommendation 4.2]. Please see responses to comments A13-3, A13-5, and A13-13 above regarding fire protection policies and regulations relating to open space.
- A13-15: The comment recommends that the city establish goals and policies for incorporating systematic fire protection improvements for open space [Recommendation 4.3]. Please see responses to comments A13-3, A13-5, and A13-13 above regarding fire protection policies and regulations relating to open space. The Carlsbad Fire Department ensures sufficient access to the community water distribution system for its fire suppression needs. There are no known water flow pressure or supply deficiencies in Carlsbad (PS Element, p.6-41).
- A13-16: The comment recommends that the city establish goals and policies for adequate access in VHFHSZ that meet or exceed standards in Title 14 CCR 1270 for lands with no structures, and maintain conditions of access in a suitable fashion for suppression access or public evacuation [Recommendation 5.1]. Title 14 CCR 1270 does not apply to the city of Carlsbad with the exception of those lands owned by the state (SRA) or state agencies. However, adequate access is provided in the VHFHSZ by the city's existing street network and emergency access roads and easements.
- A13-17: The comment recommends that the city develop an adaptive vegetation management plan that considers fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history [Recommendation 5.2]. The Carlsbad Fire Department addresses this on a case-by-case basis through the city's development application and review process for any new development in the city.
- A13-18: The comment recommends that the city provide policies and goals for maintenance of the post-fire-recovery projects, activities, or infrastructure [Recommendation 6.1]. This process is under development. In the immediate aftermath of the May 2014 Poinsettia Fire, the City of Carlsbad assembled an interdepartmental Poinsettia Fire Recovery Team comprised of staff from Community and Economic Development, Property and Environmental Management, Emergency Management, Police, Fire, and Building Departments. One of the expected outcomes from this working group will be the development and adoption of city policies and memoranda of understanding regarding post-fire recovery management.
- A13-19: The comment recommends that the city develop frameworks for rapid post-fire assessment and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire [Recommendation 6.2]. The city has such a framework in place. In the immediate

aftermath of the May 2014 Poinsettia Fire, the City of Carlsbad assembled an interdepartmental Poinsettia Fire Recovery Team comprised of staff from Community and Economic Development, Property and Environmental Management, Emergency Management, Police, Fire, and Building Departments. The team is responsible for conducting post-fire damage assessments of both private and public property, coordinating demolition and debris removal on public property, assessing damage to vegetation and infrastructure (including drainage facilities), and consulting and coordinating with other agencies and experts on recovery activities. The team works with city departments, individual property owners, and homeowner associations to implement measures to minimize flooding, erosion, and protect water quality. As a recent example, the city hosted a cleanup day on October 18 and led a volunteer team to clean up several tons of abandoned debris in the area burned by the Poinsettia Fire. Other city-led recovery efforts under the guidance of the Fire Recovery Team included replanting medians along El Camino Real; fixing damaged guardrails, signs and street lights; addressing soil erosion to protect storm drains and water quality; conducting safety inspections on trails and paths; and assessing and taking down damaged trees.

Another expected outcome from this working group will be the development and adoption of city policies and memoranda of understanding regarding post-fire recovery management.

## **B. Organization Comments and Responses**

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



Buena Vista Audubon Society  
PO Box 480  
Oceanside, CA 92049-0480  
May 13, 2014

Sent by email: [jennifer.jesser@carlsbadca.gov](mailto:jennifer.jesser@carlsbadca.gov)

SUBJECT: CARLSBAD DRAFT GENERAL PLAN AND EIR

Dear Ms. Jesser:

B1-1

This letter is written on behalf of the Buena Vista Audubon Society with a membership of over 1,800 households in the North County coastal area, including many residents of Carlsbad. The purpose of our organization is the protection and enhancement of the Buena Vista Lagoon environment and that of the surrounding communities. We conduct outreach to educate the public on conservation issues and operate a nature center on Coast Highway with a variety of environmental programs for children and adults. The preservation of natural areas is important for the long-term survival of our native habitats and associated wildlife. It is particularly important in coastal cities where open space provides resting and feeding grounds for migratory birds following the Pacific Flyway.

B1-2

Our main concern with the Draft General Plan is that the Plan has abandoned the goal of 40% open space at buildout, a goal that was established in 1986 when the Carlsbad Growth Management Plan was adopted. That goal, which was stated repeatedly to residents over the years, consisted of parks, trails, and natural lands, and was envisioned as defining the community and its values, and supporting the Carlsbad quality of life. However, we feel that the Draft General Plan does not fulfill this earlier commitment. Not only is the open space reduced to 37/38%, a substantial loss of hundreds of acres, included in this calculation are gated and locked schoolyards, and park areas that have been double-counted as both habitat and parkland, leaving some neighborhoods deficient in nearby parkland.

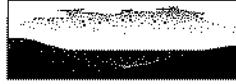
B1-3

The preparation of a new General Plan provides an excellent opportunity to ensure community balance between open space for natural resources and recreation, and development for residential, and commercial/industrial uses. It should be an opportunity to strengthen the commitment to that original open space goal that has for so long had the strong support of Carlsbad residents.

If you have questions, I can be contacted at (760) 942-5167 or at [jmherskowitz@yahoo.com](mailto:jmherskowitz@yahoo.com).

Sincerely,

Joan Herskowitz  
Conservation Committee  
Buena Vista Audubon Society



# La Costa Glen

CARLSBAD

A CONTINUING LIFE® COMMUNITY

City of Carlsbad

MAY 22 2014

Planning Division

May 19, 2014

Mr. Corey Funk  
CITY OF CARLSBAD  
Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

RE: LA COSTA GLEN  
GENERAL PLAN UPDATE  
MEETING REQUEST

Dear Mr. Funk:

B2-1

Continuing Life Communities is in receipt of the City's Property Owner Notice regarding proposed land use and zoning changes on our La Costa Glen community property in South Carlsbad. Thank you for requesting our comments. We do have concerns about the proposals, as listed below, starting from South to North.

1. The City proposes to change our undeveloped Lot 5/commercial-professional office site (MS 05-28) located along Calle Barcelona and in the small uphill valley (APN: 2550120500) from C/O/RMH to R (Regional Commercial). We do not agree with this change because it is our preference to apply to develop a mixed-use (regional commercial, office and high density residential) on the buildable area of these lots. In consideration of the location and configuration of the lots, we believe this mixed-use program to be the highest and best use, close to shopping, employment, transport and health care. We request that the land use not be changed on this property.

B2-2

2. The City proposes to change the La Costa Glen health center from C/O/RMH to R-15 (APN: 2550121500). We would oppose any change which would render the existing use as non-conforming. The existing health center use is not residential, but is rather institutional. So no residential use or density truly applies. We would request that the City reconsider the proposed R-15 land use, and rather keep the existing combination designation (C/O/RMH) as is.

B2-3

3. The City proposes to change our existing independent living units from C/O/RMH to R-15 (APN: 2550121600, APN: 2550121900 and APN: 2550122000). Please note that the apartment-style attached independent units within this area were not considered residential units, and rather were considered professional care commercial units (CUP 98-01(A)). They include common areas, offices, dining restaurant and residential units. Thus, we would oppose any change which would render the existing use as non-conforming. We would again request that the City not change the property use to R-15 but instead keep the existing C/O/RMH combination designation in place.

B2-4

4. We would also like to discuss the land use change from C/O/RMH to OS on portions of land designated under APN: 2550121400 and APN: 2550121300.

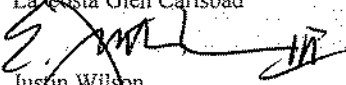
B2-5

In light of the above comments, we would like to request a meeting to fully discuss these matters. We would involve a representative of Planning Systems in the meeting. Please let me know when the City Planning Staff might be available to meet on this matter.

Thank you for the opportunity to comment on the City's proposed actions.

Sincerely,

La Costa Glen Carlsbad

  
Justin Wilson  
Partner

cc: Paul Klukas, Planning Systems



May 13, 2014

**BY E-MAIL:**

[envision@carlsbadca.gov](mailto:envision@carlsbadca.gov)

[celia.brewer@carlsbadca.gov](mailto:celia.brewer@carlsbadca.gov)

Envision Carlsbad  
attn: General Plan EIR  
1635 Faraday Avenue  
Carlsbad, California 92008

Celia Brewer  
City Attorney  
1200 Carlsbad Village Drive  
Carlsbad, California 92008

**Re: Draft General Plan and associated Environmental Impact Report**

Greetings:

**B3-1** | This firm represents the Feuerstein family, doing business as Camino Carlsbad, LLC (“CCL”), the owners of the Rancho Carlsbad golf course, which is located on the east (northeast) side of El Camino Real near Cannon Road. I am writing to ask that the City revise the draft general plan to accommodate an economically feasible development of this property. Although our concern is directed at the substance of the proposed plan, it also relates to the adequacy of the analysis of the environmental impact report (“EIR”).

**B3-2** | The City is proposing to designate this property as open space, category 3 – i.e., outdoor recreation. General plan designations by themselves do not usually “take” property under the Constitution, but the proposed plan is unusual in three respects. First, the proposed plan takes no account of whether the current use as a golf course will remain viable. Long-term viability of the golf course is dubious, given not only the ongoing decline in the number of people who play golf, but perhaps more importantly the long-term scarcity and cost of water. As both the draft general plan and draft climate action plan emphasize, no one can rely on California’s ability to serve high-demand uses like golf courses. Second, proposed Policy 4-P.4 calls for the City to obtain – if necessary, by the ominous term “acquire” – access across all open space, which would include this property. The failure of the property owner to allow the public to enter its private property would violate the general plan. Third, according to page 3.9-21 of the EIR, the proposed plan overcommits the amount of development allowed by the growth management ordinance. Even after the proposed plan is revised, the EIR contemplates no development capacity remaining available.

**B3-3** |

**B3-4** |

**B3-5** | Providing water for this particular golf course raises its own issues. CCL has had to drill wells to keep the golf course sufficiently irrigated to maintain a playable state. The drilling of these wells has been quite costly. It may already no longer be economically viable to drill more wells when the golf course needs additional water; indeed, CCL has already hit its pain threshold for the expenditure of additional funds for new wells to keep the course sufficiently irrigated and

B3-5 | playable. Moreover, the cost of the wells reflects the availability of groundwater; the high cost suggests that water may not be available indefinitely for a golf course at this location.

B3-6 | A land use regulation is void for being “oppressive and unreasonable” if it does not allow the “pursuit of useful activities.” *Skalko v. City of Sunnyvale* (1939) 14 Cal.2d 213, 215-216. An action is a regulatory taking when it allows the physical invasion of property, e.g., *Cwynar v. City and County of San Francisco* (2001) 90 Cal.App.4th 637, 653-659; completely deprives the property owner of the value of the property; or results from an adverse balance of the economic impact and character of the action with the owner’s “investment-backed expectations.” *Lingle v. Chevron U.S.A. Inc.* (2005) 544 U.S. 528, 538-540; 125 S.Ct. 2074, 2081-2082. The proposed plan is and does all these things: It will foreseeably bar useful activities; it calls for the physical invasion of property; and it will soon deprive the property owners of the value of their property. Even if its treatment of this property is not immediately a “taking,” it is, at a minimum, bad planning. Planning requires anticipating future needs, but the combination of the plan and the City’s growth management system would lock in a designation that will become unworkable long before the horizon year of the plan.

B3-7 | As indicated above, this problem also implicates the adequacy of the analysis of the EIR in two ways. First, Impact 3.9-3 addresses whether the plan would affect population growth. The EIR concludes that it will not because “the city’s public hearing process” on the plan amendment will reduce allowable development so as not to exceed growth management limits. This is not true, however, because the City will either have to pay to acquire the course, which it is virtually certain never to do, or allow development of the property. This is an inevitable consequence of the growth management system and Proposition E, so the EIR needs to recognize these eventualities. Second, if the City is going to require that this property remain in use as a golf course, the EIR must – but did not – evaluate the effect on groundwater that drilling necessary wells will have.

B3-9 | CCL will litigate this if necessary, but we believe a simpler solution would be to revise the proposed general plan, and then enact appropriate zoning, so as to allow development at some reasonable level. I will be in contact with the City to discuss how best to accomplish that goal.

Sincerely,

Paul E. Robinson  
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

PER:RAS:cas

cc: Clients  
4840-2780-6235\_3

# Techbilt Construction Corp.

3575 Kenyon St., Suite 200  
San Diego, CA 92110  
Telephone (619) 223-1663

Mailing Address  
P.O. Box 80036  
San Diego, CA 92138  
FAX (619) 223-2865  
May 28, 2014

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Attention: Don Neu, Planning Director

Subject: Ref: Comments on Draft EIR & GPA for "Envision Carlsbad"

Dear Don,

**B4-1** This letter is a comment letter for the above project as it affects Lot #1 of Carlsbad Oaks North (Solana multifamily project) on the north side of Faraday Avenue at the intersection of El Fuerte Avenue. Staff (Mr. Gary Barberio) contacted me in late 2011 and asked whether we would consider adding Lot #1 rezoning to apartments as part of the "Envision Carlsbad" process. We agreed and Lot #1 has been included in the mapping and discussion for General Plan Amendment and Rezoning for about 2 years now. There have been no objections from staff or the community to include Lot #1 as high density (R-30) residential in "Envision Carlsbad."

**B4-2** The subject proposal is for 151 multifamily units and is currently shown as R-30 on the Envision Carlsbad Draft Preferred Plan. The current site is a graded pad with Planned Industrial Zoning and General Plan Designations. Several preliminary review applications (PRE 12-31 and 13-08) have been submitted and reviewed by staff. The project will require 151 units from the City Excess Dwelling Unit Bank.

**B4-3** We now have been informed by staff that there currently is a shortage of 743 excess dwelling units in the northeast quadrant and that staff will recommend to the Planning Commission that of the current request of 1,151 Excess Dwelling Units for the northeast quadrant a number of projects requests will be denied or reduced because of the shortage of Excess Dwelling Units. We have a very serious objection to being considered for a



**B4-3** | recommendation from staff that would reduce this number of units below 151 or eliminate us from getting units at all. The reason for our very strong objections are as follows:

**B4-4** | • The City has Policy 43 for allocation of "Excess" Dwelling Units. This policy was put in place on December 17, 2002 and amended on April 26, 2005.

**B4-5** | • Staff and the Planning Commission and the City Council have not been implementing Policy 43 correctly and have put units into the bank and then approved projects with those "Excess" Dwelling Units from the bank that really are not in the bank. The mistake that has been made is Policy 43 says "Excess" Dwelling Units become available as a result of residential projects being approved "and constructed" with less units than would be allowed by density control points. Until approved units are constructed, the excess units should not go into the bank or are they available for new projects based on the City's own policy number 43.

**B4-6** | • Staff has now adjusted the "Excess" Dwelling Unit Bank after it was pointed out that the City was not following their own policy. Now staffs solution is to penalize projects by reducing or elimination of residential units because of a mistake the City made.

**B4-7** | • The proposed Solana project meets or exceeds City standards and policies for multifamily development. The project is on Faraday Avenue so transportation and access to all City services are accessible. Shopping and personal services exist to the south in Bressi Ranch, jobs are nearby, police and fire protection services are just to the west at the City public safety center, the nearest existing industrial development is 750± to the south and all proposed industrial development is greater than 1,000 feet away. There will be developed across Faraday Avenue from Solana a planned commercial service facility. In addition, the fire department is concerned about the proximity to the Coast Waste Management Transfer Station. It is 1,550± feet west of Solana.

**B4-8** | Solana also is not impacted by McClellan/Palomar Airport. We are beyond any noise impacts, outside the identified safety zones, well below (223') the Part 77 airspace surfaces. The project is within the overflight notification area and within airport influence review area 1. We are also outside the aviation easement area. Solana is perfectly suited for multifamily housing.

B4-9 | We strongly object to what staff is suggesting for this project in the northeast quadrant and request another solution that will allow Lot #1 of Carlsbad Oaks North to be approved with 151 units.

Sincerely,  
Techbilt Construction Corp.



Ted Tchang, President

cc: Bob Ladwig  
Derek Empey

# HowesWeiler & Associates

LAND USE PLANNING AND CONSULTATION

May 29, 2014

David DeCordova  
1635 Faraday Avenue  
Carlsbad, CA 92008

RECEIVED  
MAY 29 2014  
CITY OF CARLSBAD  
PLANNING DIVISION

RE: Carlsbad Draft General Plan - Cannon Road

B5-1

Dear Mr. DeCordova:

I have reviewed the Draft Carlsbad General Plan and have the following comments regarding the portion of Cannon Road east of its intersection with College Boulevard.

Currently this road segment provides access to the Sage Creek High School and possible future residential development directly to the south.

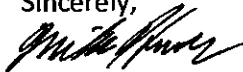
Exhibit 3-1S shows this segment as an Arterial Street.

Page 3-24 states – “Cannon Road connection. Provide a bicycle/pedestrian facility that would begin at the current eastern terminus of Cannon Road and continue eastward to the City’s eastern boundary.”

Table 3-1 Carlsbad Livable Streets provides Street Typology and Mode Preference.

Based on the location of the existing school, the limited amount of future development that could gain access to this site from the south, the acknowledgement that this road will never be extended to the east, it appears that it should be redesignated appropriately as a part of the Envision Carlsbad process. As a part of this process the Zone 15 Local Facilities Management Plan should be amended to delete the requirement to develop this segment of Cannon Road as a Major Arterial.

Sincerely,



Mike Howes

CC Jennifer Jesser  
Don Neu

# Ladwig Design Group, Inc.

June 4, 2014

L-1122

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Attention: Don Neu, Planning Director

Subject: Comments on the Draft EIR and GPA for Envision Carlsbad relating to Ocean View Carlsbad (The Hynek Property – formerly Kirgis – Assessor Parcel 212-010-03)

Dear Don:

B6-1

The owners of this 21.9-acre parcel in the Northwest Quadrant (LFMP Zone 8), Brian and Gayl Hynek, had earlier submitted a request to the City for 18 units to be included in Envision Carlsbad Plan, but the Planning Commission on November 5, 2013, did not include our request for consideration in Phase 2 of the General Plan Update, stating that the proposal “does not assist in meeting State Housing Objectives” and that topographic and neighborhood compatibility concerns would be better analyzed in context of a project proposal. On May 22, 2013, Staff responded to a Preliminary Review Application (PRE 13-14) for an 18-unit, 8,000 square foot single family subdivision. Staff indicated that going from 5 units (approved tentative Map CT 02-06, PUD 02-02, HDP 02-01 and CDP 02-05) to 18 units will required transfer of units to the site from the City’s Excess Dwelling Unit Bank in the northwest quadrant. Staff also said there is some merit to the proposal’s 8,000 -square foot lot size based on land use compatibility with the adjacent subdivision. Staff also said they cannot now commit to support of the application (PRE 13-14) because of this pending GPA update needing a Council decision on the Excess Dwelling Unit Bank.

B6-2

In review of City files, we think the subject site is designated for 13 units. A proposed application we are considering for 13 units would not require obtaining any units from the Excess Dwelling Unit Bank based on the following:

- B6-3 • In December of 1988, the City approved Local Facilities Management Plan for Zone 8. The slope analysis/net developable acreage is 11, and at 1 unit per net acre, there are 11 future dwelling units.
- B6-4 • On January 28, 2002, a slope analysis signed by a Civil Engineer were submitted along with an application for 5 units. The slope analysis based on accurate topography shows 13 units.
- B6-5 • The 5-unit tentative map (CT 02-06, PUD 02-02, HDP 02-01 and CDP 02-05) was approved but the project has not been constructed.
- B6-6 • City Council Policy #43 (Proposition E – Excess Dwelling Unit Bank Policy on allocation of Excess Dwelling Units) says excess units go into the bank when projects are approved and constructed.
- B6-7 • The City has been putting excess units into the bank, not in compliance with Policy #43, prior to projects being constructed. Staff has now recognized this serious error and have adjusted the excess dwelling unit “tracking spreadsheet”.
- B6-8 • Because of the City’s mistake in keeping track of Excess Dwelling Units we have determined that there are 13 units in the subject property. When 75% of the property was placed into open space per the Carlsbad Habitat Management Plan, the units transferred to the remaining ~5 acres, now zoned R-1-30,000, and are suitable for development planning leading to a replacement subdivision map.

In summary, we ask that the City confirm there are 13 dwelling units available on the subject property for the reasons stated.

Thank you for your consideration.

Sincerely,



Robert Ladwig  
Ladwig Design Group, Inc.

cc: Gayl and Brian Hynek  
Jim Whalen – Nick Doenges  
Robert Kolodny  
Christer Westman

2234 Faraday Avenue ♦ Carlsbad, California 92008  
(760) 438-3182 ♦ FAX (760) 438-0173 ♦ Email ldg@dwilsoneng.com

June 12, 2014

JUN 16 2014

Mr. Don Neu, Planning Director  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, Ca. 92008

Planning Division

Re: Comments on the City's draft EIR & GPA for "Envision Carlsbad"  
Specifically RCOA parcel 4, the BJ apartment proposal

Dear Mr. Neu:

B7-1

Bob Ladwig, a local land planner, is sending you a separate letter objecting to a reduction of units for our parcel #4. We are in total support of Bob's position. Back in 2004 a local developer offered us a proposal to develop that site. The City was made aware of our interest and responded favorably subject of course to a formal application, etc. Your department's recent review of such an application called for 94 units from the excess dwelling bank, but now we are told the unit number may be reduced or eliminated completely.

B7-2

I'm sure you're aware that this parcel will be required to contribute about 6% of the cost of building the last segment of College Blvd (Reach A). This site, when developed, will provide cost favorable housing for Carlsbad residents including teachers and other employees at the new Sage Creek high school nearby.

B7-3

Another site needing housing units that supports the highway construction is the "market place" at the N/E corner of College and El Camino Real. If there

B7-4

needs to be a reduction or elimination of units, we would suggest you consider the Robertson Ranch Master Plan site, Parcel -22. Many years ago we opposed McMillin's desire for housing on that site which was compromised to a commercial office. The "Envision" plan lists it for 100 housing units. We're sure you will find other scattered sites in the N/E quadrant that provide little benefit to the City beyond tax revenue. College Blvd., a major arterial highway in this

B7-5

town, needs to be completed within the next five years. There are 3 developments already approved that need this highway segment, in addition to the two mentioned in this letter. We urge that you consider the bigger picture in your deliberations.

Sincerely,

  
William Culbreth, President

  
Bill Arnold, Chair, External Relations Committee

# Allen Sweet

June 15, 2014

City Planning Department

City of Carlsbad

1635 Faraday Avenue

Carlsbad CA 92008

Subject: Draft General Plan comments

Dear Sir

**B8-1** | I have been a resident and home owner in Carlsbad for 27 years. I am pleased to have served on the Envision Carlsbad Citizen Committee "EC3". The process was informative and I tried to provide good feedback on the different elements.

**B8-2** | Regarding the circulation element of the plan, I am concerned about the designation of certain roads as Connector Streets, especially Carlsbad Village Drive east of I-5, Tamarack, Aviara, Alga, La Costa east of El Camino, and Poinsettia. That road designation indicates that the priority is for pedestrians and bicycles over automobiles and buses. I am very concerned this will increase travel times within our city. The extra travel time will increase greenhouse gases, while the added stress on the drivers will negatively impact the health and happiness of our citizens, not to mention the safety for those sharing the road with them.

**B8-3** | I heard the interest in additional walking and bike paths which was expressed at the EC3 meetings. But we also need realism about how people get about. I have conducted an informal poll among friends and acquaintances. All indicated that they go to stores, restaurants, doctors, work, recreation, and the library by automobile. They do not expect to begin walking or biking to any store.

**B8-4** | I see that Carlsbad Village Drive east of I-5, and Jefferson beyond the Village are Connector Streets. These with Carlsbad Boulevard as a Coastal Street all give priority to Pedestrians and bicycles over cars.

 P. O. Box 4230

Carlsbad CA 92018

# Allen Sweet

B8-4

The Village area around State and Grand is coded as Village Streets with a priority for pedestrians and bicycles. How do we expect people to get to the Village? Or is the Village primarily to become the domain of tourist. And is the beach area along Carlsbad Boulevard also to be primarily for tourist? We regularly drive to the area to walk along the sea wall.

B8-5

I have watched as the new traffic circle on Carlsbad Boulevard has been put in place. I rather like roundabouts. But traffic movement through the intersection was never really an issue. My friends from Oceanside hate it and view this as just another example of Carlsbad telling them they are not welcome in the community. I cannot believe we spent hundreds of thousands of dollars to tell people they are not welcome in our fair city. And the road was taken from four vehicle lanes to only two, while increasing the bike and pedestrian lanes to a total of four. Is this the model we are to expect for the other Connector Streets in our community? I truly hope not.

B8-6

My daughter is a bike rider, so I have seen this group first hand. It is not unusual for young people to ride 10 to 80 miles on a trip. Most of the young people on Carlsbad Boulevard are probably not residents of Carlsbad. I also rather doubt they spend much money in our stores. Why are we giving such emphasis to out of town bicycle riders? How do we expect our own residents to get to their stores, restaurants, doctors, work, recreation, and the library? Most of our residents probably will not go by bike very often.

B8-7

So here is my suggestion: Change the priority of Connector Streets from having a priority primarily for pedestrians and bicycles back to a priority for cars and just try harder over the next decade to also be bike friendly.



Allen Sweet

Primary Member

Envision Carlsbad

P. O. Box 4230

Carlsbad CA 92018



# BENTLEY ♦ WING

June 16, 2014

Ms. Jennifer Jesser, Senior Planner  
City of Carlsbad - Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Via U.S. Mail & email [jennifer.jesser@carlsbadca.gov](mailto:jennifer.jesser@carlsbadca.gov)

REF: General Plan Update; Case No. EIR 13-02GPA 07-02/ZCA 07-01/LCPA 07-02

Dear Ms. Jesser:

B9-1

Thank you for the opportunity to submit comments regarding the Envision Carlsbad-General Plan Update. During the last 16 years I have designed and processed several projects in Carlsbad's Northeast Quadrant, particularly Zone 15, including Cantarini Ranch, Holly Springs, Dos Colinas, Lubliner and RCOA Parcel 4. Prior to that, I developed subdivisions in Carlsbad's Zone 20 and 12.

B9-2

The DEIR for the General Plan Update notes that the limitations imposed by Proposition E preclude inclusion of all the requested/proposed higher density residential properties in the city's NE Quadrant. Presented below are facts, analysis and recommendations I respectfully urge the city to consider in determining which NE Quadrant properties to approve for higher density in the updated General Plan.

## The Problem:

B9-3

As a result of the Sunny Creek Specific Plan's (SP-191, 1985) low density development character (half-acre and 1-acre minimum lot sizes) and the stricter regulatory standards adopted subsequent to SP-191 (i.e. HMP, hydro-mod), the approved/entitled projects in Zone 15 are yielding substantially fewer dwelling units than anticipated under the city's Growth Management Plan, thereby creating an extraordinary financial impediment to the last section of College Blvd. and related local facilities.

More specifically, the City's Excess Dwelling Units Tracking Spreadsheet shows that Zone 15 has already lost the financial support of 305 dwelling units as a result of the lower density development of Cantarini Ranch (187 "excess" units), Holly Springs (84 "excess" units) and Rancho Milagro (34 "excess" units). This problem will be exacerbated by low-yield development of the Mandana, Kato and DB-Lubliner properties (est. another 200+ unused/"excess units" for the bank, "EDUB").

B9-4

The lack of sufficient development/units to share the off-site costs effectively makes the last section of College Blvd. ("Reach A"), and related infrastructure, infeasible. The City and the new Sage Creek high school need College Blvd. completed and Zone 15 needs more units to pay for it.

**Recommend Approval:**

B9-5

1. R-30, Parcel 4 "BJ Apartment" site. This property is owned by RCOA and is under contract to Bentley-Wing Investments. It is located at the southeast corner of the Cannon/College intersection. Apartment development is this property's highest and best use based on: (a) its generally level topography with very minimal physical or environmental constraints; (b) it is situated at a major roadway intersection with good access and close proximity to public transit; (c) apartment use is supported by local residents and neighboring land uses; (d) area demand for apartments exceeds supply; and, (e) the planned apartment units (approx. 100) will help support the financial feasibility of College Blvd. ("Reach A") and related Zone 15 off-sites. Please refer to PRE 13-10 dated May 2, 2013, for additional project information and support.

B9-6

2. R-23, Multi-Family zoning over approx. 11 acres & retail/commercial zoning over approx. 6 acres of the Sunny Creek Shopping Center site (FourSquare/WalMart) at College Blvd. & El Camino Real. While the retail and commercial service needs of current and future local residents could be satisfied with the proposed 6-acre retail/commercial site, demand is not sufficient to support a large neighborhood or regional retail center on this site and the city does not support a "big-box" retail use (i.e. Walmart) at this location. Conversely, there is strong and growing demand for lower cost housing alternatives that a multi-family project at this location could help satisfy. Additional attributes supporting the proposed zoning include the property's physical and locational characteristics and the fact that the units, and complementary limited retail/commercial, would help pay to construct College Blvd. and related infrastructure.

B9-7

3. Medium Density Residential Zoning for the Kelly property at Sunny Creek Rd. and El Camino Real. This represents that property's highest and best use based on several factors, including: (a) its frontage along El Camino Real and Sunny Creek Road, for which substantial off-site improvements will be required concurrent with development; (b) it is situated between the Rancho Carlsbad mobile home-golf course community and the Sunny Creek multi-family/commercial site; and (c) medium density residential zoning could support a moderate priced alternative housing product (i.e. townhouse) consistent with the city's GP housing element.

**Recommend Denial:**

B9-8

- I. WP Equestrian Property/Sunny Creek. Medium density development for this property would be inappropriate and highly controversial. The mid-block location, flood-plain constraints and close proximity to wetland/riparian habitat make this property more suited to low-intensity recreation, open space or mitigation. The affordable housing needs for Zone 15 are being satisfied with the recently up-zoned Encinas Creek Apartments and with units in the Dos Colinas project. Additional affordable units and multi-family housing product will be provided by the Parcel 4 "BJ Apartment" project, the FourSquare/Walmart site, and the Kelly property.

B9-9

- II. PA 22 Robertson Ranch. The proposed 94-unit apartment development is not an appropriate use for this site. Aside from the inferior locational characteristics and attendant traffic concerns, the neighboring Rancho Carlsbad residents have been consistent (for 15+ years) in



B9-9

their opposition to multi-family development on PA22, which backs up to the RCOA community. An apartment project would be controversial and Zone 14 already contains enough residential units to support its infrastructure and satisfy its fair-share housing needs.

B9-10

III. Palomar Corridor land re-zone. The proposed conversion of business park/industrial land in the Palomar Corridor to residential/apartments (i.e. the 456 residential unit request for Raceway Lots 12-15) is not appropriate since it would effectively reduce the amount of land available and planned for the city's job creation and tax revenue generation. Moreover, an adequate supply and variety of housing is already available in this area. Withdrawing residential units from the EDUB to convert business park/industrial land in the Palomar Corridor to residential housing/apartments, would effectively reduce future jobs and revenue to the city and prevent the timely completion of the last section of College Blvd.

B9-11

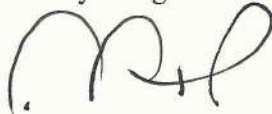
The foregoing recommendations are intended to help ensure (a) the timely completion of the last section of College Blvd., and related infrastructure, (b) a complementary array of housing product where it is most needed, and (c) the integrity and balance of the city's general plans and policies for employment, housing, transportation, recreation and open space.

Providing EDUB allocation priority to the three proposed higher density Zone 15 properties referenced above (RCOA Parcel 4, Foursquare/Walmart, and Kelly) will ensure the timely development of the last section of College Blvd. and related facilities by keeping the residential units in Zone 15 that were anticipated under the city's Growth Management Plan.

B9-12

Thank you for your consideration; please don't hesitate to contact me if I can be of any further assistance.

Very truly yours,  
Bentley-Wing Investments, L.P.



David M. Bentley, CCIM - President  
Bentley-Wing Properties, Inc. - General Partner  
[www.dmbentley.com](http://www.dmbentley.com)

cc: Mr. Don Neu, Carlsbad Planning Director  
Mr. David de Cordova, Principal Planner  
Mr. William Culbreth, President - RCOA  
RCOA P4 Committee  
Mr. Marc Wing, Bentley-Wing



# DELANO & DELANO.

June 16, 2014

City of Carlsbad

VIA E-MAIL & U.S. MAIL

JUN 17 2014

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

Planning Division

Re: Draft General Plan, Draft Climate Action Plan, Draft Program Environmental Impact Report

Dear City of Carlsbad:

B10-1

This letter is submitted on behalf of North County Advocates in connection with the proposed Draft General Plan (“Draft GP”), Draft Climate Action Plan (“Draft CAP”) and Draft Program Environmental Impact Report (“Draft EIR”).

## I. Introduction

The California Environmental Quality Act (“CEQA”), Pub. Res. Code §§ 21000 – 21177, must be interpreted “so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Friends of Mammoth v. Board of Supervisors*, 8 Cal. App. 3d 247, 259 (1972). If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency’s decision must be set aside. *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 712 (1990). An EIR is “aptly described as the ‘heart of CEQA’”; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. *Laurel Heights Improvement Assoc. v. University of California*, 47 Cal.3d 376, 392 (1988).

The California Constitution defines an initiative as “the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.” *Marblehead v. City of San Clemente* (1991) 226 Cal.App.3d 1504, 1509 (citing Cal. Const., Art. II, §8). Voters have the authority of the local legislative body. *Legislature of the State of California v. Deukmejian* (1983) 34 Cal.3d 658, 675. The California Supreme Court has explained: “The initiative and referendum are not rights ‘granted the people, but ... power[s] reserved by them.... If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it.” *Rossi v. Brown* (1995) 9 Cal.4<sup>th</sup> 688,695 (citations omitted).

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B10-2

## II. The Performance Standards for Parks and Open Space Must Be Met

Proposition E, passed by the City's voters in 1986, established a part of the Growth Management Plan.<sup>1</sup> It stated:

NO DEVELOPMENT SHALL BE APPROVED by the City of Carlsbad unless it is guaranteed that concurrent with need all necessary public facilities be provided as required by [the 1986 growth management plan] with emphasis on ensuring good traffic circulation, schools, parks, libraries, open space and recreational amenities;

It also stated:

The City Council or the Planning Commission shall not find that all necessary public facilities will be available concurrent with need as required by the Public Facilities Element and the City's 1986 growth management plan unless the provision of such facilities is guaranteed.

Thus, Proposition E cemented the requirement that the Public Facilities Standards laid out in the City's 1986 Growth Management Plan must be guaranteed before development can be approved.<sup>2</sup>

The Carlsbad Municipal Code codifies this requirement, stating: "no development permit shall be approved unless the approving authority finds that the permit is consistent with the city-wide facilities and improvements plan and the applicable local facilities management plan." Munic. Code Chapter 21.90.040. The Code further provides that if at any time the performance standards established by a LFMP are not met, "then no development permits or building permits shall be issued within the local zone until the performance standard is met..." Muni. Code Chapter 21.90.080.

For each zone, a Local Facilities Management Plan (LFMP) was developed. Each LFMP requires that all development within the zone comply with the Chapter 21.90 of the Municipal Code, and the LFMP itself which incorporates the 1986 Growth Management Performance Standards. Each LFMP provides that, if the City Council determines a non-conformance exists, then "no future building or development permits

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<sup>1</sup> On December 2, 1986, the City certified the passage of Proposition E at the November 4, 1986 election, and adopted and ratified the proposition as Ordinance No. 9824.

<sup>2</sup> The Growth Management Plan was adopted in a series of Resolutions: Resolution No. 8796, establishing the clarified Performance Standards for the Growth Management Program; Resolution No. 8797, approving the Citywide Facilities and Improvements Plan; Resolution No. 8798, establishing the guidelines for the preparation of the Local Facility Management Plans; Resolution No. 8799, establishing a Local Facility Management Plan Processing Fee.

B10-2

shall be issued until those facilities are brought into conformance with the adopted performance standard.” Each also states: “no building permits will be allowed unless the performance standards are complied with.”

The standard for parks is: “Three acres of community park or special use park per 1,000 population within the Park District, must be scheduled for construction within a five year period.” Res. No. 8796, Att. A; Proposition E. The standard for open space is: “Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for open space and must be available concurrent with development.” *Id.*

B10-3

### III. Parks

#### V. The Draft GP Uses an Incorrect Standard for Parks

The Draft GP states an incorrect performance standard for parks. It states that three acres of Community Park or Special Use Area per 1,000 population within the park district “must be scheduled for construction within a five-year period, or prior to construction of 1,562 dwelling units within the park district beginning at the time the need is first identified.” Draft GP at 4-9 (emphasis added). The Draft GP further explains this standard: “The threshold for triggering the construction of a new park is as follows: once a deficit of park acreage in a quadrant is identified, a new park must be scheduled for construction within the time frame of five years, or before the cumulative construction of 1,562 dwelling units, whichever occurs later. According to City Council Resolution No. 97-435, ‘scheduled for construction’ means that the improvements have been designed, a park site has been selected, and a financing plan for construction of the facility has been approved.”

This is inconsistent with Proposition E which, as described above, requires that the requisite park acreage be constructed within a five year period. The 1986 Guideline for Preparation of Local Facility Management Plans states that if there is a shortfall in park space, the plan for parks shall either “provide a plan for eliminating the shortfall, or indicate the intent to suspend development in the zone for a period of time, until the necessary facilities are constructed.”<sup>3</sup>

The Draft GP’s revised definition has gutted this requirement that park acreage be constructed within five years in two ways. First, the added alternative of waiting until 1,562 dwelling units are built completely annihilates the time frame requirement. Under that standard, park districts, or quadrants, could be failing to meet the requisite 3 acres of

<sup>3</sup> On April 14, 1987, the City provided policy direction to staff by confirming the residential performance standards of the Growth Management Plan only affect residential development, and not other types of development such as commercial and industrial.

Thus for parks, if the standard is not met then only residential development is stayed, for open space, all development is stayed.

B10-3

park per 1,000 people for years, or even decades, until that arbitrary threshold of dwelling units has been built. Second, the City's definition of "scheduled for construction" provides no assurance of when the park would actually be constructed. A shortfall of park acreage could continue for years under such a definition. This is not consistent with either the letter or the spirit of Proposition E.

The DEIR fails to discuss or analyze this standard, or the inconsistency. *See*, DEIR at 3.11-1 – 3.11 – 6.

B10-4

**B. The Draft GP and DEIR Fail to Analyze Current Conformance with Performance Standards for Parks**

The analysis of whether the City is currently meeting park standards or not must include a comparison of current population numbers to park acres in the four quadrants. The Draft GP includes various tables listing park acreage. It also includes a conclusion that the City is meeting the Growth Management Standards for parks. Draft GP at 4-22. However, the Draft GP does not include a critical piece of data for the analysis: current population figures for the four city quadrants.

The Draft EIR states that the California Department of Finance estimated Carlsbad's population to be 108,246 as of January 1, 2013. DEIR at 3.9-6. However nowhere in the DEIR or the Draft GP are figures provided for current population in each quadrant. The DEIR does not include additional analysis, it merely states that the "City of Carlsbad Fiscal Year 2012-2013 Growth Management Plan Monitoring Report shows how the parks facility standard is currently satisfied." DEIR at 3.11-2. The City should provide numbers for population by quadrant.

But, utilizing the population estimate from the Department of Finance and the Quadrant Dwelling Unit Report from the GMP Monitoring Report, combined with the existing park acres listed in the Draft GP, the table below shows that not all quadrants are currently meeting the parks standards:

Quadrant	Population <sup>4</sup>	Park Acres Required	Existing Park Acres <sup>5</sup>	Shortfall/ Excess
North West (NW)	29,750.5	89.25	95.4 <i>Community parks: 47.6</i> <i>Special use areas: 47.8</i>	+6.15

<sup>4</sup> Determined by # of dwelling units listed in the City of Carlsbad Development Monitoring Report dated May 2014) ( NW:12,243; NE: 5,954; SW: 10,161; SE: 16,151) and population figure stated in the DEIR as the California Department of Finance estimate for 2013. DEIR at 3.9-6.

<sup>5</sup> This is the number of park acres listed in the Draft GP.

B10-4

North East (NE)	14,468	43.40	43.5 <i>Community parks: 39.7</i> <i>Special use areas: 3.8</i>	+0.10
South West (SW)	24,691	74.07	70.2 <i>Community parks: 65.5</i> <i>Special use areas: 4.7</i>	-3.87
South East (SE)	39,247	117.74	114.9 <i>Community parks: 102.7</i> <i>Special use areas: 12.2</i>	-2.84
Citywide	108,246	324.7	324 <i>Community parks: 255.5</i> <i>Special use areas: 68.5</i>	+0.7

The most recent Growth Management Report for the city also reports that both the southwest and southeast quadrants do not currently contain the requisite acres of parks to meet the standards. City of Carlsbad Fiscal Year 2012-2013 Growth Management Plan Monitoring Report at p. 15. For those quadrants that currently have a shortfall, the voter approved Growth Management Plan requires that no development be approved unless the requisite acres of park are guaranteed to be constructed within 5 years.

B10-5

**C. The Draft GP's Analysis of Future Conformance with Performance Standards for Parks is Incorrect**

The Draft GP analyzes future park needs based on estimates of future population. In this analysis, it counts Veteran's Memorial Park as a "citywide" park, and proceeds to divide the 90 acre park between the four quadrants, adding 22.5 acres of "future park areas" to each quadrant. With those additional acres, the Draft GP concludes, in table 4-7, that each of the quadrants will be compliant with the park standards at "buildout."

However, the numbers in the Draft GP's analysis are flawed. Veteran's Memorial Park is in the Northwest quadrant of the City. There is nothing in the voter approved Growth Management Plan that allows for a park to be counted in the acreage of a different quadrant. Even if all the other calculations of park acreage were correct, if Veteran's Memorial Park were counted only toward the Northwest quadrant, then all three other quadrants have a projected shortfall of park acreage. Under the voter-approved Growth Management Plan, no residential development may go forward if the performance standard for parks is not met.



B10-5

This is Table 4-7, using the numbers already provided in the Draft GP, but simply revised to include Veteran's Memorial Park in the Northwest quadrant rather than "citywide." If this were done, the table would appear as follows:

<b>Northwest Quadrant</b>	
Population Estimate	37,844
Park Acres Needed (to comply with GMP standards)	113.5
Current existing park acres	95.4
Future Park Acres (from table 4-5) (including Veteran's)	106.9
<b>Future Shortfall/Surplus</b>	<b>+91.80</b>
<b>Northeast Quadrant</b>	
Population Estimate	22,666
Park Acres Needed (to comply with GMP standards)	68
Current existing park acres	43.5
Future Park Acres (from table 4-5)	13
<b>Future Shortfall/Surplus</b>	<b>-11.5</b>
<b>Southwest Quadrant</b>	
Population Estimate	28,857
Park Acres Needed (to comply with GMP standards)	86.6
Current existing park acres	70.2
Future Park Acres (from table 4-5)(including Veteran's)	0
<b>Future Shortfall/Surplus</b>	<b>-16.4</b>
<b>Southeast Quadrant</b>	
Population Estimate	41,785
Park Acres Needed (to comply with GMP standards)	125.4
Current existing park acres	118.3
Future Park Acres (from table 4-5)(including Veteran's)	0
<b>Future Shortfall/Surplus</b>	<b>-7.1</b>

B10-6

**D. The Draft GP Counts Some Acres as Both Park Land and Environmentally Constrained Open Space**

The numbers in the table above, however, include acreage that should not be counted as park land. The Draft GP includes Hidden Canyon Park, La Costa Canyon Park, Leo Carillo Park, and Poinsettia Park (as well as the future Veteran's Park), in its calculation of park acreage. Draft GP at 4-15, Figure 4-3, and 4-25, Table 4-4. However the Draft GP also includes these areas in its calculation of hardline Habitat Management Plan (HMP) preserve areas. The portions of those parks that are hardline HMP preserves

B10-6

should be subtracted from the acreage calculation for parks, since they cannot be counted in both categories. If that were done, it would reveal that the Northeast Quadrant also does not meet the performance standards, and that the shortfall in the Southeast and Southwest quadrants is greater than the table above reflects.

B10-7

#### IV. Open Space

##### V. The Draft GP Includes Areas in its Calculation of Open Space Acreage That May Not Count Towards Performance Standards

The Draft GP includes a policy to: “require compliance with the Growth Management open space performance standard specified in the Citywide Facilities and Improvements Plan, and maintain appropriate criteria, standards, and classifications.” Draft GP at 4-48, 4-P-5. The performance standard contained in the voter approved Growth Management Plan is: “Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for open space and must be available concurrent with development.”

The voter-approved Growth Management Plan specified that open space counting toward the performance standard would include areas such as “greenbelts, pocket-parks, trails, increased setbacks along scenic corridors, and open space links between environmentally-sensitive areas.” June 27, 1988 Staff Report to Citizens Committee to Study Growth. It further clarified that “the 15% cannot include required community parks or school playgrounds.” *Id.*

The Draft GP includes a policy that is consistent with this voter-approved Growth Management Plan. Policy 4-P-5 of the Draft GP specifically lists areas that “shall not be utilized to meet the open space performance standard” including (with certain exceptions), schools, parks, open space not available to the public, powerline easements, and golf courses. *Id.*

However, the Open Space Conservation and Recreation (“OSCR”) Element of the Draft GP utilizes a much broader definition of open space than that which should count towards the performance standards. It defines open space for the purposes of the OSCR Element as: “Any area of land or water that is devoted to an open space use and designated on the city’s Land Use Map as open space, or dedicated in fee title or easement for open space purposes.” Draft GP at 4-5. It then specifies four categories of open space in this context: open space for: 1) the preservation of natural resources; 2) the managed production of resources; 3) outdoor recreation; and 4) aesthetic, cultural and educational purposes. The Draft GP provides a map and a table with open space information for the four categories. Figure 4-I; Table 4-I.

The broad definition of open space utilized in the OSCR Element includes many areas that may not be counted towards compliance with the performance standards. For example, the category of open space for outdoor recreation includes “school recreation

B10-7

areas; public parks and recreation areas; greenways; trails; campgrounds; golf courses; and equestrian facilities.” The Draft GP concludes that there are 9,473 acres of open space in the City, which is equal to 38% of the City. Draft GP, Table 4-1. However those numbers include acreage that should not be counted towards the open space standards.

B10-8

**B. The Draft GP and the DEIR Fail to Analyze Conformance with Open Space Standards**

The Draft GP’s discussion of the amount of open space in the city does not include a discussion or analysis of whether the city is meeting the performance standards for open space. It does not note that there are certain LFMZs that are not in compliance with the standard.<sup>6</sup>

While it mentions the performance standard for open space, the Draft GP does not analyze whether the city is meeting the open space standards in the various zones, or even city-wide. Table 4-1 lists city-wide amounts of open space in the four open space categories, however there is no discussion of or numbers related to constrained lands, an integral part of the standard, and, as discussed above, those figures include areas that should not be counted towards the performance standards.

The City’s 1986 Citywide Facilities and Improvements Plan clarified the definition of environmentally constrained lands and how they were determined. The city clarified that “beaches, wetlands, floodways, other water bodies, riparian and woodland habitat” were environmentally constrained lands, as were “slopes greater than 25 percent, major roadways railroad tracks, and major power line easements.” Citywide Facilities and Improvements Plan, Sept. 18, 1986.

Remarkably, the DEIR does not contain any discussion or analysis of the performance standards for open space. The DEIR contains a section devoted to Public Facilities and Services, but there is no discussion or analysis of open space. *See*, DEIR, Sect. 3.11. It also contains a section on Biological Resources which mentions open space and discusses an “Open Space Management Plan” to “assist in the implementation of the MHCP and HMP. However this section does not discuss Proposition E’s performance standards for open space. The DEIR includes Policy 4-P-5 in Table ES-3 (Summary of Significant Impacts and Proposed General Policies and Mitigation Measures that Reduce the Impact), however the policy is not discussed or analyzed. The DEIR merely states that the impact of this is less than significant, and contains no further analysis.

The City should provide information, including acreage and location, for those open space areas it is counting towards meeting the performance standards. It should

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<sup>6</sup> The City of Carlsbad Fiscal Year 2012-2013 Growth Management Plan Monitoring Report for July 1, 2012 through June 30, 2013 points out that at least Zone 22 is has not met the Growth Management open space standard.

B10-8

also provide information, including acreage and location, for those areas that are constrained lands under the definition contained in the Growth Management Plan.

B10-9

**C. The Open Space Performance Standards Apply to All LFMZs**

The Draft GP states: “Fifteen percent of the total land area in specified Local Facility Management Zones (LFMZ), exclusive of environmentally constrained non-developable land, must be set aside for permanent open space (public or private) and must be available concurrent with development.” Draft GP at 4-6. The Draft GP goes on to state that at the time the open space facility standard was established (1986), LFMZs 1-10 and 16 “were already developed or met/exceeded the open space standard, and therefore, are not subject to the open space standard. LFMZs 11-15 and 17-25 are the zones required to comply with the open space standards.” Draft GP at 4-7.

However, Proposition E did not exclude zones that were already compliant with the open space standard. Indeed, the LFMP’s for all zones, even those that were deemed to be in compliance, discuss the open space standard as applicable, and adopt plans for monitoring open space and continuing to ensure that open space standards are met. Thus, the open space standards codified in Proposition E apply to all 25 LFMZs, not merely those zones that were not compliant with the standard when it was adopted.

B10-10

**D. Conformance with Municipal Code**

The Carlsbad Municipal Code will need to be revised to comport with the GP. The Code contains a table of permitted uses within open space areas that includes uses such as: “parking areas,” “recycling collection facilities,” and “stadiums.” Munic. Code Chapt. 21.33.020, Table A. These uses are inconsistent with the definitions of open space in the Draft GP and in the voter-approved Growth Management Plan discussed above.

B10-11

**V. Additional Inadequacies in the CAP and EIR**

The EIR’s discussion of aesthetics, community character and land use impacts is insufficient, including the following:

- The Project as currently projected will exceed the Growth Management Plan caps. EIR at ES-3.
- Furthermore, it is inconsistent with Proposition E to fail to count certain uses as dwelling units under the cap. EIR at 3.9-8. See *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4<sup>th</sup> 205, 212 (“When, as here, the voters enacted the provision, their intent governs”).

B10-12

B10-13

The EIR’s discussion of air quality impacts is insufficient, including the following:

B10-13

- No information regarding stationary sources is provided. EIR at 3.2-23.

B10-14

- Nor are the calculations of effectiveness of the mitigation measures adequately explained. EIR at 3.2-19.

B10-15

- Policies 2-P.13 and 4-P.53 discuss mechanisms that could improve both traffic and air quality impacts, but the City has not required such measures in the past.

B10-16

- It is unclear how the GP could contribute to an air quality violation yet not obstruct the implementation of the applicable air quality plan. EIR at 3.2-21.

B10-17

The EIR's discussion of climate change impacts is insufficient, as is the CAP, including the following:

- The CAP relies on SANDAG's RTP, but that plan was found to be insufficient. CAP at 1-7.

B10-18

- The CAP also relies on the Scoping Plan, but that plan is currently under revision. CAP at 1-5.

B10-19

The EIR's discussion of wildfire impacts is insufficient, particularly in light of recent fires. EIR at Figure 3.6-4.

B10-20

There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three "principles for analytical adequacy under CEQA":

- (1) "CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project";
- (2) "an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years"; and
- (3) "the future water supplies identified and analyzed must bear a likelihood of actually proving available .... An EIR for a land use project must address the impacts of likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability."

*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, 430 – 32 (emphasis in original) (citations omitted). The EIR fails to comply with these mandates. The EIR mentions the availability of water infrastructure, but there is inadequate discussion of drought or possible shortages of future water supplies for the Project and the area.

B10-21

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 51. "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant

B10-21

effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b). “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404.

CEQA contains a “substantive mandate” that agencies refrain from approving a project with significant environmental effects if “there are feasible alternatives or mitigation measures” that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4<sup>th</sup> 105, 134; Pub. Res. Code § 21002. It “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.” *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The EIR was required to consider and the city is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4<sup>th</sup> 341, 360; see also CEQA Guidelines § 15126.6(b).

The proposed mitigation is insufficient and fails to provide adequate specific criteria and enforceable standards. See *Sierra Club v. County of Fresno* (May 27, 2014) 2014 Cal.App.LEXIS 459; *Citizens for Environmental Responsibility v. State of California* (March 26, 2014) 2014 Cal.App.LEXIS 283; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4<sup>th</sup> 645, 671. Inadequacies in the analysis of mitigation and alternatives include the following:

B10-22

- The EIR acknowledges significant impacts to air quality and traffic but fails to consider adequate mitigation or alternatives.

B10-23

- Policy 9-P.12 states the city will “[c]ontinue pursuit of sustainable energy sources” rather than actually requiring such. Particularly since that “pursuit” has resulted in very little sustainable energy to date, and certainly not anywhere near enough to “meet the community’s needs,” this measure is insufficient.

B10-24

- No mitigation or alternatives are considered that reduce Vehicle Miles Traveled. EIR at 3.2-25.

B10-25

- Similarly, there is inadequate discussion of alternative transportation. EIR at 3.13-29.

B10-26

- Policy 3-P.7 will only exacerbate traffic impacts.

B10-27

- The EIR fails to consider mitigation for construction noise that provides numeric standards. EIR at ES-69.

B10-28

Additionally, the EIR fails to consider a reduced development or smart growth alternative that reduces impacts while meeting goals. The only alternatives considered actually increase population and impacts over the Project. EIR at 4-34.

Comments re Draft GP, CAP and EIR

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B10-29

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

B10-30

Further inadequacies of the GP and EIR are discussed in the enclosed comments from Matt Hagemann.

B10-31

The EIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

Thank you for your consideration of the above comments. If you have a question or need additional information, please contact me.

Sincerely,



Everett DeLano

Enc.



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June 14, 2014  
Everett DeLano  
DeLano & DeLano  
220 W. Grand Ave  
Escondido, CA 92025

**Subject: Comments on the Carlsbad Draft General Plan, Carlsbad, California**

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Dear Mr. DeLano:

B10-32

I have reviewed the March 2014 Draft Program Environmental Impact Report (DEIR) for the Carlsbad Draft General Plan and Draft Climate Action Plan ("Project"). The Project establishes policy and standards for residential, commercial, office, and hotel development with buildout anticipated in 2035. According to figures in the DEIR, at buildout, the Project will result in construction that will expand existing stocks of housing by 18%, commercial space by 56%, office space by 14%, industrial space by 31%, hotel rooms by 66 %, population by 22%, and jobs by 37% (p. E5-5).

B10-33

Areas of the DEIR that I have reviewed include Air Quality; Energy, Greenhouse Gases, Climate Change; Public Utilities and Infrastructure; and Water Quality. In the preparation of these comments, I reviewed documents related to the Project, including:

- Climate Action Plan, March 2014; and
- Carlsbad Municipal Water District Water Master Plan, April 2012.

I have found the DEIR to inadequately disclose significant impacts in these subject areas and to fail to identify mitigation measures that would be necessary to reduce impacts to the maximum extent that is feasible. A revised DEIR and Climate Action Plan should be prepared to address these inadequacies and to identify additional mitigation.

B10-34

**Air Quality**

Air quality thresholds for emissions from construction and operation will be exceeded during Project implementation. The DEIR states:

Criteria pollutant emissions would occur during construction and operational activities, resulting in a significant and unavoidable impact. Future construction allowed under the proposed General Plan would result in a temporary addition of pollutants to the local airshed caused by





B10-34

soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. (p. ES-7); and

Operational emissions from motor vehicles, due to vehicular traffic generated by future development, and area sources, such as natural gas combustion, landscaping, and architectural coatings for maintenance, would exceed the SDAPCD's significance threshold for VOC, NOx, CO, PM10, and PM2.5 primarily due to motor vehicle emissions; therefore, impacts would be potentially significant.

The DEIR fails to adequately quantify the construction and operational emissions from the Project and does not provide for adequate mitigation.

B10-35

*Construction Emissions are not Adequately Estimated or Mitigated*

Emissions of criteria air pollutants that would result from construction activities are not quantified in the DEIR. Therefore, impacts of the project on the already degraded air quality in the San Diego Air Basin cannot be evaluated. A revised DEIR needs to be prepared to provide quantitative estimates of construction air emissions and to mitigate those emissions.

The DEIR states (p. 3.2-22):

Although specific project construction schedules that would be implemented under the proposed General Plan are not known at this time, construction emissions generated during construction of future development would potentially exceed SDAPCD thresholds; therefore, impacts would be considered potentially significant.

No attempts to estimate construction emissions are made in the DEIR. Even without knowing schedules, emissions could be estimated by evaluating acreage of the developments and the square footage of the residential and commercial development.

Only by estimating the construction emissions can this goal, as presented in the DEIR, be met

To allow city departments, other public agencies, and private developers to design projects that will enhance the character of the community, preserve and enhance important environmental resources, and minimize hazards (p. 2-6).

Impacts of Project construction on the quality of the air, both on regional and a local scales, are not estimated; therefore, there is no way to gage if environmental resources (e.g. air quality) can be preserved. The DEIR can only state that "impacts would be considered potentially significant" (p. 3.2-22). Therefore, the ability to meet this one aspect of this important goal is unknown unless an attempt is made to quantify emissions.

Because construction emissions are not estimated, and therefore the significance of the emissions is unknown, the DEIR offers very little in the way of mitigation. The DEIR outlines the following measures in "reducing emissions" although the reductions are not quantified:



Proposed Plan Policy 4-P.SS, listed below, would further aid in reducing emissions associated with construction activities; for example, the policy requires compliance with the city's storm water pollution prevention plan (SWPPP) requirements, which include implementation of best management practices (BMPs) such as dust control measures and other construction-related measures during grading and construction activities. Additionally, Section 4.504 of the city's California Green Building Standards Code (adopted by reference as part of the city's building code) includes measures related to pollutant control for dust debris and architectural coating that would reduce fugitive dust and VOC content during coating applications for new projects. Measures outlined in the city's SWPPP process and Green Building Standards Code would reduce impacts associated with construction activities; however, there is no guarantee emissions would be mitigated below SDAPCD thresholds. Therefore, impacts would remain significant and unavoidable during construction.

These measures make only a tepid attempt to reduce construction emissions and offer no assurance that all feasible mitigation was explored to reduce levels to less-than-significant quantities. For example, citing the stormwater pollution prevention plan (SWPPP) process is inappropriate in addressing air quality impacts. SWPPPs are implemented for compliance with requirements of the California General Construction Permit in making provisions to reduce stormwater contamination, not to reduce construction emissions. Instead, measures to reduce fugitive dust during construction activities are routinely specified in dust control plans for approval by air quality management districts on a project-by-project basis, prior to issuance of grading permits.<sup>1</sup>

The DEIR also cites SDAPCD Regulation IV: Prohibitions; Rule 5S: Fugitive Dust in stating that emissions "to restrict visible emissions of fugitive dust beyond their respective property lines" and "limit fugitive dust (PM10 and PM2.5) that may be generated during grading and construction activities" (p. 3.2-22) but does not list the specific requirements of the rule and how projects will comply and what measures will be taken to ensure compliance, including monitoring and enforcement.

The following standard measures to reduce dust and vehicle emissions should be included in the DEIR to require the following for individual project construction:

- List, in full, and implement all applicable SDAQMD rules and regulations that pertain to construction activities.
- Identify trigger levels above which construction activities would be halted until concentrations of PM 10 are reduced below an established threshold, for example, \*\*
- Apply water as necessary to prevent visible dust emissions.
- Apply water, nontoxic chemical stabilizers, or dust suppressants, or use tarps or other suitable material in all disturbed areas that will not be utilized for 10 days or more.
- Identify specific measure to prevent carryout and track-out of fugitive dust on construction vehicles. Methods to limit carryout and track-out include using wheel washers and metal

<sup>1</sup> <http://cityofmillslonviejo.org/assets/0/72/100/106/a199aed3-e823-406f-848b-29fd6d040a3b.pdf>, p. ES-5.

tracks at the site entrances and exits, sweeping any track-out on adjacent public streets at the end of each workday, and lining access points with gravel, mulch, or wood chips.

- Cover or wet the filled cargo compartment of all transport trucks to limit visible dust emissions during transport, and maintain at least 2 feet of freeboard space from the top of a container.
- Install sandbags or other erosion control measures on sites with a slope greater than 1 percent to prevent silt runoff to public roadways.
- Maintain all construction equipment according to the manufacturers' specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Minimize idling time either by shutting off equipment when it is not in use or reducing the time of idling to no more than 5 minutes. Provide clear signage regarding idling at site access points.
- Use alternative fueled (e.g., compressed natural gas [CNG], liquefied natural gas [LNG], propane), or electric-powered construction equipment where feasible.
- Use equipment with diesel oxidation catalysts, catalyzed diesel PM filters, or other applicable air district-approved emission reduction retrofit devices where feasible.

None of the above measures were contemplated in the DEIR. Only weak assertions are made, like the following:

Measures outlined in the city's SWPPP and Green Building Standards Code would reduce impacts associated with operational emissions; however, there is no guarantee emissions would be mitigated below SDAPCD thresholds. Due to the substantial increase anticipated in average daily traffic (ADT) as a result of development under the proposed General Plan, no mitigation is available to reduce CO and PM10 impacts from motor vehicles to a level that is less than significant.

The DEIR does not estimate construction emissions and does not estimate the efficacy of the mitigation measures in reducing construction emissions. Therefore, impacts of Project construction on air quality are unknowable. A revised DEIR should be prepared to provide for quantitative estimates of unmitigated and mitigated construction emissions. Quantitative estimates could be made by estimating land areas (in acres) that would be disturbed by construction and resultant emissions of criteria air pollutants that would result. The timing of such development, and the resulting emissions, could be predicted on a schedule for construction of individual projects or, if that represents too much uncertainty, the emissions of the criteria air pollutants could be amortized over the life of the project until buildout in 2035.

Use of such a predictive analysis would allow for Project construction emissions to be estimated and then mitigated as necessary. This approach is greatly superior to the approach taken in the DEIR which only tepidly states: "impacts would be considered potentially significant" (p. 3.2-22) without any attempt to quantify the emissions.

*Operational Emissions are Inadequately Quantified and Mitigated*

Typically, DEIRs for general plans are supported by air quality assessments which explain the modeling approach used to estimate emissions, identify model input values, and present findings in comparison to relevant air quality thresholds.<sup>2</sup> Operational emissions for the Project are summarized in Table 3.2.6 which states, as a note, “complete details of the emissions calculations are provided in Appendix B.” However, Appendix B offers no narratives or detail about how operational emissions that were quantified in Table 3.2-6 were derived other than to provide model runs. This is insufficient disclosure and does not allow for an informed review by the public. The DEIR should be revised to include a stand-alone air quality assessment that supports, with narratives, the estimates presented in Table 3.2.6.

Despite the lack of transparency, the DEIR estimates Project operational emissions that will vastly exceed the thresholds established by the SDAPCD thresholds as presented below in Table 3.2.-6 from the DEIR:

**Table 3.2-6: Estimated Daily Maximum Operational Emissions (pounds/day)**

General Plan Buildout (2035)						
Emission Source	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Motor Vehicles	622.27	747.84	6,498.67	15.43	3,052.29	582.33
Area Sources	1,784.83	212.35	7,011.10	21.73	1,121.56	1,079.54
<b>Total</b>	<b>2,407.10</b>	<b>960.19</b>	<b>13,509.77</b>	<b>37.16</b>	<b>4,173.85</b>	<b>1,661.87</b>
Emission Threshold	75	250	550	250	100	55
Threshold Exceeded?	Yes	Yes	Yes	No	Yes	Yes

Emissions represent maximum of summer and winter. “Summer” emissions are representative of the conditions that may occur during the ozone season (May 1 to October 31), and “winter” emissions are representative of the conditions that may occur during the balance of the year (November 1 to April 30).

Source: Appendix B.

In itself, the exceedances are no surprise because the thresholds are established on a project level basis while the DEIR was prepared to incorporate a number of individual development projects. What is surprising, and inadequate, is that the DEIR fails to compare emissions to a baseline that would allow for meaningful evaluation of Project impacts. Typically, general plans and general plan updates compare emissions of criteria air pollutants at buildout to a baseline (i.e. year of current General Plan, or some other representative year that would allow for a gage of relative project impacts). This type of comparison allows for a more meaningful evaluation of Project impacts.

For example, the General Plan Update for the City of Vacaville, California, calculates “net emissions” by comparing projected 2035 emissions to emissions estimated for 2008 (“existing General Plan

<sup>2</sup> See for example: [http://www.sdcounty.ca.gov/pds/gpupdate/docs/BOS\\_Aug2011/EIR/Appn\\_B\\_Air.pdf](http://www.sdcounty.ca.gov/pds/gpupdate/docs/BOS_Aug2011/EIR/Appn_B_Air.pdf)  
[http://www.co.merced.ca.us/pdfs/planning/generalplan/DraftGP/DEIR/appendix\\_d\\_air\\_quality\\_2012\\_11\\_23f.pdf](http://www.co.merced.ca.us/pdfs/planning/generalplan/DraftGP/DEIR/appendix_d_air_quality_2012_11_23f.pdf)

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conditions”) as shown below.<sup>3</sup> This comparison allows true Project impacts to be judged in that the net emissions of criteria pollutants (NOx, ROG, PM10) are compared to air quality thresholds.

**TABLE 4.3-4 REGIONAL EMISSIONS FROM THE PROPOSED GENERAL PLAN IN 2035**

	<b>ROG (Tons/Year)</b>	<b>NO<sub>x</sub> (Tons/Year)</b>	<b>PM<sub>10</sub> (Pounds/Day)</b>
Existing General Plan (2008 Conditions)	483	2,057	540
Proposed General Plan (2035 Conditions)	238	809	700
Existing General Plan (2035 Conditions)*	238	805.8	680
<b>Net New Emissions</b>	<b>-245</b>	<b>-1,248</b>	<b>160</b>
<b>YSAQMD Significance Threshold</b>	<b>10.0</b>	<b>10.0</b>	<b>80.0</b>
Exceed?	No	No	Yes

\* Existing General Plan 2035 emissions are presented for informational purposes only. The impact analysis in this section is based on a comparison between existing conditions and conditions under the proposed General Plan.

Source: ISA Associates, Inc., 2012.

This comparison, from the Vacaville General Plan, shows how implementation of General Plan with effective mitigation measures can reduce net new emissions (ROG and NOx) to levels below baseline conditions that are established to represent existing General Plan Conditions. Other examples of General Plan Updates that compare project impacts to a baseline include: 2010 Rancho Cucamonga General Plan Update<sup>4</sup> and the 2011 San Diego County General Plan Update.<sup>5</sup>

A revised DEIR should be prepared to allow for a comparison of Project operational emissions to an appropriate baseline year to more-adequately judge Project significance. Any exceedances of 5DAQMD emissions thresholds should be mitigated in the revised DEIR.

Also, the DEIR failed to consider new stationary sources, including the Encina Power Plant, a 500 to 800 megawatt natural gas fired project in Carlsbad, approved on March 12, 2014.<sup>6</sup> A revised DEIR should be prepared to consider emissions from the Encina plant as well as from any other power plant that may be foreseeably brought online through buildout of the General Plan Update through 2035.

B10-37

### Greenhouse Gas Emissions

The Project represents an opportunity for Carlsbad to define its vision for the reduction of greenhouse gasses. Although the DEIR does identify policies and measures that would allow for GHG emissions to

<sup>3</sup> [http://www.vacavillegeneralplan.org/wp-content/uploads/2013/10/4-3\\_AirQuality.pdf](http://www.vacavillegeneralplan.org/wp-content/uploads/2013/10/4-3_AirQuality.pdf)

<sup>4</sup> <https://www.cityofrc.us/civica/filebank/blobdload.asp?BlobID=7596>, Table 4.3-5

<sup>5</sup> [http://www.sdcounty.ca.gov/pds/gpupdate/docs/BO5\\_Aug2011/EIR/FEIR\\_2.03\\_-\\_Air\\_Quality\\_2011.pdf](http://www.sdcounty.ca.gov/pds/gpupdate/docs/BO5_Aug2011/EIR/FEIR_2.03_-_Air_Quality_2011.pdf), Table 2.3-10

<sup>6</sup> <http://www.utsandiego.com/news/2014/Mar/13/open-door-carlsbad-powerplant/>

remain the same, on a per-capita/service population basis, the DEIR fails to provide for enforceable measures that would result in real reductions.

As identified in the DEIR, the largest GHG emitters are:

- Transportation sector being the largest source of emissions, generating approximately 273,745 MTCO<sub>2e</sub>, or 39 percent of total 2011 emissions. Transportation sector emissions are the result of diesel and gasoline combustion in vehicles traveling on both local roads and state highways that pass through the jurisdictional boundaries of Carlsbad.
- Electricity and natural gas consumption for the commercial and industrial sector, generating 224,960 MTCO<sub>2e</sub>, or 32 percent of the total 2011 emissions.
- Electricity and natural gas use in the residential sector, producing 176,405 MTCO<sub>2e</sub>, or 25 percent of total emissions.

These areas represent, therefore, the greatest opportunity to reduce emissions. The DEIR does make estimates that show that the AB 32 reductions will be met as follow:

**Table 3.4-10: Forecast Community Emissions with Draft Climate Action Plan GHG Reduction Measures and Targets**

<i>Year</i>	<i>Modified Baseline Forecast (MTCO<sub>2e</sub>)</i>	<i>CAP GHG Reduction Measures (MTCO<sub>2e</sub>)*</i>	<i>Forecast Community Emissions with CAP GHG Reduction Measures (MTCO<sub>2e</sub>)</i>	<i>GHG Emission Targets (Linear Scaling of AB 32IS-3-05) (MTCO<sub>2e</sub>)</i>	<i>Emission Target Met?</i>
2020	473,082	53,120	419,962	535,763	Yes
2035	455,556	185,919	269,638	321,458	Yes

To reduce emissions, the DEIR, and a supporting March 2014 Climate Action Plan, identify policies and mitigation measures that include:

- Residential, commercial, and industrial photovoltaic systems;
- Building cogeneration;
- Single-family, multifamily, and commercial efficiency retrofits;
- Commercial commissioning;
- CALGreen building code;
- Solar water heater/heat pump installation;
- Efficient lighting standards;
- Increased zero-emissions vehicle travel;

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- Transportation Demand Management (TDM);
- Citywide renewable projects; and
- Water delivery and conservation. (DEIR, p. 3.4-S2)

The CAP is to “serve as the implementation tool for GHG reduction measures throughout the city” (DEIR, p. 3.4-S4). To implement the GHG reduction measures, the CAP promises to create “enforceable measures, and monitoring and reporting processes to ensure targets are met” (CAP, p. 1-2). However, the CAP never states how the above measures will be enforced, leaving the March 2014 Carlsbad CAP in the same camp as the San Diego County Climate Action Plan which was struck down by the California Superior Court in 2014 for failure to include enforceable mitigation measures.<sup>7</sup> A revised DEIR and CAP should be prepared to identify enforceable measures that can be implemented to reduce greenhouse gasses to meet the AB32 targets. Other cities have established ordinances to ensure enforcement of measures to reduce GHG emissions, including the adoption of green building ordinances, including San Jose.<sup>8</sup> A revised DEIR should identify how GHG reduction measures will be enforced through adoption of new city ordinances.

Also, as stated above, the DEIR identifies the transportation sector to be the largest source of emissions, generating approximately 273,745 MTCO<sub>2</sub>e, or 39 percent of total 2011 emissions. To calculate traffic-related GHG emissions, the DEIR relies upon a 2050 San Diego Association of Governments Regional Transportation Plan that was struck down in California Superior Court in November 2012.<sup>9</sup> A revised DEIR should be prepared to estimate transportation-related GHG emissions from a document that is reliable.

A revised DEIR should also be prepared to establish a significance threshold for greenhouse gas emissions from individual projects. The DEIR states that Carlsbad has not established official thresholds of significance for GHG emissions and have instead followed an approach used by the County of San Diego which relies on a screening threshold for GHG emissions of 2,500 MTCO<sub>2</sub>e per year. A revised DEIR, and CAP, should be prepared to identify a GHG threshold specific to the City of Carlsbad, to be adopted as a part of City ordinances. We note other cities have adopted GHG emissions thresholds as a part of their ordinances, including San Francisco.<sup>10</sup>

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### Water Quality

Water quality in the Project area is listed as impaired under Section 303(d) of the Clean Water Act. Implementation of the Project has the potential to further impair water quality during construction and operation of individual project. A revised DEIR should be prepared to evaluate the impact of the

<sup>7</sup> Superior Court of California, County of San Diego, Central, Minute Order, April 19, 2013, Sierra Club vs. County of San Diego

<sup>8</sup> <http://www.sanjoseca.gov/documentcenter/view/9388>, Attachment A

<sup>9</sup> <http://voiceofsandiego.org/wp-content/uploads/2013/05/50be610f7671f.pdf.pdf>, p. 12

<sup>10</sup> [http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction\\_Rpt.pdf](http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Rpt.pdf), p. 1-3

construction and operation of individual projects and to identify mitigation specific to those project that will address water quality impairments that have already been identified.

The DEIR does not evaluate the Project against significance criteria listed on p. 3.8-20, stating only:

Based on a review of relevant hydrology and water quality plans, and maps, this Program EIR presents the potential for impacts to hydrology, water quality, and flooding to occur as a result of implementation of the proposed General Plan. Programmatic impacts are discussed in broad, qualitative terms. This assessment does not satisfy the need for project-level California Environmental Quality Act (CEQA) analysis for individual projects. Individual projects under the proposed General Plan will require a project-level analysis at the time they are proposed based on the details of the projects and the existing conditions at the time such projects are pursued.

The weakness of the analysis of water quality impacts is exemplified by this narrative in the DEIR:

The proposed General Plan would allow for additional development within the city that would increase the amount of impervious surfaces and could therefore increase the amount of runoff and associated pollutants during both construction and operation (p. 3.8-22).

The DEIR makes no attempt to quantify the increase in impervious areas that would result from the development envisioned by the Project. A DEIR should be prepared to quantify the areas of impervious surfaces and to map them, especially with respect to impaired water bodies. The DEIR should attempt to quantify the increased runoff that would result from Project construction of impervious surfaces and the loads of pollutants (e.g. oil and grease, total suspended solids, metals) that would be added to waterways from those surfaces.

Similarly, the DEIR does not identify and map areas that will be disturbed through grading and excavation during development of the Project. A DEIR should be prepared to identify where construction is to occur and the amount of stormwater pollutants (e.g. pH and turbidity) that will be generated from those areas of development.

The maps and the analysis in the revised DEIR should consider development in watersheds for streams listed as impaired under Section 303(d) of the Clean Water Act. Those impaired water bodies are subject to TMDLs, which are the maximum amount of a pollutants that a water body can receive and still meet water quality standards. A revised DEIR should be prepared to assess how the Project may affect the attainment of TMDLs for the pollutants causing the conditions of impairment in streams in the Project area which include:

- Buena Vista Lagoon (impaired for nutrients, indicator bacteria, and sedimentation/siltation)
- Buena Vista Creek (selenium)
- Agua Hedionda Creek (impaired for indicator bacteria, phosphorus, Total Nitrogen as N, toxicity, manganese, and selenium)
- Encinitas Creek (listed as impaired for selenium and toxicity)
- San Marcos Creek (listed as impaired for DDE, phosphorus, selenium, and sediment toxicity).



B10-39

Finally, the DEIR ignores the potential contribution of pollutants in stormwater runoff from facilities constructed under the Project that will be subject to the California Industrial General Permit requirements. The DEIR states only, with respect to industrial stormwater contamination, that it will comply with requirements of the Carlsbad Storm Water Standards Manual which in turn incorporates the requirements of the General Construction Permit, the General Linear Utility Permit, and the General Industrial Activity Permit. A revised DEIR should list development under the Project that would be industrial in nature and therefore subject to coverage under the Industrial General Permit. The DEIR should identify on maps where the industrial development will occur with regard to the impaired water bodies under the 303(d) of the Clean Water Act and assess the impact of the development of those industrial areas on attainment of TMDLs.

B10-40

#### Public Utilities and Infrastructure/Water Supply

The DEIR fails to consider what could be considered a double whammy when it comes to meeting Project demands for water: the role of the current drought in reducing water supply and improving economic conditions that will result in increased water demand. A revised DEIR should be prepared to acknowledge these forces and to estimate impacts through Project buildout in 2035.

The DEIR is sorely out of date, when it states (p. 3.12-3):

The above-normal snowpack and precipitation totals that California experienced during the winter of 2010–2011 have allowed CMWD and other San Diego and Southern California water agencies to rescind their drought alerts, and end the imposition of mandatory water use restrictions for their customers that were in effect the previous two years. Those restrictions were necessary to help the region manage water supply shortages that had arisen due to a combination of factors.

In fact, on March 10, 2014, the Carlsbad Municipal Water District (CMWD) declared a “Drought Response Level 1” and is urging residents to reduce their water consumption by 10 percent.<sup>11</sup> About 82 percent of Carlsbad gets water service from the CMWD (p. 3.12-12). The CMWD in turn obtains water from the San Diego County Water Authority (SDWA) which obtains 90% of its supply from the Metropolitan Water District (MWD). In response to recent dry conditions, the SDWA has declared a “Drought Watch”<sup>12</sup> and on February 13, 2014, the SDWA’s board of directors called upon the region’s residents, businesses and institutions to increase water conservation efforts in response to the drought. MWD has declared a “Water Supply Alert.”<sup>13</sup> Water service for the remaining 18% of Carlsbad is

<sup>11</sup> <http://web.carlsbadca.gov/services/departments/water/Documents/DroughtLevel1-03122014.pdf>

<sup>12</sup> <http://www.sdcwa.org/drought-response>

<sup>13</sup> [http://www.mwdh2o.com/mwdh2o/pages/news/press\\_releases/2014-02/Water%20Supply%20Alert%20Declared%20FINAL.pdf](http://www.mwdh2o.com/mwdh2o/pages/news/press_releases/2014-02/Water%20Supply%20Alert%20Declared%20FINAL.pdf)

B10-40

supplied by Vallecitos Water District, which is in a "Drought Watch"<sup>14</sup> and the Olivenhain Municipal Water District which is in a "Level 1 Water Supply Shortage."<sup>15</sup>

Drought conditions faced by the CMWD and other regional and local water suppliers are the manifestation of dry conditions in California and the region. State of California Governor Jerry Brown declared a drought-related state of emergency on January 17, 2014 after two more than two years below average rainfall. The US Drought Monitor website shows the area of Southern California to include the Carlsbad area to be in an "Extreme Drought" condition.<sup>16</sup> Drought conditions in California have recently been predicted to persist into fall.<sup>17</sup> The current drought comes only three years after the last drought which was experienced in the Carlsbad area from 2007 to 2010.<sup>18</sup>

The DEIR fails to incorporate a reduced water supply as a result of the current drought into the analysis in the Public Utilities and Infrastructure/Water Supply section. In fact, the DEIR relies upon a 2010 CMWD Urban Water Management Plan to predict single and multiple dry year scenarios, a report that is outdated in that it fails to incorporate the current drought conditions in the region (see DEIR Tables 3.12-3 and 3.12-4).

B10-41

On the water demand side, the DEIR is also woefully out of date when it states that an "economic downturn" is being experienced in the CMWD service area that will reduce water demand (pp. 3.12-S and 3.12-3). In fact, the California economy has experienced a recovery since the depths of the recession in June 2009. Economic growth is projected into 2016, according to a recent UCLA Anderson School of Business report which states "All cylinders of the San Diego County economy appear to be firing now, and that includes technology, tourism, construction and real estate."<sup>19</sup>

San Diego County's population should grow by 3,874 people in 2014, to 3,209,846 residents.<sup>20</sup> The DEIR states population in Carlsbad will have grown by 22% upon Project buildout in 2035 (p. ES-5).

The DEIR admits that growth envisioned by the Project is not considered by the 2012 CMWD Water Master Plan (WMP) when it states (p. 3.12-30):

CMWD WMP determined the 2035 demand for the CMWD service area is projected to be 22.8 mgd. This projection does not fully account for the additional growth that would be generated by the proposed General Plan.

The meet the demands of the Project, the DEIR discusses direct deliveries from the desalination plant currently under construction, use of groundwater, and conservation and increased use of recycled

<sup>14</sup> <http://vwd.org/departments/conservation-and-outreach/drought-water-supply-updates>

<sup>15</sup> <https://www.olivenhain.com/files/docs/publications/newsletters/2014/2014-06WW.pdf>

<sup>16</sup> <http://droughtmonitor.unl.edu/Home/RegionalDroughtMonitor.aspx?west>

<sup>17</sup> <http://www.bloomberg.com/news/2014-05-15/california-drought-conditions-to-persist-through-summer.html>

<sup>18</sup> CMWD Water Master Plan, revised April 2012, p. 1-4

<sup>19</sup> <http://www.utsandiego.com/news/2014/Apr/16/ucla-anderson-forecast-economy-jobs-realestate>

<sup>20</sup> Ibid.

B10-41

water. However, none of these options is discussed in detail in the DEIR and no consideration of the drought in reducing supply is made.

The DEIR falls well short of providing a quantitative analysis of water supply, especially in times of the current drought, to meet the needs of a growing population and workforce that will result from an expanding economy. The reality of the current drought and the imposition of voluntary conservation measures is totally ignored in the DEIR. The DEIR fails to incorporate what the current shortfall in water supply would mean to the implementability of the Project over the course of buildout. A revised DEIR should be prepared to acknowledge the current drought and what it means in terms of providing an adequate supply to the Project.

The DEIR also fails to identify the cyclical pattern of droughts that will continue into the future, even after the current drought is over, and what future droughts will mean to the Project. A revised DEIR should be prepared to incorporate drought scenarios into water supply projections over the life of the Project.

At the same time, a revised DEIR should incorporate a forecast for increased demand for water supplies, driven by current projections for increased population and job growth, consistent with current economic reports. The DEIR should quantify demand for water necessary to implement the project and should identify just how that demand will be met by water agencies that provide for Carlsbad's supply.

Sincerely,



Matt Hagemann, P.G., C.Hg., QSD, QSP



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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B10-42

**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certification:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SSWPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

**Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

**Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

**Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

**Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.



Brown, A., Farrow, J., Gray, A. and Hagemann, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

B10-42

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

# Ladwig Design Group, Inc.

**RECEIVED**

June 17, 2014

JUN 17 2014

L-1074

CITY OF CARLSBAD  
PLANNING DIVISION

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Attention: Don Neu, Planning Director

Subject: Ref: Comments on Draft EIR & GPA for "Envision Carlsbad" relating to  
Rancho Carlsbad B.J. Parcel

Dear Don

B11-1

This letter is a comment letter for the above project as it affects the Rancho Carlsbad B.J. parcel on the south side of Cannon Road at the southeast intersection of College Avenue.

The subject proposal is for 108 multifamily units and is currently shown as R-30 on the Envision Carlsbad Draft Preferred Plan and Figure 2-1: Land Use Map. A recent Preliminary Review Application (PRE 13-10) was submitted and reviewed by staff. The project will require 94 units from the City Excess Dwelling Unit Bank.

B11-2

We now have been informed by staff that there currently is a shortage of 743 dwelling units in the northeast quadrant and that staff will recommend to the Planning Commission that of the current request of 1,151 Excess Dwelling Units for the northeast quadrant a number of projects requests will be denied or reduced because of the shortage of Excess Dwelling Units. We have a very serious objection to being considered for a recommendation from staff that would reduce the number of units below 94 or eliminate us from getting units at all. The reason for our very strong objections are as follows:

B11-3 • The City has Policy 43 for allocation of "Excess" Dwelling Units. This policy was put in place on December 17, 2002 and amended on April 26, 2005.

B11-4 • Staff and the Planning Commission and the City Council have not been implementing Policy 43 correctly and have put units into the bank and then approved projects with those "Excess" Dwelling Units from the bank that really are not in the bank. The mistake that has been made is Policy 43 says "Excess" Dwelling Units become available as a result of residential projects being approved "and constructed" with less units than would be allowed by density control points. Until approved units are constructed, the excess units should not go into the bank or are they available for new projects based on the City's own policy number 43.

B11-5 • Staff has now adjusted the "Excess" Dwelling Unit Bank after it was pointed out that the City was not following their own policy. Now staffs solution is to penalize projects by reducing or elimination of residential units because of a mistake the City made.

B11-6 • The proposed B.J. project meets or exceeds City standards and policies for multifamily development. The project is on Cannon Road at College Blvd. so transportation and access to all City services are available. Shopping and personal services exist or are proposed, jobs are nearby, police and fire protection services are nearby.

The B.J. multifamily project is well located, across from the new High School and nearby to public services.

B11-7 We strongly object to what staff is suggesting (reduction of dwelling units or elimination of our project) in the northeast quadrant and request another solution that will allow the B.J. parcel to be approved with 108 units with 94 units from the excess Dwelling Unit Bank.

Sincerely,



Bob Ladwig, President

BL:ps

cc: Bill Arnold  
David Bentley

2234 Faraday Avenue ♦ Carlsbad, California 92008  
(760) 438-3182 ♦ FAX (760) 438-0173 ♦ Email ldg@dwilsoneng.com



June 18, 2014

Jennifer Jesser  
Senior Planner  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

**RECEIVED**  
**JUN 18 2014**  
CITY OF CARLSBAD  
PLANNING DIVISION

Re: Response to Draft EIR, dated March 2014

Dear Ms. Jesser:

B12-1

Our company, VRE La Costa, LLC, is representing La Costa Resort PA 2 (APN: 216-590-18), located at the southeast corner of El Camino Real and Arenal Road. The project site, an approximately 2.24 acre lot, is currently underdeveloped with temporary parking for the La Costa Resort and Spa. Our company is proposing to build a senior assisted living facility on this site to serve the community.

We have reviewed the draft EIR for the General Plan Amendment and offer the following comments and concerns:

B12-2

1. "Land Use Alternative 1, Concept A: Centers" is our preferred land use alternative. This alternative is preferable because it places centers in strategic, visible locations along transit corridors providing maximum accessibility to residential neighborhoods. This land use alternative allows people to live close to shops and services along transit corridors. Our site, which is designated as Focus Area 11, is proposed to be medium density residential under this alternative which would allow us to proceed with an application for a senior assisted living facility close to shops and services – an ideal location.

B12-3

2. Senior assisted living facilities generate traffic volumes significantly lower than commercial land uses (as proposed in Land Use Alternatives 2 and 3) since the residents no longer drive. Reducing traffic generation volumes is important because the EIR states that El Camino Real from Palomar Airport Road to La Costa Avenue is projected to have a future level of service (LOS) F. Anything below LOS D is considered to be a significant impact and would require the City to exempt this section of El Camino Real from the LOS D or better standard in the draft General Plan. It would also require implementation of a transportation demand management program.

B12-4

3. Development under the proposed General Plan would violate air quality standards or contribute substantially to an existing or projected air quality violation. Many of the goals listed in the land use and community design element as mitigation measures would best be implemented with a

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B12-4

senior living facility which is a less intensive land use than the commercial land use alternatives 2 and 3.

B12-5

4. Land Use and Community Design Element Policy 2-P.39 places a high priority on the compatibility of adjacent land uses along the interface of different residential density and non-residential categories with special attention for buffering and transitional methods. A senior assisted living facility at this location would provide a logical land use buffer between more intensive hotel commercial to the south and low density residential to the north.

B12-6

5. Land Use and Community Design Element Policy 2-P.55 requires that the dwelling unit limitations of the Growth Management Plan be adhered to when approving any residential General Plan Amendment, etc. A senior assisted living facility, while providing lower intensity, residential-like character would not require units to be removed from the dwelling unit bank since they would be classified as commercial dwelling units.

B12-7

6. Planning Area 2 of the La Costa Resort and Spa Master Plan shows this property being developed with 38 resort condominiums. At present, this fractional ownership concept is not a feasible financing tool. As a result, it may be decades before a resort condominium project could develop on this site. This leaves the property owner with an unusable piece of property unless a more compatible use such as the one proposed for a senior living facility can be realized.

B12-8

7. El Camino Real roadway corridor is considered a scenic roadway and development must provide appropriate buffers to maintain the scenic character of the roadway. A senior assisted living facility would be able to provide an architecturally unified development with appropriate setbacks from the roadway thus preserving the historic character of El Camino Real. If this property remains in a commercial classification, the intensity of the development would be far greater than a senior facility and the pressure for more strip commercial development along El Camino Real would continue. Commercial uses would negatively add to the traffic, air quality, neighborhood compatibility, and visual quality concerns.

B12-9

8. Land Use and Community Design Element 2-G.19 requires that new development foster a sense of community and be designed with the focus on residents, including children, the disabled and the elderly, instead of the automobile. A senior assisted living facility would provide safe, pedestrian-friendly, tree-lined streets, with walk-ways to stores and services. It is important for this special needs category of seniors and disabled to be integrated into the neighborhood so they do not feel isolated.

B12-10

9. Additional commercial development would contribute to adverse air quality conditions and increased greenhouse gas emissions due to increased traffic volumes. A senior assisted living facility is classified as a sensitive receptor. Implementing land use alternative 1, or amending the commercial classification to residential in land use alternatives 2 and 3, to allow for development of a senior assisted living facility would improve air quality standards.

B12-11

Thank you for the opportunity to provide comments on the Draft EIR for the General Plan and Draft Climate Action Plan. We look forward to participating throughout this process.

Sincerely,

  
Henry Warshaw

100 S Brentwood Blvd, Suite 240 • Saint Louis, Missouri 63105-1635 • PHONE: 314.244.3500 • WEBSITE: [www.vrellc.com](http://www.vrellc.com)

OFFICES IN: MISSOURI • FLORIDA • ARIZONA

June 19, 2014

**B13-1** Dear City of Carlsbad Planning Staff,

As Secretary for the Carlsbad Community Gardens Collaborative (CCGC), I would like to submit the following comments for consideration regarding the update of our city's General Plan. For simplicity sake, I am submitting our comments in bulleted form as they pertain to the various sections of the document.

## **Section 2 Land Use and Community Design**

### **2.4 Land Use Designations and Density/Intensity Standards**

#### **Open Space**

- We feel that “gardens” should be included in the statement of what is included as open space resources. Specifically, it should be included in the e.g. clause following recreation and aesthetic areas. Thus, the clause would read, *recreation and aesthetic areas (e.g., parks, **gardens**, beaches, greenways, trails, campgrounds, golf courses, and buffers between land uses);*”
- We would also note that some cities consider community gardens as a type of urban agriculture and thus community gardens could be included under “*areas for the production of resources*” as well.

**B13-2** 2.8 Goals and Policies

#### **Goals-Land Use**

- The following statement seems a contradiction –“*2-G.15 Support agricultural uses throughout the city while planning for the transition of agriculture to other uses.*” If we are truly supporting agriculture, we shouldn't need to be planning for its loss. We suggest deleting the second clause in this statement and including reference to small scale farming and gardening uses such as follows: “*Support agricultural uses, **including small-scale farms and community gardens** throughout the city.*”

**B13-3** Goals-Agriculture

- We recommend that clause 2-P.32 state “***Support** agricultural uses throughout the city*” rather than merely “*Allow for agricultural uses throughout the city*”. Agriculture, including small-scale farms and gardens, are important to preserving our small-town feel and agricultural heritage. Small scale farms and gardens are also important components of sustainability urban/suburban communities.

**B13-4** Goals-Community Connectedness

- We recommend adding an additional clause in this section stating, “***Encourage use of underutilized public space and rights-of-way for community beautification efforts (eg fruit and vegetable gardens and orchards, habitat gardens, drought tolerant plantings.)***”

Goals- The Cannon Road Open Space, Farming and Public Use Corridor



- B13-5** • Include community gardens specifically in policy 2-P.62 to state “Enhance public access and public use in the area by allowing compatible public trails, community gathering spaces and public and private, active and passive park, **gardening** and recreation uses.”

**B13-6** **Section 4 Open Space, Conservation and Recreation**

The CCGC would like to see additional policy language incorporated in the open space conservation and recreation policies. We recommend policy 4-P.29 be re-written to address natural habitat and conservation measures in park design and a similar policy to address the need to provide parkland to accommodate human food production such as:

**4-P.29a** Consider the following during the development/re-development of parkland: **Improving natural habitat** by expanding minimum buffers around sensitive resources; utilizing natural plant species in park projects; incorporating plant species that provide food such as seeds, nuts and berries for wildlife and bird species; protecting and buffering drinking water sources such as small ponds and wetland areas; and limiting turf grass use to recreational areas. Use the Carlsbad Landscape Manual in landscape refurbishment and new park development projects.

- B13-7** **4-P.29b** Consider the following during the development/re-development of parkland: **Providing for localized food production by setting aside space for community gardens and orchards particularly in high density residential areas where residents have limited space for gardening at home. Refer to the City of Carlsbad Community Gardens Policy and Operations Handbook.**

**B13-8** **Section 9 Sustainability**

The CCGC appreciates staff’s efforts to incorporate several policies supporting food security measures in the Sustainability section of the draft General Plan. We would, however, wish to see some additional language incorporated, perhaps by reorganizing and expanding on policies 9-P.16 and 9-P.17 as follows:

**9-P.16a** Support home gardening **and small-scale urban farming** efforts by ~~considering adoption of~~ **adopting** a home gardening and/or urban agriculture ordinance.

**9-P.16b** Ensure that zoning **and other land use regulations do not** prevent or restrict the use of residential ~~back~~-yards as for food production.

**9-P.16c** Encourage all new affordable housing units to contain designated yard or other shared space for residents to garden.

**9-P.16d** **Provide** residents with opportunities (e.g., online and library resources and workshops) to learn gardening basics and how to cook easy, healthy meals with fresh produce.

- B13-9** **9-P.17a** Incorporate community gardens as part of city parks and recreation planning, and work with the Carlsbad Community Gardens Collaborative and other organizations to ~~facilitate~~ **encourage** the development, ~~administration and operation~~ of additional community gardens throughout the city.

**B13-10** *9-P.17b Identify existing and potential community garden sites on public property, including parks, recreation and senior centers, public easements and right-of-ways, and surplus property. Potential sites located in areas where there is clearly defined need based on the waiting list for community garden plots and/or the existence of a large percentage of nearby high-density housing should be given high priority for garden development.*

**B13-11** *9-P.17c Adopt zoning regulations that establish community gardens as a permitted use in all appropriate zones.* (It seems the only areas where gardens would not be deemed appropriate are in protected natural areas and possibly industrial areas where site conditions are determined to be hazardous).

**B13-12** *9-P.17d Community gardens shall count towards park and open space allocations required by the Quimby Act.*

**B13-13** The CCGC would also like to note that parklands should be not only allocated by 3 acres of parkland per 1,000 population but also by the adoption of policy which provides publicly accessible open space within a designated distance. Such a policy makes for a more walkable and equitable allocation of parkland to residents. The city of Austin, for example, adopted a goal of having an urban park within ¼-mile of all residences within their urban core and a park within a 1/2-mile for all other parts of the city.

**B13-14** Adopting a policy of providing community gardens in a similar fashion is also recommended. The city of Seattle, for example, has a policy of adopting one garden per 2,500 residents. Again, such a policy would be improved if said garden were with a reasonable distance from the residents it was intended to serve. For gardens, a policy which provides for one community garden within one mile of the population it is intended to serve would seem like a good starting point.

**B13-15** The CCGC appreciates the opportunity to participate in this review process and looks forward to working cooperatively with the city to continue to enhance and sustain community gardening and urban farming efforts throughout Carlsbad.

Sincerely,

Lisa Roop, Secretary  
[Carlsbad Community Gardens](#)



June 19, 2014

**Via E-mail: ([envision@carlsbadca.gov](mailto:envision@carlsbadca.gov))**

Envision Carlsbad  
Attention: General Plan EIR  
1635 Faraday Avenue  
Carlsbad, California 92008

**Re: General Plan Environmental Impact Report**

Dear Sir/Madam:

**B14-1** | This firm represents the Feuerstein family, doing business as Camino Carlsbad, LLC (“CCL”), the owners of the Rancho Carlsbad golf course. Please accept this letter as CCL’s comments on the draft environmental impact report (“DEIR”) for the City’s new general plan.

**B14-2** | Section 3.4, concerning “Energy, Greenhouse Gases, and Climate Change,” discusses matters such as bicycle connectivity and a “Bicycle Master Plan.” The DEIR estimates that adding 13.5 miles of new bike paths will reduce emissions from vehicle miles traveled (“VMT”) by 0.07%. Meanwhile, the DEIR estimates that improving pedestrian walking and connectivity will produce a 1% in VMT emissions. These assumptions lack any supporting evidence. The model on which they are based has no application in Carlsbad, in which it is obvious – e.g., from the popularity of Carlsbad for triathletes and the number of Spandex-clad bicyclists not carrying groceries – that the vast majority of bicycling and walking are for exercise and do not reduce VMT emissions. Indeed, they increase vehicular emissions, as emission-producing vehicles are used to get to exercise locations. (They may also trivially increase CO<sub>2</sub> emissions from greater respiration and food consumption.)

**B14-3** | Section 3.6, concerning “Hazardous Materials, Airport Safety, and Wildfires,” states that much of Carlsbad poses a very high, high, or moderate threat for structure fires and wildfires. The DEIR notes that older buildings and crowded living areas pose greater risk, but fails to provide any information about the components or materials of structures so as to help reduce those risks.

**B14-4** | The DEIR also fails adequately to address the fact that conserved open-space areas pose a significant fire threat. The DEIR mentions this risk, but only in passing, and comes to the pre-ordained conclusion that any impact is minimal. Reality, unfortunately, recently disproved this conclusion. The most recent major fires in North County, *including in Carlsbad*, originated and were centered not on distant back country, but rather on land preserved as open space for

B14-4 | environmental reasons. The DEIR needs to acknowledge and examine this conflict in the general plan's goals.

B14-5 | Regarding the Rancho Carlsbad golf course, the DEIR conflicts with the goals of the City's Climate Action Plan and general plan. Golf courses consume huge amounts of water, which creates environmental impacts in several ways: the availability of supply (i.e., in a water supply assessment), the construction of necessary facilities, and the generation of greenhouse gases in the process of obtaining and delivering that water. The DEIR, however, fails to recognize any of these impacts and fails to propose an alternative or mitigation to avoid them. Instead, as I pointed out in a letter regarding the general plan itself, the plan would lock in an open space designation on the Rancho Carlsbad golf course that is both environmentally dubious and an illegal taking.

B14-6 | Please add the undersigned to your list for future notices and hearings. Thank you for your courtesy and consideration.

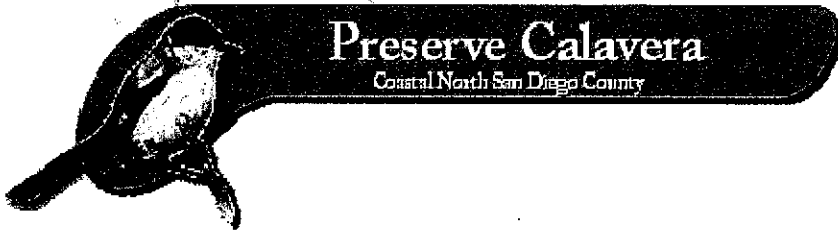
Sincerely,

Paul E. Robinson  
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

PER:DMG:RAS:cas

cc: Ms. Celia Brewer, City Attorney (*via e-mail: celia.brewer@carlsbadca.gov*)  
Camino Carlsbad LLC

4845-4250-6779\_1



**RECEIVED**

JUN 19 2014

CITY OF CARLSBAD  
PLANNING DIVISION

June 19, 2014

Jennifer Jesser  
Senior Planner  
Carlsbad Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

Subject: Comments on General Plan, Climate Action Plan  
and Draft Program Level EIR

Dear Ms. Jesser :

B15-1

These comments on the draft General Plan (GP), and EIR are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots organization whose mission is to preserve, protect and enhance the natural resources of coastal north San Diego County. Separate comments are being submitted on the Climate Act(on Plan.

This GP is the single most important project for the future of Carlsbad. It determines how land will be used and how the natural resources will be protected, or not protected. While there are many changes that will have positive impacts, such as increased support for walking, bicycling and public transit, there are other areas where the GP fails. It fails to adequately protect natural resources, to

B15-2

identify the adverse impacts from adding thousands of residents, commercial and hotel units, and to mitigate for those impacts. Our organization has been expressing our concerns about impacts to these resources for over 14 years. Fixing the GP is one of the best ways to address them in a comprehensive way.

B15-3

Our primary concerns with the GP and the associated DEIR include the following:

- Loss of open space below 40%

B15-4

- Failure to comply with performance standards for parks and open space

B15-5

- Insufficient response to climate change

B15-6

Many of the concerns that we have raised have been raised in comments over previous projects, have been the subject of numerous meetings with city staff and presentations before city Commissions and the City Council. Our concerns have also been repeated in numerous comment letters you have received from other organizations and residents of this community. This is a project with far reaching consequences. We hope that at the end of this process the interests of all of these community stakeholders have been addressed.

5020 Nighthawk Way – Oceanside, CA 92056

[www.preservecalavera.org](http://www.preservecalavera.org)

B15-7

The following are our specific comments.

**A. General Comments on General Plan/EIR**

- 1. Several of the stated goals are in conflict with existing requirements and with each other, leaving related policies meaningless as mitigation for potential impacts.**

For example Goal 2-G-1 “Maintain a land use program with amount, design, and arrangement of varied uses that serve to protect and enhance the character and image of the city as expressed in the Carlsbad Community Vision, and balance development with preservation and enhancement of open space.” This vague goal provides no assurances of compliance with the required citywide goal of 40% open space. In fact the GP provides no quantified goal or minimum required open space. The actual acres of open space stated in the GP is inconsistent throughout and in all cases is substantially less than 40% (varying between 37 and 38%). Since each 1% change is 250 acres of land the actual amount of open space is substantially reduced, up to as high as 750 acres. This loss of open space indirectly affects aesthetics, biological resources, and water quality.

Furthermore the GP includes increases in housing of about 18%, commercial/ industrial square footage 37% and hotel rooms 65%- while open space is actually being reduced. That is not really development that is balanced with protecting open space as is claimed. Given the loss of acres of open space what is being done to achieve the goal of “preservation and enhancement of open space.” If this is not acres of land then what is it? There is nothing in the open space policies that demonstrates any enhancement of open space. Those policies merely repeat what is already included as minimum requirements in the HMP. Doing the minimum required by a binding agreement is hardly enhancement.

B15-8

- 2. Several of the policies actually changed very specific existing restrictions into a vague generality.**

For example 2-P-10 “Development on slopes, when permitted, shall be designed to minimize grading and comply with the hillside development provisions of the Zoning Ordinance and the Carlsbad Local Coastal program.” What does minimize grading mean? There are existing guidelines about height of retaining walls are these still included? The Hillside Development Ordinance specifies no construction on slopes over 40%. Is that still operative or can that be modified with new implementing ordinances that are supposed to be the next step to assure the policies in the GP are carried out ?

B15-9

- 3. Some policies may actually cause adverse impacts that have not been identified or mitigated.**

For example 2-P.11 on density and development rights transfers. Leaving developable property in its existing condition could create all kinds of impacts- for example- failure to meet the RHNA housing numbers. Density transfers could move density from areas of smart growth to areas where they contribute to adverse traffic impacts. The EIR identifies 2-P.11 as mitigation for visual impacts ( EIR at ES12) . But visual impacts are not the reason that density bonuses are being applied. Furthermore there is nothing that says density would move from an area of higher visual impacts to one with lower visual impacts. In fact it is just as likely that allowing a density bonus on part of a site to provide more open space results in a reduced project footprint by increasing height. It is often

**B15-9** building height that causes visual impacts which is why height restrictions/setbacks are often used to mitigate for the adverse aesthetic impacts caused by of building heights. There is nothing provided in the EIR that substantiates the conclusion that 2-P.11 will mitigate for visual impacts, and not cause them.

Another example is 2-P.71 "Address parking demand by finding additional areas to provide parking for the Village and beach areas, and by developing creative parking management strategies....". Adding more parking is in conflict with Mobility Element policies. Parking can also support increased auto use which increases air quality, GHG and traffic impacts- all potential adverse impacts associated with this policy that have not been identified or mitigated.

**B15-10** 4. **Some policies really do not even seem achievable.**

For example 2-P.25 "Limit general industrial development within the community to those areas and uses with adequate transportation access. These areas should be compatible with surrounding land uses including residential neighborhoods." (GP 2-41) Per Table 2.4-1 100% of the new industrial development will be in the Palomar Corridor (EIR 2-17) . The land use map on Figure 2-1 of the GP shows all of the industrial land use generally in that corridor, but the corridor is very wide, and much of it is not directly accessed off Palomar Airport Road.(PAR). Not all of the industrial parcels have arterial/ employment oriented or industrial street access which would seem to be a basic requirement to determine adequacy. ( See parcels west of Faraday and south of Camino Vida Roble for example). Furthermore several of the roads serving the industrial areas are being allowed to fail the traffic standards ( GP 3-19). Failing traffic conditions is not consistent with the stated policy requiring adequate transportation access.

**B15-11** The Mobility Element includes improved public transit along PAR. But that does not cover the entire corridor or those parts of the industrial land use that will not be accessed by PAR or that are not within ½ mile of a transit stop which is the standard measure for adequate transit access.

This is the kind of policy that sounds good on the surface, but closer review shows it is not achievable considering other conditions/policies included in the GP.

**B15-12** **B. Specific Comments on General Plan and Related EIR Section**

**Land Use and Community Design**

P2-3 Please clarify the statement " Text and Maps should be considered collectively as project approvals or future amendments are made. " As stated this does not apply to preliminary project reviews which occur well before "project approval." We do not think that is the intent. If it were the intent then the EIR has failed to evaluate such potential impacts from project level approvals incorporated in the GP.

**B15-13** P2-6 The summary of land use acres in paragraph three is not consistent with the numbers shown on Table 2-1 and several other places in the document where a summary of open space acres is provided. It is hard to know what the end result of open space acres will be when at least four different numbers are stated throughout this document. Please correct these inconsistencies and provide a single number for overall open space acres as well as the acres in each of the 4 sub-categories of open space. This lack of consistency results in confusion about exactly what land use

B15-13 | totals are included the analysis of impacts in the EIR.

B15-14 | P 2-9 The land use vision includes the statement "Looking ahead, the community envisions a future in which there is greater mix of uses, density is linked to public transportation, and services are available closer to existing neighborhoods." This general statement of vision is further expanded in the more detailed statement about core values included in Chapter 1. However there is no assessment as to whether these objectives have been met, although that is critical to determining if the GP is actually consistent with the vision/objectives. For example- how much development is linked to public transportation? There are standard quantified ways to assess this such as what percentage of the population is within ½ mile of a transit stop. The Mobility Element provides performance standards for new development, but that will represent a relatively small percentage of the total developed land in the city. The vision is for the entire community-not just new development, yet there is no assessment as to whether the complete GP, including already built and future projects to be built is consistent with the stated vision.

B15-15 | Additional tools that could be used to objectively assess if the GP has achieved the vision include the Healthy Communities Atlas. (HCA) (Incorporated by reference) The HCA " is a tool developed by SANDAG under a contract with the County of San Diego Health and Human Services Agency (HHSA) for the Healthy Works program. The Atlas reflects the Healthy Works program's focus on obesity prevention through physical activity and access to healthy foods. A set of Geographic Information System (GIS) tools were used to display environmental factors related to health outcomes based on public health research. The Atlas was produced as a report and is available for download" at <http://www.sandag.org/index.asp?classid=12&projectid=482&fuseaction=projects.detail>. Assessments are provided on active transportation, air quality, complete neighborhoods and injury prevention ( pedestrian/cyclist injury rates from traffic.) This kind of quantified , objective data should have been part of the analysis as to whether the GP met the project objectives.

B15-16 | Furthermore achieving the "vision" is really a key part of the project objectives. Meeting the objectives is a key factor that is supposed to be evaluated in the EIR and alternatives to the EIR. The GP and EIR make numerous statements throughout that the policies in the GP result in achieving the vision (project objectives). However there is no quantified evaluation of this except in the Chapter on Mobility in the GP/Transportation in the EIR. Failure to clearly demonstrate how the project objectives are met is a critical failure of the EIR.

B15-17 | P 2-17 The explanation of "allowable density and development constraints" is unclear. This seems to mix up what is used for counting residential density/developable land , overall developable/undevelopable land and what is supposed to be used to determine "constrained " open space. Understanding what is included in each category is critical to determine compliance with the GMP performance standard of 15% open space by LFMZ which first excludes the constrained, undevelopable land. The statement about exclusions for j,k and d make this even more confusing. Please provide a simple table that shows what the intent is for each of the identified constraints indicating if it is counted as a residential constraint, counted as developable land (which would apply to all land uses) , and counted as part of the constrained, undevelopable land that is then excluded when calculating the 15% performance standard. This is essential to determine compliance with performance standards and whether the draft GP includes conflicts between the GP proposed land uses and the existing GMP and its associated performance standards.

B15-18 | In the absence of such clarification and the complete failure of the EIR to assess compliance with the



**B15-18** | GMP performance standard for open space it must be assumed that the project will have a significant adverse impact on land use, and that it fails to meet the GMP performance standard for 15% open space by LFMZ which is a further significant adverse impact to public facilities.

**B15-19** | P2-22 and others. The footnote to Table 2-5 says that this includes 327 excess residential units that will be eliminated in the final adopted GP. However there is no indication of the locations where such reductions are being considered and therefore the EIR cannot consider this in the assessment of environmental impacts. In most cases one could assume reducing residential units will only reduce the total associated impacts. But there will be relative differences between locations and the failure to provide any information about where these units will be removed has in effect eliminated all consideration of environmental impacts from the decision. For example some places will have greater visual impacts than others. Furthermore the EIR indicates there are several adverse impacts with the GP that will not be mitigated below the level of significance. There is no determination if removing these 327 units would substantially reduce these adverse impacts. For example, would any of the street segments that will be allowed to fail have their level of service improved up to the threshold of significance depending upon where these units are removed? Since the EIR includes no information about alternatives being considered for the location of these 327 units there is no ability to include any evaluation of the environmental impacts of this choice.

**B15-20** | P 2-29 and 30 Airport Land Use Compatibility. The GP discusses recent changes at the airport and the required Airport Land Use Compatibility Plan (ALUCP). Figure 2-2 identifies the related review areas and safety zones per the ALUCP. The EIR on page 3.9-11 identifies the ALUCP as one of the regulatory codes affecting land use. However there is no discussion in the impact analysis that shows compliance with the ALUCP or if it was even evaluated. Given that the Palomar Airport Road corridor is identified in the GP as one of the focus areas for employment growth (GP p 1-31), that the Housing Element allows residential mixed use development on commercial sites along this corridor (GP 10-45), and that several of the proposed changes to land use occur within the boundaries of the Airport Influence area as shown on Figure 2-2 it appears that there could potentially be significant conflicts with the ALUCP. The EIR has failed to properly consider potential conflicts of the changed land uses with the adopted ALUCP. This remains a potentially significant impact.

**B15-21** | P2-31 The statement that the Flower Fields are already preserved "in perpetuity" is not correct. There is a key limitation on this such that they are only preserved as long as agricultural use on the land is determined to be economically viable- that falls far short of preserving them "in perpetuity." This loss of agricultural use is one of many areas where required open space acres are not really assured of being provided. These acres are currently counted as one of the 4 subcategories of open space, managed production of resources. But if this use is no longer economically viable then there could be a loss of open space acres. It is unclear if these acres have been counted toward the 15% open space performance standard in the associated LFMZ. If so, then this loss would result in a failure of a GMP standard. There is the nothing in the GP that prevents such a conflict from occurring. Nor is there anything in the GP or EIR that provides a mechanism to correct this failure condition if it should occur.

**B15-22** | Since it is reasonable to assume that such future changes could occur to open space the GP should either acknowledge and mitigate for this future impact, or include contingency plans to address them if they should occur. This is a potential land use conflict that has not been evaluated or mitigated in the EIR.

**B15-23** | Since it is reasonable to assume that such future changes could occur to open space the GP should either acknowledge and mitigate for this future impact, or include contingency plans to address them if they should occur. This is a potential land use conflict that has not been evaluated or mitigated in the EIR.

**B15-24** | Since it is reasonable to assume that such future changes could occur to open space the GP should either acknowledge and mitigate for this future impact, or include contingency plans to address them if they should occur. This is a potential land use conflict that has not been evaluated or mitigated in the EIR.

**B15-25** P 2-31/32 and Figure 2-1 The city has two consultant efforts underway to relook at land use and design standards- we thought this included both the Village and the Barrio. Figure 2-1 identifies the boundaries of the "Village" and presents this as one of the categories of land use. However a place designation is not a land use. It is unclear how this designation as "Village" translates back into factors that are critical for evaluating the GP impacts- for example air quality, traffic, housing, and commercial space. Obviously there are assumptions about what is included in the areas shown as "Village" but these have not been specified in the GP.

**B15-26**

**B15-27** What is even more confusing is that what is shown as "Existing Land Use" on Figure 2-1 in the GP is not the same Figure as Existing Land Use Figure 3.9-1 in the EIR. The EIR shows detailed land uses in the Village. But there are numerous other areas that are not consistent between Figure 2-1 in the GP and 3.9-1 in the EIR. For example:

- Robertson Ranch is shown per the approved Mater Plan on Fig 2-1 (residential, open space, local shopping center) but as primarily agriculture with some residential in Fig 3.9-1.
- Carlsbad Oaks North is shown as planned industrial and office on Fig 2-1 but as undeveloped on Figure 3.9-1.
- The footprint of the Palomar Airport has changed both east and west of El Camino Real.

Since neither the GP or the EIR provides a Figure that shows "proposed land use" exactly what land used is being evaluated in the EIR?

**B15-28** Furthermore Figure 3.9-1 in the EIR identifies three different data sources from three different years " Sources City of Carlsbad , 2009; SANDAG, 2008; Dyett and Bhatia, 2011." Figure 2-1 in the GP cites the same three sources, but all for a single year- 2013. Using multiple data sources, different time periods and different land use categories makes it impossible to know if the EIR is even evaluating the same data as is being shown in the GP.

**B15-29** P 2-47 Policies 2-P.56 and 2-P.59 require compliance with the public facilities performance standards of the GMP. However the EIR completely fails to evaluate compliance with the performance standard for open space. The Citywide Facilities and Improvements Plan has been updated at least twice since the original standards were adopted shortly after passage of the 1986 GMP. The GP states "Public facilities may be added, however, the City Council shall not materially reduce public facilities without making corresponding reductions in residential capacity."

**B15-30** Please clarify if this means there will be no reduction in any of the public facility performance standards per the most recent version amended in 1997 through buildout of the General Plan in 2035. That is essential to determine if the GP is in compliance with the requirements of the GMP.

**B15-31** **Mobility/Transportation Vehicles**

P3-13 and Figure 3-1 Street System identifies the street segments as "Employment Oriented Street" that per the Figure 2-1 are not really employment based segments. These include

B15-31

Poinsettia between Aviara and I-5 and Aviara west of El Camino Real. Please clarify the rationale for considering these two segments as "Employment Oriented" when the adjacent land uses are primarily residential and open space? It appears the only practical difference is prioritizing transit.

B15-32

Table 3-1 – Please clarify how this table is intended to be used when evaluating individual project compliance with the GP.

B15-33

EIR Table 3.13-6 Existing Roadway Operations only evaluated 6 roads and 2 freeways for vehicle level of service. Those 6 roads are all arterial streets. However Melrose and La Costa Ave are two arterials that are not evaluated at all for existing conditions. Per Table 3.13-10 Melrose is also not evaluated for future operations and only one segment of La Costa is. This incomplete evaluation makes it impossible to determine if Melrose and La Costa will have level of service below the threshold of significance. They also are not identified on p 3.13-26 as a street segment that is anticipated to operate below LOS, but will be allowed to operate at that level. The result is that potential failing road segments are not evaluated, may be in failure and are not included as segments allowed to fail. This potentially results in further significant traffic impacts that have not been identified or mitigated.

B15-34

Furthermore it is not clear why both La Costa Ave and Aviara have only some segments designated as arterials. Please clarify what is being used as the basis for treating some segments along an arterial differently than others- like Aviara/Alga which has 4 different designations between El Camino Real and Melrose

B15-35

**Bicycle**

The GP includes numerous policies that are designed to support increased bicycle use. The CAP includes substantial bicycle mode share increase as part of the required actions to reduce GHG. The GP states on p 3-17 that the new Carlsbad Multi-Modal Levels of Service (MMLOS) will be used to evaluate the adequacy of bicycle facilities. Yet the EIR only measures bicycle MMLOS on sections of 4 streets as shown on Table 3.13-7- Carlsbad Blvd, Carlsbad Village Dr, Faraday Avenue, and Tamarack Avenue. Only one of the evaluated roads has a segment identified as failing: Carlsbad Blvd between Poinsettia and Palomar Airport. The EIR analysis of impacts is limited to this single area that fails the MMLOS criteria. The only mitigation that is proposed are general policy statements for the existing segment LOS failure. It is unclear how P -2.48 improving beach access or 2-P.52 plan and design of Carlsbad Boulevard will result in any improvement in the failure until they are actually built- and there is no time frame for that, no approval from regulatory agencies nor is there a funding plan in place. The EIR in fact is allowing this failing condition to continue for an indeterminate time frame- and perhaps it will never be addressed- that is not mitigation.

The GP says that the standard will be applied to all streets where bicycles are a prioritized mode. Per GP Table 3-1 this includes : identity streets, village streets, connector streets, coastal streets, school streets, employment oriented streets local/neighborhood streets, bicycle/pedestrian pathway, and streets within ½ mile of a transit center. The vast majority of these streets were not evaluated in the EIR. Furthermore we find nothing in the EIR that justifies such a narrow evaluation of impacts. The GP will add several road segments, thousands of additional cars, and miles of bicycle improvements which are described in the CAP and Bicycle Plan. Will all of the

**B15-35** streets prioritized for bicycle use meet the MMLOS performance standard for bicycles? The EIR has not evaluated that and therefore it can't be determined if the GP will result in significant impacts on bicycle travel.

The CAP has assumed there will be major increases in bicycle use as a result of the policies included in the GP and the construction of several additional facilities. But the EIR has not evaluated whether such streets that are prioritized for bicycles will meet the threshold of LOS D for bicycles, even when a substantial investment is made in a new facility or increased use is required to reduce GHG.

**B15-36** There also needs to be a much clearer explanation for how the MMLOS criteria will actually be used in determining project level impacts. What determines the roadways/ length of the corridor to be included in the analysis? The point system includes things like "6 points for multiple bicycle facilities ...along the corridor", ".5 points if bicycle racks are provided along the street segment corridor" and ".5 points if posted speed limits are .5 miles per hour or less." How will fair share costs of addressing bicycle facilities along a "corridor" be determined? The EIR has arbitrarily limited the evaluation of impacts to a very small number of street segments. It has not established a threshold for significance. It has not specified criteria that will trigger a project to evaluate impacts. It has not provided any mitigation for existing or future impacts.

**B15-37** **Pedestrian**

The GP includes numerous policies that are designed to support increased pedestrian travel. GP 3-22 identifies four areas of high pedestrian concentrations: entire NW quadrant, entire coastal area along Carlsbad Blvd, several locations along El Camino Real, and the southeastern portions of the city around La Costa Ave and Rancho Santa Fe Rd.

**B15-38** The CAP includes substantial pedestrian mode share increase as part of the required actions to reduce GHG. The GP states on p 3-17 that the new Carlsbad Multi-Modal Levels of Service (MMLOS) will be used to evaluate the adequacy of pedestrian facilities. Per GP Table 3-1 pedestrians are a prioritized mode for all of the following street types: identity streets, village streets, connector streets, coastal streets, school streets, employment oriented streets local/neighborhood streets, bicycle/pedestrian pathway, and streets within ½ mile of a transit center. The vast majority of these streets were not evaluated in the EIR. Furthermore we find nothing in the EIR that justifies such a narrow evaluation of impacts. The GP will add several road segments, thousands of additional cars, people and businesses and some pedestrian improvements over time. Yet the EIR only measures pedestrian MMLOS on sections of 4 streets as shown on Table 3.13-8- Carlsbad Blvd, Carlsbad Village Dr, Faraday Avenue, and Tamarack Avenue. Carlsbad Blvd was identified as failing to meet the threshold standard between La Costa and Tamarack.

**B15-39** Many areas of high pedestrian activity as identified in the GP were not evaluated at all. Many of the streets that are now prioritized for pedestrians were not evaluated. The EIR analysis of impacts was arbitrarily limited to a very small number of streets that will be impacted by the GP.

**B15-40** In addition GP policy 3-P.28 includes "New residential development should demonstrate that a safe route to school and transit is provided to nearby school and transit stations within a ½ mile walking distance." There was no evaluation of this in the EIR nor is this identified as one of the mitigation measures for either bicycle, pedestrian or transit modes. This is of particular concern because the adopted pedestrian plan failed to include the new Sage Creek High School in its Safe Routes to School program. This existing failure was not even identified.

B15-41 SANDAG's model guidelines for pedestrians include specific consideration access for persons with disabilities. These include "Consideration must be provided to ensure that persons with disabilities are provided equal access to work, home, shops...". It also addresses ease of street crossing "Wide streets can be intimidating and more dangerous for pedestrians to cross. Methods for shortening crossing distances, providing a safe transition and building stronger visual connections must be employed." The GP or EIR failed to evaluate any potential differential impacts on this part of the population.

B15-42 There is no analysis of future pedestrian level of service so it is not possible to determine if all such prioritized roadway segments will meet the minimum performance standards. In addition there is no mitigation, other than general policy statements for the existing segment LOS failure.

B15-43 There also needs to be a much clearer explanation for how the MMLOS criteria will actually be used in determining project level impacts. The MMLOS criteria/point system shown on EIUR Table 3.13-3 includes things like " 1 point for active building frontages", ".5 points for twinkle light in trees along the corridor," .5 points for a sense of security by the presence of people and clear sight lines." How close do such features have to be to be counted? How will fair share costs of addressing pedestrian facilities along a "corridor" be determined?

B15-44 The EIR has arbitrarily limited the evaluation of impacts to a very small number of street segments. It has not established a threshold for significance. It has not specified criteria that will trigger a project to evaluate impacts. It has not provided any mitigation for future impacts.

B15-45 **Transit**

The GP includes numerous policies that are designed to support increased transit use. The CAP includes a substantial transit mode share increase as part of the required actions to reduce GHG. The GP states on p 3-17 that the new Carlsbad Multi-Modal Levels of Service (MMLOS) will be used to evaluate the adequacy of transit facilities. The GP at 3-23 assumes two major transit service improvements will be in place: Coaster rail improvements and Route 471 rapid bus along Palomar Airport Rd. It also notes the importance of "first mile/last mile" facilities like bike lockers and racks and better connectivity from the transit stop to the ultimate destination. Yet the EIR only measures transit MMLOS on sections of 6 streets as shown on Table 3.13-9- Carlsbad Blvd, Carlsbad Village Dr, El Camino Real, Palomar Airport Rd, Faraday, and College. Every single one of the identified segments fails to meet the threshold MMLOS standard of D or better. The only mitigation proposed is five general policy statements for the existing segment LOS failures.

Again, these policy statements fail to demonstrate that the threshold will actually be met or when this might occur, if ever.

B15-46 The GP says that the standard will be applied to all streets where transit is a prioritized mode. Per GP Table 3-1 this includes: arterial streets, , employment oriented streets, industrial streets, and streets within ½ mile of a transit center. The vast majority of these streets were not evaluated in the EIR. Furthermore we find nothing in the EIR that justifies such a narrow evaluation of impacts. The GP will add several road segments, thousands of additional cars, and two specified transit improvements. The CAP has assumed there will be major increases in transit use as a result of the policies included in the GP and the two improved transit services. But the EIR has not evaluated whether the majority of

**B15-46** | the streets that are now prioritized for transit in the GP will meet the threshold of LOS D.

**B15-47** | There also needs to be a much clearer explanation for how the MMLOS criteria shown on EIR Table 3.13-S will actually be used in determining project level impacts. What determines the roadways/ length of the corridor to be included in the analysis? The point system includes things like “1.5 points for good on-time performance”, “.5 points for a bus that has available seats on the bus,” and “1 point for buses that provide on-board bike racks.” These quality of service measures are determined by the funding levels for the transit service provider. Some of them will have wide variability depending upon the time of day that is evaluated (such as having an available seat). How and when will the evaluation of impacts take place? What is built in to assure that the policies that are dependent upon transit service funding can be maintained for the life of a project? How will the fair share cost of addressing transit improvements be determined? In the past this has been limited to providing basic bus stop amenities. The GP assumes much more than that, but there is nothing that assures that most of these actions will be provided for- at the time of approval and for the life of a project. Such assurances are required to support the conclusion that the threshold performance standard will be met for the life of the project.

**B15-48** | Furthermore the discussion in the GP makes it clear that TDM programs are a key part of implementing the Mobility Element, yet none of the TDM actions have been discussed in the EIR. The EIR has arbitrarily limited the evaluation of impacts to a very small number of street segments. It has not specified criteria that will trigger a project to evaluate impacts. It has not provided enforceable mitigation for either existing or future adverse impacts.

**B15-49** | **Open Space  
General**

The total number of existing open space acres is shown as 9,252 or 37% on Table 2-1 and 9,473 acres or 38% on Table 4-1 and other acres/percentages throughout the GP and EIR. Please explain the discrepancies between these two tables and clarify which version was used as the basis for determining existing conditions and evaluating the significance of impacts.

**B15-50** | The description of the Open Space Management Plan referenced on EIR p 3.11-20 is completely inaccurate. The latest version dated May 2004 clearly is limited to hardlined natural lands as described in the adopted Habitat Management Plan (HMP). It does not include numerous other kinds of open space that exists in the city, including other natural lands, developed parks, and drainage basins as is stated in the EIR.

**B15-51** | SANDAG does not designate regional open space parks but does define regionally significant open space. The statement in the draft EIR appears to be based on a description in the city’s current Parks & Recreation Element (p. 5) which is incorrectly stated in the EIR.

**B15-52** | **40% Open Space Goal**

The existing performance goal of 40% open space is not mentioned anywhere in the GP or EIR. This goal goes back to the ballot argument for the 1986 GMP that says “ Proposition E puts a permanent cap on the total number of residential units that can be built in Carlsbad: reduces the overall density of the city and guarantees that we will always be a low density residential community with 40% open space.” It has been included in numerous city publications

**B15-52** over the years, for example, Carlsbad Avenues Let's Talk About Open Space from 2002. (Included in the Att). This 40% open space goal is still included on the city website as of the writing of this letter. This commitment of 40% open space at build-out began in 1986 and has continued to the present day- but is completely missing from these documents.

There are significant impacts associated with reducing the amount of open space in the city. None of these impacts have been identified or evaluated in the EIR.

**B15-53 Biological Resources**

The EIR has concluded the project will have no adverse impacts on wildlife movement ( EIR Impact 3.3-4) but has failed to provide adequate analysis to support that conclusion. This should include at least minimal discussion of barriers to movement. The EIR says a majority of development under the GP "will be redevelopment of or new development within existing developed areas" (EIR 3.3-25) and therefor will not result in significant impacts. It further concludes that Goal 4-G.2 and Policy 4-P.8 and 4- P.14 will address any direct or indirect impacts. However the goals are broad statements that provide no mitigation. Policy 4-P.8 is to maintain and implement the city's HMP. However section E.5 of the HMP on page E-6 says that phase 2 of implementation "shall be completed within three years of approval of the HMP" and shall include "A detailed plan to implement zone-specific preserve and management recommendations. This plan shall also review the feasibility of providing undercrossings and/or bridges in certain zones where major roads cross linkage areas. It is recognized that this could add to the cost of these public improvements and the effectiveness of an undercrossing or bridge needs to be weighed against the additional costs." It is now over nine years since the HMP was adopted and this plan has not been done and as a result the existing barriers to wildlife movement have not been addressed. Furthermore the GP adds road segments and more traffic to existing roads. The EIR should have assessed the impacts of roads, not just the footprint of development.

**B15-54** Policy 4-P.14 is to "maintain functional wildlife corridors and habitat linkages...". The EIR is supposed to evaluate potential impacts and provide mitigation. The existing linkages in the HMP are not functional and just making such a policy statement does not change that. Furthermore the existing linkages will be further degraded and result in additional impacts from adding to the development footprint ( at least some of which is within defined linkages), additional traffic on roads that cross/parallel linkages, and additional road segments that cross linkages and roads.

**B15-55** In Best Management Practices for Wildlife, Beier et al specifically discuss design issues related to roads and bridges. They found that "For ungulates such as deer that prefer open crossing structures, tall, wide bridges are best. Mule deer in southern California only used underpasses below large spanning bridges(NG et al. 2004), and that "Because most small mammals, amphibians, reptiles and insects need vegetative cover for security, bridged undercrossing should extend to uplands beyond the scour zone of the stream, and should be high enough to allow light for vegetation to grow underneath." <sup>1</sup> The EIR discussion is incomplete as it failed to discuss current standards to support successful movement, including those for deer. Coyotes are the top meso-predator in this area and providing for their movement is also a significant issue for the health of local ecosystems. (See Crooks and Soule for more detailed discussion of the importance of meso-predators.)

<sup>1</sup> Paul Beier, Dan Majka, Shawn Newell, and Emily Garding; Best Management Practices for Wildlife Corridors, Northern Arizona University, January 2008, p2.

- B15-55** In Principles of Wildlife Corridor Design, Monica Bond identifies a 6 step process developed by Beier and Lee (1992) to evaluate the effectiveness of a wildlife corridor. These include:
1. Identify the habitat areas the corridor is designed to connect.
  2. Select several target species for the design of the corridor.
  3. Evaluate the relevant needs of the target species.
  4. For each potential corridor, evaluate how the area will accommodate movement by each target species.
  5. Draw the corridor on a map.
  6. Design a monitoring program.<sup>2</sup>

The EIR has failed to provide any basis for its conclusion that the GP will cause no direct or indirect impacts that have not been mitigated by very general goals and policies. The GP could significantly reduce the size, width, and visibility of the existing connecting linkages. This remains a potentially significant impact to wildlife movement.

- B15-56** Numerous studies have documented a whole series of adverse impacts on biological resources from roads and other linear developments. These are summarized in Spellerberg 1998 and included as Attachment 1. The EIR has not considered the full range of adverse impacts to biological resources related to the construction of roads and has failed to provide adequate mitigation for these including all of those shown on Attachment 1.

- B15-57** Numerous studies have evaluated the impacts of domestic cat predation on wildlife. As discussed in a paper by the American Bird Conservancy it is estimated that cats kill hundreds of millions of birds and more than one billion small mammals each year.<sup>3</sup> They cite a 1997 nationwide poll that found only about 35% of the 77m pet cats in the U.S. are kept indoors. Since there is about 1 cat for every 3 residential units, adding over 7,000 residential units will add thousands of cats. The Crooks study in San Diego found that the average cat returned 24 rodents, 15 birds and 17 lizards per year” and concluded “ This level of bird predation is not sustainable.”<sup>4</sup> Many of these additional cats will be hunting in the hardline open space which will not be increasing in proportion to this expansion of the predator population.

- B15-58** Furthermore deer moved back into Core Area 5 and from there to Link C and Core Area 3 over the last 4 years.<sup>6</sup> There have now been reports of two years of sightings of does with fawns. Further dispersal is certainly possible- and will extend their range into more areas where roads will be a problem. This key change in local wildlife populations was not identified or evaluated in the DEIR. Conflicts with wildlife should be expected given the proximity of riparian and regional wildlife movement corridors with hundreds of residents. Education on the value of wildlife and learning the fundamentals of coexistence is key to reducing such conflicts. The elimination of perceived pest/threatening wildlife by lethal means should never be the first course of action. This includes coyote, the top predator and an essential player in the health of the overall wildlife community, as well as snakes. None of these conflicts are addressed in the GP or EIR, nor are there provisions for dealing with the reasonably expected conflicts between wildlife and people.

<sup>2</sup> Principles of Wildlife Corridor Design, Minica Bond, Center for Biological Diversity, October 2003, p 2.

<sup>3</sup> Domestic Cat Predation on Birds and Other Wildlife, see [www.abcbirds.org/abcprograms/policy/cats/materials/predation.pdf](http://www.abcbirds.org/abcprograms/policy/cats/materials/predation.pdf)

<sup>4</sup> Crooks, p17.

<sup>6</sup> See HMP Annual Reports and Preserve Manager Reports



B15-58

The EIR discussion of wildlife movement corridors fails to comply with the basic requirements of the regional conservation plan. These specify that "Functional wildlife corridors and habitat linkages shall be assessing the dispersal characteristics of the target species (habitat preferences, dispersal capabilities, structural and spatial characteristics of the landscape, distance between batches of suitable habitat..."<sup>7</sup> The EIR has failed to identify target species, assess their species related movement requirements, and then evaluate whether the wildlife corridors/linkages as identified in the HMP, given the changing local populations of wildlife and the changes associated with the GP, are still adequate. The MHCP Biological Goals, Standards and Guidelines for Multiple Habitat Preserve Design states "constricted sections of a corridor should have a maximum length of less than 500 ft. and a minimum width of 400 ft."<sup>8</sup> These guidelines also say that "the width of a corridor should be based on biological information for the target species (e.g. home range size and dispersal capabilities), the quality of the habitat within and adjacent to the corridor, topography, and edge effects of adjacent land uses."<sup>9</sup>

The function of many linkages are further compromised by the edge effects of a proposed trail, road and housing. Will the GP create any new pinchpoints? Will the footprint of development add to edge effects? Neither of these have been evaluated.

Furthermore these guidelines specify that "A corridor should maintain visual stimuli (E.G., vegetative cover) along its entire length, or at least continually within site, to keep animals moving through it. Developments along the rim of a canyon used as a corridor should be set back or visually screened to minimize their visual impacts and possible edge effects."<sup>10</sup> There is nothing in the EIR to indicate if the GP will comply with these guidelines or not. This remains a potentially significant adverse impact that has not been addressed.

B15-59

We also find inadequate provisions to prevent spread of invasive species. There are general provisions about not including invasives in landscaping plans. This does not address the potential for homeowners to plant invasive species in their yards, or for the ground disturbance associated with construction to result in increased spread of invasives, particularly since numerous such species are known to be present. The seed of invasive species can be spread by pets, birds, attaching to humans walking the trails and just by the wind. The land manager of the BVCEP spends thousands of dollars every year removing invasive plant species- and none have been planted there- they are being spread onto this site primarily from plants on the adjacent lands. Additional mitigation is required to assure there will be no spread of invasives onto the hardline open space as a result of all of the ground disturbance from construction, increased trails through or adjacent to hardline preserve lands or other activities that will result from the GP. Mitigation measures should include things like restricting the use of all known invasive species anywhere in the city, immediate revegetation of disturbed areas; requirements for HOA's to control all invasive plants within their areas of control, and adequate funding for hardline open space invasive plant monitoring and control. ( Note many of the natural lands included with the HMP are not managed to the MHCP standards and many have little or no management of invasive species).

B15-60

Trails cause significant indirect impacts which have not been identified or mitigated. The city is in the process of preparing a comprehensive trails plan. Much more extensive trails are assumed as

<sup>7</sup> MHCP Biological Goals, Standards and Guidelines, Ogden, 1998, p 6-2..

<sup>8</sup> IBID p. 6-3.

<sup>9</sup> IBID, p 6-3.

<sup>10</sup> IBID, p 6-3.

B15-60 part of mitigation for GHG addressed in the CAP. The EIR has failed to identify the potential extent of such impacts or provide adequate mitigation. The EIR should specifically identify acres of direct impact, edge effects along trails and include appropriate mitigation. This remains a potentially significant direct and indirect impact.

B15-61 4-P.4 " Provide public access to all open space areas." Many of the policies in the GP have been identified as mitigation for potential impacts of the GP. This policy, and others, could actually cause significant impacts which have not been identified or mitigated. This is a broad expansion of public use of open space. As stated it places public access as a basic right on all public lands, which is only restricted if the identified conditions are met. The restrictions fail to identify all of the cases where public access would be problematic, such as through a wildlife movement corridor where there is no listed species, or parts of a watershed where there may be a concern about erosion or pollutants. It places no restriction on the type of public access. Is this intended to just mean a trail ? It says for "unprogrammed recreational use" which could mean a pickup game of softball, flying remote controlled airplanes, practicing one's golf swing, etc. Even along trails numerous studies have documented impacts on natural lands from differences in what is allowed to occur along the trail- from just pedestrians walking, to pedestrians with dogs, to allowing dogs off leash. Are there even any restrictions on dog access? For years the storm water permits have raised concerns about the non-point pollution of pet waste in the watershed. Expanding public use often means expanding pet access and the associated disruption of wildlife and pollution of the watershed. This policy could have significant indirect impacts that have not been identified or addressed.

B15-62 4-P.16 This says the city will partner with other agencies "when it is **necessary**(emphasis added) to acquire open space land". What does this mean? We won't partner unless we have to? We won't acquire any additional open space unless we are required to? We won't acquire any land unless we partner with others? If the intent is really to explore partnering opportunities as a way to increase natural open space and reduce the cost to the city it should say that.

B15-63 4-P.29 Language should be changed from "natural plant species" to " southern California native plant species."

B15-64 4-P.64 It sounds like the intent of this is to integrate all of the beneficial uses of water- it should be restated to make that clear. Other policies focus on water quality but this could be more integrative by including reference to beneficial uses which then incorporates the specific items listed as well as others.

B15-65 There is no policy that recognizes that land needs to be managed in a way that is consistent with its use. The MHCP documented a huge gap in current funding and what was required to manage hardline open space to the standard identified in the regional plan. New projects are being required to fund management, but there is no mechanism in place to address all of the parcels set aside for open space before those provisions were imposed. The EIR failed to identify this existing shortfall in enforcement/management of hard lined open space. The result is continuing damage from things like unplanned trails, invasive plants, erosion and pet waste. These impacts are increased when thousands of more people are added and less open space is provided. This is an indirect impact that has not been identified or mitigated.

B15-66 No policies were found about equestrian use, where it would be allowed and under what conditions. 4-P.39 mentions equestrian as one of the categories of trail user but horses have impact on a lot

**B15-66** | more than trails. Equestrian access in parks, open space and trails is another area with potential significant impacts. This includes erosion, pollution of the watershed, and impact on endangered species by increasing the presence of cowbirds.

**B15-67** | **Agriculture**

This section does not recognize some of the new types of agriculture that use land differently- things like hydroponics, vertical gardens, rooftops gardens and front yard gardens. The GP should be consistent with the community vision and include policies that work to remove barriers to the use of these new alternative types of agriculture in addition to the traditional ones- particularly those that support local food production.

**B15-68** | Agricultural land can provide substantial benefits for wildlife. It can functionally expand wildlife movement corridors and provide important foraging for raptors. Such benefits could be expanded through things like birdhouses, bathhouses and bee hives. The GP and policies should look at the interface between natural lands and agricultural lands and strengthen their interrelationship instead of just being silent on this issue.

**B15-69** | To our knowledge the Carlsbad zoning ordinance has no restricted agricultural zoning. Figure 2-1 Land Use Map shows no agricultural land. Some is included as open space- even though it may in the future be converted to other non-agriculture uses. Some is shown in its underlying zoning which also leaves agriculture as a temporary use. Other places have taken action to permanently protect agriculture. For example in Napa County voters approved a sales tax measure to fund agricultural easements to acquire and permanently protect agricultural land.

The only funding source the city has is the agricultural conversion mitigation fee that only applies to land in the coastal zone. Other permanent ways to support agriculture should be considered.

**B15-70** | **Air Quality**

Operational emissions are also understated as there has been no consideration of the urban heat island effect. The project proposes substantial development, much of which will convert open space or other permeable surfaces to roads, buildings and parking lots. Such conversions indirectly increase ozone by replacing open space with blacktop or other heat increasing surfaces from roads, parking lots and roofs thereby increasing temperatures and contributing to the urban heat island effect. This heat island effect would exacerbate existing violations of ozone standards in the project area. This is an additional operational impact that was not discussed in the EIR.

**B15-71** | Impact 3.2-2 is determined to be significant and unavoidable, yet nothing other than applying existing regulatory requirements is proposed as mitigation. The EIR states at 3.2-25 that "No mitigation is available beyond measures identified in the city's SWPPP, Green Building Standards Code and the goals and policies in the General Plan that would reduce impacts to a level that is less than significant." Table 3.2-6 shows that the emission threshold in every single case is not just exceeded by a little bit, but by huge margins. For the lowest failure, NOX, it is almost 400%. For others it is in the thousands. Furthermore there is no analysis as to how much reduction is assumed to be achieved with the identified GP policies. The EIR simply concludes they would reduce the long term operational impacts.

B15-72

It seems inconsistent that basically the same policies are cited in the CAP as the basis for concluding that no action is needed to reduce GHG to meet the 2020 threshold, and fairly minimal actions are needed to meet the 2035 threshold, but for the other air quality pollutants related to motor vehicles" no mitigation is available." Surely more extreme actions to reduce auto VMT would reduce these pollutants, the question is only how much would they be reduced. Other projects have considered the following air quality mitigation measures, which are all feasible and should be considered here :

For operational traffic impacts mitigation should include:

- 1. provide public transit subsidy through direct payment or provision of transit passes
- 2. provide preferential carpool/vanpool parking
- 3. provide direct pedestrian connections to transit stops
- 4. implement parking fee programs

For stationary source emissions, mitigation should include the following feasible measures:

- 1. increase wall and attic insulation beyond Title 24 requirements
- 2. plant shade trees in parking lots
- 3. install solar cooling/heating
- 4. reduce standard paving by 20%
- 5. use electric lawn and garden equipment for landscaping
- 6. pay an air quality mitigation fee and secure emission offsets

Further mitigation for these impacts is feasible, and required.

B15-73

Furthermore this significant air quality impact should trigger consideration of a project alternative that would reduce these impacts below the threshold- but no such alternative has been considered The Alternatives Analysis needs to be revised to identify at least one alternative that seriously tries to eliminate this significant air quality impact.

B15-74

**Noise**

The noise analysis indicates that an unknown number of residences may need to use mechanical ventilation. Please explain how this has been reflected in the computations for air quality as this is not mentioned as one of the considerations in the discussion of methodology. (IE there will be more operational emissions as homes in the noise impact area will be using mechanical ventilation all the time resulting in significantly higher emissions than has been assumed for homes that meet current energy requirements.

B15-75

The noise analysis identifies several sensitive receptors (EIR at 3.10-17) but fails to show that the analysis of impacts considered the distribution of these sensitive receptors. Figure 3.10-3 simply shows the roads with traffic noise boundaries, but with no distinction for residential or other land



**B15-75** uses like schools and parks. It is also not clear from reviewing the GP policies if the differential impacts of sensitive receptors have been considered. Several parks are located within the 70+ and 65-70 CNEL areas shown on Figure 3.10-3 Future Noise Contours. This level of exterior noise exceeds the threshold and is of particular concern because of the impacts on sensitive receptors. The EIR failed to consider the noise impacts on these land uses that clearly exceed the thresholds. Please correct the noise analysis and add mitigation measures as required.

**B15-76** There is no discussion of noise impacts on sensitive species where roads cross or are near to sensitive habitat. Two of the listed species protected in the HMP are Least Bell's Vireo (LBV) and California Coastal Gnatcatcher (CCG). Noise impacts on these species are usually evaluated at the same thresholds as people- 60 dBL. Please add analysis of impacts on these and any other sensitive species.

**B15-77** **Public Safety/ Hydrology/Flooding**

P 6-13 discusses sea level rise just south of Carlsbad BLVD of as much as 17" by 2050 and five feet by 2100. Figure 6-1 identifies the potential coastal flood zone all along the coast. (EIR Figure 3.8-1) The GP will add extensive development close to this area of potential flooding. Figure 6-3 identifies the potential maximum Tsunami run-up area. (EIR Figure 3.8.3) It is not clear from comparing these similar, but slightly different impact areas if there is any building allowed within any of these impact zones. The EIR mentions only a single land use change within the flood zone- a 10 acre parcel in Sunny Creek proposed for a residential density increase (EIR at 3.8-29). Please confirm that this is the only new development proposed within either the flood or Tsunami zones.

**B15-78** Please also confirm if there is any other existing development within either of these zones? Since the size of the zones is increasing existing development also needs to be considered.

**B15-79** The EIR discusses direct impacts only. But the indirect impacts of placing so much additional development so close to this area that will have greater risk of flooding is not addressed. How will this and the policy that allows some roads to fail traffic standards affect the ability to evacuate such areas when necessary? This is just one example of an indirect impact that has not been considered.

**B15-80** Furthermore some of the policies in the GP public safety element may be in conflict with other provisions cited as mitigation in the EIR and/or have other impacts that have not been identified or mitigated. For example 6-P5 "Require installation of protective structures or other design measures to protect proposed building and development sites from flooding." Does this include any of the measures commonly referred to as armoring the coast- things like seawalls or concrete surfacing that prevent normal bluff erosion? If so there are indirect impacts associated with such policies that have not been addressed.

**B15-81** We also did not find anything in the policies that addressed things like bluff collapse/ moving structures back from the edge of coastal bluffs. There are already sections of the pedestrian walkway along Carlsbad Blvd at the top of the bluff that show the impacts of bluff loss. Moving the sidewalk will impact the adjacent roadway and the ability to accommodate extensive coastal development as is being proposed in the GP. The EIR does not evaluate any of the impacts associated with continued bluff erosion that will be exacerbated by sea level rise. This is a significant impact that the EIR has not addressed.

## Public Facilities

### B15-82 15% Open Space Standard

GP 4-6 describes the GMP performance standard for open space of 15% of the total land area of each LFMZ “exclusive of environmentally constrained non-developable land.” It further explains that at the time this standard was established that LFMZ’s 1-10 and 16 “were already developed or met/exceeded the open space standard, and therefore, are not subject to the open space standard.” Please clarify how much/what percentage of open space each of the 11 excluded zones actually had at the time of adoption of their respective LFMZ’s and how much they have today. Certainly this GP update is the appropriate time to relook at the differential treatment of these zones and consider some way to bring them closer to parity with the rest of the city.

B15-83 The EIR has evaluated all of the other public facility performance standards, except for open space. Please add the required analysis of this performance standard in the EIR.

B15-84 4-P.5 – It is not clear what this policy means. It fails to include the specific public facility performance standard which is 15%. (Except for those zones that have been excluded from the standard) The list of areas that shall not be counted does not exactly mirror the language in the OSCRMP so it is not clear if it is intending to change anything or not. Furthermore this is one of the performance standards that inexplicably is not evaluated in the EIR. The GP has not demonstrated that it has met the open space performance standard so this remains a significant impact.

B15-85 We have reviewed numerous background documents, Growth Management Plan Monitoring Reports, and many of the LFMP’s. We have found numerous discrepancies in how these LFMP’s have identified “environmentally constrained, unbuildable lands.” Most of the LFMP’s have been prepared by developers whose objective is certainly not to increase their own mandate to set aside land for open space. Given the historic inconsistencies in exempting some areas from the standards, and in applying standards consistently in others, it is necessary to provide full analysis of compliance with these standards in the new GP. Please provide full documentation of the new GP compliance with the 15% open space standard.

### B15-86 Parks Overall Park Acres

The Att include a summary of all of the existing Community Parks and Special Use Areas that are counted towards meeting the GMP performance standard of 3 acres parkland/1,000 residents/quadrant. Column A shows the number of acres credited for each park as shown in Envision Carlsbad Working Paper # 3. Column B shows the number of park acres as shown in the GP Table 4-4 and repeated in the EIR as Table 3.11-1. 33 of 42 parks, or almost 79% of total parks changed size in a little over one year. A few of these are understandable- such as the addition of 32.1 acres for the new park at Alga Norte and the elimination of the school yards at Kelly and Hope from the joint use agreement. But most of these are a complete mystery. Please explain the basis for the change in park acres for which no explanation has been provided.

### B15-87 Industrial Land Use

GP 4-9 states that the City’s growth management ordinance “authorizes special facility fees to pay

**B15-87** for improvements or facilities that are related to new industrial development. Since there is a substantial impact on existing recreation facilities from an increasing industrial employment base, the city recognized a need to impose and implement a park mitigation fee for industrial development. In November 1987, the City Council adopted its first park mitigation fee for the Zone 5 Local Facilities Management Plan. Additionally, a park mitigation fee was required as part of the Zone 13 and Zone 16 Local Facilities Management Plans. The purpose of this fee is to ensure adequate recreational facilities to accommodate the demand created by the daily influx of the industrial work force and population as industrial development grows." This is reflected in policy 4-P.21 "Maintain appropriate recreational standards for employment areas."

**B15-88** This identification of the impacts of increased industrial employment has been ignored in the EIR. Industrial development will increase almost twice as much as residential. The impacts of this increase in industrial employment have not been addressed in the park standards or the analysis of impacts. Zero park acres have been added to accommodate this increase in industrial employment making the impacts even more significant. In fact this increase all by itself could result in a failure to meet the minimum GMP standards for parks. The required minimum number of park acres- just for residents, is 3 acres/1,000 residents per quadrant. Two parks are included within the compliance analysis that are intended to at least partially meet recreational needs for employees in industrial land uses, not residents. (Zone 5 and Veteran's) Park impact fees have been paid by current and future industrial employers in that area.

**B15-89** The Zone 5 park is not within LFMZ 5 although it sounds like park impact fees were collected from Zone 5 industrial businesses to pay for that park. Furthermore 100% of the existing and future Zone 5 Park is located within and charged to the minimum required park acres for the NW quadrant, even though funding and many of the intended industrial users are not even within that quadrant. LFMZ 13 is located within the NW quadrant and LFMZ 16 is in the NE quadrant. Please explain what existing fees have been collected from industrial land uses, what parks they have been allocated to, what fees are anticipated from future industrial development and what parks these fees will be allocated to. Then explain why these parks are allocated to meet the minimum park acres for residents. This is of particular concern for residents of the NW quadrant who are charged with these park acres although the park is not located near any residents and they are clearly intended to serve employees in the industrial businesses.

**B15-90** Policy 4-P.21 is to "maintain" the appropriate recreational standards for industrial areas. This implies there is an existing standard. Please clarify what this existing standard is and how this is reflected in the allocation of park acres which currently shows zero acres of park land has been provided to meet these needs. The GP identifies a "significant impact" on parks from industrial users. This impact will be increased with the increase in industrial land use per the GP. The EIR has failed to evaluate the existing and future adverse impacts and has provided no mitigation.

**B15-91** **Double counting Land as Natural Resource and Park**

Figure 4-2 in the GMP (included as Figure 3.3-1 in the EIR) shows land that is part of the hardline preserve land as identified in the Habitat Management Plan(HMP) and subject to a legally binding agreement between the city of Carlsbad and the state and federal wildlife agencies. All land included within the HMP preserve lands are subject to the conditions of the HMP. This land is set aside for the protection of endangered species. Public use is limited, and in many preserves not allowed at all.

B15-91

Where it is allowed this is limited to a defined public trail and specifically says this is for “passive “ use only.

GP Figure 4-3 Parks (EIR Figure 3.11-1) proposed General Plan Parks and Recreation shows each of the existing and proposed Community Parks and Special Use Areas that are listed on GP Table 4-4. Comparison of the Figures clearly shows that 4 existing parks ( Hidden Canyon, La Costa Canyon, Leo Carillo, and Poinsettia) and one future Park (Veteran’s) have substantial acres that are counted as hardline Open Space in the HMP for purposes of counting land required for compliance with the related agreements. Portions of these same areas are also counted as park acres for purposes of measuring compliance with the GMP performance standard for parks. This double counting of these acres allows the city to use the same land to meet the minimum requirements of the HMP (no active recreation) and the minimum requirements of the GMP for parks (active recreation). The same land is being counted twice. This land that is now double counted had been counted as parkland prior to the city adopting the HMP. When the HMP was adopted some land that had been included as parks was then reallocated as hardline open space, but the city never subtracted this land from the park inventory as should have been done.

This double counting is shown on Column D of the Att summary of park acres and totals 51 acres for existing parks, and 54.1 acres for future parks or a combined total of 105.1 acres. Eliminating this double counting of hardlined open space leaves 3 of the 4 quadrants of the city with less than the required minimum park acres.

B15-92

**Veteran’s Park**

The future Veteran’s Park has been treated differently than any other park in the city. No others are counted in more than one quadrant. No other major city-wide facility is counted towards meeting the minimum park requirements per quadrant. The original GMP performance standards were very specific that parks are counted by quadrant and that only land within a quadrant was counted towards meeting the requirements for the quadrant. In the 1997 amendment to the Facilities these standards are unchanged. However in the detailed list of parks included in the attachments, Veteran’s Park (shown as Macario Canyon) is divided into four parts with ¼ counted in each quadrant. There was no discussion in the document, or in the staff report where this change occurred that explained why this was being done although it was a clear violation of the standard and no other park was counted in more than one quadrant. Furthermore it is clear that Veteran’s Park provides little recreational benefit to residents as it is not located in a residential area. It was recently characterized by the Mayor as a “Regional Park”<sup>11</sup> and by staff as likely to be the location of the future “Adventure Park” identified in the 2013 Park Needs Assessment.<sup>12</sup> Of the 90 acres now shown for this park, 54.1 acres are double counted as hardline open space.

The future Veteran’s Park does not meet the definitions for a community park or special use park and should not be counted at all toward meeting quadrant minimum park acres. It is properly categorized as a Special Resource Area – a recreational amenity that serves a broader area than a quadrant, is typically larger than a community park, and provides unique amenities- similar to the Crossings Golf Course, the beaches and Lake Calavera Preserve. The GP on page 4-22 includes a discussion of “regional recreation.” This discussion includes three of the city’s special resource areas and one future park, Veteran’s. We find nothing in city policy, the prior recreation element, recently

<sup>11</sup> Personal telephone conversation Mayor Hall and Diane Nygaard April 2014.

<sup>12</sup> City Council Workshop March 18, 2014 discussion on Ballot Initiative Update.



**B15-92** completed park Needs Assessment, or any other document that explains what regional recreation is and how it is distinguished from what is shown on Table 4-4 as existing special resource areas, which do not include Veteran's Park. On Table 4-5 Veteran's Park is shown as one of the anticipated Future Parks. However, it is the only park in the entire city that is designated as "city-wide" rather than allocated to a quadrant. Counting this park towards the minimum required park acres in all four quadrants treats it different than every other park in the city. This is a violation of the intent and spirit of the GMP. Correctly categorizing Veteran's park as a Special Resource Area and eliminating the hardlined open space acres leaves the city short 90.6 park acres at build out. All 4 quadrants of the city fail to meet the minimum requirement for park acres. ( See for detailed computations).

The EIR failed to identify these issues with the park inventory, failed to identify the failure to meet the public facilities standard for parks, and failed to provide any mitigation for this significant adverse impact.

**B15-93** **Neighborhood Parks/Park Access**

Throughout the GP from the vision statements about connectivity, enhancing neighborhoods to throughout the discussion of the Mobility, Land Use, and Open space and Parks elements it is clear that neighborhood parks should be more formally included in the performance standards. In fact the early citizen's committee proposed that park standards would include 2.5 acres/1,000 residents per quadrant for community parks and another .5 acres for neighborhood parks. This was simplified to just a combined total of 3.0 acres but with subcategories addressing the intention to provide park access to every neighborhood.

All of the following parks policies support this :

2.G-1 "Maintain a land use program with amount, design and arrangement of varied land uses that serve to protect and enhance ...the Carlsbad Community Vision."

2.G.2 " promote a diversity of compatible land uses ... that allow people to live close to...parks..."

2-G.18 " Ensure that new development fosters a sense of community and is designed with a focus on residents ... by providing walkways to common destinations such as ... parks and

3-G.2 " Improve connectivity for residents, visitors and businesses."

4-P.19 – "reflect the needs of residents at the neighborhood level"

4-P.24 "Consider accessibility...local resident access... whenever possible parks should be located near schools..."

4-P.25 " Locate new parks ...in existing infill neighborhoods..."

A recent study by the San Diego Foundation Parks for Everyone evaluated access to parks throughout San Diego County. We contracted for updated versions of two of the key summary tables looking at park access by income levels and minority status, and access within ½ mile. These updated Figures are included in the Att. These Figures show that many areas of the city fail to meet the minimum thresholds of 3 acres /parkland when considering income levels, minority status and distance. We recognize that these factors are not currently formally included in the performance standards. But they illustrate how arbitrarily applying the standards results in disparate impacts which also is not consistent with the intent of the GP. The EIR analysis of parkland has failed to consider any such indirect impacts of the current number and distribution of parks.

**B15-94** 4-P.25 It is not clear what this means as there is no new park added that is shown on the detailed parks inventory on Tables 4-4 and 4-5 . It also is not clear why this appears to just be limited to the Village and Barrio. Please explain.

B15-95

### School Yards Counted as Parks

There have been a number of issues in the last few years that impact school security and the use of school yards as recreational facilities. This increased concern with school security has resulted in school yards becoming fenced, gated, and locked facilities. When the GMP performance standards were developed that was not the case. Many school yards had open access during the times school was not in session and could provide a substantial recreational benefit to the nearby neighborhood. Now there is no longer any general public access to school yards. Public access to selected schools is governed by a joint use agreement between the city and the school district. In the case of the Carlsbad Unified School District this agreement further restricts access just to those times the school is not using the yard for their activities, and to organized youth sports groups. Schools can be added or deleted from the agreement at any time. These restrictions make the use of schools yards as public parks impossible. In the best case a school yard subject to the joint-use agreement has only a few hours of use/week to a very limited number of people that are members of an organized sports team.

Including such restricted facilities as part of the minimum required park is acres not consistent with the provisions of the GMP. This is another area where such historic policies need to be updated, result in disparate impacts for some neighborhoods, and are no longer consistent with the goals and policies of the proposed GP.

B15-96

### Public Safety/Police and Fire Service

The EIR states "The city's Fire service standard established by the Citywide Facilities and Improvement Plan requires no more than 1,500 dwelling units be outside of a 5 -minute response time. "There is no specific standard for police services and per the EIR "neither department uses staffing standards to determine quality of service." (EIR at 3.11-22. ) GP Policies 6-P.27-35 includes the policies related to police, fire, and emergency services. The EIR concludes there is a less than significant impact because staffing will be adjusted to meet the demand, new building standards will reduce the risk and the identified policies will mitigate any potential impacts.

However the EIR fails to evaluate compliance with the single numeric standard required in the GMP- no more than 1,500 dwelling units outside the 5- minute response time. The EIR has failed to demonstrate that either under existing or future population levels that this standard will be met. In a recent EIR for the Quarry Creek project it was stated that project would be outside the 5 minute response time and therefore construction of the relocated fire station to Robertson Ranch will be triggered by that development.

B15-97

Furthermore the EIR has failed to consider the impact of the Mobility Element roadway changes that are allowing traffic failure conditions on several roads during peak hours (GP 3-19). In addition numerous roads that will not be at failure conditions will still experience increasing congestion. Please explain how response times will still be met for emergency personnel when College Blvd is in traffic failure and gridlock. The failing traffic will certainly adversely impact these response times. There will also be impacts from failing traffic conditions in adjacent cities. For example the traffic analysis for the Quarry Creek project found traffic failures along sections of College Blvd in Oceanside that are required to be used to reach homes in that Carlsbad development. These kinds of traffic issues will all impact response times in Carlsbad. Please correct the analysis of response times to

B15-97 | account for all such changing traffic conditions.

B15-98 | Furthermore the City of Carlsbad has extensive fire response provided by adjacent cities under the existing border drop agreements. Please identify historical patterns of the impact of these border drop agreements and what assurances there are that such support from adjacent cities will continue. Putting a policy statement like 6-P.32 "Coordinate the delivery of fire protection services through mutual aid agreements with other agencies when appropriate." How would response times be impacted if there were not such agreements in place?

B15-99 | Also the GP and the EIR have not looked at conflicts between provisions for vegetation clearing for fire prevention/response and habitat protection under the HMP. There are areas like the Ocean Hills neighborhood of Oceanside that borders on hardline preserve in Carlsbad where development does not meet current standards and the area is in high severity fire zone. There are older neighborhoods in Carlsbad that do not have the full fire buffer areas that are standard with new development.

B15-100 | For the recent Quarry Creek project fire service response was based on the average response per thousand residents in the city of Oceanside. (.92 calls/1,000 residents or  $.92 \times 1541 = 141$  calls/year). This is a Carlsbad project so Carlsbad numbers should be used to assess the service demand. What is the Carlsbad data for number of fire response calls/1000 residents?

B15-101 | The fire service analysis failed to consider the impacts of adding so many residential units in what is defined as the Wildland/Urban Interface Zone. Recent updates of fire severity zones have classified homes in areas like this as in the severe hazard area. Such a designation is based on increased risks for frequency and severity of fire. Local studies by the San Diego Foundation and others conclude that by 2050 "Wildfires will be more frequent and intense." (San Diego's Changing Climate, page 10.) The fire analysis failed to consider the increasing demand placed on fire service overall because of the impacts of global warming. They also failed to consider the increased risks of placing so many homes in what will be rated as a severe hazard zone. The EIR analysis is incomplete and no mitigation has been provided for these significant impacts.

B15-102 | **Climate Change and GHG**

P 9-9 Discussion of the impacts of climate change should also note the potential extinction of numerous plant and animal species (not all plants and animals can migrate to higher elevations where they have any chance of survival.

B15-103 | P 9-11 is one paragraph on Climate Adaptation Planning- yet there really is no such adaptation plan. The particular threats identified for Carlsbad " drought, fire and rising sea level " are not addressed in the GP or the CAP. Each of these has significant potential adverse impacts which have all been ignored in the EIR.

B15-104 | One of the major concerns with climate change is the increased frequency and severity of wildfire. This issue is not addressed in the CAP, EIR or GP. The HMP has provisions for adaptive management, but that only addresses the areas covered by the plan, and not numerous other natural open space areas that are not hardlined preserve but that will still have an indirect impact on what is often nearby. There is also increasing pressure from homeowners for excessive vegetation clearing which contributes to impacts of erosion, water quality degradation, and visual impacts. The city of Carlsbad does not have one fire safety person assigned to public education about these issues. The result is

B15-104 | that there are adverse impacts on natural lands and the watershed that eventually can lead to habitat type conversion and significant impacts on sensitive resources. The GP should provide some certainty that these threats are being considered and that this will be accounted for in staffing analysis- which is not the case today.

Note: See separate comments submitted on the CAP.

B15-105 | **Sustainability**

The discussion of LEED and Build it Green on GP 9-17 and 9-18 is very interesting but it is not carried forward into any policy or action in the GP or CAP. Please consider adding policy that would provide incentives to actually use these programs.

No discussion of waste reduction/recycling. Other cities like Oceanside have zero waste goals. To our knowledge Carlsbad has no such goal. Sustainability programs usually include recognition of the importance of reducing the amount of waste created and recycling as much waste as possible. Residential, commercial and public facilities should all be integrated into a comprehensive program. This should result in review of current waste contracts and consideration of how these might be restructured over time to reduce the volume of waste and the amount of it that get recycled. The city is starting a program to replace old trash cans at the beach with new ones that include separate container for cans/bottles. This should be standard for all public facilities.

B15-106 | 9-P.11 Think you stated this backwards- don't you really want **maximum** tree canopy coverage and **minimum** asphalt and paving coverage?. The Landscaping Manual needs to be updated to reflect new approaches to Urban Tree Canopy, maximizing use of southern California native plants and to tie in more specifically with other policies such as fire related brush clearing, plant selection, and water conservation.

B15-107 | 9-P.16 This policy seems to artificially restrict food growing to back yards. There are lots of opportunities to use front yards that can also be integrated with landscaping programs and still result in visually attractive spaces. The policy should allow more flexibility as many backyards may not be suitable for food growing where front yards would be. There are also common areas for HOA's that should be considered for inclusion.

B15-108 | **Arts, History, Culture and Aesthetics**

There are a number of policies in the existing General Plan that seem to have been dropped from this update. Our concern is that eliminating these policies could have adverse impacts that have not been identified in the EIR. Please clarify if each of these has been eliminated and if so include some discussion of potential impacts. Number reference is to existing GP.

"C.5 Combine historically significant sites with recreational learning opportunities, where possible."

"C.7 Utilize community parks in support of historical and cultural programs and facilities ..."

"C.8 Coordinate the efforts of the Historic Preservation Commission on the sighting and care of historic ruins within parks."

- B15-108 " C.9 Enhance the availability of special resource and or open space areas and promote awareness of the educational opportunities associated with them."  
" C.11 Work cooperatively with the Historic Preservation Commission and Cultural Arts Commission to effectively sustain and promote awareness of historically and/or culturally significant facilities and programs."

B15-109 **Cumulative Impacts**

The SANDAG Sustainable Community Strategies in the 2050 Regional Transportation Plan (RTP) (incorporated by reference) includes numerous mitigation measures that have not been brought forward, or have only partially been addressed in the GP. Table ES-2 in the FEIR Summary of Environmental Impacts and Mitigation Measures of the RTP (entire document incorporated by reference) details what is expected of member agencies to include in their related plans. Impacts and Mitigation Measures are identified for horizon years 2020, 2035, and 2050. All such measures for horizon years 2020 and 2035 should have been evaluated in the EIR for this Carlsbad GP in order to determine consistency with the regional RTP/SCS. While some of them are at least partially addressed in the GP policies that are identified as mitigation measures, many are completely absent. The EIR completely fails to evaluate to what extent the mitigation as proposed is consistent with the SANDAG RTP/SCS. These mitigation measures where local member agency policy/action is included in the RTP should have been evaluated include the following( and others not mentioned ) :

B15-110 **Aesthetics**

- VIS-C add significant natural elements along highway corridors
- VIS- D replace and renew landscaping along corridors with road widenings

B15-111 **Agriculture and Forest Resources**

- AG-A encourage agriculture conservation easements or farmland mitigation banks
- FR-B when offsite mitigation is needed provide it through acquisition and restoration of lands contiguous with areas of native habitat

B15-112 **Air Quality**

- AQ- A1 incorporate planning and land use measures from the Attorney general's latest list of example policies to address climate change
  - Incorporate AG list of project specific mitigation measures
- AQ-C –evaluate localized project specific localized particulate (PM 10 and PM 2.5)
  - Assess health risks associated with CO and particulates

B15-113 **Biological resources**

- BIO-A avoid impacting sensitive vegetation communities and provide mitigation as described
- BIO-B avoid impacting wetlands
- BIO-D limit grading and earth moving activities within the planned transportation footprint
- BIO-E acquire and restore land for off site mitigation to maximize biological value
- BIO-M conduct wildlife movement studies for projects that may fragment or constrict regional or local corridors
- BIO-N provide for continued movement of wildlife during construction
- BIO-O limit edge effects of development

- B15-114** | Greenhouse Gas Emissions  
GHG-B adopt a local Climate Action Plan- including list of specific items to include  
GJHG- C require Best Available Control Technology during construction and operation of projects
- B15-115** | Hazards and Hazardous Materials  
HM-B consider wildfire risks and incorporate climate change adaptation measures into project design
- B15-116** | Hydrology and Water Quality  
WQ-A develop detailed erosion control mitigation measures tailored to the site and included in the SWPPP
- B15-117** | Noise  
NOI-A implement specific noise reduction features near sensitive receptors  
NOI-B incorporate design measures for projects that would generate transportation noise
- B15-118** | Public Services, Utilities and Energy  
PS-A, US-A, US-B, US- C, US-D, US-E and US-F apply specific mitigation measures to reduce the impacts of any new or expanded public facilities
- B15-119** | Water Supply  
WS-A implement all feasible water conservation measures  
WS-B utilize reclaimed water to the greatest extent feasible
- B15-120** | **Alternatives Analysis**  
The analysis of impacts is so flawed it is not possible to do a meaningful review of the proposed alternatives. The following comments are just a few examples of the problems that have been carried forward to the review of alternatives.
- B15-121** | The EIR has not evaluated compliance with project objectives ie does it actually achieve the core values of the vision ? The analysis of the EIR favors the proposed project and fails to properly identify key differences between the alternatives.
- B15-122** | Per CEQA alternatives are not defined at the beginning of the project, as was done here. But rather the environmental review is used to identify significant impacts and then alternatives are developed to specifically reduce the adverse impacts and assess the relative impacts of each. The EIR identified two areas with significant impacts that have not been mitigated, traffic and air quality. The challenge for alternatives analysis is to define an alternative that substantially meets the objectives while significantly reducing the impacts. The alternatives analysis, simply evaluated the land use alternatives that were defined in an early stage of the GP development. There is nothing in the EIR that indicates there was any effort to define an alternative whose objective is to reduce the significant impacts to traffic or air quality.
- B15-123** | Except for the "No Project " alternative the others all have very similar amounts of residential, commercial, industrial and hotel development. Per Table 4.2-4 the maximum population change between high and low varies by only .35%..
- B15-124** | The comparative analysis of air quality impacts has ignored half of the contributing pollutant sources.

B15-124 The EIR only assesses the VMT or motor vehicle related component of the air quality impacts. Table 3.2-6 identifies five air quality pollutants for which the GP would exceed the threshold. Of those 5, motor vehicle sources constitute less than half of the pollutants for two, about ½ for one and over half for 2. Area sources are as important as motor vehicles but there is no comparative analysis for area sources- which represent about ½ of the problem. Please correct the analysis to include area sources.

B15-125 **Conclusions**

The EIR has failed to identify numerous adverse impacts, has failed to adequately evaluate or mitigate those impacts and has not met the basic requirements of an EIR. Numerous issues raised in this comment letter, the related comment letter on the CAP, and numerous letters submitted by others fully support our conclusion that this EIR is unacceptable. An amended document must be prepared that completely and accurately assesses the adverse impacts associated with this project and provides reasonable, enforceable mitigation to address them.

Thank you for your consideration of these comments. We look forward to working with you to address these concerns.

Sincerely,



Diane Nygaard  
On Behalf of Preserve Calavera

B15-126 **Attachments**

Comparison of Park Acres and future park acres shortfall  
Figure of Existing and Proposed Parks Showing Acres Doubled Counted as Open Space  
Park Access by Income Level/Minority Status per San Diego Foundation Research  
Park Access by Distance per San Diego Foundation Research  
Carlsbad Avenues – Let's Talk About Open Space  
Summary of Negative Ecological Effects of Roads and Traffic and Other Linear Developments  
Smart Growth Concept Map- Site Descriptions Last Updated Jan 27, 2012, p6 and 7(Included with CAP letter)  
Envision Carlsbad Draft Preferred Plan, Excess Dwelling Unit Bank (EDUB) Availability and Demand, .

**References – All Incorporated by Reference**

Parks are For Everyone, Green Access for San Diego County, The San Diego Foundation  
San Diego's Changing Climate: A Regional Wake-up Call, the San Diego Foundation and back-up reports at [www.sdfoundation.org](http://www.sdfoundation.org)  
Planning and Designing for Pedestrians: Model Guidelines for the San Diego Region, SANDAG June 2002  
Smart Growth in the San Diego Region, SANDAG Jan 2012  
Crooks, K.R., and Soule, M.E., 1991. Mesopredator release and avifaunal extinctions in a fragmented system. *Nature* 400:563-566.  
Miller, S.G., Knight, R.L., and Miller, C.K., Wildlife response to Pedestrians and Dogs, 2001, Wildlife Society Bulletin 29, pp. 124-132.

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Reed, Sarah, and Merenlender, Adina M., Quiet, Non-Consumptive Recreation Reduces Protected Area Effectiveness, Department of Environmental Science, Policy and Management, University of California, Berkeley, CA, submitted January 28, 2008.

Spellerberg, I.F. 1998. Ecological effects of roads and traffic: a literature review. *Global Ecology and Biogeography Letters*. &:317-333.

Taylor, Audrey R. and Knight, Richard L., Wildlife Response to Recreation and Associated Visitor Perceptions, *Ecological Applications*, 13(4) 2003, pp. 951-963.

Guidelines to Wetland and Riparian Buffers, City of Carlsbad April 9, 2010

City of Carlsbad, Excess Dwelling Unit Bank Summary October 2012

City of Carlsbad 2012 Growth Management Plan Monitoring Report

City of Carlsbad Preserves, 2012-2016 Preserve Management Plan September 2011

Habitat Management Plan for Natural Communities in the City of Carlsbad, Final Approval November 2004.



## Summary of negative ecological effects of roads and traffic and other linear developments

### Short Term Effects

- Direct loss of wildlife(road kill) and their habitats
- Immediate habitat fragmentation(loss of feeding, watering or breeding areas)
- Damage and direct loss of soil and flora
- Increased run-off
- Air and water pollution
- Microclimate changes

### Long Term Effects

- Continuing direct loss of wildlife (road kill)
- Greater habitat loss due to light and noise disturbance extending into undeveloped areas
- Developed road avoidance by wildlife
- Decreased reproductive success
- Population fragmentation possibly leading to interbreeding complications
- Increased dispersal of non-native plants extending into undeveloped area and leading to further loss of habitat and wildlife
- Further increased run-off, air and water pollution
- Decreased biodiversity

Spellerberg, I.F. 1998. Ecological effects of roads and traffic: a literature review. *Global Ecology and Biogeography Letters*. 8:317-333.

From AB 21,003  
9/11/12 CB City Council Meeting

**Envision Carlsbad Draft Preferred Plan  
Excess Dwelling Unit Bank (EDUB) Availability and Demand**

**A. EDUB Availability**

The Draft Preferred Plan (Plan) proposes increasing allowed residential densities on various sites throughout the city, as well as changing the designation of some sites from a non-residential use to residential. These changes will require an allocation from the city's Excess Dwelling Unit Bank (EDUB). The Plan, as currently proposed, would utilize 2,812 of the 3,135 available units in the EDUB. Section B, below, provides a summary of the number of units needed from the EDUB for each focus area of the Plan.

In addition to the Plan, an application for the Quarry Creek Master Plan is currently being processed by the city and, if approved, will require an allocation from the EDUB. As currently proposed, the Quarry Creek Master Plan will need 363 units from the EDUB. Together, the Plan and Quarry Creek Master Plan will require more units (3,175) than currently available in the EDUB (3,135). Staff's recommendation on how to address this issue is described below, but first, the following is a brief description of the EDUB and its purpose.

**1. EDUB Description**

City Council Policy Statement 43 (Proposition E "Excess Dwelling" Unit Bank) established a dwelling unit bank concept in order to assure that residential development will not exceed the city's Growth Management (Proposition E) dwelling unit limitations. The policy also specifies the types of projects that the city can allocate "excess" units to; such as housing for lower or moderate income households, "smart growth" development, mixed use and changing a land use from non-residential to residential.

As shown in Attachment 5, all of the residential land use designations have an allowed density range with a minimum and maximum density, as well as a Growth Management Control Point (GMCP) density. The GMCP density is the density point used to measure compliance with the Growth Management (Proposition E) dwelling unit limitations (maximum number of units that can be built in the city and within each city quadrant), and it is directly linked to the EDUB. When a residential project develops below the GMCP density, the number of units between the developed density and the GMCP density are considered unused "excess" dwelling units, which are then "deposited" into the EDUB. The "excess" units in the EDUB are then available to allow other residential projects to develop at a density that exceeds the GMCP density, but subject to the Proposition E dwelling unit limitations.

**2. EDUB Balance**

On December 17, 2002, the City Council voted to reduce the accumulated number of units in the EDUB to a total of 2,800. Since December 2002, the EDUB balance has grown as a result of

more residential development occurring below the allowed GMCP density than above it. The EDUB balance, as of May 31, 2012, is 3,135 units.

As mentioned above, the Plan and Quarry Creek Master Plan, as currently proposed, will need more units (3,175) than currently available (3,135). Although the City Council has the option to return some of the units removed from the EDUB in 2002 back into the EDUB, it is staff's objective to present a Plan to the City Council that will not require them to do so.

Consistent with Planning Commission direction, the Quarry Creek Master Plan is being processed separately from the Plan. However, Quarry Creek is a site that is very important to implementing adopted programs in the city's existing Housing Element (2005-2010). Therefore, it is important to ensure that there are adequate units in the EDUB to implement the adopted Housing Element program on the Quarry Creek site. The Planning Commission and City Council will review and make decisions regarding the Quarry Creek Master Plan when the master plan is brought before the Commission and Council at public hearings.

Direction regarding the Plan is the purpose of this report, and therefore, staff is recommending the following minor adjustments be made to the Plan to ensure the EDUB balance is not exceeded:

- a. Do not designate the Aviara Resort site in Focus Area 10 (Aviara) for medium density residential; rather, leave it as currently designated for Travel Recreation Commercial (TR).
- b. Do not designate the area west of Plaza Camino Real for Mixed Use (MU); rather, leave it as currently designated for Regional Commercial uses, which allows for mixed use projects by right as an option but is not mandatory. This is consistent with Planning Commission recommendations on other commercial centers throughout the city.

The two changes described above will reduce the number of units needed from the EDUB by 243 units, resulting in a total need of 2,569 units from the EDUB for the Plan. Combined with the Quarry Creek Master Plan, the total units needed from the EDUB will be 2,932, which are 203 units below the 3,135 currently available.

**PARK ACRES : COMMUNITY PARKS and SPECIAL USE AREAS**

EXISTING	QUAD	A WP # 3	B GP	C Diff	D Less Open Space	E Net Park Acres
<b>Community Parks</b>						
Alga Norte	SE	0	32.1	32.1		32.1
Aviara	SW	24.3	24.3			24.3
Calavera Hills	NE	16.2	17.7	1.5		17.7
Hidden Canyon (includes open space)	NE	22.2	22	-0.2	13	9
Holiday Park	NW	6	6			6
Hosp Grove Park	NW	27.6	27.1	-0.5		27.1
La Costa Canyon( includes open space)	SE	14.8	14.7	-0.1	8.9	5.8
Laguna Riviera	NW	4.1	4.2	0.1		4.2
Leo Carillo Ranch Historic park (includes open space)	SE	27	27.4	0.4	16.6	10.8
Magee House and Park	NW	2.1	2.1			2.1
Pine Ave Park (includes Madison St parcels)	NW	7.2	8.2	1		8.2
Poinsettia (includes open space)	SW	42	41.2	-0.8	12.5	28.7
Stagecoach	SE	28	28.5	0.5		28.5
<b>Sub-total Community Parks</b>		<b>221.5</b>	<b>255.5</b>	<b>34</b>	<b>51</b>	<b>204.5</b>
<b>Special Use Areas</b>						
Aviara Oaks School Field	SW	5	4.7	-0.3		4.7
Buena Vista School Field	NW	2.3	2.5	0.2		2.5
Business Park Rec Facility (Zone 5 Park)	NW	3	3			3
Cadencia Park	SE	4.1	4	-0.1		4
Calavera Hills Trailhead	NE	0	0.4	0.4		0.4
Cannon Park	NW	1.9	1.7	-0.2		1.7
Car Country	NW	0.9	1	0.1		1
Carlsbad High School Tennis Courts	NW	1.1	1.7	0.6		1.7
Chase Field	NW	2.7	2.7			2.7
Harding Center	NW	1	1			1
Harold E. Smerdu Community Garden	NW	0	1.3	1.3		1.3
Hope Elementary School	NE	2.8	0	-2.8		0
Hosp Grove Trailheads (SUA)	NW	5.5	7.6	2.1		7.6
Jefferson School Field	NW	2.6	2.2	-0.4		2.2

32  
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EXISTING	QUAD	A WP # 3	B GP	C Diff	D Less Open Space	E Net Park Acres
<b>Special use Areas cont</b>						
Kelly Elementary School	NW	2.8	0	-2.8		0
La Costa Heights Elementary	SE	2	0	-2		0
La Costa Heights Park	SE	0	3.5	3.5		3.5
La Costa Meadows School/El Fuerte Park	SE	2	4.7	2.7		4.7
Lagoon Observation Area	NW	0.7	1.4	0.7		1.4
Magnolia Elementary School Field	NW	4.1	4	-0.1		4
Maxton Brown Park	NW	0.9	0.9			0.9
Monroe St Swim Complex	NW	1.8	2	0.2		2
Oak Park	NW	0.2	0.2			0.2
Ocean St Sculpture Park and Sea Wall	NW	0	1.9	1.9		1.9
Pio Pico Park	NW	0.8	0.8			0.8
Rotary Park	NW	0.8	0	-0.8		0
Senior Center Complex	NW	3.3	3.4	0.1		3.4
Skate Park	NE	1	3.4	2.4		3.4
Valley Jr High School Field	NW	7.5	8.5	1		8.5
<b>Sub-total Special Use Areas</b>		<b>60.8</b>	<b>68.5</b>	<b>7.7</b>		<b>68.5</b>
<b>Grand Total Parks</b>		<b>282.3</b>	<b>324</b>	<b>41.7</b>		<b>273</b>

A Working Paper # 3- data Reported as of 2010  
 B Draft General Plan- Data reported as of 2013  
 C Difference in Park Acres between WP # 3 and GP  
 D Hard Line preserved Open Space per HMP  
 E GP acres minus hardlined open space (B - D)

FUTURE PARK ACRES	QUAD	A WP # 3	B GP	D Less Open Space	E Net Park Acres
Cannon Lake Park	NW		6.9		6.9
Business Park (Zone S)	NW		10		10
Robertson Ranch	NE		13		13
Veteran's Park	Citywide		90	54.1	35.9
<b>Sub-total Future Parks</b>					<b>65.8</b>

33  
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**SUMMARY - FUTURE SHORTAGE OF PARK ACRES/QUADRANT**

	CITY PROJECTED PARK ACRES						ACTUAL FUTURE PARK ACRES					K DIFF
	A EXISTING	B FUTURE ADDED	C CITYWIDE ADDED	D TOTAL FUTURE	E REQ'D FUTURE	F DIFF	G EXISTING	H FUTURE ADDED	I TOTAL FUTURE	J REQ'D FUTURE		
NW	95.4	16.9	22.5	134.8	113.5	21.3	95.4	16.9	112.3	113.5	-1.2	
NE	43.5	13	22.5	79	68	11	30.5	13	43.5	68	-24.5	
SW	70.2		22.5	92.7	86.6	6.1	57.7		57.7	86.6	-28.9	
SE	114.9		22.5	137.4	125.4	12	89.4		89.4	125.4	-36	
<b>TOTAL</b>	<b>324</b>	<b>29.9</b>	<b>90</b>	<b>443.9</b>	<b>393.5</b>	<b>50.4</b>	<b>273</b>	<b>29.9</b>	<b>302.9</b>	<b>393.5</b>	<b>-90.6</b>	

A PER GP

B ADDED 6.9 ACRES CANNON LAKE , 10 ZONE 5, 13 ROBERTSON RANCH

C ADDED VETERAN'S PARK AT 22.5 ACRES/QUAD

E AND J - PER GP POP PROJECTION AT 3 ACRES/1,000/QUAD

G DELETED DOUBLE COUNTED OPEN SPACE - 13 ACRES HIDDEN CANYON, 8.9 LA COSTA CANYON, 16.9 LEO CARILLO, 12.5 POINSETTIA

H ADDED 6.9 ACRES CANNON LAKE , 10 ZONE 5, 13 ROBERTSON RANCH

I =G = H

37

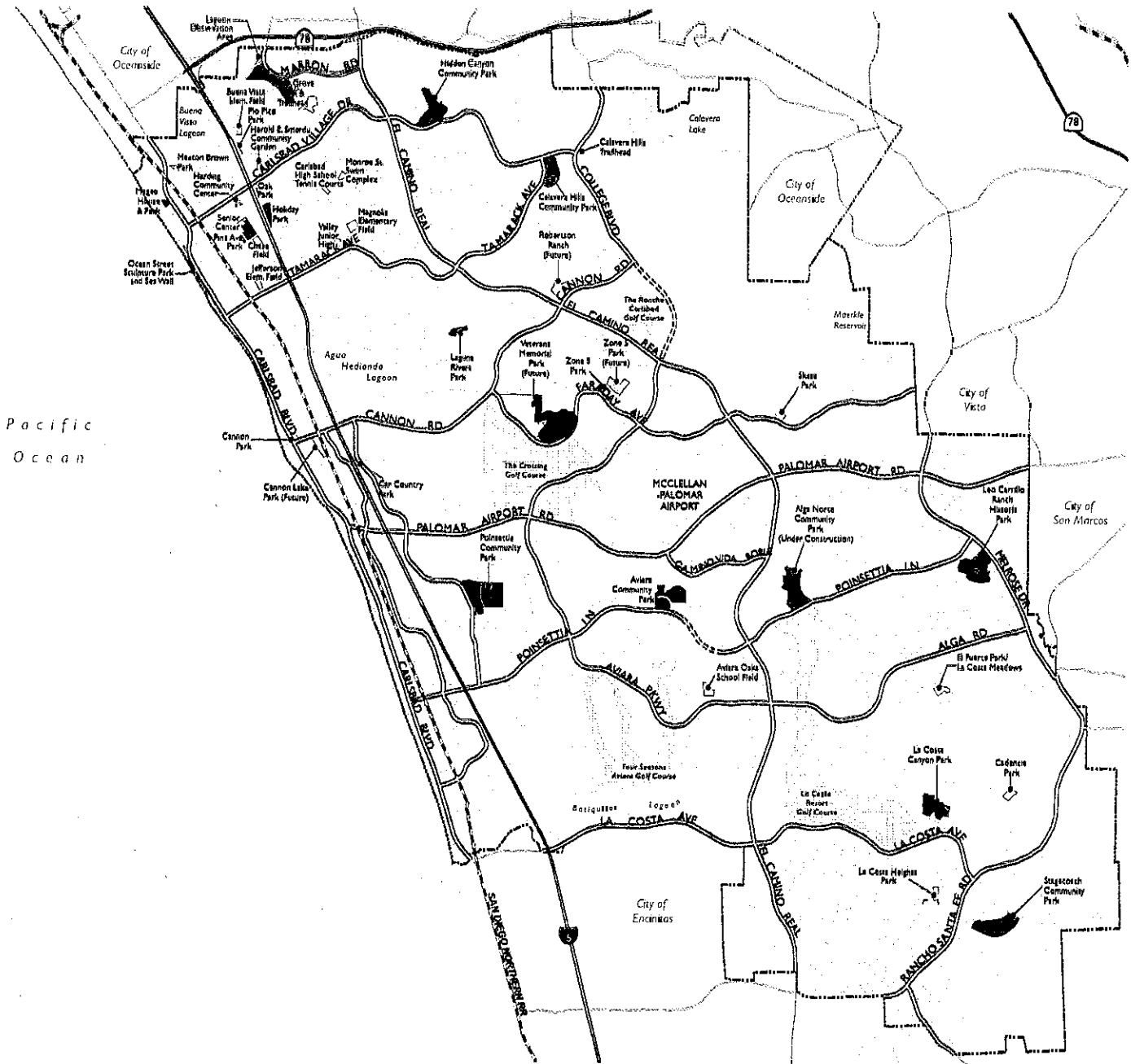
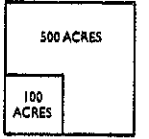


Figure 3.11-1  
**PROPOSED GENERAL PLAN  
 Parks & Recreation**

- Existing Community Park
- Future Community Park
- Existing Special Use Areas
- Future Special Use Areas
- Existing Special Resource Areas
- Other Open Space
- Highways
- Major Street
- Planned Street
- Railroad
- City Limits
- And line Open Space Double Counted*

Pacific  
 Ocean



Source: City of Carlsbad, 2013; SANDAG, 2013; Dyate & Shadle, 2013.

35

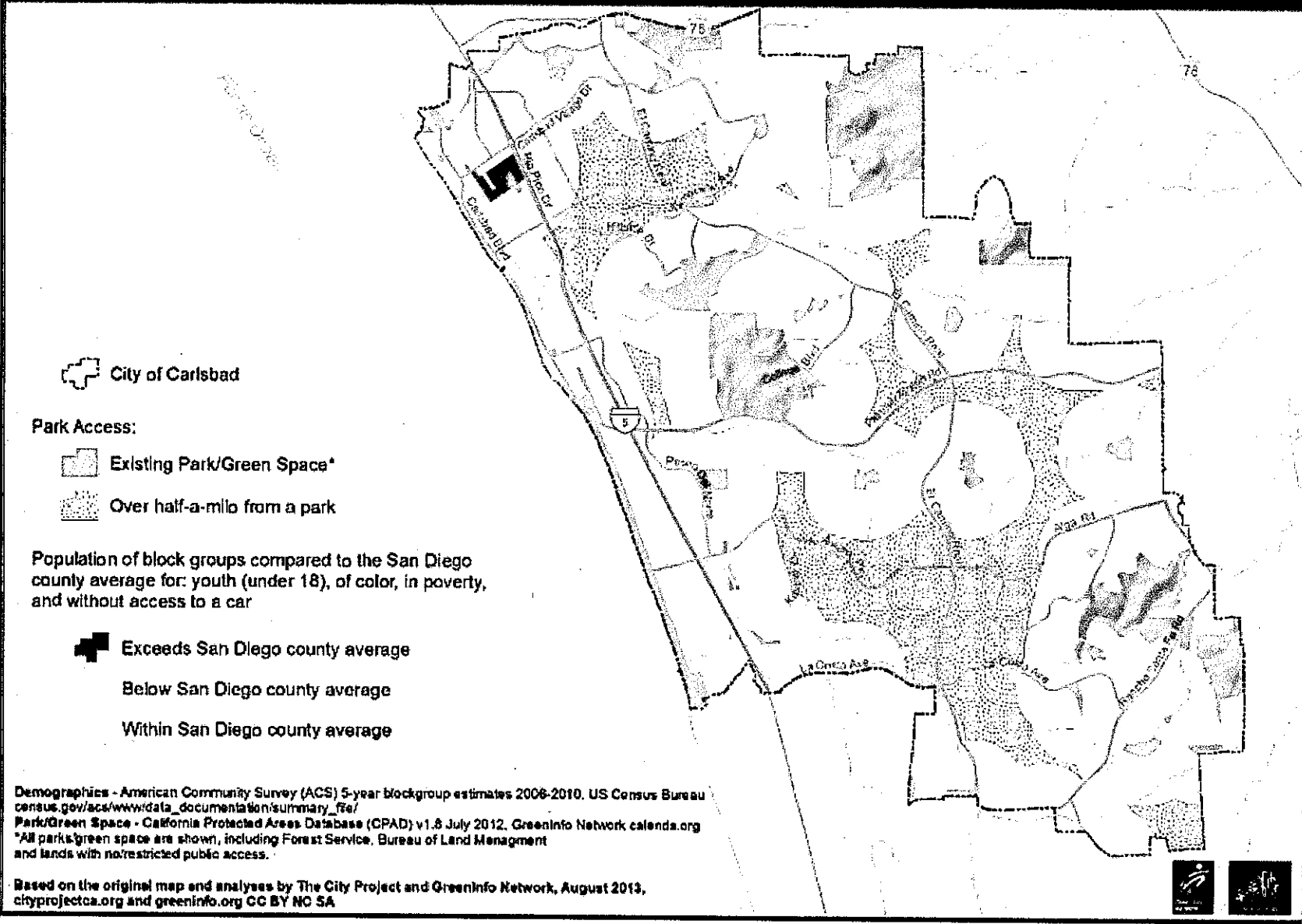
# Green Access - Carlsbad



96



# Park Access and Demographics - Carlsbad



37

# CARLSBAD AVENUES

## Let's talk about OPEN SPACE

B15-133

Prior to 1986, the Carlsbad General Plan created in the 1950s directed that 25% of the city would be preserved as open space in protection of environmentally significant land and sensitive habitat. Under the Growth Management Plan approved by voters in 1986, the amount of open space was increased to 40%. This additional 15% was mandated to be set aside in fulfillment of aesthetic and quality-of-life concerns. Thanks to the subsequent efforts of a citizens' committee and City Council action taken upon the committee's recommendations, open space in Carlsbad will be preserved in perpetuity.

The Open Space Standard of the Growth Management Plan provides that "Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development."

### An open question

When you think of open space, what comes to mind? A serene wooded walking trail inviting quiet contemplation? A wetland teeming with infant and adult members of endangered species? A ballfield? A park picnic bench? A lonesome canyon? A mountain bike path? Scenic greenbelts? Manicured golf courses? Nature centers? The beach?

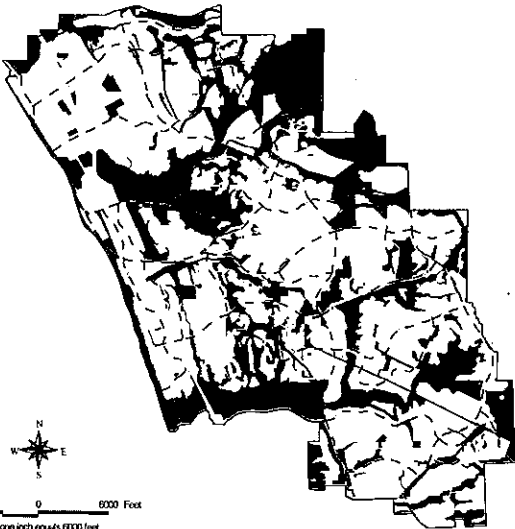
All these places and more are considered open space. The term refers to land that is specifically designated and set aside for:

1) preservation of natural resources; 2) managed production of resources; 3) programmed and unprogrammed outdoor recreation; 4) aesthetic, cultural and educational purposes; and 4) public health and safety.

In Carlsbad, open space is one of 11 public facility/service "standards" addressed in the Growth Management Plan. It identifies — in each of the 25 development zones located throughout the city — the 15% of open space to be set aside in addition to the 25% originally mandated in the General Plan.

### EXISTING AND FUTURE OPEN SPACE

**Total Open Space at Buildout: 9,899 Acres**



Currently, open space totals 7,086 acres. Eventually, 2,813 acres will be added to reach the total acreage of 9,899 acres.

### A story of citizen involvement and City Council action

If a municipal planner could start from scratch to design a city, open space would be the first and guiding principle. Usually, by the time a city is incorporated and planning begins, a sizable population of people and buildings already exists, making the process of securing open space much more cumbersome and far less ideal unless land acquisition is used as a means of obtaining additional acreage.

In the mid-1980s, Carlsbad found itself in a favorable position of being able to address the issue of open space when the city was approximately only one-third built out. Here is a look at the Council- and citizen-driven history of open space in Carlsbad.

#### Before Growth Management ...

A Carlsbad ordinance protected environmentally significant/sensitive areas from development. These areas, which comprised 25% of the total 23,000 acres (42.18 square miles) of the city, included the three lagoons (all of Agua Hedionda and the Carlsbad portions of Buena Vista and Batiquitos), the six-plus miles of beach, and other non-developable land including bluffs and canyons.

#### With Growth Management ...

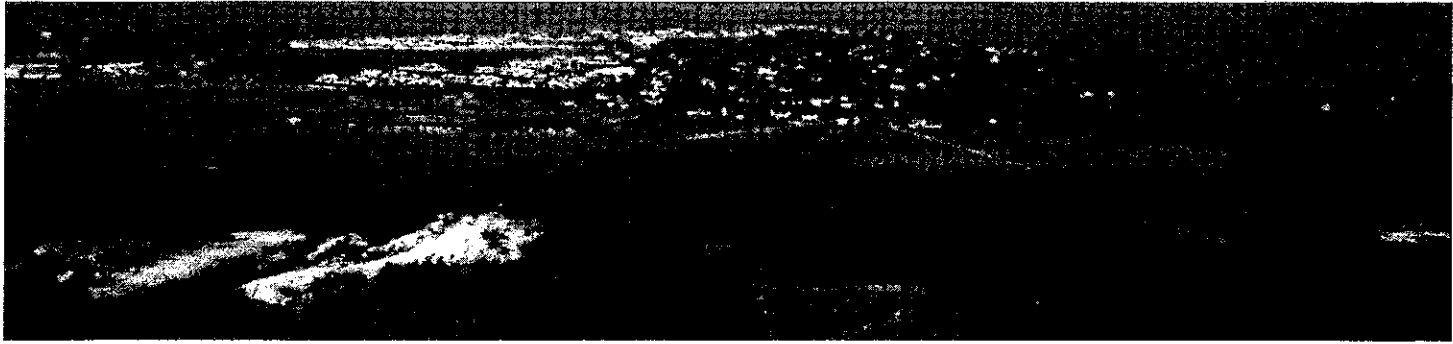
Open space was recognized as a priority, with 15% non-environmentally-significant areas dispersed throughout the city added for a total of 40% of Carlsbad.

#### After Growth Management ...

Concerned citizens re-opened the open space issue to ensure that the concept and the land set aside could never be rescinded. The unfolding of this story, which changed the landscape of our community and put Carlsbad at the forefront of environmental stewardship, continues on the other side of this publication.



In a 2000 Recreation Department survey of 4,000 residents, "Access to Open Space" topped the list of important community benefits.



Open space abounds at and around Agua Hedionda.

**The 15/15 solution**

Fifteen members of a "Citizens' Committee for Review of Carlsbad's Open Space Plan and Programs" are to be thanked for ensuring the enduring preservation of the additional 15% open space set aside in the Growth Management Plan. Many of these committee members, who were appointed by the City Council with an eye toward bringing in people with diverse and in some cases extremely strong points of view, continued their service to the city. Two became Council members in later years, others volunteered on City boards/commissions and many have remained active in the community.

- The committee met regularly from 1988-89.
- Although they diverged on some issues, no-growth, slow-growth and pro-growth advocates all agreed the City needed to do a better job of handling open space.
- The City Council tasked the committee with the responsibility of prioritizing the additional 15% of open space acreage; recommending how best to utilize it and lock it in for future generations to enjoy.

**THE STARTING POINT – December 1988**

*"The committee concluded that ... there is no cohesive policy nor any plan setting forth open space goals and guiding acquisitions, protection, maintenance and funding. To remedy these perceived deficiencies, the committee agreed, generally unanimously and always overwhelmingly, on open space policies to enhance the beauty of the city and quality of life of its citizens, both for the near future and looking ahead to buildout."*

Report of the Citizens' Committee to Save Open Space

**The committee's plan was far ahead of its time**

- The 15 committed citizens meticulously reviewed the city's 25 development zones, mapping out open space priorities within each.
- Creatures of both human and "critter" varieties received attention.
- Wanting the plan to equal or exceed the best open space/ environmental programs in existence, the committee and Carlsbad staff researched programs in Laguna Beach, Newport Beach, Santa Barbara, Santa Cruz and other cities known for their aesthetic environments.
- One far-reaching committee focus was on wildlife and habitat preservation — this was a decade before that issue would receive wide attention at the regional level! By the time San Diego County began conceptualizing a countywide habitat management program in the 1990s, Carlsbad had already begun its efforts.
- Another leading-edge committee creation was the initiation of a trail plan, which is continuing at an energetic pace today.

**The plan was firm, but flexible**

- Cognizant that things can change and evolve over the years, the committee recommended a plan that offered flexibility within rigid constraints.
- The plan — which became a legal, abiding City ordinance — mandated that once a land portion is designated as open space, that designation cannot be removed (or the land used for other purposes) unless all of the following provisions are met: 1) an equal or greater area is substituted; 2) the proposed substitution is of equal or greater environmental quality; and 3) the proposed open space adjustment is contiguous or within close proximity to the original area within that development zone.

**AN ENDING AND A NEW BEGINNING – July/August 1989**

*On July 17, as stated in the minutes of the committee's last meeting, "Motion was duly made, seconded and unanimously carried to approve oral presentation of the final report to the City Council." The recommendations were enthusiastically received by the City Council and became part of the Open Space Amendment to the General Plan approved in 1994.*

**Further information and involvement**

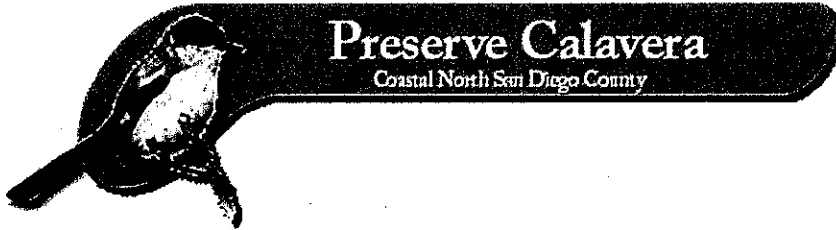
*If you would like further information on open space and related topics, we invite you to:*

- Contact the Planning Department at 602-4600.
- Review a copy of the Growth Management Plan available at both Libraries and at the Faraday Center.
- Check out the City's website at [www.ci.carlsbad.ca.us](http://www.ci.carlsbad.ca.us).
- Call 434-2808 to sign up for the Carlsbad Citizens' Academy.

*If you would like to observe and/or participate in the planning process, we invite you to:*

- Attend a Planning Commission meeting, generally held on the first and third Wednesdays of each month at 6 pm in the Council Chambers, 1200 Carlsbad Village Drive.
- Attend a Parks and Recreation Commission meeting, generally held on the third Monday at 5:30 pm in the Council Chambers.
- Learn about applying for membership on these or other volunteer advisory boards and commissions by calling the City Clerk at 434-2808.
- Attend a regularly scheduled City Council meeting, generally held on Tuesdays at 6 pm in the Council Chambers.
- Call 434-2820 to confirm above dates and times and to get more information on how you can help direct the avenues of your city's policies and programs.





RECEIVED

JUN 19 2014

CITY OF CARLSBAD  
PLANNING DIVISION

June 19, 2014

Jennifer Jesser  
City of Carlsbad  
Hand delivered to:  
1635 Faraday, Carlsbad, CA

Subject: Comments on Draft Climate Action Plan

Dear Ms. Jesser:

**B16-1** Preserve Calavera is a grassroots organization whose goal is to preserve, protect and enhance the natural resources of coastal North County. We are pleased to see that the City of Carlsbad is moving forward with a Climate Action Plan (CAP).

**B16-2** The CAP includes many new actions to reduce Green House Gases (GHG). While these are important steps in the right direction, we do not think the CAP has set a high enough standard for GHG reductions, has not included sufficient actions to reduce GHG, and has an inadequate monitoring program to assure that the targeted reductions are even achieved.

**B16-3** In comparing CAP actions with others that have been implemented there are also many measures that could be included that would result in substantial additional GHG reductions at a relatively low cost. Making this investment now will substantially reduce cumulative impacts. It will contribute to the health of Carlsbad residents, provide a sustainable local economy and equally important- it will reduce the future costs to residents and businesses.

The following are our specific comments on the draft CAP:

**B16-4** **I. GHG Reduction target fails to meet state standards**

The identified reduction is insufficient to meet the minimum required by Governor's Executive order S-3-05 and the Global Warming Solutions Act of 2006. These are identified as a 15% reduction from 2005 baseline by 2020 and a 49% reduction by 2035. The draft CAP has failed to demonstrate how it will actually achieve these reductions. The following explains several errors in assumptions/computations that have resulted in the false conclusion that the CAP will meet these standards.

**B16-5** **A. Assumed State and federal reductions may not be achieved**

The CAP assumes substantial reductions from state and federal actions as shown on tables 3-6, 3-8, 3-9, 3-10, and 3-11. However there are a great number of assumptions included in the calculation for these reductions that may not all be achieved within this time frame. For example, the fact that manufacturers are required to produce more efficient passenger cars does not mean that people will replace older vehicles with more efficient ones as fast as projected- or that drivers will reduce their miles traveled. These projections are based on gross analysis across diverse populations. There has been no consideration of the unique demographics of Carlsbad and how these might impact the projected reductions. For example rising gasoline prices generally will result in reduced driving, but the amount of such reductions are less for higher income households because they have more discretionary income that can be used to offset price increases without reducing VMT. The median household income in Carlsbad is well above the county average so higher gas prices would be less of a factor in Carlsbad than it would be in other areas.

5020 Nighthawk Way Oceanside, CA 92056  
[www.preservecalavera.org](http://www.preservecalavera.org)

**B. The GHG reduction target is not assured of reaching compliance with guidelines**

B16-6

The CAP concludes (p3-25) that "the emissions targets are met in the year 2020 ... by about 63,000 MTCO<sub>2</sub>E." It further concludes the "emissions gap in the year 2035 of about 134,000 MTCO<sub>2</sub>E" is met through the identified action plan with its projected reduction of 185,919 MTCO<sub>2</sub>E. (CAP p 4-23)

These numbers appear to provide for a reasonable margin of error in the projections, however, there are so many errors throughout in the assumed amount of reductions that will be achieved, cumulative impacts, and timing that these projections are completely invalid and unreliable.

The following will highlight a number of these:

B16-7

- Underestimated emissions from industrial/commercial section

Attachment A summarizes electricity and natural gas related GHG emission for the commercial and industrial sectors. The text on page 3-5 describes the projected increase for these sectors based on the growth included in the GP as 1.1% per year and .8 % per year respectively. However the actual forecast shown on Table 3-4 shows a substantial reduction in emissions for these sectors not the increase that is described in the text. Presumably this growth would then be offset by the RPS reductions. However the reductions identified as 33% of the electricity usage are not high enough to offset the increases so there remains a net increase- not a reduction. In addition the factor used for the growth projection- number of jobs- seems to underestimate growth substantially. Using square feet of building for industrial/commercial and number of hotel rooms for hotels would result in a much higher increase. The amount of electricity and natural gas used would seem to be much more closely associated with the building size than the number of employees. Using building size as the measure the commercial/ industrial would increase by 37% - not the 30% used for commercial and 21% used for industrial. Hotel rooms increase by 65%- not the 30% used for the commercial category that hotel growth is included in.

B16-8

- Unrealistic time frame to achieve results

Achieving measurable improvement from many of the action items will take years. Climate action research demonstrates the critical importance of achieving reduction as early as possible to change the trajectory of growth of GHG. The plan should include more actions and identify several key ones that will start immediately so there is a much higher probability that the projected reductions can actually be achieved.

B16-9

- Exclusion of airport and airport expansion

It appears that all GHG related to the operation of the Palomar Airport have been excluded from the community inventory. We understand why airport expansion would not be included at this time as no formal project has completed environmental review. However the existing operation contributes substantial GHG. Presumably vehicle trips to and from the airport are included in the VMT calculations. But similar to VMT should not some factor be used to identify the airplane fuel impacts on GHG? Please clarify exactly what has been included to address the full range of GHG impacts from the airport, and what CAP inventory and action plan has accounted for all of this associated GHG. If Carlsbad has not included its proportionate share please provide a full justification for such exclusion.

B16-10

- Basis for VMT calculations

All of the other CAP's that we have reviewed in San Diego have used SANDAG travel data models to determine VMT. This CAP uses the Caltrans HPMS (Highway Performance Monitoring System) "which provides a citywide daily VMT for all local roadways except federal and state highways." (CAP App B page 5 of 10) All other CAP's have found that the transportation sector is the largest source of GHG. This CAP does not have transportation as the largest source because of manipulation of data between two different models and by excluding the VMT for pass through trips which no one else has done. While we certainly have issues with the accuracy of the SANDAG travel model it is curious that Carlsbad is the only agency to use something different. Please provide a comparison of VMT for the SANDAG travel model and the HMPS and explain why the HMPS was selected. SANDAG has gone to great lengths to calibrate the models it uses. We know of no such comparable effort by Caltrans to adjust their standard models to reflect unique local conditions for an individual city.

B16-10

We understand the city's rationale for excluding pass through trips. But by so doing a substantial number of trips will not get counted in any CAP in the region. This will result in underreporting regional GHG and consequently over reporting the emission reductions. Such an exclusion should only be allowed if it is combined with some conditions from SANDAG assuring that all VMT for the region is being accounted for in an adopted CAP. Without such a condition the reduction of VMT only benefits Carlsbad at the expense of the rest of the region.

It is also noted that Appendix B says the HMPS is used for VMT. However, the CAP on p 2-4 says "Transportation emissions are based on vehicle miles traveled (VMT) for vehicles and off-road equipment. GIS-based VMT data from SANDAG for all roadways was used." So exactly what was used as the basis for VMT?

B16-11

**C Not in compliance with SANDAG Regional GHG Reduction White Paper or Sustainable Communities Strategy**

SANDAG has been working on a regional strategy to reduce GHG for many years. Many of these concepts were included in the 2050 Regional Transportation Plan and related Sustainable Community Strategy. More recently SANDAG published San Diego Forward-The Draft Regional Plan, Draft Climate Action Change Mitigation and Adaptation White Paper. (Incorporated by reference) This white paper lays a foundation for regional actions to reduce GHG and includes a number of specific actions for local government. Our review finds that many of these recommended actions are absent from the Carlsbad CAP, and many others are only partially addressed. We recognize that this is a draft paper- but it has been part of a regional planning process that Carlsbad has been participating in for years- and that Carlsbad will be expected to comply with. The draft CAP needs to be modified to include a new action to revise their CAP to be consistent with the SANDAG recommendations for local government at such time as this regional plan is adopted. Failure to include such a conditions in this CAP will potentially result in future conflicts between the Regional CAP and the City of Carlsbad's local CAP.

In addition, many of these missing or only partially addressed actions would be reasonable mitigation for the failing traffic conditions ( road segments below a LOS D) that are included in the draft General Plan. Simply saying these roads will be allowed to fail ignores how this traffic congestion contributes to GHG.

The SANDAG White Paper included the following reasonable actions as well as others that have not been addressed in the Carlsbad CAP: Failure to include these results in inconsistencies between the Carlsbad CAP and the Regional Plan. Furthermore the failure to include the mitigation measures of the SCS results in a land use inconsistency between the CAP and the RTP/SCS that has not been identified or addressed in the EIR..

**Items in SANDAG White Paper Not Included in Carlsbad CAP**

- Establish car share and bike share programs
- Convert city fleet to alternative fuels
- Preserve urban forest and tree planting
- Support modernization of the power grid
- Promote use of low flow and efficient appliances
- Adopt a water rate structure that supports conservation
- Promote water conserving landscaping and turf conversion
- Require waste hauler to reduce their GHG

**Only Partially Addressed in Carlsbad CAP**

- Improve traffic flow and reduce idling
- Revise zoning to support Smart growth
- Develop incentives to reduce parking in mixed use, TOD, smart growth and affordable housing projects
- Establish requirements for energy efficiency of public facilities

B16-12

**D Baseline Assumption of GP Reductions Not Substantiated**

**1. Transportation Sector**

The CAP details assumed GHG reductions from state and federal actions and from the action measures identified in Chapter 4. However achieving the target reduction requires assuming that the basic General Plan, excluding the action measures in Chapter 4 achieves substantial GHG reductions for which there is no real

B16-12

explanation. Excluding the Pavley fuel economy standards there is still a projected emissions reduction of 14 % in 5 years ( 705,744 minus (565,873 plus 40,354). Assuming that ¼ of the 7,880 housing units included in the 2035 GP are built in the next 5 years, results in 1,970 new housing units or an increase of about 4.5% over the existing number. Even if 100% of the new units meet all of the criteria for smart growth, and are located where complete alternative transportation options are fully in place it requires a whole lot of other things to happen to achieve a 14% reduction in 5 years. It appears that this change in the baseline is what occurs with using a complex computer model that has not been calibrated to its specific application.

This projected reduction is a huge leap of faith that requires an explanation that makes sense- not just that the model cranked out this number. How is it possible for the General Plan (a plan, not even real projects) to achieve such a reduction?

Table 1  
Summary of GHG Emission Reductions

	2011	2020	2035
General Plan land use and circulation system (1)	705744	565873	589837
Forecast Reductions			
State and federal actions (2)			
Low carbon Fuel		20545	14906
Title 24		1836	3582
Rising Gasoline Prices		12201	71316
RPS Standard		48962	36160
Additional General Plan policies and Actions (3)			185919
Total GHG emission reductions		83544	296977
Net Forecast Emissions	705744	482329	292860

(1)CAP Table 2-6 for 2011 , Table 3-12 for 2020 and 2035

(2) CAP Table 3-12

(3) CAP Table 4-1

Also note that the 2020 and 2035 emission results shown above are higher than the forecast community reductions shown on CAP Table 4-3. Please explain how using the phased in linear reductions is appropriate here when all of the prior tables identified a specific reduction by 2020 and 2035.

B16-13

2. Commercial/ Industrial Sector

Table 3-6 identifies a reduction of 36,160 in 2035 emissions from the Renewal Portfolio Standards (RPS). It would seem that this reduction would apply to both the residential and the commercial/industrial sectors but no explanation could be found for how this was allocated. Furthermore the amount of reduction in the baseline for the Commercial/Industrial sector is even greater than if 100% of this reduction was allocated to the Commercial/Industrial sector. Per Table 3-4 the community forecast for 2035 for combined Commercial/Industrial is 184,227. ( 148,978 + 35,249) This is a reduction of 40,733 from 2011- greater than if 100% of the RPS were allocated to this sector. This also does not account for the 37% growth in commercial/industrial square feet added with the GP. No explanation has been provided for this reduction in the baseline- other than that this is somehow what came out of the EPCI mitigation calculator

B16-14

E. Errors/Omissions in Proposed Measures to Reduce GHG

1. Title 24 Building Standards and CALGreen

CAP p 1-8 states the most recent standards include Tier 1 and Tier 2 levels "which are designed to exceed energy efficiency and other standards by 15% or 30%." Table 3-10 on page 3-14 identifies the projected reductions associated with these improvements but does not indicate what percentage of improvement was assumed. Please clarify whether Tier 1 or 2 was used and what will be done to assure the target level is fully achieved beginning in 2014 as seems to be assumed.

**2. Solid Waste**

The CAP at page 2-4 and 2-5 says the closed Palomar Airport Landfill is the only source for methane emissions from landfills and it is unlikely to have changed since 2005. We have received reports from several persons that this closed landfill continues to release methane at much higher levels than have been reported. They report that homes in the area have had concrete slabs raised because of the volume of such releases. Please clarify exactly what has been done to contain the methane from this landfill and what monitoring is still done to assure these are within safe levels and have been accurately accounted for in the CAP.

**3. Employee commute**

Appendix B part 2 on Government Operations page 2 of 10 says employee commute impacts are "Scope 3 " emissions that "are not part of the government operations emissions inventory as they are indirectly caused by the city, but this memo reports on their impact." Page 10 of 10 describes their impact in 2011 as 2,567 metric tons of CO2E. Comparing this impact to all others from government operations as shown on Table 8 employee commute would be the # 2 ranked source of GHG emissions, ranking even higher than the entire fleet operated by the city. Most CAP's include employee commute improvements in their CAP action plans as this is one way the city can both lead by example and learn about what really works to change mode choice. This is another example of how this CAP has split hairs to use every possible manipulation to underreport emissions and over report reductions.

The Appendix says an employee commute survey was done in 2009. Please provide that survey, show how the employee commute pattern compares to the overall commute pattern in the city and then reconsider the decision to exclude employee commute VMT. That is not something a world class city would do. Furthermore it is questionable how one can say employee commute VMT is only indirectly caused/controlled by the city therefor it is excluded while all other resident VMT is fully included in the community inventory. How do you cause or control resident behavior more than you cause/control employee behavior?

**4. Bikeway Improvements**

The quantification of bikeway improvement emission reductions cannot just be tied to policy measures- policy does not reduce VMT. Construction of the bike lanes/miles is the basis for the reduction and should be used as the basis to monitor progress. This should be restated as an action to build/implement a specified length of bikeway improvements within each 5 year time period. There is some lag time between construction of the improvement and the actual achievement of the projected emission reduction. Therefor there should be a specific target for miles constructed by a specified point in time prior to 2020 and further construction by a time period prior to 2035. In addition, many places have found that just building improvements, without combining that with a coordinated program to inform the community, provide safety training and educate drivers has much lower rates of bicycle use. The action needs to include a more comprehensive approach than just building x miles of bike lanes. Furthermore there are issues with permitting/ regulatory agencies over some of the proposed improvements which can add significantly to the time period for their approval and in extreme cases create a barrier to their construction. There needs to be additional improvements identified so they can be implemented if some that are on the list cannot be built as scheduled.

**5. Pedestrian improvements and other travel mode split assumptions**

No baseline mode split data was provided in the CAP- in spite of this being critical to evaluate the accuracy and reliability of all of the computations related to VMT and mode split changes and therefore most of the projected reductions in GHG from the transportation sector. The CAP assumes that a significant number of the trips that are now made by auto will shift to other modes of transportation. The percentage of trips allocated to each mode is defined as the mode split. Since non-auto modes generate substantially less GHG than autos the shift of trips away from autos is what achieves the reduction in GHG.

The CAP projects a 1% shift from cars to walking based on guidelines from the Transportation Emission Guidebook. This amount of mode split change has commonly been used in CAP's. But a 1% reduction in VMT is actually a huge increase in the number of people substituting walking for driving/riding in an auto. We find no documentation of any other jurisdiction doubling their pedestrian mode split based on the kind of general improvements included in this CAP. Furthermore, many of the identified improvements have substantial barriers to their implementation and there is very little likelihood they could be achieved by 2020. (For example additional crossings of Interstate 5 and the railroad which require approval by both Caltrans and the railroad and best case would not be accomplished until the widening of I-5 which will occur much later than 2020). The CAP needs to



B16-18

specifically identify what the current mode split actually is and provide some rationale for the assumption that this can be doubled in 5 years.

Two sources of mode split data were reviewed. The SANDAG 2006 San Diego Household Travel Study is divided into MSA rather than city. Carlsbad is included within the North County West MSA. This study evaluates total weekday trips and found 89.1% by vehicle, 2.6% on public transit, 7.7 % non-motorized and .6% other. The U.S. Census Bureau has mode share by jurisdiction for work trips only. (Table S0801 – 2005 American Community Survey- see Att.) Table 2 shows Carlsbad’s mode split for work trips.

The 28% reduction in car/truck/ van mode share might seem plausible in 23 years. But this requires over a 500% increase in the use of alternative transportation – a rate of increase that is not supported by data from any other source, and certainly not by the policy changes and minimal action items related to the transportation sector that are included in the GP and CAP.

Table 2  
Carlsbad Mode Split for Work Trips Existing and Proposed

Mode	% Per 2012 Census (1)	Adjusted Mode Split (2)	CAP % Mode Split Change	% Change by 2020	% in 2035	% Change From 2012 To 2035 (4)
Car/truck/van	86	95			68 %	- 28%
Public Transit	2.1	2.3				
Walk	1	1.2	1 %	83%		
Bicycle	.7	.8				
Taxi/motor/other	.7	.8				
Worked at Home	9.5					
Sub Total Alt Transportation (3)		5.1			32 %	527%(4)
Total	100 %	100.1%				

- (1)SO802 2012 Community Characteristics-American Community Survey
- (2) Eliminates Work at home as zero VMT, reallocated remaining to total 100%
- (3) Total of transit, walk, bike
- (4) Difference in mode split 2012 to 2035/2012 base

B16-19

6. Transit

Per the TBS, the transit baseline mode share is 2.6 % of work trips. Per the census it is 2.1% for all trips. Table 3-12 Community Forecast discussed above presumably includes some assumptions about mode split and how the General Plan land use and roadway changes will impact this. But again it is not possible to evaluate the validity of these assumptions that are built in to this projected emissions reduction.

Furthermore the city of Vista CAP adopted in 2013 assumed a 57% increase in transit ridership to 5.5% by 2020. This was primarily associated with the RTP plan for double tracking and service frequency improvements on the Sprinter which of course would not apply to Carlsbad. The CAP discussion of Transportation Improvements lists a number of potential transit improvements in Carlsbad, but with no time frame, and with no quantification of the number of riders served or how this will change as a result of the improvements. Furthermore there is a huge caveat that "Carlsbad's future transit effectiveness will depend upon major employers assisting with providing some of the "first mile/last mile" facilities through transportation demand management measures." (CAP 3-23) In the later section on TDM it is clear that any mandate just applies to new development ( CAP 4-16,16) and we found nothing that would indicate any intent to require employers to support such programs, even though achieving the targeted reductions seem to depend upon such a requirement. .

In the TBS transit accounted for only about 1/3 as many work trips as non-motorized transportation, but in the Census data it accounted for a higher percentage of total trips ( 2.1 %) than Walk and Bike combined (1.7%). Given the importance of transit in the regional plan it is hard to understand why it is not even discussed in this CAP. In addition the General Plan adds a new performance standard for Transit Levels of Service (GP page 3-18) and identifies improvements to the transit system and transit incentives (GP 3-23).

In 2012 NCTD adopted Policy 22 (included in the Att.) This establishes a cost sharing mechanism when service increases are requested. Integrating this policy with the CAP and GP is essential to make sure that new projects in Carlsbad that require transit service increases/expansion to meet smart growth and/or mode share targets pay

B16-19

their fair-share so that such service improvements can actually be funded and implemented. It is not enough to just build a bus stop/shelter- there needs to be funding for the actual transit service.

It appears there is a substantial increase in transit mode share included in the community forecast emission reductions. The magnitude of this increase is not clearly identified and the CAP actions are not consistent with the GP which has added a specific performance standard for transit. The CAP needs to be better integrated with the mobility element of the GP- and provide basic assumptions about the existing and assumed mode split with the land use and roadway changes that are included in the GP. Furthermore it needs to identify and explain any assumed changed to transit mode share between 2020 and 2035.

B16-20

**7. Traffic Calming**

The GP policies cited include 2-P 51- Carlsbad Blvd- an estimated \$ 47 m project which is not designed and for which funding is only partially secured , and 3- P 12 and P13- Livable streets and innovative street design for which no measure has been provided. Since much of the proposed hotel and visitor serving commercial growth will occur along Carlsbad Blvd it will be carrying many more trips than exist today. No basis for the 25% reduction in VMT has been provided. Furthermore it appears that this assumed reduction is likely double counted within the baseline Community forecast which has already included all of the new policies included in the GP "The forecast also includes the effect of the General Plan land use and circulation system on transportation emissions (compact, infill, mixed-use, and transit oriented development, open space protection, new traffic signals, and roadway extensions.") (GP 3-7) . Please provide further justification for this or delete the reduction as duplicative.

B16-21

**8. Parking Facilities and Policies**

The discussion of parking strategies included in the GP Mobility Element concludes with the statement "Although there are additional parking strategies that are available and may become available in the future, most of the strategies work best in smart growth/mixed use development areas and will be necessary to accomplish the goals and visions identified in the General Plan and the General Plan Mobility Element." (CAP 3-21). The discussion of quantification of the forecast GHG reduction says it is a "conservative estimate "that the "combined effect of these parking reduction strategies would result in the lower end ..." or 2% of VMT. Since parking strategies are so closely tied to smart growth development it is unclear how they will achieve such reductions considering how the GP implements smart growth. SANDAG has spent a great deal of time providing guidance for Smart Growth development, preparing the regional Smart Growth Concept Map, and providing incentives to local jurisdictions for implementing smart growth projects. The city of Carlsbad proposed 4 Smart Growth sites within the city. These include Town Centers at CB-1 Carlsbad Village and CB-2 Plaza Camino Real, and Community Centers at CB-3 Quarry Creek and CB-4 Ponto Beachfront.(See Att. for Smart Growth site descriptions).

Since these smart growth site descriptions were last updated in 2012 two of the four areas (Quarry Creek and Plaza Camino Real) have had projects entitled that fail to meet the minimum smart growth thresholds for land use and transit. In fact both projects will result in traffic congestion that exceeds the performance thresholds. Plaza Camino Real includes 0 housing units not the 400 included in the description, and neither incorporated the parking strategies outlined in the CAP. These two projects will add to VMT and GHG emissions- not reduce them. Of the remaining 2 significant smart growth areas, the Village is just beginning a focused planning effort and is included as an existing smart growth area that has already implemented many transportation system improvements. It is unknown at this time what amount of additional development and associated parking improvements will be planned and how many are even possible to have been built by 2020. Project applications for Ponto have not even been submitted so any projects in that area are years in the future and an actual GHG reduction by 2020 is unrealistic. Other major projects are currently under construction at La Costa Town Center or entitled for La Costa Town Square - neither of which incorporated these new GP parking strategies. Parking facilities and policies account for almost half of the total GHG reductions from the General Plan policies and actions shown on Table 3-13. There certainly could be some improvement in VMT from parking strategies by 2035. But there really are no facts provided that support the conclusion for either the total amount of the GHG reduction or the timing of achieving such a reduction. The GP projects an increase of about 18 % in housing units, 37% in commercial/industrial square footage and 65% in hotel rooms. The GP rate of growth is about .9%/year for housing and .8%/year for commercial/industrial. At that rate of growth it is not possible to achieve the projected reductions by 2020.

B16-22

**III. CAP Reduction Measures for 2035**

**A. Residential Photovoltaic Systems**

Please provide the following information so it is possible to verify your computations:

2-218

- B16-22** - Baseline number of existing homes with photovoltaic systems.

It sounds like this is based on projections from the National Renewable Energy Laboratories for the San Diego region, but no source was provided. Furthermore there should be some basis for determining whether the rate of solar installations in the city of Carlsbad is consistent with those for the overall region.

- B16-23** - Average household size

Footnote 28 says household size per state electricity use is 2.65 people per household. This is not the number projected for Carlsbad- either current or per 2035. Shouldn't this number be adjusted for the actual household size in Carlsbad?

**B16-24** **B. Commercial and City Energy Retrofits**

Please clarify how much of the assumed reduction is from City facilities- and if the assumption is the same for city as for other commercial ie 40% reduction in 30% of commercial square footage.

Is this just commercial or does it include industrial square footage?

**B16-25** **C. Commercial and City Commissioning**

This sounds like a duplication of Measure F Commercial/ City Facility Efficiency Retrofits- particularly since the projected reduction is exactly the same and the description of quantification is the same and can't be verified "The EPIC mitigation calculator was used to quantify emissions reductions..." Plus both say the amount is a 40% reduction in 30% of the buildings. If this is completely unduplicated then does it mean 60% of buildings are achieving a 40% reduction? Since new building are already subject to energy saving requirements it does not seem likely that new construction will be able to achieve any substantial reduction that is not already included in the baseline. If it really is just applied to existing construction (pre-2020) then almost all existing buildings would have to be participating- and achieve a 40% reduction.

**B16-26** **D. Green Building Code**

This assumes there will be a further 5% reduction above the basic reduction incorporated in the Green Building Code. However Measures B and C both apply to new and existing buildings and it is unclear if F and G do also. So Measure H would have to be in addition to all of those previously mentioned. Please provide further explanation of possible emission reductions from exceeding the Green Building Code that have not already been accounted for in one of the other measures.

**B16-27** **E. Efficient Lighting standards**

Please clarify how much of this assumed reduction is from City facilities, how much residential and how much commercial. Please also explain how you expect to be able to measure this since it is stated as replacing 50% of bulbs in city facilities but just "Promoting the use of LED or energy efficient lamps in other buildings." (CAP- 4-13) Based on what are you assuming 75% of current bulbs are currently incandescent or halogen? Most people started replacing incandescent bulbs years ago. Also please clarify how this item is not duplicative of measures which would likely include bulb replacement as one of the energy reduction measures in F, G or H.

**B16-28** **F. Transportation Demand Management**

Your math does not make sense. The text describes a 10% shift in trips by alternative transportation by workers from 22% to 32% which results in an emission reduction of 23,549 MTCO<sub>2</sub>. This reduction is over 11% of the total transportation sector emissions (23,549 /210,568 per Table 3-4). The CAP sounds like this measure is limited to work trips ( as the cited Census data is just for home based trips and the description says trips by "workers"). Per the 2006 SANDAG Household Travel Study Table T-14 work trips constitute .49 of the 4.05 per person trip rates/day or just 12% of total trips. The emission reduction should therefore be 12% of total transportation sector GHG x 10% for the shift to alternative transportation or 2,567 MTCO<sub>2</sub>- not 23,549 MTCO<sub>2</sub> as shown in the CAP.

If this is limited to work trips your math is way off. If this is not limited to work trips then please explain what it is based on and show your actual computations so it can be determined if your assumptions are reasonable.

B16-29

### G. Increased Zero- Emission Vehicle (ZEV) Travel

The CAP assumes a reduction of 54,158 MTCO2 by increasing ZEV miles traveled to 25% of total VMT. Presumably this is computed by multiplying total VMT emissions by 25%. But 210,568 total VMT (CAP Table 3-4) x .25 equals 52,642 not 54,158 as shown. Furthermore this has failed to account for all of the other projected reductions in VMT. Table 3 below identifies the percentage of VMT reductions included in the CAP.

Table 3  
CAP Projected VMT Per Cent GHG Reductions

Item	Reduction by 2020	Reduction by 2035
Bikeway Improvement	.07	.07
Pedestrian	1	1
Parking	2	2
Transportation(based on transit)	.63	.63
Transportation demand Management		11
Total Percent reduction in VMT	3.7 %	14.7 %

Assuming the rest of your assumptions are correct (which we dispute) , the base GHG emissions from VMT needs to first be reduced by 30,953 to 179,615 ( 210, 568 x .147 = 30,953. Then the 25% reduction from ZEV's is only 44,904 MTCO2 (179,615 x .25 ) – not the 54,158 that is shown.

B16-30

### H. Citywide Renewable Projects

This measure also sounds like it has been duplicated in Measures B, F, and G, based on what is described in M-1, M-2 and M-3. However the GHG reduction measure description sounds like something different. Please provide a consistent definition of what is intended with this that clearly is not duplicated in the other GHG Reduction Measures.

B16-31

### I. Combined Effects

It is really not possible to determine whether the projected reductions are reasonable based on the information provided. Table 2-1 quantifies electricity use for residential, commercial and industrial. Table 2-2 summarizes these by GHG by sector, Table 2-3 summarizes electricity emissions by sector for 2011. Table 2-7 Combines GHG emissions for electricity and natural gas by sector . But each of the described emission reduction measures fails to provide breakdown by sector and by electricity /natural gas. Natural gas represents about 47.5% of GHG emissions for residential sector and 22% for commercial/industrial. Using the Table 2-7 numbers the projected reductions appear to represent an additional 11 % reduction above what is already included for baseline reduction. This does not seem plausible given the 18% increase in residential units, all of the issues previously discussed and the potential for duplication of projected emission reductions.

Table 4  
Projected Residential Reductions

Reduction Measure	2011 Baseline Emissions	2035 Baseline Emissions	2035 Emission Reduction
A Residential Solar			10,136 = 15% more homes than base-
D Efficiency retrofits			1,132
H Green Building Measures			179 5% above base Green Bldg
I Efficient Lighting			9,636 (1)
J Residential/Commercial Solar water heater			5,106(1)
M City wide renewable			2,015 (1)
Total	176,405	163,881	18, 568

B16-31

(1) Allocated based on percentage of total represented by sector per Table 2-7. Residential is 44%. Commercial/Industrial is 56% of the combined total for the two sectors.

Table 5  
Summary of Reductions/Commercial/Industrial

Reduction Measure	2011 Baseline Emissions	2035 Baseline Emissions	2035 Emission Reduction
B Commercial/Industrial Solar			13,336 – 15% of electricity use
C Building Co-generation			1,067 ( 6.9 MW)
F Encourage Efficiency retrofits			18,377 – 40% reduction in 30% of sq footage
G Commercial and City Commissioning			18,377 – 40% reduction in 30% of sq footage
I Efficient Lighting			12,264 (1)
J residential/Commercial Solar water heater			6,498(1)
M City wide renewable			2,565(1)
Total	224,960	183,498 (2)	72,484

- (1) Allocated based on percentage of total represented by sector per Table 2-7. Residential is 44%. Commercial/Industrial is 56% of the combined total for the two sectors.
- (2) Per Table 3-4 Community Forecast adding Commercial and Industrial

This represents almost a 40% additional reduction by 2035 above what is already included in the baseline reduction. This does not seem plausible given the 37% increase in commercial/industrial square feet, all of the issues previously discussed and the potential for duplication of projected emission reductions

B16-32

**IV. Project Review Checklist Threshold Not Adequate**

The proposed checklist appears to have simply copied what is being proposed (but not yet adopted) for the City of San Diego and the County of San Diego. It is premature to assume that these standards will ultimately be enforced by these jurisdictions. ( One has not gone through CEQA review and the other is the subject of a legal challenge). Furthermore there is no explanation for how relevant this is for Carlsbad. In Carlsbad the majority of the remaining parcels still to be developed are small. What percentage of the remaining development is anticipated to even meet the proposed threshold levels? If it is not essentially all of the projects then how can you assume that all of the projected emission reductions will be achieved if many projects are exempted from achieving what would be their fair share of such reductions?

The prior analysis has not identified how much of the reductions are coming from new development and how much from existing. Please clarify how much of the targeted emission reductions are expected to come from new development and how much of that new development is expected to meet the proposed screening threshold size? Further explain how this will be integrated with on-going monitoring so that corrective action can be taken early in the process if the projected emission reduction are not achieved.

B16-33

**V. Inadequate Monitoring Program**

The proposed monitoring program is completely inadequate to assure that corrective action can be taken in time to achieve the emission reduction targets if preliminary results fall short. These should be distinguished for both the 2020 and 2035 time frames as different actions are critical for each.

**2020**

The emission reduction targets assume implementation of numerous policies included in the GP. However the GP does not have a detailed timeline that assures when any of these identified policies will be implemented. Nor is there any requirement that all of the referenced policies are fully implemented by 2020. Furthermore policy does not result in an emission reduction- it is the implementation of the policy. For example numerous policies related to improved connectivity have huge barriers to their implementation, such as Caltrans and/or railway approval of crossings. Furthermore there is no assurance that the funding needed to implement all of these policies has been or will be provided as the implementing programs have not even been determined.

**B16-33** Furthermore some, like the Carlsbad Blvd improvements, will require a vote of the residents in order to have a reasonable financing plan. (At public meetings City staff have said the estimated cost is \$ 47m and will require voter approval for anticipated general fund expenditures of over \$ 1m.) All of the actions that require funding need to have at least a concept level funding plan, with reasonable certainty that all of the identified sources are available prior to 2020. This should follow the model that SANDAG uses for the Regional Transportation Plan. They develop a complete list of projects and costs, estimate funding sources, and then adopt what is assumed to be the revenue constrained plan ie one that actually can be built within the time frame and budget provided.

Funding is often the primary barrier to implementation of the kinds of policies and projects included within the CAP. Throughout the CAP there is mention of potential grant and other funding sources, and areas where it is assumed the city will provide some level of funding. The CAP cannot mitigate the cumulative impacts of GHG in the absence of such a timeline and funding plan.

**B16-34** **2035**

The 2035 actions are "categorized as short term (one to two years), mid-term (two to five years), or long-term (longer than five years) based upon when they will be implemented following adoption of the CAP." This does not specify what year the CAP is assumed to be adopted which is critical to achieving the targeted reductions.

This time frame also should trigger key monitoring reports that would show at least for one year, two year and five year time periods that the target actions have been implemented. For any action that has not been implemented there should be a corrective action plan and some assessment of the impact on the target reductions. If the combined total of actions has fallen short then further corrective action must be required.

The process for the city to "assess whether information on GHG inventory or targets is substantially out of date" is not sufficient to assure target reductions are met. The CAP assumes a straight line reduction in emissions. The actual reduction is likely to get started later than is assumed, and to take longer to achieve results. The shortfall may have nothing to do with the inventory being out of date, it might just be poor or inadequate implementation.

The key is emission reductions. The monitoring program needs to provide a real plan to monitor emissions and assure that reductions are being achieved consistent with the assumed straight line reduction. Any less reduction must trigger corrective action designed to make up for the full short fall that has been identified. The CAP includes no real mandate to take corrective action, to define what triggers the need for corrective action, or to specify that anything even needs to be done.

The city should also consider setting up a broad based stakeholder group to help engage the entire community in the effort to achieve the reductions included in the CAP. This should include business groups, neighborhood groups, conservation groups and others who have a role in implementation. This will make the CAP a community plan with everyone involved in achieving its goals, and not just something the city is mandating.

**B16-35** **VI No Provisions for Adaptive Management**

- The state guidelines and mitigation of cumulative impacts associated with GHG both require some consideration of adaptive management- ie addressing the risks associated with climate change effect. The GP identified a number of climate change impacts that would affect Carlsbad including(CAP 1-5):
- Higher temperatures
- Changes in precipitation
- Increased risk of wildfire
- A greater number of extremely hot days
- Decline or loss of animal and plant species
- Public health impacts that particularly affect the young, the old, the poor and those who are already sick.

Even with the proposed actions to reduce GHG temperatures will continue to rise and the effects of this will still be significant. The CAP and the EIR have ignored these potential impacts.

**B16-36** **A. Water Use**

Adaptive management should also include a program to reduce water use and a requirement to use xeriscape (preferably native plants) and minimal/no potable water for irrigation. Measure M includes water distribution/transport system improvements, but not basic conservation which is one of the best ways to reduce

**B16-36** | the processing and transportation related GHG emissions of water. This is another area where the city can lead by example- using native plant landscaping for new public facilities would be a great start but there are more opportunities to expand this every time existing facilities need landscaping work.

**B16-37** | **B Habitat Protection**

The time and money the City has spent on the Habitat Management Plan (HMP) will be wasted if there is no consideration of the impacts of climate change on the adopted plan. Protection of species and biodiversity needs to also include consideration of actions to support species adaptation. SANDAG is sponsoring research studies that will help the region understand what our listed species may need to support adaptation. In some area this may include providing additional wildlife corridor links beyond what was originally planned for in the MHCP. In others we may need to be physically relocating species or creating habitat where it does not now exist. Actions should include coordination with SANDAG on this issue.

**B16-38** | **C Wildland Fires**

Preserving accessible bodies of water for wildland fire suppression needs to be considered as part of the overall response to increased wildland fire risks. Lake Calavera was most recently used as a water source for suppression of the Poinsettia Fire in May 2014. It has also been used several times in the past.

**B16-39** | **VII Additional Measures that Should be Considered.**

There are numerous additional measures that should be incorporated into the CAP. These would make up for the shortfalls in emission reductions likely to occur, provide additional community benefits, and lay a foundation for further reductions that will likely be required past 2035. These include things like :

**B16-40** | **A. Urban Tree Canopy**

The GP and CAP do not include any recognition of the multiple benefits of trees. Most of the CAP's in So California include some actions related to tree planting and protecting/enhancing the Urban Tree Canopy. Often mature trees with large canopies are removed and replaced with a small new tree that takes many years to produce equivalent shade and equivalent carbon sequestration. Projects with 5:1 replacement of mature trees as part of required mitigation will not see any real benefits for many years. Furthermore mature trees sequester much more carbon than small, new trees. Carlsbad would benefit from being part of a regional effort to document the condition of the Urban Tree Canopy, and then institute programs to enhance it. In addition to GHG reductions through carbon sequestration, such programs have numerous additional benefits such as reducing the urban heat island effect, increasing pedestrian/bicycle use by providing a more pleasant experience, and improving community aesthetics.

**B16-41** | **B. Green Infrastructure**

There is no real program for supporting "green infrastructure." The city has a habitat conservation plan, and a requirement for 3 acres of parkland/1,000 residents, but no strategic integration of green infrastructure in a way that would both reduce GHG and provide secondary benefits like water quality and recreation. The CAP could be such an integrating document with components that provide guidance for increased natural open space; greenbelts as part of road planning; daylighting of creeks and adding natural buffers; providing connections between parks and other green spaces; tree preservation policies that expand the urban forest, not just preserving a few heritage trees; providing for locally grown food/protecting agriculture and expanding community gardens, etc.

**B16-42** | **C. Cost/Benefit Analysis**

There needs to be some sense of cost/benefit for mitigation measures- with emphasis on those that make the greatest contribution to GHG. Of course this is not required as part of CEQA, but it is required as part of sound public policy and making a reasonable assessment that the identified improvements actually can be implemented within the time frame specified.



**B16-42** The transportation sector is the primary contributor. Incentive dollars that reduce impacts from that sector should be considered as well as those for building retrofits. Coastal communities like Laguna Beach have adopted "Free trip to work" programs on public transit to reduce congestion in downtown. Similar programs could be designed to specifically reduce GHG through selective local transit subsidies.

**B16-43** **D. Penalties/Incentives**

CAP needs to include real incentives/penalties for mode shift change/reduced VMT. The draft HE shows numerous sites scattered all over the city for increased housing density- but there is no relationship of those sites to major transit corridors, or the ability of residents to bike/walk to key destinations. Courts have already found that the policies in the SANDAG Sustainable Community Strategy do not go far enough. To meet the required GHG targets Carlsbad will have to do more.

**B16-44** **E. Real Smart Growth development**

Building out all of the designated smart growth sites in the city as smart growth ( not like Quarry creek) will still represent a very small percentage of total trips. The key to changing travel patterns is to address the majority of the city that is already built. The CAP needs to put sufficient emphasis on growth along public transportation corridors or where there are walkable neighborhoods that reduce auto trips. There needs to be a clear connection between land use and alternative transportation and between the CAP and the CIP schedule for actually building bike lanes, trails, safe routes to school, transit centers, etc. Note that even where public transit has been considered, like the Encinas Creek apartments, NCTD now says they will not be providing actual service to the bus shelter the city required to be built. Part of the policy changes needed are to have better standards for CEQA transportation impact analysis/mitigation. For example the recent traffic study for the mixed use project at La Costa Village had absolutely no analysis of transit or alternative transportation. Every traffic study needs to consider multiple ways to reduce traffic impacts- not just more road building. It is not clear in the GP EIR what will actually be used as the threshold that requires analysis of project impacts on all modes of transportation, and more importantly how the proposed mitigation will be applied.

**B16-45** **F. More Comprehensive water Policy**

CAP needs to include more comprehensive water policy- not just allowing use of grey water. Water conservation and toilet to tap reuse programs need to be increased- far more than was assumed in Water Master Plan.

**B16-46** **G Solid Waste Programs**

The city can have a huge impact on this through local ordinances and pricing of solid waste programs that are fully controlled by the city. Other cities like Oceanside have a goal of zero waste. Part of achieving that goal is through composting and reuse of green waste. Carlsbad wastes energy transporting green waste to land fills. This is a relatively small percentage of GHG, but a good way for individuals to become part of the solution.

Recycling programs are much more effective when they have clear goals, measurement systems and feedback. The community needs to get engaged in actions to reduce GHG and recycling is one of the easiest ways for them to get involved.

Such a program should also include consideration of banning the distribution of single use plastic bags.



B16-47

**H. Broader support for low carbon vehicles**

The city has put all of their alternative fuel eggs in one basket- ZEV's. Furthermore they have not included the full range of actions that encourage the use of alternative fuel vehicles. These should include things like parking preferences, more than just ZEV fueling stations, reductions in parking requirements for car pool and alternative fuel related programs, etc.

B16-48

**I. Community Education and Outreach**

Most CAP's recognize that while community education and outreach do not result in measurable reductions in GHG, they indirectly support the achievement of all of the actions included in the CAP. There are a number of organizations that will come and do free public education about what individuals or businesses can do to reduce climate change.

There is no policy/ measure specifically to address individual behavior. This would strengthen the understanding that responding to climate change is not just something the city is doing- it will need to involve everyone. A program should be designed similar to what has been done to increase understanding and actions to protect our creeks from the effects of polluted run-off. That effort includes surveys to determine knowledge and understanding about what individual actions could be taken, what percentage of the population is taking those actions, and targeting the areas where further education/outreach is needed. This needs to incorporate the broad range of sustainability actions from energy through recycling. The Berkeley CAP focusses on the following individual actions: Change commute, unplug appliances, generate less waste, save water and grow your own food.

B16-49

**J. Locally produced food**

The GP gives lip service to the value of local agriculture and food production but none of this has gotten integrated into policies that will have an impact. Other places have real agricultural protection in place- they buy land and place agricultural easements on it. Other things that can be done include encouraging the development of community gardens, not just one/quadrant as is now proposed, but acres of them all over the city; allowing front yards to be used for food production; supporting the concept of green roofs; loosening restrictions that would make it harder implement vertical gardening or hydroponics, etc.

Small local food production reduces the GHG from large commercial operations, transportation of food and less energy and water is consumed by eating lower on the food chain. Measures to support the retention of local small farms, support for farmer's markets, etc. would be part of this strategy. Water pricing has been a major factor in loss of agriculture in other areas. There may need to be some more focused study about actions that might actually preserve local agriculture, particularly food production.

B16-50

**K. Support/Coordination with SANDAG**

The City needs to better coordinate its GHG reduction strategies with SANDAG, and all of the member jurisdictions. The commitment to do this needs to be included in both the GP and the CAP.

B16-51

Thank you for your consideration of our comments. We look forward to continue to working with you toward a CAP that achieves your goals for Carlsbad while still protecting our priceless natural resources.

Sincerely,



Diane Nygaard  
On behalf of Preserve Calavera

Attachments:

- Projected GHG reduction from Commercial Building Energy Saving
- SO801 Commuting Characteristics by Sex 2012 American Community Survey 1-Year Estimates
- NCTD Policy 22
- Smart Growth Site Descriptions

## ATTACHMENT A

## Projected GHG Reduction from Commercial Building Energy Saving

	A	B	C	D	E	F
	Existing 2011(1)	Growth Factor to 2035 (2)	Growth Adj to 2035 A x B /yr	Forecast 2035(3)	RPS Factor 2035(4)	RPS adj 2035 (5)
Commercial						
Bundled electricity	125,314				33%	
Bundled natural gas	37,731					
Direct access electricity	11,701				33%	
Direct access natural gas	3,966					
Subtotal	178,712	1.1%/yr	232,371	148,978		173,556
Industrial						
Bundled electricity	29,329				33%	
Bundled natural gas						
Direct access electricity	8,765				33%	
Direct access natural gas	8,154					
Subtotal	46,248	.8%/yr	55,995	35,249		41,693
Combined Ind/Com	224,960					

(1) CAP Table 2-2

(2) CAP p 3-5

(3) CAP Table 3-4

(4) CAP Table 3-6

(5) D less 33% of elect

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**COMMUTING CHARACTERISTICS BY SEX**  
**2012 American Community Survey 1-Year Estimates**

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

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Subject	Carlsbad city, California					
	Total		Male		Female	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Workers 16 years and over	49,436	+/-3,528	26,413	+/-2,779	23,023	+/-2,298
<b>MEANS OF TRANSPORTATION TO WORK</b>						
Car, truck, or van	86.0%	+/-3.0	84.4%	+/-4.1	87.8%	+/-3.8
Drove alone	78.2%	+/-3.2	78.6%	+/-4.4	80.1%	+/-4.6
Carpooled	7.8%	+/-2.5	7.8%	+/-3.6	7.7%	+/-3.6
In 2-person carpool	5.3%	+/-2.0	3.9%	+/-2.3	6.8%	+/-3.3
In 3-person carpool	0.2%	+/-0.4	0.5%	+/-0.8	0.0%	+/-0.7
In 4-or-more person carpool	2.3%	+/-1.8	3.4%	+/-3.5	0.9%	+/-1.0
Workers per car, truck, or van	1.06	+/-0.02	1.06	+/-0.04	1.05	+/-0.02
Public transportation (excluding taxicab)	2.1%	+/-1.2	3.1%	+/-2.0	0.9%	+/-0.8
Walked	1.0%	+/-0.6	0.6%	+/-0.6	1.4%	+/-1.1
Bicycle	0.7%	+/-0.6	1.1%	+/-1.2	0.3%	+/-0.5
Taxicab, motorcycle, or other means	0.7%	+/-0.5	1.0%	+/-0.8	0.3%	+/-0.5
Worked at home	9.5%	+/-2.6	9.8%	+/-3.4	9.3%	+/-3.3
<b>PLACE OF WORK</b>						
Worked in state of residence	99.2%	+/-0.6	98.8%	+/-0.9	99.6%	+/-0.7
Worked in county of residence	92.4%	+/-2.6	89.4%	+/-4.6	95.8%	+/-2.3
Worked outside county of residence	6.7%	+/-2.5	9.4%	+/-4.5	3.7%	+/-2.2
Worked outside state of residence	0.8%	+/-0.6	1.2%	+/-0.9	0.4%	+/-0.7
<b>Living in a place</b>						
Living in a place	100.0%	+/-0.3	100.0%	+/-0.6	100.0%	+/-0.7
Worked in place of residence	30.0%	+/-4.3	22.0%	+/-5.3	39.2%	+/-7.2
Worked outside place of residence	70.0%	+/-4.3	78.0%	+/-5.3	60.8%	+/-7.2
Not living in a place	0.0%	+/-0.3	0.0%	+/-0.6	0.0%	+/-0.7
<b>Living in 12 selected states</b>						
Living in 12 selected states	N	N	N	N	N	N
Worked in minor civil division of residence	N	N	N	N	N	N
Worked outside minor civil division of residence	N	N	N	N	N	N
Not living in 12 selected states	N	N	N	N	N	N
Workers 16 years and over who did not work at home	44,725	+/-3,680	23,837	+/-2,970	20,888	+/-2,259
<b>TIME LEAVING HOME TO GO TO WORK</b>						
12:00 a.m. to 4:59 a.m.	4.6%	+/-1.9	3.6%	+/-2.1	5.9%	+/-3.4
5:00 a.m. to 5:29 a.m.	2.0%	+/-1.4	1.0%	+/-0.8	3.2%	+/-2.9
5:30 a.m. to 5:59 a.m.	2.0%	+/-0.9	3.4%	+/-1.6	0.5%	+/-0.6
6:00 a.m. to 6:29 a.m.	11.5%	+/-3.4	16.8%	+/-5.4	5.5%	+/-2.8
6:30 a.m. to 6:59 a.m.	10.2%	+/-3.0	10.6%	+/-3.8	9.7%	+/-4.0
7:00 a.m. to 7:29 a.m.	17.0%	+/-5.4	19.1%	+/-6.9	14.7%	+/-5.2
7:30 a.m. to 7:59 a.m.	12.4%	+/-3.9	8.9%	+/-3.3	16.4%	+/-6.9
8:00 a.m. to 8:29 a.m.	15.9%	+/-3.6	15.6%	+/-5.1	16.1%	+/-3.8

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8:30 a.m. to 8:59 a.m.	6.2%	+/-2.5	5.3%	+/-2.6	7.2%	+/-4.1
9:00 a.m. to 11:59 p.m.	18.1%	+/-3.5	15.7%	+/-4.7	20.7%	+/-4.8
<b>TRAVEL TIME TO WORK</b>						
Less than 10 minutes	7.9%	+/-2.4	4.7%	+/-2.3	11.6%	+/-4.9
10 to 14 minutes	14.8%	+/-3.1	8.1%	+/-2.9	22.4%	+/-5.6
15 to 19 minutes	14.0%	+/-3.1	15.3%	+/-4.2	12.5%	+/-4.3
20 to 24 minutes	14.0%	+/-3.2	16.6%	+/-5.4	11.0%	+/-3.8
25 to 29 minutes	7.0%	+/-4.0	10.1%	+/-7.2	3.5%	+/-1.7
30 to 34 minutes	16.3%	+/-3.8	17.5%	+/-4.7	15.0%	+/-5.6
35 to 44 minutes	8.9%	+/-2.7	8.4%	+/-3.0	9.6%	+/-4.0
45 to 59 minutes	5.3%	+/-1.9	5.2%	+/-2.5	5.3%	+/-2.9
60 or more minutes	11.8%	+/-3.1	14.1%	+/-5.4	9.1%	+/-4.1
Mean travel time to work (minutes)	30.4	+/-2.8	33.4	+/-3.9	26.9	+/-3.3
<b>VEHICLES AVAILABLE</b>						
Workers 16 years and over in households	49,404	+/-3,530	26,402	+/-2,777	23,002	+/-2,300
No vehicle available	1.1%	+/-0.8	1.6%	+/-1.2	0.5%	+/-0.6
1 vehicle available	16.7%	+/-4.0	11.6%	+/-3.7	22.6%	+/-6.0
2 vehicles available	50.2%	+/-6.2	52.0%	+/-7.3	48.3%	+/-7.3
3 or more vehicles available	32.0%	+/-5.6	34.8%	+/-7.3	28.7%	+/-5.9
<b>PERCENT IMPUTED</b>						
Means of transportation to work	10.0%	(X)	(X)	(X)	(X)	(X)
Private vehicle occupancy	10.8%	(X)	(X)	(X)	(X)	(X)
Place of work	13.6%	(X)	(X)	(X)	(X)	(X)
Time leaving home to go to work	17.4%	(X)	(X)	(X)	(X)	(X)
Travel time to work	15.1%	(X)	(X)	(X)	(X)	(X)
Vehicles available	1.1%	(X)	(X)	(X)	(X)	(X)

Source: U.S. Census Bureau, 2012 American Community Survey

**Explanation of Symbols:**

An "" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the low est interval or upper interval of an open-ended distribution.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "" entry in the margin of error column indicates that the median falls in the low est interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The 12 selected states are Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

Workers include members of the Armed Forces and civilians who were at work last week.

While the 2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the

B16-54

## **Policy No. 22 Service Requests**

### Summary

This policy is intended to assist local policymakers and key stakeholders understand the process by which NCTD evaluates service requests in order to ensure that the transit system remains financially sustainable in the short and long term.

### Background

The policy is designed to support NCTD's provision of an accessible, integrated, multimodal transit system that enables customers to travel easily and efficiently throughout the growing region.

Considerations for major and minor service requests made by a public or private agency will be reviewed based on a service request process that considers all of the following factors: service design guidelines and standards, existing and/or potential service demand, operational and/or capital constraints, cost, and funding requirements.

### Service Request Process

The service request process is as follows:

1. **Submission of Service Request**
  - a. **Private and public agencies** that submit service requests must demonstrate the need for the service by the agency, including ridership estimates, and be approved by the governing body of a public agency or the CEO of a private agency.
2. **Review by NCTD**
  - a. **Service design guidelines and standards.** NCTD will review the service request in accordance with internal guidelines and standards. In the event the requested service falls into a category that is not addressed in internal standards, NCTD will evaluate the proposal based on industry standards, including Transit Cooperative Research Program (TCRP) Report 100 and Association of American Railroads (AAR) standards.
  - b. **Existing or potential service demand.** NCTD will review ridership demand in the corridor of the proposed service. Factors include demographics, land use, proximity to key activity generators (schools, medical facilities, etc.), density of development, and other pertinent factors.
  - c. **Operational and/or capital constraints.** NCTD will determine operational and capital constraints of the proposed service.

**Policy No. 22 – Service Requests (continued)**

- i. Impact of service on ADA compliance: location of bus boarding/alighting and path of travel.
  - ii. Vehicle constraints based on road width, grade, and vehicle maneuverability.
  - iii. Impact of service on equipment: number of rolling stock, buses, signage, and other associated equipment needed to implement service.
  - iv. Transit center constraints: number of bus berths available.
- d. Cost. NCTD will estimate costs using contracted rate for cost per revenue mile for bus, and contracted rate for cost per trip for rail. Cost for facilities, vehicles, or other equipment will be estimated as applicable.
- e. Funding requirements. The regional short-range transit plan, the Coordinated Plan, is developed by the San Diego Association of Governments (SANDAG) with input via NCTD's Service Implementation Plan. It identifies geographic areas of unmet need and provides the framework for Job Access Reverse Commute (JARC) and New Freedom funding. If the requested service is not programmed in any of these plans, there is still an option for implementation if the requesting agency/entity provides funding to offset any negative impact to NCTD's operating budget. For requests that require new capital construction and/or procurement, the requesting entity and NCTD will discuss funding opportunities that may be available with a key focus of reviewing local plans to determine if the request is already included in an approved document that has been vetted through the regional planning process.

**3. Enter into Cooperative Agreement**

- a. A cooperative agreement between NCTD and the requesting entity should include:
- i. Service plan including performance targets that must be met in order to continue the service past the demonstration period.
  - ii. Cost-sharing between the requesting entity and NCTD.
  - iii. The minimum length of an agreement is one year, renewable if service has met performance goals stated in the service plan.

**4. Approval by Board**


- a. See *NCTD Policy 5, Public Notice and Participation.*

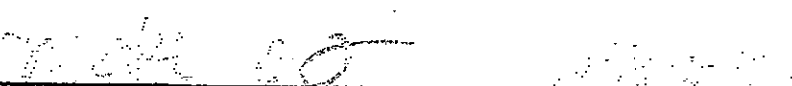
Policy No. 22 – Service Requests (continued)

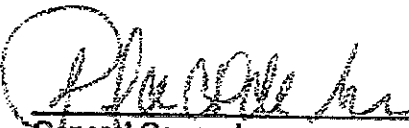
5. Notification and Implementation

- a. Notify stakeholders and general public prior to start of service using written notification placed at transit centers, on board vehicles, and on NCTD's website.
- b. Work cooperatively with the requesting entity's employees and customers to publicize the new service.
- c. Monitor service using on-time performance data and ridership data to determine whether minimum level of performance specified in the agreement is met.

Approvals

  
 \_\_\_\_\_  
 Board Chair Date

  
 \_\_\_\_\_  
 Executive Director Date

  
 \_\_\_\_\_ 10-16-2012  
 General Counsel Date

# Smart Growth

## SMART GROWTH CONCEPT MAP - SITE DESCRIPTIONS

Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	RCP Place Type	Land Use Description	Transit Service Description per 2050 RTP/SCS
Carlsbad	CB-1	Carlsbad Village COASTER Station including Village Redevelopment and Barrio areas at Grand Avenue and State Street	Existing/Planned Town Center	<p>This smart growth opportunity area consists of (1) the Carlsbad Village Redevelopment Master Plan (Village MP) area at approximately 200 acres; and (2) the City's Barrio at approximately 128 acres. The Carlsbad Village COASTER Station, which provides commuter rail service, is located in the heart of the Carlsbad redevelopment area at Grand Avenue and State Street. The Village MP allows residential development up to 35 units per acre in the core village area with special emphasis around the COASTER station. Mixed residential/retail development also is encouraged. Under Carlsbad's growth management plan, 1,000 dwelling units of development have been allocated to the Village MP area. The City has recently approved revisions to the development standards for this area to increase flexibility for mixed-use, parking, and higher-density residential development.</p> <p>Additionally included in the smart growth opportunity area is the Barrio - an area for which the City is in the process of considering land use changes as part of the comprehensive General Plan update program. Objectives for the Barrio area include providing high-density residential and mixed-use located within convenient walking distance to transit stops. Potential land use changes may include provisions for high-density residential and mixed-use development (up to 30 dwelling units/acre), which is similar to existing allowances in the Village MP area.</p> <p>Existing development in the Village MP and Barrio areas include low-rise building types. The areas are currently served with commuter rail transportation service and the potential exists (unconstrained revenue scenario) for the provision of rapid bus service.</p>	<p>Existing Commuter Rail (COASTER)</p> <p>Planned Rapid Bus (to be phased in by 2030)</p> <p>Planned High-Frequency Local Bus (to be phased in by 2020)</p>

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Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	RCP Place Type	Land Use Description	Transit Service Description per 2050 RTP/SCS
Carlsbad (cont'd)	<p>CB-2</p> <p>Plaza Camino Real at State Route 78 (SR 78) and El Camino Real</p>	<p>Potential (Requires land use and transit changes)</p>	<p>Town Center</p>	<p>The City is processing applications submitted by Westfield representatives to redevelop the existing Plaza Camino Real Mall located at the southwest corner of the intersection of El Camino Real and SR 78. Potential development could add anywhere from 200 to 400 multi-family residential units and additional retail square footage to the 1.1 million square feet of retail floor space existing within the mall. Development would occur adjacent to the retail structures on the city-owned parking lot area, and could include transportation improvements, such as a relocation of the existing transit station. This smart growth opportunity area is currently served with high-frequency local transportation service, and two existing rapid bus transit stations are located in the eastern portion of the opportunity area. Additional light/commuter rail service exists at the El Camino Real North County Transit District (NCTD) SPRINTER station at El Camino Real and Oceanside Boulevard, located approximately 1½ miles north of the project site.</p>	<p>Planned High-Frequency Local Bus (to be phased in by 2020)</p>
	<p>CB-3</p> <p>Quarry Creek Area at Marron Road and north of Tamarack Avenue</p>	<p>Potential (Requires land use and transit changes)</p>	<p>Community Center</p>	<p>The City is processing applications by McMillin Development to develop a mixed-use project on approximately 100 acres of land at and west of the former rock quarry located south of Marron Road and west of College Avenue, near the Carlsbad boundary with the City of Oceanside. The opportunity area is located approximately a quarter mile south of SR 78 and approximately 1½ miles south of College Boulevard SPRINTER Station, which provides light/commuter rail service from Escondido to Oceanside. Preliminary discussions have focused on exploring a project that may include several hundred residential units with mid- to high-densities, together with commercial (office and/or retail) uses and possible public gathering places. The opportunity area also is located within close proximity to: SR 78; high frequency local transportation routes; potential rapid bus routes (unconstrained revenue scenario); a retail shopping center containing a Wal-Mart anchor tenant; and, institutional centers that include Tri-City Hospital (within ¾ mile) and Mira Costa College (within 1 mile). Existing transportation routes provide</p>	<p>No Qualifying Existing or Planned Transit</p>

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Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	RCP Place Type	Land Use Description	Transit Service Description per 2050 RTP/SCS	
<p>connecting service between the College Boulevard SPRINTER Station and the Quarry Creek area. Some of</p>						
Carlsbad (cont'd)	CB-3 (cont'd)	Quarry Creek Area at Marron Road and north of Tamarack Avenue		the area contains significant cultural, environmental, and habitat resources, and the El Salto Falls have been designated as a Native American sacred site.		
	CB-4	Ponto Beachfront at Avenida Encinas and Carlsbad Boulevard	Potential (Requires land use change)	Community Center	This project is part of the South Carlsbad redevelopment area and consists of a 50-acre site, located west of the San Diego Northern Railroad, south of Poinsettia Avenue, and east of Carlsbad Boulevard and South Carlsbad State Beach Campground. In June 2005, the City Council approved a "vision plan" for the area with a land use mix that combines tourist-serving uses (three hotels with time share units), a mixed-use core that provides for town homes, live-work units, mixed residential/retail development, and a separate townhouse area having densities up to 23 dwelling units per acre. A light/commuter rail route exists directly east of this opportunity area and the area with the Poinsettia COASTER Station approximately	Planned Rapid Bus (to be phased in by 2030) Planned High-Frequency Local Bus (to be phased in by 2020)

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Via Electronic Mail

June 20, 2014

David DeCordova  
1635 Faraday Avenue  
Carlsbad, CA 92008

RE: Envision Carlsbad

Dear Mr. Cordova:

B17-1

Foursquare Properties, Inc. ("Foursquare") currently controls the 18 acre vacant parcel at the northwest corner of College Boulevard and El Camino Real, which is often referred to as the Wal-Mart site. The latest version of the Draft General Plan shows the majority of the site designated RH-23, Residential High Density 15-23 du/ac, while the remainder is shown as L, Local Shopping Center. We strongly support this recommendation which is in conformance with the following statements in the proposed General Plan:

Page 2-9      The neighborhood-centers strategy will result in pedestrian-oriented shopping centers that are located to maximize accessibility from residential neighborhoods. Where appropriate, these centers would also include high and medium density housing surrounding the retail uses or integrated in mixed-use buildings.

Page 2-35      Goal - 2-G.6 - Allow a range of mixed use centers in strategic locations that maximize access to commercial services from transit and residential areas.

Page 2-35      Goal - 2-G.7 - Ensure that neighborhood serving shopping and mixed use centers include shopping as pedestrian-oriented focus for the surrounding neighborhood, are physically integrated into the surroundings, and contain neighborhood serving stores and small offices. Where appropriate, include in the centers high and medium density housing surrounding the retail core or integrated in mixed use buildings.

Page 2-40      Goal 2-P.13 - Encourage medium to high density residential uses located in close proximity to commercial services, employment opportunities and major transportation corridors.

B17-2

We are aware that there are not enough units in the Northeast Quadrant of the City to allocate units to all of the sites that are requesting an allocation of units without exceeding the quadrant cap, and this is clarified by Footnote 2 on page 2-25 of the General Plan. None of the other sites being considered for unit allocation in the Northeast Quadrant comply with the goals of the proposed General Plan as closely as this site does.

B17-3 In addition, the build out projections in the Zone 15 Local Facilities Management Plan, approved by the City Council on January 10, 2012, allocate 190 units to this site, as well as an estimate of 90,000 square feet of Non-Residential Development. All of the financial planning for the assessment district to construct the missing link of College Boulevard is based on this assumption, since it was a part of an approved Local Facilities Management Plan.

B17-4 We understand that there are a number of sites in the Northeast Quadrant competing for a limited number of dwelling units and not all of the sites will receive the allocations that are being requested. Foursquare wishes to go on record that we support the recommendations of the proposed General Plan and request that the staff and decision makers continue to support the designation of this site as RH-23/L as currently shown in the proposed General Plan. This will allow us to develop and economically viable project that implements the goals of the proposed General Plan.

Sincerely,

FOURSQUARE PROPERTIES, INC.



Russell Grosse  
CEO and President

CC Don Neu

# HowesWeiler & Associates

LAND USE PLANNING AND CONSULTATION

June 20, 2014

Don Neu  
City of Carlsbad  
Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92010

RECEIVED

JUN 20 2014

CITY OF CARLSBAD  
PLANNING DIVISION

RE: Envision Carlsbad – Ponto Area

Dear Don:

B18-1

This letter is being submitted based on our review of the proposed Envision Carlsbad General Plan Update. Shopoff Land Fund II, L.P. (Shopoff) has an equitable interest and is under contract to purchase 11 acres of land within the Ponto Beachfront area of the City (APN 216-140-43). Shopoff has strong concerns about Envision Carlsbad's proposed designation of the area shown on the attached exhibit as General Commercial, which does not provide the flexibility needed to develop this site in accordance with goals of the Ponto Beachfront Vision Plan.

Originally, Envision Carlsbad designated this area as "Mixed Use". However, this designation was later changed to "General Commercial, G-C". We understand that the G-C General Plan designation allows for a portion of the site to be developed with residential uses, but requires that the majority of the site be developed with commercial uses. The Ponto Beachfront Village Vision Plan called out for this area to be developed as a Mixed Use parcel. A more appropriate designation for this site would be "RH-23/G-C" to be consistent with and reflect the goals of the Ponto Beachfront Vision Plan to have this area developed as a economically viable mixed use project.

B18-2

There are several constraints that limit the viability of commercial retail uses on the site. This site cannot get direct access from Carlsbad Boulevard and has limited right turn ingress/egress from Avenida Encinas. In addition Carlsbad's Draft General Plan designates the portions of Avenida Encinas and Ponto Drive adjacent to this site as Local/Neighborhood Streets with relatively low traffic counts, which further supports our opinion that the viability for large-scale commercial or retail uses is very limited at this location. It is very difficult for commercial development to thrive where there is a very low traffic volume on adjacent streets. None of these factors were taken into consideration when the Ponto Beachfront Village Vision Plan or the Envision Carlsbad plan were prepared. This is understandable since the first was just a "Vision" of one scenario of how this site could be developed, while the other was an update of the General Plan for the entire City.

B18-3

As a part of the submittal process for the development of this site and the adjacent residentially designated parcel, Shopoff will be providing a market study showing that this site has limited

**B18-3** commercial development potential. This study will show that a limited amount of high quality commercial can be successful at this site if it is developed as a part of a mixed use project.

**B18-4** Shopoff's goal is to design an economically viable project that implements the Ponto Beachfront Village Vision Plan and the policies of Envision Carlsbad. Many of the concepts addressed by the Ponto Beachfront Village Vision Plan are being considered and incorporated into the plans being proposed for this site such as:

- A Community Oriented Village Plaza at the corner of Avenida Encinas and Carlsbad Boulevard
- An Ocean View restaurant Appealing to Both Residents and Visitors
- Residential Units facing onto Avenida Encinas
- Retail shops and uses that will cater to the Neighborhood as well as Visitors

**B18-5** Shopoff intends to develop a plan that implements the Ponto Beachfront Village Vision plan in a manner that is economically feasible. City Council Resolution 19,207 approving the Vision Plan amended Section 1.1 of the Vision Plan to provide the flexibility to develop a project that incorporated goals and objectives of the Vision Plan, yet varied from the exact exhibits shown in the Vision Plan:

*"The Ponto Beachfront Village Vision Plan is intended to provide guidance for development of the Ponto area, as directed by the City of Carlsbad's General Plan and the South Carlsbad Coastal Redevelopment Plan. The Plan sets forth a Vision of what Ponto could be; presents goals and objectives that support the Vision; and provides an implementation strategy and design guidelines that will implement the Vision."*

*"The Vision Plan is intended for the use by prospective developers and their consultants, City of Carlsbad staff, and those performing design review on individual projects. The conceptual site plan contains a level of detail necessary to visually depict the desired land uses, circulation, and major design components; however, it is recognized that actual development site plans will change, which is acceptable if the goals and objectives of the Vision Plan are still achieved."*

**B18-6** We recommend that Policy 2-P.86 on page 2-53 of the Draft General Plan be revised to read as follows:

Allow development of the Ponto Area with economically viable land uses that are consistent with those envisioned in the Ponto Beachfront Village Vision Plan.

This minor modification would bring Policy 2-P.86 into conformance with one of the project goals listed on page 1.1 of the Ponto Beachfront Village Vision Plan:

Accommodate a balanced and cohesive mix of local and tourist serving commercial, medium and high density residential, mixed use, live/work, and open space land use opportunities that are economically viable and support the implementation of these goals.

**B18-7** We are requesting that this site be designated as RH23/GC, Residential High Density 15-23 du/ac and General Commercial. This will provide the flexibility to allow for the development of this site with a

# HowesWeiler & Associates

LAND USE PLANNING AND CONSULTATION

**B18-7** mixture of residential and commercial uses that is consistent with the spirit of the Ponto Beachfront Village Vision Plan.

Sincerely,

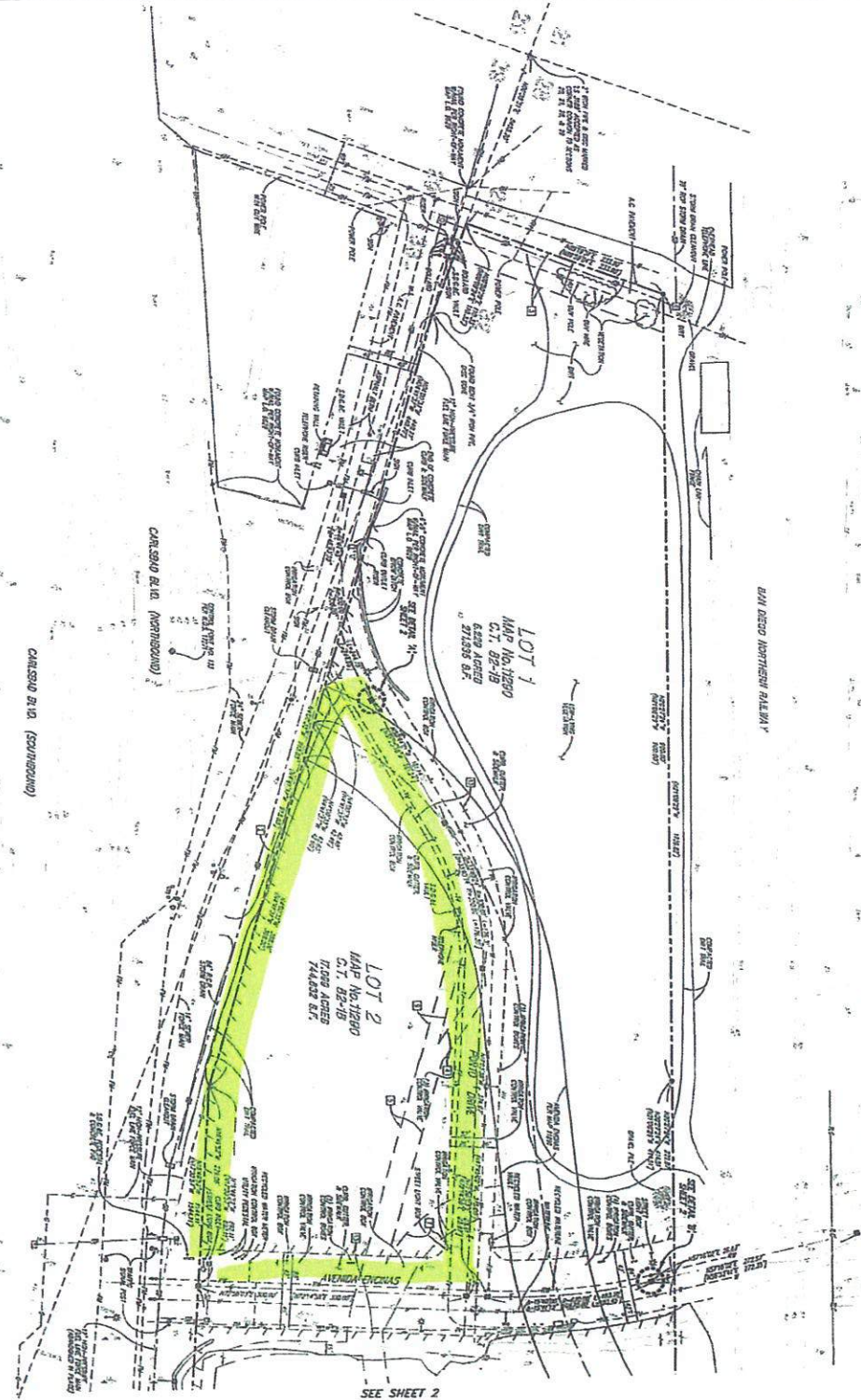


Mike Howes

CC David DeCordova  
Brian Rupp

Attachment

Scale 1" = 30'



LINE	BEARING	DISTANCE	REMARKS
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2	S 89° 15' 00" W	100.00	...
3	N 00° 00' 00" E	100.00	...
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**SOURCE OF TOPOGRAPHY**  
 SOURCE OF BENCHMARKS  
 BASIS OF BEARINGS  
 LEGEND  
 ENGINEER'S CERTIFICATION



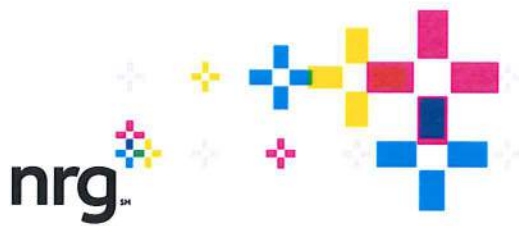
**ALTA/ACSM  
 LAND TILE SURVEY  
 PONTO BEACHFRONT  
 CARLSBAD, CA.**

**BENCHMARK**  
 DESCRIPTION: ...  
 LOCATION: ...  
 METHOD: ...  
 DATE: ...

**PROJECT INFORMATION**  
 SHEET 1 OF 2  
 DATE: ...  
 DRAWN BY: ...  
 CHECKED BY: ...

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Cabrillo Power I LLC  
5790 Fleet Street  
Suite 200  
Carlsbad, CA 92008-4703

June 20, 2014

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008  
[Jennifer.jesser@carlsbadca.gov](mailto:Jennifer.jesser@carlsbadca.gov)

VIA ELECTRONIC MAIL

Dear Ms. Jesser,

**B19-1** NRG Energy, Inc. (NRG), through its wholly-owned subsidiary Cabrillo Power I LLC, owns the 95-acre Encina Generating Station site on the waterfront in the City of Carlsbad and is pleased to share these comments on the City of Carlsbad's Draft General Plan Update and accompanying Draft Environmental Impact Report (DEIR).

**B19-2** As you know, NRG reached an agreement with the City and San Diego Gas & Electric (SDG&E) in January 2014 that provides for NRG's proposed development of a new, state-of-the-art gas-fired generating station (the Carlsbad Energy Center Project) on the 30-acre site of several existing oil tanks located on NRG's property between I-5 freeway and the San Diego Northern Railroad, and allows for future redevelopment of the former power plant site on the 60-acre portion west of the railroad (Agreement).<sup>1</sup> Under the Agreement, subject to the requisite approvals from the California Energy Commission and the California Public Utilities Commission, NRG will demolish the existing Encina Generating Station and work with the City to redevelop the former power plant site (NRG site). The Agreement also contemplates the potential future transfer of the approximately 20-acre SDG&E Service Center site (SDG&E site) to the City, and its eventual redevelopment.

**B19-3** Redevelopment of the SDG&E site is expected to occur in conjunction with the redevelopment of the NRG site, and from a planning perspective it makes sense to consider the adjacent properties together as an 80-acre bloc. Together, these sites present a blank slate for potential redevelopment to higher uses, consistent with the community's vision for the area. Thus, with the demolition of the old power plant comes a significant opportunity to revitalize this part of Carlsbad, and NRG is excited to work with the City towards the common goal of realizing the redevelopment potential for this beachfront area.

**B19-4** NRG appreciates the great amount of work that went into the Envision Carlsbad process and the 2012 Preferred Plan, which formed the basis of the proposed draft General Plan Update. We note, however, that the Agreement provides new information to consider, and we urge the City to include and analyze a more likely redevelopment scenario for the NRG/SDG&E sites that reflects the sites' true potential and fulfills the community's vision.

---

<sup>1</sup> The 60-acre figure is approximate and excludes the roughly 5-acre area occupied by the Carlsbad Desalination Project.

**B19-5** Currently, the preferred alternative identifies the future land uses of the NRG and SDG&E sites to consist of visitor-serving commercial and open space. We agree these uses are appropriate. However, subject to the Proposition E growth limits and future Coastal Commission approvals, the area should also have the flexibility to include residential use. The General Plan designation, Land Use Figure 2-1 should be revised to be a mixed-use designation such as R-15/VC/OS - the proposed designation for a portion of the Ponto/Southern Waterfront focus area - to allow for this flexibility. Allowing for a range of uses in the General Plan will disclose a more likely redevelopment plan that reflects the true potential of the NRG and SDG&E sites, fulfills the community's vision and streamlines the future planning and redevelopment of the two sites.

**B19-6** Specifically, a significant amount of park/open space is envisioned for the area, and it is important to bear in mind that the success of open spaces and parks depends on the uses that surround them. The more varied the mix of uses surrounding a park/open space, the more successful the park will be as each group will use it at a given time (office and retail workers at lunch time, residents in the morning and evening, visitors throughout the day). Creating an isolated open space use without nearby residents to use and activate the space will create the need for more parking for residents to drive to the park/open space and will make it difficult for the area to feel like a safe and vibrant place.

**B19-7** Flexibility of uses on the NRG and SDG&E sites would also complement the pending Caruso Affiliated development project on the adjacent "Strawberry Fields" site. The Caruso project is anticipated to comprise hundreds of thousands of square feet of commercial development. Given the scale and significance of that project, a mix of uses on the NRG and SDG&E sites would complement the Caruso development and would bring diverse users to an area that presents the opportunity to dramatically revitalize a large, central portion of the Carlsbad waterfront.

**B19-8** Additionally, the flexibility to include residential use would not be inconsistent with the Proposition E limits, subject to future site-specific approvals. NRG understands the constraints on residential development currently imposed by Proposition E, and that the General Plan cannot conflict with Proposition E's growth management limits, but in looking to Carlsbad's future growth and at the blank slate potential of the NRG and SDG&E sites, residential uses could play an appropriate and important role in the overall development of a vibrant mixed-use community on those sites. Though the growth limit provides limited headroom under the current 15,370 unit cap for further residential development in the Northwest Area, there is at least the potential to include some residential at the NRG and/or SDG&E sites subject to the growth cap. A mix of uses including residential use would also be consistent with what the DEIR recognizes as the Environmentally Superior Alternative in Alternative 2, the "Active Waterfront" (see DEIR pp. 4-33 – 4-34), which envisioned that the "Power Plant will be developed with a mix of residential, hotel, and retail uses, with community-accessible open spaces along Agua Hedionda Lagoon.

**B19-9** The redevelopment of the Power Plant site will result in enhanced access to the beach and lagoon and reinforce Carlsbad's beach community character." (DEIR at p. 4-7). Therefore, we suggest that page 2-79 be revised to incorporate the full range of uses as shown in underline below:

"(a) incorporate potential full range of uses contemplated in the alternatives:

- Redevelop the Encina Power Station site, along with the SDG&E North Coast Service Center site, with a mix of uses that could include visitor-serving commercial uses, such as retail and hotel uses, residential uses to the extent consistent with the Growth Management Plan, and with new community-accessible open spaces along Agua Hedionda Lagoon and the waterfront (Carlsbad Boulevard). Encourage community gathering spaces, outdoor dining, and other features to maximize potential views of the ocean and the lagoon. Encourage shared parking arrangements so that a greater proportion of development can be active space rather than parking.

**B19-10** We look forward to the site-specific planning envisioned by Land Use Policy 2-P.79, and understand that that process will include the in-depth, project-specific environmental analysis of the redevelopment of the NRG and SDG&E Sites. Accordingly, the analysis of impacts in the DEIR (e.g., trip generation associated with project build-out and corresponding traffic impacts) is sufficient at the programmatic level of the General Plan Update, and subsequent project-specific analysis will revise and refine that analysis as needed. Nonetheless, it is worth noting the projected build-out in the proposed General Plan Update may not represent a level of economic development that could actually support the community's overall objectives for the NRG and SDG&E sites. It is important to bear in mind that providing the amount of open space and other public amenities sought by the community for the NRG and SDG&E sites will require significant funding, which will most likely be created by the successful redevelopment of the remaining portions of the sites with economically productive, highest-and-best uses.

**B19-11** For example, the DEIR assumes only 580 hotel rooms and 822,500 square feet of commercial uses for the entire combined area of the NRG site, the SDG&E site, and the Strawberry Fields site. (DEIR at p. 2-17). The total area of these three sites together comprises approximately 130 acres. Conservatively assuming 800 square feet of gross building square footage per hotel key, 580 rooms would equate to 416,000 square feet, which, added to the proposed build-out of 822,500 square feet of commercial use, would result in a total build-out of approximately 1.29 million square feet. Assuming the maximum FAR for Visitor-Serving Commercial use of 0.5, that 1.29 million square-foot build-out could be developed on approximately 59 acres. At 130 acres, the total area of the NRG site, the SDG&E site, and the Strawberry Fields area is more than twice this figure, so even net of build-out of supporting infrastructure, such as roads and parking, and substantial open space, 1.29 million square feet of visitor-serving commercial uses is considerably less than what these combined sites could support, and likely less than what will be economically viable. We believe that these sites can and should support significantly more development.

**B19-12** In conclusion, we request that the City revise the Land Use diagram to R-15/VC/OS, or similar mixed-use designation, to allow the flexibility for a range of uses, subject to future site-specific density/intensity analysis, that will enable the sites to provide the public access and amenities contemplated by the General Plan.

**B19-13** We appreciate the opportunity to comment and look forward to working with the City and the community in the future to redevelop the NRG site consistent with the vision of opening the site to the public and restoring beach access and character. Please contact Peter Landreth at [peter.landreth@nrgenergy.com](mailto:peter.landreth@nrgenergy.com) or Ahmed Haque at [ahmed.haque@nrgenergy.com](mailto:ahmed.haque@nrgenergy.com) with any questions.

Sincerely,



Peter Landreth  
Senior Director, Business Development

cc: Gary Barberio, Assistant City Manager  
Glen Van Peski, Director, Community and Economic Development  
Don Neu, Planning Director

## Comments to the Carlsbad General Plan Draft

Attention Carlsbad Planning Dept. and Carlsbad City Council

In care of: [Jennifer.Jesser@carlsbadca.gov](mailto:Jennifer.Jesser@carlsbadca.gov)

From Patricia C. Bleha, president North County Advocates and Carlsbad resident since 1976

### B20-1 | Re: Section 6 Safety

I am particularly concerned with the following:

#### **6-P.27 Maintain adequate Police and Fire Department staff to provide adequate and timely response to all emergencies. (P. 6-45)**

Apparently, 75 firefighters are not enough to service the population of Carlsbad, according to a 2012 Report by the National Fire Protection Assoc. <http://www.nfpa.org/research/reports-and-statistics/the-fire-service/administration/us-fire-department-profile> which cited the median number at 1.34 per 1,000 population, or 148 firefighters. Certainly more firefighters are needed considering the significant amount of very high fire threat areas in Carlsbad according to your map (6-39) in the Carlsbad General Plan Draft. and considering the numerous rugged canyons with thick vegetation?

So how do you justify the current 75 firefighters as adequate to provide a timely response to all emergencies?

B20-2 | Are you in compliance with the National Fire Protection Association's Standard 1710 Standards for Organization and Deployment of Fire Suppression Operations and Special Operations to the Public by Career Fire Depts?

B20-3 | Regarding equipment, is the Carlsbad Fire Dept. in compliance with 5.2.3.1 and 5.2.3.1.1 for fire pumpers and 5.2.3.2 and 5.2.3.2.1 for fire trucks? Does the department follow 5.2.3.1.2 and 5.2.3.1.2.2 for number of firefighters (5 or 6) when making high hazard responses?

B20-4 | Is the Carlsbad Fire Dept. accredited by the American National Standards Institute?

B20-5 | What ISO rating does the Carlsbad Fire Dept. have and is that rating within the acceptable range for insurance companies?

B20-6 | I would like a copy of the May 2014 Carlsbad Fire Dept. report when it is available including total Incidents Responded to and I would like this report in my comment submission.

B20-7 | Also in regards to fire stations, are there enough for the population of Carlsbad according to National Firefighters Assoc. and ISO standards?

B20-8 | Regarding your statement (6-36) about remodeling needs for existing fire stations, what is your timetable for making improvements to Fire Stations 1 and 2?

B20-9 | According to an FBI government website, the current 112 Carlsbad police officer employees are not enough to service the population of Carlsbad. The median for cities in the West the size of Carlsbad is or 1.3 employees per 1,000 or 144 police officers. <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the->



B20-9 | [u.s/2010/crime-in-the-u.s.-2010/tables/10tbl71.xls](http://u.s/2010/crime-in-the-u.s.-2010/tables/10tbl71.xls) So how do you justify 112 police officers as adequate to provide a timely response to all emergencies?

B20-10 | More police officers are needed too because of factors, such as high tourist visits in some areas and the necessity to patrol open spaces , including Batiquitos Lagoon which has had a number of vandalism incidents. These areas need to be protected in a more timely manner with more available officers and vehicles which can access the open spaces more easily.

B20-11 | Clearly Carlsbad has not been keeping up with the median number of police and fire department personnel according to the surveys I cited above. Just in three years, from 2010 to 2013, Carlsbad grew to an estimated 110,972 or 5.2 % according to the U.S. Census Bureau Quick Facts website.  
<http://quickfacts.census.gov/qfd/states/06/0611194.html>

B20-12 | Carlsbad should not keep approving more and more housing units without providing protection. What are you going to do about this situation?

B20-13 | In **6-P35** does the Carlsbad Landscape Manual requirements meet the recommendations of organizations concerned with wildlands protections such as the California and National Forest firefighters, and if not what do you intend to do about that?

B20-14 | In **6-P31** not just consider site constraints in terms of hazards and current levels of emergency service delivery capabilities when making land use decisions, but **mandate** constraints. Will you do that?

B20-15 | I submit these comments in the hope that everything that can possibly be done, , will be done, to make Carlsbad the best it can be for citizens and fire and police officers who live and work here. As the richest city in North County there really is no excuse not to do that.

June 20, 2014

TO: City of Carlsbad Principal Planner  
Att: David de Cordova  
Transmitted by email: David.deCordova@carlsbadca.gov

SUBJECT: **Review of City of Carlsbad Climate Action Plan**



SanDiego350 offers these comments on the Carlsbad Draft Climate Action Plan dated March 2014:

**B21-1** Overall, the City of Carlsbad has made a commendable effort in responding to the California State requirements set forth in AB 32 of 2006, and the associated CARB Scoping Plan. However, SanDiego350 urges a more aggressive response beyond that which the State requires.

**B21-2** On page 3-2 of the draft CAP the following statement is made, “The long range 2050 target set by EO S-3-05 is an 80 percent reduction from 2020 emissions target, which represents the level scientists believe is necessary to stabilize the climate.” This statement could possibly be considered true if it were written in the past tense. Here are three reasons it should not be taken as true today:

- (1) EO S-3-05 is from vintage 2005, nearly a decade ago. The difference in viewpoint of climate scientists between then and now can best be seen in the differences between the 4th and 5th Intergovernmental Panel on Climate Change (IPCC) reports. Although these reports represent both a scientific and political assessments, there wouldn't be a shift to a more pessimistic assessment had there not been strong scientific justification. The assessment has definitely become more discouraging, even to the point of introducing in the 5th report the topic of geo-engineering among steps that should be considered.
- (2) From the vantage point of 2005, a reasonable assumption may have been that Congress would take some steps over the course of the next decade to lessen the unconstrained dumping of GHG into the environment. However, Congress has taken no steps. As a result, more aggressive steps are needed today to compensate for the inaction of Congress.
- (3) In a simplified manner of explaining the magnitude of what must be done, Bill McKibben, founder of [350.org](http://350.org), boiled it down to three numbers. 2 deg C (the maximum average global temperature increase climate scientists consider safe); 565 gigatons of carbon that can still be burned without exceeding the 2 deg; and 2,795 gigatons of carbon (amount presently in fossil-fuel company reserves). This means, there is 5 times the amount in reserves than can be safely burned.

**B21-3** SanDiego350 urges that Carlsbad step out to a leadership level in San Diego County. Become a role model to follow, on par with California cities such as Palo Alto and Lancaster. Lancaster's approach is to establish “Choice Energy” under the authority of Community Choice Aggregation. This offers a model that may work well for the City of Carlsbad.

**B21-4** With that said, the draft CAP presents a reasonable approach towards just meeting the targets of AB 32 and other relevant legislation. The comments to follow pertain to information that we suggest adding to make the final CAP easier to follow. In an effort to understand better the



B21-4 | information contained in the draft CAP, three spreadsheets were constructed and are attached (Tables 1 thru 3) for the three key years; 2011, 2020, and 2035. Table 1 is simply the reference year. The numbers are taken from Table 3-4. Landfill was not broken out separately in Table 2-7, but that is a minor difference.

B21-5 | The future years of 2020 and 2035 in the draft CAP are difficult to assess in that the Input section (3.3) doesn't state the electricity and natural gas inputs (sales) in terms of kWh or therms. Thus, it is hard to determine if various policies have been applied or to what extent in reaching the baseline, referred to as "GP Land Use and Circulation System." To illustrate, in Table 2 (2020 Emissions), the line item "Additional" Renewable Portfolio Standard (RPA) has quotes around "Additional" because it isn't clear if some of the RPA has already been applied in coming up with the baseline. Without knowing the input in terms of sales, it is hard to judge if there has been some part of the RPA reduction already applied.

B21-6 | The color coding in the tables indicates uncertainty in which sector to assign the reductions. The orange color means uncertainty in how to distribute reductions between sectors, and the yellow means uncertainty in which sector to assign the reductions. The draft CAP doesn't provide enough information to make these determinations.

B21-7 | The next to the bottom row in Table 2 shows a prorata share of the CAP GHG Reduction Measures that was discussed in the draft CAP as part of the 2035 discussion. It represents a small additional GHG reduction in 2020 that should be noted earlier on, even if it isn't explained fully until the CAP GHG Reduction Measures are discussed where the focus is on 2035.

B21-8 | Table 3 (2035 Emissions) focuses mostly on the CAP GHG Reduction Measures. None of them have been associated with Solid waste, Landfill, or Wastewater. That may just be because the draft CAP didn't clearly identify some of the measures with these sectors when it should have.

B21-9 | The draft CAP on page 4-22 says about seven percent of the city's GHG emissions are associated with water provision and wastewater services. It would be of interest to discuss if that will change when the desalinization plant becomes operational.

B21-10 | In conclusion, there is a possibility the RPA emissions reduction may have partially been double counted. It is too hard to figure out what reductions were included in the initial 2020 and 2035 baselines, if any. If there weren't RPA reductions in the baselines, then it is difficult to imagine why the baselines dropped down with the two future reference years while the populations are projected to increase. Secondly, there really is a strong need to pursue a more aggressive transition away from fossil fuels than the state currently mandates.

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Attachment: Carlsbad CAP (SD350 Tables)

Table 1

2011 Emissions	Residential	Commercial	Industrial	Transportation	Solid Waste	Landfill	Wastewater	TOTAL
GHG broken out by sectors	176,405	178,712	46,248	273,745	21,719	2,598	6,317	705,744
After GHG Reductions from State & Fed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
After GHG Reductions from Additional GP Policies & Actions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
After CAP GHG Reductions Measures	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 2

2020 Emissions	Residential	Commercial	Industrial	Transportation	Solid Waste	Landfill	Wastewater	TOTAL
GP Land Use and Circulation System	145,419	126,431	31,278	234,113	23,073	1,204	4,355	565,873
Low Carbon Fuel Standard Reductions				-20,545				-20,545
Title 24 Building Efficiency Improvements	-734	-734	-368					-1,836
Reductions in VMT Rising Gasoline Prices				-12,201				-12,201
"Additional" Renewable Portfolio Standard	-16,304	-16,304		-16,354				-48,962
After GHG Reductions from State & Fed	128,381	109,393	30,910	185,013	23,073	1,204	4,355	482,329
Bikeway System Improvements	-164							-164
Pedestrian Improvements & Increased Connectivity	-2,341							-2,341
Traffic Calming				-585				-585
Parking Facilities & Parking		-4,682						-4,682
Transportation Improvements				-1,475				-1,475
After GHG Reductions from Additional GP Policies & Actions	125,876	104,711	30,910	182,953	23,073	1,204	4,355	473,082
Prorata share of 2035 CAP GHG Reduction Measures	-17,850	-21,000	-7,650	-6,620				-53,120
After CAP GHG Reductions Measures	108,026	83,711	23,260	176,333	23,073	1,204	4,355	419,962

Table 3

2035 Emissions	Residential	Commercial	Industrial	Transportation	Solid Waste	Landfill	Wastewater	TOTAL
GP Land Use and Circulation System	163,881	148,978	35,249	210,568	26,002	558	4,601	589,837
Low Carbon Fuel Standard Reductions				-14,906				-14,906
Title 24 Building Efficiency Improvements	-1,432	-1,432	-718					-3,582
Reductions in VMT Rising Gasoline Prices				-71,316				-71,316
"Additional" Renewable Portfolio Standard	-11,932	-11,932		-12,296				-36,160
After GHG Reductions from State & Fed	150,517	135,614	34,531	112,050	26,002	558	4,601	463,873
Bikeway System Improvements	-147							-147
Pedestrian Improvements & Increased Connectivity	-2,106							-2,106
Traffic Calming				-526				-526
Parking Facilities & Parking		-4,211						-4,211
Transportation Improvements				-1,327				-1,327
After GHG Reductions from Additional GP Policies & Actions	148,264	131,403	34,531	110,197	26,002	558	4,601	455,556
A- Promote residential photovoltaic	-10,136							-10,136
B- Promote commercial & industrial photovoltaic		-10,500	-2,836					-13,336
C- Promote Building Cogenerations		-800	-267					-1,067
D- Encourage single-family residence energy upgrades	-1,132							-1,132
E- Encourage multi-family residential energy upgrades	-351							-351
F- Encourage Commercial and City Facility Energy Retrofits		-18,377						-18,377
G- Encourage Commercial and City Facility Commissioning			-18,377					-18,377
H- Implement Green Building Measures	-100	-79						-179
I- Promote Replacement of Incandescent and Efficient Lamps	-10,000	-11,900						-21,900
J- New Construction Solar Water Heaters	-6,000	-5,604						-11,604
K- Promote Transportation Demand Management Strategies				-23,549				-23,549
L- Promote Increase in the Amount of ZEV travel	-30,000	-24,158						-54,158
M- Develop Citywide Renewable Energy Projects			-4,580					-4,580
N- Reduce GHG Intensity of Water Utilities	-4,000	-1,500	-468					-5,968
O- Encourage Installation of Greywater and Rainwater Collection Systems	-700	-300	-205					-1,205
After CAP GHG Reductions Measures	85,845	58,185	7,798	86,648	26,002	558	4,601	269,637





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Via E-mail

**B22-1** **Re: Carlsbad's Draft Environmental Impact Report and the Impacting Plans: Draft General Plan and Draft Climate Action Plan**

**Principal Planner David de Cordova:**

I appreciate the opportunity to communicate with you concerning Carlsbad's Draft Environmental Impact Report ("DEIR") and the Draft General Plan and the Draft Climate Action Plan ("Draft CAP"). (I will also refer to the DEIR, the Draft General Plan, and the Draft CAP as the "Three Documents".) We all want a sustainable, healthy, and prosperous future for the people of Carlsbad and the world. This will not be possible unless our Earth's climate is stabilized at a reasonably livable level.

**B22-2** **Personal Introduction**

This topic is technical in nature. Therefore, I would like to provide you with some of my background that has helped me in reviewing this work. I am a retired satellite systems engineer, having worked at Lockheed Martin in Sunnyvale for 36 years. I have a BSEE degree and a Master's of Science in Engineering (MSE). I am now the Transportation Chair for San Diego Sierra Club (SDSC). Identifying a set of climate-stabilizing targets and considering the transportation and other measures that will achieve those targets is a systems-engineering problem. Since leaving Lockheed Martin and starting my volunteer work the SDSC, I have published and presented three times with the Air and Waste Management Association (AWMA), on subjects relating to how this problem can be solved. Next week, I will present my fourth AWMA paper, *The Development of California Light-Duty Vehicle (LDV) Requirements to Support Climate Stabilization: Fleet-Emission Rates & Per-Capita Driving*. My panel session is *Sustainable Transportation*. As you may know, many Metropolitan Planning Organizations (MPO's) send employees to the AWMA conferences. For example, in the *Sustainable Transportation* session, I will present after a presenter who works for the Metropolitan Transportation Commission, which is the MPO for the San Francisco Bay Area. Environmental professionals from all over the world will be in attendance. As Transportation Chair, my responsibility is to speak for the SDSC on regional and local transportation matters. Therefore, I have spoken many times before the SANDAG Board of Directors on the topics of Climate and Transportation. I have worked on comment letters regarding numerous climate action plans, development plans, and regional transportation plans

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On a personal note, I live in south Oceanside, an easy bike ride from your City Hall. I have biked (never driven) to numerous Carlsbad City Council meetings and several meetings of the Carlsbad School Board, when they were considering the new high school. I also bike to many of the meetings of the Carlsbad Sustainability Coalition, a citizen's group headed by Don Christiansen. I often work in collaboration with Diane Nygaard, the Director of Preserve Calavera [http://preservecalavera.org/?page\\_id=51](http://preservecalavera.org/?page_id=51). For example, we are both still working towards a car-parking policy at the new high school that will unbundle the cost of the car parking for the students of driving age and the employees.

B22-3

### **Introductory Comments on the DEIR**

I give my thanks to the leaders of Carlsbad that have contributed to the DEIR and Plans. I thank the consultants for their quality work. If the Governor's Executive Order S-3-05 were sufficient to support stabilizing the earth's climate at a reasonably livable level, if the policies described in the three documents were consistently and sufficiently enforceable, and if the description of our climate crisis were more representative of the truth, then the FEIR would meet the requirements of CEQA and we would have no complaints, but only praise. In that case, we would see our role as one of joining with you to defend these documents against any that would wish to weaken their policy proposals. The work is outstanding in many ways. We believe the work can be improved to the point where it meets the requirements of CEQA. We believe the team and the consultants that accomplished this work can do these needed improvements. On a personal note I want to state that I am going to be better at my job because I reviewed this work and so I want to extend a personal thanks to the team that produced these three documents.

B22-4

### **FAILURE OF THE DEIR TO ADEQUATELY EXPLAIN THE NATURE OF CLIMATE DESTABILIZATION, WHICH IS EXACTLY WHERE THE WORLD IS CURRENTLY HEADED**

CEQA requires that negative cumulative impacts be described. Unless Carlsbad and other government entities around the world reduce emissions sufficiently to achieve the needed, science-based climate stabilizing targets, the earth's climate will be destabilized. Climate destabilization, which would result in a "devastating collapse of the human population" (quote taken from the June 2008 issue of *Scientific American*, on its Page 100, within its featured article, *The Ethics and Economics of Climate Change*), is far worse than even genocide, for it will most likely kill off most life forms on our currently-magnificent and teaming-with-life, planet.

Section 9.3 of the Draft General Plan, Page 3.4-3 of the DEIR, and Section 1.2 of the Draft CAP describe our climate-change status, which is truly a crisis. The urgency and danger inherent in this issue is vastly understated. The final paragraphs of Section 1.2 of the Draft CAP state outcomes that we can expect around 2050. However, the text fails to disclose that the damage has no meaningful upper bound (for our species) if humanity doesn't achieve climate destabilization at a reasonable level.

The operative reality is that the world's greenhouse gas (GHG) emissions are increasing every year and, unless this is miraculously reversed, this will almost certainly lead directly to the killing off of most life forms on the planet, including our own species. No one can honestly expect this will change in time to limit this to what is described in the final paragraph of Section 1.2 of the Draft CAP.

#### **The Needed Explanation of "Climate Destabilization"**

Destabilization (sometimes called "the tipping point") occurs when positive feedbacks take over and we lose all control of our destiny, as the climate proceeds to warm so much that the planet is uninhabitable for most of its current life forms, including our own.

Positive feedback is any process where the warmer it gets, the more the process causes warming.

Two examples are

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- The loss of glacier and polar ice surface that reflects a significant amount of the solar radiation it receives as visible light, rather than as infrared radiation (IR), like more typical surfaces. IR is, to some degree, trapped by the atmospheric GHG. Therefore, due to melting, the warmer our atmosphere and water get, the less ice surface there will be to reflect solar radiation as visible light, causing more warming and
- The melting of what was once permafrost, giving off methane gas, a powerful greenhouse gas (GHG), because the warmer it gets, the more the permafrost melts, emitting more methane gas, to cause further warming, in the earth's atmosphere.

These two positive feedbacks are underway and will be accelerated as more heat is trapped by our ever-increasing, elevated levels of atmospheric CO<sub>2</sub>.

Figure 1 shows “how bad” this could get (the potential for harm). No DEIR that has a legal responsibility under CEQA to fully disclose the negative and cumulative impacts of failing to support science-based, climate-stabilization-supporting targets should fail to include the information in Figure 1 or equivalent information.

**Figure 1 Three Indications of the Potential for Harm from Climate Change**

## How Bad Could It Get?

- *Scientific American* June 2008 issue
  - 550 PPM CO<sub>2</sub> possible in several decades
  - This could (5% probability) lead to 8 Deg. Celsius of warming
  - 8 Deg. Celsius could lead to “a devastating collapse of the human population, perhaps even to extinction”
- December 24/31 2012 Issue of *Nation* magazine:
 

A recent string of reports from impeccable mainstream institutions—the International Energy Agency, the World Bank, the accounting firm of PricewaterhouseCoopers—have warned that the Earth is on a trajectory to warm by at least 4 Degrees Celsius

**[4 Degrees Celsius] would be *incompatible with continued human survival.***

Winter, *UU World* magazine (p. 57) “Lags in the replacement of fossil-fuel use by clean energy use have put the world on a pace for 6 degree Celsius by the end of this century. Such a large temperature rise occurred 250 million years ago and extinguished 90 percent of the life on Earth. The current rise is of the same magnitude but is occurring faster. We must reduce or eliminate all uses of fossil fuels.

As shown in Figure 1 destabilization must be avoided because it is such a bad outcome. This justifies doing hard work, making hard choices, and adopting significant changes.

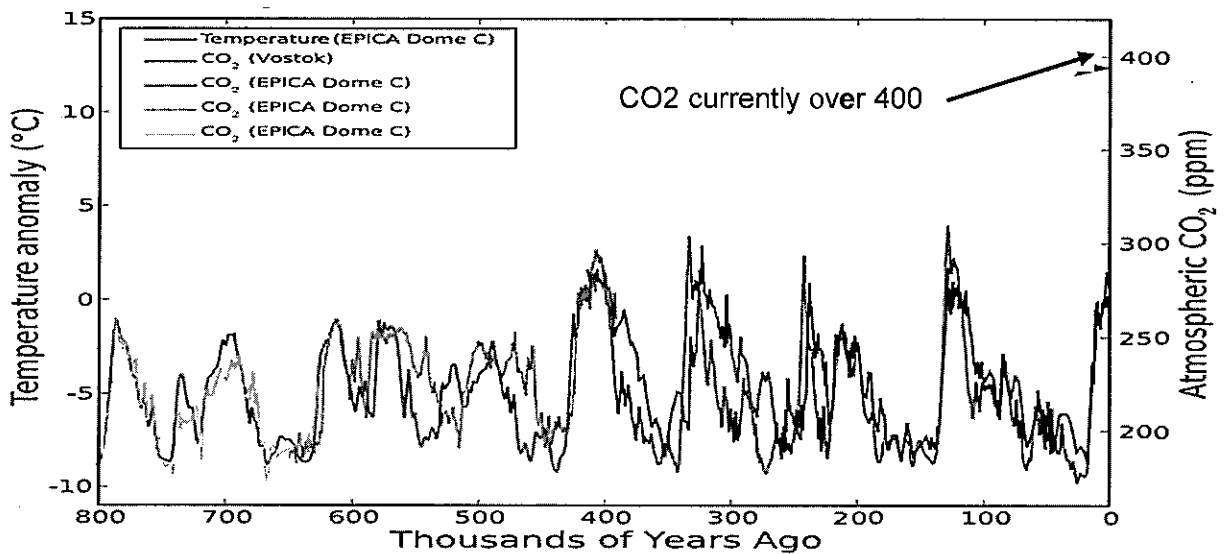
No explanation of destabilization is complete without showing our current risk. Figure 2 shows (1) atmospheric CO<sub>2</sub> (in blue) and (2) averaged-over-a-year-then-averaged-over-the-surface-of-the-earth, world atmospheric temperature (in red). The temperature is with respect to a recent average. The data starts 800,000 years ago. It shows that the current value of atmospheric CO<sub>2</sub>, which is now over 400

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PPM, far exceeds the values of the last 800,000 years. It also shows that we should expect that the temperature corresponding to our current level of atmospheric CO<sub>2</sub> will eventually be about 12 or 13 degrees above preindustrial temperatures. This would most certainly bring about a human disaster, considering the information shown in Figure 1, where it appears that just a 4 degree increase would be enough to cause a human disaster.

Our only hope is that the world gets its emissions so low that the background photosynthesis of the world's plants will exceed our GHG emissions and that this will occur in time to slow down and eventually reverse the positive feedback processes that are now threatening us with runaway climate change, regardless of what we do.

**Figure 2. Atmospheric CO<sub>2</sub> and Mean Temperature from 800,000 Years Ago**



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**FAILURE OF THE DRAFT EIR TO STATE THAT CARLSBAD HAS A RESPONSIBILITY TO IDENTIFY A PATH TO ACHIEVE CLIMATE-STABILIZATION SUPPORT, IN ALL SECTORS, INCLUDING THE LARGEST EMITTER: CARS AND LIGHT-DUTY TRUCKS (LIGHT-DUTY VEHICLES, OR LDVS)**

It is not acceptable under CEQA that the Draft EIR never clearly states that there is a specific problem to be solved. Part of CEQA's requirement to fully describe and consider the negative cumulative impacts of expanding Carlsbad with insufficient GHG emission reductions in place. Of course the primary such negative cumulative environmental effect is climate destabilization. A key part of this consideration is to describe how it could be avoided, in the cumulative sense, based on scientific facts. To be clear, the problem is to identify a set of policies and projects, along with a set of state and local policies and projects that, taken together, will support climate stabilization.

The Draft CAP contains (imperfect, as will be shown) discussions of S-3-05, AB 32, and SB 375. The names of these 3 items suggest that they may lead to supporting climate stabilization. The Draft allows the reader to assume that the titles may be accurate. However, even if the 3 items would lead to climate stabilization support, if they were legally executed (as will be shown, this is not the case), it

B22-5

does not free Carlsbad from its legal responsibility under CEQA, to identify and clearly show how to support climate stabilization.

**A. Why Carlsbad has a *Moral* Responsibility to Identify a Set of Policies that Leads to Climate-Stabilization Support, in the Transportation and Other Sectors**

As shown above in the explanation of climate destabilization, we are facing a life-and-death situation. It is a crisis. It is an emergency. There is a moral imperative to identify a solution set.

**B. Why Carlsbad has a *Legal* Responsibility to Identify a Set of Policies that Leads to Climate-Stabilization Support in the Transportation Sector**

EIRs must consider the negative impacts that may result. Climate destabilization is a negative impact. It is a unique negative impact in that it is so unacceptable it must be avoided. Therefore, the required consideration must include a clear description of how Carlsbad and other governments can proceed in a way that will support climate stabilization. The current Draft CAP never even hints at such a thing.

B22-6

**C. The Most Important Part of the Transportation Sector: Cars and Light-Duty Trucks, or “Light-Duty Vehicles” or “LDVs”**

Carlsbad’s GHG-emissions are shown in the pie chart, shown in Figure 2-1 of the Draft CAP. It shows that transportation emits 39% of the total. Table 2-2 of the Draft CAP shows that most of this is from “on-road” transportation. A similar pie chart, produced by the Energy Policy Initiative Center (EPIC), showed the on-road contribution to be 46% of the total, with 41% from LDVs and only the remaining 5% from Heavy-Duty Vehicles (HDVs).

**An Older Set of LDV Requirements to Support Climate Stabilization**

This work is done in Reference 1, in painstaking detail, on Pages 3 through 9, in the *Further Background: California’s SB 375 and a Previous Calculation of How Much We Can Drive* Section. This calculation was based on two assumptions:

- the now-known-to-be-false notion that S-3-05 would be enough reduction in GHG emissions to support climate stabilization and
- the existing California clean car mandates (mileage and Low Carbon Fuel Standards) will be achieved (no more and no less).

As shown in Reference 1, in 2035, per-capita driving would have to be reduced 35.1% **and this would correspond to a 15% reduction in driving, relative to the SB 375 baseline year of 2005.**

This work was a repeat of earlier work that got the identical answers. It appeared in two earlier papers presented to AWMA. This means that the work has been peer-reviewed by AWMA<sup>1</sup>.

B22-7

**Determining a Science-Based Target That Will Supporting Climate Stabilization**

This work is done in Reference 1, on Page 9, in the *GHG Target to Support Climate Stabilization* Section. This calculation was based on four assumptions:

- the highly-esteemed climate scientists are correct in their Reference 2 statements, where they specify the reduction profile that will be needed if the world does not get its emission levels on

<sup>1</sup> Sierra Club San Diego has been trying for over 4 years to get the SANDAG Board to get interested in this work, repeatedly asking them to have their staff check the calculations. Only Board Members San Diego Mayor Filner and San Diego Councilmember Marti Emerald were supportive. The rest of the Board stood in defiance of CEQA law, insisting that they had no responsibility to care about what driving reduction would avoid the negative impact of contributing to climate destabilization.

B22-7

a significantly-negative-slope trajectory (reducing their emissions, consistently, year after year) before 2020

- it cannot be safely assumed that the world will get its positive-slope emissions trajectory on a near-zero slope trajectory or slightly-negative slope trajectory much before 2020
- California will achieve its S-3-05 and AB 32 target of emitting GHG at its 1990 level by 2020
- California must set an example for the world by achieving the same trajectory that the world must achieve, as specified by the climate scientists in Reference 2, starting from 2020, which is a 15% reduction each years.

This reduction trajectory of 15% per year is the same as specifying a factor of 0.85, year after year. This can be computed as  $(0.85)^{10}$ , over 10 years, which is evaluated as 0.20. This means that the 80%-below-1990 level must be obtained in just 10 years after 2020, or by 2030. This target year of 2030 is 20 years sooner than the S-3-05 target, of the same emission level, by 2050. One writer for the *Guardian* wrote an article about the latest findings by climate scientists, describing their mandate as “full decarbonization by 2030”. This is another indication that adopting the computed target of 80% below 1990 by 2030 is not being overly conservative. Finally, the Energy-Climate Committee of Sierra Club California has concluded that 80% below 1990 emissions by 2030 is the currently correct, science-based, climate-stabilization-supporting target.

B22-8

**An Updated Set of LDV Requirements to Support Climate Stabilization**

This work is also done in Reference 1. It is done in painstaking detail, for two cases. It assumes that a target of 80% below 1990 by 2030 is sufficient to support climate stabilization. It also assumes that only 20% of the electricity is generated with fossil fuel. The first case is called the *Heroic Measures Case*. It identifies a case in which the set of car-efficiency requirements is about as difficult to achieve as the case’s driving-reduction requirement. The second case is called the *Extra Heroic Measures Case*. The second case identifies a set of car-efficiency requirements that are so stringent that they would support a per-capita driving level which is equal to the 2005 per-capita driving level. Most observers would judge the *Extra Heroic Measures case* to be unobtainable. Figure 3 shows the resulting primary requirements of the two cases. Figure 3 does not show requirements to get some of the older internal combustion engine (ICE) cars to be driven less and an additional help from low carbon fuel standards, beyond the current mandate. Those requirements are identical for the two cases. Therefore, Figure 3 shows all of the differences between the two cases.

B22-9

**Measures to Achieve the Needed Driving Reduction to Support the “Heroic Measures” Case, to Ensure that LDVs Will Support Climate Stabilization**

Reference 1 (Pages 17 through 20) shows a detailed set of strategies that are both feasible and cost effective and will reduce driving enough to have LDVs support climate stabilization, given the car efficiency requirements of the *Heroic Measures Case*. More details on car parking policies are shown in References 4, 5, and 6.

B22-10

**THE IMPACT OF THE CLIMATE-STABILIZATION-SUPPORTING TARGET ON THE EXCELLENT, GHG-REDUCTION ACCOUNTING OF THE DEIR**

The DEIR shows the high value of its work in Section 3.4 where, using some of the result of the CAP and policies of the Draft GP, it accounts for the various GHG reductions, as the work strives to achieve the S-3-05 targets. As a minor complaint, the DEIR could have done a better job explaining the origin of the critical parameter of 49% down from the 2005 emission value, to compute the 2035 emission value. The values to get the targets from the 2005 values are clearly shown in the CAP’s Table 3-1. The following work done here will remedy that as it echoes the results shown in the DEIR’s

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Section 3.4, incorporating the new and all-important climate-stabilization-supporting target for year 2030.

**Figure 3 Fractions of Fleets Sold in California that are Zero Emission Vehicles AND Required Driving Reduction, For 2 Different Cases**

Zero Emission Vehicle (ZEV) Fleet Percent & Required Driving Reduction, Per-Cent <i>Heroic Measures Case versus the Extra Heroic Measures</i>					
Year	2016	2017	2018	2019	2020
Heroic Measures	0%	0%	5%	10%	25%
Extra Heroic Measures	0%	10%	30%	50%	70%
Year	2021	2022	2023	2024	2025 to 2030
Heroic Measures	40%	55%	70%	85%	95%
Extra Heroic Measures	90%	95%	95%	95%	95%

	% Reduction in Per-Capita Driving, with Respect to 2005
Heroic Measures	32%
Extra Heroic Measures	0%

Table 1 shows the factors that are used to compute the targets from the 2005 emission values. The three factors shown in red can be used to get the emission target values from the 2005 values. The factor to go from the 2005 values to the 2020 target, which, from AB 32 and S-3-05 should approximately equal the 1990 emission value is, as shown, 0.85. The government issued the 0.85 value as an approximation, since few governments could accurately compute their 1990 emission values. The .51 values, which converts the 2005 emission value to the 2035 target is computed as shown, by using the fact that 2030 is halfway between 2020 and 2050, so the factor is halfway between 1.00, for 2020 and 0.20, for 2050. (Halfway between 1.00 and 0.20 is 0.60, or 40% down.) As stated above the factor to go from 2020 to 2030, for the climate-stabilization-supporting target is 0.20. To go from the 2005 emissions value to the 2030 emission value, the factor from 2005 to 2020 (0.85) must be multiplied times the 0.20 value to get 0.17, as shown in Table 1.

Table 2 repeats some of the conclusions of Table 2-6 of the CAP and includes the stabilization-support targets, to see what is really required, by 2030.

Table 3 shows the 2005 and 2011 emission values from Table 2-6 of the Draft CAP; the Computed 2020 and 2035 Emission Values, from Table 3.4-6, where reductions from the Draft General Plan and from state and federal action are assumed; and finally the climate-stabilization-support target and the margin, assuming that that the Table 3.4-6 emission value was achieved 5 years earlier, in 2030. It shows that the margin for the 2035 S-3-05 target is a negative 145,916 in MTCO<sub>2</sub>\_e; for the 2030 climate-stabilization-supporting target, it's a negative 360,221 value.

B22-10

**Table 1 Factors Used to Get the Target Emission Values From the 2005 Emission Values**

<b>Target Factors to be Multiplied Times 2005 Emissions</b>				
<b>Description of Factors</b>	<b>Base 1990 = 2020</b>		<b>Base 2005</b>	
	<b>Factor</b>	<b>% Down</b>	<b>Factor</b>	<b>% Down</b>
Emission Factor from 2005 to 1990 (same as 2020)			<b>0.85</b>	<b>15%</b>
5-3-05 Factor from 1990 (same as 2020) to 2035	<b>0.60</b>	<b>40%</b>		
5-3-05 Factor from 2005 to 2035 = 0.85 * 0.60			<b>0.51</b>	<b>49%</b>
Climate Stabilization Factor from 1990 (same as 2020) to 2030	<b>0.20</b>	<b>80%</b>		
Climate Stabilization Factor from 2005 to 2030 = 0.85* 0.20			<b>0.17</b>	<b>83%</b>

**Table 2 Target Emission Values and Needed Reductions from 2011 Values**

<b>From Table 2-6 of CAP</b>	<b>S-3-05 Targets</b>						<b>Stabilization Support Target</b>	
			<b>2020</b>		<b>2035</b>			
	<b>2005</b>	<b>2011</b>	<b>.85*E_2005</b>	<b>% Below 2011</b>	<b>.51*E_2005</b>	<b>% Below 2011</b>	<b>2030</b>	<b>2011</b>
<b>On Road</b>	260,467	239,467	221,397	7.5%	132,838	44.5%	44,279	81.5%
<b>Off Road</b>	28,963	34,279	24,619	28.2%	14,771	56.9%	4,924	85.6%
<b>Transport</b>	289,430	273,746	246,016	10.1%	147,609	46.1%	49,203	82.0%
<b>Carlsbad</b>	630,310	705,744	535,764	24.1%	321,458	54.5%	107,153	84.8%

**Table 3 Computed 2020 and 2035 Emission Values, Targets, and Margins**

<b>From Table 2-6 of CAP</b>	<b>Table 3.4-6 Totals, GP&amp;State&amp;Fed Actions</b>						<b>Stabilization Support Target</b>	
			<b>2020</b>		<b>2035</b>			
	<b>2005</b>	<b>2011</b>	<b>Value</b>	<b>% Below 2011</b>	<b>Value</b>	<b>% Below 2011</b>	<b>2030</b>	<b>2011</b>
<b>All Carlsbad</b>	630,310	705,744	484,124	31.4%	467,374	33.8%	107,153	84.8%
5-3-05 Target Values			535,764		321,458		<b>2035</b>	<b>Margin</b>
Margins with respect to S-3-05			51,640		-145,916		467,374	-360,221

Table 4 shows the result of the Draft General Plan policies that will reduce emissions, shown and described in varying detail, on Pages 3.4-38 through 3.4-51. As shown in Table 4, the results from Table 3.4-7 are used to computed the reduced emission values and the resulting values and margins. repeats

Table 5 shows the final results of the Draft CAP and Section 3.4 of the DEIR. The reductions may happen as assumed, but they may not. Carlsbad has a responsibility to do everything in its power to increase the probability that the reductions will occur as soon as possible. The climate-stabilization-



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supporting target in 2030 and the negative margin shows that more work must be done to get further reductions.

**Table 4 Effect of Additional Reductions**

<b>Table 3.4-7 Reduction Results</b>			
<b>2020</b>		<b>2035</b>	
<b>Value</b>	<b>Reduction</b>	<b>Value</b>	<b>Reduction</b>
484,124	9,247	467,374	8,317
<b>New Total</b>	474,877	<b>New Total</b>	459,057
<b>Target</b>	535,764	<b>Target</b>	321,458
<b>Margin</b>	60,887	<b>Margin</b>	-137,599

**Table 5 Final Computed 2020 and 2035 Emission Values, Targets, and Margins**

<b>From Table 2-6 of CAP</b>			<b>CAP Table 4-3: GP, State, Fed, &amp; CAP</b>				<b>Stabilization Support Target</b>	
			<b>2020</b>		<b>2035</b>		<b>% Below</b>	
			<b>Value</b>	<b>% Below 2011</b>	<b>Value</b>	<b>% Below 2011</b>	<b>2030</b>	<b>2011</b>
	<b>2005</b>	<b>2011</b>						
Carlsbad	630,310	705,744	419,962	40.5%	<b>269,639</b>	61.8%	<b>107,153</b>	<b>84.8%</b>
<b>S-3-05 Target Values</b>			535,764		321,458		<b>2035</b>	<b>Margin</b>
<b>Margins with respect to S-3-05</b>			115,802		51,819		<b>269,639</b>	<b>-162,486</b>

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**THE NEED TO INCLUDE SPECIFIC COMMITMENTS TO GET SOME OF THE MOST IMPORTANT REDUCTION STRATEGIES UP AND RUNNING AS SOON AS POSSIBLE**

In violation of CEQA, many of the strategies are vague in nature. Funding is unclear. They aren't enforceable. As you should be aware, in a Superior Court ruling on the legal standing of the County of San Diego's CAP and EIR of the CAP, the Judge wrote in his final ruling against the County, "Enforceable measures are needed now".

For example, in all three documents, there are numerous statements about how improved parking policies could yield significant driving reductions, which is absolutely true. In K-1, which is in Section 4.8 of the draft CAP, there is a reference to a Carlsbad "TDM Plan" but no date given as to when the work would start to create such a document or how it would be funded. In K-1 there is also praise for SANDAG's 2012 TDM report. I am very familiar with SANDAG and their flawed and vague thinking about car parking. It is time for clarity, detail, and commitment. To move this work closer to CEQA compliance, References 3, 4, and 5 should be fully incorporated. There needs to be a schedule as to when an implementation of a demonstration project to unbundle the cost of car parking, as described in Reference 3 can begin. The state is looking for cost-effective new strategies to reduce emissions and a grant should be easily obtained to fund this work. Carlsbad needs to have a staff of employees working full time on getting grants and implementing new strategies to reduce emissions.

A sample parking ordinance should be improved. Eventually the ordinances should not allow bundled-cost parking, since such operation takes away people's knowledge of where their money is going and

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takes away their choice to regain at least a portion of the added expense they are paying due to the high cost of providing parking. This cost comes hidden in a reduction in pay over what could be paid if there was no parking, an increase in rent, over what could be charged if there were not parking, or an increase in the cost of goods and services, over what could be charged if there were no parking. There should be sufficient parking. Parking should be shared. All of these features are included in Reference 4.

It must also be pointed out that the text in the Draft General Plan, the DEIR, and the Draft CAP, regarding parking policy, is often confused regarding unbundling the cost of parking. When “unbundle the parking” is written, it usually indicates that the author does not actually understand the concept. What needs to be unbundled is the *cost* of the parking, not the parking. On Page 3.4-7 of the DEIR, under “Parking Facilities and Policies, it erroneously says “unbundled parking”; however, in the very next paragraph, the phrase is used correctly when it says, “unbundled parking cost”. (This is the first time I have read a government-sponsored document use an unbundling-related phrase correctly.) It also states that the effect might be to decrease driving from 2.6% to 13%. What is not stated is that once a system is installed to unbundle the cost of parking, which could be viewed as a zero (level playing field) TDM, it would be possible to raise the cost as needed to get more driving reduction. This would be positive TDM. (A discussion of how TDM could be negative, zero, or positive is shown on Page 7 of Reference 4: “NEW DEFINITIONS TO PROMOTE AN OBJECTIVE VIEW OF PARKING.”) This is not as unfair as it may sound because the increased cost would result in more parking lot earnings, which are distributed to all employees. All of this information should be included in the DEIR and the CAP.

Carlsbad is city that has never charged for car parking in its entire history. There needs to be some specific commitments if anyone is to believe this will change anytime soon. As shown on Page 3.4-1 of the DEIR, SB 96 resulted in an OPR advisory that, “the lead agency determine significance of the impacts. and impose all mitigation measures that are necessary to reduce GHG emissions to a level that is less than significant”. This means that Carlsbad should immediately start a process that will result in unbundling the cost of parking in the next few years, at several locations.

B22-12

**INVALIDITY OF “LESS THAN SIGNIFICANT” FINDINGS IN SECTION 3.4 OF THE DEIR**

The “Methodology and Assumptions” on Page 3.4-28 never considers the current, science-based prescription for achieving climate-stability support, in the cumulative sense. Therefore the findings of “less than significant” are incorrect.

For example, on Page 3.4-29, it says, “Federal, state, and local regulations, as well as policies in the proposed General Plan and associated reduction measures in the CAP would make the impacts of the proposed General Plan less than significant.” However as shown in Table 5, the margin for achieving the climate-stabilization-supporting target is negative. This means that the three documents, taken together, will contribute to climate stabilization, in the cumulative sense. Ironically, this outcome will, by making it harder and harder to live on our planet, mean that we will have to expend more and more energy to meet our basic needs. Therefore Impact 3.4-1 is significant.

Likewise, Impact 3.4-1 will have a very significant and negative impact on the natural environment.

B22-13

**NOT MENTIONING THAT SANDAG’S LAST REGIONAL TRANSPORTATION PLAN’S EIR WAS FOUND TO BE IMPERMISSIBLY DISMISSIVE OF S-3-05**

The FEIR for SANDAG’s 20011 RTP was found to be “impermissibly dismissive of S-3-05” in Superior Court. Getting the complaint filed required a great deal of sacrifice on the part of many citizens, in several non-profit groups. We all owe a debt of gratitude to these citizens for their hard work. Individuals have also contributed to the suit. We should all contribute to these groups, to thank

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them for their hard work. Finally, it is significant that the California AG joined the suit, exactly as anyone would have predicted, given the letter she submitted in response to the RTP's DEIR.

SANDAG's behavior left no choice but to work to get SANDAG to conform to CEQA, in a court of law. SANDAG's response to their loss in Superior Court was to appeal, rather than doing the work to get their RTP to support climate stabilization, as required by CEQA law. All of this drama is being watched closely by many people that are hoping that there might still be time to achieve climate stabilization. The draft EIR and CAP needs to be amended to acknowledge these important facts.

B22-14

**WHAT'S MISSING FROM AND MISLEADING ABOUT THE DESCRIPTION OF EXECUTIVE ORDER S-3-05**

The description should state that in 2005 when S-3-05 was signed, it was part of an overall plan to support stabilization. It required that all of the industrialized nations achieve the S-3-05 targets. If that happened, then by 2050, the atmospheric level of CO<sub>2</sub> would be capped at 450 PPM by 2050. Being capped means that the photosynthesis of the planet, and other processes removing CO<sub>2</sub> from the atmosphere, would match the processes adding CO<sub>2</sub> to the atmosphere. After that, it was assumed that the level of fossil fuel combustion would be decreased further, eventually bringing the level of atmospheric CO<sub>2</sub> down to around 275 PPM, the pre-industrial level. The description should also make it clear that the plan has been overcome by events (OBE). The world's emission levels have set records, for most of the years after 2005 and the atmospheric level of CO<sub>2</sub> has already exceeded 400 parts per million. Besides this, many of the processes driven by warming are ahead of schedule. Briefly put, most of the news about climate is not good. S-3-05 is a useful reference. However it is no longer useful as a target set that will stabilize the climate. Besides all this, it is disheartening to see a discussion of S-3-05 that fails to state that the FEIR for SANDAG's 2011 RTP was found in Superior Court to be "impermissibly dismissive of S-3-05". Thank you for at least adopting the "down 49%" target, that does indeed support achieving the S-3-05 trajectory, at least until 2035. Unfortunately, as shown above, larger reductions are needed.

B22-15

**WHAT'S LEFT OUT OF THE DESCRIPTION OF AB 32**

The California Air Resources Board (CARB) is directed by AB 32 to go beyond any targets. For example, AB 32 requires (38560.5) CARB do a scoping plan as follows (emphasis added): "(b) The plan shall identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives for sources and categories of sources that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions by 2020."

This means that CARB should never fail to do a feasible and cost-effective measure. CAP authors should apply this same standard.

AB 32 does not end in 2020. Instead AB 32 text states (emphasis stated): "It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020."

B22-16

**WHAT'S LEFT OUT OF THE DESCRIPTION OF SB 375**

The targets are per-capita (with respect to 2005) *driving* reductions for 2020 and 2035, not GHG reductions. . The first footnote in the table of CARB calculations, <http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf> says, "The CO<sub>2</sub> emissions presented in this table do not include reductions from Pavley and LCFS regulations." "Pavley" refers to increased car and light-duty truck efficiency; "LCFS" is Low Carbon Fuel Standards. This means that the reductions can only be from less driving. Since these reductions are the percent reductions from 2005 values, the so-

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called GHG reductions are really driving reductions. This makes sense because the purpose of SB 375 is to give the CARB a way to control personal driving; since it was understood that reductions from low-carbon fuels and more efficient cars would not be sufficient to get emissions down to the trajectory of S-3-05. The target for 2035 should have at least supported S-3-05, but it did not. Instead, CARB gave MPOs the exact 2035 target that they requested. SANDAG's requested 2035 target was based on completing the SANDAG freeway widening projects, with no concern for meeting the S-3-05 trajectory. Neither SANDAG nor CARB bothered to check to see if the 2035 target supported S-3-05.

B22-17

**THE DEIR AND DRAFT CAP ADAPTATION DISCUSSION FAILURE TO STATE WHAT MITIGATION AND CORRESPONDING TEMPERATURE CHANGE SCENARIO IT IS ASSUMING**

If the world's mitigation efforts are insufficient and our climate is destabilized, any adaptation strategy will be overwhelmed. Adaptation measures need to be matched up with an assumption about mitigation outcomes. Adaptation, like climate stabilization and mitigation, is a math problem that must be based on climate science.

B22-18

**THE DEIR AND DRAFT CAP ADAPTATION DISCUSSIONS FAIL TO TELL THE OVERRIDING TRUTH ABOUT ADAPTATION**

It is that without sufficient mitigation, no adaptation can be successful. Instead, any adaptation plan will be overwhelmed by the climate outcome of insufficient mitigation. Climate destabilization must be avoided. The three documents should state that in their Adaptation discussions.

B22-19

**THE DEIR AND DRAFT CAP SHOULD CLEARLY STATE THAT IMPROVING THE WAY WE PAY FOR PARKING AND ROADS WOULD BOTH INCREASE FAIRNESS AND DECREASE DRIVING.**

Reference 6 describes some of the features of how we could improve the way we pay for driving and parking. References 3, 4, and 5 contain varying degrees of detail on the how to improve the way we pay for parking. Reference 6 shows that people are concerned about climate and realize that change is needed. They are also fully capable of understanding subtle inequities that can add up to be significant and can even have severe unintended consequences.

B22-20

Final comments

Sierra Club San Diego has a talented group of volunteers that have various areas of expertise. Please contact me if you think we could help with this on-going process.

**Respectfully submitted,**



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**References**

All references are available from [mike\\_bullock@earthling.net](mailto:mike_bullock@earthling.net), upon request.

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<http://www.sandiego.gov/environmental-services/pdf/sustainable/parkingcosts>
  5. Unpublished and undated report, *Proposals for Carlsbad CAP Improvements*, based on earlier versions for San Diego and other cities, with contributions from following San Diego Sierra Club Volunteers: Retired Chair of the Executive Committee Lori Saldana; Retired Vice Chair of the Executive Committee, Malinda Dickenson; Lead Volunteer for *Power with the Sun Campaign*, Bill Powers; and Chair of the Transportation Subcommittee of the Conservation Committee, Mike Bullock
  6. Two unpublished resolutions approved by the Democratic Club of Carlsbad and Oceanside:  
a.) *A Privacy-Protecting, Road-Use-Fee Pricing & Payout System to Help Solve Climate, Congestion, Deferred Road Maintenance, and the Social Inequity of Using General Funds to Maintain Roads, Since that Money is Needed for Such Things as Transit, Food Stamps, and Education* and b.) *Funding for a Demonstration Project of an Equitable and Environmentally-Sound Car-Parking Policy*

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The San Diego Chapter of the Sierra Club is San Diego's oldest and largest grassroots environmental organization, founded in 1948. Encompassing San Diego and Imperial Counties, the San Diego Chapter seeks to preserve the special nature of the San Diego and Imperial Valley area through education, activism, and advocacy. The Chapter has over 11,000 members. The National Sierra Club has over 700,000 members in 65 Chapters in all 50 states, and Puerto Rico.



# The Development of California Light-Duty Vehicle (LDV) Requirements to Support Climate Stabilization: Fleet-Emission Rates & Per-Capita Driving

Paper #30793

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## ABSTRACT

An Introduction to the topic is provided, including the importance of cars and light duty trucks (Light Duty Vehicles, LDVs), and an identification of the top-level LDV requirements.

The fundamentals of our climate crisis are presented, including its cause, its potential for harm, and existing mandates: *California's Executive Order S-3-05*, *California's Global Warming Solutions Act of 2006* (AB 32), and *California's Sustainable Communities and Climate Protection Act* (SB 375). An earlier calculation of a driving reduction target is described.

Reference year 2005 is identified. The latest climate-stabilizing greenhouse-gas (GHG) reduction target value, for 2030, is calculated, using unambiguous statements by recognized climate experts and California's expected 2020 emissions. The formula for GHG emissions, as a function of per-capita driving, population, fleet CO<sub>2</sub> emissions per mile, and low-carbon fuel standards is given. From that expression, a mathematical relationship between defined factors associated with these variables is derived. These factors are the ratio of the value at the specified later year to the reference year. The factor of car-emission-per-mile driven, for year 2015, with respect to year 2005, is obtained.

Internal Combustion Engine (ICE) mileage values from 2000 to 2030 are identified, as either mandates or assumptions. A table is presented that estimates LDV fleet mileage, for year 2015.

Zero Emission Vehicle (ZEV) values to support a calculation of equivalent-fleet mileage with a significant fraction of ZEVs (ZEV LDVs) are given. A table is shown that uses assumptions about ZEVs, ICEs (ICE LDVs), and the fraction of electricity that comes from renewables, to compute the LDV fleet equivalent mileage, for year 2030. This set of assumptions is dubbed the "Heroic-Measures" (HM) case. It includes having the fraction of ZEVs quickly climb up to significant values, while the ICEs, for the years before significant fractions of ZEVs appear, are, to a significant degree, taken off the road or otherwise caused to be driven less, due to assumed strong governmental policies. The equivalent fleet mileage computed by this table is used, with population and the needed factor of emission reductions, to compute a needed per-capita driving reduction, for 2030, with respect to 2005. Policies to achieve this per-capita reduction are described, with reductions allocated to each policy.

The fleet-equivalent mileage for 2030 that would support a 2005 per-capita driving level is computed. A table is constructed to achieve that equivalent mileage. The assumptions in that table are said to define an "extra-heroic-measures" (EHM) case. They would probably be very difficult to achieve. The electricity required to power the HM case is estimated and compared to current usage.

## INTRODUCTION

Humanity's top-level requirement is to reduce greenhouse gas (GHG) emissions enough to support stabilizing our climate at a livable level. This top-level requirement must flow down to LDVs, due to the significance of their emissions. As an example, LDVs emit 41% of the GHG in San Diego County<sup>1</sup>.

From a systems engineering perspective, the needed requirements are an upper bound on greenhouse gas (GHG) emissions per mile driven (applicable to the entire fleet of LDVs on the road in the year of interest) and an upper bound on per-capita driving, given population growth. This paper will do a calculation of required driving levels, based on calculations of how clean our cars and fuels could be, predicted population growth, and the latest, science-based, climate-stabilizing target. All three categories of LDV emission-reduction strategies will be considered: cleaner cars, cleaner fuels, and less driving.

## BACKGROUND: OUR CLIMATE PREDICAMENT

### Basic Cause

Our climate crisis exists primarily because of these two facts<sup>2</sup>: First, our combustion of fossil fuels adds "great quantities" of CO<sub>2</sub> into our atmosphere. Second, atmospheric CO<sub>2</sub> traps heat.

### California's First Two Climate Mandates

California's Governor's Executive Order S-3-05<sup>3</sup> is similar to the Kyoto Agreement and is based on the greenhouse gas (GHG) reductions recommended by climate scientists for industrialized nations, back in 2005. In 2005, climate scientists believed that the reduction-targets of S-3-05 would be sufficient to support stabilizing Earth's climate at a livable level, with a reasonably high level of certainty. More specifically, this executive order aims for an average, over-the-year, atmospheric temperature rise of "only" 2 degree Celsius, above the preindustrial temperature. It attempts to do this by limiting atmospheric CO<sub>2\_e</sub> to 450 PPM by 2050 and then reducing emissions further, so that atmospheric levels would come down to more tolerable levels in subsequent years. The S-3-05 emission targets are as follows: 2000 emission levels by 2010, 1990 levels by 2020, and 80% below 1990 levels by 2050.

It was thought that if the world achieved S-3-05, there might be a 50% chance that the maximum temperature rise will be less than 2 degrees Celsius, thus leaving a 50% chance that it would be larger than 2 degrees Celsius. A 2 degree increase would put over a billion people on the planet into a position described as "water stress" and it would mean a loss of 97% of our coral reefs.

There would also be a 30% chance that the temperature increase would be greater than 3 degrees Celsius. A temperature change of 3 degree Celsius is described in Reference 3 as being "exponentially worse" than a 2 degree Celsius increase.

The second California climate mandate is AB 32, the so-called *Global Warming Solutions Act of 2006*. It includes provisions for a cap and trade program, to ensure meeting S-3-05's 2020 target

of the 1990 level of emissions. It continues after 2020. Over all years, AB 32 requires CARB to implement measures that achieve the maximum *technologically feasible and cost-effective* (words taken from AB 32) greenhouse-gas-emission reductions.

California is on track to achieve its second (2020) target. However, the world emission levels have, for most years, been increasing, contrary to the S-3-05 trajectory. Because the world has effectively failed to achieve S-3-05, California, if it still is interested in leading the way to human survival, must do far better than S-3-05, going forward, as will be shown.

### **Failing to Achieve these Climate Mandates**

What if we fail to achieve S-3-05 and AB 32 or we achieve them but they turn out to be too little too late and other states and countries follow our example?

It has been written<sup>4</sup> that, “A recent string of reports from impeccable mainstream institutions—the International Energy Agency, the World Bank, the accounting firm of PricewaterhouseCoopers—have warned that the Earth is on a trajectory to warm by at least 4 Degrees Celsius and that this would be incompatible with continued human survival.”

It has also been written<sup>5</sup> that, “Lags in the replacement of fossil-fuel use by clean energy use have put the world on a pace for 6 degree Celsius by the end of this century. Such a large temperature rise occurred 250 million years ago and extinguished 90 percent of the life on Earth. The current rise is of the same magnitude but is occurring faster.”

### **Pictures That Are Worth a Thousand Words**

Figure 1 shows (1) atmospheric CO<sub>2</sub> (in blue) and (2) averaged-over-a-year-then-averaged-over-the-surface-of-the-earth world atmospheric temperature (in red). This temperature is with respect to a recent preindustrial value. The data starts 800,000 years ago. It shows that the current value of atmospheric CO<sub>2</sub>, which is now over 400 PPM, far exceeds the values of the last 800,000 years. It also shows that we should expect the corresponding temperature to eventually be about 12 or 13 degrees above preindustrial temperatures. This would bring about a human disaster<sup>3,4,5</sup>.

Figure 2 shows the average yearly temperature with respect to the 1960-to-1990 baseline temperature (in blue). It also shows atmospheric levels of CO<sub>2</sub> (in red). The S-3-05 goal of 450 PPM is literally “off the chart”, in Figure 2. Figure 2 shows that, as expected, temperatures are starting to rise along with the increasing levels of CO<sub>2</sub>. The large variations in temperature are primarily due to the random nature of the amount of solar energy being received by the earth.

### **FURTHER BACKGROUND: CALIFORNIA’S SB 375 AND A PREVIOUS CALCULATION OF HOW MUCH WE CAN DRIVE**

As shown in the Introduction, LDVs emit significant amounts of CO<sub>2</sub>. The question arises: will driving need to be reduced or can cleaner cars and cleaner fuels arrive in time to avoid such behavioral change? Steve Winkelman, of the Center for Clean Air Policy (CCAP), has worked on this problem. Using CCAP data, an S-3-05-supporting driving reduction, for San Diego County, will be estimated.



### SB 375, the Sustainable Communities and Climate Protection Act of 2008

Under SB 375, the California Air Resources Board (CARB) has given each Metropolitan Planning Organization (MPO) in California driving-reduction targets, for the years 2020 and

Figure 1. Atmospheric CO<sub>2</sub> and Mean Temperature from 800,000 Years Ago

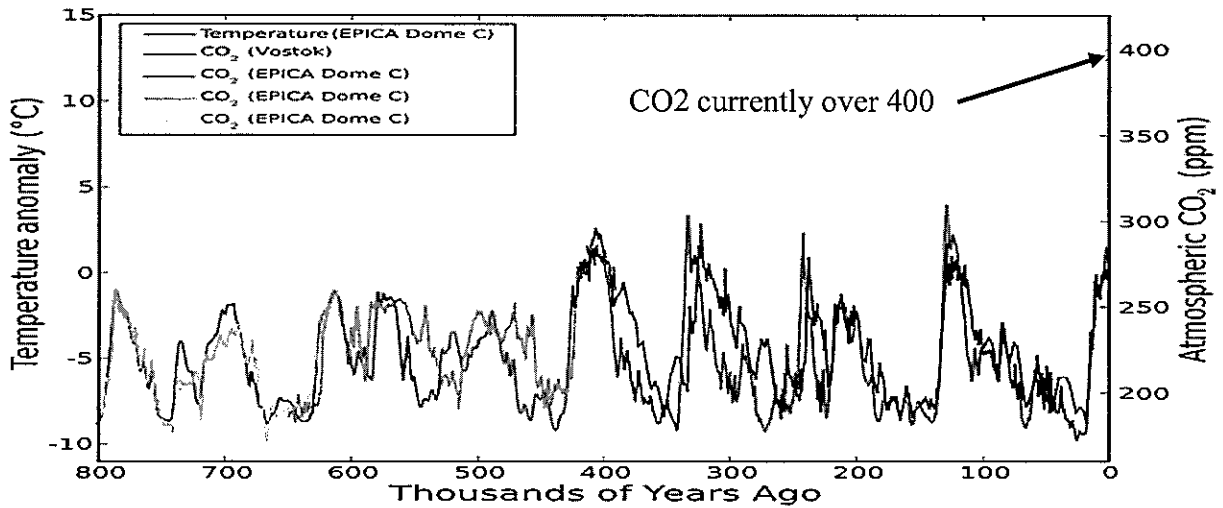
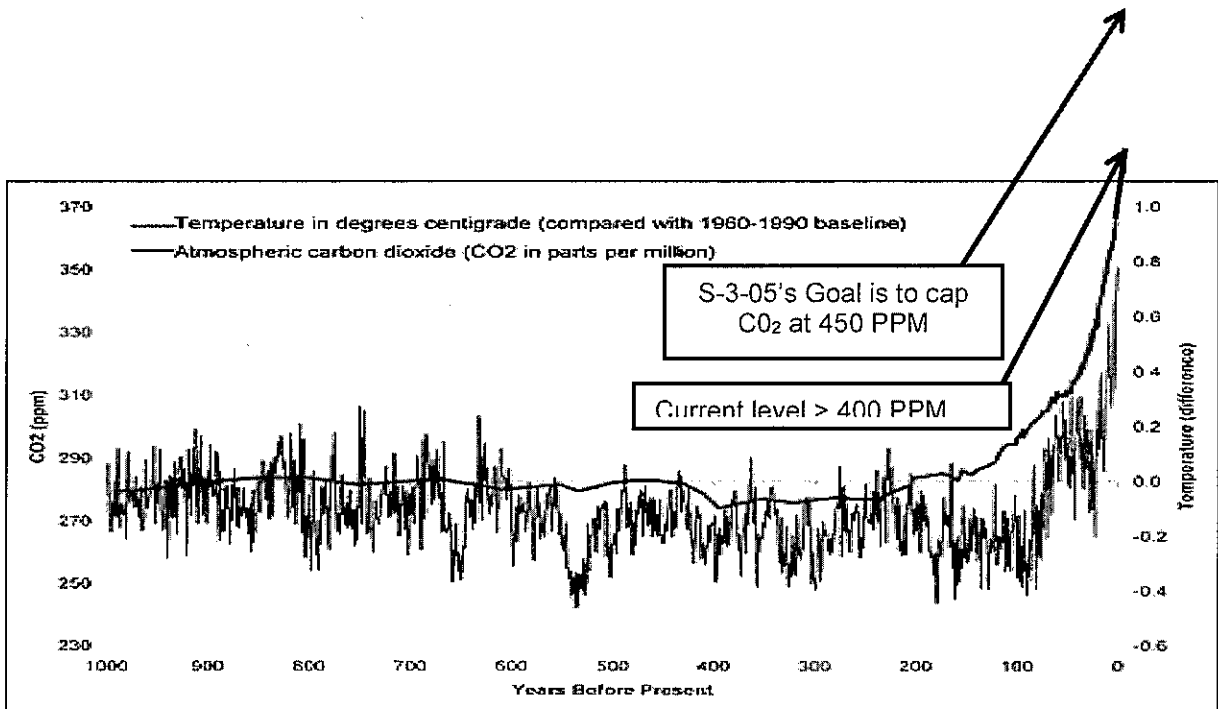


Figure 2. Atmospheric CO<sub>2</sub> and Mean Temperature, Over the Last 1,000 Years



2035. "Driving" means yearly, per capita, vehicle miles travelled (VMT), by LDVs, with respect to 2005. The CARB-provided values are shown at this Wikipedia link, [http://en.wikipedia.org/wiki/SB\\_375](http://en.wikipedia.org/wiki/SB_375).



Under SB 375, every Regional Transportation Plan (RTP) must include a section called a Sustainable Communities Strategy (SCS). The SCS must include driving reduction predictions corresponding to the CARB targets. Each SCS must include only *feasible* transportation, land use, and transportation-related policy data. If the SCS driving-reduction predictions fail to meet the CARB-provided targets, the MPO must prepare an Alternative Planning Strategy (APS), which must also appear in the MPO's RTP. An APS uses *infeasible* transportation, land use, and transportation-related policy assumptions. The total reductions, resulting from both the SCS and the APS, must at least meet the CARB-provided targets.

### Factors Used to Compute the Required Driving Reduction

The definitions in Tables 1 and the two conventions in Table 2 will be used to compute the needed driving reductions, with respect to year 2005, from known and estimated variables and the S-3-05 GHG reductions that were thought to support climate stabilization, back in 2005. By SB 375 convention, Year “i”, the reference year, is 2005.

The fractional reduction in per-capita personal driving, with respect to 2005 driving, needed to achieve any desired level of GHG emission, can be computed using predicted population growth and two of the variables shown in Figure 3<sup>6</sup>. The two needed values are the factor with respect to year 2005 of CO<sub>2</sub> emitted per mile driven (the green line, sometimes referred to as “Pavley”, since AB 1493 was authored by Senator Fran Pavley) and the factor with respect to year 2005 of the advantage from achieving the low carbon fuel standards (LCFS, the purple line).

The variables plotted in Figure 3 are the factors which can be used to multiply the 2005 values to get the values for the years shown. For example, in 2030, the CO<sub>2</sub> emitted from the cars and light-duty trucks in California (the dark blue line), can be computed to be 1.12 times as large as it was in 2005. It can also be said that the value will be 12% larger than it was in 2005. Likewise, the green line, which is the average CO<sub>2</sub> emitted per mile driven, for California's fleet of LDVs, is predicted, in 2030, to be .73 times the 2005 value. This means the value is predicted to be reduced 27%, below its 2005 value. Figure 3 also shows that the 1990 value of emissions (on the light blue line) was about 13% less than it was in 2005.

The S-3-05 trajectory is shown as the gold (or dark yellow) line. It is the factors that can be used to convert 2005 values of emissions to values for the years shown. For example in 2030, emissions will need to be 37% lower than they were in 2005, to meet the S-3-05 mandate.

The SB 375 convention is for CARB to require and for the Metropolitan Planning Organizations (MPOs) to estimate and report their predicted per-capita driving reductions. To compute the per-capita driving reduction, the equation for computing the emissions is used. That equation is the product of the following four factors:

- the Low Carbon Fuel Standard, “L” (which reduces the CO<sub>2</sub> emitted from each gallon of fuel burned),
- the fleet-average CO<sub>2</sub> per mile driven (using the CO<sub>2</sub> per gallon burned without accounting for “L”),

### Table 1. Variable Definitions

<b>Variable Definitions</b>	
$e_k$	LDV Emitted CO2, in Year “k”
$L_k$	Low Carbon Fuel Standard (LCFS) Factor that reduces the Per-Gallon CO2 emissions, in Year “k”
$C_k$	LDV CO2 emitted per mile driven, average, in Year “k”, not accounting for the Low Carbon Fuel Standard (LCFS) Factor
$c_k$	LDV CO2 emitted per mile driven, average, in Year “k”, accounting for the Low Carbon Fuel Standard (LCFS) Factor
$p_k$	Population, in Year “k”
$d_k$	Per-capita LDV driving, in Year “k”
$D_k$	LDV Driving, in Year “k”
$M_k$	LDV Mileage, miles per gallon, in Year “k”
$m_k$	LDV Equivalent Mileage, miles per gallon, in Year “k” accounting for Low Carbon Fuel Standard (LCFS) Factor, so this is $M_k/L_k$
N	Number of pounds of CO2 per gallon of fuel but not accounting for the Low Carbon Fuel Standard (LCFS) Factor

**Table 2. Two Conventions**

<b>Two Conventions: Variable in a Given Year and Factors to Compute a Variable’s Value in Year “k” from it’s Value in Year “i”</b>	
$X_i$	Variable “X” in year “i”
$f_{x_k/i}$	Ratio of the value of “X” in year “k” to the value of “X” in Year “i”, which could also be expressed as $x_k/x_i$ . Note that this is the factor that could be used to multiply the value in Year “i” to get the value in Year “k”.

- the per-capita driving, and
- the population. (The per-capita driving multiplied by population gives the miles driven.)

$$e = L * C * d * p \tag{Eq. 1}$$

For Year “k”, this is the following:

$$e_k = L_k * C_k * d_k * p_k \tag{Eq. 2}$$

For Year “i”, this is the following:

$$e_i = L_i * C_i * d_i * p_i \tag{Eq. 3}$$

Since the two sides of Equation 3 are equal, an equation can be formed by dividing the left side of Equation 2 by the left side of equation 3 and the right side of Equation 2 by the right side of Equation 3. Associating the terms on the right side of this new equation gives Equation 4

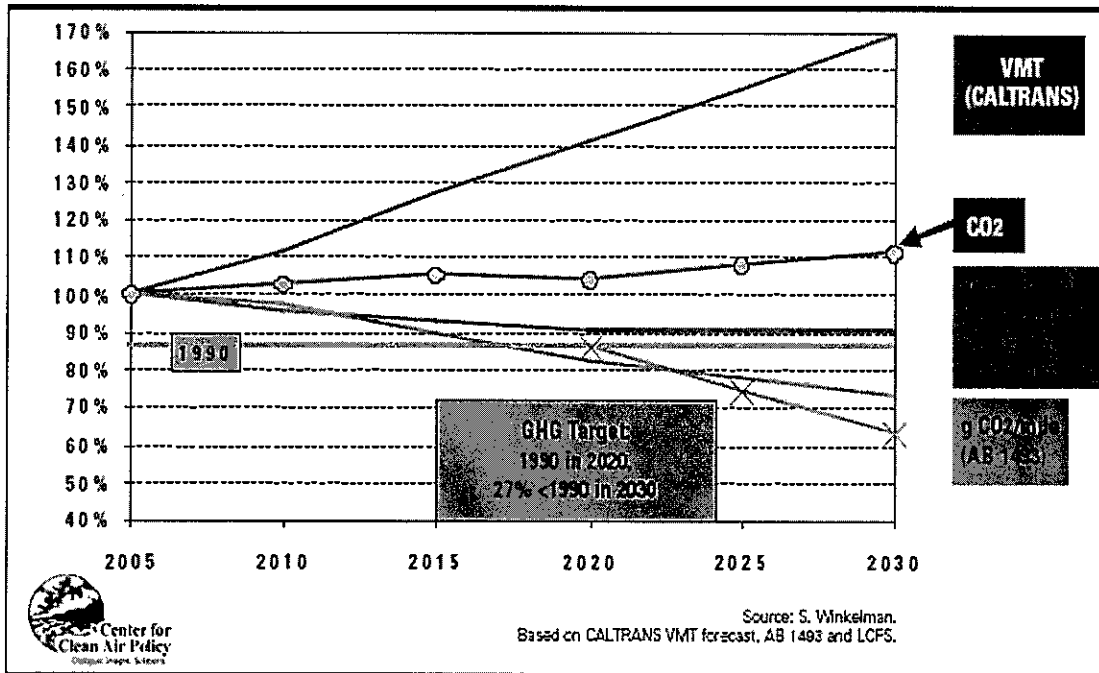
$$\frac{e_k}{e_i} = \frac{L_k}{L_i} * \frac{C_k}{C_i} * \frac{d_k}{d_i} * \frac{p_k}{p_i} \tag{Eq. 4}$$

The convention of the 2<sup>nd</sup> row of Table 2 can be used to create Equation 5 from Equation 4.

$$f_{e_{k/i}} = f_{L_{k/i}} \times f_{C_{k/i}} \times f_{d_{k/i}} \times f_{p_{k/i}} \tag{Eq. 5}$$

The first factor (from left to right) of the right side of Equation 5 is the purple line of Figure 3; the second factor of Equation 5 is the green line of Figure 3; and the product of the last two factors of

**Figure 3** The S-3-05 Trajectory (the Gold Line) AND the CO<sub>2</sub> Emitted from Personal Driving (the Blue Line), where that CO<sub>2</sub> is a Function (the Product) of the California-Fleet-Average CO<sub>2</sub> per Mile (the Green Line), The Predicted Driving (VMT, the Red Line), and the Low-Carbon Fuel Standard (the Purple Line)



the right side of Equation 5 is the red line of Figure 3. Figure 3's, dark-blue-line values are the product of the purple-line values, the green-line values, and the red -line values. For example, in 2030, the dark-blue value of 1.12 can be computed by multiplying the purple-line value of 0.9 times the green-line value of 0.73, times the red-line value of 1.7, times the red-line value of 1.7. As a check, (0.9)\*(0.73)\*(1.7) = 1.1169, which is reasonably close to the (eye-ball-estimate) value of the dark-blue line, for year 2030, 1.12.

**The Required Driving Reduction for San Diego County, for 2035, Using Winkelman's LDV and Fuel Efficiency Values and S-3-05**



As described in Footnote 3 of this report, the CARB-supplied targets are per-capita driving reduction targets. Page 8, of [http://arb.ca.gov/cc/sb375/staffreport\\_sb375080910.pdf](http://arb.ca.gov/cc/sb375/staffreport_sb375080910.pdf), says, “The RTAC recommended that targets be expressed as a percent reduction in per-capita greenhouse gas emissions from a 2005 base year”. However, Footnote 3 applies.

***The Key Relationship and Derivation of the Needed Formula***

They key relationship is Equation 5. Solving for the fractional reduction in per-capita driving, with respect to 2005, results in Equation 6.

$$f_{d_{k/i}} = \frac{f_{e_{k/i}}}{f_{L_{k/i}} \times f_{C_{k/i}} \times f_{P_{k/i}}} \quad (\text{Eq. 6})$$

This driving reduction is a per-capita value, matching the convention of the CARB-supplied target.

***Getting the Values to Use in the Equation***

Figure 3 will supply all of the needed values, except for the factor of population. Neither Figure 3’s red-line values nor its blue-line values are used.

***Getting the Net Factor of the Emissions of GHG, for Year 2035, With Respect to 2005***

To get the factor of the emissions of GHG, for year 2035, with respect to year 2005, it is necessary to extrapolate the Governor’s Executive Order target values (the gold line of Figure 3), out to year 2035. Figure 3’s gold line shows that this factor is 0.87 in 2020 and is 0.64 in 2030. Therefore, in year 2035, the factor will be

$$0.64 + [(.64 - .87) / (2030-2020)] * (2035-2030) = 0.525$$

***Getting the (Pavley) Factor of the Average CO2 per Mile Driven, in 2035, with Respect to 2005***

To get the Pavley reduction factor, for Year 2035, it is necessary to extrapolate the average CO2 per mile driven, which is Figure 3’s green line, out to Year 2035. It is 0.82 in 2020 and it is 0.73 in 2030. Therefore, in Year 2035 the statewide mileage factor data will be

$$0.73 + [(.73 - .82) / (2030-2020)] * (2035-2030) = 0.685$$

***Getting the Factor of the Reduction of GHG Due to Fuels that Burn less Carbon***

To get the factor of the reduction of GHG due to fuels that burn less carbon, it is only necessary to observe the purple line of Figure 3. It indicates that the factor will be 0.9 in 2035.

***Getting the Factor of the Increase in Population***

The factor for population in San Diego County is computed using the populations estimated in CARB’s <http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf>, namely 3,034,388 people in 2005 and 3,984,753 people in 2035. So the factor, from 2005 to 2035 is 3,984,753/3,034,388 = 1.313.

***Computing the Required Per-Capita Driving Reduction, for 2035***

These 4 values are used in Eq. 6, to compute the required factor of per-capita driving (VMT), for 2035, with respect to 2006.

$$f_{d_{k/i}} = .525 \div ( .685 \times 0.9 \times 1.313 )$$

Therefore,  $f_{d_{k/i}} = f_{Per\ Capita\ VMT} = .649.$



This corresponds to a 35.1% reduction in per-capita driving, in year 2035, compared to 2005.

**Computing the Net Amount of Driving, in 2035, Compared to 2005 and its Significance**

The net factor of driving in 2035, compared to 2005, is the product of the per-capita factor of driving (.649, as just computed) and the factor of population change (1.313, as computed above).

Factor of net driving in 2035 compared to 2005:

$$f_{VMT} = .649 \times 1.313 = 0.8515.$$

Based on this set of assumptions, even though San Diego County’s population would grow by 31.3%, from 2005 to 2035, the people would have to drive 15% less than they did in 2005.

**THE DEVELOPMENT OF CALIFORNIA’S TOP-LEVEL LDV REQUIREMENTS TO SUPPORT CLIMATE STABILIZATION**

The above work is obsolete due to our latest understanding of how fast emissions will need to be reduced. It is also clear that cleaner cars will be needed and can probably be achieved. As will be seen, much cleaner cars will be needed if driving reductions are going to remain within what many people would consider achievable. Mileage and equivalent mileage will need to be specified. Some of the above equations will need to be modified, since a significant fleet-fraction of Zero-Emission Vehicles (ZEVs, either Battery-Electric LDVs or Hydrogen Fuel Cell LDVs) will be needed and mileage and equivalent mileage will be used instead of CO2 per mile driven.

Since the SB-375 work used 2005 as the reference year, it will remain the reference year here.

**GHG Target to Support Climate Stabilization**

The primary problem with S-3-05 is that California’s resolve and actions have been largely ignored by other states, our federal government, and many countries. Therefore, rather than achieving 2000 levels by 2010 and being on a track to achieve 1990 levels by 2020, world emission have been increasing. Reference 7 states on Page 14 that the required rate of reduction, if commenced in 2020, would be 15%. That rate means that the factor of 0.85 must be achieved, year after year. If this were done for 10 years, the factor would be  $(0.85)^{10} = 0.2$ . We don’t know where world emissions will be in 2020. However, it is fairly safe to assume that California will be emitting at its 1990 level in 2020, in accordance with S-3-05. This situation shows that the correct target for California is to achieve emissions that are reduced to 80% below California’s 1990 value by 2030. Note that if the reductions start sooner, the rate of reduction of emissions can be less than 15% and the 2030 target could be relaxed somewhat. However, it is doubtful that the world will get the reduction rate anywhere near the needed 15% by 2020. Therefore, the target, of 80% below 1990 levels by 2030 is considered to be correct for California. Reference 7 also calls into question the advisability of aiming for a 2 degree Celsius increase, given the possibilities of positive feedbacks that would increase warming. This concern for positive feedbacks is another reason that this paper will work towards identifying LDV requirement sets that will support achieving 80% below 1990 values by 2030.

Using the top-row definition in Table 1, and this requirement, results in the following equation.

$$\frac{e_{2030}}{e_{1990}} = 0.2 \tag{Eq. 7}$$

From Figure 3,

$$\frac{e_{1990}}{e_{2005}} = 0.87 \tag{Eq. 8}$$

Multiplying the equations together give the following:

$$\frac{e_{2030}}{e_{2005}} = 0.87 \times 0.2 = .174 \quad (\text{Eq. 9})$$

Using the convention shown in Table 2 gives this equation:

$$f_{e_{2030/2005}} = .174 \quad (\text{Eq. 10})$$

### How Miles-Per-Gallon (MPG) Updates the LDV Efficiency Estimates

The number of pounds of CO<sub>2</sub> per mile driven, defined as “C” in Table 1, is equal to the number of pounds of CO<sub>2</sub>, per gallon of fuel, divided by the number of miles travelled on that gallon of fuel. However, in different years, this amount can change from the standard value of “N” as defined in the last line of Table 1, because of the Low Carbon Fuel Standard. Therefore, using the definitions in Table 1, the following equation can be written:

$$c_k = \frac{N \times L_k}{M_k} \quad (\text{Eq. 11})$$

For the baseline year “i”, this is the following:

$$c_i = \frac{N \times L_i}{M_i} \quad (\text{Eq. 12})$$

Using Table 1’s definition of mileage that accounts for the Low Carbon Fuel Standard gives these equations, since  $m = M/L$ :

$$c_k = \frac{N}{m_k} \quad (\text{Eq. 13})$$

$$c_i = \frac{N}{m_i} \quad (\text{Eq. 14})$$

Using Table 2’s second convention and dividing Equation 13 by Equation 14 gives:

$$f_{c_{k/i}} = \frac{c_k}{c_i} = \frac{m_i}{m_k} \quad (\text{Eq. 15})$$

This shows that to get the factor to convert CO<sub>2</sub>-emission-per-mile from the baseline value to a future-time value, the new value is divided by the baseline value. However, if the mileage values are used, the baseline value must be divided by the newer value.

It is also useful to use an intermediate year to get the factor from the baseline year to the year of interest. This can be done by using Equation 13 for different years to result in Equation 14 and Equation 15, where “j” denotes the intermediate year.

$$f_{c_{j/i}} = \frac{m_i}{m_j} \quad (\text{Eq. 14})$$

$$f_{c_{k/j}} = \frac{m_j}{m_k} \quad (\text{Eq. 15})$$

Multiplying these equations together results in Equation 16.

$$f_{c_{j/i}} \times f_{c_{k/j}} = \frac{m_i}{m_j} \times \frac{m_j}{m_k} = \frac{m_i}{m_k} \quad (\text{Eq. 16})$$



Recognizing the right side of Equation 16 shows that these factors can be strung together, as shown by Equation 17, which is a direct result of Equation 16.

$$f_{c_{k/i}} = f_{c_{j/i}} \times f_{c_{k/j}} \quad (\text{Eq. 17})$$

Since the low carbon fuel standard has been incorporated into the carbon emission per mile parameter, “c”, the following equations result, using the definitions of Table 1.

For Year “k”, this is the following:

$$e_k = c_k * d_k * p_k \quad (\text{Eq. 18})$$

For Year “i”, this is the following:

$$e_i = c_i * d_i * p_i \quad (\text{Eq. 19})$$

Since the two sides of Equation 19 are equal, an equation can be formed by dividing the left side of Equation 18 by the left side of equation 19 and the right side of Equation 18 by the right side of Equation 19. Associating the terms on the right side of this new equation gives Equation 4

$$\frac{e_k}{e_i} = \frac{c_k}{c_i} * \frac{d_k}{d_i} * \frac{p_k}{p_i} \quad (\text{Eq. 20})$$

The convention of the 2<sup>nd</sup> row of Table 2 can be used to create Equation 5 from Equation 4.

$$f_{e_{k/i}} = f_{c_{k/i}} \times f_{d_{k/i}} \times f_{p_{k/i}} \quad (\text{Eq. 21})$$

This can be expanded by using Equation 17 to give the following.

$$f_{e_{k/i}} = f_{c_{j/i}} \times f_{c_{k/j}} \times f_{d_{k/i}} \times f_{p_{k/i}} \quad (\text{Eq. 22})$$

For the purposes here, the intermediate year “j” is 2015 and, recalling that “c” takes into account the Low Carbon Fuel Standard, Figure 3 shows that the following is true, where 0.9 is taken (eyeballed) from the green line at 2015 and the .93 is taken (eyeballed) from the purple line.

$$f_{c_{j/i}} = 0.9 \times 0.93 = 0.837 \quad (\text{Eq. 23})$$

Using Equation 22, to solve for the per-capita driving-reduction factor, results in Equation 24.

$$f_{d_{k/i}} = \frac{f_{e_{k/i}}}{f_{c_{j/i}} \times f_{c_{k/j}} \times f_{p_{k/i}}} \quad (\text{Eq. 24})$$

Reference 8 shows that California’s population in 2005 was 35,985,582. Reference 9 shows that California’s population in 2030 is predicted to be 44,279,354. Therefore,

$$f_{p_{k/i}} = 44279354 \div 35985582 = 1.2305 \quad (\text{Eq. 25})$$

Using the values in Equation 10, 23, and 25 gives Equation 26, where “j” is the intermediate year of 2015 and Equation 15 is also used.

$$f_{d_{k/i}} = \frac{0.174}{0.837 \times \frac{m_j}{m_k} \times 1.2305} \quad (\text{Eq. 26})$$

Evaluating the values shown and with j = 2015 and k = 2030 gives Equation 27.

$$f_{d_{k/i}} = 0.1689 \times \frac{m_{2030}}{m_{2015}} \quad (\text{Eq. 27})$$

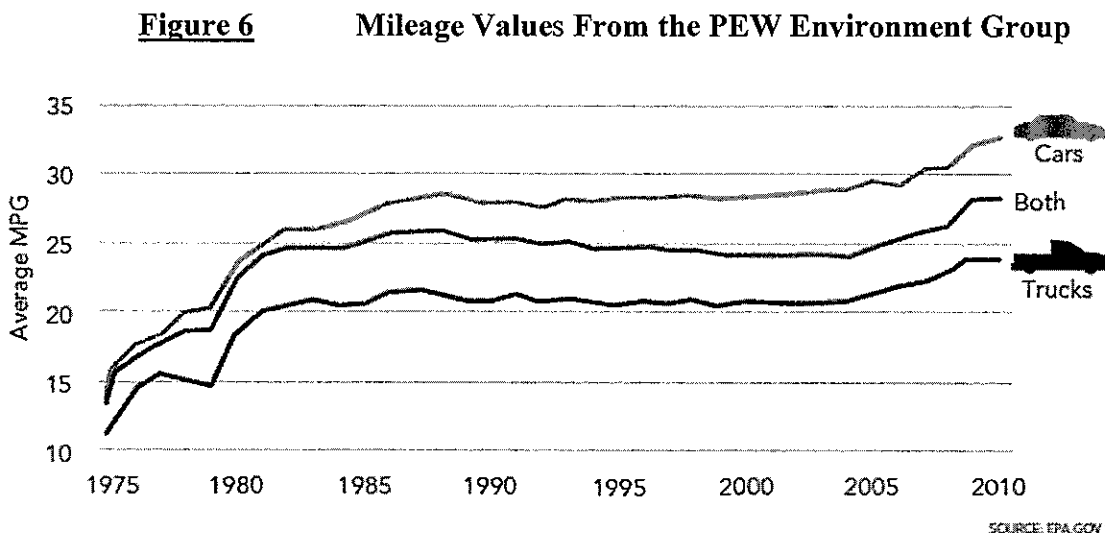


If the per-capita driving factor was 1 (no per-capita driving reduction needed from 2005 to 2030), the 2030 fleet (all LDVs on the road) mileage would need to exceed the 2015 fleet mileage by a factor of 1 divided by 0.1689, which is 5.92. For example, if the mileage for the 2015 fleet is 25 MPG, then the 2030 value would need to be 148 MPG. Clearly, most LDVs in 2030 will need to be ZEVs.

### Internal Combustion Engine (ICE) Mileage, from Year 2000 to Year 2030

The years from 2000 to 2011 are taken from a plot produced by the PEW Environment Group, [http://www.pewenvironment.org/uploadedFiles/PEG/Publications/Fact\\_Sheet/History%20of%20Fuel%20Economy%20Clean%20Energy%20Factsheet.pdf](http://www.pewenvironment.org/uploadedFiles/PEG/Publications/Fact_Sheet/History%20of%20Fuel%20Economy%20Clean%20Energy%20Factsheet.pdf)

The plot is shown here as Figure 6. The “Both” values are used.



The values from 2012 to 2025 are taken from the US Energy Information Agency (EIA) as shown on their website, [http://www.eia.org/federal/executive/vehicle\\_standards#ldv\\_2012\\_to\\_2025](http://www.eia.org/federal/executive/vehicle_standards#ldv_2012_to_2025). They are the LDV Corporate Average Fleet Efficiency (CAFE) values enacted into law in the first term of President Obama. From 2025 to 2030, it is assumed that the yearly ICE improvement in CAFE will be 2.5 MPG.

### Mileage of California’s LDV Fleet in 2015

Table 3 uses these values of ICE mileage to compute the mileage of the LDV fleet in 2015. It assumes that the fraction of ZEVs being used over these years is small enough to be ignored. The 100 miles driven, nominally, by each set of cars, is an arbitrary value and inconsequential in the final calculation, because it will divide out. It is never-the-less used, so that it is possible to compare the gallons of fuel used for the different years. The “f” factor could be used to account for a set of cars being driven less. It was decided to not use this option by setting all of the values to 1. The Low Carbon Fuel Standard (LCFS) values are taken from Figure 3. The gallons of fuel are computed as shown in Equation 28, using the definition for  $L_k$  that is shown in Table 1.

$$\text{Gallons Used per } f * 100 \text{ miles} = \frac{f \times 100}{(\text{CAFE MPG}) / L_k} \quad (\text{Eq. 28})$$

### How ICE Mileage Values Will Be Used with ZEV Equivalent Mileage Values

As will be seen, after 2015, the net (computed using both ICEs and ZEVs) mileage values for each year are assumed to greatly improve by having a significant fraction of ZEVs. The ICE CAFÉ standards are used in this report as just the ICE contribution to fleet MPG. The ICE MPG values are inadequate by themselves and will therefore need to become less important because ZEVs will need to quickly take over the highways.

Federal requirements will need to change dramatically. Currently, federally-mandated corporate average fuel efficiency (CAFÉ) standards have been implemented, from 2000 to 2025. These standards require that each corporation produce and sell their fleet of cars and light-duty trucks in the needed proportions, so that the combined mileage of the cars they sell, at least meet the specified mileage.

**Table 3. Calculation of the Fleet MPG for 2015**

LDV Set	Years Old	Model Year	CAFÉ MPG	LCFS Factor L <sub>Year</sub>	Factor Driven f	Gallons Used Per f*100 Miles
1	14-15	2001	24.0	1.0	1.0	4.17
2	13-14	2002	24.0	1.0	1.0	4.17
3	12-13	2003	24.0	1.0	1.0	4.17
4	11-12	2004	24.0	1.0	1.0	4.17
5	10-11	2005	25.0	1.0	1.0	4.00
6	9-10	2006	25.7	.9933	1.0	3.87
7	8-9	2007	26.3	.9867	1.0	3.75
8	7-8	2008	27.0	.9800	1.0	3.63
9	6-7	2009	28.0	.9733	1.0	3.48
10	5-6	2010	28.0	.9667	1.0	3.45
11	4-5	2011	29.1	.9600	1.0	3.30
12	3-4	2012	29.8	.9533	1.0	3.20
13	2-3	2013	30.6	.9467	1.0	3.09
14	1-2	2014	31.4	.9400	1.0	2.99
15	0-1	2015	32.6	.9333	1.0	2.86
<b>Sum of Gallons:</b>						<b>54.29</b>
<b>Miles = 100*Sum(f's):</b>						<b>1500</b>
<b>MPG = Miles/(Sum of Gallons):</b>						<b>27.63</b>

The car companies want to maximize their profits while achieving the required CAFÉ standard. In California, the car companies will already be required to sell a specified number of electric vehicles, which have a particularly-high, equivalent-value of miles-per-gallon. If the laws are not changed,

this will allow these companies to sell more low-mileage, high profit cars and light-duty trucks, and still achieve the federal CAFÉ standard.

It will be better to apply the CAFÉ standards to only the ICEs and then require that the fleet of LDVs sold achieve some mandated fraction of ZEVs. The ZEVs will get better and better equivalent mileage, as our electrical grid is powered by more renewables. Therefore, their equivalent mileage is not fixed, but will improve over the years. Requirements developed here are for 2030. Therefore a high percentage of all the electricity generated in the state, including both the “in front of the meter” (known as the “Renewable Portfolio Standard” or “RPS”) portion and the “behind the meter” portion is assumed to come from sources that do not emit CO2. The value of 80% is assumed.

**ZEV Equivalent Mileage Values**

To calculate the mileage of the 2030 fleet of LDVs, it is necessary to derive a formula to compute the equivalent mileage of ZEVs, as a function of the percent of electricity generated without emitting CO2, the equivalent ZEV mileage if the electricity is from 100% fossil fuel, and the equivalent ZEV mileage if the electricity is from 100% non-CO2 sources. The variables defined in Table 4 are used.

**Table 4. Variables Used in the Calculation of ZEV Equivalent Mileage**

Variable	Definition
$m_z$	ZEV Equivalent mileage
$m_{zr}$	ZEV Equivalent mileage if the electricity is from renewables
$m_{zf}$	ZEV Equivalent mileage if the electricity is from fossil fuels
$r$	fraction of electricity generated from sources not emitting CO2
$G$	Gallons of equivalent fuel used
$D$	Arbitrary distance travelled
$Num$	$m_{zr} \times m_{zf}$
$Den$	$r \times m_{zf} + (1 - r) \times m_{zr}$

The derivation of the equation for equivalent ZEV mileage is based on the notion that the ZEV can be imagined to travel “r” fraction of the time on electricity generated from renewables and “(1-r)” fraction of the time on fossil fuel. If the vehicle travels “D” miles, then, using the definitions shown in Table 4, the following equation can be written.

$$G = \frac{r \times D}{m_{zr}} + \frac{(1-r) \times D}{m_{zf}} \tag{Eq. 29}$$

$$m_z = D/G = D / \left( \frac{r \times D}{m_{zr}} + \frac{(1-r) \times D}{m_{zf}} \right) \tag{Eq. 30}$$

Dividing the numerator and the denominator by D and multiplying them both by the product of the two equivalent mileage values results in Equations 31.

$$m_z = m_{zr} \times m_{zf} / (r \times m_{zf} + (1 - r) \times m_{zr}) \tag{Eq. 31}$$

Again, using the definitions in Table 4 results in the following.



$$m_z = Num / (Den) \tag{Eq. 32}$$

Table 5 shows an assignment of assumed values and the result of a calculation, using Equations 31 and 32, to produce a ZEV equivalent mileage.

**Table 5. Variable Assignment and the Resulting ZEV Mileage**

$m_{zr}$	$m_{zf}$	r	1-r	Num	Den	$m_z$
5000	70	0.8	0.2	350000.00	1056.00	331.44

**Computing an LDV Fleet Mileage Assuming Heroic Measures (HM)**

Table 6 shows the additional definitions that will be used in this calculation. Table 7 computes the 2030 LDV mileage, assuming “Heroic Measures” to reduce the miles driven in poor-mileage ICE’s, in building and selling a significant fraction of ZEVs, and in getting the Low Carbon Fuel Standards to continue to improve beyond the Table 3 minimum of 0.90.

**Table 6. Additional Variables Used in the Calculation of 2030 LDV Mileage**

Variable	Definition
$D_i$	Distance travelled by ICE vehicles
$D_z$	Distance travelled by ZEVs
$G_i$	Gallons of Equivalent fuel used by ICE vehicles
$G_z$	Gallons of Equivalent fuel used by ZEVs

As shown by the values for “f”, government policies must be adopted to reduce the miles driven by the ICE’s, from 2016 to 2023. The 2016 model ICE’s are driven only 30% as much as the nominal amount. The 2017 year ICE’s can be driving 10% more. This rate of change continues up to 2023, when the ICE’s are doing less damage, due to the large fraction of ZEVs on the road.

As shown, the ZEV fraction of the fleet assumes the value of 5%, just 4 years from now. It then proceeds upward, to 10% in 2019, 25% in 2020, 40% in 2021, and so on, until it reaches 95%.

Achieving these fractions of ZEVs might be compared to what was done during World War II, when automobile productions lines were rapidly converted to produce tanks. This reduced the new cars that could be purchased. Besides this, rationing gasoline made it difficult to drive at times and, due to shortages of leather, which was being used to produce boots for soldiers, some citizens found it hard to even buy shoes. These rapid and inconvenient changes were tolerated, because most people agreed that the war needed to be won. The heroic measures assumed here may not be possible unless citizens and the political leaders they elect understand the dire consequences of climate destabilization and therefore accept, and even demand, the measures that are needed to support climate stabilization.

The equivalent miles per gallon of the LDV fleet in 2030, specifically 111.12 miles per gallon, will be considered as a potential 2030 LDV requirement.

**Computing the Heroic-Measures (HM) Case Per-Capita and Net Driving Factor Requirements, Based on the Result Shown in Table 7**

Plugging the



- equivalent MPG of the LDV fleet in Year 2030, taken from the bottom of Table 7, which is 111.12 MPG, and
- the MPG of the LDV fleet in Year 2015, taken from the bottom of Table 3, which is 27.63 MPG,

into Equation 27, gives the following result:

$$f_{d_{k/i}} = 0.1689 \times \frac{m_{2030}}{m_{2015}} = .1689 \times \frac{111.12}{27.63} = .6795 \quad (\text{Eq. 31})$$

This means that the per-capita driving will need to be about 32% less than in year 2005. The net driving can be computed by multiplying the per-capita driving, 0.6795, by the population factor of 1.2305, computed in Equation 25, resulting in 0.8361. This means that, even with the 23% increase in California’s population, the net driving will have to drop by about 16%. If this LDV requirement set is selected, all of California’s transportation money can be used to improve transit, improve active transportation (mainly walking and biking), and maintain, but not expand, roads.

**Table 7. Calculation of 2030 LDV Mileage Assuming Heroic Measures**

Year	ICE Parameters and Calculations						ZEVs			Yearly Totals		
	CAFÉ MPG	LCFS	Eq. MPG	f	$D_i$	$G_i$	$z$	$D_z$	$G_z$	Total Miles	Total Gallons	2030 MPG
2016	34.3	.9267	37.01	.3	30.0	.8105	0	0	.000	30.0	.8105	37.01
2017	35.1	.9200	38.15	.4	40.0	1.0484	0	0	.000	40.0	1.0484	38.15
2018	36.1	.9133	39.53	.5	47.5	1.2018	.05	5	.015	52.5	1.2168	43.14
2019	37.1	.9000	40.92	.6	54.0	1.3197	.10	10	.030	64.0	1.3498	47.41
2020	38.3	.8500	42.56	.7	52.5	1.2337	.25	25	.075	77.5	1.3091	59.20
2021	40.3	.8000	47.41	.8	48.0	1.0124	.40	40	.121	88.0	1.1331	77.66
2022	42.3	.8000	52.88	.9	40.5	.7660	.55	55	.166	95.5	.9319	102.48
2023	44.3	.8000	55.38	1.0	30.0	.5418	.70	70	.211	100.0	.7530	132.81
2024	46.5	.8000	58.13	1.0	15.0	.2581	.85	85	.257	100.0	.5145	194.36
2025	48.7	.8000	60.88	1.0	5.0	.0821	.95	95	.287	100.0	.3688	271.18
2026	51.2	.8000	64.00	1.0	5.0	.0781	.95	95	.287	100.0	.3648	274.16
2027	53.7	.8000	67.13	1.0	5.0	.0745	.95	95	.287	100.0	.3611	276.92
2028	56.2	.8000	70.25	1.0	5.0	.0712	.95	95	.287	100.0	.3578	279.48
2029	58.7	.8000	73.38	1.0	5.0	.0681	.95	95	.287	100.0	.3548	281.87
2030	61.2	.8000	76.50	1.0	5.0	.0654	.95	95	.287	100.0	.3520	284.10
Sum of Miles and then Gallons of Equivalent Fuel:										1247.5	11.23	
Equivalent MPG of LDV Fleet in 2030:										111.12		
Sum of ZEV Miles = 860. Fraction of Miles Driven by ZEVs = 68.9%												



## Computing LDV Requirements that Support 2005 Per-Capita Driving

The first step is to use Equation 27 and the value of the mileage in 2015 to compute the needed LDV equivalent fleet mileage for 2030 so that  $f_{d_{k/i}}$  is equal to 1.0.

$$m_{2030} = f_{d_{k/j}} \times \frac{m_{2015}}{0.1689} = 1.0 \times \frac{27.63}{0.1689} = 163.54 \text{ MPG} \quad (\text{Eq. 32})$$

Table 8 is constructed, with the fraction of ZEVs selected to achieve the needed equivalent fleet mileage of about 163.54 MPG. Since its ZEV fractions are larger and sooner than in the “Heroic Measures table, Table 8 is the “Extra-Heroic Measures” (EHM) case. The ICE “P” values are unchanged; as are the LCFS values. The EHM ZEV differences from the HM case are the highlighted “z” values.

This means that with the 23% increase in California’s population, computed in Equation 25, the net driving would also increase by 23%. If this LDV requirement set were to be implemented, a lot of California’s transportation money will be needed to expand the highway system, leaving less to improve transit, improve active transportation (mainly walking and biking), and maintain roads.

### Comparing the ZEV Fraction Values of the “Heroic-Measures” (HM) Case to the “Extra-Heroic Measures” (EHM) Case

Table 9 shows the direct comparison of the ZEV fractions that are ZEV requirements for the HM Case and the EHM Case. The differences are highlighted.

## ACHIEVING THE REQUIRED DRIVING REDUCTION OF THE HEROIC-MEASURES (HM) CASE

As shown in Equation 31, in 2030, the per-capita driving will need to at least 32% below the 2005 value. As shown in this link, [http://en.wikipedia.org/wiki/SB\\_375](http://en.wikipedia.org/wiki/SB_375), California’s Metropolitan Planning Organizations (MPOs) are adopting Region Transportation Plans (RTPs) that will achieve reductions in year 2020 and 2035. As also shown there, the targets, for year 2035, range from 0% for Shasta to 16% for Sacramento Area Council of Governments Since this is for 2030 instead of 2035, and to be reasonably conservative, it is assumed here that the state will achieve a 10% reduction in per-capita driving, in 2030, compared to 2005. This leaves 22% to be achieved by new programs.

The title of each of the following subsections contains the estimated per-capita driving reduction each strategy will achieve, by 2030.

### Reallocate Funds Earmarked for Highway Expansion to Transit and Consider Transit-Design Upgrades (3%)

San Diego County has a sales tax measure called “TransNet”, which allocates one-third for highway expansion, one-third for transit, and one-third for road maintenance. It has a provision that allows for a reallocation of funds, if supported by at least two-thirds of SANDAG Board members, including a so-called weighted vote, where governments are given a portion of 100 votes, proportional to their

population. It is hereby proposed to reallocate the TransNet amount, earmarked for highway expansion, to transit and to do similar reallocations throughout California.

This money could be used to fund additional transit systems; improve transit operations; and/or the redesign and implementation of the redesign of existing transit systems. The redesign could include electrification and automation or even upgrading to a different technology.

### A Comprehensive Road-Use Fee Pricing and Payout System to Unbundle the Cost of Operating Roads (7.5%)

*Comprehensive* means that pricing would be set to cover all costs (including road maintenance and externalities such as harm to the environment and health); that privacy and the interests of low-income drivers doing necessary driving would be protected; that the incentive to drive fuel-efficient cars would be at least as large as it is under the current fuels excise tax; and, as good technology becomes available, that congestion pricing is used to protect critical driving from congestion.

The words *payout* and *unbundle* mean that some of the money collected would go to people that are losing money under the current system.

**Table 8. Calculation of 2030 LDV Mileage Assuming Extra-Heroic Measures**

Year	ICE Parameters and Calculations						ZEVs			Yearly Totals		
	CAFÉ MPG	LCFS	Eq. MPG	f	$D_i$	$G_i$	z	$D_z$	$G_z$	Total Miles	Total Gallons	2030 MPG
2016	34.3	.9267	37.01	.3	30.0	.8105	.00	0	.000	30.0	.8105	37.01
2017	35.1	.9200	38.15	.4	36.0	.9436	.10	10	.030	46.0	.9738	47.24
2018	36.1	.9133	39.53	.5	35.0	.8855	.30	30	.091	65.0	.9760	66.60
2019	37.1	.9000	40.92	.6	30.0	.7332	.50	50	.151	80.0	.8840	90.50
2020	38.3	.8500	42.56	.7	21.0	.4935	.70	70	.211	91.0	.7047	129.14
2021	40.3	.8000	47.41	.8	8.0	.1687	.90	90	.272	98.0	.4403	222.59
2022	42.3	.8000	52.88	.9	4.5	.0851	.95	95	.287	95.5	.3717	267.66
2023	44.3	.8000	55.38	1.0	5.0	.0903	.95	95	.287	100.0	.3769	265.31
2024	46.5	.8000	58.13	1.0	5.0	.0860	.95	95	.287	100.0	.3727	268.35
2025	48.7	.8000	60.88	1.0	5.0	.0821	.95	95	.287	100.0	.3688	271.18
2026	51.2	.8000	64.00	1.0	5.0	.0781	.95	95	.287	100.0	.3648	274.16
2027	53.7	.8000	67.13	1.0	5.0	.0745	.95	95	.287	100.0	.3611	276.92
2028	56.2	.8000	70.25	1.0	5.0	.0712	.95	95	.287	100.0	.3578	279.48
2029	58.7	.8000	73.38	1.0	5.0	.0681	.95	95	.287	100.0	.3548	281.87
2030	61.2	.8000	76.50	1.0	5.0	.0654	.95	95	.287	100.0	.3520	284.10
Sum of Miles and then Gallons of Equivalent Fuel:										1309.5	8.07	
Equivalent MPG of LDV Fleet in 2030:										162.27		



**Table 9. HM Case and the EHM Case Which Supports 2005 Per-Capita Driving**

<b>Cases</b>	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>HM</b>	.00	.00	.00	.05	.10	.25	.40	.55	.70	.85	.95	.95	.95	.95	.95	.95
<b>EHM</b>	.00	.10	.30	.50	.70	.90	.95	.95	.95	.95	.95	.95	.95	.95	.95	.95

User fees (gas taxes and tolls) are not enough to cover road costs<sup>10</sup> and California is not properly maintaining its roads. Reference 10 shows that in California user fees amount to only 24.1% of what is spent on roads. Besides this, the improved mileage of the ICEs and the large number of ZEVs needed mean that gas tax revenues will drop precipitously.

This system could be used to help reduce the ICE LDV miles driven in 2016 to 2022, as shown in the “f” column of Tables 7 and 8. This system could probably be implemented in less than 5 years.

**Unbundling the Cost of Car Parking (7.5%)**

Unbundling the cost of car parking<sup>11</sup> throughout California is conservatively estimated to decrease driving by 7.5%, based on Table 1 of Reference 11. That table shows driving reductions due to introducing a price, for 10 cases. Its average reduction in driving is 25% and its smallest reduction is 15%.

**Good Bicycle Projects and Bicycle Traffic Skills Education (3%)**

The best criterion for spending money for bicycle transportation is the estimated reduction in driving per the amount spent. The following strategies may come close to maximizing this parameter.

*Projects to Improve Bicycle Access*

All of the smart-growth neighborhoods, central business districts, and other high trip destinations or origins, both existing and planned, should be checked to see if bicycle access could be substantially improved with either a traffic calming project, a “complete streets” project, more shoulder width, or a project to overcome some natural or made-made obstacle.

*League of American Bicyclist Certified Instruction of “Traffic Skills 101”*

Most serious injuries to bike riders occur in accidents that do not involve a motor vehicle<sup>12</sup>. Most car-bike accidents are caused by wrong-way riding and errors in intersections; the clear-cut-hit-from-behind accident is rare<sup>12</sup>.

After attending *Traffic Skills 101*, students that pass a rigorous written test and demonstrate proficiency in riding in traffic and other challenging conditions could be paid for their time and effort.

As an example of what could be done in San Diego County, if the average class size was 3 riders per instructor and each rider passes both tests and earns \$100 and if the instructor, with overhead, costs \$500 dollars, for a total of \$800 for each 3 students, that would mean that \$160M could teach  $\$160M/\$800 = 200,000$  classes of 3 students, for a total of 600,000 students. The population of San Diego County is around 3 million.



## **Eliminate or Greatly Increase the Maximum Height and Density Limits Close to Transit Stops that Meet Appropriate Service Standards (2%)**

As sprawl is reduced, more compact, transit-oriented development (TOD) will need to be built. This strategy will incentivize a consideration of what level of transit service will be needed, how it can be achieved, and what levels of maximum height and density are appropriate. Having no limits at all is reasonable if models show that the development can function without harming the existing adjacent neighborhoods, given the level of transit service and other supporting transportation policies (such as car parking that unbundles the cost and supports the full sharing of parking<sup>12</sup>) that can be assumed.

### **Net Driving Reduction from All Identified Strategies**

By 2030, the sum of these strategies should be realized. They total 23%, resulting in a 1% margin over the needed 22% (which is added to the existing 10% to get the needed 32%).

### **ADDITIONAL ELECTRICITY REQUIRED**

The URL [http://www.energy.ca.gov/2013\\_energypolicy/documents/2013-06-26\\_workshop/presentations/09\\_VMT-Bob\\_RAS\\_21Jun2013.pdf](http://www.energy.ca.gov/2013_energypolicy/documents/2013-06-26_workshop/presentations/09_VMT-Bob_RAS_21Jun2013.pdf) shows that Californians drove about 325 Billion miles per year, from 2002 to 2011. This value can be multiplied by the 0.8361 factor reduction of driving, computed right after the calculation shown in Equation 31, and the fraction of miles driven by ZEVs, shown at the bottom of Table 7, of 0.689 (from 68.9%), to give the 2030 miles driven by ZEVs = 325 Billion x 0.831 x 0.689 = 187 Billion miles per year.

Using the Tesla information here [http://en.wikipedia.org/wiki/Tesla\\_Roadster](http://en.wikipedia.org/wiki/Tesla_Roadster), it is assumed that 21.7 kW-h is used per 100 miles, or 0.217 kW-h per mile. The total energy used per year is therefore 187 Billion miles x 0.217 kW-h = 40,648 GW-h.

<http://www.cpuc.ca.gov/cfaqs/howhighiscaliforniaselectricitydemandandwheredoesthepowercomefrom.htm>, shows that California is using about 265,000 GW-h per year. Therefore the electricity needed to power California's HM ZEV LDV fleet in 2030 is 100% x 40,648/265,000 = 15.34% of the amount of electricity California is currently using.

### **CONCLUSION**

A requirement set named "Heroic Measures" (HM) is quantified. Table 9 shows that the HM LDV efficiency requirements are much easier to achieve than those needed to allow per-capita driving to remain close to its 2005 level. Strategies to achieve the required HM driving reductions are also allocated and described. They are perhaps about as difficult as achieving the HM LDV fleet efficiency. It is computed that the 2030 fleet of LDV HM ZEVs would require an amount of electricity which is equal to about 15% of what California is using today.

### **ABBREVIATIONS AND ACRONYMS**

**AB 1493** California's Assembly Bill 1493

**ICE**

Internal Combustion Engine LDV

<b>AB 32</b>	California's Assembly Bill 32	<b>kW-h</b>	Kilo Watt-hour
<b>APS</b>	Alternative Planning Strategy	<b>LCFS</b>	Low Carbon Fuel Standard
<b>CAFE</b>	Corporate Average Fleet Efficiency	<b>LDV</b>	Light-Duty Vehicle
<b>CARB</b>	California Air Resources Board	<b>MPO</b>	Metropolitan Planning Organization
<b>CBD</b>	Center for Biological Diversity	<b>Pavley</b>	Senator Pavley's AB 1493
<b>CEQA</b>	California Environmental Quality Act	<b>PPM</b>	Parts per Million
<b>CCAP</b>	Center for Clean Air Policy	<b>RPS</b>	Renewable Portfolio Standard
<b>CNFF</b>	Cleveland National Forest Foundation	<b>RTP</b>	Regional Transportation Plan
<b>SB 375</b>	California's Senate Bill 375	<b>S-3-05</b>	Governor's Executive Order S-3-05
<b>CO<sub>2</sub></b>	Carbon Dioxide	<b>SANDAG</b>	San Diego Association of Governments
<b>CO<sub>2</sub>_e</b>	Carbon Dioxide Equivalent GHG	<b>SCS</b>	Sustainable Community Strategy
<b>EHM</b>	"Extra Heroic Measures" LDV Case	<b>TransNet</b>	San Diego County sales tax
<b>GEO</b>	Governor's Executive Order	<b>URL</b>	Universal Resource Locator
<b>GHG</b>	Greenhouse gas	<b>VMT</b>	Vehicle Miles Travelled
<b>GW-h</b>	Giga Watt-Hours	<b>ZEV</b>	Zero Emission Vehicle LDV
<b>HM</b>	"Heroic Measures" LDV Case		

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## KEYWORDS

Driving, climate, mandates, S-3-05, SB 375, RTP, CEQA, Unbundled, GHG, CAFÉ, ZEVs

**ORAL ARGUMENT NOT YET SCHEDULED**

**No. 13-5192**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

\_\_\_\_\_  
ALEC L., *et al.*,

*Plaintiffs – Appellants,*

v.

GINA McCARTHY, *et al.*,

*Defendants – Appellees,*

THE NATIONAL ASSOCIATION OF MANUFACTURERS, *et al.*,

*Intervenors for Defendants –  
Appellees*

\_\_\_\_\_  
**On Appeal from the United States District Court  
for the District of Columbia (No. 11-cv-02235 (RLW))**

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**BRIEF OF SCIENTISTS AMICUS GROUP AS *AMICI CURIAE* IN  
SUPPORT OF PLAINTIFFS-APPELLANTS SEEKING REVERSAL**

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**CERTIFICATE OF INTERESTED PARTIES, RULINGS,  
AND RELATED CASES**

**A. Parties and *Amici*.** Except for the following, all parties, intervenors, and *amici* appearing before the district court and in this Court are listed in the Brief for Plaintiffs-Appellants. James Hansen, David Beerling, Paul J. Hearty, Ove Hoegh-Guldberg, Pushker Kharecha, Valérie Masson-Delmotte, Camille Parmesan, Eelco Rohling, Makiko Sato, Pete Smith, and Lise Van Susteren are *amici curiae* in this appeal (referred to hereinafter as “Amici Scientists.”).

**B. Rulings under Review.** The rulings under review are the District Court’s May 31, 2012 order granting Defendants and Defendant-Intervenors’ Motions to Dismiss (A085) (and incorporated memorandum opinion (A074-84)); and May 22, 2013 order denying Plaintiffs’ Motion for Reconsideration (A097) (and incorporated memorandum opinion (A086-96)), in *Alec L., et al. v. Jackson, et al.*, No. 1:11-cv-02235-RLW (Hon. Robert L. Wilkins).

**C. Related Cases.** Amici Scientists are unaware of any related cases.

Dated:  
November 12, 2013

Respectfully submitted,  
*/s/ Daniel M. Galpern*  
Daniel M. Galpern  
*Counsel for Amici Curiae*

## CORPORATE DISCLOSURE STATEMENT

*Amici curiae* Scientists, James Hansen, David Beerling, Paul J. Hearty, Ove Hoegh-Guldberg, Pushker Kharecha, Valérie Masson-Delmotte, Camille Parmesan, Eelco J. Rohling, Makiko Sato, Pete Smith and Lise Van Susteren are individuals and co-authors of Exhibit 1 to this Amicus Brief. They are not publicly held corporations, they issue no stock, they have no parent companies, and no publicly held company owns any stock in them. *Amici Scientists* have the purpose here only to assist the Court's consideration of the nature of the climate crisis, including the burden being imposed on present and future generations, and to describe a prescription for a plan of action that, if pursued, could be adequate to preserve essential features of the climate system under which civilization developed.

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**GLOSSARY**

°C

Degrees centigrade

*Amici Scientists*

James Hansen, David Beerling, Paul J. Hearty, Ove Hoegh- Guldberg, Pushker Kharecha, Valérie Masson-Delmotte, Camille Parmesan, Eelco Rohling, Makiko Sato, Pete Smith, and Lise Van Susteren

CO<sub>2</sub>

Carbon dioxide

EPA

Environmental Protection Agency

GISS

Goddard Institute for Space Studies

Holocene

a geological epoch which began approximately 12,000 years ago

IPCC

Intergovernmental Panel on Climate Change

ppm

parts per million by volume



## INTEREST AND IDENTITY OF *AMICI SCIENTISTS*<sup>2</sup>

*Amici Scientists* appear here in their individual capacity and not as representatives of any institution with which they are affiliated. The information and opinions in this brief are not necessarily those of any institution with which *Amici Scientists* are affiliated or those of any party to the present litigation. This brief is offered as an aid to the Court's deliberations over whether the relief sought by Appellants in their appeal is needed to preserve a climate system that is conducive to the survival and wellbeing of today's young people and their progeny.

Amicus James Hansen is the former director of the NASA Goddard Institute for Space Studies (GISS) and is an Adjunct Professor of Earth Sciences at Columbia University's Earth Institute. His research, since the mid-1970s, has focused on studies of the Earth's climate, using ongoing climate observations, Earth's climate history, and computer simulations of the global climate system. Dr. Hansen's testimony to Congress in the 1980s helped raise awareness of the global

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<sup>2</sup> All parties have consented in writing to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no counsel, party, or other person made a monetary contribution intended to fund the preparation or submission of this brief. Pursuant to D.C. Circuit Rule 29(d), *amici curiae* certify that no other brief of which they are aware of addresses the science behind the relief sought in this case. *Amici curiae* are aware that there will be other *amicus curiae* briefs supporting Appellants, but to their knowledge none of them overlap with the arguments presented herewith. *Amici curiae* only submit information to the Court in their area of expertise and certify that filing a joint brief is not practicable and that it is necessary to submit separate briefs.

warming issue. In recent years, he has drawn attention to the danger of passing climate tipping points, producing irreversible impacts that would yield a different planet from the one on which civilization developed. As part of that work, Dr. Hansen has outlined steps that are needed to stabilize climate, with a cleaner atmosphere and ocean. Dr. Hansen was elected to the National Academy of Sciences in 1995.

Amicus Professor David Beerling is a palaeobiologist in the Department of Animal and Plant Sciences, University of Sheffield, UK. His research, which is rooted in experiments and models -- and the emergence of fossil plants as biosensors recording the chemical composition of the ancient atmosphere -- illuminates the causal relationships between terrestrial plant life and the global environment, and helps inform our understanding of human-made global change issues. He has authored over 200 scientific papers, holds a Royal Society Wolfson Research Merit Award, serves on several international scientific committees, and has organized Royal Society meetings (1997, 2006, 2010) on plant and ecosystem responses to past, present and future global environmental change.

Amicus Paul J. Hearty is Research Associate Professor at the University of North Carolina at Wilmington. His Ph.D. education was in glacial and Quaternary geology at the Institute of Arctic and Alpine Research and Geology Department at the University of Colorado at Boulder. He has over 100 peer-reviewed

publications. In the past 3 decades, Hearty's research has focused on the geologic record of sea-level changes, including confirmation that past warmer-than-present interglacial periods experienced substantial melting of polar ice sheets and subsequent sea-level rise. His current NSF (US) research examines the dynamic behavior of sea level and ice sheets during the mid to late Pliocene (3.3-2.9 million years ago), the last geologic interval when atmospheric CO<sub>2</sub> was at or above 400 ppmv -- a level surpassed in May 2013.

Amicus Ove Hoegh-Guldberg is Professor of Marine Studies and Director of the Global Change Institute, at the University of Queensland in Brisbane, Australia. His published works include over 200 refereed publications and book chapters, including the first major evidence of the serious threat that climate change poses for coral reefs and other coastal ecosystems. He is currently a member of the Australian Climate Scientists and the Royal Society (London) Marine Advisory Network, and recently served on the on the Board of Editing Reviewers at Science Magazine. He is currently serving as a Coordinating Lead Author of Chapter 30 (The Oceans) in the Fifth assessment report of the Intergovernmental Panel on Climate Change, due to be released in 2014.

Amicus Pushker Kharecha is a climate scientist with NASA GISS and the Columbia University Earth Institute whose main focus is conducting scientific research that can help to inform sound environmental policies. His research

interests are broad and generally relate to the human dimensions of the carbon cycle, such as the impacts of past, present, and future land use and fossil fuel use on climate, as well as mitigation of anthropogenic climate change via changes in these activities. Dr. Kharecha has served as a co-lead author for a major UNEP publication and has authored multiple high-impact peer-reviewed scientific papers.

Amicus Valérie Masson-Delmotte is a senior climate scientist and head of the "climate dynamics and archives" research group of Laboratoire des Sciences du Climat, Gif-sur-Yvette, France, related to French National Research Center, Atomic Energy Agency, University of Versailles-St Quentin and Institut Pierre Simon Laplace. She has co-authored 150 peer-reviewed publications on climate variability and climate change throughout different time scales, and has contributed to several outreach books for children and for the general public. She has received several prizes for collaborative research, including the Irène Joliot-Curie "French female scientist of 2013" award from the Ministry of Research and the Academy of Sciences. She was a lead author of Intergovernmental Panel on Climate Change (IPCC) 4th Assessment Report (AR4) (2007) and a coordinating lead author of IPCC AR5 (released September 2013), for the IPCC Working Group I paleoclimate chapters.

Amicus scientist Dr. Camille Parmesan is a Professor in Integrative Biology at the University of Texas at Austin (USA) and holds the National Aquarium Chair

in the Public Understanding of Oceans and Human Health in the Marine Institute, Plymouth University (UK). Professor Parmesan's research focuses on the current impacts of climate change on wildlife. Her documentation of the global extent and pervasiveness of the effects of anthropogenic climate change on biodiversity have received multiple international awards, including several from Reuters ISI for being very highly cited in the scientific literature. Parmesan is a Fellow of the Ecological Society of America and is a co-recipient of the Nobel Peace Prize awarded to IPCC in 2007.

Amicus Eelco J. Rohling is Professor (Ocean and Climate Change) at the Research School of Earth Sciences, at The Australian National University. His research concerns past ocean and climate changes, present-day and past states of circulation and property distribution, changes in deep-sea ventilation with impacts on nutrient distributions and the carbon cycle, ecological responses to ocean change, and integration of palaeoclimate research with archaeological records. He has been an international corresponding Fellow of the Royal Netherlands Academy of Arts and Science, a Japan Society for Promotion of Science Senior Invited Researcher, a UK Royal Society Wolfson Research Merit Award winner, and an Australian Laureate Fellow (started 1 March 2013). Eelco has been vice-chairman (2003-2004) and chairman (2005-2008) of the 26-nation International Marine Global Changes Study programme (IMAGES), vice-president of

Palaeoclimatology at the Climates section of the European Geosciences Union (2000-2006), associate editor with *Climate of the Past*, *Geology*, *Paleoceanography*, and *Quaternary Science Reviews*, and editor of both *Paleoceanography* (2006-2009) and *Reviews of Geophysics* (2010-today).

Amicus Makiko Sato is a research scientist at the Earth Institute, Columbia University with over 50 publications in the field of planetary energy balance and climate change. She holds her B.S. and Ph.D. in Physics, and worked at NASA Goddard Institute for Space Studies from 1978 through 2013. Her academic interests include analysis of global change data, especially atmospheric temperature, and analysis of computational results of climate modeling due to different climate forcings -- including that by well-mixed long-lived greenhouse gases (CO<sub>2</sub>, CH<sub>4</sub>, O<sub>3</sub>, and N<sub>2</sub>O) and atmospheric aerosols.

Amicus Pete Smith is the Royal Society-Wolfson Professor of Soils and Global Change at the Institute of Biological and Environmental Sciences at the University of Aberdeen (Scotland, UK), Science Director of the Scottish Climate Change Centre of Expertise (ClimateXChange) and Director of Food Systems for the Scottish Food Security Alliance-Crops. Since 1996, he has served as Convening Lead Author, Lead Author and Author for the Intergovernmental Panel on Climate Change (IPCC), including as the Convening Lead Author of the Agricultural Mitigation chapter of the IPCC Fourth Assessment Report and the



Agriculture and Forestry Mitigation chapter of the IPCC Fifth Assessment. He has coordinated and participated in many national and international projects on soils, agriculture, food security, greenhouse gases, climate change, mitigation and impacts, and ecosystem modelling and is a Fellow of the Society of Biology, a Rothamsted Research Fellow, a Research Fellow of the Royal Society (London; 2008-2013), and a Fellow of the Royal Society of Edinburgh.

Amicus Lise Van Susteren is a board certified general and forensic psychiatrist practicing in Washington DC. Van Susteren serves on the advisory board of the Center for Health and the Global Environment at Harvard School of Public Health and is a member of the Board of Directors of the National Wildlife Federation and the Chesapeake Climate Action Network. Van Susteren is the founder and CEO of "Lucky Planet Foods," a company dedicated to providing low-carbon, plant-based, healthy foods for sustainable living. In 2011, Van Susteren co-founded "Interfaith Moral Action on Climate," a multi-faith coalition dedicated to organizing people of religion and spirituality to speak out against climate change.

### SUMMARY OF ARGUMENT

Global warming due to emissions of greenhouse gases, mainly CO<sub>2</sub> from fossil fuel consumption, is 0.8°C in the last 100 years, with most of this warming in the last 35 years. Due to physical climate system inertia, a comparable amount is “in the pipeline,” ensuring further warming even without further change in the atmospheric concentration of CO<sub>2</sub> and other greenhouse gases.

Already-observed impacts of this warming include rising sea levels, increased atmospheric moisture resulting in more intense precipitation events, higher temperatures causing more frequent and intense heat waves, droughts, and wildfires, loss of sea ice, ice sheet mass and glaciers, expansion of the subtropics, acidification of the oceans, shifting distributions of plant and animal species, and an increasing rate of species extinctions.

Maintaining a climate that resembles the Holocene epoch, the world with a relatively stable climate system under which civilization developed, requires rapid reduction of fossil fuel CO<sub>2</sub> emissions and massive reforestation. Atmospheric CO<sub>2</sub> concentrations passed the level that Amici Scientists consider a safe initial target in, approximately, 1988. Global mean temperature is now close to and may exceed the prior Holocene peak, and unabated fossil fuel emissions continue to drive the Earth increasingly out of energy balance. Unless action is undertaken without further delay, the continuing increase of atmospheric CO<sub>2</sub> will drive Earth's

climate system toward and past points of no return, with disastrous consequences for young people and future generations. Effective action remains possible, but delay in undertaking sharp reductions in emissions will undermine any realistic chance of preserving a habitable climate system, which is needed by future generations no less than by prior generations.

Appellants in this case (hereinafter, "Alec L.") sought a preliminary injunction to ensure that Respondents (hereinafter, "McCarthy") submit to the Court a plan to ensure that the United States commences effective action before it is too late, including efforts to reduce CO<sub>2</sub> emissions by at least 6% annually. That prescription remains consistent with the scientific understanding of what minimally must be done by the United States and other nations to restore planetary energy balance on the century time scale. The inadequacy of the US response – even when accounting, generously, for both present law and stated policy goals – renders action by this Court essential to preserve a viable planet for young people and future generations.

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## ARGUMENT

I. GREENHOUSE GASES HAVE ALREADY REACHED THE DANGEROUS LEVEL AND, WITHOUT EFFECTIVE ACTION, WILL PRODUCE CATASTROPHIC AND IRRETRIEVABLE LOSSES.

At an earlier stage of these proceedings, the United States argued that climate change presents “the possibility of some remote future injury.” Def. Opp’n to Pl. Motion for Prelim. Inj. at 9. That assertion evinced a fundamental misunderstanding of the nature of the threat we face, both as to current impacts and the likelihood of future harm.

Paleoclimate research establishes that for most of the Holocene period – the period of the most recent 10,000 years – Earth’s climate, though highly variable on a regional basis, has been characterized by reasonably constant mean global temperatures. *See* summary of research in James Hansen et al., in *Climate Change and Intergenerational Justice: Rapid Reduction of Carbon Emissions Required to Protect Young People, Future Generations and Nature*, Public Library of Science ONE (forthcoming, Dec. 2013) (Attached hereto as Exhibit 1) at 25 (“[H]umanity and nature, the modern world as we know it, is adapted to the Holocene climate that has existed more than 10,000 years.”).<sup>3</sup> This constancy enabled the Greenland

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<sup>3</sup> *See also*, J. Hansen, M. Sato, G. Russell, and P. Kharecha, Climate sensitivity, sea level, and atmospheric carbon dioxide. *Phil. Trans. R. Soc. A*, 371, 20120294, doi:10.1098/rsta.2012.0294. (2011), available at <http://rsta.royalsocietypublishing.org/content/371/2001/20120294>.

and Antarctic ice sheets to remain in near mass balance, sea levels to be relatively stable, species to flourish, and civilization to develop.

Largely due to the burning of fossil fuels, the atmospheric CO<sub>2</sub> concentration has climbed sharply in recent decades – from 316ppm in 1959 to 395ppm in 2013.<sup>4</sup> In that period, US CO<sub>2</sub> emissions nearly doubled, from 2.83 to 5.43 billion metric tons.<sup>5</sup> The CO<sub>2</sub> concentration is now at a level not seen on Earth for at least 3 million years. Exhibit 1 at 6. The CO<sub>2</sub> increment functions as an added blanket on the planet, reducing the amount of heat that would otherwise be radiated to space and throwing the planet into energy imbalance. In response, Earth has warmed by approximately 0.8°C over the last century, possibly breaching the prior Holocene peak. Exhibit 1 at 34. Due to Earth’s thermal inertia, a similar or greater amount of additional 2.0°C warming is “in the pipeline” before Earth reaches energy balance at the present level of atmospheric CO<sub>2</sub> concentration. *Id.* 6-8.

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<sup>4</sup> Mauna Loa CO<sub>2</sub> annual mean data downloaded Oct. 20, 2013 from [http://www.esrl.noaa.gov/gmd/ccgg/trends/#mlo\\_full](http://www.esrl.noaa.gov/gmd/ccgg/trends/#mlo_full).

<sup>5</sup> T.A. Boden, G. Marland, and R.J. Andres. 2013. Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions Carbon Dioxide Information Analysis Center (CDIAC), with emissions of carbon reported through 2010. Data downloaded on Oct. 20, 2013 from [http://cdiac.ornl.gov/CO2\\_Emission/timeseries/national](http://cdiac.ornl.gov/CO2_Emission/timeseries/national). This amicus brief reports the data in units of CO<sub>2</sub>, utilizing the CDIAC’s carbon-to-CO<sub>2</sub> conversion factor of 3.667.

Avoidance of climate tipping points and subsequent points of no return, Exhibit 1 at 23-26,<sup>6</sup> requires effective action to return the atmospheric CO<sub>2</sub> concentration to, at most, approximately 350 ppm by the end of the century. Exhibit 1 at 7-8, 16-18, 30. This would allow additional heat radiation to escape to space so as to restore the planet's energy balance without additional prolonged global warming. *Id.* at 8. Such action could stabilize Earth's climate system and mitigate human suffering, but further delay may doom this prospect.

The already apparent impact of warming to date, and the likely future impacts of climate change, are addressed in turn.

(a) Present Impacts

While, as noted, global warming to date measures 0.8°C above the 1880-1920 period,<sup>7</sup> it has already led to a 40 percent reduction and an accelerating downward trend in summer Arctic sea ice cover, and an even faster decline in its thickness. Exhibit 1 at 5. Continental ice sheets of Greenland and Antarctica have begun to shed ice at a rate of several hundred cubic kilometers per year. *Id.* In the

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<sup>6</sup> Hansen, et al define “the tipping level [as] the global climate forcing that, if long maintained, gives rise to a specific consequence [and] the point of no return [as] a climate state beyond which the consequence is inevitable, even if climate forcings are reduced.” Hansen, J., et al., *Target Atmospheric CO<sub>2</sub>: Where Should Humanity Aim?*, The Open Atmospheric Science Journal, p. 225 (2008), available at [http://www.columbia.edu/~jeh1/2008/TargetCO2\\_20080407.pdf](http://www.columbia.edu/~jeh1/2008/TargetCO2_20080407.pdf).

<sup>7</sup> The 1880-1920 period is the base period Amici Scientists use for preindustrial time. Exhibit 1 at 5.

past decade, sea level increased about 3cm—a rate of about one foot per century, and nearly twice as fast as the rate of increase during the preceding century.<sup>8</sup> This rise has resulted in losses of coastal wetland areas and greater levels of damage from coastal flooding.<sup>9</sup> For example, in the United States, increased sea level and regional land subsidence have led to the loss of 1900 square miles of coastal wetland in Louisiana, which in turn exacerbates the area’s vulnerability to storm surges like Hurricane Katrina.<sup>10</sup> Mountain glaciers, the source of fresh water to major world rivers during dry seasons, are receding rapidly all around the world. Exhibit 1 at 5. In 1850, Glacier National Park in Montana had 150 glaciers measuring larger than twenty-five acres—today, it has just twenty-five.<sup>11</sup>

Tropospheric water vapor and heavy precipitation events have increased.

Droughts are more common, especially in the tropics and subtropics. Exhibit 1 at 5. Coral reef ecosystems are being impacted by a combination of ocean warming

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<sup>8</sup> Decl. of James Hansen, PhD., filed in *Central Valley Chrysler-Jeep, Inc. et al. v. Catherine E. Witherspoon*, 1:04-cv-06663-REC-LJO, 12 (May 5, 2006).

<sup>9</sup> Intergovernmental Panel on Climate Change, 2007: Impacts, Adaptation, and Vulnerability, Table 4.1 (hereinafter “IPCC Working Group II”).

<sup>10</sup> U.S. Global Change Research Program, 2009: *Global Climate Change Impacts in the United States*, (T. Karl, J.M. Melillo, T.C. Peterson eds., Cambridge Univ. Press, 2009).

<sup>11</sup> United States Geological Survey, *Retreat of Glaciers in Glacier National Park*, available at [http://nrmsc.usgs.gov/research/glacier\\_retreat.htm](http://nrmsc.usgs.gov/research/glacier_retreat.htm) (last visited November 12, 2013).

and acidification from rising atmospheric CO<sub>2</sub>, resulting in a 0.5-2% per year decline in geographic extent. Exhibit 1 at 5.<sup>12</sup> World health experts have concluded with "very high confidence" that climate change already contributes to the global burden of disease and premature death with altered distribution of some infectious disease vectors. *Id.* at 13. Subtropical climate belts have expanded, contributing to more intense droughts, summer heat waves, and devastating wildfires. Exhibit 1 at 5. Further, "[m]ega-heatwaves, such as those in Europe in 2003, the Moscow area in 2010, Texas and Oklahoma in 2011, Greenland in 2012, and Australia in 2013 have become more widespread with the increase demonstrably linked to global warming." *Id.* (internal citations omitted). The probability of such heat events has increased "by several times because of global warming, and the probability will increase even further if global warming continues to increase." Exhibit 1 at 49 (internal citations omitted).<sup>13</sup>

(b) Future effects

Based on measurements of observed climate change, computer simulations of the climate system's responses to additional CO<sub>2</sub> emissions, as well as information from the paleoclimate record, Amici Scientists have concluded that a

<sup>12</sup> Due to the oceans' update of excess CO<sub>2</sub>, "ocean pH is already outside its range of the past several million years." Exhibit 1 at 12 (internal citations omitted).

<sup>13</sup> See also J. Hansen, M. Sato, R. Ruedy, *The New Climate Dice: Public Perception of Climate Change* (August 2012) at [http://www.giss.nasa.gov/research/briefs/hansen\\_17/](http://www.giss.nasa.gov/research/briefs/hansen_17/) (visited Oct. 19, 2013).



continued high rate of burning of fossil fuels over several decades would render multi-meter sea level rise practically certain, and that “if most of the fossil fuels are burned” the sea-level rise could be on the order of tens of meters, with a consequential “loss of hundreds of historical coastal cities worldwide [and] hundreds of millions of global warming refugees from highly-populated low-lying areas.” Exhibit 1 at 10. Global demographics would be thrown into chaos.

Amici Scientists note, as well, that acidification stemming from ocean uptake of a portion of increased atmospheric CO<sub>2</sub> is expected to increasingly disrupt coral reef ecosystem health, with potentially devastating impacts to certain nations and communities. Exhibit 1 at 12-13.

With respect to public health, Amici Scientists warn of receding mountain glaciers “with effects on seasonal freshwater availability of major rivers,” Exhibit 1 at 5, illustrating that present atmospheric CO<sub>2</sub> levels are already a threat to future fresh water security, and that increasing concentrations of CO<sub>2</sub> and associated increased global temperatures will deepen impacts on human health, with children being especially vulnerable. Exhibit 1 at 13. Climate threats to health move through various pathways, including by placing additional stress on the availability of food, clean air, and clean water. *Id.* Summarizing the work of the Intergovernmental Panel on Climate Change, Amici Scientists warn of climate change impacts including “increased malnutrition and consequent disorders,

including those related to child growth and development,” “increased death, disease and injuries from heat waves, floods, storms, fires and droughts,” and “increased cardio-respiratory morbidity and mortality associated with ground-level ozone.” *Id.* at 13.

As noted *supra*, climate zones are already shifting at rates that exceed natural rates of change; this trend will continue as long as the planet is out of energy balance, a conclusion “based on comparison of the observed trend with inter-decadal variability in climate simulations.”<sup>14</sup> Amici Scientists note that “as the shift of climate zones becomes comparable to the range of some species, the less mobile species will be driven to extinction.” Exhibit 1 at 11. Again summarizing the work of the Intergovernmental Panel on Climate Change, Amici Scientists note that for global warming of 1.6°C or more, relative to pre-industrial levels, 9-31 percent of species are anticipated to be driven to extinction, while with global warming of 2.9°C, an estimated 21-52 percent of species will be driven to extinction.<sup>15</sup>

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<sup>14</sup> J. Hansen, M. Sato, R. Ruedy, et al., *Dangerous human-made interference with climate: a GISS modelE study*, *Atmos. Chem. & Phys.*, 7, 2287-2312 (2007), available at [http://pubs.giss.nasa.gov/docs/2007/2007\\_Hansen\\_etal\\_1.pdf](http://pubs.giss.nasa.gov/docs/2007/2007_Hansen_etal_1.pdf).

<sup>15</sup> Amici Scientists note that “Mass extinctions occurred several times in Earth’s history [117-118], often in conjunction with rapid climate change. New species evolved over millions of years, but those time scales are almost beyond human comprehension. If we drive many species to extinction we will leave a more desolate, monotonous planet for our children, grandchildren, and more generations  
(footnote continued)

II. ACTION TO PHASE OUT CO<sub>2</sub> EMISSIONS IS URGENTLY REQUIRED, WHILE DELAY VIRTUALLY ENSURES CALAMITY.

The 2007 consensus statement by the IPCC, summarizing research through 2005, indicated that human-induced warming of Earth of approximately 2°C constituted dangerous climate change. From that, however, no conclusion logically could be drawn as to the danger inherent in lower levels of global warming.

Research by Amici Scientists and others to assess this question has been spurred on by the realization, as described *supra*, that large climate impacts have commenced already, even though Earth's lagged temperature response to the recent climb in atmospheric CO<sub>2</sub> is "only" 0.8°C above preindustrial levels. Amici Scientists estimate that current global temperature already exceeds Holocene mean temperature by at least 0.25°C, Exhibit 1 at 5, and there is strong evidence that the current temperature already exceeds the prior warmest Holocene levels reached in the early Holocene.<sup>16</sup> Empirical research showing an ongoing and accelerating mass loss of the Greenland and West Antarctic ice sheets, which began within the

than we can imagine. We will also undermine ecosystem functions (e.g., pollination which is critical for food production) and ecosystem resilience (when losing keystone species in food chains), as well as reduce functional diversity (critical for the ability of ecosystems to respond to shocks and stress) and genetic diversity that plays an important role for development of new medicines, materials, and sources of energy." Exhibit 1 at 12.

<sup>16</sup> Miller, G.H., Lehman, S.J., Refsnider, K.A., Southon, J.R., Zhong, Y., *Unprecedented recent summer warmth in Arctic Canada*, *Geophys. Res. Lett.*, doi:10.1002/2013GL057188 (2013), available at <http://onlinelibrary.wiley.com/doi/10.1002/2013GL057188/abstract>.



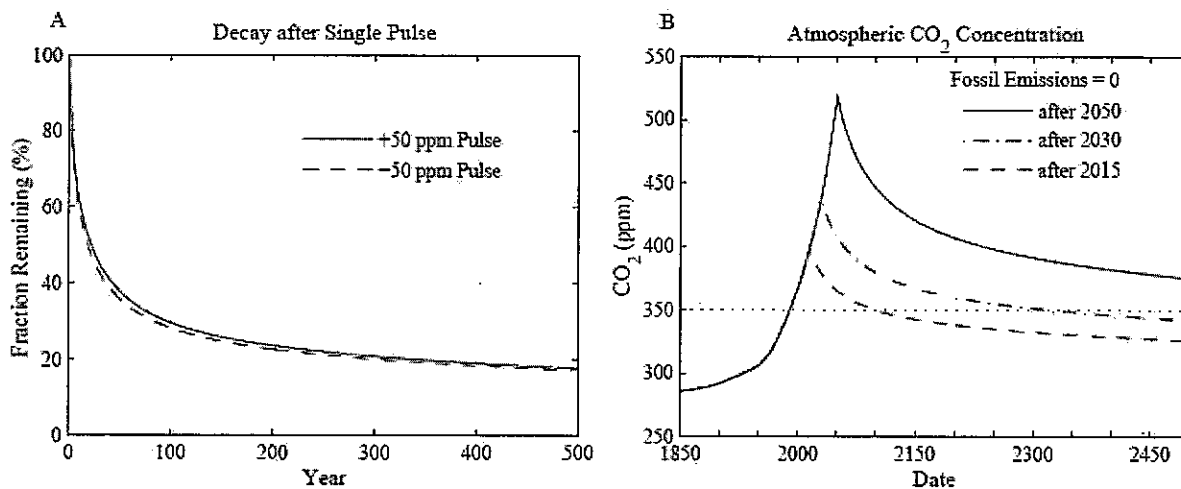
last few decades, provides confirming evidence that today's global temperature has reached a level higher than prior Holocene temperatures. *Id.*

Accordingly, the best available current science establishes that today's atmospheric CO<sub>2</sub> level is already into the "dangerous zone." *Id.* at 16. Because the recently-observed climate effects with respect to the ice sheets are still relatively small compared to total ice sheet mass, these feedbacks may not be a major factor if maximum global warming overshoot of ~1°C occurs only briefly and then recedes. *Id.* at 10-12.

Action therefore must be undertaken to restore the atmosphere's level of CO<sub>2</sub> concentration to 350ppm at most, so as to avert avoidable additional warming that may drive the climate system past tipping points that assure transition to "a very different planet," *Id.* at 3, and keep the period of overshoot to a minimum. *Id.* at 30. In particular, Amici Scientists determine that the present path of "continued extraction of all fossil fuels, including development of unconventional fossil fuels such as tar sands, tar shale, [and] hydrofracking," if continued for another 20 years, likely would lead to irreversible warming of the ocean and other climate impacts. *Id.* at 30.

The underlying reason why delay in emissions reductions practically forecloses the opportunity to protect and restore the climate system is that, as illustrated in Fig. 1, below, a substantial share of any additional infusion of CO<sub>2</sub> lasts in the

atmosphere for centuries (and while there, continuously acts to further heat the planet). Accordingly, Earth's temperature response to the "radiative forcing" effect of the higher atmospheric CO<sub>2</sub> concentration is a function not only of recent emissions, but the persisting share of prior emissions.



**Figure 1.** (a) Decay of instantaneous (pulse) injection and extraction of atmospheric CO<sub>2</sub>, (b) CO<sub>2</sub> amount if fossil fuel emissions are suddenly terminated at the end of 2015, 2030, 2050. Exhibit 1 at 16.

As a consequence of the long-lived nature of CO<sub>2</sub> and the fact that human-derived emissions have already caused a substantial overshoot of the long-term safe atmospheric concentration level, any substantial delay in undertaking effective action – even if such action included a sharp cut-off of emissions – would render it impossible to return the atmospheric CO<sub>2</sub> concentration to 350ppm within this century. Thus, as illustrated in Fig. 1B, above, if emissions of CO<sub>2</sub> are allowed per business as usual for even two decades longer the concentration of CO<sub>2</sub> in the

atmosphere will not return until the year 2300 to the nominally safe level of 350ppm even if all such emissions were abruptly ceased in the year 2030. *Id.* at 17.<sup>17</sup> In contrast, complete cessation in 2015 would return to the atmospheric CO<sub>2</sub> concentration to 350ppm by the end of the century. *Id.* at 16 .

An abrupt cessation of all CO<sub>2</sub> emissions, whether in 2015 or 2030, is unrealistic, in part because industry, other business, and consumers alike need time to retool and reinvest in emission-free options to fossil fuels. Accordingly, Amici Scientists have proposed a glide path to secure an atmosphere whose CO<sub>2</sub> concentration is no higher than 350ppm. Their plan requires fossil fuel CO<sub>2</sub> emissions reductions of 6 percent annually, coupled with programs to limit and reverse land use emissions (i.e., massive reforestation). Exhibit 1 at 18, 35-36. These actions could achieve the goal of restoring the atmosphere to approximately 350ppm within this century if the plan were commenced without delay, and then adhered to. However, consistent with the abrupt phase out scenarios discussed in the prior paragraph *supra*, if the 6 percent annual emission reductions are delayed until 2030, then the global temperature will remain more than 1°C higher than preindustrial levels for nearly 300 years. *Id.* at 22.

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<sup>17</sup> Were the emission cessation only to commence after 40 years, Amici Scientists estimate that the atmosphere would not return to 350ppm CO<sub>2</sub> for nearly 1000 years. *Id.* at 17.

Considered in another way, the required rate of emissions reduction would have been about 3.5% per year if reductions had started in 2005, while the required rate of reduction, if commenced in 2020, will be approximately 15% per year. *Id.* at 17. Accordingly, the dominant factor is the date at which fossil fuel emissions phase-out begins.<sup>18</sup>

### III. THE DISTRICT COURT MISAPPREHENDED THE NATURE OF THE CLIMATE CRISIS

In its conclusion to its memorandum opinion, the lower court observed that “[t]hroughout history, the federal courts have served a role both essential and consequential in our form of government by resolving disputes that individual citizens and their elected representatives could not resolve without intervention.” *Alec L. v. Jackson*, 863 F. Supp. 2d 11, 17 (D.D.C. 2012). But the court declined to take action to adopt what it deemed to be the “sweeping court-imposed remedy” urged by *Alec L. Id.* To do so, according to the court, would implicate “the

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<sup>18</sup> Amici Scientists further stress that the rate of annual emissions reductions must be sufficiently deep and, at minimum, maintained until phase out. With respect to both of these requirements, the present U.S. Climate Action Plan appears inadequate on its face. *See* U.S. Department of State, 2014 Climate Change Report, Ch. 1 at 3 (“Given implementation of programs and measures in place as of September 2012 and current economic projections, total gross U.S. GHG emissions are projected to be 4.6 percent lower than 2005 levels in 2020. Between 2005 and 2011 total gross U.S. GHG emissions have declined significantly due a combination of factors, including the economic downturn and fuel switching from coal to natural gas (U.S. EPA 2013). Emissions are projected to rise gradually between 2011 and 2020. Emissions are projected to remain below the 2005 level through 2030. . . .”). Available at [www.state.gov/e/oes/climate/ccreport2014/](http://www.state.gov/e/oes/climate/ccreport2014/).

fundamental nature of our government and our constitutional system.” *Id.* Instead, the court urged the parties to keep talking to each other “to seek (and perhaps even seize) as much common ground as courage, goodwill and wisdom might allow to be discovered.” *Id.*

However, with respect, the time for mere talk has passed, and the window of opportunity for effective action is closing fast. As Amici Scientists observe, “[W]e have a planetary climate crisis that requires urgent change to our energy and carbon pathway to avoid dangerous consequences for young people and other life on Earth.” Exhibit 1 at 32-33.

Because the United States has admitted that business as usual poses a dire threat to humanity,<sup>19</sup> the question of whether the United States must act to avert

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<sup>19</sup> See, e.g., EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule, 74 Fed. Reg. 66496, 66535 (Dec. 15, 2009) (“Looking across all of the sectors discussed above, the evidence provides compelling support for finding that greenhouse gas air pollution endangers the public welfare of both current and future generations [and that] the risk and the severity of adverse impacts on public welfare are expected to increase over time.”); Statement of Secretary of State John Kerry on Statement of September 27, 2013 (“What one country does impacts the livelihoods of people elsewhere – and what we all do to address climate change now will largely determine the kind of planet we leave for our children and grandchildren.”) available at <http://www.state.gov/secretary/remarks/2013/09/214833.htm>.; Executive Office of the President, *The President’s Climate Action Plan*, 4 (declaring climate change to be “one of our greatest challenges of our time”), 6 (citing President Obama that a failure to respond “would betray our children and future generations) available at [www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf](http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf).



dangerous climate change is not at issue in this matter. What is at issue is the adequacy of U.S. action to meet the threat.

In order to *fully* evaluate that adequacy, Amici Scientists acknowledge that the Court would need to measure the course of U.S. action against some specific standard. In Exhibit 1, Amici Scientists attempted to establish such a scientifically defensible standard. Specifically, Amici Scientists address and answer the question of what is minimally required to restore the relatively moderate climate that has enabled civilization to develop. Toward that end, as discussed above, Amici Scientists advocate a glide path of annual fossil fuel emissions reductions of at least six percent that could restore atmospheric carbon dioxide concentrations to return to no more than 350ppm by the end of the century. If commenced without delay, and coupled with reasonable land use improvements and phase down of other potent greenhouse gases and precursors, Amici Scientists believe it feasible that humanity could still avoid climate tipping points that could trigger uncontrollable consequences.

District courts retain equitable authority to “fashion a less expansive remedy” than that urged in an original complaint, as the lower court itself observed. *Alec L. v. Jackson* 863 F. Supp. 2d at 13, n.5. Accordingly, even if the lower court were precluded from ordering the full panoply of remedies in Alec L.’s prayer for relief, it nonetheless could have ordered the United States to

demonstrate whether and how *its* own climate action plan, if fully pursued, would reduce fossil fuel emissions, *inter alia*, sufficiently and quickly enough that, in conjunction with similar action by other nations, would preserve the central features of the Holocene climate system for our children and future generations.

Amici Scientists file this brief in the expectation that a deeper understanding of the risks of unabated emissions and the closing opportunity for meaningful action will assist the Court of Appeals in evaluating the question whether the lower court at least should have required the United States to report to it as to the long-term adequacy of its climate action plan.

### CONCLUSION

Systematic reductions in CO<sub>2</sub> emissions, for the reasons provided by Amici Scientists in the work cited throughout this Amicus Brief, must be undertaken in conjunction with land use improvements so as to return the concentration of CO<sub>2</sub> in the atmosphere to a level no higher than 350ppm by the end of the century, if not sooner. Appellants in this matter seek an Order by the Court remanding the matter to the lower court in order to require Respondents to submit a “Climate Recovery Plan” whose key features, if followed, would slow fossil fuel emissions at a rate leading to stabilization of Earth's energy balance as required to preserve a habitable climate system. This Brief has established that such action is urgently required. In particular, the failure to commence CO<sub>2</sub> emissions reductions without further

delay, and to undertake other measures consistent with the prescription developed by Amici Scientists, would consign our children and their progeny to a very different planet, one far less conducive to their survival. At minimum here, Amici Scientists urge this Court to remand with instructions for the United States to demonstrate that its plan of action would avert dangerous climate change and preserve a viable climate system. Such remand order by this Court may be the best, the last, and, at this late stage, the only real chance to preserve a habitable planet for young people and future generations.

Respectfully submitted this 12th day of November, 2013.

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### CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and Fed. R. App. P. 29(d) because it contains 5742 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii) and Circuit Rule 32(a)(1).

I further certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6), because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 14-point Times New Roman font.

/s/ Daniel M. Galpern  
Daniel M. Galpern  
*Counsel for Amici Curiae*  
Dated: November 12, 2013

### CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November, 2013, I have served the foregoing *Amicus Curiae* Brief on all registered counsel through the Court's Case Management/Electronic Filing System (CM/ECF).

/s/ Daniel M. Galpern  
Daniel M. Galpern  
*Counsel for Amici Curiae*  
Dated: November 12, 2013

# Equitable and Environmentally-Sound Car Parking Policy at Schools

By Mike Bullock [mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net)

July 20, 2011

## Introduction

This paper describes a parking policy that distributes the benefit of parking to all students of driving age, regardless of how often they choose to drive. It does this by

- charging a fair price for the parking, per unit of time parked,  
and by
- giving the earnings to all students of driving age, in proportion to the time they spend at the school.

This same method is applied to the school's employees.

Reference 1 describes a more comprehensive policy that will efficiently and conveniently unbundle the cost of parking in all circumstances. It is available at the following URL: <http://www.sandiego.gov/environmental-services/pdf/sustainable/parkingcosts.pdf>.

The system described herein is less complex because it does not include congestion pricing, price predictions, or policies that are unique to on-street parking. These features can be eliminated, because it is assumed that there will be an adequate supply of parking, so no congestion pricing is needed; that the price can be relatively stable, so no price predictions are needed; and finally, that students and employees can be successfully required to park only at the school, so there is no need for new, on-street parking policies, designed to protect adjoining neighborhoods from the intrusion of additional parked cars.

## Rationale

This system of "unbundled parking cost" will allow all stakeholders to see the actual value of the parking. It will reduce driving to the school. Less driving will reduce traffic congestion, air pollution and greenhouse gas (GHG) emissions.

Parking is expensive to provide. Therefore, if no parking had been provided, the saved money could have been invested to increase employee salaries. The method described in this paper allows employees to gain some of that lost salary back, by driving less.

Providing free or underpriced parking only benefits employees that would drive every day, even if they had a method to recover some of their lost salary.

July 18, 2011

Page 1

**Methods**

The parking is operated on the behalf of the students and employees, as if it were their own business. Those that drive are therefore their own customers.

*Charge* for parking is proportional to time parked and is charged to the student or employee associated with the car. (A charge rate that is acceptable to all must be established.) For example, if sixty cents per hour is selected, the charging software could round off the parking duration time to the nearest minute and apply a one-cent-per-minute charge. The data-collection method could be implemented with RFID's on cars being detected at parking-lot entrances and exits. (Unauthorized cars coming onto the campus would be identified with license-plate detection and, if a car belonging to a felon is driven onto the campus, a warning notice could be sent to authorities, if this is desired by the school board.)

*Earnings* (net revenue, minus the cost of collection and distribution) are given to students of driving age and to employees, in proportion to the time they spend at the school (except for the days they were "dropped off", meaning chauffeured; this feature is described in the next paragraph). This could be based on a student's or employee's schedule or, for more accuracy, could be based on "time-at-the-school" data, collected using personal radio frequency identification units (RFIDs) and detectors that are tied to a central, implementing computer. The variables used to compute the amount of money to be paid to a student are shown in Table 1. The corresponding formula is shown in Figure 1. The same approach would be used to compute the earnings of the employees.

**Table 1 Variables Used to Compute a Student's Monthly Earnings**

<b>Definitions to Compute A Student's Monthly Earnings</b>	
$T_{Student}$	The Student's Monthly Time at the School
$T_{AllStudents}$	Total Monthly Time at School, All Students
$E_{AllStudents}$	Total Monthly Earnings from the Student Parking

**Figure 1 Formula Used to Compute a Student's Monthly Earnings**

$$E_{Student} = T_{Student} * ( E_{AllStudents} / T_{AllStudents} )$$

"Drop off" (*chauffeured*) policy is as follows. Students may only be dropped off in designated areas. Cars used for this purpose must be authorized and associated with either a student or an employee. For the day that a car is used for drop off or pickup, the student or employee associated with the car accumulates no time at the school, used for the purpose of computing earnings.

*Parking statements* are automatically sent out monthly, showing the individual's charges and earnings. For students, the net earnings, for those that drive less than the average, could be distributed in the form of a check, or could be deposited to a school-board-created 401K or other type of savings account. This savings account money could then be used for college tuition or awarded to the student when they turn 21 years of age, if that is desired by the school board. Studies have shown that students that have a savings account for college are more likely to attend college.

### **Implementation**

Since this is a new system, it would be prudent for the school board to have the vendor take the full responsibility for operating the system, for the first 10 years. This arrangement would ensure that the vendor would debug the system and continue to look for operational efficiencies, over the 10 year period. A sliding scale of vendor-compensation could be specified in the contract, as follows: The vendor could operate the system for 10% of the revenue, for the first 5 years; 5% of the revenue, for the next 3 years; and 2% of the revenue, for the final 2 years. For example, if it is assumed that, on average, 600 cars are parked for 8 hours, for 200 days per year, at a rate of 50 cents per hour, then the yearly revenue would be \$480,000 per year. The vendor would therefore collect \$240,000 over the first 5 years, \$72,000 over the next 3 years, and \$28,800 over the last two years. Figure 2 shows contact information and excerpts of received emails, from a San Diego vendor. This particular vendor has stated that both the design and the installation of a fully-automated system would be easy to perform.

### **Experience of Other Schools/Organizations**

Table 2 shows nine public schools and two private schools that charge for parking. (It should be noted that the method described here is much more than just "charging for parking", because the earnings are given back to the students and employees.) Table 3 shows that introducing a price differential into the choice of how often to drive will decrease the amount of driving.

### **Other Benefits**

Depending on the school's location and the size of its access roads, there could be a substantial decrease in local congestion, improving the health of all students. This

parking policy will show neighbors that the administration is working to be a good citizen. This program will encourage active transportation, meaning modes that provide exercise for the students. It will also teach the students the value of parking. It is recommended that the method of determining the selected rate of charge be shared with both the students and the community at large. This program can be thought of as a demonstration project of a new approach to parking.

**Figure 2 One Set of Identified-Vendor Information**

<p><b>David R. Carta, Ph.D., CEO</b>  <b>TELAERIS Inc.</b>  <b>Innovative Solutions and Rapid Development</b>  <b>9123 Chesapeake Dr., San Diego, CA 92123</b>  <b>+1.858.627.9708 : Office</b>  <b>+1.858.627.9702 : Fax</b>  <b>+1.858.449.3454 : Mobile</b>  e-mail: <a href="mailto:David.Carta@Telaeris.com">David.Carta@Telaeris.com</a>  skype: davidcarta</p>	<p>I reviewed your Intelligent Parking proposal and presentation in their entirety. The identification of vehicles which you suggest for student parking using commercially available RFID technologies is a fairly straightforward process. There are numerous, inexpensive passive (no battery required) RFID tags which have been specifically designed for use on cars and trucks. These tags are installed directly on license plates or windshields, can be read from up to 30 meters away, and can be read as cars drive up to 60 mph. Additionally, automatic license recognition systems, used in conjunction with RFID, can provide a high level of enforcement making it difficult to cheat the system, similar to the Fast Track system which allows tolls to be automatically collected.</p>
<p>This is not too tough - we probably would integrate with a service that already sends physical mail from a electronic submission instead of re-inventing this wheel.</p>	

### Green House Gas Impacts

S-3-05 is a California Governor's Executive Order to drop Year 2020 levels of greenhouse gas (GHG) emissions to the level of 1990 emissions and to drop our Year 2050 level of GHG emissions to 80% *below* 1990 levels. If the world achieves similar reductions, the earth's level of atmospheric CO<sub>2</sub> will be capped at 450 parts per million (PPM). Figures 3, 4, and 5 show how large 450 PPM is, compared to values over the last 800 thousand years. Reference 3 shows that the goal of S-3-05 is to limit atmospheric CO<sub>2</sub> to 450 PPM and it also shows that even if this cap is achieved, the risk of a human catastrophe caused by global warming is significant. Reference 4's Figure 1 shows that a significant reduction in driving is critically needed.

### Conclusion

Adopting this program will benefit the school in numerous ways. Students will gain an understanding of economics and technology. All members of the school community can



take pride in being part of this pioneering effort to reduce driving and the associated green house gases. It is a demonstration of the fundamental features of Reference 1. It will set an example for other schools and employers.

**Table 2 American High Schools that Charge for Parking**

<b>Eleven U.S. High Schools that Charge Students to Park</b>						
<b>State</b>	<b>City</b>	<b>County</b>	<b>High School</b>	<b>Price Per year</b>	<b>Link to Price</b>	<b>Link to Location</b>
California	Anaheim	Orange	Servite <sup>1</sup>	\$25	<a href="http://www.servitehs.org/apps/pages/index.jsp?uREC_ID=86492&amp;type=d">http://www.servitehs.org/apps/pages/index.jsp?uREC_ID=86492&amp;type=d</a>	<a href="http://en.wikipedia.org/wiki/Anaheim,_California">http://en.wikipedia.org/wiki/Anaheim, California</a>
Illinois	Maple Park	DeKalb	Kaneland	\$150	<a href="http://www.kaneland.org/khs/">http://www.kaneland.org/khs/</a>	<a href="http://en.wikipedia.org/wiki/Maple_Park,_Illinois">http://en.wikipedia.org/wiki/Maple Park, Illinois</a>
Minnesota	Andover	Anoka	Andover	\$100	<a href="http://www.anoka.k12.mn.us/education/components/docmgr/default.php?sectiondetailid=276465&amp;fileitem=96679&amp;catfilter=24892">http://www.anoka.k12.mn.us/education/components/docmgr/default.php?sectiondetailid=276465&amp;fileitem=96679&amp;catfilter=24892</a>	<a href="http://en.wikipedia.org/wiki/Andover,_Minnesota">http://en.wikipedia.org/wiki/Andover, Minnesota</a>
Wisconsin	German Town	Washington	German Town	\$150	<a href="http://www.germantownnow.com/news/92202694.html">http://www.germantownnow.com/news/92202694.html</a>	<a href="http://en.wikipedia.org/wiki/Germantown,_Wisconsin">http://en.wikipedia.org/wiki/Germantown, Wisconsin</a>
Virginia	Herndon	Fairfax	Herndon	\$200	<a href="http://www.fcps.edu/HerndonHS/studlife/parkreg.htm">http://www.fcps.edu/HerndonHS/studlife/parkreg.htm</a>	<a href="http://www.fairfaxcounty.gov/">http://www.fairfaxcounty.gov/</a>
North Carolina	Holly Springs	Wake	Holly Springs	\$153	<a href="http://hollyspringshs.wcpss.net/Parking/HSHS%20PARKING%20REGULATIONS%202010-2011.pdf">http://hollyspringshs.wcpss.net/Parking/HSHS%20PARKING%20REGULATIONS%202010-2011.pdf</a>	<a href="http://en.wikipedia.org/wiki/Holly_Springs,_North_Carolina">http://en.wikipedia.org/wiki/Holly Springs, North Carolina</a>
New Jersey	Newton	Sussex	Kittatinny Regional	\$50	<a href="http://www.krhs.net/new08/ActivityFees.pdf">http://www.krhs.net/new08/ActivityFees.pdf</a>	<a href="http://en.wikipedia.org/wiki/Newton,_New_Jersey">http://en.wikipedia.org/wiki/Newton, New Jersey</a>
Massachusetts	Ipswich	Essex	Ipswich <sup>1</sup>	\$50	<a href="http://www.wickedlocal.com/ipswich/news/x1146471597/Student-parking-fee-set-override-nixed#axzz1Qy0d7dfi">http://www.wickedlocal.com/ipswich/news/x1146471597/Student-parking-fee-set-override-nixed#axzz1Qy0d7dfi</a>	<a href="http://en.wikipedia.org/wiki/Ipswich,_Massachusetts">http://en.wikipedia.org/wiki/Ipswich, Massachusetts</a>
Massachusetts	Andover	Essex	Andover	\$200	<a href="http://www.aps1.net/DocumentView.aspx?DID=1409">http://www.aps1.net/DocumentView.aspx?DID=1409</a>	<a href="http://en.wikipedia.org/wiki/Andover,_Massachusetts">http://en.wikipedia.org/wiki/Andover, Massachusetts</a>
Massachusetts	Palmer	Hampden	Palmer	\$100	<a href="http://www.masslive.com/news/index.ssf/2009/09/school_committee_defends_100_p.html">http://www.masslive.com/news/index.ssf/2009/09/school committee defends 100 p.html</a>	<a href="http://en.wikipedia.org/wiki/Palmer,_Massachusetts">http://en.wikipedia.org/wiki/Palmer, Massachusetts</a>
Connecticut	Stonington	New London	Stonington	\$100	<a href="http://www.thewesterlysun.com/mysticriverpress/news/school-board-plans-parking-fees-reassignment/article_d72199e4-9d9f-11e0-8406-001cc4c03286.html">http://www.thewesterlysun.com/mysticriverpress/news/school-board-plans-parking-fees-reassignment/article_d72199e4-9d9f-11e0-8406-001cc4c03286.html</a>	<a href="http://en.wikipedia.org/wiki/Stonington,_Connecticut">http://en.wikipedia.org/wiki/Stonington, Connecticut</a>

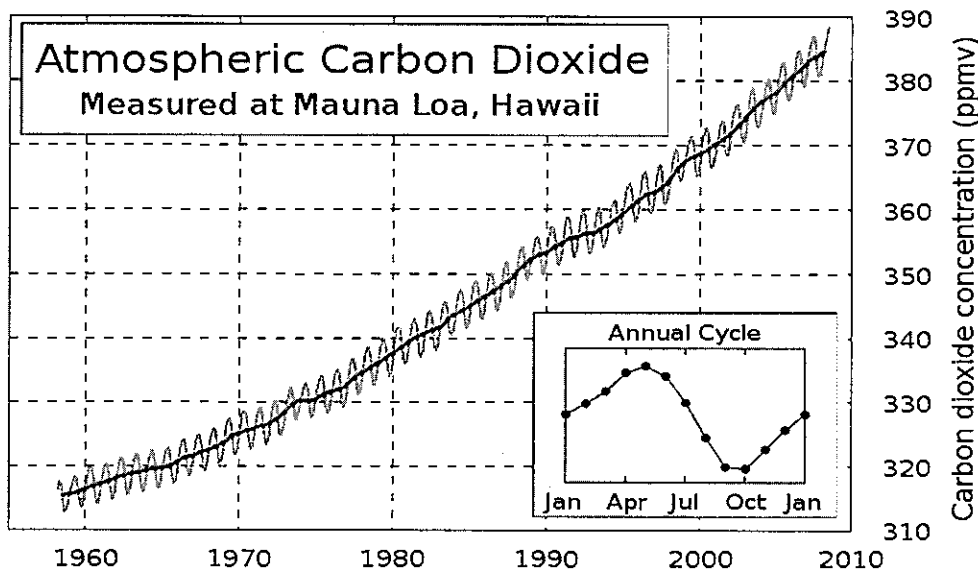
<sup>1</sup>These schools are private. The other nine schools are public.

Table 3 Eleven Cases of Pricing Impact on the Amount of Driving

<b>Impact of Financial Incentives on Parking Demand</b>			
<b>Location</b>	<b>Scope</b>	<b>1995 dollars per mo.</b>	<b>Parking Use Decrease<sup>1</sup></b>
<b>Group A: Areas with little or no public transportation</b>			
Century City District, West Los Angeles	3500 employees at 100+ firms	\$81	15%
Cornell University, Ithaca, NY	9000 faculty & staff	\$34	26%
San Fernando Valley, Los Angeles	1 employer, 850 employees	\$37	30%
Costa Mesa, CA		\$37	22%
<b>Average for Group</b>		<b>\$47</b>	<b>23%</b>
<b>Group B: Areas with fair public transportation</b>			
Los Angeles Civic Center	10000+ employees, several firms	\$125	36%
Mid-Wilshire Blvd., Los Angeles	1 mid-size firm	\$89	38%
Washington DC Suburbs	5500 employees at 3 worksites	\$68	26%
Downtown Los Angeles	5000 employees, 118 firms	\$126	25%
<b>Average for Group</b>		<b>\$102</b>	<b>31%</b>
<b>Group C: Areas with good public transportation</b>			
University of Washington, Seattle Wa.	50,000 faculty, staff & students	\$18	24%
Downtown Ottawa, Canada	3500+ government staff	\$72	18%
<b>Average for Group, but not Bellevue Washington</b>		<b>\$45</b>	<b>21%</b>
<b>Over All Average, Excluding Bellevue Washington</b>			<b>25%</b>

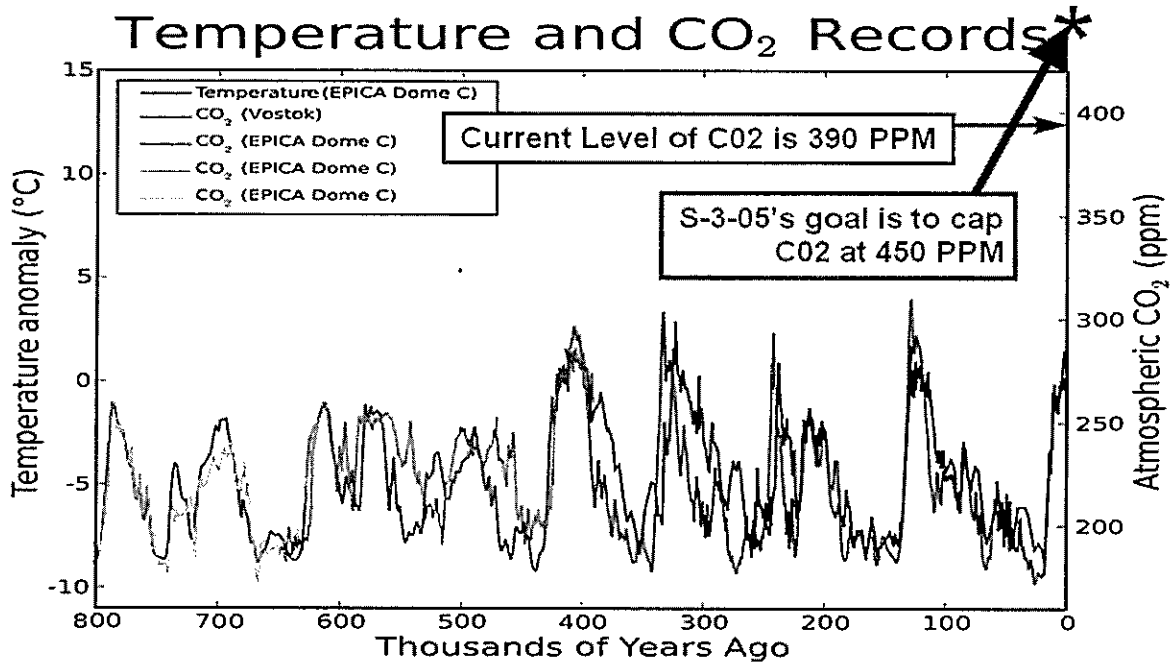
<sup>1</sup> Parking vacancy would be higher! <sup>2</sup> Not used, since transit & walk/bike facilities also improved.

Figure 3 Atmospheric CO2, Increasing Over Recent Decades

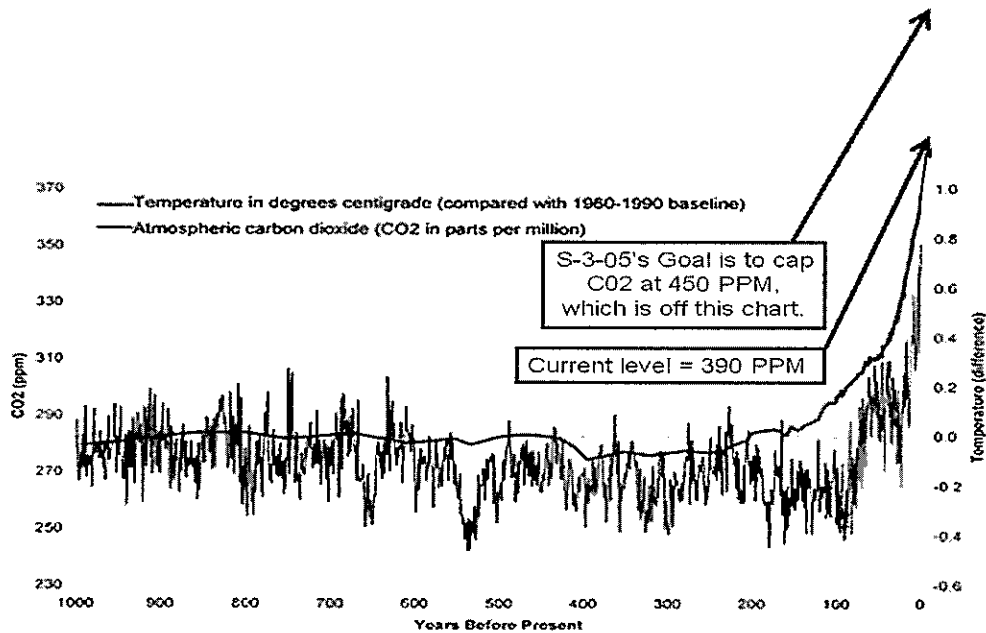


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**Figure 4 Atmospheric CO<sub>2</sub> and Mean Temperature, 800,000 Years Ago, with 450 PPM CO<sub>2</sub> Shown**



**Figure 5 Atmospheric CO<sub>2</sub> and Mean Temperature, Over the Last 1,000 Years**



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**References**

- 1.) *A Plan to Efficiently and Conveniently Unbundle Car Parking Costs*, Paper 2010-A-554-AWMA of the proceedings of the 103<sup>rd</sup> Conference and Exhibition of the Air And Waste Management Association; Mike R. Bullock and Jim R. Stewart, PhD; presented on June 22<sup>nd</sup>, 2010. Also available at [http://www.moderntransit.org/parking/Modern\\_Transit\\_Society.html](http://www.moderntransit.org/parking/Modern_Transit_Society.html)
- 2.) *CarlsbadHS2010\_2.pdf*, a "pdf" file of a Power Point file created in 2010, Mike Bullock. Available upon request from Mike Bullock, [mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net)
- 3.) Letter from *Center for Biological Diversity*, to Elaine Chang, Deputy Executive Officer of Planning, Rule Development, and Area Sources of the South Coast Air Quality Management District; *Comments on Survey of CEQA Documents on Greenhouse Gas Emissions Draft Work Plan and Development of GHG Threshold of Significance for Residential and Commercial Projects*; April 15, 2009. Available upon request from Mike Bullock, [mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net)
- 4.) *Communities Tackle Global Warming*, Tom Adams (California League of Conservation Voters), Amanda Eaken, and Ann Notthoff (Eaken and Notthoff are employees of the Natural Resources Defense Council); June 2009. Available at <http://www.nrdc.org/globalwarming/sb375/files/sb375.pdf>



June 20, 2014

## Ideas and Proposals for Carlsbad CAP Improvement

### Overview Road Map

- Set a 2030 target of 80% below 2020 Emissions, based on best science
- Commit money for ongoing implementation, grant writing, and technical support
- Establish a community stakeholder group, including representatives from the Sierra Club, the Environmental Health Coalition, the Cleveland National Forest Foundation, faith-based groups, the Chamber of Commerce, and others
- Get an **Action Plan**, which could be divided into three categories
  - Capital Improvement Plan in sync with the CAP- for example, get bicycle/pedestrian projects on a fast track
  - A demonstration project to unbundle the cost of car parking
  - Advocacy actions, backed by Council resolutions, directed towards SANDAG and the State

### Action Plan Ideas

#### 1. Demonstration Project to Unbundle the Cost of Parking

Carlsbad would develop a Demonstration Project to Unbundle the Cost of Parking ("Demonstration Project") at a city employee location ("Proposed Location") and at the new high school, since they signed a Settlement Agreement with Preserve Calavera, to consider unbundling the cost of car parking. ("Proposed School Location")

Carlsbad would (assuming the demonstration project was successful) then unbundle the cost of the parking at all City buildings.

**BACKGROUND:** Currently, city and school employees, as well as students of driving age, do not have the ability to choose between earnings and driving – employees effectively pay for parking out of their salary, whether or not they use the parking. The Demonstration Project will provide the opportunity for employees to choose between earnings and driving.

**PROJECT:** Parking would be charged at a given rate (for example \$0.02/min – roughly \$9.60/day). Funds generated from these parking charges would be distributed as earnings to all employees working (or attending school) at the proposed location in proportion to each employee's time spent at work (or school), at the proposed location. Those who decide not to drive will not be charged for parking but will still make earnings based on time spent at work at the location. Implemented correctly, this free-market

B22-29

approach will substantially reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions, by reducing the drive-alone mode.

For employees whose parking charges are greater than parking lot earnings, an "add-in" *could be* included so that no employee loses money, compared to "free parking". With such "add-in" payments, there could be an "Opt in/Opt out" program, meaning that those that "Opt out" will see no changes on their pay check, relative to "free parking".

This project may be contingent on receiving a grant to pay the development and installation cost, as well as the "add in" payments, for some specified number of years. Carlsbad would need to apply for such a grant.

B22-30

## **2. Pension Fund Divestment & Investment.**

Carlsbad would adopt a resolution urging its Employees Retirement Association (or similar) to divest from publicly-traded fossil fuel companies and to seek opportunities for investment in local, clean technology and renewable energy such as biofuels and battery technology companies.

B22-31

## **3. Community Choice Aggregation**

Carlsbad would move forward, to fund a Community Choice Aggregation technical feasibility study within the San Diego region. Community Choice Aggregation is a public power alternative that allows aggregation and purchase of electricity from an alternative to the incumbent utility.

B22-32

## **4. Fuel-Efficient Vehicle Purchase Incentives**

Carlsbad would agree to seek public/private partnerships between City, employees, and car manufacturers to incentivize fuel-efficient vehicle purchases.

B22-33

## **5. Policy Adoption/Advocacy Ideas**

- a. Carlsbad would agree to adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to compute the driving-reduction trajectory required to support a science-based climate stabilization trajectory and to adopt a Regional Transportation Plan, with a Sustainable Communities Strategy (feasible strategies, as described in SB 375) and an Alternative Planning Strategy (infeasible strategies, as described in SB 375) that will achieve the needed driving-reduction trajectory.
- b. Carlsbad would agree to adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to reprioritize transit projects over highway projects to the maximum extent legally feasible, including reallocation of TransNet funds as needed.
- c. Carlsbad would agree to adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get the appropriate persons and entities to move toward full electrification and automation of local rail.

B22-34

B22-35

B22-36

d. Carlsbad would agree to adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to adopt programs to unbundle the cost of parking and encourage local governments to do the same, including giving priority to projects in municipalities that include unbundled-cost parking, over those that do not.

B22-37

e. Carlsbad would agree to adopt a resolution requesting that statewide leaders work to develop a comprehensive road-use fee pricing and payout system.

B22-38

***Note that unbundling the cost of parking and a comprehensive road-use fee pricing and payout system were discussed in the Sierra Club comment letter to Carlsbad, dated July 20<sup>th</sup>, 2014.***

B22-39

**6. Presentation.**

If the Carlsbad City Council members and staff would agree to participate, we would offer a public workshop on the need for climate stabilization. This public workshop could include, at a minimum, a 45 minute presentation by Sierra Club or other representatives on this topic.

**2 Resolutions, Approved by the Democratic Club of Carlsbad & Oceanside, by a 1/25/14 Membership Vote and a 2/19/14 E-Board Vote**

**Resolution 1**

B22-40

**A Privacy-Protecting, Road-Use-Fee Pricing & Payout System to Help Solve Climate, Congestion, Deferred Road Maintenance, and the Social Inequity of Using General Funds to Maintain Roads, Since that Money is Needed for Such Things as Transit, Food Stamps, and Education**

**WHEREAS**, greenhouse gas (GHG) emissions must be significantly reduced; about 35% of California's GHG is caused by on-road vehicles; and, given prospects for fleet efficiency, to reach climate stabilization requirements, it will be necessary to reduce driving; and

**WHEREAS**, in California, user fees (gas tax and/or tolls) only total to 22.7% of the amount spent on roads; having the true cost of road use hidden increases driving, adding significantly to air pollution, congestion, sprawl, and GHG emissions; a 2011 assessment conducted by the California Transportation Commission found that 58 percent of the state's roads require rehabilitation or pavement maintenance, 20 percent of bridges need major or preventive maintenance, and 6 percent of bridges require complete replacement; construction jobs are needed; and on July 11, 2009, Sierra Club California passed a resolution supporting a "comprehensive road-use fee pricing system"; and

**WHEREAS**, the "gas tax" is currently our most significant road-use fee; state-mandated increases in fleet mileage and battery-electric vehicles will result in declining "gas tax" revenue; and a "gas tax" cannot properly account for time, place, driver income, vehicle weight, vehicle pollution level, or roadway congestion level;

**THEREFORE, BE IT RESOLVED**, that DEMCCO supports a road-use fee pricing and payout system that (1) would cover all road-use costs, including the environmental and health costs caused by driving; (2) could still include a fuel tax or fee; (3) would mitigate impacts on low-income users; (4) would protect privacy; (5) would include congestion pricing when that technology becomes feasible; (6) would keep the per-mile price incentive to drive energy-efficient cars at least as large as it is with today's fuel excise tax; and (7) would send its earnings to all citizens and institutions that are losing money under the current system, with the goal being to achieve a full and just compensation.

**BE IT FURTHER RESOLVED**, that this support be communicated to our San Diego County Democratic Party Central Committee.

*Note: The information supporting the first sentence in the second "Whereas" statement comes from <http://taxfoundation.org/article/gasoline-taxes-and-tolls-pay-only-third-state-local-road-spending>.*



**2 Resolutions, Approved by the Democratic Club of Carlsbad & Oceanside, by a 1/25/14 Membership Vote and a 2/19/14 E-Board Vote**

**Resolution 2**

B22-41

**Funding for a Demonstration Project of an Equitable and Environmentally-Sound Car-Parking Policy**

**WHEREAS**, (1) our greenhouse gas (GHG) emissions must be controlled, because stabilizing our climate is critical to our future; (2) about 35% of California’s GHG is caused by on-road transportation; (3) properly reducing parking subsidies and revealing the actual cost of parking to drivers would (a) reduce GHG emissions, air-pollution, and congestion, by reducing vehicle trips and (b) give employees more control over their potential earnings, and (c) give renters and consumers more control over their costs; and

**WHEREAS**, (1) government policy should not promote driving; (2) the general free-market principle, that people should not be forced to pay for something they don’t use, is violated, if non-drivers lose money due to parking facilities; (3) “free” employee parking is paid for by lower wages for all workers, including those who do not drive; “free” parking at an apartment complex can easily increase rents by \$50 dollars per month, for all renters, even those not owning a car; and (4) eliminating parking subsidies improves social equity; and

**WHEREAS**, (1) methods to bill car owners based on when and where their car was parked, to include such factors as the income of the driver and their “need to drive”, could soon, if not now, be implemented, while having safeguards to fully protect privacy and (2) fair methods of earnings distribution could be devised, such as, for employee parking, earnings being given directly to employees in proportion to their time spent at the workplace;

**THEREFORE, BE IT RESOLVED**, that DEMCCO supports funding the development and prototype installation of car-parking systems with at least the last two features (numbered 7 and 8), so as to demonstrate useful feasibility, with the full set of features as follows: (1) have full-cost base pricing; (2) have congestion pricing; (3) have charge and payout policies that will minimize money lost by non-drivers, due to parking facilities; (4) will support sharing of parking facilities; (5) will provide retrievable knowledge of the use of each parking space; (6) have a data interface that will support on-demand predictions of parking-space price and availability; (7) have automatic car detection; and (8) will do efficient mailing of invoices, containing both parking charges and parking earnings.

**BE IT FURTHER RESOLVED**, that this support be communicated to our San Diego County Democratic Party Central Committee.

# Ladwig Design Group, Inc.

June 4, 2014

L-1107

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008-7314

Attn: Don Neu – Planning Director

Subject: Comments on the Draft EIR and GPA for Envision Carlsbad relating to La Costa Town Square (Assessor Parcel 22-050-73)  
Conversion from Office to High Density Residential

Dear Don,

B23-1

Property Development Centers LLC (PDC), the owner of the above-referenced property, requested on October 21, 2013 that the Carlsbad City Council include the Assessor's Parcel No. 22-050-73 of La Costa Town Square (the "Property") in the preferred Envision Carlsbad Plan for conversion from "Office" to "High Density Residential". The Council agreed that inclusion of this proposed change in the Envision Carlsbad process was appropriate. In early November, PDC signed a cost sharing agreement and deposited with the City funds (\$23,122) for the additional staff and consultant work needed to analyze this proposed land use change for inclusion in the EIR for Envision Carlsbad.

As mentioned in my October 21, 2013 letter to Mayor Matt Hall and Council Members, Planning Department staff concurs that the Property is an appropriate site for multi-family housing given the surrounding compatible multi-family land uses and the proximity to new commercial uses within the La Costa Town Square shopping center currently under construction.

2234 Faraday Avenue ♦ Carlsbad, California 92008

2-330 (760) 438-3182 ♦ FAX (760) 438-0173 ♦ Email ldg@dwilsoneng.com

The Draft EIR prepared and now being circulated shows the Property on Figure 2-1 – Land Use Map as R-23 Residential 15 to 23 dwelling units per acre.

We respectfully ask that the Property's land use designation within Envision Carlsbad be approved as shown on the Land Use Map as multi-family residential (R-23 Residential). We also ask that the Excess Dwelling Unit tabulation be amended to provide the number of dwelling units (120) to support multi-family housing on this Property.

Thank you for your consideration.

Sincerely,



Bob Ladwig, President  
Ladwig Design Group, Inc.

BL:ck

cc: Juan Arriaga  
Rich Henderson  
Dave Zylstra  
Matt Gray

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## Organization Responses

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### ORGANIZATIONS

#### **B1: Buena Vista Audubon Society**

- B1-1: The comment describes the purpose of the Buena Vista Audubon Society and indicates that the preservation of natural habitat for wildlife is important, particularly in coastal cities where such open space areas provide resting and feeding grounds for migratory birds. This statement is not specific to Carlsbad or the draft General Plan and EIR. No response is required.
- B1-2: The comment expresses concern that the draft General Plan does not achieve 40% open space and reduces open space. Please see master responses MR1-2 and MR1-3. The comment also mentions concern about including school yards in the open space inventory and “double counting” parks and habitat areas; responses to these comments are provided in master responses MR1-6 and MR1-8.
- B1-3 The comment states that the draft General Plan should be an opportunity to strengthen the commitment to the city’s open space goals. The draft General Plan is consistent with the city’s Growth Management Program open space standard (see master responses MR1-1, MR1-2 and MR1-3) and continues to support the creation and preservation of diverse types of open space.

#### **B2: La Costa Glen Carlsbad**

- B2-1: The comment acknowledges receiving from the city a notice of proposed changes to the General Plan Land Use designation affecting their property. They state objections to the proposed changes based on a preference to develop a mixed use project and their view that existing designations will allow for a mixed use project.

The General Plan currently designates the property with a combination of land use designations (combination district) - C/O/RMH; the three designations are comprised of: (1) Commercial, (2) Office and (3) Residential 8-15 dwelling units per acre. The city’s proposal is to eliminate the combination district and designate the property R (Regional Commercial), consistent with the applicable master plan. Currently the zoning is P-C Planned Community, which means that the property is within the boundaries of a master plan (the subject property is part of the Green Valley Master Plan). The master plan specifies the types of uses that can be allowed for this property, and this would not change with the city’s proposal. The master plan designates the property as a community retail center consistent with the proposed R designation and utilizes the C-2 General Commercial Zone for allowed uses. The C-2 Zone allows for mixed use projects with commercial and residential components, subject to approval of a site development plan; the city’s proposal will not preclude the development of a mixed use project.

The combination district is not a “mixed use” designation as suggested by the comment. The General Plan utilizes combination districts on properties where it is unclear what the most appropriate land use designation may be or where the boundaries of such designations should be located. The combination district requires comprehensive planning through approval of a site development plan or specific/master plan. The C/O/RMH designation was placed on the property prior to approval of the Green Valley Master Plan. Since comprehensive planning has occurred with approval of a master plan, the combination district is proposed to be replaced with land use designations that reflect the approved master plan.

B2-2: The comment refers to another property (La Costa Glen health center) within the Green Valley Master Plan and the city’s proposal to change the land use designation from C/O/RMH to R-15 (same as RMH; name change proposed). The comment expresses a concern that the proposed change would render the existing use (professional care facility) as nonconforming. Like the property discussed in response to comment B2-1, the General Plan designates the property with a combination district - C/O/RMH. The Green Valley MP identifies this property as residential consistent with the proposed R15 designation, and explicitly allows for professional care facilities. The proposed R-15 designation would not cause the existing use to be rendered nonconforming. See response to comment B2-1 regarding the purpose of combination districts.

B2-3: The comment expresses a concern that the city’s proposal to change the existing land use designation from C/O/RMH to R-15 for the La Costa Glen independent living units would render the existing use (professional care facility) as nonconforming. See response to comment B2-2.

B2-4: The comment expressed an interest in discussing the proposed land use change from C/O/RMH/OS to OS on portions of two parcels. The parcels were discussed at a meeting with city staff after receipt of the letter.

For the properties in question, the General Plan currently designates the properties with a combination district of C/O/RMH/OS that is comprised of: (1) Commercial, (2) Office (3) Residential 8-15 dwelling units per acre, and (4) Open Space. Currently the zoning is P-C Planned Community and the properties are part of the Green Valley Master Plan. The master plan identifies the properties as open space consistent with the proposed OS designation, which is how the properties are currently used. Furthermore, there are open space easements restricting the uses of these properties to open space uses only. See response to comment B2-1 regarding the purpose of combination districts.

B2-5: The commenter requested a meeting with city staff to discuss the matters in their comment letter. This meeting occurred after receipt of the letter and staff appreciated the opportunity to meet with the representatives of La Costa Glen.

### **B3: On behalf of Camino Carlsbad, LLC**

B3-1: The comment requests that the draft General Plan be revised to “accommodate an economically feasible development” of the golf course property. The draft General Plan

does not propose any change to the current land use designation (Open Space) of the property, and it was evaluated as such in the draft EIR. A zone change is proposed from Limited Control (LC) to Open Space (OS) to be consistent with the existing and draft General Plan. The LC zone provides for a very limited list of permitted uses (agricultural in nature - golf courses are not one of the permitted uses; therefore, the existing golf course is considered nonconforming with the LC zone); the proposed OS zone, provides for a broader list of permitted uses, compared to the LC zone, including golf courses (changing the zone to OS ensures the existing use conforms to the zoning of the property). The proposed zone change does not diminish the existing ability to accommodate an economically feasible use on the property; in fact it ensures the current use can continue and provides other use alternatives that are not provided by the current LC zone.

In addition, pursuant to existing and draft General Plan policy (policy C.20 of existing Open Space and Conservation Element Section III, and draft Open Space, Conservation, and Recreation Element Policy 4-P.6), land designated as open space by the General Plan land use map cannot be changed to a different land use designation without designating land elsewhere (in close proximity) as open space (equal or greater in area and environmental quality). The golf course property is approximately 31 acres; city staff is not aware of any other land of that size (not already designated for open space) that is available to be designated as open space. As part of the draft General Plan, staff does not support changing the existing OS land use designation or proposed OS zone, as analyzed by the draft EIR.

- B3-2: The comment states that General Plan designations do not usually “take” property but that the draft General Plan is unusual because it does not consider if the current golf course will remain viable. The comment states that the viability of the golf course is uncertain because of a decline in golfers and the scarcity/cost of water. As stated in the response to comment B3-1, the draft General Plan does not change the existing designated use of the land (Open Space). The proposed zone change (from LC to OS) is necessary to achieve consistency with the General Plan. The LC zone allows for limited uses associated with agriculture uses and does not allow for golf courses; the proposed OS zone also allows for agriculture uses, as well as golf courses and other additional uses not allowed in the LC zone. The draft General Plan and proposed OS zone, do not “take” any development potential from the property; rather, retaining the existing OS land use designation maintains their current development potential under the General Plan, and changing the zoning to OS ensures the current golf course use can continue as a conforming use and provides additional use options not currently permitted by the LC zone. If the property owner determines it is not viable to continue operating the golf course, the OS land use designation and zone provide other options for use of the property.
- B3-3: The comment refers to draft General Plan policy 4-P.4, which requires public access to “all open space areas”. The comment is concerned how this applies to the Rancho Carlsbad Golf Course. Since the release of the draft General Plan for public review, staff has reconsidered the wording of policy 4-P.4 and proposes to modify it to clarify that

- public access is not required for “all” open space areas; rather, public access to open space areas should be provided “where consistent with applicable access restrictions per the Habitat Management Plan, easements, deeds, etc.”. In the case of a privately owned golf course, public access is permitted as authorized by the golf course owner/operator.
- B3-4: The comment refers to the amount of residential development proposed by the draft General Plan and the limited capacity remaining under the growth management ordinance in the northeast quadrant to accommodate more development (see master response MR3-1). The comment is correct that, after city approval of the draft General Plan, there may be no capacity remaining in the northeast quadrant (below the Growth Management residential dwelling unit limit) to allow additional residential development (above what is planned by the General Plan). As the comment indicates, the limitations on future development are a function of the growth management ordinance, not the draft General Plan.
- B3-5: The comment states that there is a high cost of supplying water to maintain the golf course, which “suggests that water may not be available indefinitely for a golf course at this location.” The draft General Plan does not recommend any change in the existing use of the property and CEQA does not require the draft EIR to evaluate the economic cost of resources necessary to continue the existing use of the property. See also response to comment B3-2.
- B3-6: The comment refers to court cases to support the claim that the draft General Plan will “bar useful activities” on the golf course property, as well as “calls for the physical invasion of property” and that it “will soon deprive the property owners of the value of their property.” The draft General Plan does not recommend any change in the existing use of the property and CEQA does not require the draft EIR to evaluate the economic challenges involved in continuing the existing use of the property. The comment also states that, even if the draft General Plan is not considered a “taking” regarding the golf course property, its treatment of the site is “bad planning” because the draft General Plan would “lock in a designation that will become unworkable...” This comment raises a policy issue for consideration by the City Council when it makes its decision whether or not to adopt the draft General Plan. See also response to comments B3-1, B3-2 and B3-3.

The draft General Plan and proposed OS zone, do not prevent the “pursuit of useful activities” on the site and do not deprive the owner of the value of the property. The draft General Plan results in no change to the existing planned use of the property; therefore there is no change to the owner’s ability to “pursue useful activities” and does not change the value of the property. In fact, retaining the existing OS land use designation maintains the current development potential under the General Plan, and changing the zoning to OS provides additional use options not currently permitted by the existing LC zone. The OS land use designation and zone provide other options for use of the property. Also, the draft General Plan will not call for physical invasion of the property; the intent of draft policy 4-P.4 is not to allow invasion of private property; the wording of the draft policy is proposed to be modified to clarify that public access to open space areas



should be provided “where consistent with applicable access restrictions per the Habitat Management Plan, easements, deeds, etc.”.

- B3-7: The comment states that the draft EIR concludes the draft General Plan will not “affect population growth”. The comment states that this is not true because the city needs to either buy the golf course or allow development of the property and the EIR needs to recognize these eventualities.

To clarify, in regard to population growth, the draft EIR concludes the draft General Plan will have a less than significant impact on population growth and that future population growth will be consistent with or below the growth assumptions of the city’s existing Growth Management Plan. Contrary to the commenter’s statements, the draft General Plan does allow for development of the property consistent with the OS land use designation and proposed OS zone (see response to comments B3-1 and B3-2), and the draft EIR does evaluate such use of the land. The draft General Plan does not recommend any change in the existing use of the property and CEQA does not require the draft EIR to speculate about what may occur if the property owner decides in the future that it is no longer economically viable to continue the existing use of the property.

- B3-8: The comment states that, if the city requires the property to remain as a golf course, the EIR must evaluate the effect on groundwater from drilling for wells. See response to comments B3-1 and B3-2. The city does not require the property to remain in use as a golf course. The OS land use designation and zone provide other options for use of the property. The draft General Plan and EIR do not and are not required to address the feasibility of maintaining existing land uses. If the owner needs to obtain more water to maintain the golf course, the water must be acquired from sources and by means that are consistent with applicable regulations. In the event that future well drilling requires a discretionary approval from the city, the city will evaluate the potential environmental effects of the proposed drilling at the time it considers any such application in the future.
- B3-9: The comment states that the owner will litigate if the draft General Plan does not “allow development at some reasonable level.” The draft General Plan does allow development of the site other than as a golf course (see response to comments B3-1 and B3-2). City staff did meet with the commenter and property owner to discuss this matter and concluded that staff continues to support the existing OS land use designation and proposed OS zone, as analyzed by the draft EIR.

**B4: Techbilt Construction Corp.**

- B4-1: This comment concurs with rezoning Oaks North Lot #1 to apartments as part of the Envision Carlsbad process. As part of the early analysis of the draft General Plan, city staff and consultants identified sites (vacant and underdeveloped) where there was opportunity to accommodate the city’s future growth and assist in achieving the Carlsbad Community Vision. Carlsbad Oaks North Lot #1 (a vacant site) was identified as a potential site to accommodate future residential development. As the comment states, city staff did contact the property owner to inquire if he would have any objections to the site being considered and evaluated for a land use designation change from Planned

- Industrial to high-density residential. The draft General Plan and draft EIR evaluated the site as future high density residential. The comment is correct that city staff has not received any objections from the community regarding the land use designation change on the site; however, city staff has raised concerns about a residential use on the site - the City of Carlsbad Fire Prevention Division staff has concerns that a residential use on the site may conflict with industrial uses in the vicinity that may utilize hazardous materials.
- B4-2: The comment refers to a proposal to develop 151 multi-family units. The draft General Plan evaluated the site as R-30 (residential 23-30 du/ac), which would yield 153 dwelling units based on the Growth Control Point of 25 du/ac (based on an estimated net site area of 6.12 acres). The comment is correct, the site is currently designated for Planned Industrial uses and to change the designation to R-30 would require the allocation of 153 dwelling units from the city's Excess Dwelling Unit Bank. City staff has reviewed the two referenced preliminary applications, both of which proposed the development of apartments on the site. Written responses to the preliminary applications were provided to the applicant identifying city staff issues and concerns, including the Fire Prevention staff concerns mentioned in response to comment B4-1.
- B4-3: The comment objects to reduction or elimination of the 151 units in the proposal due to a shortage of Excess Dwelling units in the northeast quadrant and states specific reasons for the objection in Comments B4-4 through B4-7. See master response MR3-1. Carlsbad Oaks North Lot #1 is one of the seven sites in the northeast quadrant that has been evaluated in the draft General Plan for a residential land use designation. City staff has informed the commenter that Carlsbad Oaks North Lot #1 is not one of the sites that will be recommended for a residential land use designation as part of the draft General Plan. Staff's recommendation is based on an evaluation of each site's appropriateness for residential development while keeping compliance with the Growth Management residential dwelling unit limit in mind. The Planning Commission and City Council will be informed of commenter's objections to this recommendation.
- B4-4: The comment states the city has a policy for allocation of Excess Dwelling Units. As the comment states, the city has an Excess Dwelling Unit Bank (EDUB) that enables discretionary allocation of "excess" units to projects that meet the criteria of City Council Policy 43. Even if "excess" units are available in the EDUB, the "excess" units cannot be allocated to a site if doing so would conflict with the Growth Management residential dwelling unit limit of any city quadrant.
- B4-5: The comment is correct, "excess" dwelling units deposited into the EDUB, as a result of a project approved at a density below the Growth Management Control Point density, are not "available" EDUB units until the approved project is constructed. When a project is approved but not yet constructed, the "excess" units resulting from the project are considered "pending" EDUB deposits; the "pending" deposit units are considered deposited and available when the subject project is constructed. The comment indicates that the city has incorrectly allocated units from the EDUB that were considered "pending" deposits; this is not the case. While the city's past tracking of the EDUB did not clearly identify which units were "pending" deposit, no such "pending" units were

allocated to other projects. Regardless, no matter how many units are or are not available in the EDUB, the units cannot be allocated to a project if doing so would conflict with the Growth Management residential dwelling unit limit of any quadrant.

- B4-6: The comment states that projects are being penalized because the city was not following the policy for allocating EDUB units. During the evaluation of the draft General Plan, the city refined its tracking of EDUB units to clarify which units are considered “pending” deposits; this analysis of the EDUB further clarified the number of units available to be allocated to new residential sites proposed by the draft General Plan. As a result, fewer EDUB units are available than was previously thought. A reduced EDUB balance does further limit the city’s ability to approve all of the residential sites evaluated by the draft General Plan, and ultimately each site under consideration for a land use change must be analyzed and evaluated on its own merits as well as in contrast to other sites considered for a land use change. .
- B4-7: The comments states the “Solana” project meets or exceeds city standards. The referenced “Solana” project is not a proposed project; no development application is being considered by the city. A land use designation change from planned industrial to residential is being considered as part of the draft General Plan. The comment identifies attributes of the site (access, proximity to jobs, services and shopping, etc.); all of which have been considered and factored into staff’s evaluation of the proposed residential site.
- B4-8: The comment is correct that the McClellan-Palomar Airport would not preclude or significantly limit residential development on the site. The site is within the Airport Safety Zone 6, which does allow for residential development above 20 du/ac. The site’s proximity to the airport has been considered as part of staff’s evaluation of the proposed residential site.
- B4-9: The comment objects to staff’s recommendation to not approve the residential land use designation change on the property and requests another solution that will enable the site to be approved for residential development with 151 dwelling units. During the City Council’s consideration of the draft General Plan, the council could choose to modify staff’s recommendation and support the commenter’s request; however, that would require another proposed residential site(s) in the northeast quadrant to be rejected (to ensure compliance with the Growth Management Plan).

#### **B5: Howes Weiler & Associates**

- B5-1: The comment requests that the portion of Cannon Road east of its intersection with College Boulevard, which is shown in Exhibit 3-15 as an Arterial Street should be redesignated appropriately as a part of the Envision Carlsbad process and the Zone 15 Local Facilities Management Plan should be amended to delete this segment as a Major Arterial. The street typology for the section of Cannon Road, east of College Boulevard, is updated in Chapter 4 of this final EIR as a School Street to its existing terminus and is not planned to be extended for automobiles beyond that location. Instead, a bicycle/pedestrian trail would be extended to the east (see Policy 3-.17). As noted in

Policy 3-P.10, the city will be updating the Citywide Facilities and Improvements Plan to ensure consistency with the Mobility Element.

**B6: Ladwig Design Group, Inc**

- B6-1: The comment refers to property in the northwest quadrant and the owner's previous request to add the property to the preferred land use plan of the draft General Plan and change the current low density (0-1.5 du/ac) residential land use designation to a low-medium (0-4 du/ac) residential designation. As the comment states, the City Council did not support including this land use designation change as part of the draft General Plan. The comment also references a preliminary review application reviewed by the city in 2013 for an 18 lot subdivision. The draft General Plan proposes no change to the current low density residential designation.
- B6-2: The comment states that the site is designated for 13 dwellings and would not require any units from the Excess Dwelling Units Bank (EDUB) for the reasons stated in comments B6-3 through B6-8; responses to these reasons are below. Regarding the number of dwellings that are allowed on the site per the current General Plan and zoning regulations, 5 dwellings are possible on the site. The majority of the subject property is designated by the General Plan and zoned as open space, which has no residential development potential; five acres of the property is designated and zoned for low density residential development (0-1.5 du/ac; 1 du/ac Growth Management Control Point density). Based on the Growth Management Control Point density, 5 dwellings are allowed on the property. To develop above the Growth Management Control Point density requires compliance with City Council Policy #43 and a discretionary allocation of units from the city's Excess Dwelling Unit Bank.
- B6-3: The comment refers to the city's Local Facilities Management Plan for Zone 8 (LFMPZ 8), dated December 1988, which indicates an 11 unit allotment for the property. The information in LFMPZ 8 is based on a 1988 slope analysis and the 1988 General Plan land use designations applicable to the property, which preceded a General Plan amendment, zone change and Local Coastal Program amendment in 2004 that designated the majority of the site as open space and reduced the developable residential area to five acres.
- B6-4: The comment refers to a 2002 slope analysis that showed the potential to accommodate 13 dwellings on the site. This analysis was based on the 2002 General Plan land use designations applicable to the property, which preceded a General Plan amendment, zone change and Local Coastal Program amendment in 2004 that designated the majority of the site as open space and reduced the developable residential area to five acres.
- B6-5: The comment refers to a five-lot residential tentative subdivision that was approved by the city in 2004 but has neither been recorded nor constructed. This is true. In addition to the tentative map, a General Plan amendment, zone change and Local Coastal Program amendment were approved designating the majority of the property as open space and reducing the developable residential area to five acres. The five-lot subdivision is based on the development potential of the five acres designated for low density residential with a Growth Management Control Point density of 1 dwelling unit/acre. The land use

designation change resulted in reducing the development potential of the site by eight dwelling units (from 13 units to five units); those eight units were deposited into the city's Excess Dwelling Unit Bank and are available to allocate to other projects consistent with City Council Policy #43.

- B6-6: The comment refers to City Council Policy #43 and states that excess units go into the city's EDUB when approved and constructed. The comment is correct that units are deposited into the EDUB when projects are approved and constructed [below the Growth Management Control Point density]. However, the approval of the land use designation change (described in response to comment B6-5) reduced the development potential on the site and the eight unit deposit into the EDUB was a result of that reduced development potential.
- B6-7: The comment indicates that the city has deposited units in the EDUB incorrectly (prior to project construction). While the city's past tracking of the EDUB did not clearly identify which units were "pending" deposit, no such "pending" units were allocated to other projects. The city's tracking of the EDUB has been improved to identify which units are "pending" deposit and are, therefore, not available for allocation until the associated projects are constructed.
- B6-8: The comment states the opinion that, because of the city's "mistake" in the tracking of EDUB units, 13 units should be available for the project site. As explained in response to comment B6-7 above, no mistake was made regarding the deposit of units in the EDUB. The past legislative actions described above in the responses to comments B6-2 through B6-5 reduced the development potential of the project site to five dwelling units (see response to comment B6-5).

**B7: Rancho Carlsbad Owner's Association, Inc**

- B7-1: The comment references a letter from Bob Ladwig (comment letter B11); see response to comment letter B11 below. The comment also refers to a site (titled "Basin BJ" in the draft General Plan) that, as part of the early analysis of the draft General Plan, was identified as one of various sites (vacant and underdeveloped) throughout the city where there was opportunity to accommodate the city's future growth and assist in achieving the Carlsbad Community Vision. The Basin BJ site (a vacant site) was identified as having the potential to accommodate future high-density residential development.

See master response MR3-1. Basin BJ is one of seven sites within the city's northeast quadrant evaluated in the draft General Plan for a residential land use designation change. The comment states a concern that staff may not recommend approval of the residential land use designation change for Basin BJ. It is true that, in order to comply with the Growth Management residential dwelling unit limit in the northeast quadrant, some of the seven sites evaluated in the draft General Plan for a residential land use designation change will not be approved. However, the Basin BJ site is one of the sites that staff recommends be approved for a land use designation change to R-30 (residential 23-30 du/ac), which is estimated to yield approximately 108 dwellings on the site (based

- on the Growth Management Control Point density of 25 du/ac and the estimated net site area of 4.3 acres).
- B7-2: The comment states this parcel will be required to contribute about 6% of the cost of building the last segment of College Boulevard and could provide housing affordable to teachers and other employees at the nearby high school. The city is aware that, as a requirement to develop the Basin BJ site, the developer must share in the cost to construct College Blvd (Reach A). The city is also aware that development of housing on the site must comply with the city's Inclusionary Housing Ordinance. Proximity of the site to Sage Creek High School will provide nearby housing for teachers and students.
- B7-3: The comment is correct, there is another site located at the northeast corner of El Camino Real and College Blvd, which is also being evaluated for a residential land use designation change as part of the draft General Plan and development of the site would also be required to share the cost to construct College Blvd (Reach A).
- B7-4: The comment refers to Robertson Ranch PA 22, which is also one of the seven sites in the northeast quadrant that has been evaluated for a residential land use designation change, as a candidate for a reduction or elimination of units. Staff has evaluated each of the sites based on their appropriateness for residential development and with the primary objective of maintaining compliance with the Growth Management residential dwelling unit limit. Robertson Ranch PA 22, in addition to Basin BJ, is among the sites staff recommends be designated R-30 (residential 23-30 du/ac). Staff appreciates the suggestion on how to reduce the number of potential dwellings evaluated in the draft General Plan. However, staff has identified other options to ensure compliance with the Growth Management residential dwelling unit limit (i.e., staff recommends that a residential land use designation change not be approved on four of the seven sites in the northeast quadrant that were evaluated by the draft General Plan; PA 22 is one of three sites in the northeast quadrant where a residential designation is recommended for approval in conformance with the Growth Management residential dwelling unit limit).
- B7-5 The comment states that the completion of College Blvd (Reach A) is dependent on a shared construction cost among various property owners, and that construction of the roadway will provide access to several future development projects. The comment will be included in the materials provided to the City Council for its consideration in determining whether to adopt the draft General Plan.

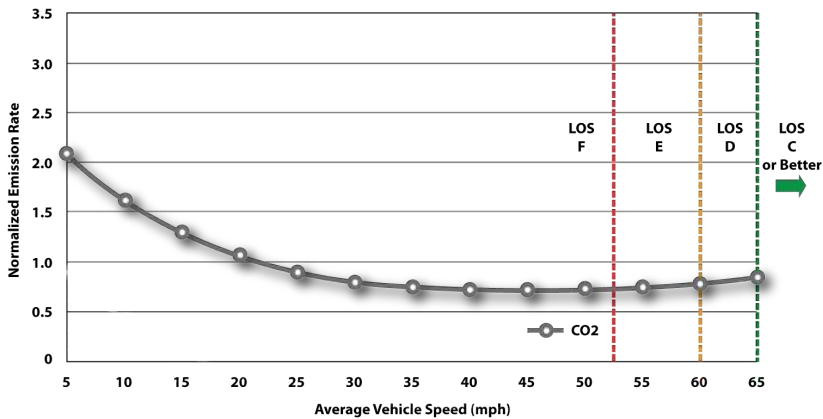
**B8: Alan Sweet**

- B8-1: This comment identifies the author and his service on the Envision Carlsbad Citizen Committee. No response is required.
- B8-2: This comment expresses concern about the designation of certain roads as Connector Streets, which will give priority to pedestrians and bicycles over automobiles and buses and may adversely affect travel times, greenhouse gas emissions and public safety. The table below shows greenhouse gas emissions based on average vehicle speeds (it also denotes level of service (LOS) based on Caltrans measurement thresholds). Greenhouse

gases are actually minimized when speeds are constant at around 35 miles per hour. The approach of prioritizing pedestrians and bicycles in these corridors is not to completely ignore vehicles along the corridor, but rather to prioritize pedestrians and bicycles (while still providing for vehicles). This approach could allow vehicles to travel the corridor at a slower rate of speed, which would actually reduce greenhouse gas emissions (unless vehicle flow becomes unstable or is reduced below 35 miles per hour).

Regarding the potential for increased GHG emissions that may result from prioritizing pedestrians/bicycles on busy street segments, the Climate Action Plan (CAP) (on pages 3-16 through 3-19) contains modeled information on the effect of draft General Plan policies that improve the bikeway system and provide pedestrian improvements. The modeled GHG reductions from these policies are based on peer-reviewed studies in a report by the CAPCOA that substantiates that increasing opportunities for pedestrians and cyclists result in a reduction in GHG emissions. Therefore, prioritizing pedestrians and bicycles serves to reduce GHG emissions since it encourages people to walk and bicycle rather than drive, and slower vehicle speeds result in less greenhouse gas emissions.

Also, shown below are two graphics showing a driver’s cone of sight at varying traffic speeds. As shown in the graphic, slower speeds improve driver’s visibility and make crash severity significantly less impactful.





**At 40 mph the driver's focus is on the roadway in the distance.**



**At 30 mph the driver begins to see things at the road edges in the background.**

Source: Caltrans Smart Mobility Framework

In addition to the information provided above, Fehr & Peers also reviewed traffic levels of service on the roadway segments identified below to determine their vehicle LOS with buildout of the project. The results are summarized below to provide additional information to the decision makers. Please note that, because these segments are not prioritized for vehicles, they were not evaluated as part of the draft EIR, nor are they required to meet a level of service threshold for vehicle-prioritized streets (page 3.13-14 of the draft EIR describes the prioritized modes of travel methodology of the draft Mobility Element and specifies that lower service levels for non-prioritized modes are acceptable to ensure that the service level for prioritized modes is enhanced).

As shown in the table, most of the connector streets will operate at LOS A-D with buildout of the draft General Plan, even though these roadways are not prioritized for automobiles. However the following two roadway segments are projected to operate at LOS E:

- La Costa Avenue, between El Camino Real and Rancho Santa Fe Road
- Poinsettia Lane, between I-5 and Aviara Parkway.



As noted above, these roadways do not have an LOS goal for vehicles as they are not prioritized for vehicles and LOS E is considered acceptable. However, the information does demonstrate that, although autos are not prioritized on these corridors, there is still sufficient mobility on most of the Connector Roadways within the city to efficiently serve the auto users.

**Roadway Operations**

<i>Roadway</i>	<i>From</i>	<i>To</i>	<i>Existing (Future) Number of Lanes</i>	<i>Existing ADT</i>	<i>Existing LOS</i>	<i>Future ADT</i>	<i>Future LOS</i>
Carlsbad Village Dr. <sup>1</sup>	I-5	El Camino Real	4 (4)	8,990	A	11,190	B
Carlsbad Village Dr. <sup>1</sup>	El Camino Real	College Blvd.	4 <sup>a</sup> (4)	8,520	A	8,520	A
Tamarack <sup>1</sup>	Carlsbad Blvd.	I-5	2 (2)	5,820	B	6,120	B
Tamarack <sup>1</sup>	I-5	El Camino Real	2 (2)	5,480	B	5,480	B
Tamarack	El Camino Real	Carlsbad Village Dr.	4 (4)	7,705	A	7,810	A
Aviara Pkwy. <sup>1</sup>	Poinsettia Ln.	El Camino Real	4 (4)	17,130	C	20,430	D
Alga Road	El Camino Real	Melrose Dr.	4 (4)	10,299	B	15,100	C
La Costa	El Camino Real	Rancho Santa Fe Rd.	2 (2)	12,087	D	13,190	E
Poinsettia Ln. <sup>1</sup>	Carlsbad Blvd.	I-5	4 (4)	6,910	A	10,310	B
Poinsettia Ln.	I-5	Aviara Pkwy.	4 (4)	25,075	E	26,280	E
Poinsettia Ln.	Aviara Pkwy.	El Camino Real	N/A (4)	N/A	N/A	5,600	A
Poinsettia Ln. <sup>1</sup>	El Camino Real	Melrose Dr.	4 (4)	7,510	A	14,010	C

Notes:

Unless otherwise noted, all counts from the 2013 Traffic Monitoring Program (RBF, November 8, 2013).

N/A = Segment not evaluated as extension has not been completed.

<sup>1</sup> Segment count estimated from peak hour counts from the 2013 Traffic Monitoring Program (daily assumed to be 10% of the PM peak hour volume).

<sup>a</sup> Although this is a four lane facility, it does have a short two lane segment between Chatham Rd. and Pontiac Dr.

B8-3: This comment states the author’s belief that, despite interest in additional walking and bike paths, most people will continue to travel by car. The Mobility Element attempts to provide for all users of the system, including bicycles, pedestrians, transit, and vehicles. As such, vehicles are provided for on all roadways within the city and are prioritized on all arterials in the city unless otherwise noted in Policies 3-P.7 and 3-P.8. The draft General Plan is intended to comply with new state laws and regional transportation plans

which encourage/require local government to take steps to reduce GHG emissions by reducing automobile vehicle miles traveled and increasing the use of alternative methods of transportation by creating multi-modal transportation systems.

B8-4: The comment is correct that pedestrians and bicycles are identified as priority modes along the referenced streets. However, these streets also provide for automobile travel – i.e., automobiles are allowed and provided for along these facilities, but they are not prioritized over pedestrians in this area. As such, although people will continue to be able to drive along these roadways to access the areas identified in the comment, the draft General Plan is intended to promote the increased use of alternative modes of transportation.

B8-5: The comment states that the author’s friends from Oceanside consider the new traffic circle on Carlsbad Boulevard to be unwelcoming and inquires whether this will be the model for other Connector Streets. The recent roundabout at Carlsbad Boulevard and State Street was initiated due to safety concerns. The intersection had a significant skew angle which created safety issues for vehicles, bicycles, and pedestrians. The installation of a roundabout was identified as an appropriate control device to improve safety at the intersection. Please note that Policy 3-P.13 identifies that the city should “consider innovative design and program solutions to improve the mobility, efficiency, connectivity, and safety of the transportation system...”

B8-6: The comment states the author’s belief that most young bicycle riders on Carlsbad Boulevard are not residents of the city and should not be given such emphasis in the draft General Plan. However, avid cyclists are not the customer the Mobility Element is trying to provide for. The Mobility Element attempts to provide safe and efficient transportation for all users of the system. The improvements for bicycle and pedestrian facilities identified in the Mobility Element are to serve families (including children) as the customer of the transportation system.

Additionally, the Mobility Element does not prioritize out of town bicycle riders. The intent is to integrate the transportation system with the adjacent land uses and ensure that safe and efficient transportation is provided.

B8-7: This comment suggests changing the priority of Connector Streets from pedestrians and bicycle riders back to cars. The author’s suggestion is a policy matter which will be considered by the City Council when it makes its decision whether or not to adopt the draft General Plan. No further response is required.

**B9: Bentley-Wing Properties, Inc.**

B9-1: The comment describes the commenter’s experience with designing and processing development projects in the city, including within Local Facilities Management Zones 12, 15 and 20. No response is required.

B9-2: The comment states the Growth Management (Proposition E) residential dwelling unit limit in the northeast quadrant precludes approval of all of the sites in the northeast

quadrant that were evaluated in the draft General Plan for a residential land use designation change. See master response MR3-1. The commenter's recommendations will be included in the materials which the City Council will consider when it makes its decision whether or not to adopt the draft General Plan.

- B9-3: The comment describes conditions which constitute "the problem" and refers to an area in the city's northeast quadrant that is subject to existing policies and standards that, for most of the area, guide the development of low density residential uses. The comment also refers to the low density of residential projects that have been previously approved and evaluated pursuant to CEQA; the comment expresses concern that the low densities in this area hinder the completion of a segment of College Blvd and other facilities. The draft General Plan does not propose any change that will reduce the density of future residential development in the area.
- B9-4: The comment indicates that the residential density of the area near the future segment of College Blvd. (between El Camino Real and Cannon Road) is currently too low to financially support the construction of the roadway. The draft General Plan and draft EIR identify that segment of College Blvd. as a future roadway. No change is proposed by the draft General Plan that will reduce the density of future residential development in the area; in fact, three sites in the area have been evaluated for higher residential density.
- B9-5: The comment recommends approval of the R-30 (residential 23-30 du/ac) designation on the "BJ Apartment" site and lists various reasons to support this recommendation. The site is currently designated as R-4 (residential 0-4 du/ac) and was evaluated in the draft EIR as a residential site with the R-30 designation. This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). This is one of seven sites evaluated for which staff is recommending approval of the R-30 designation as part of the draft General Plan. The R-30 (high) density range (as evaluated in the draft EIR and suggested by the comment) does assist in meeting Housing Element objectives; the site has few issues/conflicts and is located in proximity to a school and shopping services.
- B9-6: On the Sunny Creek commercial site, the comment recommends approval of the R-23 (residential 15-23 du/ac) designation on 11 acres of the site and a commercial designation on 6 acres of the site, and lists various reasons to support this recommendation. The site is currently designated as Local Shopping Center (L) and was evaluated in the draft EIR as a residential/local commercial site (R-23 on 11.58 acres and L on 6.02 acres). This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). Staff is recommending approval of a combination of R-23 and L designations on the site. The R-23 density range (as evaluated in the draft EIR and suggested by the comment) does assist in meeting Housing Element objectives; the site has few issues/conflicts and provides housing within a walkable distance of future commercial services.
- B9-7: The comment recommends a medium density residential designation on the "Kelly" property and listed various reasons to support this recommendation. The site is currently

- designated R-4 (residential 0-4 du/ac) and was evaluated in the draft EIR as a residential site with the R-15 (residential 8-15 du/ac) designation. This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). To ensure compliance with the Growth Management residential dwelling unit limit in the northeast quadrant, staff does not recommend approval of the R-15 designation (or medium density, as the comment suggests) on this site. Of the seven sites evaluated for a residential designation change in the northeast quadrant, this site was not among the most preferred for increased residential density. The R-15 (medium-high) and R-8 (medium) density ranges (as evaluated in the draft EIR and suggested by the comment) do not assist in meeting Housing Element objectives.
- B9-8: The comment recommends denial of medium density residential development on the “WP Equestrian Property/Sunny Creek” site for various reasons listed. The site is currently designated R-4 (residential 0-4 du/ac) and Open Space, and was evaluated in the draft EIR with the R-15 (residential 8-15 du/ac) and Open Space designations. This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). To ensure compliance with the Growth Management residential dwelling unit limit in the northeast quadrant, staff does not recommend approval of the R-15 designation (or medium density, as the comment suggests) on this site; of the seven sites evaluated for a residential designation change in the northeast quadrant, this site was not among the most preferred for increased residential density. The site is constrained by a floodplain and the R-15 (medium-high) and R-8 (medium) density ranges (as evaluated in the draft EIR and suggested by the comment) do not assist in meeting Housing Element objectives.
- B9-9: The comment recommends denial of the proposed R-30 designation on “PA 22 Robertson Ranch” and lists various reasons for the nonsupport. The site is currently designated Office and was evaluated in the draft EIR as a residential site with the R-30 designation. This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). This is one of the seven sites that staff is recommending approval of the R-30 designation as part of the draft General Plan. The R-30 (high) density range (as evaluated in the draft EIR and suggested by the comment) does assist in meeting Housing Element objectives; also, the site has few issues/conflicts and is located in proximity to a school and future shopping services.
- B9-10 The comment recommends denial of changing the designation on lands currently designated for planned industrial use (in the “Palomar corridor”) to a residential designation, and lists various reasons for the nonsupport. Three site areas in the “Palomar corridor” that are currently designated “Planned Industrial” were evaluated in the draft EIR as residential sites with the R-30 designation. Two of the three site areas are among the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). The third site area is located in the southwest quadrant. Staff does not recommend approval of a residential designation for any of the three sites. Of all the sites evaluated for a residential designation change throughout the city, those that are currently designated for planned industrial uses are

not among the most preferred for residential development. The city's Fire Prevention staff has raised concerns regarding potential conflicts between residential uses and nearby industrial uses that may utilize hazardous materials. Also, as the comment states, to designate these sites for residential use would result in a loss of future employment land.

- B9-11 The comment summarizes the reasons for the recommendations made in the letter. The recommendations have been considered by staff; the Planning Commission and City Council will be informed of the commenter's recommendations and will consider the recommendations when they make their decisions whether or not to adopt the draft General Plan.
- B9-12 Commenter provides contact information if the city needs to contact him. No response is required. The contact information has been added to the city's notification list regarding the project.

**B10: On behalf of North County Advocates**

- B10-1: The comment introduces the contents of the letter and provides background on CEQA and initiative and referendum in California. No response is required.
- B10-2: This comment provides a summary of several statements related to the Growth Management Plan, Passage of proposition E, Carlsbad Municipal Code (Chapter 21.90), Citywide Facilities and Improvements Plan and Local Facilities Management Plans and the requirement to ensure that all necessary public facilities will be available concurrent with need. The comment also identifies the performance standards for parks and for open space. However, it must be pointed out that parks performance standard cited in this comment was modified by the City Council in 1997 to clarify its meaning and intent. See response to comment B10-3 below.
- B10-3: This comment states that the draft General Plan uses an incorrect performance standard for parks that is inconsistent with the Growth Management Plan and the comment provides rationale to support this comment.

The performance standard for parks, as stated in the draft General Plan, is consistent with the Citywide Facilities and Improvements Plan (CFIP). The CFIP establishes the 11 public facility performance standards and establishes principles for capital financing plans. Additionally, the CFIP implements the city's General Plan and Zoning Ordinance by ensuring that development does not occur unless adequate public facilities and services exist or can be provided with new development.

The CFIP performance standard for parks initially stated "Three acres of Community Park or Special use Area per 1,000 population within the Park District must be scheduled for construction within a five-year period" (note that this performance standard was stated in the originally adopted CFIP (September 1986), prior to the passage of Proposition E in November 1986). The CFIP has been amended twice by the City Council since its adoption on September 23, 1986. The most recent amendment occurred in conjunction with the 10-year Anniversary Report for the Growth Management Plan

(AB 14,129). This report summarized the accomplishments of the Growth Management Plan and included recommendations for a number of minor implementation refinements. The report indicated that the meaning and intent of the “five-year period” had been subject to interpretation and resulted in questions regarding the proper implementation of these performance standards. As a result, the City Council adopted Resolution 97-435 amending the CFIP to clarify the meaning and intent of the performance standards in order to facilitate effective implementation of the Growth Management Program. For Parks, the performance standard was amended to read “3 acres of Community Park or Special Use Area per 1,000 population within the Park District must be scheduled for construction within a five year period **or prior to construction of 1,562 dwelling units within the Park District, beginning at the time the need is first identified** (emphasis added). According to City Council Resolution No. 97-435, the phrase “scheduled for construction” means that the improvements needed to meet the demand have been designed; that a site has been selected and has been acquired or is being acquired; and that a financing plan for construction of the facility has been approved by the City Council.

Therefore, Section 4-9 of the city’s draft General Plan is consistent with this performance standard, and the draft EIR properly analyzed the draft General Plan’s impact on park facilities (see Section 3.11, pp. 3.11-19, and 3.11-24 through 3.11-28).

B10-4: This comment states that the draft General Plan and draft EIR fail to analyze current conformance with the performance standard for parks and the comment provides rationale to support this comment. Both the rationale and conclusion are flawed.

First, both the draft General Plan (p. 4-22) and draft EIR (p.3.11-2) summarize the city’s current (through June 2013) conformance with the Growth Management Plan (GMP) parks performance standard by referencing the latest annual GMP monitoring report. The referenced report contains the analysis and population data that supports the conformance conclusion. Current conformance with the parks performance standard describes an existing condition rather than an impact that the draft General Plan would have on park facilities.

Second, the comment is based on a calculation methodology inconsistent with the CFIP to draw a conformance conclusion. For example, the comment is based on population data from California Department of Finance, rather than decennial Census data as called for in the CFIP. The city’s GMP monitoring report includes population estimates utilizing decennial Census data for persons per household and city records for number of dwelling units in the city; these two sources of information are used to determine population (i.e., persons per household x number of dwelling units = population). Nonetheless, while both the city’s latest annual GMP monitoring report and comment indicate current park shortfalls in the Southwest and Southeast quadrants, the comment incorrectly concludes the city is not in conformance with the parks standard because the comment relies on an obsolete version of the standard. The current parks performance standard includes a maximum dwelling unit threshold that must be reached before non-

conformance occurs. See response to comment B10-3 above for explanation of the parks performance standard.

While the draft General Plan and draft EIR reference the FY 2012-13 Growth Management Plan Monitoring Report, the applicable section regarding current conformance is repeated below for clarity:

**A. Parks Performance Standard**

3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District<sup>1</sup> must be scheduled for construction within a five year period, or prior to construction of 1,562 dwelling units within the Park District beginning at the time the need is first identified.<sup>2</sup>

**B. FY 2013-14 Facility Adequacy Analysis**

To date, all quadrants are in compliance with the performance standard.

<u>Quadrant</u>	<i>Park inventory existing</i>	<i>Park acreage required by Performance Standard</i>
NW	105.3 acres	90.4 acres required
NE	43.5 acres	43.6 acres required
SW	70.2 acres	70.7 acres required
SE	<u>114.9 acres</u>	<u>116.2 acres required</u>
<b>Total</b>	<b>333.9.0</b>	<b>320.9 acres</b>

Currently, the performance standard requirement for park acreage exceeds the inventory of existing and scheduled park acreage except for the following two quadrants: SW and SE. However, although short of the acreage required, these quadrants are not out of compliance with the performance standard because neither the time frame nor dwelling unit thresholds have been reached.<sup>2</sup>

<u>Quadrant</u>	<u>Year deficit identified</u>	<u>Units constructed since deficit identified</u>
SW	FY 2012-13	50
SE	FY 2012-13	157

Footnotes:

<sup>1</sup> "Park District" = "quadrant". There are four park districts within the city, corresponding to the four quadrants.

<sup>2</sup> The threshold for triggering the construction of a new park is as follows: Once a deficit of park acreage in a quadrant is identified, a new park must be scheduled for construction within the time frame of five years, or before the cumulative construction of 1,562 dwelling units, whichever occurs later. According to City Council Resolution No. 97-435, "scheduled for construction" means that the improvements have been designed, a park site has been selected, and a financing plan for construction of the facility has been approved.

B10-5: This comment states that the draft General Plan analysis of future conformance with performance standards for parks is incorrect because it counts Veteran’s Memorial park as a “citywide” park and divides that parkland between all four quadrants. The comment then offers an alternative build-out calculation with future Veteran’s Memorial Park allocated entirely to the Northwest Quadrant.

The comment incorrectly argues that the voter-approved Growth Management Plan (GMP) does not permit the acreage of a park in one quadrant to be counted in another. In fact, the Citywide Facilities and Improvements Plan (CFIP), which was adopted as an integral component of the 1986 GMP (City Council Resolution No. 8797, adopted 9/23/86), allocated the future Veteran's Park acreage (then referred to as Macario Canyon Park) equally among all four quadrants (see CFIP, pp. 33-35). Therefore, the draft General Plan and draft EIR build-out analysis of parks performance standard compliance is consistent with the voter-approved GMP.

Please also see master response MR1-7 regarding Veteran's Park.

B10-6: This comment relates to double-counting some areas as both parkland and hardline open space. Please see master response MR1-8 regarding open space "double-counting".

B10-7: This comment states that the draft General Plan includes areas in its calculation of open space acreage that may not count towards the Growth Management Program open space performance standard. This is not accurate. The comment confuses draft General Plan definitions of open space with the Growth Management Program (GMP) performance standard for open space. The purpose of the open space inventory shown in draft General Plan Table 4-1 and Figure 4-1, is to provide an accounting of all designated open space in the city, consistent with the open space definitions and policies of the draft General Plan. The inventory therefore, includes GMP performance standard and non-performance standard open space.

Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space "requirement", MR1-3 regarding the amount of open space provided under the draft General Plan, and MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

B10-8: This comment states that the draft General Plan and draft EIR fail to analyze conformance with open space standards. As explained in master response MR1-4, the draft General Plan contains policies that require compliance with Growth Management Program performance standards. Further, the draft EIR analyzed the impact of the draft General Plan on open space, and concluded it to be less than significant (see draft EIR, Impact Analysis 3.9-2, pp. 3.9-16 through 3.9-19).

Please see also master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

B10-9: This comment incorrectly states that the open space performance standards applies to all zones and that Proposition E did not exclude zones that were already deemed to have met the open space performance standard. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

As pointed out in response to comment B10-5 above, and as acknowledged in Footnote 2 of the comment letter, the Citywide Facilities and Improvements Plan (CFIP) was



adopted as an integral component of the voter-ratified 1986 Growth Management Program. The CFIP section on open space includes a map (Figure 15, p. 45) identifying where the 15% open space performance standard applies. On page 46, the CFIP states, “The preceding map highlights those areas of the city which will be required to comply with the open space performance standard.” Not highlighted on the map are zones 1-10 and 16; therefore no further analysis or monitoring was required for these zones.

B10-10: This comment offers an opinion as to what uses in the Open Space zone permitted by the Carlsbad Municipal Code are inconsistent with the draft General Plan definition for open space. The open space definition in the draft General Plan is fundamentally the same as in the current General Plan, and no change to the referenced Municipal Code section is proposed. Therefore, no conflict arises as a result of the draft General Plan.

B10-11: The comment cites the draft EIR’s discussion of aesthetics, community character, and land use impacts as insufficient. Chapter 3.1 of the draft EIR discusses impacts to aesthetics and visual character, and Chapter 3.9 of the draft EIR discusses land use impacts of the draft General Plan, which are evaluated using CEQA Appendix G criteria. Impacts to community character, as distinct from visual character, are beyond the scope of CEQA.

The comment also states that the draft General Plan will exceed the Growth Management cap. As described on page 3.9-21 of the draft EIR, the draft General Plan Land Use Map identifies potential residential sites that could result in 327 dwelling units above the Growth Management dwelling unit limitation. During the city’s public hearing process to adopt the draft General Plan, these sites will be modified to reduce the northeast quadrant’s residential capacity by a minimum of 327 units, based on the Growth Management Control Point density. This process will ensure that the population growth resulting from the draft General Plan is consistent with the Growth Management Plan. Pursuant to Proposition E, adoption of the draft General Plan could not occur unless the necessary reduction takes place. In no case will the adopted General Plan have a dwelling unit capacity that exceeds the Growth Management dwelling unit caps.

B10-12: The comment states that the draft General Plan is inconsistent with Proposition E because it fails to count certain uses as dwelling units under the cap. Proposition E establishes limits for the number of residential dwelling units in the city; if a use is not considered a residential dwelling unit, it is not counted toward the Proposition E cap. For example, “commercial living units” (assisted living facilities, timeshares, hotels) are not defined by the city as “residential dwelling units” because of the care service or temporary nature of the use. Existing and estimated future residential dwelling units are accounted for in the draft General Plan, consistent with Proposition E; also see response to comment B10-11 above.

B10-13: The comment states that no information regarding stationary sources is provided. See page 3.2-28 of the Recirculated DEIR, which includes stationary sources in the analysis of operational emissions; and as stated on page 3.2-28 of the Recirculated DEIR, the only

anticipated future stationary source in the city is the Carlsbad Energy Center Project that will replace the Encina Power Station.

B10-14: The comment states that the calculations of the effectiveness of mitigation measures are not adequately explained and refers to “EIR at p. 3.2-19.” However, there are no calculations regarding the effectiveness of mitigation measures on page 3.2-19 of the draft EIR. Instead, page 3.2-19 of the draft EIR contains the analysis of Impact 3.2-1 (whether the proposed General Plan will conflict or obstruct the implementation of the applicable air quality plan) and identifies Land Use and Community Design Element goals 2-G.3 and 2-G.6 as two of a number of goals and policies in the proposed General Plan that would reduce any potential conflict between the General Plan and the RAQS. The draft EIR does not provide “calculations of effectiveness” of these policies because the nature of both Impact 3.2-1 and goals 2-G.3 and 2-G.6 are such as to require qualitative, rather than quantitative, evaluation. Accordingly, no further response is possible. Please note further that the analysis of Impact 3.2-1 was revised in the Recirculated DEIR, which changed the impact determination from “less than significant” to “significant and unavoidable.” This revision was made to reflect the potential conflict that may arise due to fact that the current RAQS are based on development allowed under the existing General Plan and do not take into account additional development allowed under the proposed General Plan. The Recirculated DEIR only mitigation for this conflict is for the city to request SDAPCD to reflect the growth projections of the draft General Plan in the next triennial update of the RAQS. However, the update of the RAQS is within the jurisdiction and control of the SDAPCD, not the city, and the city cannot guarantee that SDAPCD will update the RAQS prior to implementation of the proposed General Plan; therefore, the impact is significant and unavoidable.

B10-15: The comment references Policies 2-P.13 (encourage medium to higher density residential uses...) and 4-P.53 (provide, whenever possible, incentive for carpooling, flex-time, etc...) and states that these measures have not been required in the past. These policies are intended to guide future development by requiring that development be consistent with the goals and policies of the General Plan.

B10-16: The comment states that it is unclear how the General Plan could contribute to an air quality violation (in reference to Impact 3.2-2) and yet not obstruct implementation of an air quality plan (in reference to Impact 3.2-1). As explained in response to comment B10-14, the Recirculated DEIR provide a revision to the analysis for Impact 3.2-1; the impact determination has been changed from “less than significant” to “significant and unavoidable” – the draft General Plan will have a significant and unavoidable conflict with the RAQS, an applicable air quality plan. The Recirculated DEIR show that the only mitigation is for the city to request SDAPCD to reflect the growth projections of the draft General Plan in the next triennial update of the RAQS; however, the update of the RAQS is within the jurisdiction and control of the SDAPCD, not the city, and the city cannot guarantee that SDAPCD will update the RAQS prior to implementation of the proposed General Plan, therefore, the impact is significant and unavoidable. \_

- B10-17: The comment suggests that the Climate Action Plan (CAP) relies on SANDAG's Regional Transportation Plan (RTP). This is incorrect. The discussion of SB 375 provides a background on state emission standards. The GHG targets set in the CAP are based on AB 32 and EO S-3-05. The methodology for inventorying GHG emissions, calculating emission targets, and estimating the effect of GHG reduction measures is described in Chapters 3, 4, and 5 of the draft CAP.
- B10-18: The comment suggests that the CAP relies on CARB's Scoping Plan. The 2008 Scoping Plan provides guidance that local governments target 2020 emissions at 15 percent below 2005 levels to account for emissions growth since 1990, as a proxy for 1990 emissions. This recommendation is consistent with the 2014 draft Scoping Plan. Aside from this recommendation, the CAP does not rely on analysis in the Scoping Plan.
- B10-19: The comment states that the draft EIR provides an insufficient discussion of wildfire impacts. Please see pages 3.6-13 to 3.6-14 of the draft EIR for a discussion of wildland fire hazards, Figure 3.6-4 for a map of wildfire threat, and Impact 3.6-7 for a discussion of the risk of wildfires and measures to reduce urban wildland fire risk, including the Uniform Fire Code, and the Landscape Manual. As a side note, the area affected by the Poinsettia Fire is shown as a "very high threat" in the Figure 3.6-4 of the draft EIR. Because the comment does not identify how or in what way the discussion of wildfire impacts is insufficient, no further response is possible.
- B10-20: The comment states that there is an inadequate demonstration of water supply for the draft General Plan. Impact 3.12-4, on pages 3.12-35 to 3.12-40 of the draft EIR evaluates water supplies from CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year (drought conditions) supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout in 2035. Because the comment does not identify how or in what way the discussion water supply is insufficient, no further response is possible.
- B10-21: The comment states the commenter's understanding of the CEQA requirements for alternatives and mitigation measures. No response is required.
- B10-22: The comment refers to the significant and unavoidable conclusion for Impact 3.2-2 (violate air quality standards) and Impact 3.13-1 (exceeds an applicable plan, ordinance or policy establishing measures of effectiveness of the circulation system), and states that adequate mitigation or alternatives were not considered. However, the comment does not identify any mitigation measures or alternatives which the draft EIR should have considered and which would avoid or reduce these impacts.

Regarding air quality impacts, the Recirculated DEIR include revisions to Impact 3.2-2, which identify mitigation measures to reduce air quality impacts; however the impact will remain significant. The mitigation related to Impact 3.2-2 includes: draft General Plan goals and policies identified on pages 3.2-29 – 3.2-33 of the Recirculated DEIR; draft Climate Action Plan measures identified on pages 3.2-34 – 3.2-35 of the Recirculated

DEIR; Green Building and SWPPP standards identified on pages 3.2-35 – 3.2-36 of the Recirculated DEIR; and project-level mitigation measures MM AQ-2 to MM AQ-6 on pages 3.2-37 – 3.2-39 of the Recirculated DEIR.

Regarding traffic impacts, Impact 3.13-1 describes that the impacts to vehicle prioritized streets and Caltrans' facilities (I-5 and SR-78) are considered significant and unavoidable. Page 3.13-30 of the draft EIR identifies that implementation of draft General Plan Mobility Element policies, including policies 3-P.6 and 3-9, which require implementation of transportation demand management, will mitigate the impacts; however, the impact will remain significant. Draft General Plan policy 3-P.15 encourages Caltrans to improve regional connectivity consistent with regional planning, which serves to lessen the impact. In addition, the existing regional Transnet program (implemented by SANDAG) mitigates traffic impacts on regional arterial streets and freeways; the city participates in the Transnet program by collecting a fee from residential developers, which provides funds to improve regional arterial streets and Caltrans freeway interchanges and related freeway improvements. In addition, two new policies are proposed to be added to the draft General Plan which would mitigate the significant impacts to freeway facilities: the first policy requires developers of future projects, which are determined to have a significant impact on Caltrans freeway facilities on I-5 and SR-78, to enter into a traffic mitigation agreement with Caltrans for implementation of the necessary improvements and the payment of fair-share fees to be determined by Caltrans based on the increase in freeway traffic directly attributable to the proposed project; the second policy encourages Caltrans to identify and construct necessary improvements to improve service levels on I-5 and SR-78. Although implementation of these policies would reduce the potential significant impacts to freeway segments, the timing and implementation of the fair share contributions and necessary improvements are within the jurisdiction of Caltrans, not the city, and the city cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance will occur prior to implementation of future development projects. Accordingly, the potential impacts of the draft General Plan on I-5 and SR-78 are considered significant and unavoidable.

Regarding the comment about the lack of an alternative that avoids or reduces the significant air quality and transportation impacts, Chapter 4 of the Recirculated DEIR provides a reduced density alternative that would result in reduced impacts to air quality and transportation.

B10-23: The comment references the use of sustainable energy sources. Please refer to the CAP GHG reduction measures A, B, and M for a discussion of renewable energy sources. These measures provide a mixture of incentives and requirements to meet a defined target for renewable energy production. Action A-3 on page 4-2 of the CAP has been revised to require the city to adopt an ordinance that would require that new homes install PV panels to offset a portion of their energy use. Action B-2 was similarly revised to require the city to adopt a PV ordinance for existing nonresidential development. Therefore, the CAP contains actions making sustainable energy sources an enforceable requirement.

- B10-24: The comment asserts that no mitigation or alternatives are considered that reduce VMT. Please see page 4-33 of the Recirculated DEIR for a comparative analysis of VMT per service population. The Reduced Density alternative and the draft General Plan provide the lowest annual VMT per service population for all the alternatives considered (2,998 and 3,013, respectively). The CAP, from pages 3-16 to 3-25 quantifies VMT reductions from draft General Plan policies. These policies include bikeway system improvements, pedestrian improvements and increase connectivity, traffic calming, parking facilities and policies (such as shared/collective parking, unbundled cost of parking, parking management, reduced parking standards), and transportation improvements (improved transit, TDM, and traffic signal management). CAP GHG reduction measures K (establishing transportation demand management measures), and L (increasing low-emission and zero-emission vehicle travel) also reduce VMT and GHG emissions.
- B10-25: Page 3.13-29 of the draft EIR documents policies related to vehicle levels of service as that section of the draft EIR documents vehicle level of service results. Subsequent portions of the draft EIR, including 3.13-30 – 3.13-33 discuss project impacts and proposed mitigation measures for bicycle, transit, and pedestrian travel modes. Additionally, page 3.13-36 discusses potential impacts to adopted policies, plans, and programs regarding public transit, bicycle, or pedestrian facilities. In addition to the impact discussion, pages 3.13-3 – 3.13-4 and 3.13-7 – 3.13-10 document the existing setting for alternative transportation facilities. The documentation and analysis provides for an adequate discussion of alternative transportation. Since the comment does not indicate in what way the draft EIR's analysis of alternative transportation is inadequate, no further response is required.
- B10-26: Policy 3-P.7 requires the city to develop and maintain a list of LOS exempt intersections and streets where improvements are not feasible. The intent of this policy is to ensure that an un-realistic LOS standard is not applied to locations where it is infeasible (based on the definitions of infeasibility in Policy 3-P.7) to maintain the referenced level of service standard. As such, this policy only reflects what can be achieved; it will not exacerbate traffic impacts as noted as any improvements would not have been constructed without this policy given the infeasibility of the improvements.
- B10-27: The comment states that the draft EIR fails to consider mitigation for construction noise that provides numeric standards. Compliance with the City of Carlsbad Noise Ordinance (CMC Chapter 8.48) and the draft General Plan Noise Element goals and policies would reduce noise levels from construction activities. Specifically, the city's Noise Ordinance limits the days and hours of construction in areas with the potential to cause disturbance. It is unlawful to operate equipment or perform any construction in the erection, demolition, alteration, or repair of any building or structure or the grading or excavation of land during the following hours (except as provided later in the ordinance): (1) After six p.m. on any day, and before seven a.m., Monday through Friday, and before eight a.m. on Saturday; (2) All day on Sunday; and (3) On any federal holiday. Table 5-1 of the draft General Plan (page 5-16) sets quantitative levels for which new construction or development is conditionally acceptable, normally unacceptable, or clearly unacceptable. Compliance with these noise standards will ensure that noise impacts are less than

- significant. In addition, the city would require each future project to comply with the Noise Ordinance and Noise Guidelines Manual, and implement the draft General Plan policies to reduce construction noise levels. Through the environmental review process for individual projects, additional mitigation may also be required to further reduce construction-related noise impacts to a less-than-significant level.
- B10-28: The comment states that the draft EIR fails to consider a reduced development or smart growth alternative. The Recirculated DEIR includes a reduced density alternative that reduces development potential by 40 percent, compared to the draft General Plan. In addition, the draft General Plan is based on smart growth principles. As described in the draft General Plan Introduction and Vision, the Carlsbad Community Vision is the vision of the draft General Plan, and part of that vision is the core value of “Neighborhood Revitalization, Community Design, and Livability”, which includes the following vision statement: “future development will be guided by principles of smart growth planning.”
- B10-29: The comment states that the project and the objectives are narrowly defined. Please see page 2-6 for a list of the draft General Plan objectives, which include outlining a vision for Carlsbad’s long-term physical and economic development and community enhancement, and providing strategies and specific implementing actions that will allow the vision to be accomplished. These objectives and the supporting core values and vision statement provide a framework for the purpose of the plan, which is to update the city’s General Plan. Since the comment does not identify any project objectives which should have been considered in the draft EIR but were not, no further response is warranted.
- B10-30: The comments are addressed below in responses to comments B10-32 to B10-42.
- B10-31: The comment suggests recirculating the draft EIR to address issues raised in comments B10-1 to B10-30. Please see responses to comments B10-1 to B10-30. The draft EIR provides the information that the comment suggests is lacking or inadequate and no significant new information has resulted from the comments.
- B10-32: The comment describes background information in the draft EIR regarding anticipated growth that may occur at buildout under the draft General Plan and CAP. The comment does not raise any environmental issue and no response is required.
- B10-33: The comment identifies the information reviewed by the commenter. The comment does not raise any environmental issue and no response is required.
- B10-34: The comment states that the draft EIR does not adequately address construction and operation emissions from the draft General Plan and does not provide adequate mitigation. Please see the Recirculated DEIR, which, on pages 3.2-23 through 3.2-41, provides revised analysis that quantifies construction and operational emissions and an expanded list of mitigation measures.
- B10-35: The comment states that construction emissions are not quantified in the draft EIR and requests quantitative estimates and mitigation measures. Please see the Recirculated DEIR, which, on page 3.2-25, quantifies construction emissions, and starting on page 3.2-

36, provides additional mitigation measures for air quality impacts from construction emissions, which include the suggestions made in the comment.

- B10-36: The comment requests a stand-alone air quality assessment to support the discussion of operational emissions. The comment also suggests that the draft EIR include a comparison of the project operational emissions to an appropriate baseline year. Lastly, the comment states that the draft EIR doesn't consider new stationary sources, including the Encina Power Plant.

A stand-alone technical study for operational emissions was not required because all emissions estimation assumptions and analysis methodology are disclosed in Section 3.2 of the draft EIR. As stated on page 3.2-23 of Section 3.2 of the draft EIR, emissions from operational sources were compared against an existing conditions baseline year (2008). Existing 2008 land uses including square footage and acreage of each use, along with trip generation associated with each use, were compared against the uses proposed at buildout of the draft General Plan (2035) to come up with net land use and trip generation assumptions that were used in the air quality analysis. Net land use assumptions and trip generation information were provided by Fehr and Peers.

Please also see the Recirculated DEIR, which, on page 3.2-28, quantifies the net new operational emissions at buildout of the General Plan and includes stationary sources in the analysis. In addition, starting on page 3.2-34, the Recirculated DEIR provides additional mitigation measures for air quality impacts from operational emissions.

- B10-37: The comment characterizes GHG reduction measures from the Climate Action Plan (CAP) as inadequate since it is not explained how they would be enforced. CAP Table 4-2 shows proposed residential energy conservation, commercial energy conservation, and transportation demand management ordinances to implement the measures. The ordinances would enforce the GHG reductions measures by providing measures to meet the goals stated in the CAP. Chapter 5 provides project review thresholds and a preliminary CAP project review checklist, which would apply in addition to the ordinances, and will be adapted and finalized for project-level environmental review. Additionally, Chapter 5 was revised to provide more details regarding implementation, monitoring, reporting and adjusting the CAP as needed. See also response to comment B16-34 below.

The comment states that the draft EIR is inadequate because the transportation analysis relied on SANDAG's 2050 RTP. This is incorrect; the transportation impact assessment in the draft EIR is from the SANDAG Series 12 model, which represents the best available data for transportation modeling for the San Diego region.

- B10-38: The comment requests addressing the impact of the construction and operation of individual projects and identification of mitigation specific to those projects to address water quality impairments. As stated on page 1-3 of the draft EIR, as a program EIR, the draft EIR focuses on the overall effects of the draft General Plan in the planning area. Information about the location, size and other characteristics of future development

allowed under the draft General Plan is not known at this time, therefore it is not possible to determine the nature, extent and location of specific impacts on water quality. However, Impact 3.8-1 of the draft EIR does identify that the draft General Plan will allow for development that could impact water quality and that applicable regulations and draft General Plan goals and policies will ensure that water quality impacts from future development will be less than significant, as follows:

*The draft General Plan would allow for additional development that would increase the amount of impervious surfaces and could therefore increase the amount of runoff and associated pollutants during both construction and operation. However...the city's SUSMP requires every construction activity within Carlsbad that has the potential to negatively affect water quality to prepare a construction SWPPP. The SWPPP requirements in the city's Storm Water Standards Manual ensure compliance with the Carlsbad Grading and Drainage Ordinance. Projects that would result in the disturbance of one acre or more of land or would create more than 5,000 square feet of impervious surfaces are subject to the post-construction priority development project requirements in the Carlsbad Storm Water Standards Manual and must prepare a storm water management plan. Projects that are limited to trenching and resurfacing associated with utility work that do not disturb more than one acre are subject to the post-construction standard storm water requirements. All projects must meet, at a minimum, standard storm water requirements, including the following LID requirements:*

- Drain a portion of impervious areas into pervious areas, if any.*
- Design and construct pervious areas, if any, to effectively receive and infiltrate runoff from impervious areas, taking into account soil conditions, slope, and other pertinent factors.*
- Construct a portion of paved areas with low traffic and appropriate soil conditions with permeable surfaces.*

*Implementation of these practices would reduce the volume of runoff from impervious surfaces and increase the amount of natural filtration of pollutants from storm water occurring on site, generally improving the quality of storm water before it enters the city's storm water system. In addition, the SUSMP accommodates the requirements of the city's NPDES Permit, thereby ensuring NPDES compliance.*

*Furthermore, the draft General Plan, which would guide development in the city over the next 20 years, contains goals and policies pertaining to water quality.... The proposed goals and policies promote the protection of the city's natural water bodies, prevent water pollution from agricultural run-off and other sources, ensure preparation and implementation of applicable water quality plans, require incorporation of BMPs, and otherwise ensure compliance with the city's NPDES Permit and other related regulations. Overall, the draft General Plan policies would promote improved water quality in the city and continued compliance with federal, state, and local water quality regulations, and would ensure that water quality is protected to the maximum extent practicable. Therefore,*



*implementation of the draft General Plan and the city's SUSMP would ensure that impacts are less than significant.*

Page 3.8-23 of the draft EIR identifies goals and policies that ensure the impacts to water quality are less than significant; specifically, draft General Plan goal 4-G-12 and policies 4-P.56 through 4-P.64.

Individual development projects will require project-level environmental assessment, which will include analysis of the water quality impacts of future projects.

B10-39: The comment requests a list of industrial development under the draft General Plan. Please see response to comment B10-38. The city's SWPPP incorporates the requirements of the General Industrial Activity Permit; therefore, compliance with the SWPPP, and the goals and policies referenced in response to comment B10-38, ensures that future industrial development allowed by the draft General Plan will have a less than significant impact on water quality.

B10-40: The comment refers to information regarding current drought conditions. Page 3.12-3 of the draft EIR has been revised in Chapter 3 of this final EIR to provide updated information on the current drought.

Reduced water supplies due to drought are considered in the analysis of the UWMP. Impact 3.12-4, on pages 3.12-35 to 3.12-40 evaluates water supplies from the CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout (the future development accounted for under the draft General Plan) in 2035; therefore, the UWMP states that under drought conditions, there is expected to be enough water supplies.

B10-41: The comment suggests that a reference to the economic downturn, which is stated both on page 3.12-3 and 3.12-5 with reference to recycled water demand, causing a decrease in demand for recycled water is out of date. However, in assessing whether a project will have significant impacts on the environment, CEQA requires an EIR to examine whether and to what extent the project will result in changes to the conditions which exist in the affected area at the time the Notice of Preparation (NOP) of the EIR is published. The existing conditions considered in the draft EIR are those which existed when the NOP was published on December 29, 2010. Although economic and other conditions may fluctuate during preparation of the EIR and during the period culminating in buildout of the draft General Plan, the draft EIR relied on the most up-to-date information available at the time the NOP was published, including the CMWD's 2010 Urban Water Management Plan and 2012 Recycled Water Master Plan, which continue to be the most recent water management and recycled water plans available..

The analysis of the adequacy of water supply and the demand for recycled water in the draft EIR is based on the best available and applicable references, namely CMWD's 2010 Urban Water Management Plan and CMWD's 2012 Recycled Water Master Plan. These

documents evaluate the long-term demand for water supply and recycled water, respectively. The analysis in the draft EIR is reflective of the growth contemplated under buildout of the proposed draft General Plan, and contains a quantitative assessment of existing and future water supply and demand in the analysis of Impact 3.12-2 on page 3.12-29 through 3.12-33 of the draft EIR.

As described on page 3.12-30 of the draft EIR, the proposed draft General Plan would require an update to the CMWD Recycled Water Master Plan. A discussion of specific future impacts and associated mitigation measures for each water supply project is beyond the scope of the draft EIR; however, future water supply projects can be expected to include both construction-related and operation-related impacts. Any future water projects in the city would be required to conduct environmental review pursuant to CEQA prior to approval.

B10-42: The resume and qualifications of the commenter identify the subjects of his training and experience. No response is required.

**B11: Ladwig Design Group, Inc**

B11-1: The comment identifies that the subject of the letter is a property referred to as “Rancho Carlsbad Basin BJ”, which is located in the city’s northeast quadrant. The site is evaluated by the draft General Plan and draft EIR for a residential land use designation change from R-4/OS to R-30/OS. The comment is correct, to approve this designation change will require an allocation of units from the city’s Excess Dwelling Unit Bank.

B11-2: This site is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). The comment expresses concern that the designation change to R-30 may not be approved for this site due to the limited residential capacity in the quadrant, as summarized in master response MR3-1, and states the reasons for the commenter’s objections in Comments B11-3 through B11-6. This is one of the seven sites that staff is recommending approval of the R-30 designation as part of the draft General Plan. The R-30 (high) density range (as evaluated in the draft EIR and suggested by the comment) does assist in meeting Housing Element objectives; also, the site has few issues/conflicts and is located in proximity to a school and future shopping services.

B11-3: See response to comment B4-4 (comment B11-3 is identical to B4-4).

B11-4: See response to comment B4-5 (comment B11-4 is identical to B4-5).

B11-5: See response to comment B4-6 (comment B11-5 is identical to B4-6).

B11-6: The referenced “BJ Basin” project is not a proposed project; no development application is being considered by the city. A land use designation change from Residential Low-Medium Density (RLM) to R-30 is being considered as part of the draft General Plan. The comment identifies attributes of the site (access, proximity to jobs, services and

shopping, etc.); all of which have been considered and factored into staff's evaluation of the proposed residential sites.

B11-7: The comment indicates that staff recommends the Rancho Carlsbad BJ site not be approved for a residential designation change to R-30. This is not correct, as indicated in response to comment B11-2 above. This is one of the seven sites for which staff is recommending approval of the R-30 designation as part of the draft General Plan, and as evaluated in the draft EIR. Approval of the R-30 designation on the site will result in the potential for 108 dwellings (based on the Growth Management Control Point density and an estimated net developable area of 4.3 acres), which has been evaluated by the draft EIR.

**B12: VRE La Costa, LLC**

B12-1: The comment identifies a property located at the southeast corner of El Camino Real and Arenal Road, where the commenter proposes to build a senior assisted living facility. The city has not received any development application for the referenced senior facility. As the comment states, the site is used as parking for the La Costa Resort and Spa and is currently designated by the General Plan for visitor commercial uses. The property is a site that was considered an "opportunity site" (vacant and underdeveloped sites that can accommodate future development) during the alternatives analysis of the draft General Plan. Two land use alternatives were considered: leave the site as currently designated for visitor commercial uses or designate the site for medium density residential use. During the development of the preferred land use plan (which followed the alternatives analysis), it was determined by the Envision Carlsbad Citizens Committee, Planning Commission and City Council that no change to the visitor commercial designation on the site should be evaluated as part of the draft General Plan. The draft General Plan and draft EIR identify and evaluate the site for visitor commercial use, as currently designated.

B12-2: The comment states a preference for Land Use Alternative 1, Concept A, Centers, which would allow for development of a senior assisted living facility on the commenter's property. This comment will be included in the information provided to the Planning Commission and City Council for consideration with respect to the proposed draft General Plan.

B12-3: The comment is correct that senior assisted living facilities typically generate traffic volumes that are lower than commercial land uses. Regarding the projected level of service on El Camino Real from Palomar Airport Road to La Costa Avenue, the comment is correct that the city would have to exempt this facility from the LOS D standard, and that future development impacting this facility would be required to implement a transportation demand management (TDM) program.

B12-4: The comment suggests that changing the proposed land use of the parcel from commercial to an assisted living facility would reduce air quality impacts. While the change in land use designation may provide an incremental improvement in trip generation or air quality, it ultimately would not substantially lessen the significant air quality impacts of the draft General Plan buildout or affect the overall conclusion of

- significant and unavoidable impacts on air quality for Impact 3.2-2. See Chapter 4 of the Recirculated DEIR, which provides a reduced density and development intensity alternative; however, the reduced density/intensity alternative would still result in significant impacts to air quality.
- B12-5: The comment states that a senior assisted living facility on the site would provide a transitional land use buffer between existing residential and commercial resort uses, which the comment also states would be consistent with draft General Plan policy 2-P.39. Any future development application for the property must comply with General Plan policies including policies related to land use compatibility. As stated in response to comment B12-1, the Envision Carlsbad Citizens Committee, Planning Commission and City Council determined that no change to the current visitor commercial land use designation should be evaluated as part of the draft General Plan. This does not preclude the property owner from submitting a separate development application for city consideration. However, no change of use is identified or evaluated on the site by the draft General Plan or draft EIR.
- B12-6: The comment is correct, an assisted living facility does not require an allocation from the city's Excess Dwelling Unit Bank because the assisted living units are not considered dwellings for purposes of the city's Growth Management Program. As stated in response to comment B12-1, the Envision Carlsbad Citizens Committee, Planning Commission and City Council determined that no change to the current visitor commercial land use designation should be evaluated as part of the draft General Plan. This does not preclude the property owner from submitting a separate development application for city consideration. However, no change of use is identified or evaluated on the site by the draft General Plan or draft EIR.
- B12-7: As stated by the comment, the site is identified in the La Costa Resort and Spa Master Plan to be developed with resort condominiums. The comment indicates that this is not a financially feasible use at present. As stated in response to comment B12-1, the Envision Carlsbad Citizens Committee, Planning Commission and City Council determined that no change to the current visitor commercial land use designation should be evaluated as part of the draft General Plan. This does not preclude the property owner from submitting a separate development application for city consideration. However, no change of use is identified or evaluated on the site by the draft General Plan or draft EIR.
- B12-8: The comment indicates that a senior living facility would provide the appropriate buffers and preserve the historic character of the El Camino Real corridor. The comment also states that if the property developed with a commercial use the development would be more intense than a senior facility, and would negatively add to traffic, air quality, neighborhood compatibility and visual quality. Regardless of the use of the land, all city standards must be met, including building setbacks and design requirements. Any future development will be subject to project-level environmental review to ensure the development does not result in unmitigated significant environmental impacts. At a

program level, the draft EIR has evaluated the site as future visitor commercial use, as currently designated. No change to the current planned land use is proposed.

B12-9: The comment describes Land Use Policy 2-G.19 to suggest that a senior assisted living facility would be more consistent with this goal; to foster a sense of community and focus on residents and their needs. This comment will be included in the information provided to the Planning Commission and City Council for consideration with respect to the proposed draft General Plan.

B12-10: The comment suggests that adopting Alternative 1 would result in an improvement in air quality in comparison to the proposed draft General Plan. Overall, Alternative 1 would result in greater air quality impacts due to greater VMT than the proposed draft General Plan, as shown in Table 4.2-4 of the draft EIR. Also see Chapter 4 of the Recirculated DEIR, which provided a reduced density alternative that would reduce impacts on air quality; however, air quality impacts would remain significant.

B12-11: This is a conclusory comment and no response is required.

### **B13: Carlsbad Community Gardens Collaborative**

B13-1: The comment letter as from the Secretary for the Carlsbad Community Gardens Collaborative (CCGC), suggesting a number of changes to various sections of the draft General Plan. This comment references Land Use and Community Design Element Section 2.4 and requests that “gardens” should be included in the statement of what is included as open space resources within the open space land use designation (particularly as an agricultural resource or recreation and aesthetic resource). Staff agrees that community gardens could be considered an agricultural, recreation or aesthetic resource and the description of the open space land use designation in Section 2.4 of the draft General Plan does not preclude community gardens, as the use fits within the broad description of open space uses. The description of the open space land use designation is intended to be broad and not identify specific uses; some examples are provided in the land use description and these are examples of uses that are commonly designated as open space on the land use map. Staff has not yet evaluated in which land use designations and zones community gardens should be permitted; the use may be appropriate in areas not designated as open space. Staff recommends that the areas where community gardens are permitted be addressed through the city’s zoning ordinance. Following adoption of the draft General Plan and EIR, staff will prepare an update to the zoning ordinance; developing standards and procedures for community gardens is one of the items that will be addressed in the ordinance update. The commenter’s request and staff’s recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-2: This comment references Goal 2-G.15 of the draft General Plan and suggests the goal be revised to eliminate planning for agriculture to transition to other uses; and add goal language to support small-scale farms and community gardens. Staff does not support revising Goal 2-G.15. Planning for the transition of agriculture uses to other uses does not diminish the city’s support of agriculture in the community; such planning recognizes

- that agriculture may not always be a viable use for land owners who may choose in the future to utilize or sell their land for other purposes. While staff does not support revising Goal 2-G.15, there are various other goals and policies in the draft General Plan that support agriculture (e.g. goals and policies related to the Cannon Road Open Space, Farming and Public Use Corridor and new policies in the Sustainability Element related to sustainable food). Adding language to indicate the city's support for small-scale farms and community gardens would be more appropriate within Policy 2-P.32 (see response to comment B13-3). The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.
- B13-3: The comment requests that Policy 2-P.32 be revised to state the city "supports" rather than "allows" agriculture uses throughout the city. Staff agrees with this suggestion and would also recommend that this policy is the appropriate place to add reference to support for small-scale farms and community gardens. As revised the policy would state: "Support agriculture uses throughout the city, including small-scale farms and community gardens." The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration. The recommended revision to the policy language does not affect the EIR analysis.
- B13-4: The comment requests that a goal be added to Section 2.8 of the draft General Plan that would encourage use of public space and rights-of-way for fruit and vegetable gardens and orchards, habitat gardens, and drought tolerant plantings. Staff does not support this suggestion. The use of public rights-of-way are generally limited to mobility/transportation uses and utility uses, and are strictly regulated to ensure public safety. Regarding other public property, staff has not evaluated in which land use designations and zones community gardens should be permitted. Following adoption of the draft General Plan and EIR, staff will prepare an update to the zoning ordinance; developing standards and procedures for community gardens is one of the items that will be addressed in the ordinance update. The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.
- B13-5: The comment requests that a Policy 2-P.62 be revised to indicate "gardening" as an allowed use that would enhance public use of the area. Staff does not support any change that could potentially change the original intent of policies related to the Cannon Road Open Space, Farming and Public Use Corridor, which includes Policy 2-P.62; those policies were established by voter initiative (Proposition D – Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers Money). The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.
- B13-6: This comment requests the addition of policy language to Policy 4-P.29. Staff supports the first suggestion, with a minor word difference, because it clarifies the intent of the policy. As revised the policy would read: "Consider the following during the development/re-development of parkland: protection and enhancement of sensitive natural habitat by expanding minimum buffers around sensitive resources..."

B13-7: This comment requests the addition of a new policy that requires consideration, during parkland development, of providing for local food production by setting aside space for community gardens; the suggested policy also references a Carlsbad community gardens policy and operations handbook. Community gardens are identified by Section 4.5 of the draft General Plan as special use facilities that can be designed as part of a community park based on community demand and interests. Staff does not recommend adding a separate policy in Section 4.10 to consider community gardens specifically; there are other special use facilities that can be considered as well (dog parks, skate parks, swimming pools, etc.). Section 4.5 of the draft General Plan adequately addresses the types of special use facilities that can be considered based on the community's interests and needs, without placing emphasis of one over another. Instead, prioritization of specific park facilities and amenities are appropriately considered through the Parks and Recreation Department Needs Assessment and Comprehensive Action Plan (approved December 2013). It is worth noting that community gardens were ranked 4<sup>th</sup> overall for facility needs in the plan, and that since that time the city opened a second community garden at Calavera Hills Community Park.

Draft General Plan Sustainability Element Policy 9-P.17 states that community gardens should be incorporated as part of city parks and recreation planning; as it pertains to the topic of sustainability, this element is an appropriate place to emphasize community gardens in park planning.

In regard to the reference to a community gardens policy and operations handbook, the city does not have such a document. Within the draft General Plan Sustainability Element, Policy 9-P.16 states that the city should consider adoption of a home gardening or urban agriculture ordinance. If such a document is prepared by the city in the future, the city can consider adding reference to it in the General Plan at that time. The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-8: This comment requests revisions to Policy 9-P.16 of the draft Sustainability Element by: including support for "small-scale urban farming" (in addition to home gardening); requiring adoption of a home gardening or urban agriculture ordinance (rather than "consider" adoption of such an ordinance); state that zoning and "other land use regulations" shall not prevent/restrict use of residential "yards" (rather than "backyards"); and add language that encourages new affordable housing to provide space for residents to garden.

Staff supports adding a reference to support "small-scale urban farming", in addition to home gardening, as such reference relates to the policy's direction to consider adoption of an urban agriculture ordinance.

Regarding requiring adoption of a home gardening or urban gardening ordinance vs. the city considering adoption of such an ordinance, staff recommends leaving the policy as written. The policy states that the city should support home gardening by considering

adoption of an ordinance or by ensuring zoning doesn't prevent it. The current language offers the city flexibility in the method they choose to support such uses.

Regarding the request to specify that zoning and "other regulations" shall not prevent/restrict gardens in residential yards vs. backyards, staff agrees that the language could be revised to provide for flexibility in the location of home gardens; however, zoning and other regulations should be able to restrict gardens in front yards where such use would not be consistent with community design considerations. Staff does not support adding a reference to "other land use regulations", in addition to zoning; "other land use regulations" are very broad and includes regulations related to drainage, grading, building, fire safety, etc.

Regarding the request to add a policy that encourages the provision of space for residents to garden in affordable housing projects, this provision is more appropriate to include as a standard in the zoning ordinance.

Based on the commenter's requested revisions, staff recommends Policy 9-P.16 be revised to read as follows:

"Support home gardening and small-scale urban farming efforts by considering adoption of a home gardening or urban agriculture ordinance, or by otherwise ensuring that zoning allows for home gardens and small-scale urban farming; and provide residents with opportunities (e.g. online and library resources and workshops) to learn gardening basics and how to cook easy, healthy meals with fresh produce."

The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-9: This comment suggests minor text modifications to Policy 9-P.17. These suggested changes do not change the intent or add clarification. Staff does not support the changes. The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-10: This comment suggests a new policy in the draft Sustainability Element that requires the city to identify existing and potential community garden sites on public property. Staff does not recommend adding this new policy. The draft General Plan policies are adequate in specifying the city is to support community gardens, and that community gardens should be included as part of city parks. If the city chooses to pursue adoption of an urban agriculture ordinance, such ordinance may provide guidance on siting community gardens. The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-11: This comment suggests adding a new policy in the draft Sustainability Element that requires adoption of zoning regulations that allow community gardens in all appropriate zones. Adoption of an ordinance and zoning regulations related to community gardens is addressed in response to comment B13-8. The commenter's request and staff's



recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-12: This comment suggests adding a new policy to the draft Sustainability Element that specifies community gardens shall count toward park and open space allocations required by the Quimby Act. Staff does not support adding this policy because it is not necessary. As indicated in the draft Open Space Conservation and Recreation Element, community gardens are considered special use facilities, which are part of the city's parks inventory and count toward the city's park standard (which is consistent with the Quimby Act) of "three acres of community park or special use area per 1,000 population." The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-13: The comment suggests adopting a policy that requires the provision of publicly accessible open space within a designated distance of residences, such as requiring parkland within  $\frac{1}{4}$  mile or  $\frac{1}{2}$  mile of residences. While there is no distance requirement in the General Plan parks standard, many residential areas throughout the city have either a community park, neighborhood park, or other special use area within  $\frac{1}{2}$  mile. This is illustrated in Working Paper #3, Figure 4-1, which shows park locations with  $\frac{1}{4}$  -mile and  $\frac{1}{2}$  -mile buffers around them (p. 4, available on the city's website at: [www.carlsbadca.gov/envision](http://www.carlsbadca.gov/envision)). Based on this analysis, many residential areas are well-served by city parks. The figure does not show the locations of private, master-planned community recreational facilities, which supplement the recreational needs of residents in newer neighborhoods. Please see also master response MR2-3.

B13-14: Similar to the policy suggestion in B13-13, this comment suggests adding a policy to require a minimum amount of community gardens per a specified number of residents; the example given is one garden per 2,500 residents. Such a policy represents significant new direction for which analysis regarding feasibility, impacts, community preferences, appropriate ratio or distance, etc. has not been conducted; therefore, staff does not recommend adding such a policy to the draft General Plan. If the City Council directs staff to pursue development of such a policy, it may be added to the General Plan in the future. The commenter's request and staff's recommendation will be presented to the Planning Commission and City Council for their consideration.

B13-15: This commenter expresses appreciation for the opportunity to participate in the review process. The city will notify the commenter of future city efforts related to community gardens and urban farming.

**B14: On behalf of Camino Carlsbad, LLC**

B14-1: The comment identifies the persons and entity on whose behalf it is submitted and provides their comments on the draft EIR.

B14-2: The comment states that assumptions regarding the emission reductions expected from increased bicycling and pedestrian activity lack any supporting evidence. The draft EIR cites the CAP, which on page 3-6 describes the source of calculating the reductions of

GHG reduction measures, including VMT and associated GHG reductions from pedestrian and bike improvements. The California Air Pollution Control Officers Association's Quantifying Greenhouse Gas Measures report was used to quantify GHG reductions from pedestrian improvements. The report was developed as a resource for local governments to assess emissions reductions from GHG measures. Cambridge Systematics "Moving Cooler: An Analysis for Transportation Strategies for Reducing Greenhouse Gas Emissions" was used to quantify GHG emission from bicycle improvements.

As stated in goal 3-G.1, providing livable streets with a safe, balanced, multi-modal transportation system is a goal of the draft General Plan Mobility Element. This includes non-automotive enhancements, including bicycle improvements (see policy 3-P.6). The comment suggests that bicycle improvements are not utilized frequently for commuting, and provide mostly a recreational function, therefore do not reduce VMT. According to the 2012 American Community Survey, 1 percent of California workers commute by bicycle statewide. In Census Tract 180, which includes the Village, the 2012 American Community Survey Reports that 5.7 percent of workers commute by bicycle. This demonstrates that residents within Carlsbad do utilize existing bicycle infrastructure at a relatively high rate for commuting to work.

- B14-3: The comment states the draft EIR does not provide information about the components or materials of existing structures that could help reduce their high fire risk. The draft EIR, on pages 3.6-13 to 3.6-14 describes wildland fire hazards and urban fire hazards, and depicts the fire hazard severity zones for structure fire and wildfire threats in Figure 3.6-4. Impact 3.6-7 evaluates the risk involving wildland fires. Providing information about the building materials used in existing structures in Carlsbad in order to reduce their fire risk is beyond the scope of the draft EIR analysis since the draft General Plan is not making any changes to existing structures. However, the impact discussion in the draft EIR addresses the fire risk of existing structure indirectly by recognizing that much of the new development allowed in the proposed draft General Plan would replace existing development, replacing older facilities with newer facilities complying with modern building code requirements, including the fire code.
- B14-4: The comment states the draft EIR does not recognize the contribution of open space areas to fire threat. Figure 3.6-4 shows high fire risk in a number of open space areas. Impact 3.6-7 describes that due to natural vegetation areas located within and adjacent to the city, Carlsbad is a medium fire hazard area for wildland fires which threaten both developed and undeveloped property, primarily in the eastern portion of the city. In addition, there are many inaccessible brush-covered canyons and hillsides in Carlsbad ranked with a very high wildfire hazard level. During times of hot, dry weather with easterly winds, it is not uncommon to have several serious brush fires, during which the city utilizes mutual-aid agreements to control these fires.
- B14-5: The comment states that the existing use of property for the Rancho Carlsbad golf course conflicts with the goals of the proposed draft General Plan and CAP because it consumes

huge amounts of water. Please see response to comment B3-8 for a discussion of Rancho Carlsbad Golf Courses' water supply sources.

B14-6: The comment requests inclusion on future notices and the commenter has been added to the city's contact list for the draft General Plan.

**B15: Preserve Calavera**

B15-1: The introductory comment provides background on the contents of the letter and positive impacts of the proposed draft General Plan. No response is required.

B15-2: The introductory comment broadly states that the draft General Plan fails to adequately protect natural resources and fails to identify and mitigate adverse impacts of new growth on such resources. The draft General Plan contains substantial discussion and goals and policies related to the protection of natural resources, particularly in the Land Use and Community Design and Open Space, Conservation, and Recreation Elements.

B15-3: The comment states that the loss of open space below 40 percent is a primary concern. Please see master response MR1-2 for a discussion of the open space requirements and MR1-3 regarding the amount of open space provided under the draft General Plan.

B15-4: The comment states that a primary concern with the draft General Plan and associated draft EIR is a failure to comply with performance standard for parks and open space. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

B15-5: The comment states that the draft General Plan and draft EIR provide an insufficient response to climate change. The Climate Action Plan (CAP) has been prepared concurrently with the city's draft General Plan to reduce Carlsbad's GHG emissions, consistent with the goals in AB 32.

B15-6: The comment refers to the draft General Plan, CAP and draft EIR reflecting the interests of community stakeholders. The draft General Plan is based on the Carlsbad Community Vision, which was shaped by the extensive participation and collaboration of 8,000 residents during the visioning process.

B15-7: The comment states that Goal 2-G-1 is too vague and will not ensure compliance with open space requirements. Draft General Plan goals are intended to set general goals or standards, and the means for implementing General Plan goals are contained in the draft General Plan policies and related ordinances.

The comment also references the mistaken belief that the city is required to retain a minimum of 40 percent open space. Please see master response MR1-2 for an explanation of open space performance standards. Please see also master response MR1-3, which explains that the draft General Plan will ensure that more open space will be added in the future through continued application of its open space policies, enforcement of the

Growth Management open space performance standard, implementation of the Habitat Management Plan, and through discretionary acquisitions.

B15-8: The comment refers to policy 2-P.10, which is supported by the city's Hillside Development Ordinance requirements. The General Plan is at the top of the hierarchy of land use laws in California and all ordinances must be consistent with the General Plan. City ordinances will be amended as necessary to ensure consistency with the General Plan. No amendments to the Hillside Development Ordinance are necessary as a result of the draft General Plan.

B15-9: The comment refers to policy 2-P.11, which supports density and development right transfers in instances where a property owner is preserving open space in excess of normal city requirements for purposes of environmental enhancement, complying with the city's Habitat Management Plan, or otherwise leaving developable property in its natural condition. This policy can preserve scenic areas by transferring or "sending" development rights from sensitive lands to "receiving" areas marked for growth.

Policy 2-P.71 addresses parking demand by developing creative parking management strategies, such as shared parking, maximum parking standards, "smart" metering, and utilizing on-street parking for re-use of existing building. These strategies support the parking goals and policies in the Mobility Element. In addition, parking management strategies are intended to address parking demand without constructing parking lots or structures and are thus less likely to increase demand as suggested by the comment.

B15-10: The comment erroneously states that all estimated new industrial development is forecast for the Palomar Corridor; Table 2.4-1 of the draft EIR estimates 35,700 square feet of industrial development outside of the focus areas in the Southwest Quadrant. Future industrial development within the Planned Industrial land use designation would require and receive site-specific environmental review. The analysis of future traffic operations is based on the buildout of the Land Use Map, including the proposed industrial sites. As described on page 3-19 of the draft General Plan, rather than widening arterial streets, including Palomar Airport Road between I-5 and College Boulevard, and Palomar Airport Road between El Camino Real and Melrose Drive, the city shall implement transportation demand management, transportation system management, and livable streets techniques to better manage the transportation system.

B15-11: Please see the response to comment A9-8. Route 471 was included in the transit system based on the Regional Transportation Plan (RTP); however, that route was subsequently eliminated in the most recent RTP update and will be removed from this document. It is acknowledged that ¼ mile connectivity from transit routes is ideal for improving transit accessibility.

B15-12: The comment requests clarification of a statement in the draft General Plan that says "Text and Maps should be considered collectively as project approvals or future amendments are made." Specifically, the comment asks if the statement applies to preliminary project reviews which occur before project approvals. To clarify, the

referenced statement is intended to indicate that the city should consider all text and maps collectively before approving a project or an amendment. With regard to preliminary project reviews, the city does not approve preliminary project applications; such preliminary reviews are for informational purposes to assist project applicants in designing their projects to be consistent with General Plan policy and other development regulations. In addition, as stated on page 1-4 of the draft EIR, the draft EIR is a program EIR. It focuses on the overall effects associated with the adoption and implementation of the draft General Plan, and does not examine the effects of potential site-specific projects that may occur under the overall umbrella of the draft General Plan in the future.

B15-13: The comment states that the summary of the land uses on page 2-6 of the draft General Plan is inconsistent with Table 2-1. There is no inconsistency; both state eight percent of the city's land area is used for parks and recreation, four percent for agriculture, and 25 percent as other open space or natural areas. The draft EIR, on page 3.9-2, includes the same statement. Please also see master responses MR1-1 for categories of open space, and MR1-3, for a description of open space totals. Please also see response to comment B15-49.

B15-14: The comment suggests that the draft General Plan and draft EIR do not assess whether draft General Plan objectives will be met by existing and future projects. The draft General Plan is a blueprint and guide for future development, and the EIR is intended to analyze whether changes in the draft General Plan will result in any significant environmental impact, not whether existing conditions meet the draft General Plan vision.

For the example given on the Mobility Element, asking about how development is linked to public transportation, the draft General Plan Mobility Element establishes a new approach—Carlsbad Multi-Modal Level of Service (MMLOS)—that provides a qualitative “grade” assigned to prioritized travel modes. A number of streets are prioritized for transit. Please see the impact assessment in draft EIR Chapter 3.13 (Transportation), specifically page 3.13-19, for Transit MMLOS Criteria, which are used to evaluate future street operations for prioritized travel modes.

B15-15: The comment refers to SANDAG's Healthy Communities Atlas (HCA), which focuses on obesity prevention through physical activity and access to healthy foods. The suggestion that the city use the HCA to objectively assess whether the General Plan achieves the community vision will be presented to the Planning Commission and City Council for their consideration.

B15-16: The comment states that the draft EIR should quantify whether the draft General Plan meets the project objectives stated in Chapter 2 (Project Description) of the draft EIR for other topics in addition to transportation. CEQA does not require an EIR to provide a quantitative evaluation of the extent to which a proposed project achieves the project objectives. However, both quantitative and qualitative analyses are used appropriately in the draft EIR to assess the impact of the draft General Plan on the existing physical environment. In accordance with CEQA, the purpose of the analysis in the draft EIR is to

- identify potential impacts on the environment and to determine their significance with respect to the stated criteria. Chapter 4 (Alternatives) of the draft EIR and Recirculated DEIR contain an evaluation of the extent to which the alternatives can reduce the significant impacts of the proposed project while meeting the fundamental goals of the draft General Plan.
- B15-17: The comment requests clarification on density and intensity standards in order to assess what is being counted towards the performance standard of 15 percent open space. Please see master response MR1-4 for an explanation of how the city is meeting its 15 percent GMP standard for open space. Also, new Table 2-5 has been added to the draft General Plan Land Use and Community Design Element to clarify what lands are excluded from density calculations and/or are considered undevelopable.
- B15-18: This comment incorrectly asserts the draft EIR fails to assess the draft General Plan impact on the Growth Management Program open space performance standard. The draft EIR analyzes the potential impact of the draft General Plan on the Growth Management Plan in Section 3.9-2, pp. 3.9-16 through 3.9-19. Please also see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard. Please see also response to comment B15-17.
- B15-19: The comment references 327 excess units in the city's northeast quadrant that will need to be modified (reduced by a minimum of 327 units) during the city's public hearing process; the comment also asks how the removal of these units was evaluated in the draft EIR. See response to comment B15-20.
- B15-20: The comment states that the EIR does not determine if excluding 327 units in the northeast quadrant would substantially reduce several significant impacts that will not be mitigated below significance. The analysis in the draft EIR conservatively assumes inclusion of the 327 units in the impact analyses. Table 2.4-1 describes the inclusion of 327 units in the buildout analysis. In general, exclusion of the 327 units would result in the same or reduced impacts and would not alter the significance conclusion. With respect to transportation, please see Appendix F of the draft EIR, which analyzes transportation impacts both with and without the 327 units in the northeast quadrant. The exclusion of these units in the Appendix F assessment does not alter the overall significance conclusions in the transportation section of the draft EIR. Similarly, the exclusion of these units would reduce potential impacts on air quality, but would not change the "significant and unavoidable" conclusion for Impact 3.2-2 (air quality). Also see Chapter 4 of the Recirculated DEIR, which includes a reduced density alternative, which indicates that even with a 40 percent reduction in future development, air quality and transportation impacts remain significant. In regard to aesthetic impacts, the inclusion of the 327 units results in a less than significant aesthetics impact; therefore removing these units would still result in a less than significant impact.
- B15-21: The comment refers to airport land use compatibility, which is addressed in Policy 2-P.3, listed on page 3.9-18 of the draft EIR. The policy, among other requirements, states that new development in the Airport Influence Area (as shown in Figure 2.2-1 of the draft

EIR) must comply with applicable land use compatibility provisions of the Airport Land Use Compatibility Plan (ALUCP).

In addition, since release of the draft EIR, the San Diego County Regional Airport Authority Airport Land Use Commission (ALUC) approved Resolution Number 2014-0015 ALUC, titled “A Resolution of the Airport Land Use Commission for San Diego County Making A Determination that the Proposed Project: Adoption of General Plan Update, City of Carlsbad, is Consistent with the McClellan-Palomar Airport—Airport Land Use Compatibility Plan.” The resolution was sent to the City of Carlsbad in a letter dated July 3, 2014. As the title states, the ALUC determined that the adoption of the draft General Plan is consistent with the ALUCP, based on numerous facts and findings summarized in the letter.

B15-22: Please see response to comment B15-21 above for discussion of compatibility with the ALUCP.

B15-23: The comment questions the accuracy of the statement that the Flower Fields are preserved “in perpetuity” and states that there is a limitation that they will only be preserved as long as agriculture is economically viable, and that this could lead to a loss of open space acres.

The Flower Fields property is included in Proposition D; its protection for agriculture is assured through deed restriction and provisions in the Carlsbad Ranch Specific Plan. For the other properties, Proposition D ensures that agricultural uses will continue as long as they are economically viable for the landowners to do so. If agricultural uses become unviable in the future, then only other open space uses will be allowed. As such, these properties will be preserved as open even should agricultural operations cease at some point in the future.

This section of the Land Use and Community Design Element (LUCD) has been revised to provide greater clarity and distinction among some of the overlapping policies and regulations that apply to properties in the Cannon Road Open Space, Farming and Public Use Corridor. As well, new goals and policies have been added to further clarify and strengthen the intent that this corridor be protected for agricultural and open space purposes.

B15-24: The comments speculates there may be a need to mitigate for an assumed loss of open space within Cannon Road Open Space, Farming and Public Use Corridor (which includes the Flower Fields, as stated on page 4-33 of the draft General Plan. Please see response to comment B15-23 regarding how protection of these properties for open space is assured in perpetuity.

B15-25: The comment highlights the “Village” land use designation, as shown in draft EIR Figure 2.2-1, described on page 2-12, and listed in Table 2.2-2 (Density and Intensity Standards). The “Village” is considered a land use designation (not a place designation) as described in Figure 2.2-1, page 2-12, and Table 2.2-2.

- B15-26: The “Village” land use designation is evaluated using the density and intensity standards, and description set forth in response to comment B15-25, above.
- B15-27: Figure 3.9-1 of the draft EIR shows the existing land use, based on the cited sources: City of Carlsbad, 2009; SANDAG, 2008, and Dyett & Bhatia, 2011. The information is based on the data available shortly after the release of the Notice of Preparation. Figure 2-1 of the draft General Plan shows the draft General Plan Land Use Map, not the existing land use map. Both Figure 2-1 of the draft General Plan and Figure 2.2-1 of the draft EIR show the same draft General Plan land use, which is evaluated in the draft EIR.
- B15-28: Please see response to comment B15-27 above; Figure 3.9-1 of the draft EIR shows existing land use, and Figure 2-1 of the draft General Plan shows draft General Plan land use, which is why the figures use different sources.
- B15-29: This comment states that the draft EIR fails to evaluate compliance with the performance standard for open space. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard. Chapter 3 of the final EIR includes revisions to draft EIR page 3.9-17; the revisions include additional analysis of the draft General Plan’s impact on the open space performance standard.
- B15-30: This comment requests clarification of a portion of Policy 2-P.59, which states, “...Public facilities may be added, however, the City Council shall not materially reduce public facilities without making corresponding reductions in residential capacity.” This language comes from Proposition E, and is included in the LUCD Element to ensure integration of Growth Management Program requirements with the General Plan.
- B15-31: The comment is correct, the draft General Plan Street System map (Figure 3-1) identifies two street segments (identified in the comment) as “Employment Oriented Streets”, even though the streets are not employment based. Per the draft Mobility Element, “Employment Oriented Streets” is the only street classification (other than streets within ½ mile of a transit center) that prioritizes pedestrians, bicycles and buses. While the two street segments identified in the comment are not employment oriented (as the name of the classification implies), it is desirable to prioritize buses, as well as pedestrians and bicycles, along these segments due to the street providing access to commercial services, transit centers and highways.
- B15-32: Policies 3-P.1 through 3-P.10 identify a series of steps to implement livable streets within the city as described in Table 3-1 and Figure 3-1 of the Mobility Element. For new development, as identified in Policy 3-P.4, all prioritized modes of travel, as described in Section 3.3 of the draft General Plan, will be required to maintain LOS D (non-prioritized modes do not have a specified service level). As such, future development will need to evaluate prioritized modes which the future development may significantly impact. Please note that the city will be updating its Mobility Analysis Guidelines (to identify transportation impacts) consistent with the policies in the Mobility Element.



- B15-33: The comment states that the draft EIR did not evaluate existing and future roadway operations on two arterials – Melrose Drive and La Costa Avenue. Regarding La Costa Avenue, the draft Mobility Element (Figure 3-1) identifies only one segment of the street as an arterial (between I-5 and El Camino Real), which is evaluated by the draft EIR (Tables 3.13-6 and 3.13-10) for existing and future operations (existing = LOS E; future = LOS E). The remaining portion of La Costa Ave., east of El Camino Real, is a connector street and is not prioritized for autos (and thus was not evaluated for automobiles). Regarding Melrose Drive, the draft EIR does evaluate the existing and future operations of this arterial; however, it is not clearly identified in draft EIR Tables 3.13-6 and 3.13-10, which incorrectly label the arterial as part of Rancho Santa Fe Road; as such, existing operations for Melrose Drive is LOS A and future operations is LOS B. Tables 3.13-6 and 3.13-10 have been revised in Chapter 3 of the final EIR.
- B15-34: The segments of La Costa Avenue and Aviara Parkway that are designated as arterial streets are segments that are critical to vehicle circulation where automobiles should be prioritized for travel. The other segments are designated to ensure that non-automotive uses are prioritized and that the mobility for all users of the city is appropriately provided.
- B15-35: The comment states that: 1) the draft EIR did not evaluate bicycle LOS on all streets where the draft General Plan prioritizes bicycle mode of travel, and therefore, it can't be determined if the draft General Plan will result in significant impacts to bicycle travel; and 2) of the streets evaluated for bicycle LOS, one segment failed to meet the bicycle MMLOS standard of D and no mitigation is identified to address the failure.

The draft General Plan Mobility Element identifies a multi-modal level of service (MMLOS) methodology and establishes that LOS D is the standard for bicycle mode of travel on streets where bicycle travel is prioritized. As described on page 3-17 of the draft Mobility Element, bicycle level of service is evaluated based on the quality, amenities and friendliness of the bicycle system (e.g., bike route, bike lanes or pathways; presence of bicycle buffers from vehicle travel; presence of bicycle parking, bicycle detection at intersections, pavement conditions). Unlike vehicle LOS, bicycle LOS is not affected by the amount of bicycle travel on the facility; therefore, a significant impact to bicycle LOS would only occur if the quality, amenities or friendliness of bicycle facilities were degraded. Although the draft EIR does not identify the bicycle LOS for all bicycle-prioritized streets (Table 3.13-7 of the draft EIR evaluates bicycle LOS for major bicycle-prioritized streets, which were chosen as representative of the bicycle facility conditions in the city), the draft General Plan will not significantly impact (will not degrade) bicycle LOS (quality, amenities and friendliness – e.g., will not eliminate any bike route, lane or pathway; will not eliminate the presence of any bicycle buffer from vehicle travel; will not eliminate the presence of bicycle parking, bicycle detection facilities or pavement) on bicycle-prioritized streets. In addition, the draft General Plan Mobility Element includes policies that will improve the bicycle LOS (quality, amenities and friendliness) along bicycle-prioritized streets; those policies are 3-P.1 through 3-P.6, 3-P.10, 3-P.11, 3-P.12, 3-P.16, 3-P.18, 3-P.20, 3-P.21, and 3-P.23 through 3-P.30. Since the policy direction of the draft General Plan is to improve bicycle facilities on bicycle prioritized streets and that

the draft General Plan does not degrade any bicycle facilities, the impact of the draft General Plan on bicycle facilities is considered less-than-significant.

The comment also states that one street segment (Carlsbad Blvd from Poinsettia Ave to Palomar Airport Rd) is identified with an existing bicycle LOS E (below the standard LOS D). As described above, the draft General Plan will not significantly impact the bicycle LOS on this street because it will not eliminate/degrade the quality, amenities or friendliness of the bike facilities on this street. The draft EIR Impact 3.13-1 references two draft General Plan policies (2-P.48 and 2-P.52) that the comment describes as mitigation; however, because there is no significant impact, these policies are not mitigation, but are policies that assist in improving bicycle quality, amenities and friendliness on Carlsbad Blvd.

The comment also states that the CAP assumes there will be “major increases” in bicycle use as a result of draft General Plan policies and construction of additional facilities; but that the draft EIR has not evaluated whether streets prioritized for bicycles will meet the LOS D for bicycles. As described above, although the draft EIR does not identify the bicycle LOS for all bicycle-prioritized streets, the draft General Plan will not significantly impact bicycle LOS (quality, amenities and friendliness) on bicycle-prioritized streets; and the draft General Plan policies referenced above will be implemented to improve (not degrade) bicycle LOS on bicycle prioritized streets..

In addition, the GHG reductions the CAP estimates to occur as a result of bikeway improvements are based on implementation of the city’s existing Bicycle Master Plan and new bike connections identified in the draft General Plan, which will result in 13.5 miles of new bike paths (see page 3-16 and 3-17 of the draft CAP). Implementation of these new bike paths will improve bicycle connectivity throughout the city and will result in an estimated 0.05 percent reduction in transportation GHG emissions for every 2 miles of bike lane per square mile; the total bicycle improvements will result in approximately 2.85 miles of bike lane per square mile, which corresponds to a 0.07 percent reduction in VMT emissions in 2035 (see page 3-17 of the draft CAP).

B15-36: The comment requests a clearer explanation for how the MMLOS criteria will be used to determine project level impacts to bicycle facilities – what determines the length of a roadway/ corridor to be included in the analysis and how will fair share costs of addressing bicycle facilities along a corridor be determined? The comment states that the draft EIR arbitrarily limited the evaluation of bicycle facility impacts to a small number of street segments; and that the draft EIR does not establish a threshold for significance, does not specify criteria that trigger a project to evaluate impacts, and does not provide mitigation for existing or future impacts.

Regarding the criteria used to determine/trigger project level evaluation of impacts to bicycle facilities, CEQA Guidelines Appendix G, § XVI(a) and (f) require the evaluation of impacts to bicycle facilities as part of project-level review for all future development projects. In addition, following adoption of the proposed MMLOS policies in the draft General Plan, the city will establish guidelines to assist in implementing the policies. As

explained in response to comment B15-35, the draft General Plan will not result in a significant impact to bicycle facilities. The MMLOS criteria will be verified in the field based on existing data and observations by transportation professionals. The cumulative scoring of the facility will be identified by transportation professionals and documented in traffic studies for project-level assessment. As for fair share, the city will be updating its impact fee program to include non-automotive improvements. The nexus study completed as part of the impact fee program update will identify fair share responsibilities along corridors.

Regarding the number of streets evaluated for impacts to bicycle facilities, see response to comment B15-35. Regarding thresholds for significance, draft EIR Impact 3.13-1 identifies the significance thresholds that were used to identify project impacts related to LOS for prioritized modes. Regarding mitigation for existing and future impacts, see response to comment B15-35; the draft General Plan does not significantly impact bicycle facilities and no mitigation is necessary. B15-37: This comment refers to pedestrian travel-focused policies and areas of concentration identified in the draft General Plan. Since the comment does not raise an environmental issue, no response is required.

B15-37: The comment states that there are numerous policies in the draft General Plan that support pedestrian travel and that the draft General Plan identifies areas of high pedestrian concentrations. No response is required.

B15-38: The comment states that: 1) the draft EIR did not evaluate pedestrian LOS on all streets where the draft General Plan prioritizes pedestrian mode of travel, and there is no justification for such a narrow evaluation of impacts; and 2) of the streets evaluated for pedestrian LOS, one street segment failed to meet the pedestrian MMLOS standard of D.

The draft General Plan Mobility Element identifies a multi-modal level of service (MMLOS) methodology and establishes that LOS D is the standard for pedestrian mode of travel on streets where pedestrian travel is prioritized. As described on page 3-17 of the draft Mobility Element, pedestrian level of service is evaluated based on the quality and friendliness of the pedestrian system (e.g., number of vehicle lanes that need to be crossed, the speed of adjacent traffic, pedestrian countdown heads, dedicated pedestrian phases, curb extensions, and refuge medians). Unlike vehicle LOS, pedestrian LOS is not affected by the amount of pedestrian travel on the facility; therefore, a significant impact to pedestrian LOS would only occur if the quality or friendliness of pedestrian facilities were degraded. Although the draft EIR does not identify the pedestrian LOS for all pedestrian-prioritized streets (Table 3.13-8 of the draft EIR evaluates pedestrian LOS for major pedestrian-prioritized streets, which were chosen as representative of the pedestrian facility conditions in the city), the draft General Plan will not significantly impact (will not degrade) pedestrian LOS (quality and friendliness) on pedestrian-prioritized streets. The draft General Plan Mobility Element includes policies that will improve the pedestrian LOS (quality and friendliness) along pedestrian-prioritized streets; those policies are 3-P.1 through 3-P.6, 3-P.10, 3-P.11, 3-P.12, 3-P.16, 3-P.18, and 3-P.20, through 3-P.30. Since the policy direction of the draft General Plan is to improve pedestrian facilities on pedestrian prioritized streets and that the draft General Plan does

not degrade any pedestrian facilities, the impact of the draft General Plan on pedestrian facilities is considered less-than-significant.

The comment also states that one street segment (Carlsbad Blvd from La Costa Ave to Tamarack Ave) is identified with an existing bicycle LOS E or F (below the standard LOS D). As described above, the draft General Plan will not significantly impact the pedestrian LOS on this street because it will not eliminate/degrade the quality or friendliness of the pedestrian facilities on this street. The draft EIR Impact 3.13-1 references five draft General Plan policies (3-P.2, 3-P.3, 3-P.11, 3-P.22 and 3-P.25), which are not mitigation (no significant impact) but are policies that assist in improving pedestrian quality and friendliness on Carlsbad Blvd. In addition, draft General Plan policies 2-P.48 and 2-P.51 will also assist in improving pedestrian quality and friendliness along Carlsbad.

B15-39: The comment states that many of the pedestrian prioritized streets were not evaluated and the draft EIR analysis of impacts to pedestrian facilities was arbitrarily limited to a small number of streets. See response to comment B15-38.

B15-40: See response to comment B5-1 related to street typology near Sage Creek High School. The referenced policy is intended to ensure that safe routes to school and transit are implemented with new development. For existing deficiencies, the CATS program and the city's CIP program will assist in identifying and improving existing deficiencies and gaps in the existing network (that are not caused by new development).

B15-41: The Mobility Element focus on livable streets addresses this concern. The MMLOS methodology specifically reflects the length of a pedestrian crossing as noted in Table 3.13-3 in the draft EIR. The MMLOS criteria require the city to implement pedestrian enhancements, which will also benefit persons with disabilities, to ensure provision for all users. Additionally, local, statewide, and national standards for accessibility will require the city to implement accessible facilities.

B15-42: In the draft EIR, major pedestrian-prioritized facilities were evaluated using the existing infrastructure in the area. Given that the draft General Plan Mobility Element will not degrade any existing infrastructure (it will only improve it), the draft General Plan's impact would be less-than-significant. See draft EIR section 3.31, pp. 3.13-20 and 21 for analysis of future pedestrian level of service.

B15-43: The comment requests a clearer explanation for how the MMLOS criteria will be used to determine project level impacts to pedestrian facilities – how close to the referenced features have to be counted and how will fair share costs of addressing pedestrian facilities along a corridor be determined?

CEQA Guidelines Appendix G, § XVI(a) and (f) require the evaluation of impacts to pedestrian facilities as part of project-level review for all future development projects. In addition, following adoption of the proposed MMLOS policies specified in the draft General Plan, the city will establish guidelines to assist in implementing the policies. However, as explained in response to comment B15-35, the draft General Plan will not

result in a significant impact to pedestrian facilities. In general, the MMLOS criteria will be verified in the field based on existing data and observations by transportation professionals. The cumulative scoring of the facility will be identified by transportation professionals and documented in traffic studies for project-level assessment. The MMLOS methodology currently identifies the presence of lights in trees and presence of people would qualify for the rating system based on the assessment of the Traffic Engineer or the transportation planner. It should also be noted that draft General Plan policy 3-P.3 does require the city to update the methodology to ensure it accurately reflects perception on city streets. As for fair share, the city will be updating its impact fee program to include non-automotive improvements. The nexus study completed as part of the impact fee program update will identify fair share responsibilities along corridors.

B15-44: The comment states that the draft EIR: 1) arbitrarily limited the evaluation of pedestrian facility impacts to a small number of streets; 2) does not establish a threshold for significance related to pedestrian facility impacts; 3) does not specify what criteria will trigger a project to evaluate pedestrian facility impacts; and 4) does not provide mitigation for future impacts.

Regarding the number of streets evaluated for pedestrian facility impacts, see response to comment B15-38.

Regarding thresholds of significance, draft EIR Impact 3.13-1 identifies the significance thresholds that were used to identify project impacts related to LOS for prioritized modes.

Regarding the criteria that will trigger a project to evaluate impacts to pedestrian facilities, please see response to comment B15-43.

Regarding mitigation for future impacts, see response to comment B15-38; the draft General Plan does not significantly impact pedestrian facilities and no mitigation is required.

B15-45: The comment is correct that there are numerous policies that are designed to support increased transit use. Although only a few new transit routes are identified by SANDAG in the future (which are accommodated in the Mobility Element), existing key transit routes were evaluated and reported in the draft EIR. These did identify transit service levels below LOS D, most of which were due to limited bus shelters at bus stops and other amenities to improve the transit experience. Although CEQA does not require the draft EIR to provide mitigation for existing deficiencies, the five policies referenced are intended to promote and improve transit service in the future.

Please note that the referenced transit deficiencies are an existing condition; the draft General Plan will not degrade the existing transit facilities and implementation of the goals and policies of the draft General Plan will improve them.

B15-46: The comment states that: the draft EIR did not evaluate transit LOS on all streets where the draft General Plan prioritizes transit mode of travel, and there is no justification for such a narrow evaluation of impacts.

The draft General Plan Mobility Element identifies a multi-modal level of service (MMLOS) methodology and establishes that LOS D is the standard for transit mode of travel on streets where transit travel is prioritized. As described on page 3-18 of the draft Mobility Element, transit level of service is evaluated based on the transit vehicle right of way, hours and frequency of service, performance, amenities, safety, and connectivity (e.g., dedicated or shared right-of-way, signal priority; weekday/weekend hours, peak period headway; on-time or late performance; lighting, covered stop, bench, on-board bike/surfboard storage; and connections to other transit routes, employment areas, schools, visitor attractions, and major destinations). Unlike vehicle LOS, transit LOS is not affected by the amount of transit travel on the facility; therefore, a significant impact to transit LOS would only occur if the transit vehicle right-of-way, hours and frequency of transit service, transit performance, transit amenities and safety, and transit connectivity were degraded. Although the draft EIR does not identify the transit LOS for all transit-prioritized streets (Table 3.13-9 of the draft EIR evaluates transit LOS on transit-prioritized streets, which were chosen as representative of the transit facility conditions in the city), the draft General Plan will not significantly impact (will not degrade) transit LOS (transit vehicle right of way, hours and frequency of service, performance, amenities, safety, and connectivity) on transit-prioritized streets. The draft General Plan Mobility Element includes policies that will improve the transit LOS (transit vehicle right of way, hours and frequency of service, performance, amenities, safety, and connectivity) along transit-prioritized streets; those policies are 3-P.1 through 3-P.6, 3-P.10, and 3-P.31 through 3-P.33. Since the goals and policies of the draft General Plan will improve transit facilities on transit prioritized streets and that the draft General Plan does not degrade any transit facilities, the impact of the draft General Plan on transit facilities is considered less-than-significant.

The comment also states that the CAP assumes there will be “major increases” in transit use as a result of draft General Plan policies; but that the draft EIR has not evaluated whether streets prioritized for transit use will meet the LOS D. As described above, although the draft EIR does not identify the transit LOS for all transit-prioritized streets, the draft General Plan will not significantly impact transit LOS (transit vehicle right of way, hours and frequency of service, performance, amenities, safety, and connectivity) on transit-prioritized streets; and the draft General Plan policies referenced above will be implemented to improve (not degrade) transit LOS on transit-prioritized streets.

In addition, the GHG reductions the CAP estimates to occur as a result of transit improvements, including rail improvements, a bus rapid transit system, expanded Amtrak service, improved transit access, experience and connectivity, and implementation of transportation demand management measures. Implementation of these transit improvements will improve transit use throughout the city and will result in an estimated 0.63 percent reduction in in VMT emissions in 2035 (see page 3-23 of the draft CAP).

B15-47: The comment requests a clearer explanation for how the MMLOS criteria will be used to determine project level transit impacts, including what determines the length of a roadway/corridor to be included in the analysis, how will evaluation of impacts take

place, what assures that policies dependent on funding can be maintained for the life of a project, and how will fair share costs of addressing transit improvements be determined? The comment also states that there is nothing to assure that transit improvements will be provided at the time of approval and for the life of a project. .

CEQA Guidelines Appendix G, § XVI(a) and (f) require the evaluation of impacts to transit facilities as part of project-level review for all future development projects. In addition, following adoption of the proposed MMLOS policies specified in the draft General Plan, the city will establish guidelines to assist in implementing the policies. However, as explained in response to comment B15-46, the draft General Plan will not result in a significant impact to bicycle facilities.

In general, the MMLOS criteria for transit would be verified in the field and in the office based on existing data and observations by transportation professionals. The cumulative scoring of the facility will be identified by transportation professionals and documented in traffic studies for project-level assessment.

Although the comment is correct that the city does not control the transit agency and their expenditures which do affect level of service, the methodology and assessment do incorporate “reasonably foreseeable” services and assume that those services will continue. For purposes of this assessment, it is assumed that current service levels will be provided into the future (including current headways, transit performance, routing, and bike racks on buses). Additionally, given that NCTD’s budget has increased from \$78 million to \$91 million from 2010 to 2013, it is reasonable to assume that transit funding will remain to continue providing services to the city.

The city will also be updating its impact fee program to be more multi-modal in nature as an implementation measure of the draft General Plan. The program update will include a nexus study that will identify how fair share will be calculated to implement transit improvements in the city.

B15-48: The comment states that: 1) transportation demand management (TDM) strategies are not discussed in the draft EIR; 2) the draft EIR arbitrarily limited transit impact analysis to a small number of streets; 3) the draft EIR does not specify criteria that will trigger a project to evaluate transit impacts; and 4) the draft EIR does not provide mitigation for existing or future adverse transit impacts.

Regarding discussion of TDM in the draft EIR, the draft EIR addresses TDM strategies by reference to the draft General Plan and draft Climate Action Plan (CAP). Draft EIR pages 3.13-29 and 3.13-33 refer to draft General Plan policies 3-P.9 and 3-P.31, which require implementation of TDM to reduce reliance on the automobile and as a means to improve transit connectivity; the draft General Plan (page 3-26) describes specific examples of TDM strategies (e.g., carpool programs, flexible work hours, telecommute provisions, shuttle services to nearby transit stations, employee transit subsidies, and installation of bicycle facilities). Draft EIR pages 3.4-52 and 3.4-53 refer to the GHG reduction measures outlined in the CAP, including TDM; the draft EIR used the

measures outlined in the CAP to evaluate impacts to energy, greenhouse gases and climate change. The draft CAP (pages 3-23 and 4-15) provides examples of specific TDM measures (e.g., shuttle circulators to major employers and destinations, showers and changing rooms at those locations; reduced parking standards; subsidized or discounted transit programs; transit marketing and promotion; carsharing; parking pricing; and bike parking). Following adoption of the draft General Plan and draft CAP, the city will prepare and adopt a TDM plan and ordinance that detail a mix of strategies to reduce vehicle travel demand (see page 4-15 of the draft CAP).

Regarding the number of streets evaluated for transit impacts, see response to comment B15-46.

Regarding the criteria that will trigger a project to evaluate transit impacts, see response to comment B15-47.

Regarding mitigation for existing and future transit impacts, see response to comment B15-46; the draft General Plan does not significantly impact transit and no mitigation is required.

B15-49: This comment points out a discrepancy in the total number of existing acres of open space shown in draft General Plan Table 2-1 (9,252 acres or 37%) and Table 4-1 (9,473 acres or 38%) and other discrepancies throughout the draft General Plan and draft EIR. Differences in the open space figures are due to differences in source data and their intended use. The primary data source in Table 2-1 comes from SANDAG's regional land use database; it is intended to illustrate existing land uses, as defined by SANDAG, as of 2012. The data in Table 4-1 comes from the City of Carlsbad Graphic Information Systems Division and is intended to quantify the amount of land that is considered "open space", as defined by the draft General Plan, as of 2013. SANDAG's data categories may not entirely align with how the city accounts for land uses, particularly open space uses. For example, SANDAG may categorize some parts of the city as undeveloped/vacant, while the city considers it open space, and vice-versa.

In analyzing land use impacts, the draft EIR relies on data from Table 2-1 to describe existing (2012) land uses throughout the city. While city staff would consider the open space acreages reported in Table 4-1 to be a more accurate accounting of designated open space, use of the lower number in Table 2-1 makes no material difference in the program level environmental analysis. The difference between the two reported open space acreages (221 acres), represents less than one percent of the total city (25,021 acres).

B15-50: This comment references the Open Space Management Plan (draft EIR p.3.11-20) and states that the description is inaccurate because it contains other types of open space (other natural lands, parks, drainage basins) rather than hardline natural lands described in the adopted HMP. This paragraph in the draft EIR has been revised to more closely match the wording in the OSMP.

B15-51: This comment states that SANDAG does not designate regional open space parks but does define regionally significant open space and asserts that the statement in the draft



EIR appears to be based on a description in the city's current parks and recreation element. This is correct. The paragraph under "Regional Recreation" on p. 3.11-7 of the draft EIR has been revised to match the description in the draft General Plan (OSCR p. 4-22).

B15-52: This comment states that the existing performance goal of 40% open space is not mentioned anywhere in the draft General Plan or draft EIR. While it is true that the ballot argument in favor of Proposition E and various city publications over the years have described the city with 40% open space, it has never been an official goal, standard or requirement in the General Plan, Growth Management Plan, Municipal Code, or any other city-adopted policy or regulatory document. Please see master response MR1-2 for a discussion of the 40% open space issue.

B15-53: The comment questions whether analysis of impacts and mitigation for wildlife movement was sufficient in the draft EIR and also indicates that further notice should be taken of increased human traffic as well as the footprint of development.

Maintaining habitat linkages for wildlife, specifically sensitive species, is a key goal of the draft General Plan and the city's HMP. One of the specific biological objectives of the HMP is to: "Maintain functional wildlife corridors and habitat linkages within the city and to the region, including linkages that connect gnatcatcher populations and movement corridors for large animals." The primary way that success for this goal will be achieved is through managing the primary linkages to the eight focus planning areas within the city to ensure that the most efficient strategy for preserving wildlife movement is used. Through strategic preservation of these focus areas and primarily limiting development under the draft General Plan to existing developed sections of the city, wildlife corridor function will be preserved even under changes to traffic and human populations in the area. Furthermore, adoption of the draft General Plan will not impede the city's ability to assess the feasibility of providing under-crossings and/or bridges where major roads cross linkage areas, as provided in the HMP, and the draft General Plan fully supports implementation of the HMP and maintaining wildlife corridors and habitat linkages (OSCR Element policies 4-P.8 and 4-P.14). The draft General Plan does not propose any new major roads that have not been studied during the preparation and adoption of the HMP. The HMP established planning standards that apply to areas where the remaining two future road segments (College Boulevard and Poinsettia Lane) are planned. These zone-specific standards, include maintaining and enhancing habitat linkages between 500 and 1,000 feet wide, maintaining and enhance wildlife movement using sensitive roadway design, and ensuring continuous habitat connectivity and east-west wildlife movement (see HMP Section D.3.C Planning Standards for Zones 15 and 21, pp. D-80 through 82), One major roadway segment (Cannon Road Reach 4) is proposed for deletion, which would result in a benefit to wildlife movement.

The draft EIR for the draft General Plan is a program-level document and does not include detailed project-level analyses for the potential impacts of future development and roadways on wildlife corridors. Subsequent project-level environmental review, including the adequacy of the city's habitat linkage network, would be required for future

development and road projects during the processing of individual applications under the draft General Plan as required under CEQA.

B15-54: The comment states that the existing linkages within the HMP are not functional and that further development will continue to degrade these linkages. The draft General Plan fully supports HMP implementation. The HMP addresses preserving wildlife corridors and linkages through policies as well as zone and parcel-specific standards that will be applied to future projects (see HMP Sections D.3.C and D.7). However, the draft EIR for the draft General Plan is a program-level document and does not include detailed project-level analyses for impacts to wildlife corridors. Subsequent project-level environmental review, including the adequacy of the city's habitat linkage network, would be required for applicable projects during the processing of individual applications under the draft General Plan as required under CEQA. Please see response to comment B15-53 above for a discussion on draft General Plan impacts to wildlife corridors and habitat linkages.

B15-55: The comment lists the requirements for an effective wildlife corridor stated in Beier and Lee (1992) and says that the draft EIR has failed to provide evidence that the draft General Plan will not have any significant direct or indirect impacts that would require mitigation. The draft General Plan is not anticipated to reduce the size, width or visibility of existing connecting linkages because all future development allowed under the draft General Plan must comply with the HMP, which addresses preserving wildlife corridors and linkages through policies as well as zone and parcel-specific standards that will be applied to future projects (see HMP Sections D.3.C and D.7, ). However, the draft EIR for the draft General Plan does not include detailed project-level analyses for impacts to wildlife corridors since specific development projects are not yet identified. Subsequent project-level environmental review, including the adequacy of the city's habitat linkage network, would be required for applicable projects during the processing of individual applications under the draft General Plan as required under CEQA. Please see also responses to comments B15-53 and B15-54 above.

B15-56: The comment states that the draft EIR has not considered the full range of impacts that would occur from the construction of roads and that the draft EIR has failed to propose adequate mitigation for those impacts. The draft EIR concluded that the draft General Plan would not have a significant impact on wildlife movement (see draft EIR, § 3.3, Impact 3.3-4.) The draft EIR analyzes the draft General Plan at the program level for the purposes of analyzing long-term land use changes throughout the city; specific impacts and location of roads were not analyzed at the project-level. Subsequent project-level environmental review, including analysis of impacts resulting from road construction, would be required for applicable projects during the processing of individual applications under the draft General Plan as required under CEQA. As described in response to comment B15-53 above, however, the adopted HMP contains planning standards to avoid, minimize, and mitigate road-related impacts that will be applied during the planning and design of the future College Boulevard and Poinsettia Avenue. Further, these road segments are "covered" in the HMP, meaning they are eligible to use the city's Lake Calavera Mitigation Bank to mitigate certain unavoidable impacts to habitat.

B15-57: The comment states that the draft EIR does not adequately account for the increase in domestic cats that the proposed development would cause. Impacts from feral cats, however, as opposed to domestic cats, cause the majority of impacts to bird species. Loss, Will and Marra (2012), state that “un-owned cats, as opposed to owned pets, cause the majority of [wildlife] mortality.”<sup>1</sup> While proposed development may increase the number of domestic cats, there is no evidence that the draft General Plan would contribute to the number of feral cats (un-owned cats) within the city. This appears to be at odds with the conclusions of the Crooks & Soulé study cited; however the study is based on a survey completed between 1995 and 1997 within fragmented habitats in San Diego County, the results of which state that 77 percent of cat owners adjacent to the fragmented habitats studied let their cats outdoors and 84 percent brought kills back to the residences. It is possible that the behavior of cat owners with respect to releasing domestic cats outdoors may have changed within San Diego County in the past 17 to 19 years.

Overall, Section 21.53.084 of the Carlsbad Municipal Code provides a limitation on the number of domestic cats, and allows not more than three adult dogs or cats in any combination for each dwelling unit.

Within the HMP’s Preserve Management Guidelines, native and nonnative predator impacts are addressed through trapping and reducing trash which could attract unwanted predators to construction sites and surrounding areas (Preserve Management page B-4, Biological Guidelines A-5).

B15-58: The comment states that key changes and increases in local wildlife are not addressed in the draft EIR and that lethal removal by the public of “perceived pest/threatening” wildlife should be avoided through education of the public. The draft General Plan recognizes the importance of managing wildlife populations by referring to the HMP and MHCP and incorporates the guidelines and requirements of these plans by reference. As such, full evaluation of wildlife movements will be required for future development projects and the draft General Plan will require compliance with the HMP design of open space including wildlife corridors. The HMP addresses reducing wildlife impacts adjacent to roads and states:

“Signs that explain the rules of the preserve (campfires, firearms usage, camping, etc...) are most effective at public entrance points. Signs for educational nature trails and on roads near wildlife corridors (to reduce road kills) also should be posted at appropriate locations.” (page F-19)

Other lethal means of removal of an animal species which is not threatening life, limb or property are prohibited by law (California Penal Code, section 597 (a)) and preserve

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<sup>1</sup> Scott R. Loss, Tom Will, and Peter P. Marra. 2013. The Impact Of Free-Ranging Domestic Cats on Wildlife in the United States. Nature Communications. Available: [http://www.abcbirds.org/abcprograms/policy/cats/pdf/Loss\\_et\\_al\\_2013.pdf](http://www.abcbirds.org/abcprograms/policy/cats/pdf/Loss_et_al_2013.pdf).

management, as well as law enforcement, will monitor any such activities in order to prevent them from occurring.

The comment states that the draft EIR fails to comply with the basic requirements of the regional conservation plan, and references select guidelines from the North County Multiple Habitat Conservation Program (MHCP) in support of the point. The MHCP is a subregional habitat planning document approved by SANDAG in 2003 that encompasses the seven north county cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Carlsbad's HMP, adopted in 2004, is a subarea plan that implements the city's portion of the MHCP. As such, the HMP is fully consistent with the goals, policies and guidelines of the MHCP.

The comment raises a concern that the draft General Plan will result in "pinchpoints" to wildlife linkages. As described in response to comment B15-55 above, the city's adopted HMP addresses wildlife movement and development edge effects through general, zone, and site specific policies and standards. The draft General Plan fully supports HMP implementation and all future development allowed under the draft General Plan must comply with the HMP.

Finally, the comment cites another MHCP guideline regarding wildlife corridors maintaining "visual stimuli" and states that the draft EIR does not indicate whether the draft General Plan will comply with MHCP guidelines or not. As previously stated, the adopted HMP implements the MHCP. Further, the draft General Plan fully supports the HMP; therefore, implementation of the draft General Plan will have a less than significant impact on carrying out the goals of the MHCP. This is discussed in Section 3.3 (see discussion of impacts 3.3-4, 3.3-6, and 3.3-7) Please see also responses to comments B15-55 and B15-56 above.

B15-59: The comment expresses concern for spread of invasive plant species through activities conducted under the draft General Plan and from private resident use of invasive species in landscaping. Invasive plants are key to prevent and that their presence will continue to be an issue. The HMP provides guidelines (page F-22) and regulations to prevent use of invasive species and to include eradication within each open space area per the required preserve management plan. Additionally, the city's Landscape Manual, which regulates landscaping of new development, prohibits the use of invasive species in landscaping. Subsequent project-level environmental review, including an analysis of invasive species, would be required for applicable projects during the processing of individual applications under the General Plan as required by CEQA.

B15-60: The comment states that the draft EIR does not adequately address impacts/mitigation for planned trail systems. Potential edge effects and impacts may occur as the result of new trail installment and the need for analysis. However, the draft EIR for the draft General Plan does not include detailed project-level analyses for impacts from trail construction. Subsequent project-level environmental review, including an analysis of project-level trail systems, would be required for applicable projects that would affect

trails during the processing of individual applications under the General Plan as required by CEQA.

- B15-61: The comment expresses concern about the potential indirect effects on natural lands, wildlife and water quality that may result from the policy in the draft General Plan which states: “Provide public access to all open space areas.” Unrestricted public access has been shown to have negative impacts on wildlife, water quality, habitat quality, etc. Therefore, the wording of the draft policy has been modified to clarify that public access to open space areas should be provided only where consistent with applicable access restrictions per the Habitat Management Plan, easements, deeds, and related documents.
- B15-62: The comment requests clarification of the intent of Policy 4-P.16. The policy is proposed to be revised as follows: “Seek partnering opportunities with other governmental agencies, private land owners and non-profit organizations to acquire open space; utilize grants, bonds and other funding sources to leverage local funds and reduce cost to Carlsbad taxpayers.”
- B15-63: The comment states that language in Policy 4-P.29 should be changed from “natural plant species” to “southern California native plant species.” The policy has been modified to correct the word “natural” to “native”.
- B15-64: The comment states the language of Policy 4-P.64 should be revised to clarify its intent. This policy is carried forward (in modified form) from the existing General Plan. Storm water, floodplain, and habitat management, and public and private development, aesthetic and other open space concerns, can have overlapping and sometimes competing requirements. For example, a drainage facility can lose its ability to accommodate peak storm water flows if it becomes over-vegetated without proper management. The intent of this policy is to recognize that related management requirements should be coordinated. To clarify its intent, the policy is proposed to be revised as follows: “Coordinate the needs of storm water pollution management with the overlapping (and sometimes competing) habitat management, flood management, capital improvement projects, development, aesthetic, and other open space needs.”

The comment is unclear how “beneficial uses of water” relates to this policy.

- B15-65: The comment states that the draft EIR fails to address open space management and the lack of funding to manage hardline open space areas throughout the city, including issues regarding unplanned trails, invasive plants, erosion and pet waste. The comment suggests policies be included in the draft General Plan that require open space management and funding mechanisms. The city’s Habitat Management Plan (HMP) is the regulatory document that provides direction on management of hardline open space areas. Rather than prescribing new policies, the draft General Plan is intended to be consistent with and give effect to the HMP. The HMP does not require funding active management of pre-HMP hard-lined areas and there are no plans by the city to do so. The biological resources analysis in Chapter 3.3 of the draft EIR analyzes impacts under the city’s HMP. See master response MR1-2 for an explanation of how the draft General Plan preserves

open space. Regarding the comment that increased population resulting from the draft General Plan will indirectly impact hardline open space areas, draft EIR Chapter 3.3 addresses impacts to biological resources and concludes that “implementation of the draft General Plan could result in substantial adverse effects to sensitive biological resources. These impacts could occur directly through future ground disturbing activities such as grading and excavation associated with development, or indirectly from the effects of increased urbanization of the city. However, [as described in draft EIR Chapter 3.3], the draft General Plan includes goals and policies that focus on preserving and protecting significant biological resources. In addition to these goals and policies, future development projects allowed under the draft General Plan would be required to perform site-specific environmental review and, where necessary, to implement mitigation consistent with the city’s guidelines for biological studies and the HMP. As such, all impacts associated with implementation of the draft General Plan would be less than significant.

B15-66: This comment refers to trail use and equestrian use on trails. Policy 4-P.39 calls for the preparation of a Trails Master Plan update, one of the objectives of which is to “design and designate trails as multi-use to be accessible for all user groups, including...equestrians.” The draft EIR is intended as a program-level document that analyzes the long-term land use changes proposed under the draft General Plan, and impacts from equestrian use on specific trails is more appropriately addressed with the Trails Master Plan update (currently underway), as well as at the project level when site-specific development proposals are submitted for review. Subsequent project-level environmental review, including impacts to trails from equestrian use, would be required for future development projects during the processing of individual applications under the draft General Plan as required under CEQA. The Carlsbad Municipal Code also provides regulations on horses in parks and beaches within the city in Section 11.32.030, which provides that horses are not allowed into public parks or beaches except as provided in the ordinance, or as otherwise permitted by the city manager or his/her designee or with a valid special event permit.

B15-67: The comment relates to hydroponic, vertical gardens, rooftop gardens and front yard gardens. These uses are not inconsistent with agricultural resources policies 4-P.43 to 4-P.50. The comment does not identify any specific barriers to the use of these types of agriculture. Please see draft General Plan policy 9-G.6 (Support the creation of community gardens throughout the community), and related sustainable food policies on page 9-24 of the draft General Plan. The Carlsbad Municipal Code does not prohibit and therefore allows these types of gardens in residential zones.

B15-68: The comment references the benefits agricultural land provides for wildlife. The Carlsbad Agricultural Conversion Mitigation Fee Grant Program was developed as agricultural preservation is an issue of concern in Carlsbad, in part because of environmental and habitat benefits provided by agricultural lands. The comment raises a policy issue and will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan.

B15-69: The comment is correct that the draft General Plan and the current zoning ordinance do not designate any areas restricted to agricultural use. Agricultural lands are considered open space, such as the Cannon Road Open Space, Farming and Public Use Corridor. The comment suggests considering new funding sources for agricultural preservation in addition to the agricultural conservation mitigation fee. The comment raises a policy issue and will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan.

B15-70: The comment states operational emissions are understated, as the urban heat island effect is not taken into account. The urban heat island effect refers to the absorption and re-radiation of solar energy by the ambient environment. The analysis of air quality impacts in the Recirculated DEIR is based on emission of criteria pollutants, irrespective of the urban heat island effect. The urban heat island effect increases ambient temperatures; it does not increase the amount of criteria pollutants emitted. Table 3.2-10 of the Recirculated DEIR shows the estimated new net daily maximum operational emissions of criteria pollutants, including VOC and NO<sub>x</sub>. As described on page 3.2-3 of the Recirculated DEIR, ozone is not a primary pollutant (or a criteria pollutant), but a secondary pollutant formed by the complex interactions of VOC, NO<sub>x</sub>, and sunlight. In addition, the analysis represents a conservative (over-) estimate of emissions, as the effect of the city's SWPPP and Green Building Standards Code serve to further reduce these impacts.

Please see policy 9-P.11, which serves to mitigate the urban heat island effect by requiring implementation of the city's Landscape Manual to mitigate urban heat island effects through minimum tree canopy coverage and maximum asphalt and paving coverage, particularly for denser areas like the Village and the Barrio, shopping centers, and industrial and other areas with expansive surface parking.

B15-71: The comment expresses concern regarding Impact 3.2-2 and that the draft EIR identified "nothing other than applying existing regulatory requirements as proposed mitigation." The analysis of air quality impacts in section 3.2 of the draft EIR was revised and recirculated for public review and comment. Please see pages 3.2-34 through 3.2-41 of the Recirculated DEIR for an expanded list of mitigation measures; however, even after the application of feasible mitigation measures, the air quality impact remains significant and unavoidable.

B15-72: The comment questions the use of the same policies in the Climate Action Plan (CAP) as the basis for reducing potential greenhouse gas (GHG) emissions to below the thresholds. The comment also suggests that consideration of several air quality mitigation measures is required.

As the CAP will be the guiding document for short-term and long-term reduction of GHG emissions for the city, and the CAP was developed as part of the draft General Plan effort, future projects developed under the draft General Plan that would be in compliance with the CAP would be consistent with the GHG reduction efforts identified by the city. As such, it is appropriate to derive inventory data, quantification of projected

GHG emissions, reduction measures and implementation strategies from the recently updated draft CAP in the draft EIR analysis. Additionally, Section 3.2, Air Quality of the Recirculated DEIR identifies additional draft General Plan measures that would reduce vehicle trips, vehicle miles traveled (VMT) and mobile operational emissions including policies 2-G.3, 2-G.6, 2-G.7, 2-P.13, 2-P.43, 4-P.25, 4-P.51, and 4-P.53. These policies are focused on providing mixed uses near transit and local services, pedestrian and bicycle-oriented urban design, transportation demand management strategies, and work commute options to reduce peak-hour vehicle trips.

Most of the additional measures proposed in the comment are GHG reduction measures identified in Chapter 4 of the final EIR and Appendix E of the draft Climate Action Plan. The Recirculated DEIR includes as mitigation for Impact 3.2-2 all but one of the additional measures proposed in this comment; these measures will be required, as needed, to avoid or reduce the potential air quality impacts of future development projects. The one suggested measure that has not been included in the final EIR as mitigation is the suggestion to require payment of an air quality mitigation fee; the city does not have a program and is not aware of any SDAPCD program that requires payment of an air quality mitigation fee. The suggested measure does not identify any specifics about the fee (what projects would be subject to the fee, the amount of the fee and how the fee would actually be used to mitigate air quality impacts); therefore, it is not clear that the suggested measure would be effective in mitigating air quality impacts and the measure has not been added as mitigation.

B15-73: The comment requests analysis of an alternative that would reduce air quality impacts. Chapter 4 of the Recirculated DEIR provides a reduced density alternative that reduces impacts to air quality. The reduced density alternative would result in the least VMT, and therefore the lowest emissions overall; however, air quality impacts would remain significant. According to CEQA guidelines, the range of alternatives “shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant impacts.” The evaluation of alternatives in Chapter 4 of the Recirculated DEIR shows that none of the alternatives, including the no project alternative, would reduce the particular air quality impact to a less-than-significant level.

B15-74: The comment states that “The noise analysis indicates that an unknown number of residences may need to use mechanical ventilation.” As described on page 3.10-30 of the draft EIR, mechanical ventilation is discussed in reference to draft General Plan Noise Element Policies number 5-P.3, Noise Attenuation: “For all projects that require discretionary review and have noise exposure levels that exceed the standards in draft General Plan Table 5-1, require site planning and architecture to incorporate noise-attenuating features. With mitigation, development should meet the allowable outdoor and indoor noise exposure standards in draft General Plan Table 5-2. When a building’s openings to the exterior are required to be closed to meet the interior noise standard, then mechanical ventilation shall be provided.” This is a standard requirement and is contained in many such policy guidance documents (e.g., City of Carlsbad Noise Guidelines Manual, September 1995).



Regarding whether the ventilation equipment will result in an increase in emissions, the mechanical ventilation equipment that could be required to attenuate noise in homes is not different than the outdoor mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) equipment that is found in typical housing developments. The URBEMIS model used for the draft EIR to estimate air pollutant emissions includes emissions associated with electrical demand of typical land use development types. The URBEMIS model applies a holistic electrical rate to a residential unit that accounts for all the electrical needs of the home, including a typical HVAC unit. Appendix B of the draft EIR shows the area source emissions are primarily from fireplaces (hearth), consumer products, and architectural coatings.

In addition, ventilation/air filtration systems are used as a means to reduce the negative health impacts from airborne particles; in an October 2013 publication titled “Health Benefits of Particle Filtration,” by William Fisk of Lawrence Berkeley National Laboratory, Mr. Fisk references previous studies that addressed the effects of filters on the health effects of particles with an outdoor-air origin - each study estimated health benefits from air filtration systems, e.g., “7% to 21% reductions in a variety of adverse health outcomes associated with particle exposures.” Fisk concludes that “...there is little doubt that filtration can substantially reduce indoor exposures to particles from outdoor air...”

B15-75: The comment states that the noise analysis “fails to show that the analysis of impacts considered the distribution of these sensitive receptors.” “The EIR failed to consider the noise impacts on these land uses that clearly exceed the thresholds.” The noise analysis as part of the draft EIR took into consideration the distribution and locations of the proposed land uses and their locations within the city. Representative noise measurement surveys and their locations were conducted in consultation with city staff and the traffic noise analysis represents the entire grid of major arterial roadways and freeway segments affecting sensitive uses within the city. As described on pages 3.10-27 through 3.10-29 of the draft EIR, draft General Plan Noise Element policies would reduce potential impacts associated with the draft General Plan by requiring noise analysis for discretionary development proposals, providing for noise attenuation, and requiring that noise generated does not exceed standards established in Table 5-3 of the draft General Plan, among others.

B15-76: The comment states that the Noise section of the draft EIR lacks discussion of potential noise impacts to sensitive species from roadways, and requests that such discussion be added. The noise section of the draft EIR analyzes potential adverse effects on persons, not sensitive, threatened, or endangered animal species. For a discussion of potential impacts to biological resources, see draft EIR Section 3.3. In the discussion of Impact 3.3-1 (pp. 3.3-21 through 3.3-22), the draft EIR acknowledges that implementation of the draft General Plan would introduce new uses (including new roads) in or adjacent to habitats that support a number of species-status species (such as the Least Bell’s Vireo and California Coastal Gnatcatcher), and that “indirect impacts could result from elevated dust and noise levels... (p. 3.3-21).” The section concludes that such potential impacts would be less than significant because the draft General Plan includes policies

that would minimize or avoid impacts to sensitive species. A principal means of protecting sensitive species (including from excess noise) is through implementation of the HMP, which the draft General Plan fully supports.

The draft General Plan proposes two future roadway links: College Boulevard and Poinsettia Lane. As described in response to comment B15-53 above, however, the adopted HMP contains planning standards to avoid, minimize, and mitigate road-related impacts that will be applied during the planning and design of the future College Boulevard and Poinsettia Avenue. Further, these road segments are “covered” in the HMP, meaning they are eligible to use the city’s Lake Calavera Mitigation Bank to mitigate certain unavoidable impacts to habitat and supported special status species. Please see also response to comment B15-56.

B15-77: The comment refers to information related to sea level rise, flood zones and tsunami run-up areas identified in the draft General Plan Safety Element; and states that it is not clear if there are any building allowed within these impact zones. The comment also requests confirmation that the only new development proposed in a flood or tsunami zone is a proposed land use change on a 10-acre parcel in the Sunny Creek area.

Regarding building allowed within areas impacted by sea level rise, the draft General Plan and draft EIR do not identify/evaluate which properties will be impacted by future sea level rise because such impact analysis is not required by CEQA. However, the city was recently awarded a grant from the California Ocean Protection Council to analyze the potential impacts of sea level rise and identify measures to address those impacts. This work is anticipated to be initiated in spring/summer 2015 and will be incorporated in a comprehensive update to the city’s Local Coastal Program.

Regarding building allowed within areas impacted by flooding or tsunami run-up, such hazard areas do affect parcels where development is allowed. However, draft EIR Impacts 3.8-6, 3.8-7, 3.8-8 and 3.8-9 (draft EIR pages 3.8-28 to 3.8-32) analyzed these issues and determined that the draft General Plan has a less than significant impact to property, people and structures in relation to hazards from flooding, or inundation from seiche, tsunami or mudflow.

Regarding new development proposed in flood zones, the draft General Plan land use map proposes a land use designation change (from low-medium density to medium-high density residential) on a 10-acre parcel in the Sunny Creek area, as referenced in the comment; the subject parcel is partially within by a 100-year flood zone. This is the only proposed land use designation change on property within a 100-year flood zone. Although this land use designation change was evaluated as part of the draft General Plan, city staff does not recommend approval of the change. The draft General Plan proposes land use designation changes on other properties (Sunny Creek Commercial, Robertson Ranch PA 22, Power Plant, and Ponto – southern parcel) where a portion of the site is within a flood zone (not the 100- year flood zone); the flood zone on these properties does not preclude development and as discussed in draft EIR Impacts 3.8-6, 3.8-7, and 3.8-8 (draft EIR pages 3.8-28 to 3.8-31) the draft General Plan has a less than

significant impact to property, people and structures in relation to hazards from flooding. Page 3.8-29 of the draft EIR describes that a special use permit is required for any development proposed in areas of special flood hazards (Municipal Code Chapter 21.110). The city's Floodplain Management Regulations restrict or prohibit land uses considered unsafe in a floodplain. Furthermore, the draft General Plan goals and policies, listed on page 3.8-29 of the draft EIR would further reduce potential impacts to property, people or structures within flood hazard areas.

Regarding new development in tsunami zones, the draft General Plan proposes land use designation changes on properties (Power Plant, and Ponto – southern parcel) where small portions of the sites near the lagoon edge are within a tsunami run-up zone; the tsunami run-up zone on these properties does not preclude development and as discussed in draft EIR Impact 3.8-9 (draft EIR pages 3.8-31 to 3.8-32) the draft General Plan has a less than significant impact to property, people and structures in relation to tsunami hazards. As described in Carlsbad Municipal Code 21.110.050, areas subject tidal inundation or tsunamis are designated on the Flood Insurance Rate Maps as zone V1-30, VE, or V.

- B15-78: The comment asks to confirm if there is any existing development within the flood or tsunami hazard zones. The flood and tsunami hazard zones do affect properties with existing development. However, CEQA does not require the evaluation of flood or tsunami hazard impacts to existing development. The draft General Plan does not increase flood or tsunami hazards. .
- B15-79: The comment asserts that the draft EIR fails to discuss indirect impacts related to placing development within flood and tsunami hazard zones, and allowing roads to operate under substandard traffic conditions. Please see response to comment B15-77 above, regarding development allowed on properties within flood and tsunami hazard zones. . The County of San Diego Multi-Jurisdictional Hazard Mitigation Plan addresses evacuation within the city due to flooding and dam failure. In addition, through compliance with existing city standards and proposed goals and policies, development within flood and tsunami hazard areas would be limited.
- B15-80: The comment refers to proposed policy 6-P.5. As described in Impact 3.8-6 and 3.8-7 of the draft EIR, Carlsbad Municipal Code (Chapter 21.110) requires a special permit for any development proposed in areas of special flood hazards and areas of flood-related erosion hazards. Methods of reducing flood losses are described in Chapter 21.110 of the municipal code, and include: (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities; (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters; (4) Controlling filling, grading, dredging and other development which may increase flood damage; and (5) Preventing or regulating the construction of flood barriers

which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

- B15-81: The comment states that the draft EIR does not evaluate the impacts associated with bluff erosion that will be exacerbated by sea level rise. This comment is correct. However, the draft General Plan does not propose any changes with respect to coastal bluffs that would be subject to rising sea levels. CEQA is concerned with analyzing the impacts of the proposed project on the existing environment and *not* with the impacts of the future environmental conditions on existing development. Accordingly, no further response is warranted.
- B15-82: The comment refers to the 15 percent Growth Management Program (GMP) open space standard. Please see master response MR1-4 for an explanation of how the city is meeting its GMP open space standard. The comment notes that the GMP standard for open space does not apply to 11 of the city's 25 local facility management zones (LFMZ). As described in master response MR1-4, at the time (1986) the GMP open space standard was established, the city determined that it should not apply to 11 LFMZs because those 11 LFMZs were either developed or the open space standard was already met. The comment requests information to clarify how much open space was in the 11 excluded LFMZs at the time the standard was established and how much exists in each zone today. The city does not have a record of the amount of open space that existed in 1986 in the 11 LFMZs where the open space standard does not apply. In addition, the city does not have data to clarify how much GMP open space currently exists in the 11 LFMZs where the standard does not apply. However, draft General Plan Table 4-1 and Figure 4-1 identify the amount and location of open space throughout the city. The draft General Plan does not change the GMP open space standard or where it has been/is applicable since the adoption of the standard in 1986. The comment states that the draft General Plan is the time to re-visit the differential treatment of the LFMZs and consider some way to bring them closer to parity with the rest of the city. The comment will be included in the final EIR for consideration by the Planning Commission and City Council.
- B15-83: The comment states that the draft EIR evaluated all public facility performance standards, except for open space, and requests an analysis of the open space performance standard. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard. The draft EIR analyzes the impact of the draft General Plan to the city's parks standard in Impact 3.11-1.
- B15-84: The comment refers to text within Policy 4-P.5, which supports the GMP. The purpose of this policy is to provide guidance in the preparation of LFMP's as to which types of open space areas may and may not count for GMP open space purposes. The wording of the policy is derived from both OSCRMP (Policies C.9, C.11, C.12, C.13, and C.24) and existing General Plan policies (Open Space and Conservation Element Policies C.9, C.11, C.12, C.13, and C.21). While the policy does not exactly mirror the corresponding language of the OSCRMP and existing General Plan, any differences are stylistic rather than substantive. In other words, the policy does not deviate from previous GMP policy or practice. The policy correctly references and requires compliance with the open space

performance standard “as specified in the Citywide Facilities and Improvements Plan”. Policy 2-P.56 requires compliance with all the GMP facilities performance standards; therefore the draft General Plan fully supports the GMP.

Please see master response MR1-4 for an explanation of how the city is meeting its GMP open space standard, and how it is addressed in the draft EIR.

B15-85: Please see master responses MR1-2, MR1-3 and MR1-4 for an explanation of how the city is meeting its GMP open space standard. Please also see response to comment B15-82 above.

B15-86: The comment requests an explanation of discrepancies between park acreages reported in Working Paper #3 and the draft General Plan. Table 4-4 of the draft General Plan shows existing community parks, special use area, and special resource areas. Table 4-5 shows anticipated future park development projects. The reasons for differences in reported park acreages between the working paper (which was prepared in 2010) and the draft General Plan (prepared in 2013) include changes in acreages subject to joint agreements, minor adjustments to park boundaries, refinements in the city’s GIS database. Since the release of the draft General Plan further refinements to the Tables 4-4 and 4-5 for similar reasons, and reflects the most accurate, up-to-date information available.

B15-87: The comment describes the city’s park mitigation fees to maintain appropriate recreational standards for employment areas. No further response is required.

B15-88: The comment states that the impacts of industrial employment have not been analyzed in the draft EIR. The total employment reflects industrial employment, and the draft General Plan land use map, including industrial land uses, has been used to estimate impacts to all resource topics in the draft EIR, as applicable. Table 2.4-2 shows the estimated total development of industrial square footage, which is projected to increase approximately 31 percent from baseline. The number of housing units is projected to increase approximately 21 percent. Therefore, industrial development is not projected to increase twice as much as residential development. The city’s performance standard for parks is 3 acres/1000 residents, not employees. The contribution of industrial employees to park use is addressed through an impact fee to help fund park facilities, not by increasing the acreage of parks. The parks analysis in the draft EIR uses the park standard established by the Citywide Facilities and Improvements Plan, wherein the total projected buildout population (residents) is divided by 1,000, and multiplied by 3 acres. Please also see master response MR1-5 GMP parks performance standard.

B15-89: The comment states that Zone 5 Park is not within LFMZ 5 although park impact fees were collected from Zone 5 developments to fund park improvements. This is partly correct. The currently developed portion of the park, also known as the Business Park Recreational Facility, is located in LFMZ 5, while the undeveloped expansion area is located in the adjacent LFMZ 24. The comment also states that Zone 5 Park is entirely within the Northwest park district, even though funding of the park is charged to

developments in the Northeast as well as the Northwest park district. This is correct; fees are charged to non-residential developments in LFMZ 5, 13, and 16.

The comment requests an explanation of fees collected for industrial land uses, parks they have been allocated to, what fees are anticipated from future industrial developments, and what parks these fees will be allocated to. The purpose of the non-residential park fee is to fund recreational facilities located within the industrial corridor. In 1998-99, the city acquired approximately 13 acres of land at Faraday Avenue and Camino Hills Drive to develop the Business Park Recreational Facility (aka, Zone 5 Park). The fees are collected from new development in LFMZs 5, 13, 16, 17 and 18, are deposited into the Zone 5 Park Fund, and will be used to develop the Zone 5 Park. According to the FY 2014-15 CIP, total estimated cost to fully develop the park is \$10.8 million, and will be partially funded with \$4.2 million from Zone 5 Park Fund by 2029 (the funding source of the remaining \$6.6 million is yet to be identified). Presently the fund balance is approximately \$2.8 million, and the city anticipates annual fee receipts between \$5,000-\$14,000 in each of the next five years, and \$2.9 million between 2020 and 2029.

In addition to the park in-lieu fees described above, the city established a special tax lien that is levied on properties within the Community Facilities District No. 1 (CFD #1) boundaries to pay for certain infrastructure improvements, including the development of Veteran's Memorial Park. Much of the industrial corridor is located within CFD #1, and thus pay a share toward Veteran's Memorial Park. According to the FY 2014-15, the current balance in CFD#1 is approximately \$55.7 million with annual receipts ranging between \$560,000 and \$1.3 million over the next 15 years. Development of Veteran's Memorial Park is estimated to cost approximately \$23.2 million, and is projected to be developed some time in Years 11-15 of the 15-year CIP. Please also see master response MR1-7 regarding Veteran's Memorial Park.

The comment also erroneously states that Zone 5 is not located near any residents, when in fact much of the Kelly Ranch neighborhood is within easy walking distance of the park.

B15-90: The comment refers to draft General Plan policy 4-P.21, which is to "maintain appropriate recreational standards for employment areas." The comment asks what the standard is and how it is reflected in the allocation for park acres. The comment states the draft General Plan identifies a "significant impact" on parks from industrial users and that the draft EIR failed to evaluate the existing and future adverse impacts and no mitigation is provided.

Regarding draft General Plan policy 4-P.21, the recreational standard for employment areas is the payment of a park mitigation fee. As stated on page 4-9 of the draft General Plan, "the city's Growth Management Ordinance (Carlsbad Municipal Code Chapter 21.90) authorizes special facility fees to pay for improvements or facilities that are related to new industrial development. Since there is a substantial impact on existing recreation facilities from an increasing industrial employment base, the city recognized a need to impose and implement a park mitigation fee for industrial development. In November 1987, the City Council adopted its first park mitigation fee for the Zone 5 Local Facilities

Management Plan. Additionally, a park mitigation fee was required as part of the Zone 13 and Zone 16 Local Facilities Management Plans. The purpose of this fee is to ensure adequate recreational facilities to accommodate the demand created by the daily influx of the industrial work force and population as industrial development grows.” Draft policy 4-P.21 is proposed to be revised to clarify the standard is a park mitigation fee. There is no park acreage standard for employment areas; the park mitigation fee is collected and used to provide parks consistent with the Growth Management park standard - three acres of community park or special use area per 1,000 residents within each of the four city quadrants.

Regarding the comment that the draft General Plan identifies a significant impact on parks from industrial users and that the draft EIR did not evaluate and mitigate the impact, the draft General Plan (page 4-9) refers to a determination made by the city in 1987 in relation to the Growth Management public facilities standard for parks and the adoption of a park mitigation fee for industrial development. The draft General Plan continues to require this mitigation fee, and therefore, does not result in an impact to parks due to industrial development. Draft EIR Impact 3.11-1 evaluates the draft General Plan’s impact on parks and recreational facilities and concludes a less than significant impact. As stated in draft EIR Impact 3.11-1, the draft General Plan will comply with the city’s park facility standard at build out of the draft General Plan. The draft General Plan continues to require a park mitigation fee for industrial development, which ensures the impact identified in 1987 continues to be mitigated. There is no new impact and no new additional mitigation is required.

B15-91: This comment relates to double-counting some areas as both parkland and hardline open space. Please see master response MR1-8, which clarifies that open space is not “double-counted” in the draft General Plan or draft EIR.

B15-92: The comment disagrees with counting one-fourth of Veteran’s Park towards meeting the Growth Management requirement for parks in each quadrant, and offers alternative parkland calculations. Please see master response MR1-7, which explains that Veteran’s Park, dating back to the adoption of the original Growth Management Program and CFIP in 1986, has been consistently identified as a future park to satisfy needs in all four quadrants. The draft General Plan does not change that intent. Since 1986, Veteran’s Park has been consistently identified as a future community park, which is how the park is classified in the draft General Plan. Further, the draft General Plan acknowledges its unique position as serving “regional” recreation, but also clearly states that the park will continue to function pursuant to its primary [community] park classification (OSCR p. 4-22). For these reasons, it is not appropriate to classify Veteran’s Park as a Special Resource Area, as argued in the comment.

Please see master response MR1-8 which explains that Veteran’s Park is not “double-counted”.

B15-93: The comment states that neighborhood parks should be formally included in the performance standards and lists a number of Open Space, Conservation, and Recreation

Element goals and policies that support this recommendation. The comment also references a study (attached to the comment letter) to support the claim for more accessible parkland based on income levels, ethnicity, and distance, factors that are not currently included as parkland performance standards. The comment claims that the draft General Plan and draft EIR fail to consider these factors in the analysis of parkland.

The draft General Plan maintains the long-standing park standard of three acres per thousand residents per quadrant as it implements the city's Growth Management Program (which makes no distinction between community and neighborhood parks in its performance standard) and is consistent with state Quimby Act provisions. Maintaining an overall 3.0 acres/1,000 standard provides the city the flexibility it needs to plan for and build the proper mix of community and neighborhood-serving parks. It is worth noting that of the nearly 119 acres of future parks planned, 27.3 acres are planned as special use (neighborhood-serving) parks, while 91.5 acres (Veteran's Memorial Park) will be community park (see revised OSCR Table 4-5 in chapter 4 of the final EIR). Although not required by the parks standard, this equates to a higher ratio of special use area to community parks (1:3) than suggested in the comment (.5:2.5 or 1:5).

Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard which demonstrate that the draft EIR properly analyzes the draft General Plan impacts on parks.

B15-94: This comment references Parks and Recreation Policy 4-P.25 and requests an explanation as to why there is no new park added on the detailed parks inventory on Table 4-4 and 4-5 and why this policy is limited to the Village and Barrio.

This purpose of this policy is to evaluate and implement opportunities for new park and/or plaza improvements as new development is proposed in the Village and Barrio areas. Since precise location, scale and timing of future residential development are unknown at this time, it would be impractical to try to locate such facilities in advance. Also, it should not be assumed such amenities would be located on public property or maintained by the city. This policy identifies the Village and Barrio specifically because these neighborhoods will experience the greatest amount of infill residential development in the future.

B15-95: The comment states that utilizing joint-use school yards to count towards meeting the GMP parks performance standard is inconsistent with the GMP and draft General Plan. In fact, both the GMP and draft General Plan support joint-use of school grounds to meet recreational needs. Please see master response MR1-6 regarding use of school sites for recreation purposes.

B15-96: The comment requests an evaluation of compliance with the GMP standard that no more than 1,500 dwelling units are outside the 5-minute response time. The draft EIR evaluated the draft General Plan's compliance with the referenced GMP standard in section 3.11, Public Facilities and Services (Fire Protection), which identifies the existing performance standard, explains that it is included in the methodology for analyzing potential impacts,



finds that the performance standard would be met under the draft General Plan, and indicates that supporting information is contained in Appendix E. (See draft EIR, pp. 3.11-14, 3.11-22, 3.11-32.) The draft EIR thus addresses coverage of the entire city within 5-minute response time, under both existing and draft General Plan buildout.

B15-97: Please see response to comment B15-96 for an explanation of fire response coverage, which is evaluated under draft General Plan buildout, including the effect of draft General Plan land use categorizations and modeled changes in LOS.

B15-98: Please see response to comment B15-96 for an explanation of fire response coverage, which relies on fire stations within city borders.

As stated in the 2014 Carlsbad State of Effectiveness Report (located here: <http://web.carlsbadca.gov/cityhall/Documents/state-of-effectiveness-reports/SOE-2014.pdf>):

“The Carlsbad Fire Department continues its participation in a regional service delivery model, known as Boundary Drop, which assigns the closest available resources to the emergency scene. The utilization of the Boundary Drop is routinely reviewed for additional efficiencies in training opportunities and overhead support that maximize the availability of resources (page 22).”

The city has been participating a program that “drops” city boundaries for firefighting purposes since 2007.<sup>2</sup> Bordering cities have continued to participate since 2007. During the 2014 Poinsettia fire, regional cooperation among fire agencies continued.<sup>3</sup> The city cannot provide assurance as to the continued cooperation among fire authorities in neighboring jurisdictions, however, as stated in response to comment B15-96, the entire city is covered within 5-minute response time by fire stations within city borders.

B15-99: This comment states that the draft General Plan and draft EIR have not looked at conflicts between provisions for vegetation clearing for fire prevention/response and habitat protection under the HMP. Impact 3.6-7 on pages 3.6-37 and 3.6-38 of the draft EIR addresses the risk of wildland fires using the city’s 2012 Landscape Manual, which requires all projects that contain or are bounded by hazardous vegetation to prepare a fire protection plan. The Landscape Manual contains policies to provide long-term health and viability of natural habitat areas.

B15-100: As referenced in the draft EIR (page 3.11-14), please see the 2013 Carlsbad State of Effectiveness Report, which includes performance measures for fire service (the 2014 State of Effectiveness Report also includes performance measures). The reports are available for review at the city during normal business hours or the 2014 report can be viewed online at: <http://web.carlsbadca.gov/cityhall/Documents/state-of-effectiveness->

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<sup>2</sup> <http://www.utsandiego.com/news/2007/feb/11/fire-agencies-testing-city-boundary-drop/>

<sup>3</sup> <http://www.utsandiego.com/news/2014/jul/31/regional-wildfire-meeting-air-ground-responses/>

- [reports/SOE-2014.pdf](#). Page 22 of the report evaluates fire protection and emergency medical service. Please also see response to comment B15-96 above.
- B15-101: Impact 3.6-7 on pages 3.6-37 and 38 of the draft EIR addresses the risk of wildland fires, including the risks of placing homes in a fire hazard zone, and concludes that its impact is less than significant. Figure 3.6-4 shows the draft General Plan structure fire/wildfire threat, based on the best available information from CAL FIRE.
- B15-102: The comment requests that the General Plan note the potential extinction of species due to climate change. The first paragraph of draft General Plan page 9-9 has been modified accordingly as shown in final EIR Chapter 4.
- B15-103: The comment requests further analysis on drought, fire and sea level rise. Please see draft EIR Chapter 3.12 for a discussion of future water supply, which considers the effect of multi-year droughts on water supply. Draft EIR Chapter 3.6 addresses impacts related to wildfires. Draft General Plan policies 6-P.1 to 6-P.8 address flooding and coastal hazards, including sea level rise. Please also see responses to comments B15-77 – B15-80 above regarding flooding, coastal hazards and sea level rise.
- B15-104: Please see responses to comments B15-99 and B15-101 above for a discussion of wildfire impacts, and the basis for the wildfire hazard area. Regarding the concerns about city staffing to provide fire safety education, the Carlsbad Fire Department has a Fire Prevention Specialist on staff who, together with the Deputy Fire Marshal, oversees the city's vegetation management and hazard reduction programs, including public education activities.
- B15-105: The comment suggests additional policies to incentivize use of programs such as LEED and Build it Green, as well as additional policies regarding waste reduction and recycling. Sustainability Element policies 9-P.8 through 9-P.11 are intended to promote green building methods without limit as to specific programs or organizations. Please see Sections 4.3 and 4.5, and Table 4-2 of the CAP for a discussion of proposed Residential and Commercial Energy Conservation Ordinances. The measures comprising these ordinances are described at length on pages 4-1 to 4-22.
- Please see Impact 3.12-6 of the draft EIR for an explanation of solid waste disposal needs. The draft General Plan supports the waste diversion goals set by AB 939 and CalRecycle. The comment will be included in the final EIR for consideration by the Planning Commission and City Council of the comment's recommendations regarding additional policies.
- B15-106: The comment identifies a correction needed in the description of Policy 9-P.11. This policy has been corrected. The comment's recommendation to update the Landscape Manual (which was updated in 2012) will be included in the information presented to the Planning Commission and City Council concerning the draft General Plan.
- B15-107: The comment states that the draft General Plan policy regarding food growing should be more flexible and allow for use of areas other than back yards. The policy will be

revised to accept the comment's recommendation and to state food growing may occur in "residential yards." Please see response to comment B13-8 for a discussion of revisions to Policy 9-P.16.

- B15-108: The comment requests to confirm whether certain policies referenced in the comment, which are part of the existing General Plan, have been eliminated, and if they have been, what the impact of doing so may be.

The referenced existing policies C.5, C.7 and C.8 are incorporated verbatim into draft General Plan policy 4-P.33.

Regarding referenced existing policy C.9, the policy is to "enhance availability of special resource areas and open space areas and promote awareness of the educational opportunities associated with them." The purpose of this policy is addressed through: 1) draft General Plan policy 4-P.31, which is to "where appropriate, designate as open space those areas that preserve historic, cultural, archeological, paleontological, and educational resources" (i.e. "enhance availability of special resource areas and open space"); and 2) draft General Plan policy 4-P.33, which is to "promote expansion of recreational and educational opportunities in areas of significant ecological value..." (i.e. "promote awareness of educational opportunities associated with [special resource areas]").

Regarding referenced existing policy C.11, the policy is to "work...with the Historic Preservation Commission and Cultural Arts Commission to...sustain and promote awareness of historically and/or culturally significant facilities and programs. The primary objective of this policy is to promote awareness of historically and culturally significant resources, which is addressed through draft General Plan policy 4-P.33, which is to "promote expansion of recreational and educational opportunities in areas of significant ecological value..." (i.e. "promote awareness of historically and culturally significant facilities and programs").

Please see Chapters 3.7 of the draft EIR for an analysis of the impacts of the draft General Plan on historical, archaeological, and paleontological resources. No significant impacts were found under these resource topics.

- B15-109: This comment refers to the project's consistency with SANDAG's Sustainable Community Strategy (SCS) and the 2050 Regional Transportation Plan (RTP) and mitigation measures listed in Table ES-2 of the RTP's final EIR. Senate Bill 375 calls for metropolitan planning organizations such as SANDAG to prepare an SCS to show how integrated land use and transportation planning can lead to lower GHG emissions from autos and light trucks. This authorizing legislation however, does not require that cities' and counties' general plans be consistent with an SCS (Government Code Section 65080(b)(2)(J)). The city is not required, therefore, to incorporate into the draft General Plan mitigation measures from the RTP and associated SCS. Nevertheless, the goals and policies of the draft General Plan are intended to integrate land use and transportation to achieve efficiencies and reduce GHG emissions, and thus would be

consistent with the planning efforts being pursued by SANDAG at the regional level. It should be noted that the 2050 RTP EIR was challenged in court, found inadequate by the Superior Court, and subsequently by the Fourth District Court of Appeal. The comment and those that follow below (B15-110 through B15-119) will be included in the final EIR for consideration by the Planning Commission and City Council of the comments' recommendations regarding additional policies.

- B15-110: The comment reproduces aesthetics mitigation measures from the SANDAG RTP. Please see Chapter 3.1 of the draft EIR for an analysis of the impacts of the draft General Plan on aesthetics. No additional mitigation is required. Please see also response to comment B15-109 above.
- B15-111: The comment reproduces agricultural and forest resources mitigation measures from the SANDAG RTP. Please see Chapter 3.13 of the draft EIR for an analysis of the impacts of the draft General Plan on agricultural resources. No additional mitigation is required. Please see also response to comment B15-109 above.
- B15-112: The comment reproduces air quality mitigation measures from the SANDAG RTP to address climate change and localized project specific CO and particulates. Please see Chapter 3.2 of the Recirculated DEIR for a revised analysis of the impacts of the draft General Plan on air quality including revisions to the mitigation measures for Air Quality Impact 3.2-2 and revised analysis of health impacts associated with air pollution. Please also see response to comment B15-109 above. Please see draft EIR Chapter 3.4 which provides an analysis of the draft General Plan on energy resources, greenhouse gases, and climate change. Please also see the draft Climate Action Plan (CAP). The CAP has been revised to include a non-exclusive list of mitigation measures (Appendix E) that can be required during project level review to reduce GHG impacts, which includes many of the measures from the Attorney General's list of project specific mitigation measures. Application of transportation-related GHG mitigation measures will reduce air quality-related impacts.
- B15-113: The comment reproduces biological resources mitigation measures from the SANDAG RTP. Please see Chapter 3.3 of the draft EIR for an analysis of the impacts of the draft General Plan on biological resources. The measures recommended in the comment are included in the draft EIR's analysis of potential impacts on biological resources. As well, the city's adopted HMP (referenced in the draft EIR) contains detailed requirements for avoiding, minimizing and mitigating adverse impacts to biological resources, including those recommended in the comment (see HMP Sections D and F, in particular). Please see also response to comment B15-109 above.
- B15-114: The comment reproduces GHG-related mitigation measures from the SANDAG RTP. Please see Chapter 3.4 of the draft EIR for an analysis of the impacts of the draft General Plan on GHG emissions. In addition, as the comment recommends, the city proposes adoption of the CAP and the Recirculated DEIR include revised mitigation measures for Impact 3.2-2 that require compliance with SDAPCD regulations that include the use of

Best Available Control Technology. Please also see response to comment B15-109 above.

- B15-115: The comment reproduces hazards and hazardous materials mitigation measures from the SANDAG RTP. Please see Chapter 3.6 of the draft EIR for an analysis of the impacts of the draft General Plan on hazards and hazardous materials, which considers the risk of wildfires as recommended in the comment. Please see also response to comment B15-109 above and responses to comments B15-77 – B15-79 regarding adaptation to climate change.
- B15-116: The comment reproduces hydrology and water quality mitigation measures from the SANDAG RTP. Please see Chapter 3.8 of the draft EIR for an analysis of the impacts of the draft General Plan on hydrology and water quality. As stated in the draft EIR, “[T]he city’s SUSMP requires every construction activity within Carlsbad that has the potential to negatively affect water quality to prepare a construction SWPPP (p. 3.8-22).” Please see also response to comment B15-109 above.
- B15-117: The comment reproduces noise mitigation measures from the SANDAG RTP. Please see Chapter 3.10 of the draft EIR for an analysis of the impacts of the draft General Plan on noise. The draft EIR discusses in Impact 3.10-1, “[T]he proposed Noise Element’s Land Use and Noise Compatibility policies encourage the development of compatible land uses and requires the use of project design techniques such as increasing setback, use of non-sensitive buildings (e.g., garages to shield noise-sensitive outdoor spaces from noise, etc.). The city would require each future project to comply with the draft General Plan noise compatibility policies to reduce traffic and other noise levels. Compliance with the city’s draft General Plan goals and policies would reduce permanent noise impacts to less-than-significant levels (p. 3.10-24).” Please see also response to comment B15-109 above.
- B15-118: The comment refers to public services, utilities, and energy mitigation measures from the SANDAG RTP. Please see Chapter 3.11 of the draft EIR for an analysis of the impacts of the draft General Plan on public services, Chapter 3.12 for impacts on public utilities and solid water disposal, and Chapter 3.4 for impacts on energy use. These sections of the draft EIR identify draft General Plan goals and policies that reduce the impacts to public services, utilities, and energy to less-than-significant levels. Please see also response to comment B15-109 above.
- B15-119: The comment reproduces water supply mitigation measures from the SANDAG RTP. Please see Chapter 3.12 of the draft EIR for an analysis of the impacts of the draft General Plan on water supply. The measures recommended in the comment are included in the draft EIR’s analysis of potential impacts on water supply. Please see also response to comment B15-109 above.
- B15-120: This comment expresses general dissatisfaction with the analysis of alternatives in the draft EIR. Chapter 4 of the Recirculated DEIR provides a reduced density alternative that reduces impacts to air quality and transportation. As described at the start of

Chapter 4 of the Recirculated DEIR, the range of alternatives “shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant impacts.” The discussion of alternatives need not be exhaustive, and alternatives should be subject to a construction of reasonableness. CEQA Guidelines permit analysis of alternatives at a less detailed level for general plans and other program EIRs than that which is required for project EIRs.

B15-121: This comment states the EIR has not evaluated whether the project actually achieves the core values of the General Plan vision, the EIR favors the proposed project and fails to identify key differences among the alternatives. CEQA does not require an EIR to evaluate the effectiveness of a proposed project in achieving the project objectives. The draft General Plan has been designed to achieve the core values of the Carlsbad Community Vision. Please see key strategies on page 1-31 of the draft General Plan, which guide the goals and policies throughout the draft General Plan. The EIR does not favor the proposed General Plan and no further response is possible because the comment does not specify how or in what way the EIR allegedly does so. Chapter 4 of the Recirculated DEIR highlights key differences of the alternatives, in the description of alternatives, and in the comparative impact assessment on pages 4-19 to 4-34 of the Recirculated DEIR.

B15-122: The comment states that there is no alternative whose objective is to reduce the significant impacts to air quality and transportation. In response to this concern, the City revised and recirculated Chapter 4, Alternatives, to include a Reduced Density Alternative that proposes to reduce the significant traffic and air quality impacts of the proposed General Plan by reducing future development by 40 percent.

B15-123: The comment states that the alternatives evaluated in the draft EIR all have very similar amounts of allowable development. Please see Chapter 4 of the Recirculated DEIR, which provides a Reduced Density Alternative that proposes to reduce impacts to air quality and transportation by reducing the amount of future development by 40 percent.

B15-124: The comment requests that area source emissions be included in the air quality analysis of the alternatives in Section 4 of the draft EIR. According to CEQA Guidelines Section 15126.6, the discussion of alternatives in the EIR need not be exhaustive, and the impact of alternatives may be discussed in less detail than the significant effects of the proposed project. In addition, CEQA Guidelines permit analysis of alternatives at a less detailed level for general plans and other program EIRs than that which is required for project EIRs.

The draft EIR and Recirculated DEIR utilize the vehicle miles traveled (VMT) metric as a proxy to evaluate the relative differences in air quality impacts among the alternatives evaluated, including the Reduced Density Alternative. Based on VMT, page 4-20 of the Recirculated DEIR states that, while the Reduced Density Alternative would have the least severe impacts on air quality, such impacts would still remain significant and

unavoidable. Given that area source emissions are largely a function of land use intensity in similar fashion to mobile emissions, their inclusion in the analysis would not alter the conclusions of the alternatives' air quality impacts relative to one another and the proposed General Plan. Therefore, the information provided in the Draft EIR and Recirculated DEIR provides sufficient information to the public and the city's decision-makers to evaluate the relative impacts each alternative would have on air quality.

- B15-125: The comment states the author's opinion that the draft EIR is inadequate and requests preparation of an amended EIR. Since this comment does not raise any additional environmental issue, no further response is required.
- B15-126: The comment contains a list of attachments and documents that are "incorporated by reference".
- B15-127: The attachment contains a "summary of negative ecological effects of roads and traffic and other linear developments" from a publication identified as "Spellerberg, I.F. 1998. Ecological effects of roads and traffic: a literature review. *Global Ecology and Biogeography Letters*. &:317-333." Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.
- B15-128: The attachment reproduces Attachment 7 from the September 11, 2012 City Council meeting titled "Excess Dwelling Unit Bank Availability and Demand." Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.
- B15-129: The attachment lists acreages of community parks and special use areas and provides a "summary-future shortage of park acres/quadrant," presumably prepared by the author of the comment letter. Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.
- B15-130: The attachment reproduces Figure 3.11-1 of the draft EIR with areas highlighted as "double counted" Presumably by the author of the comment letter. Please see master response MR1-8, which explains that open space is not "double counted" in the city's existing open space inventory. Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.
- B15-131: The attachment shows a "Green Access-Carlsbad" map showing parkland, population and median household income information, "based on the original map and analyses by The City Project and GreenInfo Network, August 2013." Please see master response MR1-5, which describes compliance with parks performance standards. Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.
- B15-132: The attachment shows a "Park Access and Demographic-Carlsbad" map, showing park access, population of block groups compared to the San Diego County average for certain demographic characteristics," based on the original map and analyses by The

City Project and GreenInfo Network, August 2013.” Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.

B15-133: The comment reproduces a “Carlsbad Avenues” publication entitled “Let’s talk about Open Space.” . Please see master responses MR1-2 for a discussion of the 40% open space “requirement” and MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard. Since the attachment does not contain any comment regarding the draft General Plan or draft EIR, no further response is possible.

### **B16: Preserve Calavera**

B16-1: The comment provides background on Preserve Calavera. No response is required.

B16-2: The comment provides an introduction to the specific comments addressed in responses to comments B16-4 to B16-38 below.

B16-3: The comment states other actions could be included in the Climate Action Plan (CAP) to reduce greenhouse gas (GHG) emissions; please see responses to comments B16-39 to B16-50.

B16-4: The comment states that the CAP does not meet the reductions required by S-3-05 and AB 32, because the CAP does not demonstrate how it will achieve these reductions. Chapter 3 of the CAP describes the GHG reduction targets provided by state law, provides a baseline forecast of community GHG emissions, and models forecasts of future community and local government GHG emissions through 2035. The chapter also quantifies GHG reductions from (1) state and federal actions and (2) the draft General Plan policies and actions, and applies these reductions to the community forecast.

Chapter 4 of the CAP describes additional GHG reduction measures to close the emissions “gap” between emissions targets and forecast emissions for 2035, including three proposed ordinances to meet the GHG reduction measure goals. The CAP provides a statement of GHG reduction targets, reduction measures, and an implementation framework. Responses to comments B16-7 to B16-38 address specific issues related to methodology and assumptions of GHG reductions raised in the comment letter.

B16-5: The comment states that assumed reductions in State and federal emissions might not be achieved, and highlights 3 issues: frequency of car replacement, lack of Carlsbad-specific data, and the effect of rising gasoline prices on VMT reduction, which are addressed below.

Overall, Carlsbad-specific information was used for every aspect of the CAP, including population projections, draft General Plan land use, VMT generation, and the application of GHG reduction measures. With respect to the effects of Pavley I Fuel Economy (which addresses the frequency of car replacement), the emissions forecasting model (Statewide Energy Efficiency Collaborative, or SEEC) takes into account the effect of Pavley I



regulations on the average fuel economy. The SEEC model is based on the International Council for Environmental Initiatives' (ICLEI's) Clean Air and Climate Protection (CACCP) Model, and represents the best available resource for estimating the impact of the Pavley I fuel economy standards on a citywide scale.

The Energy Policy Initiatives Center (EPIC) model was used in order to estimate the effect of rising gasoline prices on Vehicle Miles Traveled (VMT) reduction. The EPIC model was designed as a community-scale GHG emissions reduction model for the San Diego region. Carlsbad is one of the 19 jurisdictions that can be selected in the model. Similarly, the EPIC model represents the best available resource for estimating the effect of a reduction in VMT from rising gasoline prices.

- B16-6: The comment states the author's opinion that there are errors in GHG reduction measures. Please see responses to comments B16-7 to B16-10 below, which address perceived errors.
- B16-7: The comment states that the square footage and hotel rooms should be used as the basis for growth in demand for the commercial and industrial sectors. As stated on page 3-5 of the CAP, job growth is used as the basis for estimating growth in demand in commercial, office, hotel and other, including construction and transportation related employment. The comment suggests using commercial square footage and hotel rooms to estimate growth as an alternate methodology. The SEEC model estimates commercial demand based on an aggregate percentage change in demand. The alternate methodology proposed in the comment was not used. In the case of Carlsbad, using employment as an index produces a more conservative (i.e. larger) estimate of growth, as the rate of growth in commercial and industrial square footage from existing (18,750,700 square feet) to buildout (25,483,300) represents a 35.9 percent growth, while using the growth in jobs results in a 37 percent growth (see Table 2.4-2 of the draft EIR on page 2-8). Industrial job growth was used to estimate growth for consistency among the sectors.

The results shown in Table 3-4 are the emissions from the SEEC community forecast for each sector, using the assumptions stated on page 3-5. The forecast includes the effect of Renewables Portfolio Standard (RPS) and Pavley I Fuel Economy Standards, as well as the effect of the draft General Plan land use and circulation system on transportation emissions.

- B16-8: The comment states that there is an unrealistic time frame to achieve the results. Chapter 4 of the draft CAP lists GHG reduction measures, with a mixture of time frames to reach reductions by 2035. The actions are categorized as short-term (one to two years), mid-term (two to five years), or long-term (longer than five years), based on when they will be implemented following adoption of the CAP. The mixture of short-term, mid-term, and long-term actions presented for each measure are intended to meet the goals in a realistic timeframe and provide an effective combination to reach the targets set forth. Most of the actions are identified as short or medium-term; in fact a number of actions have been revised to short-term (see A-3, B-1, D-3, F-3, J-2, K-1, L-7, and N-1).

The measures proposed in the CAP are sufficient to reach the GHG reduction targets set forth by State law. Please see response to comment B16-39 below for more detail on additional measures proposed.

B16-9: The comment requests more information on airport emissions. VMT utilized for the CAP GHG modeling accounts for trip generation due to airport land use designations. As described on page 2-3 of the CAP, the McClellan-Palomar airport is county-owned and operated, and is therefore outside the city's organizational boundary as defined by ICLEI's Local Government Operations Protocol (LGOP). This is an important consideration in determining what emissions to report in a community's greenhouse gas inventory. Appendix A of the 2005 City of Carlsbad Greenhouse Gas Inventory explains that whether an emissions source is to be reported depends on *operational control*: "A local government has operational control over an operation if it has full authority to introduce and implement its operating policies at the operation (p. 11)." Appendix F of the 2005 Inventory further explains which emissions are included and which ones are excluded and why: "Local governments will often choose to exclude emissions sources that meet the following criteria: ...***Emissions largely located outside the jurisdiction's boundaries.*** These types of emissions could include such sources as aviation departing from local airports or regional transit emissions. (p. XXVII)." Appendix F further explains that aviation emissions were excluded "because they occurred in a largely regional context (p.XXVIII)."

B16-10: The comment states that the CAP uses Caltrans HPMS to determine VMT. This is incorrect; HPMS was used to prepare the prior 2005 inventory, as is stated in Appendix B of the CAP. For the 2011 inventory update and for all VMT projections in the CAP and draft EIR, SANDAG Series 12 VMT data was used.

The comment states "this CAP does not have transportation as the largest source [of GHG emissions] because of manipulation of data..." This is incorrect; Figure 2-1 of the CAP clearly shows transportation emissions, at 39 percent of total 2011 community GHG emissions, are the single highest emissions sector.

The comment states that the city's rationale for excluding pass-through trips is understood, which is appreciated. The comment expresses concern that pass-through trips will not be counted. The city's methodology to exclude pass-through trips is consistent with ICLEI's recommended protocol for measuring transportation-related emissions within jurisdictional boundaries. ICLEI recognizes that local governments cannot influence all passenger vehicle GHG emissions within their boundaries, and therefore recommends the origin-destination method (using a demand-based model)<sup>4</sup>. Additionally, the VMT calculation method used in the city GHG inventory update is

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<sup>4</sup> ICLEI - Local Governments for Sustainability, "US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, Version 1.1", July 2013, Appendix D: Transportation and Other Mobile Emission Activities and Sources, p. 8.

consistent with SANDAG's guidelines<sup>5</sup>. As clarified above, the city used SANDAG's demand-based Series 12 transportation model to calculate VMT.

Caltrans's 2013 report "Caltrans Activities to Address Climate Change: Reducing Greenhouse Gas Emissions and Adapting to Impacts," contains steps Caltrans is taking to reduce GHG emissions on its facilities; which include pass-through traffic on the I-5 freeway. Table 3 on page 17 contains a description of Caltrans Plans, Processes, and Guidance Documents Related to GHG Reduction. The Goods Movement Action Plan (GMAP), for example, identifies funding for projects that reduce congestion and air pollutants along major freight corridors.

B16-11: The comment states the CAP is not in compliance with SANDAG's "Climate Change and Adaptation White Paper" which, according to SANDAG, is intended to inform the development of their Regional Plan and is an informational, not a regulatory document with which the city is expected to comply. Nevertheless, many of the actions suggested in the comment (and re-stated below) actually are addressed either in the CAP, the draft General Plan, or through some other action by the city:

- *Establish car-share and bike-share programs.* See CAP Measure K-1(p. 4-15): Promote Transportation Demand Management Strategies. This action specifically identifies car-sharing as a TDM strategy to be evaluated in the citywide TDM plan. Action K-1 has been modified to also include bike-sharing, and K-2 has been modified to include car-sharing and bike-sharing as potential trip-reduction measures. These actions support Mobility Element Policy 3-P.13, which states, in part: "Consider innovative design and program solutions...including, but not limited to... car and bike-share programs...." Additionally, the city has initiated work on a coastal corridor multi-modal infrastructure plan as part of the FY 2014-2015 Capital Improvement Program, that will, among other things, identify viable alternatives to private, single-occupant vehicle use such as though car-sharing, bike-sharing, and local shuttles.
- *Convert city fleet to alternative fuels.* See CAP Measure L-7 (p.4-17): "Update the city's Fleet Management Program to include a low and zero-emissions vehicle replacement/purchasing policy. Increase the proportion of fleet low and zero-emissions vehicle miles traveled to 25 percent of all city-related VMT by 2035. (Mid-term)"
- *Preserve urban forest and tree planting.* There is no specific measure in the CAP for tree-planting; however, the city has an active tree-trimming and replacement program. The city inspects/prunes between 1,900-2,200 trees annually, and replaces street trees in accordance with Carlsbad Municipal Code Chapter 11.12 and the Community Forest Management Plan (CFMP). The purpose and intent of city ordinance and the CFMP are "to establish policies, regulations and specifications

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<sup>5</sup> SANDAG, "Technical White Paper Vehicle Miles Traveled Calculations Using the SANDAG Regional Travel Demand Model, May 2013", p. 1-2.

necessary to govern installation, maintenance and preservation of trees to beautify the city, purify the air, to provide shade and wind protection, and to preserve trees with historic or unusual value (CMC 11.12.010).” According to Parks and Recreation Department staff, the city loses approximately two dozen trees per year due to age, disease and other causes, and plants a similar number of new trees each year in order to maintain the city’s overall inventory. In addition to existing city ordinances and policies related to city-owned trees, the CAP has been revised to include a non-exclusive list of mitigation measures (Appendix E) that can be required during project-level review to reduce GHG impacts. Included are measures to plant trees to shade buildings to reduce energy requirements for heating/cooling and to preserve or replace onsite trees as a means of providing carbon storage.

- *Support modernization of the power grid.* The CAP does not include a measure to “support” modernization of the power grid. Electrical grid improvements are largely the responsibility of public and/or investor-owned utility companies and power providers; thus the City of Carlsbad would have little direct impact on the timing and scope of such improvements. Further, the comment to “support” modernization is vague as to what commenter has in mind and therefore difficult to operationalize it into a discrete, measurable, and enforceable measure. Nevertheless, the city supports the amended Carlsbad Energy Center Project (CECP) as a “peaker” plant, which will modernize the existing aging Encina Power Station and provide numerous other benefits, including reduced greenhouse gas emissions as compared to the existing energy plant and the currently permitted CECP.
- *Promote use of low flow and efficient appliances.* The CAP does not have a specific measure to promote low-flow and water-efficient appliances because the Carlsbad Municipal Water District already promotes a variety of water conservation programs on the city’s website (<http://www.carlsbadca.gov/services/depts/pw/utills/water/conservation.asp>), which include free water-use audits, guide to water smart landscape, and rebates on products like high-efficiency clothes washers and toilets, weather-based irrigation controllers, rotating sprinkler nozzles, rain barrels, soils moisture sensor systems, and turf removal. In addition to existing city ordinances and policies related to water conservation, the CAP has been revised to include a non-exclusive list of mitigation measures (Appendix E) that can be required during project level review to reduce GHG impacts. Included are measures to reduce water use through such actions as incorporating water-efficient features and appliances in new development, creating water-efficient landscapes, using reclaimed water and gray water in landscapes, implementing low-impact development practices to maintain the existing hydrologic character of a site, and devising site-specific comprehensive water conservation strategies.
- *Adopt a water rate structure that supports conservation.* The CAP does not have a specific measure regarding water rates because the Carlsbad Municipal Water District already uses a tiered water rate structure for residential customers, whereby per unit

water rates progressively increase with increased water consumption. The lowest water users enjoy lower water rates than higher users.

- *Promote water conserving landscaping and turf conversion.* See fifth bullet point above regarding the Carlsbad Municipal Water District's programs for water-smart landscapes and turf removal rebates. Also, the city enforces the water-efficient landscape ordinance (CMC 18.50) on new development and rehabilitated landscapes.
- *Require waste hauler to reduce their GHG.* The CAP does not have a specific measure to reduce waste hauler emissions because, as part of its contractual obligation with the city, Waste Management (the city's waste hauler) began converting their trash truck fleet to compressed natural gas in 2012. Conversion of their Carlsbad fleet is now complete and according to the contractor, the emissions reduced are equivalent to removing 2,000 vehicles off the road daily.
- *Improve traffic flow and reduce idling.* The CAP includes traffic system management improvements (Section 3.6, p. 3-23). Recently, the city implemented a traffic management center to serve as a single access point to monitor and update signal timings to improve the efficiency of the circulation system. Mobility Element Policy 3-P.13 encourages innovative design and program solutions to improve mobility including better traffic signal management, real-time congestion information systems, intelligent transportation systems including semi- or fully- autonomous vehicles, trams, and shuttles.
- *Revise zoning to support smart growth.* Following adoption of the draft General Plan, the city will update the zoning code to implement the new General Plan and support the community vision. Also, the city has already initiated a thorough update to the Village Master Plan, including new use and development policies and standards for the Barrio. One of the major objectives of the pending master plan update is to facilitate smart growth. The Village and Barrio area is designated a Smart Growth area by SANDAG.
- *Develop incentives to reduce parking in mixed use, TOD, smart growth and affordable housing projects.* The CAP addresses innovative parking solutions (see p. 3-20 regarding draft General Plan policies, and Measure K (TDM), which includes revised parking ordinance and potential parking pricing programs). The draft General Plan contains numerous policies supporting creative parking solutions that include "right-sizing" of parking and parking management (see policies 2-P.71, 2-P.77, 3-P.24, 3-P.34, through 3-P.37). Please also see response to preceding bullet point regarding the Village and Barrio master plan update. Existing city ordinances already allow for flexible parking ratios in the Village, and for reduced parking for affordable housing projects.
- *Establish requirements for energy efficiency of public facilities.* See CAP Measure F-1: "Undertake a program of energy efficiency retrofits for city-owned buildings, with the goal of 40 percent reduction in energy use, beginning with retro-fits that would result

in the most substantial energy savings.” This is a near-term measure that would begin implementation within 1-2 years of adoption of the CAP. Currently, the city has been working with SANDAG and the California Center for Sustainable Energy in the preparation of an Energy Roadmap. The Energy Roadmap evaluates city facility and fleet energy consumption and identifies possible conservation measures.

Additionally, the draft General Plan includes numerous policies which require the city to coordinate with SANDAG on regional programs; please see Appendix D of the CAP, specifically Policies 3-P.15, 3-P.30, and 3-P.32, for example.

Please see response to comment B16-39 for an explanation of GHG reduction measures included in the CAP. The responses above demonstrate the city addresses the measures suggested in the comment through draft General Plan policies, pending plans, or current operations. Therefore, the CAP does not conflict with the RTP/SCS. Further, Chapter 5 of the draft CAP was revised to clarify that the city will adjust the CAP in the future by adding, modifying, and/or replacing measures as necessary. Additional items listed from the “white paper” may be considered as appropriate during future CAP reviews and updates.

Please see Impact 3.13-1 of the draft EIR for a discussion of the draft General Plan potential to conflict with an applicable plan, ordinance or policy establishing measures of effectiveness of the circulation system (draft EIR, pp. 3.13-26 through 3.13-33).

B16-12: The comment questions the conclusions of overall emissions reductions in the CAP, stating that there is a 14 percent reduction in GHG emissions in 5 years from the draft General Plan land use and circulation system, which according to the comment, seems unrealistic. Both the time period (5 years) and the percent reduction (14 percent) stated in the comment are accounted for incorrectly.

The comment does not account for time correctly. Between the inventory of 2011 emissions and the year 2020, there are 9 years, not 5 years.

Table 3-4 of the CAP shows the community forecast emissions by sector, using the SEEC model, using the methodology described on page 3-4 of the CAP. The major factor causing the reductions include the effects of the renewables portfolio standard (RPS) and the Pavley I standards. The comment appears to not take into account reductions from the RPS in the accounting in addition to the Pavley I standards. As shown on page 3-12, RPS reductions are 48,962 MTCO<sub>2</sub>e<sup>6</sup>. Accounting for both Pavley I and RPS results in a combined reduction of 89,316 MTCO<sub>2</sub>e. This results in a 7.2 percent reduction over 9 years, using the draft General Plan land use and circulation system, or a less than one percent reduction per year. This difference is primarily accounted for by VMT projections using the draft General Plan land use. The 2011 “SEEC Greenhouse Gas Forecasting Assistant Documentation and Background Information” provides further

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<sup>6</sup> Metric tons of carbon dioxide equivalent: a measure of greenhouse gas emissions.

information on the assumptions used for these reductions, which include increased energy use efficiency.

B16-13: The RPS reductions apply to all sectors that use electricity, including residential, commercial, and industrial, not solely commercial and industrial. Since RPS reductions span multiple sectors, the effect of the GHG reduction measures are calculated on the total citywide emissions, not on a sector-by-sector basis. The basis for the estimation of the effect of RPS reductions is shown on CAP page 3-12. As described on page 3-7 of the CAP, Table 3-4 shows emissions that already account for the RPS, since this is accounted for in the SEEC community forecast.

B16-14: The comment requests clarification on Title 24 building standards, and how they are accounted for in the CAP. Title 24 standards are the basic California Building Code. Tier 1 and 2 are voluntary measures to increase energy efficiency. The effects of Tier 1 and 2 are not incorporated into the CAP. Table 3-10 accounts for the GHG reductions from the mandatory Title 24 building efficiency improvements, which are required by law in new construction. Neither Tier 1 nor 2 are accounted for in Table 3-10. The CAP contains a number of additional measures regarding building energy efficiency, such as Measures A through G, which all relate to reducing or offsetting building energy use.

B16-15: The comment requests clarification on methane emissions from the closed Palomar Airport landfill, which were measured in the 2005 inventory as 2,598 MTCO<sub>2</sub>e, and assumed to stay the same in the 2011 inventory. City staff contacted county public works staff to obtain updated information about GHG emissions from the closed landfill. The county uses a third party to track GHG levels of all county landfills, and county staff noted that the calculation methodology was changed in 2010. County staff report that since 2010, GHG emissions are declining, although the numbers they report are higher than what was assumed in the city's 2011 GHG inventory update. For 2011, the county reported 6,703 MTCO<sub>2</sub>e from the closed landfill, whereas the city's 2011 inventory update assumed 2,598 MTCO<sub>2</sub>e (presumably the discrepancy between the numbers is due to a change in calculation methodology). County staff also report that methane emissions are collected and burned off by flare at the site. The San Diego APCD has inventoried landfill gases in 2009 and 2013.

A footnote has been added to the solid waste discussion of the CAP on page 2-5 to document the recent communication with county staff. However, no adjustments were made to the various tables, charts and emissions projections, as the difference between the 2005 estimate and the 2011 is so small (.6 percent of 2011 emissions) it does not materially affect the GHG forecast, conclusions or recommended reduction measures.

B16-16: Appendix B part 2 of the CAP is the inventory of emissions from the city's municipal operations. Included in the inventory are emissions attributable to the city's buildings and facilities, vehicle fleet, public lighting, and water and wastewater transport. Emissions attributable to city employee commute to/from work are not included in the local government operations emissions inventory. Because employee commute emissions are an indirect (Scope 3) source of government operations emissions, ICLEI's inventory

protocol considers their inclusion in the local government inventory to be optional. However, city employee commute emissions are reported in the community-wide inventory as their related VMT is captured in the overall citywide VMT totals. Measure K of the CAP lists adoption of the TDM plan, which would apply the same employee commute alternatives goals to government operations as it would to employers throughout the city.

The employee commute survey is in Appendix D of the 2005 City of Carlsbad Greenhouse Gas Emissions Inventory, and can be accessed at:

<http://www.sdfoundation.org/Portals/0/Newsroom/PDF/Reports/Carlsbadsm.pdf>

B16-17: The comment states that the CAP should include timeframes for construction of bike lanes in order assure reduction of GHG emissions. CAP Section 3.6 has been modified to clarify that the city will install approximately .6 miles of new bikeway facilities per year through 2035.

B16-18: The comment states that no baseline mode split data is provided in the CAP. See Measure K on pages 4-15 to 4-16, which uses 2012 American Community Survey data, and provides baseline mode split data for commuting to work. The baseline non-single occupancy vehicle use is 10,773 workers out of 49,436 total, for a total of 22 percent non-single occupancy vehicle use—this is the baseline mode split data.

The comment states that there is no basis for stating a 1 percent reduction in VMT from pedestrian improvements. The CAP lists planned pedestrian improvements and increased connectivity on pages 3-18 and 3-19. The Center for Clean Air Policy’s “Transportation Emission Guidebook” provided the levels of VMT reduction from pedestrian improvements. The guidebook states the changes in mode split are based on case study evidence of the impact of pedestrian oriented design on mode choice. Section 1.3 of the guidebook states that “pedestrian friendly development effects reductions by impacting mode split. Mode split shifts away from automobile use as transportation choices, such as walking and biking, become more viable. The changes in mode split are based on case study evidence base on the impact of pedestrian-oriented design on mode choice.” The range given in the guidebook states a site-level VMT reduction of 1 to 10 percent. One percent was conservatively assumed to be the level of VMT reduction on a citywide scale.

B16-19: The comment requests more information about transit mode share; both existing and future. Please see Measure K on pages 4-15 to 4-16, which states that current non-single occupancy use is 22 percent (see response to comment B16-18 above) and that the goal is a 32 percent non-single occupancy vehicle use. Measure K’s goal is to achieve a 10 percent increase from the current 22 percent of non-automotive (which includes working at home, carpooling, transit, walking and biking; not solely public) transportation as stated in the comment. The 2.6 percent stated in the comment may refer to transit trips, but the data used for Measure K comes from the 2012 American Community Survey and includes all non-automotive trips as stated above, based on Carlsbad specific information. In addition, Measure K does not include a specific increase in transit use; Measure K



targets non-automotive use. Regarding the CAP discussion of Transportation Improvements, estimated GHG reductions for 2020 and 2035 are quantified and explained on pp. 3-22 and 3-23. This section discusses planned regional transportation improvements relevant to Carlsbad, as well as planned local transportation system improvements.

The CAP has been revised to acknowledge that the city has initiated work on a coastal corridor multi-modal infrastructure plan as part of the FY 2014-2015 Capital Improvement Program, that will, among other things, identify viable alternatives to private, single-occupant vehicle use such as though car-sharing, bike-sharing, and local shuttles (See response to comment B16-11 above). This plan will also focus on the challenge of “first mile-last mile” transportation gaps, and identify potential funding partnerships with other entities including NCTD. This effort will help integrate draft General Plan Mobility Element policies with CAP GHG reduction activities, by laying out a path to implementing alternative transportation solutions.

Finally, the CAP has been revised to include a non-exclusive list of mitigation measures (Appendix E) that can be required during project level review to reduce transportation-related GHG impacts, including funding transportation improvements, providing shuttle service, providing public transit incentives such as transit passes, and incorporating public transit into project design.

B16-20: The comment states that there is no basis for the reductions in VMT stated under traffic calming (page 3-19 to 3-20), and incorrectly states that the reduction in VMT is 25 percent. In fact, the stated reduction in VMT in the CAP is 0.25 percent, as indicated on page 3-19 of the CAP. The basis for this reduction is found in CAPCOA’s “Quantifying Greenhouse Gas Mitigation Measures,” on page 190. The traffic calming is not duplicative, as VMT totals did not take reductions from traffic calming measures into account; this is why they were separately accounted for in the CAP. As described on page 3-5 of the CAP, VMT numbers are from SANDAG data, which includes the effect of the draft General Plan land use patterns, but does not include the effect of GHG reduction measures, which are quantified in Chapter 4 of the draft CAP.

B16-21: The comment states that that there are no facts that support the GHG reductions for parking facilities and policies. Pages 3-20 to 3-22 of the CAP provide a detailed description of the policy and actions taken, and describe how CAPCOA’s “Quantifying Greenhouse Gas Mitigation Measures” was used to estimate total VMT reductions. The CAP contains short (1-2 years following CAP adoption), medium (2-5 years following CAP adoption), and long-term (longer than five years to fully implement) actions to reduce GHG emissions as identified in Chapter 4 of the draft CAP. In addition, as shown in Figure 3-5 on page 3-15 of the CAP, with implementation of the draft General Plan, and state and federal actions, the city is anticipated to reach the 2020 targets without implementation of GHG reduction measures stated in the CAP. However, the GHG measures are assumed to be implemented following the timeframe stated for each measure in Chapter 4 of the draft CAP.

- B16-22: The EPIC mitigation calculator was used to estimate residential PV generation described in CAP Measure A. According to the EPIC model, there was 1.9 MW of installed residential PV in Carlsbad in 2010, which equates to approximately 560 homes (see CAP footnotes 27 & 28 for conversion formula).
- B16-23: The comment questions the appropriateness of using the statewide household size in determining household electricity usage. The CAP utilized the average California household size (2.65 persons/household) and average per capita California household energy use (2,337 kWh/capita) to determine a representative average household energy use. By comparison, the average Carlsbad household size is lower at 2.36 persons/household (2010 Census) while average Carlsbad per capita electricity use is higher at 2,585 kWh/capita (see CAP Appendix B, Tables 2 and 4). Since the target for Measure A is expressed as a fixed 9.1 MW of installed PV, using local ratios rather than statewide ones only affects the estimated number of residential rooftops that this amount of PV represents (a difference of only about 40 more homes). It is therefore not significant to this CAP measure whether statewide or local averages are used, and no adjustment to the CAP is made.
- B16-24: Measure F of the CAP has been revised to clarify that the city facility efficiency goal is equivalent to 40 percent energy reduction in 30 percent of the city facilities. Measure F does not address industrial energy use; see Measures B and C, which directly address industrial energy use.
- B16-25: The comment requests clarification on the combined energy reductions of Measures F and G. The measures combined have a goal of an equivalent 40 percent energy reduction in 60 percent of all buildings.
- B16-26: Measure H applies to new construction, and is in addition to the other measures previously mentioned. The description on pages 4-11 to 4-12 of the CAP explains the emission reductions from exceeding the energy efficiency of CalGreen by 5 percent that have not already been accounted for in other measures.
- B16-27: The comment requests clarification on Measure I, which addresses efficient lighting standards. The goal is to replace 50 percent of incandescent and halogen light with LED or similarly efficient lighting citywide, which includes city facilities, residential and commercial buildings. The estimation of 75 percent current incandescent use is derived from Table 4.1 of the US. Department of Energy report, “2010 U.S. Lighting Market Characterization” (<http://apps1.eere.energy.gov/buildings/publications/pdfs/ssl/2010-lmc-final-jan-2012.pdf>). According to the report, approximately 77 percent of lamps in use are incandescent, halogen, or the less-efficient linear fluorescent types. Footnote 38 on page 4-13 of the CAP has been modified to identify the source relied upon for the estimate. This measure quantifies GHG reductions from replacing incandescent and halogen light bulbs; the other measures cited (F, G, or K) do not account for reductions from efficient lighting standards.

B16-28: The comment requests more information on the calculations for Measure K, transportation demand management. The comment questions the calculation, citing data from SANDAG's 2006 Household Travel Study concerning employee commute *trips* in relation to all types of household *trips*. This however, is a bit of an apples and oranges comparison in that the methodology employed in the CAP relies on *vehicle-miles traveled* (VMT) as the key input rather than *vehicle trips*. Use of VMT in calculating GHG emissions is necessary to account for the duration of vehicle use (i.e., distance), whereas counting trips alone does not enable accurate estimates of GHG output. Further, commute trips are typically the longest of all types of household trips. Table T-14 of the cited study shows that home-to-work trips are by far longest in duration as compared to any other trip type measured (such as home-to-school, home-to-retail, etc.).

Measure K was quantified using the EPIC mitigation calculator, a tool developed by the University of San Diego for cities within San Diego County, using Carlsbad-specific information. The calculations used to quantify Measure K are described in Section 3.2 of the Technical Documentation and Methodology for the EPIC model (Version 1.0, dated March 2013)<sup>7</sup>. The Measure K reduction in GHG use is the sum of model calculations for Telecommuting (3.2.4), Population Density/Walking (3.2.7), Mass Transit (3.2.8), Alternate Work Schedule (3.2.9), and Vanpooling (3.2.11).

B16-29: The comment requests clarification about the reductions calculated for Measure L zero emission vehicles (ZEV); specifically, whether other transportation-related reductions are “netted out” of the ZEV calculation. The table in the comment shows the percent GHG reductions attributable to transportation-related draft General Plan measures described in CAP Section 3. Using the data in this table, the comment offers an alternative calculation for Measure L.

Measure L was quantified using the EPIC mitigation calculator. The calculation used to quantify this measure is described in Section 3.2.5 of the Technical Documentation and Methodology for the EPIC model (Version 1.0, dated March 2013). The EPIC model “nets out” all other-transportation-related VMT reductions in the model before applying the reduction calculation to ZEV-related travel.

B16-30: The comment asks whether Measure M is a duplication of other measures and requests a consistent definition of citywide renewable energy projects. Measure M is for renewable energy projects sponsored by the City of Carlsbad. These projects are defined on page 4-19 of the CAP, and include examples such as PV system installation on city buildings and parking lots, with a defined target. Measures B, F, and G do not describe renewable energy projects sponsored by the City of Carlsbad but instead describe commercial and industrial PV systems, efficiency retrofits, and building commissioning.

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<sup>7</sup> Gordon, Clark; Silva-Send, Nilmini; and Anders, Scott J. 2013. Energy Policy Initiatives Center: Community-Scale Greenhouse Gas Emissions Model: San Diego Region. Technical Documentation and Methodology. Version 1.0. Available: <http://www.sandiego.edu/climate/documents/TechnicalDocumentationandMethodology.pdf>

B16-31: The comment states that it is not possible to determine whether the projected reductions are reasonable based on the information provided. The GHG reductions apply to multiple sectors (e.g. efficient lighting standards), including residential, commercial, and industrial. Since the GHG reductions span multiple sectors, the effect of the GHG reduction measures are calculated on the total citywide emissions, not on a sector-by-sector basis, or on a specific electric or natural gas usage. Chapters 3 and 4 of the draft CAP quantify and document all assumptions for the GHG reductions.

The comment also states that the GHG reductions do not seem plausible as a whole; for specific issues related to GHG reduction calculations that the letter raises, see responses to comments B16-10 to B16-30.

B16-32: The comment requests more information on the preliminary CAP Project Review Thresholds and Checklist, shown in Chapter 5. The project types that were shown in Table 5-1 represented the amount of development equivalent to the “bright line” threshold of 2,500 MTCO<sub>2</sub>e per year. As noted in the draft CAP, the threshold was based on analysis conducted by the County of San Diego for use in the County’s Climate Action Plan. The draft CAP also noted that the City of San Diego had released a set of draft GHG thresholds similar to the County’s, based on the same analysis. Since the release of the Carlsbad’s draft CAP in March 2014, the County of San Diego has ceased using these thresholds, and is now utilizing a 900 MTCO<sub>2</sub>e “bright line” threshold to evaluate project significance on GHG impacts. This threshold is based on the widely-accepted analysis in CAPCOAs “White Paper” (California Air Pollution Control Officers Association, “CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (January 2008)”). Meanwhile, the City of San Diego is currently in the process of revising its draft thresholds as part of its ongoing CAP development, and therefore continues to rely on similar, more conservative thresholds.

Given that neither the County nor the City of San Diego are utilizing the 2,500 MTCO<sub>2</sub>e “bright line” threshold at this time, the draft Carlsbad CAP has been revised to utilize the more conservative 900 MTCO<sub>2</sub>e threshold (as documented in the CAPCOA White Paper) for evaluating when proposed projects may be subject to CAP requirements. Utilizing this bright line threshold will ensure that new development will provide its share of GHG reductions.

Projects that exceed the bright line threshold will need to show compliance with the CAP through either a checklist approach or a self-developed program approach as described in Chapter 5 of the draft CAP. As stated in the CAP on pages 5-2 to 5-3, the checklist is preliminary and illustrative of the items that will be included in the finalized checklist. The city will provide a final checklist incorporating the requirements in the ordinances drafted for the CAP. As specific development projects are not proposed, it is not possible to assess the portion of remaining development that would be applicable under the proposed threshold levels. For projects below the screening criteria, GHG emissions would still be reduced through compliance with applicable City of Carlsbad General Plan

goals and policies, ordinances and regulations, including through implementation of the CAP measures.

The CAP is designed to achieve GHG reductions from both existing and new development, and the reductions are quantified for each of the measures described in Chapter 4. The draft CAP has been revised to provide better clarity about monitoring and reporting on the effectiveness of CAP reduction efforts, and to provide for future adjustments to the CAP by adding, modifying, and/or replacing measures as necessary to achieve the reduction targets.

B16-33: The draft General Plan policies included in the CAP are conservatively assumed to be phased in through the year 2020. Pages 3-16 to 3-23 describe the implementation steps for each policy and action. For example, pedestrian improvements and increased connectivity will occur through the implementation of the Pedestrian Master Plan, the Residential Traffic Management Program, and the draft General Plan. These descriptions have been updated to provide more information about how these activities are to be funded. City-funded projects and activities are programmed through the multi-year Capital Improvement Program (CIP) and/or annual operating budget process. The city's CIP is analogous to SANDAG's RTP in that it lays out a multi-year program of future capital projects (such as bike and pedestrian improvements) outlining future expenditures aligned with the revenue sources to pay for them. Bicycle and pedestrian facilities can also be installed as conditions on new development, and as opportunities arise in conjunction with street maintenance and rehabilitation, and as part of "road diet" projects. Non-capital projects (such as studies and ordinance amendments) are generally scheduled and funded through the operating budgets of city departments.

Chapter 4 of the CAP describes GHG reduction measures and describes private and public costs and benefits. The CAP describes a timeline (short, mid-, or long-term) for implementation of each action intended to reach the goal for each measure, and the timeline for implementation will begin once the CAP is adopted. It is anticipated that the CAP, together with the draft General Plan and EIR, will be presented to the Planning Commission for consideration in early 2015 and presented to the City Council for consideration shortly thereafter. For added clarity, Chapter 5 was revised to include an implementation table that summarizes the information in Chapter 4, and identifies the responsible city departments, performance indicators by which to track the measures' success, and the implementation time-frame.

B16-34: The actions stated in the CAP are based upon the year the CAP is adopted. It is anticipated that the CAP, together with the draft General Plan and EIR, will be presented to the Planning Commission for consideration in early 2015 and presented to the City Council for consideration shortly thereafter.

Each GHG reduction measure is clearly defined in Chapter 4 of the CAP, with numeric targets, a quantification of GHG emissions reductions, timeframe responsibility and implementation, and costs and benefits. Chapter 4 also describes three ordinances to implement these measures. Chapter 5 describes the process of climate action planning,

and how the City of Carlsbad will monitor implementation of GHG reduction measures, update the GHG inventory and the CAP. For added clarity, this chapter was revised to include an implementation table that summarizes the information in Chapter 4, and identifies the responsible city departments, performance indicators by which to track the measures' success, and the implementation time-frame. Additionally, more detail was added regarding annual CAP monitoring, timing and frequency of inventory updates, and CAP revisions. To address the concern about the time-critical nature implementing the CAP and the need to effectively monitor progress in reducing GHG, a number of were accelerated as to short-term (1-2 years), and interim "milestone" targets for 2025 and 2030 were added to Tables 3-14 and 4-3. See also response to comment B16-8 above.

Annual progress reports will be presented to the City Council in a public meeting format.

B16-35: The comment states there are no provisions for adaptive management in the CAP and serves as an introduction to more specific matters referred to in comments B16-36 – B16-38. The stated purpose of the CAP is to reduce Carlsbad's GHG emissions, not to address the effects of climate change. The draft EIR recognizes the impacts of climate change on pages 3.4-8 to 3.4-10, and discloses GHG emissions from draft General Plan implementation. Similarly, the draft EIR is not required to analyze the effects of climate change on Carlsbad. . The draft EIR analyzes environmental conditions that may result from the project, not the effects of the environment (in this case, climate change) on the project. Issues concerning the city's vulnerability and potential adaptation strategies to the effects of climate change will be addressed through an update to the San Diego County Multi-jurisdictional Hazard Mitigation Plan (HazMit Plan), currently underway by the county as lead agency and with Carlsbad as a participating agency. The HazMit Plan update will evaluate impacts climate change will have on the natural hazards facing the region, which include fire threat, flooding, coastal storms, and erosion. Additionally, following adoption of the draft General Plan, the city will address adaptation to the effects of sea-level rise as part of a comprehensive update to its Local Coastal Program (LCP). The city will utilize the Coastal Commission's draft Sea-level Rise Policy Guidance in preparing the LCP update.

The CAP itself contains an expanded description of how it will be updated to assess the effectiveness of GHG Reduction Measures and to incorporate future reductions; please see CAP Chapter 5 (Monitoring Progress). See also response to comment B16-34 above.

B16-36: The comment requests inclusion of programs to reduce water use and a requirement to use native plants in the CAP, in addition to Measure N. Measure O of the CAP encourages the installation of greywater and rainwater systems, which reduce the use of potable water for landscaping.

The City of Carlsbad has also addressed water conservation through the Carlsbad Municipal Water District's 2010 Urban Water Management Plan (UWMP) and the 2012 City of Carlsbad Landscape Manual. The UWMP contains water conservation best management practices in Chapter 6. The 2012 City of Carlsbad Landscape Manual includes a policy to include native and drought tolerant plant materials whenever

possible. Finally, the CAP has been revised to include a non-exclusive list of mitigation measures (Appendix E) that can be required during project level review to reduce water-related GHG impacts, including various water conservation and efficiency features like those suggested in the comment.

B16-37: The city will consider the protection of species and biodiversity needs on an ongoing basis in its review of site-specific project proposals and, as a member of SANDAG, the city will coordinate efforts with SANDAG on this issue.

B16-38: The comment references preservation of existing bodies of water for wildland fire protection, noting that Lake Calavera has been used as a water source for fire suppression in the past including the May 2014 Poinsettia Fire. Chapter 3.6 of the draft EIR addresses impacts of implementation of the draft General Plan related to wildfires. As described on pages 6-41 of the draft General Plan regarding peakload water supply requirements, the Carlsbad Fire Department requires a minimum flow of water for fire protection in accordance with the adopted amended California Fire Code and the Insurance Services Office standards. Water mains serving single-family detached houses must provide a flow of 1,500 gallons per minute, in addition to the peak normal maximum daily consumption needs for a neighborhood. The required fire-flow standard for commercial, industrial, manufacturing and large apartment buildings varies from 1,500 to 8,000 gallons per minute, in addition to the peak normal daily consumption needs. This standard is based on type of construction, type of use and any built-in fire protection (sprinklers, etc.).

There are currently no known water flow pressure or supply deficiencies in Carlsbad. The Carlsbad Fire Marshal reviews proposed projects to ensure adequate fire hydrant locations, water flow pressure, and access for emergency vehicles is provided.

The Carlsbad Fire Department is responsible for requiring a minimum flow of water for fire protection.

B16-39: This comment is an introductory statement concerning additional measures that could be incorporated into the CAP to achieve further GHG emission reductions. As described in responses to comments B16-14 to B16-34 above, the measures proposed in the CAP are sufficient to reach the GHG reduction targets set forth by state law. The CAP contains a broad range of measures addressing GHG emissions from multiple sectors, including residential, commercial, industrial, and transportation. While the reduction measures cover a wide variety of topics, they are by no means exhaustive of all possible measures to reduce GHGs. The selected GHG reduction measures in the CAP represent those that are considered most feasible to adopt, implement, and measure, while addressing a wide variety of emission sources.

As stated in Chapter 5 of the CAP, as part of regular monitoring assessments, and periodic inventory updates, the city will assess whether the plan is making adequate progress toward meeting GHG targets, and if not, the city would adjust the CAP by modifying, adding, and/or replacing measures as necessary.

The additional measures proposed in this comment letter and in comments B16-40 to B16-50, including urban tree canopy, green infrastructure, broader support for low carbon vehicles, water policy, solid waste, and locally produced food, have been added to the CAP's non-exclusive list of measures (Appendix E) that can be required during project level review to reduce GHG impacts. In addition to these possible measures for specific cases, other mitigations that the city may rely on include those listed in: CAPCOA's "CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (January 2008)"; the Attorney General's "Addressing Climate Change at the Project Level"; OPR's CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA)"; and SANDAG's "Draft Climate Change Mitigation and Adaptation White Paper (2014)". These sources have been added to CAP Appendix C - References.

B16-40: The comment suggests additional GHG reductions from protecting or enhancing the urban tree canopy. Please see CAP Appendix E regarding measures that can be applied at the project level to address the urban tree canopy, and response to comment B16-39 above on the inclusion of this additional GHG reduction measure in the CAP. Please also see response to comment B16-11 regarding preserving the urban forest and tree planting.

B16-41: The comment suggests additional GHG reductions from green infrastructure. Please see CAP Appendix E regarding measures that can be applied at the project level to address green infrastructure, and response to comment B16-39 above on the inclusion of this additional GHG reduction measure in the CAP.

B16-42: The comment requests a cost/benefit analysis of CAP GHG reduction measures. Please see Chapter 4 of the CAP, which qualitatively describes costs and benefits of each measure. As correctly noted in the comment, CEQA does not require such an assessment.

The comment also suggests financial incentives to reduce congestion such as Laguna Beach's "Free Trip to Work" should be considered. Please see CAP Appendix E regarding measures that can be applied at the project level to address reducing work-related vehicle trips, and response to comment B16-39 above on additional GHG reduction measures that will be included in the CAP. Please also see responses to comments B16-11, B16-28, B22-3, B22-29, D71-4, and D71-5 concerning trip reduction and travel demand management policies and measures contained in the draft General Plan and CAP.

B16-43: The comment suggests including penalties and incentives for mode shift change. The TDM ordinance proposed in Measure K (CAP pages 4-15 to 4-16) will provide a mix of strategies to reduce travel demand, and set performance requirements for minimum alternative mode use based on project types. Please see also response to comment B16-42 above.

B16-44: The comment requests additional smart growth measures. The draft General Plan contains numerous smart growth measures; see Chapter 2 (Land Use and Community Design) and Chapter 3 (Mobility) for examples. Please see CAP Appendix E regarding



measures that can be applied at the project level to mixed use development, and response to comment B16-39 above on additional GHG reduction measures.

B16-45: The comment suggests a more comprehensive water policy to address water conservation and reuse. Please see CAP Appendix E regarding water conservation measures that can be applied at the project level. Please see also response to comment B16-39 above on additional GHG reduction measures, and response to comment B16-36 for an explanation of how the City of Carlsbad addresses water conservation.

B16-46: The comment suggests additional GHG reductions from solid waste programs. The CAP, at this time, does not address GHG reduction associated with solid waste or landfills. However, Sustainability Element Policy 9-P.9 calls for adoption of a construction and demolition waste recycling ordinance to divert 100% of Portland cement and asphalt debris and an average of 50% of all of non-hazardous construction/demolition-related debris. The comment's recommendation for a citywide zero waste goal will be included in the materials presented to the City Council for consideration in making its decision about whether or not to approve the draft General Plan and CAP. Please see CAP Appendix E regarding solid waste measures that can be applied at the project level, and response to comment B16-39 above on additional GHG reduction measures.

B16-47: Please see CAP discussion of draft General Plan policies regarding parking facilities and requirements on pp. 3-20 through 3-22. Please see CAP Appendix E regarding preferential parking and other incentives that can be applied at the project level, and response to comment B16-39 above on additional proposed CAP measures.

B16-48: The CAP itself is intended to be a resource for educating individuals and businesses to reduce GHG emissions. In addition to the measures proposed, which describe responsibility and implementation for homeowners and business owners, Appendix A provides numerous resources on climate change education and personal action. Additionally, Chapter 5 was revised to include an education and outreach component that the city will undertake as part of CAP implementation.

The comment states that there are no measures that address individual behavior in the CAP. With the exception of Measures M and N, which address citywide renewable projects and the GHG intensity of water supply conveyance, all measures in the CAP involve encouraging changes in individual behavior. For example, Measure A promotes the installation of residential PV systems, encouraging individual homeowners to install PV systems through PACE and other financing options.

B16-49: Please see CAP Appendix E regarding neighborhood gardening that can be applied at the project level, and response to comment B16-39 above on additional proposed CAP measures. The city has recently initiated work on developing an urban agriculture ordinance in support of draft Sustainability Element Policy 9-P.17. Staff anticipates that a number of the points raised in this comment will be considered during the development of the urban agriculture ordinance.

- B16-50: The comment states that the City of Carlsbad needs to coordinate GHG reductions with SANDAG. The draft General Plan includes numerous policies to coordinate with SANDAG, please see Appendix D of the CAP, specifically Policies 3-P.15, 3-P.30, and 3-P.32, for example, which provide that Caltrans, SANDAG, NCTD, other agencies and adjacent cities coordinate to improve regional connectivity; that the city actively pursue grant programs; and provide accessibility to the airport area.
- B16-51: The comment is a closing comment which does not raise an environmental issue. No response is required.
- B16-52: The comment is a table titled “Projected GHG Reduction from Commercial Building Energy Saving.” No response is required.
- B16-53: The comment reproduces the “Commuting Characteristics by Sex” from the 2012 American Community Survey. No response is required.
- B16-54: The comment reproduces “Policy No. 22: Service Requests” from the North County Transit District. No response is required.
- B16-55: The comment is a table titled “Smart Growth Concept Map—Site Descriptions.” No response is required.

**B17: Foursquare Properties, Inc**

- B17-1: The comment refers to property located in the northeast quadrant at the northwest corner of El Camino Real and College Blvd.; the comment supports the site being designated for a combination of high density residential (R-23) and local shopping center. The comment identifies various policies in the draft General Plan that support a combination of residential and commercial uses on the site. The site is currently designated as Local Shopping Center (L) and was evaluated in the draft EIR as a residential/local commercial site (R-23 on 11.58 acres and L on 6.02 acres).
- B17-2: The comment refers to the limited residential capacity in the northeast quadrant. This site (referred to in the draft General Plan as the Sunny Creek Commercial site) is one of the seven sites in the northeast quadrant evaluated for a residential land use designation change (see master response MR3-1). Staff is recommending approval of a combination of R-23 and L designations on the site (R-23 on 9.6 acres and L on 8 acres). The R-23 density range (as evaluated in the draft EIR and suggested by the comment) does assist in meeting Housing Element objectives; also, the site has few issues/conflicts and provides housing within a walkable distance of commercial services.
- B17-3: The comment refers to the city’s existing Local Facilities Management Zone (LFMZ) Plan for LFMZ 15, which estimates the potential development density/intensity of property within the zone for the purpose of identifying the local facility needs of the zone. The comment is correct that the LFMZ 15 plan identifies the potential for a mix of residential (190 units) and commercial uses (90,000 square feet). However, the LFMZ

plan does not guarantee or entitle such development potential. Any future development of the site must be consistent with the city's General Plan and Growth Management Plan (and other applicable regulations). The draft General Plan and draft EIR have evaluated the future development of high density residential and a local shopping center on the site; if the R-23/L designations are approved by the City Council, future development must comply with the provisions of those designations.

- B17-4 The comment refers to the limited residential capacity in the northeast quadrant and that not all sites evaluated for a residential designation change will be approved (see master response MR3-1). The comment requests that the Sunny Creek Commercial site be designated R-23/L as evaluated by the draft General Plan and draft EIR. As stated in response to comment B17-2, staff is recommending approval of a combination of R23/L designations on the site.

**B18: Howes Weiler & Associates**

- B18-1: The comment refers to a property within the Ponto beachfront area, which has been evaluated in the draft General Plan and draft EIR with a General Commercial (GC) land use designation. The comment is correct that during the development of the draft General Plan, the site was identified as "mixed-use" on the Preferred Plan that was accepted by City Council in September 2012. The proposed GC designation will allow for mixed use development on the site consistent with the Preferred Plan. The comment suggests that a combination of R-23/GC (high density residential and general commercial) would be more appropriate designations for the site. GC allows mixed use development, therefore it is not necessary to add a residential designation to allow for residential development. That is not an issue that affects the EIR; potential development on the site built per the GC designation was evaluated in the draft EIR. The Planning Commission and City Council will be informed on the comment's concerns with the proposed GC designation.
- B18-2: The comment claims that the viability of commercial uses on the property is limited due to low traffic on the streets adjacent to the site. The draft General Plan does not only plan for uses that are necessarily viable today, but also plans for the community's needs and vision for the future. This site has been the subject of two community visioning efforts; one conducted in the early 2000's for the Ponto Beachfront Vision Plan and the second conducted in 2008 and 2009 for the Carlsbad Community Vision (Phase 1 of the General Plan update). Both visioning efforts identified the community's preference to see a mix of residential and commercial uses on the site. The draft General Plan also includes policies to "activate" the waterfront - more opportunities for recreation, services and commercial uses that will attract more people to the coast and encourage them to gather and utilize activities and uses located along the coast. This "active waterfront" is a long-range vision and commercial development on the subject site is a part of that vision. The site is part of a long-range plan and was evaluated in the draft EIR as a "future" general commercial site that allows mixed use development.

- B18-3: The comment references a market study that that will be submitted in connection with proposed development of the site which identifies the site has limited potential for commercial development. See response to comment B18-2.
- B18-4: The comment states Shopoff's goal is to design an economically viable project that will implement the Ponto Beachfront Village Vision Plan. It should be noted that the Ponto Beachfront Village Vision Plan, while adopted by the City Council, was not approved by the California Coastal Commission and therefore never became effective. No response is required.
- B18-5: The comment indicates the developer is designing a project that is economically viable and that, per City Council resolution, the development plan does not have to follow the exhibits in the Ponto Beachfront Village Vision Plan. Since the Ponto Beachfront Village Vision Plan, while adopted by the City Council, was not approved by the California Coastal Commission and never became effective, and development need not conform to the exhibits in the plan. This does not pertain to the EIR or the draft General Plan. Once the draft General Plan and EIR are adopted, any future development of the site must be consistent with the General Plan and other applicable regulations.
- B18-6: The comment suggests modifying draft General Plan policy 2-P.86, by allowing "economically viable" uses that are consistent with the Ponto Beachfront Village Vision Plan. See response to comment B18-2. It is not necessary to add this language to the policy; any proposed use must comply with the provisions of the land use designation (GC, as proposed) and the requirements of the city's Zoning Ordinance, which regulates the type of uses allowed on commercial properties.
- B18-7: The comment requests that the site be designated R-23/GC to allow for mixed use development. The GC designation allows for mixed use development (requires a minimum density but no maximum density, and requires the residential use be secondary to the commercial uses on the site). It is not necessary to add a residential designation in addition to GC. Staff recommends the site be designated GC as proposed by the draft General Plan and evaluated in the draft EIR.

**B19: NRG Energy, Inc/Cabrillo Power I LLC**

- B19-1: The comment states that NRG Energy, Inc. (NRG), through its subsidiary Cabrillo Power I LLC, is the owner of the Encina Power Station site in Carlsbad and has provided these comments on the draft General Plan and draft EIR.
- B19-2: The comment refers to an agreement between the city, Cabrillo Power I LLC, Carlsbad Energy Center LLC, and SDG&E. The agreement requires the Encina Power Station to be decommissioned, demolished, removed and remediated, including the associated structures, the black start unit and exhaust stack; the agreement also addresses the relocation of SDG&E's existing service center and the construction of a new power plant located east of the existing plant between I-5 and the railroad. Consistent with the terms of the agreement, the draft General Plan provides land use policies that allow for the

construction of a new power plant and redevelopment of the existing power plant site with visitor commercial and open space uses; these land use assumptions were evaluated in the draft EIR.

- B19-3: The comment refers to redevelopment of the existing power plant site (which is located west of the railroad, east of Carlsbad Blvd., and north of Cannon Rd.; and is comprised of a portion of a parcel owned by NRG and a parcel owned by SDG&E). The comment suggests the NRG and SDG&E properties, be considered together and present a blank slate for redevelopment of the site. The draft General Plan and draft EIR identify that future uses on the site (both the NRG and SDG&E owned properties) will be visitor serving and open space. Future redevelopment of the site must be consistent with the General Plan policies for this property.
- B19-4: The comment suggests that the city consider “a more likely redevelopment scenario” for the existing power plant and SDG&E sites. Staff does not recommend any change to the proposed land use designations on the property, as evaluated by the draft EIR. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.
- B19-5: The comment suggests that the draft General Plan be revised to allow for residential uses on the site, in addition to the visitor commercial and open space uses proposed and evaluated by the draft General Plan and draft EIR. The visitor commercial and open space land use designations are consistent with the preferred land use plan recommended by the Envision Carlsbad Citizens Committee and Planning Commission, and approved by the City Council. Staff therefore does not support residential as a primary use on this site; however, the visitor commercial land use designation has been modified to allow secondary residential use subject to approval of a specific plan, master plan or site development plan that demonstrates the primary use of the property is visitor-serving. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.
- B19-6: The comment states that the amount of open space envisioned for the property would be more successful if there were more residents nearby to use the space. Please see response to comment B19-5. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.

As evaluated by the draft EIR, the draft General Plan does not identify the boundaries or amount of open space required on the property; rather, the draft General Plan includes a policy to provide community-accessible open space along Agua Hedionda lagoon and Carlsbad Blvd. The appropriate amount and use of the open space will be evaluated during the city’s review of a development application. The future open space and visitor commercial uses on the site will contribute to the draft General Plan goal to activate the waterfront; the commercial and open space uses will provide opportunities for gathering spaces, outdoor dining, recreation and other features that maximize views of the ocean and lagoon. The open space areas on this property are intended to be more than a neighborhood serving park, they are intended to draw both visitors and residents to the waterfront and provide a space to gather and for recreation.

- B19-7: The comment suggests that a mix of residential, visitor commercial and open space uses on the site will complement the development of a nearby site designated for visitor commercial use (located east of the existing power plant site on the east side of I-5). Please see response to comment B19-5.
- B19-8: The comment states additional arguments in favor of including residential use on the existing power plant and SDG&E sites and is correct that the city's Growth Management residential dwelling limit for the northwest quadrant (where the existing power plant is located) limits the city's ability to allow residential development on the site. The comment states that allowing residential on the site would be consistent with Alternative 2 evaluated as part of the draft EIR alternatives analysis. However, on the existing power plant site, Alternative 2 identified commercial and open space uses (no residential); within the same focus areas (on the east side of I-5 north of Cannon Road), Alternative 2 identified the option of mixed use (residential and commercial). Please see response to comment B19-5. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.
- B19-9: The comment suggests, that because redevelopment of the existing power plant site will enhance access to the beach and lagoon, the draft General Plan should be revised to allow residential development on the site, in addition to the visitor commercial and open space uses proposed and evaluated by the draft General Plan and draft EIR. The visitor commercial and open space land use designations are consistent with the preferred land use plan recommended by the Envision Carlsbad Citizens Committee and Planning Commission, and approved by the City Council. Please see response to comment B19-5. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.
- B19-10: The comment is correct that the draft EIR evaluates the draft General Plan at a programmatic level and additional project-specific analysis, pursuant to CEQA, will be required for approval to redevelop the site. The comment also notes that the buildout of the site assumed by the draft General Plan may not represent the highest and best uses that can economically support open space and public amenities. The proposed visitor commercial and open space uses on the property are consistent with the Carlsbad Community Vision and the preferred land use plan approved by the City Council. The draft General Plan provides for flexibility in designing an economically feasible project; the draft General Plan does not identify the boundaries or amount of open space required on the property; rather, the draft General Plan includes a policy to provide community-accessible open space along Agua Hedionda lagoon and Carlsbad Blvd. The appropriate amount and use of the open space will be evaluated during the city's review of a development application. The Planning Commission and City Council will consider the comment during their consideration of the draft General Plan.
- B19-11: The comment states that the development assumptions evaluated in the draft EIR for the subject property are too low and that the site could accommodate significantly more development. The future development assumptions evaluated in the draft General Plan and draft EIR are based on what is assumed to be reasonably foreseeable. These assumptions are not based on the maximum potential buildout of a site. Future development of the site must be designed pursuant to city policies and regulations that

will affect the amount, design and location of development on the site. Future development of the site (whether larger or smaller in size than evaluated by the draft EIR) will also be subject to project-specific environmental analysis.

B19-12: The comment again requests that the city revise the draft General Plan to allow future residential development on the existing power plant site, in addition to the visitor commercial and open space uses proposed and evaluated by the draft General Plan and draft EIR. Please see response to comment B19-5.

B19-13: The city appreciates the commenter's willingness to work the city and community to redevelop the site.

### **B20: North County Advocates**

B20-1: The comment requests more information on the adequacy of fire service to provide a timely response to fire emergencies. Impact 3.6-7 on pages 3.6-37 and 38 of the draft EIR addresses the risk of wildland fires, and Figure 3.6-4 shows the draft General Plan structure fire/wildfire threat. Impact 3.11-4 on pages 3.11-32 to 3.11-34 of the draft EIR addresses the adequacy of fire facilities to maintain acceptable service standards. Please also see Appendix F of the draft EIR, which demonstrates coverage of the entire city within 5-minute response time, under both existing and draft General Plan buildout.

B20-2: The comment requests information on whether the City of Carlsbad Fire Department is in compliance with specific National Fire Protection Association's standards referenced in the comment. The National Fire Protection Association (NFPA) is not a regulatory agency and the standards published by the NFPA are recommendations not regulatory standards that Carlsbad is required to comply with. On page 7, Table 3 of the NFPA report cited in the comment, firefighter rates are listed by population for cities ranging in size from 100,000 to 249,000; a "low" rate is identified as 0.18 firefighters per 1,000 population, a "median" rate is 1.34 firefighters per 1,000 population, and a "high" rate is 3.25 firefighters per 1,000 population. The NFPA report states (directly below Table 3) that the rates listed in the table "are based on data reported to the NFPA, and do not reflect recommended rates or some defined fire protection standard"; the report also notes that "the rates of a particular size of community may vary widely because departments face great variation in their specific circumstances and policies including length of work week, unusual structural conditions, types of service provided to the community, geographical dispersion of the community, and other factors."

Although the city is not required to comply with the NFPA recommendations, in an effort to compare Carlsbad's Fire Department to the NFPA firefighter rates, the following information is provided:

- Carlsbad's population = 110,653 (2015, California Dept. of Finance)
- Number of Carlsbad Firefighters = 86\*

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\* Includes Fire Chief (1), Division Chiefs (2), Emergency Preparedness Manager (1), Fire EMS Manager (1), Fire Department Analyst (1), Fire Battalion Chiefs (4), Fire Marshal (1), Deputy Fire Marshal (1), Fire Prevention Specialists (2), Fire Captains (18), Fire Engineers (18), and Firefighters (18).

- Carlsbad Firefighters per 1,000 population = .77

Please also see section 3.11 of the draft EIR, which analyzes whether the draft General Plan will adversely affect fire protection response times and concludes that it will not (draft EIR, pp. 3.11-14, 3.11-22, 3.11-32).

B20-3: The comment requests information on whether the City of Carlsbad Fire Department is in compliance with other specific National Fire Protection Association's standards referenced in the comment. The Carlsbad Fire Department is in compliance with these standards, and conducts regular trainings to ensure continued compliance.<sup>8</sup>

B20-4: The comment asks if the Carlsbad Fire Department is accredited by the American National Standards Institute. The American National Standards Institute provides standards for the National Fire Protection Association and does not accredit individual fire departments.<sup>9</sup>

B20-5: The comment inquires about the city's ISO rating and whether it is adequate for insurance. As stated on page 3.6-36 of the draft EIR, the City of Carlsbad Fire Department recently underwent a rating review by the Insurance Services Office and received a Class 4 rating, which means the city provides adequate service to city residents in the event of fire hazards in wildlands and urban areas.

B20-6: The comment requests a copy of a May 2014 Carlsbad Fire Department Report, including total incidents responded to. Below is the Carlsbad Fire Department monthly report through June 2014:

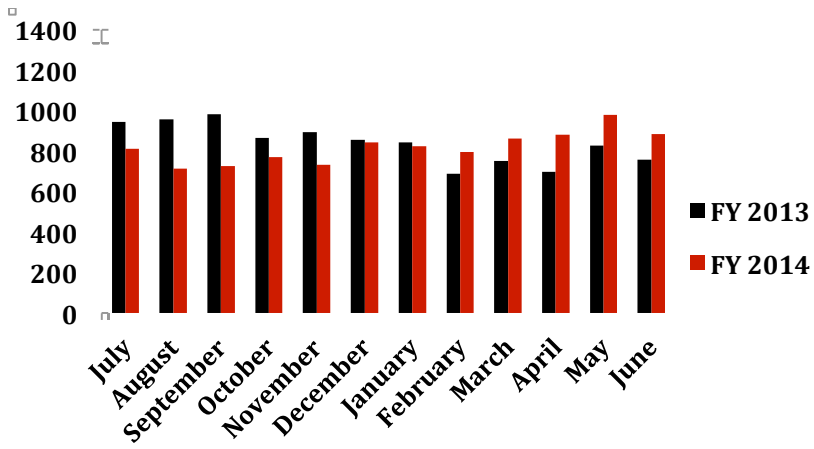
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<sup>8</sup> <http://nfpatoday.blog.nfpa.org/educators/>

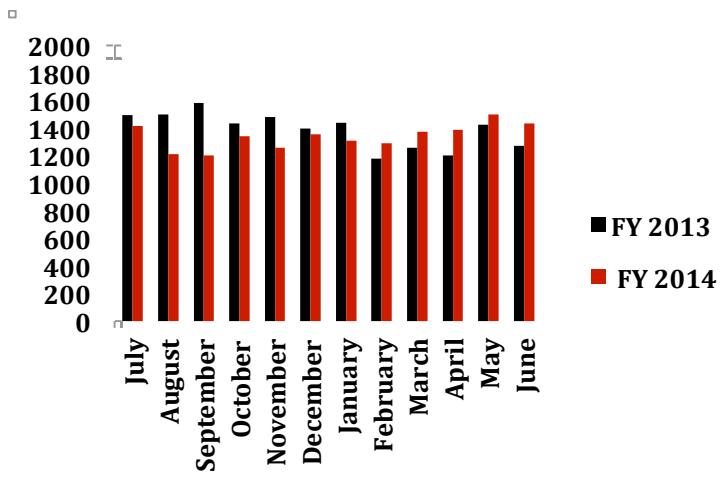
<sup>9</sup> <http://www.nfpa.org/press-room/news-releases/2010/nfpas-preliminary-application-accepted-for-ansi-cap-accreditation>



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Total Incidents (by fiscal year)



Total Unit Responses (by fiscal year)

**Incidents by Type (all unique incidents responded to that generated a CBD inc. number)**

Period	EMS/ Traffic Accident	All Fires	Rescue	Assist/ Service	Alarm	Other	Total
June FY 2014	770	19	3	28	60	5	885
June FY 2013	602	41	4	36	48	27	758
<b>FY to Date -- FY 2014</b>	<b>7,965</b>	<b>484</b>	<b>25</b>	<b>291</b>	<b>684</b>	<b>381</b>	<b>9,830</b>
<b>FY to Date -- FY 2013</b>	<b>8,139</b>	<b>529</b>	<b>31</b>	<b>362</b>	<b>624</b>	<b>381</b>	<b>10,066</b>

**Response by Type (all Carlsbad apparatus movements)**

Period	EMS/ Traffic Accident	All Fires	Rescue	Assist/ Service	Alarm	Other	Total
June FY 2014	1,299	42	6	28	55	4	1,434
June FY 2013	1,207	95	4	45	38	34	1,271
<b>FY to Date -- FY 2014</b>	<b>13,953</b>	<b>762</b>	<b>32</b>	<b>282</b>	<b>650</b>	<b>398</b>	<b>16,077</b>
<b>FY to Date -- FY 2013</b>	<b>14,322</b>	<b>917</b>	<b>45</b>	<b>353</b>	<b>604</b>	<b>418</b>	<b>16,659</b>

**Incidents and Responses**

Period	Total Unit Responses	Total Incidents	First Unit On Scene Average (benchmark < 6 min)	Second Unit On Scene Average (benchmark < 9)
June FY 2014	1,434	885	0:05:31	0:07:05
June FY 2013	1,271	758	0:05:42	0:07:31
<b>FY to Date -- FY 2014</b>	<b>16,077</b>	<b>9,830</b>	<b>0:05:36</b>	<b>0:07:18</b>
<b>FY to Date -- FY 2013</b>	<b>16,659</b>	<b>10,066</b>	<b>0:05:35</b>	<b>0:07:23</b>

**Ambulance Transports**

Period	Carlsbad Paramedics	Other Paramedics	Private Ambulance	Air Ambulance	Total
June FY 2014	346	51	-	2	399
June FY 2013	263	15	-	1	279
<b>FY to Date -- FY 2014</b>	<b>3,895</b>	<b>370</b>	<b>7</b>	<b>9</b>	<b>4,281</b>
<b>FY to Date -- FY 2013</b>	<b>4,083</b>	<b>327</b>	<b>4</b>	<b>7</b>	<b>4,421</b>

B20-7: The comments inquires whether Carlsbad has enough fire stations for its population according to National Firefighters Association and ISO standards. CFD staff are unaware of any “standards” that stipulate how many fire stations a particular department or municipality ought to have. Rather, the focus is on the ability to deliver service. Several considerations in delivery may include, but not be limited to: population density, road networks, terrain, and geography (square mileage). These factors are used to help determine the number and locations of stations. In addition, they are used to help determine the number of apparatus and personnel who work out of those stations. Please also see draft EIR, section 3.11, Public Facilities and Services (Fire Protection), pp. 3.11-14, 3.11-22, 3.11-32, and response to comment B20-1 above regarding the adequacy of fire facilities.

B20-8: The comment requests information for the schedule for making improvements to Fire Stations 1 and 2. Please see the City of Carlsbad’s 2014—2015 Preliminary Operating Budget & Capital Improvement Program for further information on fire station improvements. Page I-11 lists \$375,000 for Fire Station 2 refurbishment. Page I-3 lists \$225,000 for improvements to the drainage systems in fire stations 1 through 5.

B20-9: The comment questions whether the city has an adequate number of police officers in light of information on an FBI website which shows that the city has fewer police officers than the median number in cities similar to Carlsbad. Please see the evaluation of police services in Impact 3.11-4 of the draft EIR (pp. 3.11-13, 3.11-22, 3.11-23, 3.11-33), which addresses the environmental impacts associated with the provision of or need for construction of new or physical altered police facilities in order to maintain acceptable service standards. Although the FBI has long held that there is a standard officer-per-capita ratio, a more recent study (December 2013) issued by the ICMA Center for Public Safety Management, titled “An analysis of police department staffing: How many officers do you really need?”, indicates that the right number of officers in an agency varies according to geography, demographics, and service demands. The City of Carlsbad Police Department compiles a variety of data, including calls for service per capita, response time, unallocated officer time, crime rates, and expectations from the community to determine the appropriate staffing levels. While Carlsbad does have a lower than the median officer-per-capita, Carlsbad exceeds national standards with a fast response time, low crime rates<sup>10</sup>, and high satisfaction ratings from the community. The City of Carlsbad Police Department is currently working with the International City/County Management Association, which is conducting an extensive organizational analysis of the department to determine the most appropriate and effective staffing levels, deployment schedules, and potential for improvement. The study will identify the department’s strengths, weaknesses, opportunities and threats, and make recommendations for improvement. The FBI website cited provides information on the average (not median, as the comment states) number of police officers per 1,000 residents based on overall size. The table on the website does not state that the number of police listed per 1,000 residents is a requirement or a suggested number of police for a city Carlsbad’s size. In addition, Carlsbad’s crime rate in 2012 was 172, which is considered low, and is below both the U.S. average, and California average, which further indicates that the current level of police service is adequate.

B20-10: This comment states the author’s opinion that more police officers are needed. The number of police officers required in the city involves public safety, budgetary and policy issues. The comment will be included in the materials presented to the City Council for its consideration whether or not to adopt the draft General Plan. Please see response to comment B20-9 above regarding the scope of analysis of public safety issues under CEQA. This comment does not address the accuracy or adequacy of information presented in the draft EIR, therefore no further response is provided.

B20-11: This comment states the author’s opinion that the city has not been keeping up with the median number of police and fire department personnel according to surveys cited. The number of police and fire personnel required in the city involves public safety, budgetary and policy issues. The comment will be included in the materials presented to the City Council for its consideration whether or not to adopt the draft General Plan. Please see response to comment B20-9 above regarding the scope of analysis of public safety issues

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<sup>10</sup> <http://www.city-data.com/crime/crime-Carlsbad-California.html>

under CEQA, and response to comment B20-1 regarding the adequacy of fire service. This comment does not address the accuracy or adequacy of information presented in the draft EIR, therefore no further response is provided.

B20-12: This comment recommends not approving more housing units without providing protection. The number of police and fire personnel required in the city and the approval of housing units involve public safety, budgetary and policy issues. The comment will be included in the materials presented to the City Council for its consideration whether or not to adopt the draft General Plan. Please see response to comment B20-9 above regarding the scope of analysis of public safety issues under CEQA, and response to comment B20-1 regarding the adequacy of fire service. This comment does not address the accuracy or adequacy of information presented in the draft EIR, therefore no further response is required.

B20-13: The purpose of the 2012 Carlsbad Landscape Manual is to: “aid applicants, qualified professionals, and residents, in understanding the city’s policies, programs and requirements for landscaping, and to provide guidance for implementation of Carlsbad Municipal Code Chapter 18.50 - Water Efficient Landscape Ordinance (WELO). The city’s WELO implements the California Water Conservation in Landscaping Act to reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing and maintaining water efficient landscapes not to exceed the maximum water allowance.”

The Landscape Manual contains fire protection policies, including:

- Landscape treatments shall be designed to mitigate fire dangers to structures adjacent to hazardous or native vegetation.
- Landscape treatments for the purposes of fire protection shall be performed in a manner which limits disruption to environmentally sensitive areas while still achieving conformance with the fire protection standards.

The landscape manual also contains fire protection standards and requires fuel modification zones for development in very high fire hazard severity zones (see Section 5). Please see also responses to comments A13-3 through A13-19 regarding wildfire protection planning in Carlsbad.

B20-14: The comment refers to draft General Plan policy 6-P31, which states:

“Consider site constraints in terms of hazards and current levels of emergency service delivery capabilities when making land use decisions. In areas where population or building densities may be inappropriate to the hazards present, take measures to mitigate the risk of life and property loss.”

The comment requests that the city “mandate constraints”. It is not clear, but assumed, that the comment is requesting that the city mandate evaluation of constraints when making land use decisions. This policy is an existing policy in the current General

Plan; the draft General Plan does not propose to change the policy. Although the word “mandate” is not specified in the policy, it is clear that constraints in terms of hazards and emergency service delivery must be considered when making land use decisions, and in locations where people or structures would be inappropriate due to hazards present, mitigation must occur to reduce the risk of life and property loss. Staff does not propose to modify this policy. The Planning Commission and City Council will be informed of the comment during their consideration of the draft General Plan.

B20-15: The comment states the author’s hope that everything that can be done will be done to make the city the best it can be; please see responses to comments B20-1 to B20-14 above addressing police and fire safety issues. No further response is required.

**B21: SanDiego350**

B21-1: The comment states that the city has made a commendable effort in responding to the requirements set forth in AB 32 and the associated CARB scoping report, and urges a more aggressive approach beyond that which the state requires; the comment is appreciated. This is an introductory comment which does not raise any specific environmental issue. No response is required.

B21-2: The comment contains reasons the author believes that the long range 2050 emission reduction target established in EO S-03-5 is not sufficient to address climate change. The adequacy of the state’s emission reduction target is beyond the scope of the draft EIR. Since the comment does not raise any issue regarding the adequacy of the draft EIR, no further response is warranted.

B21-3: The comment urges the city to take a leadership position in addressing climate change and refers to a model in Lancaster that the author believes may work well in the city. The CAP takes a number of steps thorough draft General Plan policies and GHG reduction measures, as detailed in Chapter 4 of the CAP, to proactively address climate change. By clearly describing goals, setting numeric reduction targets, explaining the responsibility and implementation, and describing the costs and benefits of GHG reduction measures that address a number of environmental topics, the city believes it is demonstrating its commitment to leadership in addressing climate change in San Diego County.

B21-4: The comment states that the draft CAP presents a reasonable approach to meeting the targets of AB32 and other relevant legislation. The comment also refers to spreadsheets listed in comment B21-11 and their source data. Since the comment does not raise any environmental issue, no further response is required.

B21-5: The comment requests clarification on the electricity and natural gas inputs (sales) used for the future years of 2020 and 2035 in section 3.3 of the CAP. The SEEC model uses the inventory inputs by sector from Chapter 2 (e.g. residential electricity usage, natural gas usage) and assumes the growth rates shown on pages 3-5 and 3-6. For example, residential electricity is assumed to start with the baseline 2011 usage of 275,033,189 kWh and increase by 0.9 percent per year through 2035. The RPS is incorporated in the 2011 inventory. As described in Table 3-12, the RPS is considered in the SEEC forecast through

2020. The effect of RPS continuation beyond 2020 through 2035 is modeled in EPIC, and counted in the emission totals. Therefore, the RPS is accounted for through 2020 in the baseline, and the effect of RPS beyond 2020 through 2035 is modeled in EPIC, and counted in the emissions totals.

B21-6: The comment says the color coding in the tables indicate uncertainty in which sector to assign the reductions. The GHG reduction measures in Chapter 4 of the draft CAP are subtracted from the total SEEC forecast with (1) draft General Plan land use and roadways, (2) state and federal actions, and (3) additional draft General Plan policies and actions. As a number of these reductions span multiple sectors (e.g. Title 24 building efficiency improvements), the effect of the GHG reduction measures is calculated on the total citywide emissions, not on a sector-by-sector basis.

B21-7: The comment describes how the CAP GHG reductions in Chapter 4 (tallied in Table 4-3 of the CAP) were accounted for in Table 2 of the comment letter. As a note, Table 2 of the comment letter has the identical total GHG emissions in 2020 as Table 4-3 of the CAP, which appears to confirm the accounting of the mitigation measures in the CAP.

B21-8: The comment refers to Table 3 of the comment letter, which tallies the effect of the reduction measures, and reaches a total of 269,637 MTCO<sub>2e</sub> emissions. This total is approximately 2 MTCO<sub>2e</sub> less than the total of Table 4-3 of the CAP, due to rounding. The total in the Table 3 of the comment letter appears to confirm the overall effect of the mitigation measures and how they are accounted for in the CAP.

The CAP, at this time, does not address GHG reduction associated with solid waste or landfills. However, Sustainability Element Policy 9-P.9 calls for adoption of a construction and demolition waste recycling ordinance to divert 100 % of Portland cement and asphalt debris and an average of 50% of all of non-hazardous construction/demolition-related debris.

The CAP addresses wastewater reduction through Measure O to encourage the installation of greywater systems. Please see response to comment B22-29 below regarding additional suggestions to reduce GHG emissions. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.

B21-9: The comment requests clarification on the effect of the Carlsbad Desalination Plant on future GHG emissions. Page 2-3 of the CAP describes how the plant is taken into consideration: “The Carlsbad Desalination Plant, which will begin operations in 2016, would therefore not contribute emissions to the 2011 GHG inventory. The emissions forecast (Chapter 3) uses a regional average for water consumption emissions, which accounts for the effect of the desalination plant. In general, including these large regional facilities would effectively add GHGs from consumption of services outside of Carlsbad to the city’s emission totals.”

B21-10: This comment says there is a possibility the RPS emissions reduction has been partially double counted. Please see response to comment B21-5 above about accounting for the

RPS. The likely reason for the decrease in baseline emissions in future years from the SEEC model is due to the effects of LCFS and Pavley 1 on transportation emissions. The comment also states the need to pursue a more aggressive reduction strategy than set forth in AB 32, and EO S-3-05. Please see response to comment B21-1 above. The comment's recommendation will be included in the materials presented to the City Council for consideration in making its decision about whether or not to approve the draft General Plan and CAP.

B21-11: This comment contains Tables 1, 2, and 3, which contain sector-by-sector estimations of GHG reduction strategies. The tables are referred to in the above responses as appropriate.

**B22: Sierra Club, San Diego Chapter**

B22-1: The comment provides background on the contents of the letter. No response is required.

B22-2: The comment provides information regarding the personal background of the author. No response is required.

B22-3: The comment provides introductory comments on the draft EIR. In accordance with CEQA, both AB 32 and EO S-3-05 form the basis for the GHG reduction targets in the CAP. It is beyond the scope of the draft EIR and the CAP to address perceived insufficiencies in state law. The CAP contains a list of proposed ordinances to implement GHG reduction measures, including a residential energy conservation ordinance, commercial energy conservation ordinance, and transportation demand ordinance, as shown in Table 4-2. Please see comment B22-4 below for a description of the adequacy of the description of the nature and impacts of climate change. Since this introductory comment does not raise any specific environmental issue, no further response is warranted.

B22-4: The comment states that the draft EIR fails to adequately describe the nature and impacts of climate change and provides information regarding "climate destabilization" and the potential harm from climate change. The information provided in the comment will be included in the final EIR and will be considered by the City Council in making its decision whether or not to certify the final EIR and adopt the draft General Plan and CAP. CEQA Guidelines section 15125(a) provides that an EIR "must include a description of the physical environmental conditions in the vicinity of the project..." The description of climate change and its impacts is provided in the draft EIR and CAP. The draft EIR recognizes the importance and effects of climate change; please refer to pages 3.4-8 to 3.4-10, which describe climate change and the potential effects of human activity on climate change. The information provided references documents by the US EPA, the IPCC, CARB, and the California Climate Action Team. In addition, the CAP provides background on climate change and greenhouse gas emissions and climate change impact on pages 1-2 to 1-5, and numerous climate change informational resources in Appendix A.

B22-5: The comment states that Carlsbad has a moral and legal responsibility to identify a path to achieve climate stabilization. Whether or not the city has a moral responsibility to identify a solution to climate stabilization is beyond the scope of the draft EIR. With respect to the city's legal responsibilities, CEQA requires the city to analyze and mitigate the potential significant environmental effect of a proposed project. The proposed project consists of the General Plan update and the CAP. The CAP has been prepared in accordance with CEQA and applicable state laws and regulations concerning climate change. The draft EIR properly analyzes whether the changes that may occur as a result of the draft General Plan will generate greenhouse gas (GHG) emissions that will cause or contribute to a cumulative significant impact on global climate change. Thus, the draft EIR addresses climate stabilization to the extent that it involves the mitigation of significant impacts associated with GHG emissions that may result from the draft General Plan. To the extent climate stabilization requires addressing or remedying existing environmental conditions, it is beyond the scope of the draft EIR and not required by CEQA. To the extent climate stabilization involves social policy issues, the comment will be included in the information considered by the City Council when they make their determination whether or not to adopt the draft General Plan and CAP.

B22-6: The comment states that there should be a 15 percent reduction in driving in 2035 relative to a baseline year of 2005. This conclusion is based on the article in comment B22-22, which discusses statewide light duty vehicle requirements. The comment provides no analysis specific to Carlsbad.

The CAP provides analysis specific to Carlsbad to address GHG emissions from the transportation sector. Chapter 2 of the CAP provides the methodology used to inventory transportation emissions, which includes cars and trucks. Emissions estimates of transportation are based on SANDAG model data, using CARB's latest model to inventory transportation emission. Chapter 3 of the CAP provides the methodology used to forecast transportation emissions, which is based on SANDAG model projections, using future General Plan land use. Reductions to GHG emissions in the transportation sector from state and federal actions, draft General Plan policies, and CAP GHG reduction measures are detailed in Chapters 3 and 4 of the CAP.

Table 3-4 and Figure 3-3 of the CAP show a comparison of emissions by sector in 2011, 2020 and 2035, including transportation. Chapter 3 lists GHG reductions from Pavley I Fuel Economy Standards in Table 3-8, GHG reduction from the Low Carbon Fuel Standard in Table 3-9, and GHG reductions from rising gasoline prices (which reduce VMT) in Table 3-11. Section 3.6 provides GHG reductions from additional draft General Plan policies and actions, many of which serve to reduce VMT. Chapter 4 of the CAP includes Measures K and L, which serve to reduce transportation emissions.

B22-7: The comment provides an explanation and related assumptions and calculations for a climate-stabilization-supporting target of 80% below 1990 emissions by 2030, which is an alternate GHG reduction target that would achieve the target reductions set forth in Executive Order S-3-05 twenty years earlier than the order prescribes. Please see responses to comments B22-3 through B22-5 above.



- B22-8: The comment refers to assumptions and calculations in Reference 1 to the comment letter, which include achieving the target reductions in Executive Order S-3-05 twenty years earlier than the order prescribes, and the identification of “Heroic Measures” and “Extra Heroic Measures,” including the reduction of GHG emissions from cars and trucks at a statewide level. Please see responses to comments B22-3 through B22-6 above.
- B22-9: The comment refers to a set of strategies which the author believes are feasible, cost effective and will reduce driving enough to support climate stabilization. Two of the referenced strategies- TransNet fund reallocation, and a comprehensive road-use fee pricing system- would require regional and state level action, and likely voter approval in order to be realized. These measures are beyond the scope of the CAP. Unbundling the cost of parking is a strategy identified in the draft General Plan Mobility Element and is discussed in section 3 of the CAP. Expansion of the city’s bicycle system is a key component of the draft General Plan Mobility and is incorporated in the section 3.6 of the CAP (see response to comment B16-17). The city periodically conducts outreach and education efforts to promote the benefits of bicycling and teaching safety skills. For example, the city has recently partnered with Circulate San Diego, a local non-profit bicycle and pedestrian advocacy group, to conduct such a promotional campaign (called Walk+Bike Carlsbad) in 2015. This program was funded by a grant from SANDAG. Finally, the suggestion to greatly increase or eliminate height limits near transit stops is infeasible given community concerns over land use compatibility, community character<sup>11</sup>, coastal zone restrictions, and limitations of the voter-approved Growth Management Program. It should be pointed out, however, that reasonable increases in height are currently permitted in the Village area in order to promote transit-oriented mixed-use development. These density and height provisions, as well as access to transit, enabled SANDAG to recognize the Village as a qualifying smart growth opportunity area and therefore eligible for funding incentives to promote higher density, mixed-use, transit-oriented development. The comment also refers to car parking policies shown in References 4, 5 and 6. Please see responses to comments B22-3 through B22-6 above.
- B22-10: The comment discusses “the impact of the climate-stabilization-supporting target on the excellent, GHG-reduction accounting of the DEIR.” Since the comment does not identify any inadequacy in the draft EIR with respect to the city’s obligation to address the potential impacts of the draft General Plan’s GHG emissions under existing state laws and regulations, no further response is required. To the extent the comment recommends the city must achieve additional reductions in GHG emissions to meet the author’s climate-stabilization-supporting target in 2030, the comment raises legislative and social policy issues beyond the scope of the draft EIR. Therefore, the comment will be included in the materials provided the City Council for consideration as it determines whether to adopt the draft General Plan and CAP. Please also see responses to comments B22-3 through B22-6.

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<sup>11</sup> The draft General Plan supports the Community Vision core values, one of which is to maintain “Small town feel, beach community character, and connectedness (draft General Plan, p. 1-10).”

- B22-11: The comment states that the CAP GHG reduction measures are vague, have unclear funding, and are not enforceable. Each GHG reduction measure is clearly defined in Chapter 4 of the CAP, with numeric targets, a quantification of GHG emissions reductions, responsibility and implementation, and costs and benefits. Chapter 4 also describes three ordinances to implement these measures. Chapter 5 of the CAP includes project review thresholds, a preliminary CAP project review checklist, and ways to monitor progress and implement the CAP. Chapter 5 has been modified to provide better clarity regarding administration of the CAP, including defining city organizational roles and responsibilities, schedule, monitoring, reporting and updating the CAP. The comment also discusses unbundling the cost of parking as a measure to reduce driving and associated GHG emissions. Unbundling the cost of parking is listed on page 3-20 of CAP as a technique included as part of the draft General Plan Mobility Element. The Mobility Element describes a range of techniques to “right-size” parking including unbundling the cost of parking (p. 3-25, 3-26). This strategy, as well as others, will be considered when the city updates its parking ordinances as part of Mobility Element implementation.
- B22-12: The comment states that the finding of a less-than-significant impact of GHG emissions in section 3.4 of the draft EIR is invalid because the draft EIR did not consider the climate-stabilization target described in the comment letter. The GHG reduction targets presented in the CAP and evaluated in the draft EIR are based on existing laws and regulations (e.g., AB 32 and EO S-3-05). The comment does not raise any claim that the draft EIR’s significance finding is invalid with respect to the significance criteria and methodology employed, but instead objects that the draft EIR should have evaluated potential impacts with respect to the climate-stabilization target proposed by the author. The author’s disagreement with the methodology and significance criteria used to analyze potential GHG impacts does not mean that the draft EIR is inadequate. Please also see responses to comments B22-3 through B22-6 above. The comment also states that “Impact 3.4-1 will have a very significant and negative impact on the natural environment,” but does not provide any information in support of this assertion. Impact 3.4-1 properly analyzes whether the draft General Plan may result in the wasteful, inefficient or unnecessary consumption of energy (see draft EIR, pp. 3.4-29 – 3.4-30). Since the comment does not identify any specific inadequacy with this analysis, no further response is possible.
- B22-13: The comment asserts the draft EIR and CAP must be amended to acknowledge facts relating to a lawsuit which challenged the final EIR for SANDAG’s 2011 RTP. A lawsuit entitled “Cleveland National Forest Foundation, et al. v. San Diego Association of Governments” (San Diego Superior Court No. 37-2011-00101660/Court of Appeal No. D063288) successfully challenged the adequacy of the EIR for SANDAG’s 2050 Regional Transportation Plan and Sustainable Community Strategy. The city has analyzed the Court of Appeal’s decision to determine its applicability to the draft General Plan, CAP and to ensure that the draft General Plan, CAP and EIR comply with all applicable legal requirements.

- B22-14: The comment states that the CAP supports achieving the EO S-3-05 GHG emissions reduction trajectory, but that this reduction trajectory has been overtaken by events and larger reductions are needed. The CAP and related environmental analysis provided in section 3.4 of the draft EIR were prepared in compliance with applicable state laws and regulations, including without limitation AB32, EO S-3-05 and CEQA. The comment's assertion that larger reductions are needed than presently required by law raises legislative and social policy issues beyond the scope of the draft. The comment will be included in the materials presented to the City Council for its consideration in whether or not to adopt the draft General Plan and CAP.
- B22-15: The comment states that the AB 32 text declares that statewide GHG reductions should continue beyond 2020. The CAP was prepared using the assumption that GHG reductions should continue past 2020, following EO S-3-05 guidance. The comment also states that CARB and the CAP should never fail to do a feasible and cost-effective measure. Since the comment does not identify any feasible mitigation measure which the CAP failed to consider, no further response is possible.
- B22-16: The comment states the author's criticisms of SB 375, and CARB's calculations to support the legislation. Since the comment does not identify any environmental issue relating to the draft EIR or the draft General Plan and CAP, no response is required.
- B22-17: The comment states that the discussion of adaptation in the draft EIR and CAP fails to state what mitigation and corresponding temperature change scenario it is assuming. The goal of the CAP, as stated on page 1-1, is to reduce GHG emissions in accordance with CEQA (CEQA Guidelines Section 15183.5(b)). Please also see response to comment B16-35 above regarding adaptation.
- B22-18: The comment states that the discussion of adaptation in the draft EIR and CAP fails to state that any adaptation plan will be overwhelmed by the climate outcome of insufficient mitigation. See response to comment B22-17 above.
- B22-19: The comment states the draft EIR and CAP should clearly state that improving the way we pay for parking and roads would increase fairness and decrease driving. The comment also refers to References 3-6 regarding parking measures. Reference 3 consists of a paper entitled "Equitable and Environmentally-Sound Car Parking Policy at Schools." This emissions reduction strategy is inapplicable to the city as the city cannot control the cost of parking at local schools. Such decisions are the domain of the respective school districts. Reference 4 is a reference to an unenclosed paper entitled, "A Plan to Efficiently and Conveniently Unbundle Car Parking Cost." Reference 5 consists of Sierra Club "Ideas and Proposals for Carlsbad CAP Improvement" which are separately denominated as comments B22-25 through B22-39. Please see responses to comments B22-25 through B22-39 below. Reference 6 consists of unpublished resolutions supporting development of a road-use fee pricing and payout system, and grant funding for a demonstration project to unbundle cost of parking. Please see responses to comments B22-9 and B22-11, respectively, regarding these strategies.

- B22-20: The comment offers the assistance of Sierra Club volunteers. No response is required.
- B22-21: The comment identifies the “references” discussed in and attached to comment Letter B22. No response is required.
- B22-22: The comment constitutes Reference 1 and consists of a paper entitled “The Development of California Light-Duty Vehicle (LDV) Requirements to Support Climate Stabilization: Fleet-Emission Rates & Per-Capita Driving,” which is referenced in comments B22-6, 7, 8 and 9.
- B22-23: The comment constitutes Reference 2 and consists of a “Brief of Scientists Amicus Group as *Amici Curiae* in Support of Plaintiffs-Appellants Seeking Reversal” in an appeal in a federal court lawsuit entitled *Alec L. v. Gina McCarthy*, the National Association of Manufacturers. No response is required.
- B22-24: The comment constitutes Reference 3 and consists of a paper entitled “Equitable and Environmentally-Sound Car Parking Policy at Schools,” which was referenced in comments B22-11 and 19.
- B22-25: The attachment constitutes Reference 5 and consists of Sierra Club “Ideas and Proposals for Carlsbad CAP Improvement” which are separately denominated as comments B22-25 through B22-39 and are referenced in comments B22-9, 11 and 19. Comment B22-25 proposes setting a 2030 target of 80% below 2020 emissions, which is the same emissions reduction target prescribed in EO S-3-05, but includes a target date for achieving the reductions 20 years earlier than EO S-3-05. Please see responses to comments B22-3 through B22-6 above regarding GHG reduction targets.
- B22-26: The comment suggests dedicating funds for on-going implementation, grant writing, and technical support. The city has committed considerable resources to developing the CAP, and will continue to support its implementation, as described in Chapter 5 of the CAP. Potential funding for each of the CAP implementation measures is identified. As well, the draft CAP has been modified to provide more detail and clarity as to commitment of resources to implementation the CAP (see CAP revisions to Chapters 3-5, as well as responses to comments B10-37, B16-11, B16-33, B16-34, and B22-11).
- B22-27: The comment suggests establishing a community stakeholder group. See response to comment B22-29 below with respect to additional suggestions to reduce GHG emissions. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.
- B22-28: The comment suggests establishing an “action plan” which would include three categories:

Linking the CAP with the city’s Capital Improvement Plan. This is addressed in draft General Plan policies 3-P.21, and 3-P.25, which specifically address the linkage between bike and pedestrian projects and the Capital Improvement Plan. Also, the CAP has been modified to provide more detail and clarity as to commitment of resources to implement

the CAP. Please see CAP revisions to Chapters 3-5, as well as responses to comments B10-37, B16-11, B16-33, B16-34, B22-11, and B22-26.

A demonstration project to unbundle the cost of car parking. Unbundling the cost of parking is part of the draft General Plan Mobility Element, and described in Parking Facilities and Policies on pages 3-20 to 3-22 of the CAP. The Mobility Element describes a range of techniques to “right-size” parking including unbundling the cost of parking (p. 3-25, 3-26). This strategy, as well as others, will be considered when the city updates its parking ordinances as part of Mobility Element implementation. The suggestion to carry out a demonstration project at a city facility will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.

Advocacy actions directed toward SANDAG and the state. Numerous policies link city efforts to SANDAG measures. Please see Measure K of the CAP for an example. Please see response to comment B22-3 for an explanation of addressing perceived insufficiencies in state law.

B22-29: The comment proposes a demonstration project to unbundle the cost of parking at a city-employee location and at the new high school. The GHG reductions from unbundling the cost of parking are considered on page 3-20, under parking facilities and policies, which collectively are estimated to result in reductions of 2 percent of VMT in 2035. The suggestion to carry out a demonstration project at a city facility will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP. See also response to comments B22-11, B22-19, and B22-28.

Comments B22-30 through B22-38 below provide additional suggestions for the CAP. The reduction measures presented in Chapter 4 of the CAP (which are in addition to quantified state and federal actions and draft General Plan policies in Chapter 3) cover:

- Residential, commercial and industrial photovoltaic systems
- Building cogeneration
- Single-family, multi-family and commercial efficiency retrofits
- Commercial commissioning
- CALGreen building code
- Solar water heater/heat pump installation
- Efficient lighting standards
- Increased zero-emissions vehicle travel
- Transportation Demand Management (TDM)
- Citywide renewable projects
- Water delivery and conservation

These measures are intended to cover a broad variety of emissions reductions and present a feasible way to meet (and exceed) GHG reduction targets. Future updates to the CAP will evaluate the efficacy of these measures in meeting GHG targets, and update the

- inventory, goals and actions that reflect the adoption of new technologies and programs to reduce GHG emissions. Additional policies presented below may be incorporated into future CAP updates if additional measures are needed to meet the city's emission reduction targets; however, the CAP currently meets GHG reduction targets with the measures presented above.
- B22-30: The comment suggests adoption of a resolution urging pension fund divestment of fossil fuel companies and investment in local clean technology and renewable energy. The emissions inventory follows the standards developed by ICLEI, which do not estimate GHG emissions due to the city's pensions fund investments; therefore this source of emissions is not considered in the overall inventory of GHG emissions.
- B22-31: The comment suggests the city fund a "community choice aggregation" technical study regarding a public power alternative. This measure may reduce GHG emissions, and will be included in the materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-32: The comment suggests the city seek public/private partnerships to provide fuel-efficient vehicle purchase incentives for city employees. Measure L of the CAP promotes an increase in the amount of ZEV miles traveled for all residents (including city employees), and includes incentives for ZEV use, including constructing charging stations and offering dedicated ZEV parking. An additional inducement exclusive to city employees is unnecessary to meet overall emission reduction goals. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration with respect to the draft CAP. In addition, Action L-7 of Measure L in the CAP, which addresses the city's Fleet Management Program, with the goal of increasing the proportion of ZEV miles traveled to 25 percent by 2035.
- B22-33: The comment suggests adopting a resolution asking SANDAG to develop a driving-reduction trajectory to support a climate stabilization trajectory and to adopt plans and strategies that will implement those trajectories. See response to comment B22-10 regarding a climate stabilization target. The information provided in B22-10 and the analysis elsewhere in the letter provides targets from transportation that diverge from those set in state law in AB 32 and SB 375 and is not based on analysis specific to Carlsbad. This comment will be included in the materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-34: The comment suggests adopting a resolution asking SANDAG to prioritize transit projects over highway projects. This comment will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-35: The comment suggests adoption of a resolution asking SANDAG to electrify and automate local rail. This comment will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.

- B22-36: The comment suggests adopting a resolution asking SANDAG to implement and promote unbundling the cost of parking; please see responses to comments B22-11, B22-19, B22-28, and B22-29 above. Unbundling parking is listed on page 3-20 of CAP as a technique included as part of the draft General Plan Mobility Element within. This comment will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-37: The comment suggests adopting a resolution requesting statewide leaders to develop a comprehensive road-use fee pricing and payout system. This comment will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-38: The comment notes that unbundling the cost of parking and a comprehensive road use fee pricing and payout system were discussed in a previous Sierra Club letter to the city. Unbundling the cost of parking is part of the draft General Plan Mobility Element, and described in Parking Facilities and Policies on pages 3-20 to 3-22 of the CAP. This comment also will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan and CAP.
- B22-39: The comment offers a public workshop on the need for climate stabilization which would include, at minimum, a 45-minute presentation by Sierra Club or other representative if the City Council members and staff would agree to participate. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.
- B22-40: The comment constitutes Reference 6 and consists of a resolution supporting a “privacy-protecting, road-use-fee pricing and payout system to help solve climate, congestion, deferred road maintenance, and social inequity of using General Funds to maintain roads, since that money is needed for such things as transit, food stamps, and education,” which is referenced in comments B22-9, 11 and 19.
- B22-41: The comment constitutes Reference 6 and consists of a resolution supporting a “funding for demonstration project of an equitable and environmentally-sound car-parking policy,” which is referenced in comments B22-9, 11 and 19.

**B23: Bob Ladwig**

- B23-1: The comment notes that the property in La Costa Town Square development currently designated for Office has been included in the draft General Plan for a proposed land use change to High Density Residential, and expresses support for this proposal. No response is required, and the comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

## **C. Individual Comments and Responses**

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



From: Bradley Wells [mailto:bwells2b@gmail.com]  
Sent: Monday, April 14, 2014 1:17 PM  
To: Jennifer Jesser  
Cc: imeiberger; Stacy Wells  
Subject: General Plan Comments

C1-1

I have two areas of concern that aren't addressed in the General Plan:

1. Jurisdiction - Pine St. north to Oceanside

Residents with homes near the Army Navy Academy have complained for years about noise, trash and overcrowded parking resulting from events sponsored by the Academy. In researching the problem I discovered that the beach area from Pine north to Oceanside is neither the responsibility of the State nor the City. Somehow it managed to slip through the cracks. This means that, for example, a surfing event for 200 kids needs no permit and is not governed by Carlsbad's assembly and noise standards. The City and State need to sort this out - the sooner, the better.

C1-2

2. Low Flying Aircraft Above the Beach

As a resident with a home on the beach, nothing is more annoying than a low flying helicopter. Especially during the summer, both military and commercial aircraft love to buzz the area, at times flying less than 100 feet above the water. I understand that observing sunbathing beauties is both interesting and fun, but the noise is intolerable. Phone calls to various authorities have proved hopeless. Complaints go unanswered. No one is willing to take responsibility, laying it on the FAA. When one speaks to the FAA, they show no interest. They suggest a diary of events with tail numbers to identify the aircraft. Ever tried to get the tail number of a moving helicopter...impossible.

Now, it would be one thing if these events occurred once or twice a week. But, in mid-summer we have 10-20 of these events a day from 5 AM to midnight and later. We've even had a helicopter land on the beach in front of the house. I've spoken to Matt Hall about it. Nothing has happened. Why can't these aircraft be governed by a City code? Why can't the City negotiate with the military and local airports to reduce the annoyance and noise? Senator Schumer in New York managed to control helicopter flights over Long Island. Why can't we do it here? With the advent of drones and one man flying machines (who wander up and down the beach), disaster is just around the corner. We should deal with it before tragedy puts us in the national news.

I look forward to your response and action being taken...finally.

Brad Wells

Carlsbad Resident

City of Carlsbad

DATE: April 22, 2014

APR 25 2014

TO:

Planning Division

Mayor Matt Hall  
Mayor Pro Tem Mark Packard

Council Members: Keith Blackburn, Lorraine Wood, Michael Schumacher

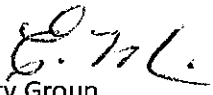
Transportation Department:

Director Conrad Hammann  
Bryan Jones  
Doug Bilse

City Manager Steven R. Sarkozy  
City Analyst Greg Hermann

Planning Department

FROM: Christine Davis, President  
La Costa Avenue Safety Group

Evelyn Montalbano   
La Costa Avenue Safety Group

RE: U-T San Diego April 19, 2014 News Article and La Costa Avenue ("LCA")

C2-1 Using research data by Steve Linke, the U-T San Diego news article dated April 19, 2014 takes a hatchet to the newly proposed General Plan for the City of Carlsbad. I met Steve Linke at a Planning Commission meeting several years ago. He was fighting the implementation of safety measures for La Costa Avenue. Foolishly, he said it was because it added four minutes to his travel time to work. At the meeting, I challenged him and said he was working for the La Costa Town Square business interests. He went silent and never denied it. One can only be astonished at the massive missive of statistical data which he puts forth. Why does Mr. Linke totally ignore the factual history of La Costa Avenue? To use La Costa Avenue, as the centerpiece to attack Envision Carlsbad, is totally disingenuous.

This letter is about La Costa Avenue. We all know the history. The La Costa Avenue Safety Group fights for the implementation of safety measures for La Costa Avenue. After an horrific accident and costly lawsuit for the City, professional consultants are retained and they recommend many measures for securing the safety of all those living on La Costa Avenue and all of those who drive on La Costa Avenue. The consultants' final report, along with public community meetings held to address the concerns of the residents, highlight the problems and the resolutions to ensure public safety on La Costa Avenue. At this point, an "Interim Striping Plan" is put into place and future traffic mitigation features are proposed.

C2-2 Reiterating once more, the "special classification" of La Costa Avenue is warranted because of its unique characteristics as a secondary arterial road with residential driveways abutting the roadway. Adding to those problematic features is the curvilinear portions of the road that literally HIDE a vehicle entering and exiting the driveways. According to existing City of Carlsbad and County of San Diego codes, any street which has so many driveways connecting consecutively to the street, in such a short span, is classified as a residential street. How did this happen? LCA was originally a county road; then, arbitrarily ignoring the features cited above, it became a secondary arterial road. The very reason why the City had to pay \$2.9 million to settle a lawsuit was the failure to ensure the safety of pedestrians and vehicular traffic on a road with these residential features. The Judge, presiding over the lawsuit, decreed a MANDATE to "fix La Costa Avenue because it is a dangerous hazard to all".

C2-3 **The La Costa Town Square is a game changer.** Not for "Envision Carlsbad" but for La Costa Avenue. The Town Square lies at the corner of Rancho Santa Fe and LA COSTA AVENUE. The interim striping plan has to become permanent. Without it, there is not a modicum of "design immunity". Not only does the striping plan have to be kept in place but the safety features have to be expanded. A London-style roundabout and the expansion of the road diet to the eastbound lane would prove to be major changes. Let's close all of the loopholes. The motorcycle lawsuit set legal precedence and the next road accident litigation on La Costa Avenue will cite this case. A good attorney will mount his case on the recklessness and negligence displayed when not enough was done EVEN UNDER THE MANDATE OF THE JUDGE. It will all rest on one issue: "Was enough done to establish safety on La Costa Avenue?"

C2-4 The Transportation Department states the following:  
".....This type of retail draws on households in a close proximity radius and does not bring a lot of new trips to an area as most neighborhoods have these types of services. So this new commercial center serves the area better and offers a diversity of choices. So rather than going to the shopping center at El Camino Real/La Costa Avenue residents in the La Costa area could chose to go to Rancho Santa Fe/La Costa Avenue. Sometimes people make a decision based on personal preference, convenience, quality, or the shortest trip. ...."

C2-5 How can a successful argument be made for this position? The answer is simple. Make the Interim Striping Plan permanent and expand the road diet to the eastbound lane, along with a London-style

C2-5 | roundabout. Now, the City can point to major improvements for road safety and successfully fight off any assertions that La Costa Avenue did not undergo the major improvements necessary to buffer any more traffic from the La Costa Town Square. There is almost \$1.1 million in the Carlsbad Capital Improvements Program budget earmarked "La Costa Avenue Traffic Safety" waiting for the approval of the City Council. **No, Mr. Linke, because of its" hazardous nature" and the Mandate decreed by the Judge, La Costa Avenue cannot be made into a freeway.**

C2-6 | Disturbingly, there is an Encinitas group aligned with the North County Advocates. Calle Barcelona is an underutilized road. This road could carry more traffic away from La Costa Avenue. This Encinitas Group does not want that in Encinitas. Thanks to a settlement with the City, the North County Advocates Group has a war chest of \$1 million. The introduction of the Encinitas Group into the fray has split Carlsbad into a North/South zone. This is an "unholy alliance".

C2-7 | In Conclusion:

Our present Transportation Department is farsighted and visionary. They are a remarkable group and they have forged a brilliant plan for the future of Carlsbad. They will keep us all safe, and will assure real estate development, all the while preserving the special quality of life that is ours in this beautiful City.

C2-8 | Remember, before the "Accident", the City of Carlsbad hired professional consultants to work with the La Costa Avenue Safety Group. During this time, naysayers like Mr. Linke did everything possible to stop, delay and destroy all of those efforts. Well, in the middle of the fray, the motorcycle accident occurred. As we wrung our hands in disillusionment, \$2.9 million went, not to traffic safety mitigation measures for La Costa Avenue, but to a horribly injured motorist.

The upshot here is a fairly clear indictment of naysayers like Mr. Linke.

**RECEIVED**

JUN 19 2014

CITY OF CARLSBAD  
PLANNING DIVISION

To: Carlsbad Planning Department  
**Attn: Jennifer Jesser, Senior Planner & Project Manager**

From: Ray & Ellen Bender, 1015 Camino del Arroyo Dr.,  
San Marcos, CA  
Phone: 760 752-1716; Email: [benderbocan@aol.com](mailto:benderbocan@aol.com)  
& [benderbocan@gmail.com](mailto:benderbocan@gmail.com)  
Palomar Airport Blog: [Carlsbad.Patch.com](http://Carlsbad.Patch.com)

Re: Our June 19, 2014 Comments on Carlsbad General  
Plan EIR (February 2014)

Date: Hand delivered to Faraday Planning on Thursday,  
June 19, 2014

C3-1 | This binder contains our comments on the Carlsbad General  
Plan EIR. The binder contains our 46-page comment letter  
plus 14 exhibits.

Please timely notify us of all Carlsbad meetings at which the  
Carlsbad Planning Commission and/or City Council consider  
(1) the General Plan and/or (2) the EIR. We would like to  
attend the meetings.

Thank you for the opportunity to comment.

/s/

Ray & Ellen Bender

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June 19, 2014

[Delivered by Hand to Carlsbad Planning Division at the Faraday Center on June 19, 2014]

Ray & Ellen Bender  
1015 Camino del Arroyo Dr.  
San Marcos, CA 92078  
Email: [benderbocan@aol.com](mailto:benderbocan@aol.com)  
Phone: 760 752-1716

Palomar Airport Blogs: [Carlsbad.Patch.com](http://Carlsbad.Patch.com)

Carlsbad City Council Members  
Mayor Matt Hall  
Mayor Pro Tem, Mark Packard  
Keith Blackburn  
Michael Schumacher  
Lorraine Wood

City Manager: Steven Sarkozy  
**Attn: Jennifer Jesser, Senior Planner & Project Manager**

City Planner: Don Neu  
City Clerk: Sherry Freisinger

1200 Carlsbad Village  
Carlsbad, CA 92008

Re: Comments on the Draft Carlsbad General Plan EIR (February 2014)

C3-2

This letter comments on the Carlsbad draft General Plan Environmental Impact Report (GP-EIR) released in February 2014 for review. We have already commented on the GP. See **Exhibit 1**. Ray Bender has extensive qualifications to provide these comments. See **Exhibit 2**.

Please include our comments in the administrative record that the City would produce in any action resulting from the City's General Plan adoption and/or certification of the GP-EIR.

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## Executive Summary

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C3-3

1. ***The GP-EIR Ignores the Environmental Impacts of the County On-Airport Projects:***

Despite the size and impact of McClellan-Palomar [Palomar] operations on the environment of Carlsbad and other environs, the GP-EIR comments little on Palomar. Few facilities in Carlsbad create as much of a noise impact as Palomar. No other facility in Carlsbad so restricts surrounding area development and so many property owners. And few Carlsbad facilities have the capacity that Palomar does to create a hazardous waste nightmare. Citizens signaled their concern over Palomar Airport noise impacts when 742 citizens filed a letter opposing the 2009/2010 Palomar Airport Land Use Compatibility Plan. See **Exhibit 14**.

C3-4

The Palomar discussion is fundamentally flawed. County and Carlsbad dispute the planning and zoning authority that Carlsbad may exercise over county and county tenants at Palomar. Hence, the GP-EIR key CEQA assumption fails. That key assumption says that projects undertaken within the GP area will be sufficiently mitigated because they will satisfy Carlsbad planning policies and conditions. Available facts – including the county’s repeated refusal to landscape the Palomar slopes – show that Carlsbad neither imposes nor enforces its restrictions against the county at the Palomar Airport facility. (See **Exhibit 12** Carlsbad’s failed attempt to move county to plant the slopes.)

C3-5

The GP-EIR does not clearly distinguish between “On-Airport” and “Off-Airport” regulation thereby creating the false impression that all issues have been addressed previously. The GP-EIR does not disclose any attempt of Carlsbad to address on-airport Palomar problems including storm water contamination that can result from the 3 Palomar Airport landfills and from toxic leaks from Palomar aviation storage tanks owned by the county and county tenants.

C3-6

2. ***The GP-EIR Analysis is Defective Because it Rests on the Assumption that Carlsbad Will Redefine the Term “Expansion” in Carlsbad Ordinance 21.53.015 and CUP 172 to mean “Geographic Expansion.”***

The GP seeks to modify the Carlsbad Ordinance 21.53.015 voter requirement by limiting Palomar Airport expansions of concern to only “geographic expansions.” Carlsbad is saying that voters need not approve a Palomar 900-foot runway extension even though the State Aeronautics Act in PUC § 21664.5 defines an airport expansion as including runway extensions. Similarly, the GP “geographic expansion” policy language is inconsistent with Airport expansion conditions 1, 8, and 11 of CUP 172.

C3-6

This attempted redefinition again emphasizes that Carlsbad does not have the will, and perhaps not the power, to apply or enforce Carlsbad planning and zoning regulations against the county at Palomar Airport.

C3-7

3. **The General GP-EIR Analysis Method Does not Comply with CEQA.** The GP-EIR says GP project impacts will significantly but unavoidably worsen regional air and traffic congestion and such impacts cannot be cut below a level of significance. The GP-EIR says that GP projects are not “cumulatively considerable” because such impacts comprise a small part of the problems. In essence, the GP-EIR adopts the “ratio” test California courts have rejected. The proper analysis is: (i) what added air quality problems will GP projects cause, (ii) what feasible mitigation measures will reduce impacts, even though not below a level of significance, (iii) will the mitigation measures be enforceable, and (iv) what harm do such air quality problems cause when the harm occurs in an air quality nonattainment area?

C3-8

Stated differently, CEQA requires the public be informed of project harms even if not all the harms will be mitigated. As an example, one San Diego regional nonattainment pollutant is PM2.5s. Think absurdly small dust particles (PM = particulate matter) that penetrate the lungs and can cause breathing problems, especially for the elderly, and cancers. Under the Carlsbad GP-EIR approach, it does not matter whether PM2.5 levels reach the statutory limit of “X” and 10,000 deaths result or twice the statutory limit (“2X”) and 30,000 deaths result.<sup>1</sup> The GP-EIR position in essence is: If we can’t reduce emissions below the limit “X,” we don’t need to worry how much the emissions are above X. California law differs. The GP-EIR air quality analysis and other GP-EIR analyses are fatally defective for other reasons also. For example, Carlsbad asserts that it need not look closely at various air quality (and other environmental issues) because other agencies such as AQMD or the Regional Water Board must separately evaluate future projects. Again, the California courts reject this approach. CEQA requires lead agencies to prepare their own independent analysis that cannot be deferred only until specific projects are proposed.

<sup>1</sup> The listed numbers are chosen simply to illustrate the point.

<sup>2</sup> CUP 172 includes a list of uses in CUP 172 Table 1 county can pursue at Palomar Airport - subject to county compliance with CUP 172 conditions – without further Carlsbad approvals. When adopting CUP 172, the Carlsbad Council modified the uses that county listed in its \_\_\_\_\_ 1979 requested letter and suggested “Table 1.” Note especially that the Carlsbad Council deleted from the county Table 1 list the right to modify runways without Carlsbad approvals by deleting the word “runways” from the listed category of preapproved projects. Compare the adopted Exhibit 6 CUP 172 Table 1 to the requested-but-not-adopted CUP 172 Table 1 in Exhibit 7.



C3-9

4. **The GP-EIR Provides No Real Discussion of How to Mitigate the Serious Erosion of Traffic Levels of Service to Almost Bumper-to-Bumper Levels on Some Road Segments.** The GP-EIR recognizes that even without Palomar Airport expansion, the traffic on Palomar Airport Blvd and El Camino Real will not meet Carlsbad Levels of Service [LOS] and the GP proposes no real solution. The GP ignores the further LOS deterioration that would occur from significant Palomar Airport passenger service increases.

C3-10

5. **Palomar Noise Generation.** The GP-EIR inadequately discusses Palomar noise issues. The GP-EIR does not (a) explain how “noise averaging” methods artificially reduce aircraft noises, (b) disclose the substantial difference in noise that corporate jets create when displacing smaller planes, (c) explain that the “Fly Friendly” program is voluntary and has no effective enforcement mechanism, (d) ignores the noise impacts of 500,000 to 900,000 added vehicles on the road if Palomar begins new air carrier service, and (e) ignores night time flight noise issues resulting from extending the runway to encourage long distance Palomar flights.

C3-11

## Discussion

### Introduction

Like California earthquake faults, the Carlsbad General Plan EIR (GP EIR) faults run deep. They undermine the EIR’s analysis and conclusions. Both Ray and Ellen Bender comment, guided by CEQA Guidelines § 15200, which says:

*The purposes of review of EIRs . . . include:*

- (a) Sharing expertise.*
- (b) Disclosing agency analyses,*
- (c) Checking for accuracy.*
- (d) Detecting omissions,*
- (e) Discovering public concerns, and*
- (f) Soliciting counter proposals.*

Our main concerns relate to the EIR failure to properly disclose and analyze McClellan-Palomar [Palomar] Airport environmental issues. The failure is noteworthy because Palomar is a regional facility impacting the noise, traffic, and pollution in Carlsbad, Encinitas, Oceanside, San Marcos, and Vista more than other Carlsbad facilities other than the I-5 and I-78 impacts. But EIR faults extend beyond airport projects. Absent significant changes, the faults void the EIR and render

subsequent project CEQA analyses that rely on the GP-EIR suspect. Our Part A focuses on McClellan-Palomar (Palomar) Airport EIR faults; Part B on GP EIR assumption and analytic faults.

## Exhibits

Our comments refer to exhibits attached. Exhibits include:

- Exhibit 1: Our April 22, 2014 GP comments related to Palomar.
- Exhibit 2: Ray Bender's qualifications to comment on the EIR and on Palomar Airport issues.
- Exhibit 3: The Carlsbad 42-page staff analysis entitled "*Evaluation of Acquisition of McClellan-Palomar Airport*" presented at the July 25, 2000 Carlsbad City Council meeting. The analysis shows that Carlsbad since 2000 has been well aware of Palomar airport problems and environmental impacts including noise and landfill-related problems.
- Exhibit 4: A 35-page table summarizing the Palomar landfill problems that the Airport landfill consultants identified from 2000 to 2013. We prepared the table after reviewing boxes of records county produced in reply to multiple public record requests.
- Exhibit 5: The Airports SCS October 2013 consultant report entitled "*Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad California.*"
- Exhibit 6: Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional Use Permit 172 including CUP Table 1.
- Exhibit 7: The county December 3, 1979 letter with attachments including the county-proposed "Land Uses-Palomar Airport" for CUP 172.
- Exhibit 8: Excerpts from the 2010 San Diego County Regional Airport Strategic Plan describing strategies for Palomar Airport improvement including diverting San Diego International traffic.
- Exhibit 9: Carlsbad Planning Director 7/11/96 memo to the Carlsbad City Manager noting County desire to avoid public input to county 1997 Palomar Airport Master Plan.
- Exhibit 10: Correspondence between the FAA & County showing that the County failed to follow proper FAA planning consultant selection process when retaining Kimley-Horn for the Palomar Master Plan.
- Exhibit 11: Kimley-Horn August 1, 2013 Runway Extension Study Executive Summary, pp. 0-1 to 0-4 and other excerpts.
- Exhibit 12: Carlsbad Planning Director November 5, 2007 letter to Peter Drinkwater, county Airports Director, complaining of repeated lack of county cooperation including failure to plant Palomar Airport slopes – which remain barren as of June 2014.

C3-24

• Exhibit 13: Carlsbad April 23, 2013 Letter to the FAA withdrawing certain Carlsbad comments on the FAA NEPA California Pacific Airlines analysis an claiming the term “General Aviation Basic Transport” facility used in Carlsbad Conditional Use Permit, Condition 11 was “defunct.”

C3-25

• Exhibit 14: Letter from 742 “Citizens Surrounding Palomar Airport Opposed to Negative Declaration” for the Palomar Land Use Compatibility Plan.

C3-26

Please assure the administrative record includes our comments and exhibits and are available to the Carlsbad City Planning Commission and Carlsbad City Council when they act on the city’s proposed General Plan and GP EIR.

For purposes of discussion, the term “GP” means Carlsbad’s proposed 2014 General Plan update.

C3-27

**Part A: Comments on the 2014 Carlsbad General Plan EIR Related to McClellan-Palomar Airport**

**Section I: Background: Which City, County, State, and Federal Laws Govern Palomar Airport Operations is Confusing. The 2014 Carlsbad GP and GP EIR Continue the Confusion. The Confusion Leads to Defective GP EIR Analysis.**

GP EIR readers cannot tell from the GP or GP-EIR whether Carlsbad considers Palomar projects within the Airport footprint subject to Carlsbad GP policies and subject to analysis and environmental mitigation. The GP-EIR does periodically refer to the GP complying with Airport Land Use Commission (ALUC) policies. But those policies simply assure that development within Carlsbad outside the airport borders is compatible with airport operations.

C3-28

The GP-EIR does not tell us whether county on-airport projects – such as the proposed 900-foot runway extension – must comply with Carlsbad or county or other planning and zoning regulations.

C3-29

Carlsbad’s disclosure-failure breaches Government Code § 65302(a) [adequate description of general plan land uses including public buildings and grounds], § 65302(b) [adequate description of circulation elements including those for public utilities and facilities], and § 65302(f) [adequate analysis of noise issues for commercial, general aviation, heliport, helistop, aircraft over flights and other facilities related to airport operations.] We provide specific examples below.

Our review of letters exchanged between the Carlsbad City Attorney and San Diego County Counsel since 1979 related to regulatory control over Palomar Airport suggest that Carlsbad and

C3-29

county do not agree on if, when, and how Carlsbad has the power to regulate county Palomar Airport development.

C3-30

In theory, Carlsbad Municipal Code (MC) § 21.53.015 [Exhibit 6] requires voters to approve Palomar airport expansions when a Carlsbad "legislative action" approves expansion. In theory, Carlsbad Conditional Use permit (CUP) 172 [Exhibit 6] requires the county to seek a CUP amendment if county wishes to expand the airport or change the airport designation from that of a "general aviation basic transport" airport. (See CUP 172 Conditions 8 and 11.)<sup>2</sup>

C3-31

In reality, Carlsbad and county avoid applying MC § 21.53.015 & CUP 172. Examples include:

1. **The County Tried to Avoid CUP 172 During the Palomar 1996 Palomar Master Plan Update Process.** A memo dated 7/11/96 from the Carlsbad Planning Director to the City Manager, copy attached as Exhibit 9, states:

*"Staff has reviewed the draft [Palomar Master] Plan and determined that the Master Plan is substantially different from the Airport plans previously approved under CUP 172 (approved by Planning Commission September 24, 1980) Therefore, staff proposes to advise the Airport staff that they must submit a CUP amendment for the proposed Master Plan. Airport staff has expressed concern regarding an update of their CUP. Their problem with the CUP amendment is the potential for public objections to the proposed Master Plan which could jeopardize new airport terminal improvements."*

Interestingly, the memo then notes two Palomar efforts underway: the county's pursuit of FAA 139 certification to change the airport from a general aviation Basic transport airport to a commercial airport and the proposal to build an airport terminal parking structure.

C3-32

2. **Carlsbad and County Avoided CUP 172 Condition 11 When Palomar Converted from a General Aviation Basic Transport Airport to an Airport for Regularly Scheduled Commercial Aircraft.** In the late 1990s/early 2000s, Palomar sought and received from the FAA certification as a Part 139 airport to serve regularly scheduled commercial aircraft. Neither county nor Carlsbad formally brought this issue to the Carlsbad Council to determine whether a CUP amendment was necessary as CUP Condition 11 requires.

<sup>2</sup> CUP 172 includes a list of uses in CUP 172 Table 1 county can pursue at Palomar Airport - subject to county compliance with CUP 172 conditions - without further Carlsbad approvals. When adopting CUP 172, the Carlsbad Council modified the uses that county listed in its \_\_\_\_\_ 1979 requested letter and suggested "Table 1." Note especially that the Carlsbad Council deleted from the county Table 1 list the right to modify runways without Carlsbad approvals by deleting the word "runways" from the listed category of preapproved projects. Compare the adopted Exhibit 6 CUP 172 Table 1 to the requested-but-not-adopted CUP 172 Table 1 in Exhibit 7.

C3-32

Carlsbad did in 2012 “slip” the FAA redesignation of the airport into the middle of a table attached to an action entitled “GPA 10-02 – Airport Land Use Compatibility – A request for a recommendation of approval for a General Plan Amendment and an Amendment to the City of Carlsbad Noise Guidelines Manual to ensure their consistency with the McClellan-Palomar Airport Land Use Compatibility Plan.<sup>3</sup> Carlsbad hid the change despite 742 citizens in 2009/2010 filing opposition to the Palomar Airport Land Use Compatibility Plan. See Exhibit 14.

C3-33

3. **Carlsbad City Manager 2013 Reversed (Without City Council Authorization) Carlsbad Staff 2012 Staff Comments on FAA NEPA analysis for Proposed New Palomar Air**

**Carrier Service.** In 2012, California Pacific Airlines sought FAA certification to initiate new regularly scheduled passenger service to and from Carlsbad and to and from San Francisco, Oakland, Phoenix, Cabo San Lucas, and Las Vegas. Palomar then had only commuter service to Los Angeles. Annual passenger levels could have increased from the current 100,000 enplanements to 800,000 annually. Carlsbad staff NEPA comments to the FAA noted that the proposed change raised questions as to whether CUP 172 would have to be amended.

In 2013 the then City Manager unilaterally withdrew the staff comments related to CUP 172 Condition 11 by noting that the requirement of “general aviation basic transport” limitations was “defunct.” (Exhibit 13) This action was not placed on the public council agenda for council action or input of the public.

The City Manager ignored Carlsbad Planning Staff’s 2004 letter to the Carlsbad Planning Commission, which precisely defined what “general aviation basic transport” airport meant.<sup>4</sup>

<sup>3</sup> Buried as Item 7 of Attachment 2 to the staff Board Letter is language providing “Update General Plan language regarding the airport classification of McClellan-Palomar Airport” with the statement: “The general plan describes the airport as a “general aviation” facility; however, the 2010 ALUCP describes it as a “commercial service” facility according to Federal Aviation Administration classification. Modifications are proposed to the General Plan to accurately describe the airport’s FAA classification.” See P.C. Agenda of January 4, 2012, A Report to the Planning Commission and subsequently AB# 20,854 presented to the Carlsbad City Council on March 27, 2012 under the heading “GPA 10-02 – Airport Land Use Compatibility.”

<sup>4</sup> See page 3 of November 3, 2004 Carlsbad staff Report to the Planning Commission related to the county’s desire in 2004 to move Palomar Airport traffic outside the airport boundaries onto three lots purchased earlier for that purpose. The report stated:

*“The designation of General Aviation Basic transport airport includes two classes of aircraft. Gen. aviation refers to all types of aircraft other than certified air carriers and military aircraft. These aircraft could be used for personal use, instructional use, business transportation (Such as executive airplanes), and commercial purposes (Such as aerial photography, advertising, or emergency medical transportation). Basic transport refers to commuter or air carrier aircraft that seat up to 30 people, excluding the pilot.*

C3-34

4. **The Pending GP and GP-EIR Try to Redefine the Term “Expansion” in MC § 21.53.015 and CUP 172, Condition 8.** Both MC §21.53.015 and CUP 172 use the term “expansion.” Dictionaries define “expansion” as including the change in a facility’s capacity. County proposes to extend the Palomar runway by 900-feet at a cost of \$90 million (including a hoped-for \$60 million FAA grant). The County Kimley-Horn August 2013 expressly states that the purpose of the runway east end extension is to increase the airport capacity.<sup>5</sup> In reality, the extension would also attract more larger aircraft to Palomar. Neither county nor Carlsbad wants to submit the proposed extension to the Carlsbad voters. Carlsbad’s circulating Updated General Plan Policy proposed policy 2–P.37 says:

*“Prohibit the geographic expansion of McClellan–Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (MC § 21.53.015) (Emphasis added.)”*

MC § 21.53.015(b) expressly says that its wording may not be changed without a vote of the people. The Carlsbad GP and GP-EIR new policy – buried in the middle of the documents – is an “under the radar” effort to change the word “expansion” to “geographic expansion” without a vote of the people.

Carlsbad’s intent is transparent. It wants to ignore regulating a 900-foot runway extension within the Palomar airport borders. How? According to its newly proposed policy, Carlsbad only takes to the voter’s expansions outside Palomar’s current borders that involve a “geographic expansion.”

C3-35

Carlsbad voters in 1979 circulated an initiative with the language ultimately contained in MC § 21.53.015. Seeing the writing on the wall, the then Carlsbad council adopted the initiative language intact. In 1979, the council could have but did not ask the initiative circulators to replace the word “expansion” with “geographic expansion.”

When the 1979 initiative was circulated, it was impossible (and/or too costly) to extend the Palomar runway by 900 feet as now proposed. Canyons at the end of the runway barred extension. But over the next decade, the county filled the canyons, which brought the grade

*Current examples of the basic transport operations at the airport include the United Express and America West express commuter flight.”*

The report recommended the adoption of Planning Commission Resolution No. 5776 approving Conditional Use Permit Amendment CUP 172(B) to allow county to use the parking area outside the airport.

<sup>5</sup> See [www.sdcounty.ca.gov](http://www.sdcounty.ca.gov) for “Feasibility Study for Potential Improvements to McClellan-Palomar Airport, Final Report, August 1, 2013, Executive Summary, page 0-4 which says the Palomar east end improvements are a capacity project. See Exhibit 11.

C3-35

close to that of the existing runway. Now county proposes to extend the runway over the filled-canyons – without asking the voters if they approve.

C3-36

5. **The GP & GP-EIR Ignore State Aeronautics Act, Public Utilities Code § 21664.5 (a) and (b).** The noted PUC provisions respectively provide:

*“An amended airport permit shall be required for every expansion of an existing airport” and “As used in this section, “airport expansion” includes any of the following: . . . (3) The extension or realignment of an existing runway.”*

The quoted provision conflicts with the GP & GP-EIR proposed policy that Carlsbad will look to “geographic expansions” rather than all airport expansions to evaluate proposed county projects. Hence, Carlsbad interprets the word “expansion” not only inconsistently with its own MC § 21.53.015 but also with PUC § 21664.5.

C3-37

Over the years, Carlsbad-County internal and external correspondence shows confusion as to what law governs Palomar Airport. Ray Bender review of records Carlsbad and county produced in public record request replies show that questions raised include:

- Can Carlsbad, a charter city, regulate the county, a “superior” level of government?
- Does Palomar operation qualify as a governmental or business function? Does the classification make a difference in determining whether Carlsbad can regulate Palomar under the Carlsbad planning and zoning laws?<sup>6</sup>
- Even if Carlsbad could not normally regulate county Palomar operations, do the Carlsbad planning and zoning code bind the county because county voluntarily subjected itself to Carlsbad regulation by applying for a zoning change and applying for Carlsbad Conditional Use Permit (CUP) 172?
- What initiative power did Carlsbad citizens have to regulate Palomar Airport and what power did the Carlsbad Council have to adopt MC § 21.53.015?
- Even if Carlsbad cannot regulate county Palomar operation, can Carlsbad still regulate Palomar Airport tenant operations? For instance, if a Palomar tenant spills aviation fuel or other toxic materials into the storm drain at the airport, does Carlsbad or county inspect and regulate the tenants.<sup>7</sup>

<sup>6</sup> The California Tort Claims Act abolished the distinctions between governmental and business functions to assess tort law liability but did not directly address other governmental issues such as power to regulate.

<sup>7</sup> County has “leases” with its Palomar tenants. As a landlord, the county could require a tenant spilling toxic wastes – as has happened multiple times – to clean up the waste. But apart from the powers and duties of landlords and tenants, the issue still arises: Whose regulatory laws govern tenants at Palomar?

C3-37

- Regardless of whether city or county law regulates county Palomar Airport development, how do State Aeronautics Act provisions affect development?
  - When Public Utilities Code § 21664.5 (part of the State Aeronautics Act) classifies a runway extension as an airport expansion, does the Carlsbad City council have the power to adopt a GP policy that claims a runway extension within existing airport land is not an expansion requiring a vote of Carlsbad citizens?
  - How does federal law affect the issues above? Historically, the FAA has said that federal law controls the airspace above airports, the design criteria for aircraft such as those related to noise emissions, and perhaps design minimums for airport runways and taxiways but otherwise leaves local planning and zoning law intact.
- The question of supremacy of federal law or state law arises particularly when airport noise issues arise. One important question is how the Airline Deregulation Act of 1978 should be interpreted. Specifically, can local entities limit airport flights for demonstrably valid reasons such as to limit noise or protect safety next to landfills.<sup>8</sup>

C3-38

**Section II: Relevance of Part A, Section I, to Carlsbad GP & GP-EIR.**

No doubt, Carlsbad will want to reply to Section I above as follows: “No response is needed because the Section I comments raise non-environmental issues. CEQA EIRs discuss only environmental issues.”

Such a reply misses Section I’s main point: Carlsbad cannot assess the Palomar Airport project impacts to citywide GP environmental impacts and solutions without knowing who has the power to i) impose project conditions, ii) impose enforceable mitigation measures, and iii) adopt a statement of overriding considerations. Consider several examples.

C3-39

Example 1: Non-Application of Carlsbad General Plan Policies and Project Conditions

The Carlsbad GP EIR repeatedly says that no separate mitigation measures beyond compliance with Carlsbad planning policies will be required. But that assumption fails if county or its tenants undertake Palomar projects without complying with the Carlsbad general plan policies.

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<sup>8</sup> See 49 U.S. Code § 41713 - Preemption of authority over prices, routes, and service, especially subdivision (b) Preemption.—  
 (1) Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart. \* \* \*  
 (3) This subsection does not limit a State, political subdivision of a State, or political authority of at least 2 States that owns or operates an airport served by an air carrier holding a certificate issued by the Secretary of Transportation from carrying out its proprietary powers and rights. (Emphasis added.)



C3-39

For instance, assume a Gulfstream V – one of the corporate jets that use Palomar – overruns the runway and kills 7 as one did in Philadelphia recently. But assume this crash is into the Palomar east runway end landfill that has a spaghetti-like system of underground methane gas piping that has had periodic methane gas leaks causing several underground landfill fires.

The scope of such risks has been described in part in the county consultant SCS October 2013 report attached as **Exhibit 5**. Risks include aviation fuel leaking into the landfill.

Palomar landfill depths vary from 15 to 30 feet and the landfill has no impermeable liner to prevent toxic materials from reaching ground waters. Will leaking aviation fuel and other toxic aircraft chemicals convert the landfill to a hazardous material landfill? Do landfill materials have to be hauled away to a class III hazardous landfill? Who makes this decision? Carlsbad or the County?

Recall that the county has not prepared a Palomar project EIR for 40 years. Nor have we seen even a county mitigated negative declaration for a county project on Palomar airport.

Where does the Carlsbad GP-EIR tell us anything about who controls mitigation of Palomar Airport hazardous material problems? In our example, can Carlsbad force the county and county tenant to move the now toxically contaminated landfill materials? Recall that the February 9, 2011 of the State Department of Toxic Substances Control letter to Carlsbad Planning commenting on the GP-EIR scoping says that the GP-EIR should identify investigation mechanisms and remediation mechanisms to deal with serious contamination issues.<sup>9</sup>

C3-40

*Example 2. The “Ministerial 900-Foot Palomar Runway Extension”*

County and Carlsbad documents – only partially discussed above – make clear that Carlsbad Mayor Matt Hall and Supervisor Bill Horn want the Palomar 900-foot runway extension recommended by Kimley-Horn. Mayor Hall has referred to the sound of jets taking off from Palomar as “the sound of money.”<sup>10</sup>

Comments at the September 25, 2013 Board of Supervisors meeting – at which the county accepted the Kimley-Horn Palomar Runway Study – suggest that one or both politicians have already travelled to China on trade missions touting the benefits of a longer Palomar runway.

So intent is the county on extending the runway that it forfeited a \$675,000 FAA planning grant by by-passing the FAA consultant selection procedures to keep Kimley-Horn working on the Palomar Master Plan to help support the county application for a \$60 million grant to extend the runway.<sup>11</sup> In

<sup>9</sup> See Draft GP-EIR Appendix A “Notice of Preparation and Comment Letters,” 2/9/11 Al Shami letter to Jennifer Jesser of Carlsbad Planning, pages 3 & 4, Items 2.3. & 5.

<sup>10</sup>

<sup>11</sup> See Exhibit 10 showing the county FAA grant application, withdrawal, and reason for withdrawal.

C3-40

short, the proposed runway extension is not a project that the Carlsbad cannot ignore in compliance with CEQA requirements.

2 California law requires a CEQA analysis when a proposed project requires discretionary public  
3 entity review. In the past, Carlsbad and County have asserted that Carlsbad Conditional Use Permit  
4 (CUP) 172 Table 1 allows the county to undertake many projects without Carlsbad review. In other  
5 words, county and Carlsbad consider "CUP 172 Table I" projects as preapproved and ministerial  
6 and hence not subject to CEQA.

7 Carlsbad's GP & GP-EIR proposed policy 2-P.37 says Carlsbad will:

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9 *"Prohibit the geographic expansion of McClellan-Palomar Airport unless approved by a majority vote  
10 of the Carlsbad electorate. (MC Section 21.53.015.)"*

11 The past history of Carlsbad and County, as revealed in our review of the public records they have  
12 produced, suggest County would interpret this GP policy language to mean that Palomar runway  
13 extensions are ministerial projects not requiring CEQA analysis.

14 Carlsbad and county and the GP & GP-EIR have consistently ignored the CUP 172 language that  
15 Table 1 projects are still subject to the CUP conditions, including conditions 8 and 11 related to  
16 airport expansion and conversion of the airport from a general aviation basic transport airport.

17 The bottom line is that CEQA law requires Carlsbad EIRs to discuss specific environmental issues  
18 of concern when there is a fair argument that a GP may result in significant environmental harm.

19 Carlsbad voters in 1979 circulated the initiative that lead to Carlsbad MC 21.53.015. In 2009 742  
20 voters filed written opposition to the Palomar Compatibility Land Use plan filed with the San Diego  
21 Regional Airport Authority. In 2014, many Carlsbad citizens have attended and/or made comments  
22 at the 2015-2035 Palomar Airport Master Plan workshops now being held. The Carlsbad GP and  
23 GP-EIR makes no attempt to discuss Palomar Airport development issues, the looming 900-foot  
runway extension in particular.

C3-41

Example 3: 2014 GP-EIR Analysis Does Not Even Meet the Standard of the 1994 Carlsbad General  
Plan EIR

25 On April 9, 2007, when revisiting CEQA for purposes of its 2007 Palomar Airport Terminal  
26 Redevelopment Projects, the county Environmental Review Update Checklist Form" stated:

27 *"The negative declaration for the McClellan-Palomar Airport Master Plan was approved  
28 by the San Diego County Board of Supervisors on September 16, 1997. **The ND partially***

C3-41

*relies on the conclusions of the final master EIR for the city of Carlsbad's General Plan Update (Master EIR), which was prepared in 1994. The Master EIR included consideration of the Airport and concluded that it's operation and projected growth would contribute incrementally to significant cumulative air-quality and traffic impacts associated with the General Plan Update. A statement of overriding considerations was prepared in conjunction with the Master Plan EIR that addressed cumulative traffic and air quality impacts associated with the General Plan Update. The adopted ND found the Master Plan would not result in any significant impacts or cumulatively significant impacts that were not addressed in the Master EIR." (Emphasis added.)*

Taken at face value – which is admittedly hard to do given the county 40-year history of avoiding serious Palomar CEQA analysis – the 1994 Carlsbad GP EIR made some effort to analyze Palomar Airport impacts. Whether accurate or not, the quoted county statement emphasizes the importance of Carlsbad properly analyzing Palomar Airport development issues in its 2014 General Plan Update and related EIR. If the 2014 Carlsbad General Plan EIR is deficient, there is little doubt that later county Palomar Airport environmental documents will be deficient because they will take the same approach as the county did in processing its 1994 county Palomar Master Plan.

C3-42

**Section III: Specific 2014 Carlsbad GP-EIR Deficiencies Related to Palomar Airport.**

**Comments on GP-EIR Chapter 3:  
Discussion of GP-EIR Environmental Impacts**

The 2014 GP-EIR, Chapter 3, discusses 15 potential environmental impacts of Carlsbad GP area projects. Our GP-EIR Palomar-related comments address six: aesthetics (3.1), air quality (3.2), hazardous materials (3.6), Water Quality (3.8), Noise (3.10), and Transportation (3.13).

C3-43

**Carlsbad GP EIR Impact 3.1 Aesthetics.** As the GP-EIR notes, Carlsbad has designated scenic corridors including El Camino Real and Palomar Airport Road. For the last 30 years, the county has failed to landscape several thousand linear feet of Palomar Airport slopes – despite letters from Carlsbad requesting the landscaping.<sup>12</sup> The EIR does not discuss the county Airports aesthetics non-compliance. Moreover, the county noncompliance reinforces the false Carlsbad assumption throughout the GP-EIR that (i) all projects in Carlsbad will comply with Carlsbad code policies and hence (ii) such projects do not require CEQA mitigation beyond the Carlsbad planning policies.

<sup>12</sup> See the \_\_\_\_\_ letter of Carlsbad City Planner \_\_\_\_\_ to Peter Drinkwater, Airports Manager, Exhibit 12.

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C3-44

**Carlsbad GP EIR Impact 3.2 Air Quality.** Carlsbad’s General Plan air quality assumptions, analyses, and conclusions are contrary to California law as discussed in **Part B** below. As to Palomar Airport specifically, the GP-EIR makes no effort to analyze Palomar Airport air quality impacts. That failure is particularly unfortunate. The August 2012 FAA NEPA analysis prepared for the proposed operations of California Pacific Airlines (CPA) at Palomar contains substantial air quality data. In other words, Carlsbad has ignored readily available relevant data.

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We recognize that Carlsbad relies on CEQA Guideline 15130(b) to determine future GP-EIR impacts by a “summary of projections” rather than a “list of projects” method. But Carlsbad’s “summary of projections methods” presumes that the county is subject to Carlsbad planning policies and will implement them. As we just saw in the context of aesthetics, county has refused to follow Carlsbad requests. In short, Carlsbad false assumptions void its air quality assumptions as to air pollution caused at Palomar Airport and fail to analyze mitigation measures the will apply in the absence of county compliance with Carlsbad planning policies.

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C3-45

**Carlsbad GP EIR Impact 3.6 Hazardous Materials, Airport Safety, and Wildfires** GP-EIR Impact 3.6 discusses airport safety in two short paragraphs as follows:

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**¶ 1 Airport Hazards (Page 3.6-13)**

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*“The McClellan–Palomar Airport, located in the city, serves the northern part of San Diego County. The airport, owned and operated by San Diego County, is mostly used for general aviation, although there are regularly scheduled commercial flights to Los Angeles International Airport (LAX). The McClellan–Palomar Airport Land Use Compatibility Plan (ALUCP) was prepared according to Federal Aviation Administration (FAA) requirements and adopted by the San Diego County Regional Airport Authority acting as the Airport Land Use Commission for the County of San Diego. The McClellan–Palomar ALUCP provides measures to minimize the public’s exposure to excessive noise and safety hazards within areas around the airport, as well as identifies areas likely to be impacted by noise and flight activity created by aircraft operations at the airport. As shown in Figure 3.6-3, these impacted areas include the Airport Safety Zones, Avigation Easement Areas, and the Airport Over flight Notification Area.”*

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**Our Comments:** The quoted language misleads the public. The public does not understand the distinction between regulations that apply to on-Palomar Airport development and off-Palomar Airport development. And the GP-EIR makes no effort to explain this distinction. In lay language, the quoted language message to the public is: *Do not worry. Your interests are protected because there is an Airport Land Use Compatibility Plan that protects you approved by the FAA and SD Regional Airport Authority.* That statement brings to

C3-45

mind the oft-cited folklore that the public should start to worry when it hears: "*The government is here to protect you.*"

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C3-46

The FAA and SD Regional Airport Authority exist to build and expand airports, not to build quiet neighborhoods for the public. If the Carlsbad goal is to be honest with the public, the Carlsbad GP-EIR revision will explain that the Airport Land Use Compatibility Plan (ALUCP) does not determine whether county can or cannot extend the Palomar Airport runway or otherwise improve the airport in a significant way. Instead, the ALUCP limits the rights of people owning land in areas surrounding the airport. Land owners may be barred from building houses or building commercial or industrial structures greater than a certain size. See **Exhibit 14** for the letter of 742 residents opposing the Palomar Airport Land Use Compatibility Plan.

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As discussed below, neither the FAA, nor SD Airport Authority, nor county – nor the GP-EIR – take airport noise issues seriously, with one exception. The FAA has encouraged aircraft manufacturers to reduce aircraft noise levels.

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C3-48

Also, in 2000, Carlsbad prepared a 41 page report analyzing whether Carlsbad should buy Palomar Airport. See **Exhibit 3**. Carlsbad staff identified many Palomar problems. Report pages 25 to 37 contain an excellent discussion of the problems Carlsbad identified. The problems identified were so bad that Carlsbad quickly lost any interest in buying the airport.

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C3-49

From 2000 to the present, Palomar Airport problems have continued. See the attached 26-page table outlining Palomar landfill problems including landfill methane gas emissions exceeding regulatory limits, air quality violations resulting from such emissions, underground methane gas fires including one that burned for about 6 months, and falsified methane gas reporting by a county consultant.

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C3-50

• In 2012 and 2013, Ray bender wrote (i) about 50 articles for Carlsbad.Patch.com noting Palomar Airport problems and (ii) several complaints to the FAA safety section both locally and in Washington. In October 2013, county finally produced a report assessing the safety and environmental problems of operating large aircraft at Palomar. See **Exhibit 5**, the county consultant SCS report entitled "*Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad California.*"

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C3-51

The 2014 Carlsbad GP-EIR mentions none of these facts, nor:

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C3-51

- The FAA certifies airports by aircraft size and plane speed.<sup>13</sup> Speed categories run from A to E and size groups from I to VI.

C3-52

- As the Palomar Airport Layout Plan (ALP) shows, Palomar is designated as an FAA B-II airport.<sup>14</sup> Even so, Palomar does not even meet B-II standards without certain modifications to the FAA design requirements. See the multipage Palomar ALP which lists the “modifications to standards” that Palomar already has. Carlsbad, as part of the CEQA lead-responsible agency process, has access to this ALP.

C3-53

- According to the FAA, new airports are designed to serve the most demanding aircraft using the airport that have at least 500 annual operations at the airport. These aircraft are called the “design aircraft” (also known as the “critical design aircraft). In other words, if Palomar were built today, its runway and taxiway dimensions and runway safety areas at the ends of the runway would not be allowed – even for B-II aircraft.

C3-54

- The Kimley-Horn August 2013 Palomar Runway Study – readily available to Carlsbad staff and consultants on the county website – notes that Palomar for some time has regularly served corporate jets with more than 500 annual operations in the C-III and D-III category. See **Exhibit 11**.

C3-55

- Palomar has only a 300-foot runway safety area at the east Palomar runway end.

C3-56

- Runway safety areas for FAA classified aircraft C-III and D-III require a 1000-foot runway safety area (RSA) and even longer approach area to the runway.<sup>15</sup> The RSA is the area that begins AFTER the paved runway ends.

C3-57

- The FAA design requirements do not allow modifications to runway safety area dimensions required:

*“§ 102 yy. Modifications to Standards. Any approved nonconformance to FAA standards other than dimensional standards for Runway Safety Areas (RSAs), applicable to an airport design, construction, or equipment procurement project that is necessary to accommodate an unusual local condition for a specific project on a case-by-case basis while maintaining an acceptable level of safety.” [Emphasis added.]*

C3-58

- Palomar today handles several thousand C-III and D-III operations per year with a 300-foot runway area when the FAA design standards say that a safe runway safety area should be at least 1000 feet long.

<sup>13</sup> See FAA AC 150/5300-13A (9/28/2012) (Design Requirements), Definitions for Aircraft Approach Category and Airplane Design Group in §102c. & f. See also Table 1-1 listing Categories A through E based on approach speeds and Table 1-2 listing Groups I through VI based on airplane size. The ALP is readily available from county.

<sup>15</sup> See Design Guidelines in fn 9, Appendix 7, Table A7-8 Runway design standards matrix, C/D/E-III, copy attached as Exhibit \_\_\_\_/

C3-59

• If the Kimley Study recommended 900-foot extension proceeds, there is insufficient land between the end of the extended runway and the beginning of El Camino Real to create a 1000 foot RSA. Yet, as the San Diego Regional Airport Authority “Regional Airport Strategic Plan excerpts (Exhibit 8) notes, the longer runway will attract more corporate jets from the entire San Diego Region.

C3-60

• C-III and D-III aircraft are usually considerably larger than B-II aircraft and carry much more fuel. Hence, a crash of one of these aircrafts creates a substantial risk of aviation fuel leakage into the 15 to 30 foot deep landfill trash and into the methane gas collection system that would comprise the RSA for any extended runway. This is true because the existing Palomar Unit 3 landfill at the east end of the runway extends from about 400 feet east of the current runway to El Camino Real.

C3-61

The 2014 Carlsbad General Plan EIR discussion of Palomar Airport risks is woefully inadequate. The EIR describes neither the existing physical airport setting nor the long unsettling landfill history of which Carlsbad is well aware nor the safety and environmental risks described in the county October, 2013 draft report attached as Exhibit \_\_\_\_.

C3-62

¶ 2 From Carlsbad GP-EIR: **McClellan–Palomar Airport Land Use Compatibility Plan (ALUCP) (Page 3.6-25)**

*“The McClellan–Palomar ALUCP was prepared by the San Diego County Regional Airport Authority to protect the safety of the public. ALUCPs are intended to promote compatibility between airports and the land uses that surround them by addressing noise, over flight, safety, and airspace protection concerns. Each ALUCP prevents exposure to excessive noise and safety hazards within an airport influence area over a 20-year horizon. The McClellan–Palomar ALUCP provides for the orderly growth of the airport and the area surrounding the airport and safeguards the general welfare of the inhabitants within the vicinity of the airport and the public in general.” [Emphasis]*

C3-63

**Our Comment:** As noted in our Part B comments below, California CEQA case law says a lead agency preparing an EIR cannot simply say that possible environmental problems do not exist because another agency has the duty to mitigate them. In essence, Carlsbad says in ¶ 2 quoted above: “Do not worry about aircraft noise, over flights, safety, and airspace protection concerns because a Palomar Airport Land Use Compatibility Plan (ALUCP) regulates them.”

C3-64

The EIR statement is not accurate – as anyone who attends the monthly Palomar Airport Advisory Committee (PAAC) knows. I have attended almost every meeting for the last 18 months. At each meeting, county staff makes a noise presentation to PAAC members and the public. At several meetings, county airport staff was pressed on the question: As to the noise complaints received from

C3-64

citizens in the past year, has the county taken any enforcement action against pilots or companies involved in aircraft over flights? Routinely, county staff replies:

1. *VNAP*. There is no county mandatory requirement that pilots fly only above certain altitudes or cut their engines until a certain distance from the airport. The county program is purely voluntary. Hence, the name “Voluntary Noise Abatement Program” or VNAP.
2. *No Enforcement Authority*. Because the county program is voluntary, there is no legal basis to enforce its suggestions against offending pilots.
3. *Safety*. If a pilot flies so low as to create a safety hazard, call the FAA.
4. *County Phone Calls*. On occasion, the county will call the offending aircraft to find out why the flight was low. Most commonly, these calls involve helicopter pilots who say they were transporting a patient to a hospital.
5. *Assumption of the Risk*. People buying houses within the airport influence area are told at the time they buy that Palomar is nearby and may cause noise.

C3-65

County claim #5 is misleading. Homeowners looking at Carlsbad disclosures over the last 20 years would have found Carlsbad MC §21.53.015 and CUP 172. These documents say that voters decide if Palomar should expand. Yet the Palomar history outlined above shows a clear pattern of Carlsbad and county avoiding these requirements.

C3-66

The Carlsbad **GP-EIR Impact 3.6** analysis also ignores the Department of Toxic Substances Control (DTSC) February 9, 2011 letter comments to Carlsbad.<sup>16</sup> DTSC notes that

- *“An EIR should identify the mechanism to initiate any required investigation and/or radiation for any site that may be contaminated, and a government agency to provide appropriate regulatory oversight.”*
- *“Future project construction may require soil excavation ... Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location on site. Land disposal restrictions may be applicable to such soils. Also, if the project proposes to import soil to backfill the area excavated, sampling should be conducted to ensure that the imported soil is free of contamination.”*

<sup>16</sup> See 3-page 2/9/11 letter from Al Shami to Jennifer Jessser in GP-EIR Appendix A (Notice of Preparation and Comment Letters on GP EIR.]



C3-67

At the May 2014 Palomar Airport Master Plan workshop, Ray Bender discussed with the Kimley-Horn project manager - the County consultant who prepared the Palomar runway extension study and who is incorporating the study recommendations into the Palomar Airport Master Plan –what work was necessary at the runway east end. The distance between the Palomar runway east end and El Camino Real is roughly 1700 feet. He advises that when the runway is extended, heavy construction equipment will be running over this entire area because it will be necessary to (i) remove and relocate the extensive network of underground piping that collects methane gas from the landfill and (ii) raise the grade to support the extended runway.<sup>17</sup>

C3-68

The Unit 3 Palomar landfill at the east end runway had an underground fire which burned for approximately six months about 8 years ago. (See **Exhibit 4**, Item \_\_\_\_). At that time County did not dig up the affected area to determine whether the fire had consumed any of the methane collection system piping. Instead, the county simply piped grout and/or gas into the landfill to smother the fire and to fill voids created by underground burning trash being consumed. Plastics in the burning trash – a common component of the household trash dumped in the landfill - burned and likely created toxic materials.

C3-69

Carlsbad is aware that the county intends to pursue major Palomar airport construction in the area that is likely contaminated with toxic materials including burnt plastics. Moreover, a fair argument exists that drilling 1000+ holes ranging from 15 to 40 feet deep through trash layers to place piles to support the proposed 900-foot runway extension will cause trash leachates to migrate to the ground and any ground waters. Carlsbad is aware that the County did not put an impermeable barrier at the Palomar landfill bottom.

C3-70

The Carlsbad EIR does not discuss what mitigation measures will apply during the Palomar runway extension, whether Carlsbad County or some other agency will enforce hazardous materials restrictions, or provide any other helpful information. This is a major GP & GP-EIR omission.

C3-71

**Carlsbad GP EIR Impact 3.6-2 (Hazardous Materials).**

Carlsbad GP-EIR Impact 3.6-2 says:

<sup>17</sup> He advises that although more than 1,000 piles will be placed through the landfill to support the extended runway, the runway extension structural stability will rely on both the piles and compacted graded land under the extended runway.

C3-71

“Development under the proposed General Plan would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.”

**Our comment:** As the Plan–EIR notes at page 3.6–34, proposed policy 2–P.37 provides:

*“Prohibit the geographic expansion of McClellan–Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (MC Section 21.53.015.)*

Both Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional Use Permit 172, Condition 8, trigger respectively actions of Carlsbad voters and the Carlsbad City Council when a Palomar “expansion” occurs. The quoted policy language tries to change the MC & CUP 172 language from “expansion” to “geographic expansion”.

C3-72

Carlsbad’s clear GP intent is to focus only on Palomar projects outside the current Palomar airport borders. not on intra border expansions such as the proposed 900–foot runway extension. For reasons noted above, County could even interpret the proposed runway extension as a ministerial project not requiring any permit from Carlsbad. A runway extension will (i) induce larger more fuel laden FAA-rated C-III and D-III planes to use Palomar which does not have runway safety areas designed for such planes – even after the 900-foot extension and (ii) to the extent a runway safety area exists on the runway east end, provide a crash area in which leaking aviation and other toxic aircraft chemicals can penetrate and contaminate 15 to 30 feet of landfill trash.<sup>18</sup>

Given the facts above, Carlsbad cannot in good faith make its purported GP-EIR impact 3.6–2 finding.

C3-73

In the Carlsbad reply to our comments, please list all instances in the last 5 years in which Carlsbad has written a letter to the county expressing concern about safety hazards related to county airport operations and suggestions to minimize such hazards.

C3-74

***GP-EIR Impact 3.8 (Hydrology and Flooding/Water Quality)***

*Carlsbad notes on page 3.8-4:*

<sup>18</sup> For other toxic chemicals, including possibly radioactive materials, that large jets carry for their mechanical operating systems, see the county consultant SCS October \_\_, 2013 report entitled \_\_\_\_\_, copy attached as Exhibit \_\_\_\_.

C3-74

*“A communities impact on water quality is closely related to the hydrologic context of the region and the sources and types of pollutants that can further degrade or impair the city’s water bodies and resources.”*

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3 Based on our review of more than 20,000 records from the county and Carlsbad, including several  
4 thousand related to Palomar landfills (see **Exhibit 4**), and several conversations with a Palomar  
5 Airport tenant, we understand that the following events of water quality concern have occurred in  
6 the last 10 years related to Palomar Airport operations:

- 7 • According to an airport tenant, aviation fuel and/or other toxic contaminants leak into the storm  
8 drain on the Palomar premises from spills on airport tenant premises.
- 9 • In the mid 2000s, the county discovered that a large underground cement storm pipe had been  
10 materially damaged at some unknown point, possibly by a contractor working in the area. This  
11 breached pipe may have been a source of oxygen feeding one of the several Palomar underground  
12 landfill fires.
- 13 • Carlsbad at some point in the 1990s and/or 2000 became concerned that landfill leachates might  
14 be escaping to the soil and/or groundwater near the airport property. However, Carlsbad seems to  
15 have never followed up with the airport.

C3-75

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17 Please provide all information that you have related to the three incidents noted above. Carlsbad’s  
18 GP-EIR leads the public to believe that (i) County Palomar Airport development projects are  
19 subject to Carlsbad review, and (ii) when these projects are reviewed, Carlsbad imposes its current  
20 and future General plan policies to mitigate any environment impacts. A past history of Carlsbad  
21 planning conditions imposed on county and their enforcement related to hazardous waste and water  
22 quality issues will show whether Carlsbad’s representations are accurate.

C3-76

23 Based on our review of Carlsbad and County records over the last two years, it appears both  
24 Carlsbad representations are misplaced. Carlsbad appears to impose no or few conditions on  
25 Palomar on-airport projects.<sup>19</sup> Our request provides Carlsbad the opportunity to show that we are  
26 mistaken and that Carlsbad has in fact made conscientious efforts to discover, investigate, and  
27 respond to County and County tenant environmental violations at the Palomar Airport premises.

28 <sup>19</sup> We are aware that Carlsbad may have imposed conditions on airport projects off the airport such as the  
“commons” project south of Palomar Airport Road.

C3-77

**Carlsbad GP EIR Impact 3.10 Noise**

2 The Carlsbad GP-EIR describes Aircraft noise impacts as follows:

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*“Aircraft (See Carlsbad General Plan EIR at page 3.10-21)*

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*McClellan–Palomar Airport is located within the city, west of El Camino Real, just north of Palomar Airport Road. Aircraft noise from the McClellan–Palomar Airport is a major contributor of noise in the city. To minimize the public’s exposure to excessive noise and prevent incompatible land uses with regards to exposure to aircraft noise a McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP) was adopted January 25, 2010 (last amended December 1, 2011). The 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). An Airport Influence Area is established in two parts—Review Area 1 and Review Area 2—in which the noise impact area is 60 dBA CNEL and 65 dBA CNEL respectively.”*

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11 Also, GP-EIR page 3.10-2 says:

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*“The CNEL scale represents a time- weighted 24-hour average noise level based on the A-weighted sound level. The CNEL accounts for the increased noise sensitivity during the evening hours (7:00 p.m. to 10 p.m.) and nighttime hours (10:00 p.m. to 7:00 a.m.) by adding 5 dB and 10 dB, respectively, to the average sound levels occurring during the nighttime hours.”*

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C3-78

The quoted language cloaks reality. What the language means is that (i) large jet aircraft can fly over a home once every six minutes from 6 AM to 6 PM and create 100 decibels<sup>20</sup> of noise during each flight but (ii) Palomar can still be classified as creating less than 65 dB of noise as long as there are no night flights due to the 24 hour averaging formula. If Carlsbad and the County want to say that new homeowners buying houses in the Airport Influence Area have been forewarned of airport noise risks and should not complain, the GP and GP-EIR should explain in lay friendly language what the CNEL criteria really means.

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C3-79

To the best of our knowledge, the Airport Land Use Compatibility Policy (ALUCP) that the GP- EIR quotes does not alter the facts just stated. A truthful Carlsbad 2014 GP-EIR airport noise disclosure statement fair to prospective homebuyers near Palomar would say:

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*Palomar Airport now handles about 155,000 aircraft landings and takeoffs per year. Ten years ago Palomar handled nearly 300,000 per year. San Diego International airport at Lindbergh Field nears capacity by 2020 to 2025. Palomar is the only other airport in the county that can handle larger commercial and corporate flights. County will divert many flights from San Diego International Airport to Palomar.*

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<sup>20</sup> GP-EIR Table 3.10-1 on page 3.10-34 says that jet fly-overs at 1000 feet cause 100 decibels of noise. The only higher listed noise figure is that of a rock band causing 110 decibels.

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C3-79

Palomar will not be able to handle very large aircraft. However, Palomar annual operations will likely increase from the current 155,000 annual flights to as much as 450,000 annual flights after the Palomar Airport runway is extended. Large aircraft using Palomar will gradually displace small aircraft using Palomar. Passenger levels could increase from 100,000 per year to nearly 900,000 per year.

Although these changes will result in tripling the number of flights over residential areas, Palomar Airport will still be able to achieve a 65 dB noise level. When noisy daytime flights are averaged with few nighttime flights, the 24 hour average noise level will remain below the community noise equivalent level (CNEL).

County will achieve flight diversions to Palomar in two ways. First, County will increase the Palomar Airport runway length to about 5800 feet, the length of the John Wayne airport runway in Orange County. Second, the county will lower fees at Palomar and/or raise fees at San Diego International Field to make Palomar more attractive.<sup>21</sup>

Carlsbad and the county avoid the above description of Palomar activities. Nevertheless, County

C3-80

development over the last 15 years and the County regional Airport strategic plan discussed below, show a steady County march to convert Palomar to an airport capable of handling substantial San Diego International flight diversions. Steps county has taken with Carlsbad cooperation by piecemeal development over the last 12 years without an EIR include:

- Relocating and increasing airport parking off the Palomar to create more room for terminal expansion (See Exhibit 10),
- Enlarging the passenger terminal,
- Creating a Palomar customs facility to encourage Palomar flights outside the United States,
- Obtaining FAA certification, after Palomar upgrades, of Part 139 commercial operations status,
- Working with California Pacific Airlines (CPA) to create new passenger service to five cities which has not yet happened only because CPA has not been able to obtain FAA certification,
- Reconstructing the Palomar runway, including by last minute change order, to serve heavier airplanes,

<sup>21</sup> The facts and county airport strategies noted in this statement are taken from the 2010 County Regional Airport Strategic Plan. See the discussion of GP EIR Impact \_\_\_ related to Transportation below.

C3-80

- Reconfiguring Palomar taxiways to make them more efficient and increase Palomar capacity,
- Refusing to landscape the Palomar Airport slopes in anticipation of installing retaining walls so that the County may widen the Palomar Airport footprint, north to south, to achieve FAA airport design requirements,
- Spending \$750,000 for a study to support an FAA grant application for \$60 million to extend the Palomar runway,
- Forgoing a \$675,000 FAA Grant to keep County consultant Kimley-Horn preparing the Palomar Master Plan after Kimley-Horn just finished a Palomar runway extension study,
- Implementing the 2010 regional Airport strategic plan recommendation to encourage diversion of San Diego International flights, by creating comparatively low rates for tenants using Palomar Airport– as indicated by Palomar revenue losses over the last several years, and
- Collaborating with Carlsbad to avoid application of Carlsbad MC § 21.53.015 to give voters a vote in the expansion of Palomar Airport and similarly avoiding Carlsbad conditional use permit 172 to avoid bringing Palomar Airport expansion matters to the public.

C3-81

The GP-EIR should describe the extent and environmental impacts, particularly noise, of Palomar airport development between 2015 and 2035. Carlsbad does not have to choose a particular Palomar development scenario. Carlsbad can simply indicate how much the annual operation levels and passenger levels can increase and the corresponding traffic, air pollution, and noise impacts at such levels for the alternatives for Palomar development outlined in the 2010 Regional Airport Strategic Plan.

C3-82

Also, the GP-EIR does not discuss the noise impacts of increased nighttime flights at Palomar. The August 2013 Kimley-Horn runway study tells us that a 900-foot runway extension would enable Palomar to handle aircraft flights as distant as 5000 miles to China, South America, and the U.S. east coast. In part, scheduling such flights will be at the mercy of foreign airports in substantially different time zones. In other words, an extended Palomar runway will cause night time arrivals and departures to rise.

C3-83

In *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (1st Dist. 2001) 91 Cal. App. 4th 1344, the court of appeal criticized the lead agency for what the court saw as insufficient consideration of the site– specific characteristics of noise from airport expansion, and the use of a federal aviation administration standard for the threshold of significance. The *Berkeley* court stressed the need for agencies to make good faith environmental disclosures. Carlsbad

C3-83

2 presents its noise impact analysis at pages 3.10-21 through 3.10-29. Impact 3.10-1 says that  
3 general plan development would not expose persons to or generate noise levels "in excess of the  
4 standards established in the proposed General Plan noise element and therefore says noise impacts  
5 are "less than significant." In other words, as to Palomar Airport noise, if aircraft over homes  
6 creates 100 dB of noise all day long but no noise during the night, that impact is "less than  
7 significant" because the combined noise averages to less than 65 decibels which is the established  
8 noise standard.

C3-84

7 Carlsbad then says at page 3.10-28 in Policy 5-P.7:

8 *"Mitigation Cost. The city of Carlsbad shall not fund mitigation of existing or future noise*  
9 *impacts from streets, railroad, airport or any other source for existing or future product*  
10 *within the city."*

11 Nowhere does the GP-EIR suggest any noise mitigation measures for Palomar Airport operations.  
12 *Citizens for Quality Growth v. City of Mount Shasta* (3<sup>rd</sup> Dist., 1988) 198 Cal. App. 3d 433 cautions  
13 against a lead agency making an EIR finding that mitigation measures "are within the responsibility  
14 and jurisdiction of another public agency." See also CEQA Guidelines, § 15091(a) & (c) and  
15 Public Resources Code, § 21081 (a)(2). In other words, the GP-EIR can not simply avoid noise  
16 issues by suggesting that the FAA or county, but not Carlsbad, have a role in noise management.

C3-85

16 Among mitigation measures that would reduce Palomar Airport noise are these:

- 17 • Adopt a mandatory rather than voluntary Palomar Noise Abatement program.
- 18 • Actually "enforce" the existing VNAP (voluntary noise abatement program) by tying noise  
19 "violations" to lease renewal/rent increase criteria so that Fixed Base operators at  
20 Palomar have an incentive to comply.
- 21 • Raise the aircraft flight minimum above homes to at least 1000 feet above homes (rather  
22 than 1000 feet above sea level) and preferably to 2,000 feet.
- 23 • Require "recreational pilots" to avoid repeatedly flying over the same areas.
- 24 • Require aircraft to avoid full engine power until the aircraft are over the ocean.

C3-86

25 We are aware that (i) some measures above, require the cooperation of the FAA, (ii) the FAA  
26 grants few mandatory measures, and (iii) the FAA rejected certain similar measures within the past  
27 10 years. Our point is that Carlsbad and the county have simply given up. There is no reason why  
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C3-86 Carlsbad should not commit to supporting the above measures in the GP-EIR and encouraging the county to pursue similar measures.

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C3-87 Moreover, the Carlsbad **GP-EIR Impact § 3.10 Noise** discussion ignores the comments of the State Department of Transportation, Division of Aeronautics. In its January 24, 2011 letter to Carlsbad.<sup>22</sup> State Aeronautics said in part:

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*"Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land-use development around airports (With the exception of the 65 decibel CNEL "worst-case" Threshold established in the State noise Standards for the designated "noise problem" airports). For most airports in California, 65 decibels CNEL is considered too high noise level to be appropriate as a standard for land-use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 decibel CNEL, or even 55 decibel CNEL, may be more suitable for new development around most airports. For a further discussion of how to establish an appropriate noise level for a particular community, these referred to chapter 7 of the Department's airport land use planning handbook. **Consideration should also be given to cumulative noise impacts associated with the project sites proximity to roadways and real reliance.**" (Emphasis added.)*

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Note especially, State Aeronautics reference to cumulative noise impacts. The Carlsbad GP-EIR sidesteps this issue.

C3-88 Assume certain Carlsbad housing, or schools, or hospitals, or mobile home parks, or parks are close to both Palomar Airport Road and/or El Camino Real and to arriving and departing Palomar jet aircraft. Assume the decibel level alone of either roadway is 50 decibels and the decibel level alone of the aircraft is 100 decibels. What is the cumulative noise level at that instant that affects the noted properties? Carlsbad needs to address this issue in its revised GP-EIR.

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C3-89 **Carlsbad GP EIR Impact 3.13 (Transportation)**

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*The GP-EIR States at page 3.13-7:*

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*"Air Travel*

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*Air travel in Carlsbad is provided via the McClellan-Palomar Airport. The Federal Aviation Administration (FAA) classifies the airport as a commercial service airport that mainly serves smaller aircraft with a maximum takeoff weight of 12,000 pounds or less. However,*

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<sup>22</sup> See GP EIR Appendix A (Notice of Preparation and Comment Letters) 4-page 1/24/11 letter from Philip Crimmins, Aviation Environmental Specialist to Jennifer Jesser.



C3-89

2 some aircraft larger than 12,500 pounds, but less than 60,000, do operate at the airport.<sup>23</sup>  
3 McClellan-Palomar Airport is the only airport with an instrument landing system between  
4 Lindbergh Field and Santa Ana that can accommodate the majority of the business aircraft  
5 fleet of over 12,500 pounds. United Airlines operates service to Los Angeles from Carlsbad.  
6 Medevac and transient helicopters also operate at the heliport/helipad located east of the  
runway. Because of the potential significant adverse impacts that could occur if the airport  
increased aircraft and/or ancillary services, the **Carlsbad Municipal Code prohibits the  
City Council from approving any legislative act (such as a zone change or general plan  
amendment) authorizing the expansion of McClellan-Palomar Airport without voter  
approval.** (Emphasis added)

C3-90

8 When discussing the 2015-2035 GP transportation impacts, the GP-EIR ignores the three most  
9 relevant documents to Palomar development: the Kimley-Horn August 2013 Runway Extension  
10 Study, the 2011 San Diego Airport Authority Regional Aviation Strategic Plan (RASP), and the  
11 2013 county consultant SCS report outlining the risks of operating large aircraft with a runway  
safety area and approach area that comprises a problem-plagued landfill.

C3-91

#### **The Kimley 2013 Palomar Runway Study Recommends a 900-Foot Extension**

13 The Kimley-Horn study recommends increasing the Palomar runway from 4,850 feet to 5,750 feet –  
14 about the length of the John Wayne Airport runway in Orange County. One of the Palomar Airport  
15 tenants at the August 16, 2013 Palomar Airport Advisory Committee meeting testified that many  
16 pilots considering landing destinations will not even look at runways less than 5,000 feet.

C3-92

#### **The 2011 Regional Airport Strategic Plan Describes Ways to Divert San Diego International Corporate Jets and/or Commercial Flights to Palomar Airport**

19 The 2011 RASP statements charting Palomar's march to expanding include:

- 21 • Page ES-4 **Accommodation of Commercial Service.** *"Of the total airports in San  
22 Diego County, only two airports are FAA-certificated for commercial service—McClellan—  
23 Palomar and San Diego International. The other public-use airports are general aviation  
24 facilities with significant expansion constraints, and San Diego International's growth is  
constrained by its single runway airfield."*

25 <sup>23</sup> The FAA classifies Palomar as a "commercial service airport" only because the County – without asking Carlsbad to  
26 amend Carlsbad Conditional Use Permit 172 – applied for FAA Part 139 commercial service status after making various  
27 airport improvements to qualify for such status. CUP 172, Conditions 8 and 11, required the county to apply for a CUP  
28 amendment for any actions that would expand the airport or change the airport classification from that of a "general  
aviation basic transport" airport. Carlsbad did nothing to seek county compliance, contradicting Carlsbad's GP EIR  
claim that Carlsbad minimizes environmental impacts by imposing its planning and zoning conditions. Note also that  
Gulfstream IVs operate at Palomar and have a maximum take off weight of 74,600 pounds. See the Gulfstream website.

C3-92

1 • Page ES-8 **Suppressed Demand.** *“The... capacity constraints will occur at San Diego*  
2 *International earlier than previously predicted – Beginning between 2020 and 2025... the*  
3 *number of “suppressed demand” in San Diego County is projected to increase to about 3*  
4 *million annual passengers by 2030.”*

5 • Page ES-9 **Commercial Passenger Optimization:** *“Addresses capacity limitations at*  
6 *San Diego International by developing future facilities, enhancing/introducing airline*  
7 *service at other regional airports, reserving capacity for airline passenger operations, and*  
8 *adjusting the size of aircraft serving the airport... C. Enhance commercial passenger*  
9 *service at McClellan – Palomar Airport.”*

10 • Page ES-10 **General Aviation Optimization:** *“Enhance McClellan –Palomar airport*  
11 *for high-end/corporate general aviation.”*

12 • Page 1–13 & 1-14 **“Planning Challenges:** *The conversion of an existing general aviation*  
13 *airport to a Part 139 certificated airport to accommodate commercial service(passenger or*  
14 *cargo) is unlikely due to community and political opposition and significant costs associated*  
15 *with such an action.”*

C3-93

16 **Our Comment:** Carlsbad & county have overcome this hurdle by simply ignoring Carlsbad  
17 Conditional Use Permit and MC § 21.53.015. If Carlsbad disagrees with this comment,  
18 please provide the date and the agenda item when the Carlsbad City Council (1) approved  
19 the conversion of Palomar Airport from a general aviation basic transport airport to a Part  
20 139 Airport and (2) discussed in open session with the public whether such an action  
21 potentially involved MC § 21.53.015 and/or CUP 172, Conditions 8 and 11.

22 • Pages 2-4 to 2-6 **Runway Extension.** *“McClellan–Palomar... is the Airport system’s only*  
23 *FAA–designated non–hub cap primary commercial Service Airport... The airport provides*  
24 *non–stop commuter service to Los Angeles.... Opportunities: Potential 1000 foot runway*  
25 *extension would provide reasonable departure capability for most regional jets ... .”*

26 • Page 3-6 **Traffic [Diversions] to Other Airports.** *“A strategy of inducing traffic (Primarily*  
27 *general aviation traffic) from San Diego International to other system airports could be*  
28 *implemented through a “push” strategy– Raising fees (landing fees, leasing costs, Etc.) at*  
29 *San Diego International and/or a “pull” strategy– lowering fees at San Diego*  
30 *international’s reliever airports and improving facilities at alternative airports.”*

31 • Page 5–1 to page 5– 5 **Alternative Scenarios: Scenario 1C: Enhance commercial**  
32 **passenger service at McClellan Palomar.**

33 *“This scenario is intended to optimize regional commercial activity by providing facilities*  
34 *for multi–carrier passenger service at McClellan–Palomar. The scenario would be*  
35 *implemented through leasing and pricing strategies (for example strategies making*  
36 *McClellan–Palomar a more attractive option for commercial air service than in San Diego*

C3-93

International). To be implementable. Scenario 1C requires the following new or enhanced facilities at McClellan– Palomar: 1000–foot runway extension for a total length of 6000 feet: Requires a bridge foundation due to landfill location;

- 8000 square foot passenger terminal expansion for a total of 27,000 ft.<sup>2</sup>;
- 2800 space automobile parking deck.

Key assumptions for Scenario 1C [include]: Airport capacity would be increased from approximately 500,000 to 750,000 annual passenger enplanements

• Page 5-17 Scenario 4A: Enhance McClellan-Palomar Airport for high– end/corporate General Aviation

“This scenario increases the use of McClellan-Palomar for high–end/corporate general aviation by providing the necessary airfield, Aircraft leasing, and other amenities in order to shift aviation activity from San Diego International to McClellan –Palomar. The scenario assumes that McClellan –Palomar will no longer accommodate commercial passenger activity and the existing terminal building would be converted into a high–end FBO facility. The scenario requires 1000–foot runway extension to the airports existing single runway to accommodate a near full range of high-end general aviation aircraft. This scenario would be implemented via leasing and pricing strategies: but would also require a “coordinated” FBO [Fixed Based Operator];General Aviation policy between the authority and the other airport sponsors in San Diego County.”

C3-94

The 2013 County Consultant SCS Report Entitled “Evaluation of Possible Environmental Impacts of Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill” Shows the Severe Safety & Environmental Impacts of Operating Large, Fast Moving, Fuel-Laden C-III and D-III Aircraft at an Airport Designed for B-II Aircraft. (See Exhibit 5)

Key report findings include:

- “ **Spillage of flammable liquids such as Jet fuel.** Most aircraft carry large volumes of petroleum-based aviation fuels, such as aviation gasoline, and Jet A and Jet A–1 fuels, in the wings and/or the fuselage of the aircraft. During a crash, the wings and fuel lines... can be severely damaged... resulting in the release of the gasoline or jet fuel. These fuels are highly combustible, burn at extremely high temperatures, can be corrosive to aircraft equipment and are highly toxic to human beings.... ignition of the jet fuel, or other flammable material, upon impact could also be highly probable.” (Page 3)
- “**Burning of solids.** Post–crash fires can result in burning of a variety of solids such as aircraft batteries and electrical equipment, engines, tires, wheels, pathogenic substances, radioactive materials, and metals such as aluminum and fiber reinforced polymer composites of the aircraft fuselage and wings... At the landfill site, a violent aircraft crash ground impact... may also result in an impact crater that exposes the buried solid waste to the atmosphere. Post–crash fires can ignite surface fires as the landfill gas is now free to vent directly into the atmosphere. Once a surface fire ignites, they can also potentially began to burn the exposed waste materials and spread down into the subsurface solid waste. Subsurface landfill fires, once started, can continue

indefinitely as they tend to create a natural draft inducing air into the landfill allowing them to travel and spread horizontally and deeper into the waste mass. For this reason, smoldering solid waste materials that are below grade can be difficult to control and extinguish. Subsurface landfill fires will damage below grade gas collection and control system components." (page 3)

• **"Spillage of cryogenic liquid.** Cryogenic liquids, such as liquid nitrogen and liquid helium, are liquefied gases that are retained in their liquid state at very low temperatures. These liquids are used as cooling agents to reduce engine temperatures, thereby reducing equipment stress and increasing life. These liquids are classified as "compressed gases" on the Workplace Hazardous Materials Information System. Hence, even low quantities of cryogenic liquids can expand into large volumes of gases, while maintaining their low temperatures. If not stored in containers with adequate pressure-relief devices, enormous pressures can build up within the containers. The impact from an aircraft crash can cause a sudden, rapid increase in the internal pressure of the container. Results can range from damage to surrounding equipment, structures, explosions, called "boiling liquid expanding vapor explosion," to asphyxiation hazards." (page 4)

• **"Pipe rupture.** Impact from an aircraft crash may result in extensive damage to nearby above/below-grade utility lines. Damage or rupture of a buried water, gas or storm drain line, could contaminate nearby soils and water bodies. Emission releases from pipes could severely compromise the air quality and even cause explosions, depending on the contents of the carrier pipes. Impact to piping associated with the ground collection and control system may damage the system and cause a release of landfill gas to the atmosphere. If the landfill gas concentration is within mobile ranges and an ignition source is present, explosions or fires may occur."

**"Site-Specific hazards.** The... (Palomar) site also contains a below-grade, high-pressure, gas transmission main, owned by San Diego Gas and Electric, running east-west, along the north fence the property. Damage to gas mains can vary from a gas leak resulting in the evacuation of surrounding areas, to potentially significant explosions. Please note the transmission main is more than 450 feet north of the existing runway centerline. [**Bender comment:** An out of control aircraft traveling at 150 knots travels 253 feet per second. Hence, the aircraft could be 2 seconds from crashing into the SDG&E line.]

Additionally, there are several below-grade landfill gas extraction wells and pipelines... which are assumed to be damaged/ruptured by aircraft crash causing free-venting of methane into the atmosphere. Furthermore, a post-crash fire can pose as an ignition source, which can lead to explosions, depending on the concentrations of methane and oxygen in the affected landfill gas pipelines, affected by the crash. ... A post-crash fire and/or explosion will also severely compromise the air-quality of the site and, possibly, at downwind locations. The San Diego air basin is currently in non-attainment of the eight-hour ozone standard set by the United States Environmental Protection Agency as well as non-attainment for state particulate matter standards.

Finally, the site also maintains an extensive storm water drainage system with a treatment vortex. It is our understanding that the treatment vortex is inspected once a year and cleaned out, if necessary. Storm water runoff from the airport property travels through the drainage system and the treatment vortex, to a structure under an existing business park area, located immediately north of the airport. This runoff eventually discharges into Agua Hedionda Lagoon, located north-west of the airport. Under a worst case scenario, it is assumed contaminated

2 C3-94 liquids from fire-fighting efforts or chemicals released from a crash can enter the storm water management system and potentially impair downstream tributaries and water bodies such as Agua Hedionda Lagoon." (pages 4 & 5)

3 • **"Scenario Three – Vertical Impact Type Crash**

4 ... Based on the current location of the blower/flare facility (on the south side of Area 2), it is  
5 unlikely that it would be directly impacted or damaged as a result of aircraft crash event.  
6 However, in the event that landfill cover soils are breached at the crash site and there is damage  
7 to the high density polyethylene pipe network, air would be introduced into the collection  
8 system. With the gas collection and control system still being under vacuum, air drawn into the  
9 ruptured end of the piping would slowly move towards the blowers and, possibly, into the flare.  
10 Under this scenario, it is possible for the flame within the flare, to propagate back into the  
collection piping, depending on the composition of the residual gas mixture in the collection  
piping. It is difficult to predict the magnitude or duration of this scenario, however, there could  
be extensive damage to the flame arrestor after flare, blowers, knockout pot and piping, unless  
the system shuts itself down due to a no-flame or low temperature alarm." (page 7)

12 C3-95 Given the above facts, how does Carlsbad conclude it has prepared an adequate GP-EIR addressing  
13 Palomar airport transportation issues when Carlsbad ignores the three most recent and relevant  
14 documents to one of the largest commercial facilities in Carlsbad and a facility likely having the  
15 most widespread impact on the residents of Carlsbad and surrounding areas? Especially since  
Palomar aircraft over flights restrict the development of thousands acres of land within Carlsbad.

17 C3-96 A Palomar runway extension will materially affect traffic on Palomar Airport Road and on El  
18 Camino Real. The GP-EIR already states in 3-P.8 that Carlsbad intends to allow the following  
19 streets to be LOS exempt facilities from the LOS standard identified in Policy 3-P.4, subject to the  
20 requirements described in Policy 3-P.7:

- 21 • La Costa Avenue between Interstate-5 and El Camino Real
- 22 • El Camino Real between Palomar Airport Road and La Costa Avenue
- 23 • Palomar Airport Road between Interstate-5 and College Boulevard
- 24 • Palomar Airport Road between El Camino Real and Melrose Drive

25 Accordingly, Palomar expansion will significantly impact major roadways having LOS D or lower  
26 levels of service. The most severe transportation impact of Palomar operations – so long as large  
27 aircraft operate next to the Unit 3 landfill at the runway east end - would be the closure of the  
28 airport permanently or for a significant time if an aircraft crash converted the landfill to a hazardous  
waste landfill thereby requiring the relocation – at a cost of several hundred million dollars – of  
mega quantities of contaminated waste to a remote Class III Hazardous Waste dumping site.

C3-97

Finally, the **GP-EIR Impact 3.1** Statement is inconsistent with proposed GP Policy 2-P.37 at GP EIR page 3.6-34. The last sentence in the above Air Travel Impact 3.1 statement says:

*“Carlsbad Municipal Code prohibits the City Council from approving any legislative act (such as a zone change or general plan amendment) authorizing the expansion of McClellan-Palomar Airport without voter approval.” (Emphasis added).*

Yet Carlsbad proposed policy statement 2-P.37 at GP EIR page 3.6 – 34 states:

*“Prohibit the geographic expansion of McClellan – Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code.) (Emphasis added.)”*

The terms “expansion” and “geographic expansion” differ. The dictionary says “expansion” includes the change in a facility’s capacity – such as will result from Palomar extending its runway 900-feet to increase corporate jet carrying capacity including added fuel loads so that aircraft can fly nonstop to the Far East and South America, and eastern United States. In contrast, the term “geographic expansion” rewrites Carlsbad Municipal Code § 21.53.015 so that Carlsbad takes to the voters only Palomar developments that extend beyond Palomar Airport borders. MC § 21.53.015(b) expressly prevents changes to its language without a vote of the people. Carlsbad adopting a General Plan with a policy to only enforce Palomar “geographic expansions” contradicts MC § 21.53.015. By definition, a Carlsbad-adopted policy that contradicts its municipal code would violate State planning law.

C3-98

Also note that although the GP-EIR in its “Regulatory Setting” discussion at pages 3.13-11 refers to Caltrans in the context of highways, the discussion omits reference to the Department of Transportation, Division of Aeronautics – another indication that the General Plan EIR obscures discussion of Palomar Airport issues.

C3-99

GP-EIR Impact 3.13-2 at page 3.13-33 says:

*“The proposed General Plan may result in a change in air traffic patterns including either an increase in traffic levels or a change in location that results in substantial safety risks (Less than Significant).”*

Yet the next paragraph says: “... the proposed General Plan is not expected to result in any change to air traffic patterns or safety.”

C3-99

The statements conflict. Moreover, the “supporting” text is so brief that it supports neither statement. The facts are:

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- The Kimley-Horn Runway Feasibility Study, the County Regional Airport Strategic Plan (RASP), and pattern of Palomar Airport improvements since 2004 make clear that Palomar wants to substantially increase corporate jet size and numbers and/or commercial flights through Palomar long before 2035.
- County wants to extend the Palomar runway 900-feet long before 2035.
- The Kimley Runway Study says that jets at 90% load will need the full runway to land. Thus, jets approaching from east to west will have to begin their descent sooner to touch down sooner.
- Larger corporate and commercial jets, even Stage III rated, cause substantially more noise for a longer distance than small general aviation planes.
- Sooner descents will affect the mobile homes along the north side of Palomar Airport road. Generally, mobile homes are less solidly built than stationary homes and do not have the dual pane windows and extra insulation that new tract homes often have.
- For the reasons set forth in the county consultant SCS October 2013 report, the use of large jets near the Palomar Unit 3 landfill also creates substantial safety and environmental risks. In a worst case scenario, a fuel laden jet crash could convert the landfill to a hazardous waste landfill that had to be dug up and hauled to a Class III hazardous waste site at great expense.
- Federal and state laws – in the circumstance of a conversion of the Palomar landfill to a hazardous waste dump – require remediation of the risk. Neither Carlsbad nor county can adopt a Statement of Overriding Considerations saying that such a dump need not be remediated and is acceptable.

C3-101

For these reasons, there is a fair argument that a Carlsbad GP and GP-EIR allowing expansion of Palomar, including but not limited to by a runway extension, will significantly impact safety and the environment and such a result may not be totally avoided by a CEQA statement of overriding considerations.

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C3-102

**Comments on GP-EIR Chapter 5 Entitled  
“CEQA Required Conclusions”**

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C3-102

GP-EIR Chapter 5 entitled "CEQA Required Conclusions" has several critical defects as follows:

- § 5.1 *Growth-Inducing Impacts*. Except indirectly, the GP-EIR discusses only ¼ of the environmental impact equation. The size of Carlsbad growth depends on how many people (i) live in Carlsbad, (ii) work in Carlsbad, (iii) visit to shop or entertain such as at LEGOLAND and the beaches and (iv) pass through Carlsbad via the I-5 or arterials on the way to other cities. Where are the GP-EIR numbers showing the total Carlsbad daily vehicle trips and the resultant environmental impacts? The trip numbers materially affect EIR pollution, noise, and traffic congestion calculations. CEQA requires proper disclosures to the public even if an agency ultimately determines that certain significant impacts are unavoidable and adopts a statement of overriding considerations (SOC). An SOC simply allows a project to proceed. It does not eliminate added health risks that a project (including a General Plan) may allow and of which the public should be informed.

C3-103

- § 5.2 *Cumulative Impacts*. In Section 5.2, the GP-EIR confirms that it relies on CEQA Guideline § 15130 and states:

*"CEQA requires that an EIR examine cumulative impacts. ... Furthermore, the analysis of cumulative impacts need not provide the level of detail required of the analysis of impacts from the project itself, but shall 'reflect the severity of the impacts and their likelihood of occurrence.'" (Emphasis added.)*

In the context of Palomar Airport expansion, the GP-EIR does not satisfy the quoted § 15130 test. Where is the discussion of the severity of the impacts of a Palomar Runway extension given the facts noted above?

C3-104

- § 5.3 *Significant and Unavoidable Impacts*. Moreover, the GP-EIR does not comply with CEQA Guideline § 15126.2. That guideline says that when a project unique risk – such as an earthquake fault or other potential hazard – exists, the EIR discussion of significant risk must explain it. The GP-EIR is silent as to the multiple Palomar Airport risks described above.<sup>24</sup>

<sup>24</sup> 14 CCR § 15126.2 provides in relevant part:

*"Consideration and Discussion of Significant Environmental Impacts.  
 (a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. ... Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. ... The EIR shall also analyze any significant environmental effects the*



C3-105

- §5.4 Significant Irreversible Environmental Change. Also, the GP-EIR does not comply with CEQA Guidelines § 15126.2. Section 15126.2(c) notes that accidents can cause significant irreversible environmental impacts. Thus, the GP-EIR may not avoid discussing the Palomar Airport aircraft crash into the Palomar methane emitting landfill scenarios noted above just because the significant environmental damage may be accident-induced.<sup>25</sup>

C3-106

- Oddly, GP-EIR Chapter 5 does not discuss environmental mitigation, perhaps because GP-EIR does not comply with CEQA Guideline § 15126.4.<sup>26</sup> The GP-EIR ignores project

*project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.*

*(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.*

*(c) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. ...” (Emphasis added.)*

<sup>25</sup> In accident law, the courts have long judged legal liability by considering both the chance of an accident and its consequences. The more catastrophic the potential damages, the greater care a land owner must take to avoid an accident.

<sup>26</sup> 14 CCR § 15126.4 provides in relevant part:

*§ 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.*

*(a) Mitigation Measures in General.*

*(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.*

*(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.*

*(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.*

\* \* \*

*(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.*

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C3-106

specific mitigation on the assumption that Carlsbad planning policies or those of other agencies will mitigate GP development project impacts. As noted above, that assumption is unwarranted as to county on-Palomar Airport projects due to the dispute and/or avoidance of enforcing Carlsbad policies on airport projects. Just look at the 3000 feet+ of unlandscaped Palomar Airport slopes on the scenic Palomar Airport Road and El Camino Real corridors that county has refused to landscape for 30 years. Moreover, as CEQA Guideline § 15126.4 (a)(1)(A) notes, Carlsbad as the lead agency must identify mitigation measures that responsible agencies “could reasonably be expected to impose to reduce adverse impacts.” Similarly, the GP-EIR ignores CEQA Guideline § 15126.4 (a)(2) by disclosing in detail how and by whom Palomar Airport mitigation measures will be enforced and ignores CEQA Guideline § 15126(c) by describing what Greenhouse gas mitigation measures will apply at Palomar Airport since aircraft are one of the major contributors to greenhouse gases.

C3-107

**Part B: GP-EIR Comments Related to Basic EIR Defects**

**Preliminary Comment:**

GP-EIR Table ES-2 entitled “Estimated Total Development (To Buildout) shows an 18% increase in housing units, 21% increase in population, 55% increase in commercial square footage, 14% increase in office square-footage, 31%, increase in industrial square footage, 66% increase in hotel rooms, and 37% increase in jobs during the project timeframe. The plan also states the project will

*(c) Mitigation Measures Related to Greenhouse Gas Emissions.*

*Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:*

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;*
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;*
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;*
- (4) Measures that sequester greenhouse gases;*
- (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions. (Emphasis added.)*

C3-107

cause significant unavoidable air-quality and traffic impacts even after Carlsbad planning policies are implemented.

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C3-108

**Analytical Flaws**

**Project impact 3.2 –2 at page 3.2–21.** Carlsbad admits that GP development would violate air quality standards or contribute substantially to an existing or projected air-quality violation and labels this violation as significant and unavoidable. But Carlsbad’s analytic method still violates California law.

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At Plan-EIR page 3.2 – 23, Carlsbad states:

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*“... For the purposes of this (operational) analysis, the proposed General Plan buildout in year 2035 is compared to the baseline scenario (existing conditions) in order to determine the net operational emissions associated with the proposed General Plan. Stationary sources, other than land area sources, were not included in operational emissions estimate calculations as new stationary source projects under the proposed General Plan are not proposed at this time. Additionally, should any future stationary sources be constructed, these projects would be subject to permitting review by SDAPCD to ensure violations of current air quality standards would not occur, as well as independent environmental review under CEQA. Therefore, because future stationary source projects that would occur under the proposed General Plan would be required to obtain permits issued by the SDAPCD, and would be subject to independent environmental review, stationary source emissions are not provided.”*

C3-109

**Our Comment 1.** Explain the term “existing conditions” in the language above. Does the term mean that 2035 Plan-predicted emissions are compared against actual air quality emissions today? If so, identify the table and GP-EIR page number that provides the data and explains the data source and calculation method including assumptions. Or is Carlsbad saying that its 2008 Growth Management Plan (or other document) predicted certain 2035 levels and Carlsbad is comparing the 2015-2035 GP-predicted emissions against the Growth Management Plan (or other document) predicted emissions?<sup>27</sup> Also, recall that many existing air quality conditions in Carlsbad are not shown by paper work on file in Carlsbad. Examples include:

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<sup>27</sup> Several California cases in the last 15 years have discussed what “environmental baselines” agencies must use to calculate Project environmental impacts. These cases have held that “existing” means “actually existing” at the time the new Project EIR is prepared – not the levels that were predicted at some earlier time. See CEQA Guidelines § 15125(a),(e) and *Baldwin v. City of Los Angeles* (2<sup>nd</sup> Dist. 1999) 70 Cal. App. 4<sup>th</sup> 819, 842. Recall that Carlsbad twice in the last 12 months has attempted to redefine terms that were apparently clear. In April 2013 in a letter to the FAA, Carlsbad withdrew its earlier comments on the California Pacific Airlines FAA NEPA analysis for new air carrier service at Palomar. In that letter, Carlsbad said that the term “General Aviation Basic Transport” service – used in part in the Carlsbad Conditional Use Permit 172 to regulate Palomar Airport expansion – was “defunct.” Also, in the proposed Carlsbad GP, Carlsbad tries to redefine the term airport

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C3-109

- *Project Impacts Exceeding Those Analyzed.* Over time, successful business-induced environmental impacts increase dramatically over those predicted in the initial environmental document – if there even was one. For instance, how does the volume of LEGOLAND visitors and associated vehicle trips compare today v. what was predicted in the initial environmental documents?
- *Unassessed Project Impacts.* Many businesses were never environmentally assessed or relied on categorical exemptions. For instance, county has never prepared an EIR for Palomar Airport operations. Even when county prepared its 1997 Palomar Master Plan, county prepared a negative declaration in name only. Essentially, county relied on the Carlsbad 1994 General Plan EIR and the Carlsbad Statement of Overriding Considerations to avoid any serious airport environmental analysis.
- *Unassessed NonProject Impacts.* I-5 and I-78 traffic has increased for many years. The State recently prepared an EIR, on which Carlsbad commented, for proposed upcoming I-5 work. We did not see in the Carlsbad GP-EIR discussion of baseline any information from the State I-5 EIR to explain what the current Carlsbad I-5 baseline element is or how State projections affect pollution, traffic congestion, or noise in Carlsbad through the year 2025.

C3-110

As Carlsbad notes in its Cumulative Impacts discussion at GP EIR pages 5-4 to 5-5, CEQA Guideline 15130(b) allows Carlsbad to determine future GP environmental impacts by a “summary of projections” rather than a “list of projects” method. But to determine the significance of impacts, Carlsbad still needs to know the total impacts including both the baseline and the projections. If a level of X PM10s causes a 1 percent cancer rate and a level of 2x PM10s causes a 3 percent cancer rate, the Carlsbad GP-EIR provides no information as to whether the “unavoidable significant GP” increase will take the level to X or 2X or some other number.

C3-111

The GP EIR simply says the rate will be significant and we can’t reduce it, so live with it. Table 3.2-6 on Plan-EIR page 3.2-24, lists the “Estimated Daily Maximum Operational Emissions” from “motor vehicles” and “Area Sources” for the “General Plan Buildout (2035). To assure that Carlsbad is making full disclosures to the public, add a table providing the same information for the year 2015 as in Table 3.2-6. Also add a section linking emissions to statistical health effects. The public can then determine how much emissions will increase as a result of the plan and the effect on their health. The added information is critical because it raises the question discussed by several

“expansion” to mean airport “geographic expansion.” In view of this recent history, all key GP and GP-EIR terms used should be expressly defined.

C3-111

California courts: How critical are incremental emissions in areas already designated as nonattainment areas for certain criteria pollutants.

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C3-112

**Our Comment 2.** Explain the meaning of the following sentence above: “*Stationary sources, other than land area sources, were not included in operational emissions estimate calculations as new stationary source projects under the proposed General Plan are not proposed at this time.*”

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Due to the use of the word “as” it sounds like certain stationary sources both were and were not included in the analysis. Please reword for clarity. Also, the statement seems literally untrue. Carlsbad has several major proposed projects listed in its planning counter binder that would qualify as stationary sources.

C3-113

**Our Comment 3.** In *Citizens for Quality Growth v. City of Mount Shasta* (3d Dist. 1988) 198 Cal.

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App. 3d 433 the court rejected the city’s argument that it could opt not to consider a potentially feasible mitigation measure for the loss of wetlands because, in order to develop the sensitive site, the applicant had to obtain a permit from the United States Army Corps of Engineers, which could require mitigation measures protecting or replacing wetland. The court stated “*the City cannot so avoid its responsibility for its decisions to amend the general plan and rezone the [subject] site.*

*Each public agency is required to comply with CEQA and meet its responsibilities, including evaluating mitigation measures and project alternatives see CEQA Guidelines § 15020.*” 198 Cal.

App. 3d at 443, fn 8.

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In *Kings County Farm Bureau v. City of Hanford* (5<sup>th</sup> Dist. 1990) 221 Cal. App. 3d 692, which involved a proposed power plant in a nonattainment air shed, the Court of Appeal required the city to pose the question of whether “any additional amount of precursor emissions should be considered significant.” 221 Cal. App. 3d at page 718.

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See also *City of Redlands v. County of San Bernardino* (4<sup>th</sup> Dist., 2002) 96 Cal. App. 4<sup>th</sup> 398 which involved city amendment to its general plan as related to certain unincorporated territory. The county environmental analysis declined to consider potential impacts on future projects because they would be evaluated on their own merits . The court rejected this explanation noting that the law requires environmental impact analysis at the earliest possible stage.

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In other words, the noted cases collectively show that Carlsbad may not simply avoid fully analyzing air quality impacts on the theory that another agency will analyze and will permit projects

C3-113

only in compliance with air quality laws. CEQA imposes an independent duty on Carlsbad to provide a full air quality analysis.

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C3-114

**Our Comment 4.** Carlsbad concludes the Impact 3.2-2 analysis on GP-EIR page 3.2-25 as follows:

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*“Mitigation Measures*

*No mitigation is available beyond measures identified in the city’s SWPPP [Storm water Pollution Prevention Plan], Green building standards code, and the goals and policies in the General Plan that would reduce impacts to a level that is less than significant.*

*Significance After Mitigation*

*Since no mitigation is available beyond the goals and policies provided in the General Plan to ensure that air-quality impacts would be less than significant, impacts would remain significant and unavoidable.”*

The quoted language about does not comply CEQA law. CEQA Guidelines § 15126.4 is entitled Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects and provides in subdivision (a)(1):

*“An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.”*

The Carlsbad Plan Impact 3.2-2 concluding language applies the wrong test. The test is not whether mitigation is available only to reduce impact levels below significance but rather whether mitigation is available to “minimize”, that is to reduce, the level of significance. Public Resources Code § 21002 requires agencies to adopt feasible mitigation measures to substantially lesson or avoid otherwise significant adverse environmental impacts.

C3-115

There are undoubtedly more mitigation measures that can be imposed on project applicants to reduce the air quality impacts of their projects in addition to policy measures specified in the Carlsbad general plan. For instance, fees may be assessed and paid into a fund to reduce air quality impacts and/or the health effects of such impacts. Recall that the court in *Oro Finio Gold Mining Corporation v. County of El Dorado* (3d Dist. 1990) 225 Cal. App. 3d 872, 881– 82 held that when

C3-115

1 general plan policies do not limit potential project impacts to a specific level, such policies may not  
2 be effective criteria to assess impact significance. In other words, if Carlsbad intends to use its GP-  
3 EIR as the first tier analysis to assess future project specific EIRs, Carlsbad needs to develop a list  
4 of air quality related mitigation measures that might be imposed on larger projects rather than  
5 simply rely on lip service to generic planning requirements.

C3-116

6 **GP-EIR Impact 3.2-3 at page 3.2-25 says:** *“Development under the proposed General Plan will*  
7 *not result in a cumulatively considerable net increase of any criteria pollutants for which the*  
8 *General Plan region is non attainment under an applicable federal or state ambient air quality*  
9 *standard (including releasing emissions which exceed quantitative thresholds for Ozone 3*  
10 *precursors). (Less than Significant)*

11 The above impact conclusion is accurate only if Carlsbad has correctly defined the term  
12 “cumulatively considerable.”<sup>28</sup> The plan defines the term as follows: *“the proposed General Plan*  
13 *would only be considered to have a significant cumulative impact if its contribution accounts for a*  
14 *significant proportion of the cumulative total admissions (that is it represents a “cumulatively*  
15 *considerable contribution” to the cumulative air quality impact).* Carlsbad provides no authority for  
16 this definition.

C3-117

17 Common sense tells us the Carlsbad analysis is wrong. As the plan concedes, the San Diego air  
18 basin is a federally designated nonattainment area for Ozone 3 and a state nonattainment area for  
19 Ozone 3, PM10 and PM 2.5.

20 As GP-EIR Table ES-2 shows, the Project will generate an 18% increase in housing units, 21%  
21 increase in population, 55% increase in commercial square footage, 14% increase in office square-  
22 footage, 31%. increase in industrial square footage, 66% increase in hotel rooms, and 37% increase  
23 in jobs during the project timeframe.

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26 <sup>28</sup> As noted in footnote 1, the failure of Carlsbad to define terms and its documents including Carlsbad  
27 conditional use permit 172 and municipal code section 21.50 3.015 has led to problems. The vendors again  
28 request that Carlsbad to find all Smith can terms in the general plan you are so there is no mistake as to what  
they mean. In those cases where citations to case law, the public resources code, or the sequel guidelines are  
appropriate, please insert those also. As noted in the text that includes this footnote, it is doubtful that Carlsbad is  
correctly using the term “cumulatively considerable” in the impact 3. 2-3 discussion.

C3-117

As GP-EIR transportation impacts listed in Table 3.13-10 starting at page 3.13-27, the traffic Level of Service will deteriorate to Levels D, E, and F on major roadways, especially on Palomar Airport Road & El Camino Real road segments adjoining Palomar Airport. Cars produce much nonattainment area criteria pollutants.

Given the above facts, Carlsbad's claim of no cumulatively considerable increase in criteria pollutants is not credible. Please cite the tables, page numbers, and sources of information and methodology that the GP-EIR relies on for its assertion that

C3-118

Equally significant, Carlsbad's definition of "cumulatively considerable" violates CEQA. In essence, Carlsbad adopts the "ratio" test that courts have criticized. Carlsbad's "cumulatively considerable" criteria means that if GP-induced added pollutants comprise only a small percent of new San Diego basin emissions, then they are acceptable. Stated differently, developments in Carlsbad can pollute without limit so long as the ratio (percent) of their emissions to other emissions is small.

C3-119

PM 2.5 pollutants are microscopic particles emitted from businesses and vehicles that damage lungs. Carlsbad is saying that (1) if the harmful level of PM 2.5s is "X," and (2) the San Diego Air Basin now exceeds level "X", then (3) it does not matter if the PM 2.5 levels after Carlsbad's adoption of the General Plan increase beyond X. Why? Because, says Carlsbad, its Project increases PM 2.5s much less than other projects.

C3-120

Here is what is wrong with the Carlsbad analysis:

1. **Health Effects: Number of People Affected.** Carlsbad does not explain the health effects in nonattainment areas of criteria pollutants as their level increases. If the critical level of PM 2.5s is X, how many people get cancer at that level? If the PM 2.5 level increases by 10%, how many more people get cancer? In other words, higher levels sicken more people.
2. **Health Effects: Location of People Affected.** When I worked at the Port of Los Angeles, Long Beach residents frequently noted that prevailing winds took Port of Los Angeles pollution into the Long Beach air. Also, trucks hauling cargo tended to cluster criteria pollutants along the truck corridors so that residents along the corridors were affected more



C3-120

1 than others. Carlsbad has already said that several segments of Palomar Airport Road and  
2 El Camino Real traffic will have Level of Service of D or lower as traffic slows due to  
3 increased commercial and industrial development. Do pollutants from such traffic target  
4 residents near those corridors? Where is the GP-EIR disclosure of this information?

- 5 3. **Mitigation:** Carlsbad says that mitigation measures in addition to its GP policy criteria are  
6 not needed because they could not reduce criteria pollutants below significance levels. Item  
7 2 just noted exposes the GP-EIR flaw. In reality, there are multiple levels of significance.  
8 In our PM 2.5 example, level X may be the initially unacceptable threshold level. But  
9 higher levels cause more people to have cancer. So mitigation, where feasible is needed,  
10 whenever criteria pollutants increase notably, not just when Carlsbad Plan induced  
11 emissions comprise a high percent of all increases.

12 California courts have addressed this issue for 20 years. In *Kings County Farm Bureau v. City of*  
13 *Hanford* (5<sup>th</sup> Dist. 1990) 221 Cal. App. 3<sup>rd</sup> 692, the Court of Appeal rejected the “ratio” approach of  
14 assessing impacts. The court required the city to analyze whether “any additional amount of  
15 precursor emissions should be considered significant.” (See p. 718.)

C3-121

16 **GP-EIR 3.12 Public Utilities and Infrastructure (Page 3.12-1)**

17 GP-EIR page 3.12-27 says:

18 *“Development under the proposed General Plan would exceed wastewater treatment*  
19 *requirements of the applicable Regional Water Quality Control Board. (Less than*  
20 *Significant)*

21 The text following this assertion is confusing. The language seems to be say that the General Plan  
22 results in the need for more services, Carlsbad has a capacity allocation for services that needs to be  
23 raised and has applied for the increase, and the Encinitas Wastewater Authority will grant the  
24 increase. There is no clear discussion of what the cumulative regional development needs are for  
25 the wastewater facility in 2035 or of which cities create the needs, and how close the 2035 future  
26 needs are to the plant capacity. Also, we did not see a discussion of the growth-inducing impact of  
27 the desalinization plant. For its existing capacity or future expansion. Although the percent of  
28 water the plant may be small as a percent of total water supplied, the number of houses and/or  
businesses it can support is likely substantial. Otherwise it would not have been financially feasible  
to build. Provide the missing data.

C3-122

## Conclusion

The very long, but defective, 2015-2035 GP-EIR simply says (with rare exception):

- Carlsbad population/industry/commerce will grow 18% to 55% by 2035;
- New projects will comply with Carlsbad generic “feel-good” policies to reduce project impacts;
- Unavoidable significant impacts will occur, especially harmful air pollution and severe traffic levels of service deterioration to an LOS “D, E, & F” level (even worse on several roadways),
- Airport noise is not significant because the 24 hour average of noisy days and silent nights sits below 65 decibels,
- Carlsbad has no sites that present serious hazardous waste risks,
- No added mitigation measures are needed – not even as to air quality or traffic or noise – because such measures would not reduce significant impacts below a significance level (A standard that does not meet the CEQA Guidelines),
- From a planning standpoint, GP Alternative 1 (promoting commercial centers) produces the most residential development. GP Alternative 2 (promoting an active waterfront) is the environmentally superior approach (other than no project). Alternative 3 (promoting residential and commercial use in strategic locations) produces the most environmental effects.

C3-123

To comply with CEQA, Carlsbad needs to:

- **Baseline:** Document Carlsbad is using the proper environmental baseline for analysis.
- **Environmental Setting:** More completely describe the environmental setting, especially as to McClellan-Palomar Airport and any other major projects affecting Carlsbad growth. All four environmental impact generators require discussion: growth in Carlsbad population, workers, recreational visitors/shoppers, and people transiting through Carlsbad.

C3-124

• **Significant Impacts & Mitigation:**

- Review CEQA & the CEQA guidelines to assure the EIR complies with legal requirements. As noted above, the EIR is legally deficient and applies wrong standards.
- Address the proposed Palomar Runway extension issues including how hazardous materials discovered in the landfill that will be partially excavated to remove and relocate the extensive methane gas collection system.

C3-125

C3-125

- Delete from the GP and GP-EIR any reference to “geographic expansion” and any other language that attempts to redefine the meaning of Palomar Airport “expansion.”
- Explain whether Carlsbad or County has the zoning and planning power to regulate County Palomar activities and County tenant Palomar activities. See our comments above. The GP-EIR is fatally defective if Carlsbad does not do this because Carlsbad can not represent in the EIR that certain environmental impacts will not be significant or will be mitigated if Carlsbad can not represent that county is obligated to comply with Carlsbad requirements.
- Address the issue of county encouraging the use of Palomar Airport to serve C-III and D-III aircraft when Palomar is a B-II airport. IF this issue involved only safety issues, CEQA might not require Carlsbad to analyze it. But C-III and D-III aircraft carry significantly more aviation fuel than smaller planes, fly faster, and create a bigger crash impact. Accordingly, a fair argument exists that they present substantial risks of converting the unlined, methane emitting, Palomar landfills to a hazardous waste landfill.

C3-126

Thank you for the opportunity to comment and your thoughtful consideration of the comments above. Please note that the comments above are not intended to be exhaustive. Although we have spent considerable time reviewing the GP-EIR and preparing comments, time has not permitted us to research various added legal issues and GP-EIR CEQA noncompliance we believe exist. We are unable to make those comments until we verify their accuracy.

/s/

Ray & Ellen Bender

bccs

2014 jun 08 carlsbad general plan bender comments

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# Exhibit 1



April 22, 2014

C3-127

[Delivered by Email to Carlsbad City Clerk (clerk@carlsbadca.gov) on April 22, 2014  
with Request to Distribute to the Addressees Below

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Palomar Airport Blogs: [Carlsbad.Patch.com](http://Carlsbad.Patch.com)

Carlsbad City Council Members  
Mayor Matt Hall  
Mayor Pro Tem, Mark Packard  
Keith Blackburn  
Michael Schumacher  
Lorraine Wood

City Manager: Steven Sarkozy

City Planner: Don Neu  
City Clerk: Sherry Freisinger

1200 Carlsbad Village  
Carlsbad, CA 92008

Re: Comments on the 2014 Draft Carlsbad General Plan (February 2014) Related  
To McClellan-Palomar [Palomar] Airport

“Be who you are and say what you feel, because those who mind don't  
matter, and those who matter don't mind.”

— **Bernard M. Baruch**

C3-128

This letter comments on the McClellan-Palomar [Palomar] Airport discussions in the  
Carlsbad Draft General Plan [GP]. Please include our comments in the  
administrative record that the City would produce in any action resulting from the  
City's General Plan adoption.

Unfortunately, when the GP is printed from the Carlsbad website, page numbers do  
not show. Accordingly, comments below reference only sections, not pages.

**Executive Summary:**

C3-129

1. **Palomar Key Strategy:** Despite the size and impact of McClellan-Palomar [Palomar] on Carlsbad, the GP has no key strategy for Palomar in GP § 1.5.

C3-130

2. **Modification of Carlsbad Ordinance 21.53.015 and CUP 172 Suppression.** The GP seeks to modify the Carlsbad Ordinance 21.53.015 voter requirement by limiting Palomar Airport expansions of concern to only “geographic expansions.” Apparently, Carlsbad is saying that voters need not approve a Palomar 900-foot runway extension even though the State Aeronautics Act in PUC § 21664.5 defines an airport expansion as including runway extensions. Similarly, the GP “geographic expansion” policy language is inconsistent with Airport expansion conditions 1, 8, and 11 of CUP 172.

The GP term “geographic expansion” is also undefined and unclear. Does the GP mean that the county can expand up to but not beyond El Camino Real? Or does the term “geographic expansion” mean that the county could create an FAA-rated C-III airport by bridging over El Camino Real?

Please recall that both Carlsbad and the county have claimed in the last year that Carlsbad failed to define the term “General Aviation Basic Transport” in CUP 172 and such failure lead to confusion. Given this history, it seems appropriate for Carlsbad to define key terms in its General Plan.

C3-131

3. **Palomar Airport Blvd Gridlock & Scenic Corridor.** The GP recognizes that even without Palomar Airport expansion, the traffic on Palomar Airport Blvd and El Camino Real will not meet Carlsbad Levels of Service [LOS] and the GP proposes no real solution. The GP ignores the further LOS deterioration that would occur from significant Palomar passenger service increases. The GP also ignores the county failure to landscape Palomar scenic corridors.

C3-132

4. **Palomar Noise Generation.** The GP inadequately discusses Palomar noise issues. The GP does not (a) tell citizens how “noise averaging” methods are used to artificially reduce aircraft noise numbers, (b) disclose the substantial difference in noise that corporate jets create when displacing smaller planes, (c) explain that the “Fly Friendly” program is voluntary and has no effective enforcement mechanism, and (d) ignores the noise impacts of 500,000 to 900,000 added vehicles on the road if Palomar begins new air carrier service.

C3-133

5. **Public Safety & Environmental Concerns.** The GP does not clearly distinguish between “On-Airport” and “Off-Airport” Palomar regulation thereby creating the false impression that all issues have been addressed. The GP does not disclose any attempt of Carlsbad to address on-airport Palomar problems including storm water contamination that can result from the 3 Palomar Airport landfills and from toxic leaks from Palomar aviation storage tanks owned by the county and county tenants.

## Discussion

C3-134

1) **Chapter 1 [Introduction & Vision] Comments:** *“The Palomar Treasure Hunt.”*

Section 1.5, *General Plan Key Strategies*, identifies no Palomar Airport strategies. That seems odd. Palomar development restricts the development of thousands of Carlsbad acres. Airport operations create widespread noise, traffic, and pollution. We recognize that the GP sprinkles Palomar info throughout the report. Whatever the Carlsbad strategy is, do not make finding it a “treasure hunt.”

C3-135

2) **Chapter 2 [Land Use & Community Design] Comments:** *“On or Off?” & Airport Expansion*

- a) *On-Off Airport Confusion.* Section 2.7, *Special Planning Considerations* in the Land Use discussion devotes a page to Palomar. As you know, the county operates Palomar Airport subject to certain Carlsbad and Planning laws. The ALUCP governs off airport Carlsbad areas. The “on-airport” v. “off-airport” distinction can be confusing. The GP does not distinguish or explain. Please do. [Policy 2-G.13 re Palomar compatibility and no undue impacts is a start but confusing.]

C3-136

- b) *Airport Expansion Planning Policy Inconsistent with Ordinance 21.53.015 and CUP 172.* Also, Policy 2-P.37 is not consistent with the Carlsbad ordinance it cites. The Policy states: Prohibit the **geographic expansion** of McClellan-Palomar Airport unless approved by a majority vote of the Carlsbad electorate. The Policy then notes §21.53.015 of the Carlsbad Municipal Code. This ordinance says:

***“21.53.015 Voter authorization required for airport expansion.***

*(a) The city council shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize **expansion** of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.*

*(b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters **and it shall not be repealed or amended except by a vote of the people. [Emphasis added]** (Ord. 9804 § 5 (part), 1986; Ord. 9558 § 1, 1980)”*

Nothing in § 21.53.015 language requires a vote of the people only for “geographic expansions” as Draft Carlsbad Policy 2-53.015 states.





Palomar airport could try to expand its boundaries. But it can also expand by increasing its capacity to serve aircraft as by extending the runway.

Recall that the State Aeronautics Act in PUC § 21664.5(a) requires the county to seek an amended airport permit for “every ‘expansion of an existing airport’ and §21664.5(b)(3) says: “As used in this section, ‘airport expansion’ includes any of the following: ‘the extension or realignment of an existing runway.’”

The Aeronautics Act definition is consistent with the ordinary dictionary definition of the word expand = “to increase or grow in extent, bulk, scope, etc.” (See Dictionary.com.) Similarly, the Oxford International Dictionary defines expand as “become greater in area, bulk, capacity, etc; become larger; increase the scope of one’s activities or the scale of operations of something.” (See Oxford International Dictionary)

If Carlsbad wanted to limit Carlsbad voter rights to only “geographic expansion,” Carlsbad had the ability to so define the term in the 1979 municipal code, and the voters who proposed the initiative incorporated in the municipal code would have then had the opportunity to agree or disagree. Having failed to again define a term, Carlsbad now seeks to deny the voters a voice.

As the August 1, 2013 county consultant Kimley-Horn & Associates, Inc. Palomar Runway Extension Study noted, a 900-foot runway extension is predicted to increase the cargo handling capacity of Palomar corporate jets from a 60% load to a 90% load and to create an economic benefit to the area over the next 20 years of 299 million. [See respectively Kimley Study Table 7A at page 7-5 and Table 8-D at page 8-6.] In addition, one of Palomar’s tenants stated at the August 16, 2013 Palomar Airport Advisory Committee meeting, at which the Kimley Runway Study was accepted, that any increase of the Palomar runway length beyond 5000 feet would attract multiple aircraft classes because aircraft pilots often ignore runways of less than 5,000 feet. As you know, the Palomar runway is now 4,897 feet in length. The foregoing data indicates that a county Palomar runway extension will have the intended effect of increasing the scope of activities and the scale of operations.

Moreover, Carlsbad Conditional Use Permit 172, Conditions 1, 8, and 11 provide as follows:

*“1) Approval is granted for CUP-172 as shown on Exhibit “A”, dated January 14, 1980 and Table 1 dated **September 24, 1980**, incorporated*

C3-136

by reference on file in the Planning Department. **Development shall occur substantially as shown unless otherwise noted in these conditions.** ” [Emphasis added]

“8) The permitted uses for Palomar Airport are limited to those as outlined in Table 1, dated September 24, 1980, and incorporated herein by reference. Approval of any uses not specifically listed in Table 1 and/or expansion of the airport facility shall require an amendment to the Conditional Use Permit.”

“11) The existing designation of the airport as a General Aviation Basic Transport Airport shall not change unless: an amendment to this CUP is approved by the Planning Commission.”

Significantly, the Table 1 referenced in CUP 172, Condition 8 provides:

*The following uses are permitted by this Conditional Use Permit without the need for additional discretionary review:*

*a. Structures and Facilities: Airport structures and facilities that are necessary to the operation of the airport and to the control of air traffic in relation thereto, including but are not necessarily limited to, the following:*

*(1) Taxiways and parking aprons, including lighting.*

Note that the above CUP 172 Table 1 reference says nothing about runways. We understand that the Table 1 proposed by the county in Table 1 did include the word “runways” [See the December 3, 1979 county letter from county Director of Transportation R.J. Maasman to Carlsbad Director of Planning. The Carlsbad City Council deleted the word “runways” from Table 1 indicating that the county did need a Carlsbad discretionary permit for runway extensions. ]

For the above reasons, the proposed Carlsbad General Plan Policy 2-P.37 needs to delete the word “geographic” from “geographic expansions” if it is to be consistent with Ordinance 21.53.015 and CUP 172.

C3-137

c) Needed “Geographic Expansion” Definition. Also, note that the GP term “geographic expansion” is ambiguous. If Carlsbad insists on using this term in the final GP despite its inconsistency with Carlsbad Ordinance 21.53.015 and CUP 172, please explain what is meant. Here is why. As the August 1, 2013 county Kimley-Horn & Associates, Inc. Study showed, the county could build an FAA-rated C-III airport in the future if the county had the money/FAA grants and if the county were prepared to bridge over El Camino Real. When the Carlsbad GP refers to “geographic expansion,” what Palomar



C3-137

Airport borders is Carlsbad assuming? Only the land west of El Camino Real or the also the airport land east of El Camino Real? Stated differently, is the proposed Carlsbad GP saying that bridging El Camino to the other side would or would not be a “geographic expansion”? The GP needs to clarify this.

C3-138

**3. Chapter 3 [Mobility] Comments:** *General Aviation Basic Transport or Commercial Service Airport & Palomar Blvd Traffic Gridlock*

a) CUP 172 Condition 11 Amendment Requirement: General Aviation Basic Transport. Draft General Plan Section 3.2 entitled “Context: Existing Transportation System” says as to Palomar “The Federal Aviation Administration classifies the airport as a commercial service airport that mainly serves smaller aircraft with a maximum takeoff weight of 12,000 pounds or less.” In contrast, the FAA National Plan of Integrated Airport Systems [NPIAS] (2013-2017) classifies McClellan-Palomar as a “Primary” Airport [not commercial service, not reliever, and not general aviation].” See 2013-2017 NPIAS Report on faa.gov website. Carlsbad has never enforced CUP 172 Condition 11 requiring an amendment to CUP 172 when the Palomar Airport classification changed. A General Plan fairly disclosing the facts to the public needs to discuss this issue. Please (i) clarify and explain what the proper Palomar Airport classification is, (2) what it means, and (3) why Carlsbad never required the county to seek a Carlsbad Conditional Use Permit 172 amendment pursuant to CUP 172, Conditions 8 & 11.

C3-139

b) Palomar Airport Road Gridlock. Carlsbad General Plan Section 3.3 entitled *Livable Streets Vision and Strategies* in essence says substantial portions of Palomar Airport Road and El Camino can not be maintained to LOS [Level of Service] D or better in the future.<sup>1</sup> In other words, they will sometimes be



<sup>1</sup> *Future Traffic Operations*

*With build-out of the Land Use and Community Design Element, the completed street network presented in Table 3-1 and on Figure 3-1 will have capacity constraints on arterial streets and on freeways within and adjacent to the city. The analysis of the Land Use and Community Design Element indicated that the following auto-prioritized facilities will operate at LOS E or LOS F in the city at build-out:*

- *Interstate-5*
- *State Route-78*
- *La Costa Avenue between Interstate-5 and El Camino Real*
- *El Camino Real between Palomar Airport Road and La Costa Avenue*
- *Palomar Airport Road between Interstate-5 and College Boulevard*
- *Palomar Airport Road between El Camino Real and Melrose Drive*

*These facilities would generally be congested during peak periods; however, during most hours of the day, the facility would have sufficient capacity to serve the vehicle demand. The city does not have regulatory authority over Interstate-5 or State Route-78 and has no control over managing traffic on those facilities. When these freeways are beyond capacity, some motorists will use City of Carlsbad arterials rather than*

C3-139

gridlocked. We have these comments:

- (1) For starters, the GP does not define what different LOS means in layman’s language. Unless of course, we missed it. Please add.
- (2) Also proposed policy 3-P.8 says: “Allow the following streets to be LOS exempt facilities from the LOS standard identified in Policy 3-P.4 subject to the requirements described in Policy 3-P.7.” Substantial portions of El Camino and Palomar are then exempted. We do recognize that Carlsbad cannot work miracles and that traffic exiting I-5 is uncontrollable. As you know, whether California Pacific Airlines or other new air carrier operates at Palomar is uncertain. But such new operations could increase Palomar enplanements from the current 100,000 to near 900,000 thereby placing a substantial added burden on El Camino Real and Palomar Airport Road. [See our comments on July 2012 FAA NEPA Analysis of California Pacific Airlines and the number of cities and frequency of flights that CPA proposed to serve using the Embraer 170.]

C3-140

- c) *Scenic Corridors*. Carlsbad Policy 3-P.19 provides that city will maintain the city’s transportation corridors as identified in the Carlsbad Scenic Corridor Guidelines. Carlsbad has failed to follow up on the 2007 Planning Department letter to the county noting that the county has failed to landscape the Palomar Airport perimeter including the scenic corridors of Palomar Airport Road and El Camino Road. Please address in the GP what efforts Carlsbad will make to assure that (i) the county complies with its landscape obligations at Palomar Airport and (ii) the landscape mitigation measures that the city will request the county to undertake when Carlsbad comments on county CEQA and NEPA projects.

C3-141

#### 4. Chapter 5 [Noise] Comments

- a. *Noise Characteristics*. Section 5.2 entitled “Noise Characteristics and Measurement” is incomplete. In fact, the discussion leaves out the

*the freeways to bypass congestion. Adjacent communities outside of Carlsbad also utilize Carlsbad’s regional infrastructure to bypass congestion on freeways.*

*The four Carlsbad arterial streets listed above would need to be widened beyond their six-lane cross-section to operate at the city’s standard for vehicle level of service on those facilities (LOS D or better); however, creating streets wider than six lanes is inconsistent with the goals of this Mobility Element. In addition, widening these streets beyond six lanes creates new challenges for intersection operations, maintenance, and storm water management. Therefore, rather than widening these arterial streets, the city shall implement transportation demand management (e.g. promote travel by modes other than the single-occupant vehicle), transportation system management (e.g. signal timing coordination and improved transit service) and livable streets techniques to better manage the transportation system as a whole.*

3-19

C3-141

most important measurement fact: How airports measure decibels. The GP does not reveal that if 90-decibel planes and helicopters fly over a Carlsbad house for 12 hours and no planes fly at night, Carlsbad and the county would report a 45 decibel limit based on averaging 90 and 0 over a 24 hour period. Stated differently, the GP does not note that planes can frequently fly over a house at noise levels exceeding 65 decibels as long as the daily average is lower. Please recall that persons wishing to buy a house in Carlsbad may rely on the General Plan. Accordingly, Carlsbad needs to make full fact disclosures.

C3-142

- b. Palomar Noise Sources. Section 5.3 entitled “Noise Sources in Carlsbad” discusses Airport Noise on one page but omits key items and relies on incomplete data as follows:
- i. Corporate Jet Increases. The August 1, 2013 Kimley Study estimates corporate jets will increase from 13,236 to 24,000 from 2011 to 2021 with a Palomar runway extension. Please do not claim in a revised GP that the airport will be quieter because corporate jets will be FAA-Stage 3 compliant and hence quieter. That claim relies on a false comparison. Tell the public how the decibels of a single engine plane compares to a corporate jet and how noise will change as the corporate jets displace the single engine planes. Homeowners hear the corporate jet rumbles long before and after they reach our houses.
  - ii. Enplanements. “Airport noise” includes aircraft noise and also the traffic noise associated with aircraft traffic. The Airport noise discussion needs to include a discussion of how added annual passenger trips to and from Palomar affects traffic noise.
  - iii. Fly Friendly Program. The GP says that in 2006 the FAA approved several noise measures including a “Fly Friendly” program. True. What Carlsbad fails to say is (i) the FAA rejected most requested noise reduction measures including MANDATORY aircraft noise reduction measures, (ii) the “Fly Friendly” program is entirely voluntary, (iii) a complaint of excessive noise to the county has no remedy, and (iv) when a citizen noise complaint is made to the county, the county freely admits it does not have the capability to measure what the noise level was over a particular house even though a Palomar website tracking altitudes over homes exists. I attend the Palomar Airport Advisory Committee meetings monthly and the county has never cited an instance in which any disciplinary action has been taken against a pilot.

C3-143

- c. Omission of State Aeronautic Noise References. Section 5.4 entitled “Regulations and Noise Exposure Standards,” does not refer to California

C3-143

Aeronautics Act [PUC §21001 - 24451] noise provisions. Should it?

C3-144

## 5. Chapter 6 Public Safety Comment

a. Palomar Fires & Toxic Materials. GP Section 6.1 entitled "Introduction" says in part: "State law also allows cities to address any other locally relevant issues in its public safety element. In addition to those mentioned above, Carlsbad's Public Safety Element also addresses disaster preparedness and the protection from other local health and safety hazards, such as **fire, hazardous materials and airport hazards.**" **[Emphasis Added]** In the last 10 years, we understand based on reviewing several thousand county consultant Palomar landfill records that Palomar Airport has had 3 underground landfill fires including one that burned for 6 months and several toxic spills related to airport tenant operations and/or operation of Palomar aviation fuel tanks.

C3-145

b. Carlsbad Role, If Any, Related to Palomar Fires & Toxic Materials. Please clarify in the Carlsbad GP whether Carlsbad exercises any supervisory or regulatory role related to such fires and toxic spills. For instance, we understand - based on Palomar Airport tenants - that today toxic materials can be washed into the storm drains that carry contaminated water outside the Palomar premises into Carlsbad groundwaters. What if any action has Carlsbad taken to investigate such incidents and what if any reports has Carlsbad required from the county as to such incidents? What if any CEQA comments has Carlsbad made on county Palomar projects related to such concerns? What GP Chapter 6 Public Safety policies specifically cover these concerns for Palomar Airport?

C3-146

c. On & Off Airport Confusion. GP Section 6.2 entitled "Regulatory Setting" refers to the Palomar Airport Land Use Compatibility Plan prepared by the San Diego County Regional Airport Authority and suggests that citizens can take comfort in certain regulatory protections. As we noted above, we understand such plans to cover property off the airport, not on the airport. Please clarify this distinction in Section 6.2 so that citizens do not mistakenly think that Palomar Land Use Compatibility Plan protections are broader than they are.

### Conclusion

C3-147

Carlsbad Draft General Plan statements and assumption raise two basic questions: (1) Does the county or Carlsbad have regulatory jurisdiction over the county and county tenants at Palomar Airport? and (2) What is the proper interpretation of Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional Use Permit 172 (Conditions 1, 8, and 11) related to Palomar expansion and change of use?

Recall especially that Carlsbad Municipal Code Section 21.53.015(b) says: "This section was proposed by initiative petition and adopted by the vote of the city council

C3-147

*without submission to the voters **and it shall not be repealed or amended except by a vote of the people.** [Emphasis added]*

Carlsbad's attempt to redefine the Municipal Code term "expansion" into "geographic expansion" is an attempted amendment.

It is clear that Carlsbad and the county and citizens continue to differ on these issues. Carlsbad and the county need to jointly bring a declaratory relief action once and for all so that they and the public know what regulatory rules govern Palomar Airport.

Thank you for considering the issues above. As noted initially, please assure these comments are included in the administrative record for judicial review.

/s/

Ray & Ellen Bender

Concerned individuals, taxpayers, payers of airport user fees, and citizens concerned about the safety and environmental ongoing problems at Palomar Airport

bccs

2014April18CarlsbadGeneralPlanComments

# Exhibit 2



## Exhibit 2

### Qualifications of Ray Bender to Comment on Carlsbad General Plan Environmental Impact Report

1. ***City of LA Experience.*** I worked for 31 years for the LA City Attorney including 4 years as a criminal and civil liability trial attorney.
2. ***Harbor Department Experience.*** I worked at the City Harbor Department [HD] for 27 years. The HD deals requiring legal advice included leasing more than 3000 acres of land; bidding contracts for more than \$1 billion; reviewing CEQA Department and tenant project documents; assuring HD Coastal Act compliance; reviewing the HD's general plan element and the Department's Risk Management Plan; assuring HD compliance with Federal Maritime Commission (FMC) needs; handling tort matters; drafting and reviewing City leasing, construction, construction management, and information technology agreements; and acting as bond counsel – among others. I handled those matters and related suits. Suits involved the California Coastal Act, CEQA, endangered species acts, and FMC matters and suits related to leasing, contracting, and torts. Suits included those resulting from the HD dredging Batiquitos Lagoon in Carlsbad as wildlife mitigation..
3. ***J.D & M.B.A & Author & Adjunct Professor.*** I earned a UCLA J.D., UCLA Anderson M.B.A, and Loyola B.A. in math. I have written two books in the Utrecht Series in Air and Space Law. As an adjunct professor, I taught municipal government law at Southwestern School of Law.
4. ***30,000 County, Carlsbad, FAA, and San Diego Regional Airport Authority Palomar-Related Document Pages Reviewed.*** Since 2011, I have read more than

30,000 pages of Palomar related records of county, Carlsbad, the FAA, and the SD Regional Airport Authority. Records included (a) county Palomar Airport landfill reports since 2000; (b) the 1997 Palomar Master Plan and CEQA negative declaration; (c) Palomar expansion projects undertaken since 2000 with no CEQA EIRs; (d) the 2012 NEPA study related to new Palomar air carrier service, for which I filed more than 50 pages of comments; (e) the August 2013 400+ page Kimley Palomar Runway Study; (f) about 2000 pages of FAA laws, regs, orders, and advisory circulars; (g) Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional Use Permit 172 that restrict Palomar development and the February 2014 Carlsbad General Plan revisions; (h) the State Aeronautics Act (PUC § 21001 et seq.); (i) the 2011 Regional Airport Strategic Plan (RASP); (j) the Compatibility Land Use Plan filed with the SD Regional Airport Authority for planned Palomar projects; and (k) records produced by the FAA in response to FOIA.

5. ***85 Weekly Palomar Airport Articles Posted at Carlsbad.Patch.com.*** Patch.com publishes electronic newspapers in many states; it invites community articles. Mondays, I post Patch Palomar articles, so far 85, related to Palomar Airport development and Carlsbad regulation of Palomar Airport activities.
6. ***Kimley August 2013 Palomar Study Reviewed.*** I have spent more than 90 hours reviewing the Kimley August 2013 Palomar Runway Extension Study. While at the HD, I reviewed many CEQA environmental, planning, construction, construction management, engineering, and financial records related to more than 1 billion dollars of projects. Many projects involved driving piles for wharves and landfills. The

proposed Palomar runway extension would span more than a 1000-piles placed through the Palomar closed landfill.

7. ***Attendance at Palomar Airport Advisory Committee Meetings.*** For 2+ years, I attended most Palomar Airport Advisory Committee meetings.
8. ***FAA Airport Benefit-Cost Analysis Guidance.*** I have reviewed the FAA Airport Benefit-Cost Analysis Guidance Manual [BCA]. The Kimley Study says it met BCA standards. [See STUDY p. 8-2 at [www.sdcounty.ca.gov](http://www.sdcounty.ca.gov).]
9. ***Conclusion:*** My experience and knowledge of Palomar issues exceed the California Evidence Code requirements to qualify as an expert on proposed Palomar development and to comment on Palomar elements in the Carlsbad 2014 General Plan and General Plan EIR and Carlsbad's compliance with the California Environmental Quality Act.

# Exhibit 3

(22) 10

**CITY OF CARLSBAD - AGENDA BILL**

<b>AB#</b> <u>15,841</u> <b>MTG.</b> <u>7-25-00</u> <b>DEPT.</b> <u>RM/ED</u>	<b>TITLE:</b> Evaluation of Acquisition of McClellan-Palomar Airport	<b>DEPT. HD.</b> <u>EC</u> <b>CITY ATTY.</b> <u>JM</u> <b>CITY MGR.</b> <u>DR</u>
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**RECOMMENDED ACTION:**

Accept the *Evaluation of Acquisition of McClellan-Palomar Airport Report*.

Item Explanation:

In 1999, staff was assigned a City Council goal for fiscal year 1999-2000 to evaluate the acquisition of McClellan-Palomar Airport. In support of the goal staff has prepared an in depth report, shown as Exhibit 1, which addresses many of the pertinent issues that the Council would need to consider before taking further action toward acquisition, as well as issues which impact the City regardless of any interest in acquisition.

In order to develop the report staff first interviewed City Council members to obtain clarification on the intent and expectations around the goal. The interviews revealed two primary goals for acquisition that were shared by all five Council members. These included: (1) control of land uses, and (2) improved operation of the airport. Other goals cited include, ensuring that funds earmarked for airport improvements are spent at McClellan-Palomar and implemented in a timely manner, generation of more revenue to the City, management of noise issues more effectively, and expansion of commercial service. In addition, the City Council asked staff to consider environmental issues and liabilities.

Based on staff's findings, it is clear that through an acquisition of McClellan-Palomar Airport the City would achieve greater land use control than currently exists. However, while greater land use control could be achieved, staff has concluded that there are a number of factors that limit the City's ability to influence or affect how the airport operates. In addition, other factors were identified that offset the benefits of airport ownership.

It is staff's opinion that acquisition of McClellan-Palomar Airport would not be prudent at this time; therefore, staff is recommending that Council accept the report that includes measures that provide the City Council with alternatives to address some of their concerns.

Fiscal Impact:

None.

Exhibits:

1. *Evaluation of Acquisition of McClellan-Palomar Airport Report* (On file in the Office of the City Clerk)

APPROVED

COUNCIL ACTION:

**EVALUATION of ACQUISITION of MCCLELLAN-PALOMAR AIRPORT REPORT**

**April 3, 2000**

**EXECUTIVE SUMMARY**

In 1999 staff was assigned a City Council goal to evaluate the acquisition of McClellan-Palomar Airport. In support of the goal staff has prepared an in depth report which addresses many of the pertinent issues that the Council would need to consider before taking further action toward acquisition, as well as issues which impact the City regardless of any interest in acquisition. In order to develop the report staff first interviewed City Council members to obtain clarification on the intent and expectations around the goal. The interviews revealed two primary goals for acquisition that were shared by all five Council members. These included: (1) control of land uses, and (2) improved operation of the airport. Other goals cited include, ensuring that funds earmarked for airport improvements are spent at McClellan-Palomar and implemented in a timely manner, generation of more revenue to the City, management of noise issues more effectively, and expansion of commercial service. In addition the City Council asked staff to consider environmental issues and liabilities.

Based on our findings, it is clear that through an acquisition of McClellan-Palomar Airport, the City would achieve greater land use control than currently exists. However, while greater land use control could be achieved, our research concluded that there are a number of factors that limit the City's ability to influence or affect how the airport operates. In addition, other factors were identified that offset the benefits of airport ownership. These factors are included in the Conclusions and Recommendations section of the report.

It is staff's opinion that acquisition of McClellan-Palomar Airport would not be prudent at this time; therefore, we are recommending City Council not take any further action on this matter. However staff has identified measures in the report that provide the City Council with alternatives to address some of their concerns.

Finally, environmental concerns associated with the landfill beneath the airport and exacerbated by airport maintenance practices were identified. The significance of these issues and their relevance to the community, as well as recommendations for addressing them are included in the report.

**REPORT OUTLINE**

The report is divided into the following sections: I. How Airports Operate; II. San Diego County Airports Overview; III. McClellan-Palomar Airport - Land Use; IV. Economic Benefit of McClellan-Palomar Airport; V. Airport Financing; VI. McClellan-Palomar/County Airports Sale or Lease; VII. McClellan-Palomar Airport Environmental Issues; VIII. Conclusions & Recommendations; IX. Exhibits: Exhibit 1 Total Impact of McClellan-Palomar Airport ; Exhibit 2 Airport Enterprise Fund; Exhibits 3-15 Airport Noise.

## I. HOW AIRPORTS OPERATE

Although each airport or system of airports in the United States is unique, most county and multi-government airport facilities function similarly. In most cases airports are overseen by a special district or authority, commission, special department of a city or county, or an advisory board. Authorities can be multi-purpose or aviation only, and are increasingly prevalent. An authority form of management is considered appropriate when:

- A task or service is judged inappropriate to be performed by a private enterprise;
- Large amounts of capital are needed;
- Efficient management with initiative and business imagination is essential;
- Long-range planning must be in the hands of competent business, financial, and professional technicians;
- The task/service must be self-supporting;
- The task/service must be free from political interference;
- The scope of the task/service involves areas more extensive than the established geographic boundaries of state and local government.

Whatever the operating entity, it is critical for the airport administration to be able to report directly and independently to the source of policy flow, and not be subordinated in another unit created for another purpose. Airport officials must plan, develop, operate and maintain airports so that they meet user's requirements and owners level of quality. Administrators must also arrange financing for capital improvements and budget revenues from the various products so that costs can be equitably shared among the users and owners.

Airports are usually divided into "air-side" and "land-side" areas for financing and accounting purposes. The air-side portion consists of areas upon which an aircraft can operate (runways, taxiways, aprons, and hangars). Land-side means terminals, automobile parking, airport oriented businesses, roads, or mass transit leading to the airport. The airport general manager is responsible for providing (or supervising the provision by others) of air-side and land-side products at the quality levels established by the policy source. For example, a major activity of the airport's operations or administration office focuses on negotiating leases with concessionaires, landing fees with airlines, parking rates, and taxi-airport drop off fees. Essentially, airport administration provides tools, procedures and programs under which the airport's management delivers, or supervises the delivery of the airports products and services.

### Sources of Revenue

The most important product provided is air transportation. Carriers that wish to serve a particular community or region seek to lease space at the airport of their choice. They negotiate landing fees, the number of gates, space for ticket counters and offices, and assorted other fees with airport administrators. For example, some airport authorities

have individual lease agreements with several carriers. The rental fees charged them are calculated to ensure that the airport generates sufficient revenues to operate the airport on a break-even basis after paying debt service on all outstanding bonds; paying the costs of operation and maintenance; and making agreed-upon contributions to the capital reserve accounts.

Under the "residual cost" formula established in the agreements, revenues from sources other than airline rentals and fees are credited against the airport's total operating, maintenance, and capital outlay requirements to determine the amount the carriers will pay. Additional airfield and aviation revenues include ground and building rentals of sites, hangars, and facilities leased to other airport tenants including fixed base operations (FBO's). There are also fuel flowage fees, and concession fees from in-flight catering services. Ground transportation and concession revenues typically come from public parking, employee parking, rental cars, food and beverage restaurants, as well as news and gift stores. Airport revenues are also derived from telephone, advertising, and taxi and limousine service.

Over the past several years, airlines have been able to negotiate favorable deals for improved facilities at little cost to them. For example airport administration generally has the discretion to waive or reduce certain fees, offer free ticket-counter and baggage claim rental, and limit the cost of office space. However, one item that usually cannot be waived is landing fees. If management reduces one carrier's fees, the other airline(s) generally will demand, and are entitled to the same treatment. Depending on the size and degree of cost/revenue control, some airports generate revenues predominantly from the rental of space, land or other facilities, rather than from landing fees and other operating charges.

Airports can also be partially supported through city and county appropriations and/or dedicated taxes; however, most medium sized and large airports are able to turn a profit on their own and do not require local assistance. State governments have traditionally played a subordinate role in financing air facilities, but the federal government has played a primary role. When a decision is made to construct, improve or expand an airport, federal grants are nearly always involved, as are local funds and money from the airlines that stand to benefit from the change or improvement.

The portion of airport revenue derived from federal aid bears an inverse relationship to the size of the airport. In other words, large airports receive significantly less funding on a percentage basis than do non-hub reliever airports and general aviation airports. This federal money comes from the Federal Aviation Administration's (FAA) Trust Fund.

#### FAA Trust Fund

The FAA Trust Fund was created in 1958, with part of its mission to manage federal grants for airport planning and capital improvement projects. This money was appropriated from the General Fund. The Airport and Airway Trust Fund and its grant program, the Airport Development Aid Program, were established by Congress in 1970.



The Trust Fund is capitalized through passenger ticket taxes and other excise taxes and user fees. Congress reauthorized the budget for the Trust Fund under the Airport and Airway Act of 1982. The grant program was renamed the Airport Improvement Program (AIP), and the 1982 act defined airports eligible for grants.

#### Local Funding Mechanisms

In the United States, ownership of airports rests almost entirely with local governmental agencies. These typically have few capital resources, but federal involvement does not eliminate the need for local financing mechanisms. Airport capital requirements are generally met through the sale of obligation bonds or revenue bonds, with some measure of state assistance.

## II. SAN DIEGO COUNTY AIRPORTS OVERVIEW

### COUNTY AIRPORTS SYSTEM

The San Diego region has a total of 16 airport facilities owned and operated by a variety of public agencies both local and federal. Eight of the region's airports are owned and operated by the County of San Diego, making it the largest airport system, serving the greatest number of users in the San Diego Region. The County has been operating airports since 1947, during which time it has developed into one of the largest regional airport systems in the State of California. It is considered a part of the National Air Transportation System and includes one (1) primary commercial airport, McClellan-Palomar; two (2) regional airports, Gillespie Field and Ramona; three (3) community airports, Jacumba, Borrego Valley, and Fallbrook; and two (2) limited use facilities, Agua Caliente Springs Airstrip and Octotillo Airport. These airports collectively provide for general aviation, corporate and commercial aviation, and provide land available for lease, for aviation, industrial and non-aviation purposes.

Since these eight airports are owned and operated by the County of San Diego, the County Board of Supervisors sets all policy and provides the overall direction for the County airport system. In addition to its policy role, the Board of Supervisors has appointed a number of advisory committees to monitor and advise County staff and the Board on airport activities and issues. These committees include the Gillespie Field Development Council, the Palomar Airport Advisory Committee, and the Fallbrook Community Airpark Advisory Committee. The County airport system is operated by the County's Department of Public Works, Airport Division which includes a support staff of 25. Twelve of airport system team provide management and administrative support to all eight airports, the balance of personnel are located at Gillespie Field, McClellan-Palomar and Ramona airports.

A primary goal for the County Board of Supervisors has been to keep the airport system fully self-supporting. In 1980, the Board established an Airport Enterprise Fund (AEF), where revenues generated from each of the eight county airports are collected so that they may be kept separate from the County's General Fund. These airport revenues are then used to fund the entire airport system as well as pay any debt service the system has incurred. These monies also provide the required matching funds for FAA capital grants. In addition, the AEF has provided some of the funding of other public improvements and enhancements at individual airports deemed important for the continued economic growth and financial health of the entire airport system. The use of an enterprise accounting system has enabled the County airport system to operated within the revenues it generates. The FY2000 County Airports budget request totals \$25.6 million with \$16 million requested for funding of a variety of capital improvement projects in the airport system.

#### POLICY F-44

In 1987, the County Board of Supervisors established a policy (F-44) to provide guidelines for the operation and development of McClellan-Palomar Airport. The policy was modified in 1991 and then again in 1996. The policy is scheduled to sunset on December 31, 2002, but can be reviewed for continuance prior to this date. The following eight items are outlined in Policy F-44:

1. The role of Mc-Clellan Palomar Airport shall be to provide air transportation for the residents of North San Diego County and to facilitate General Aviation activities while minimizing noise impacts on surrounding areas and communities.
2. Scheduled commuter airline operations are limited to aircraft having 10 to 60 seats and meeting the approach speed and wing span categories for McClellan-Palomar Airport in accordance with FAA regulations. Commuter airline aircraft shall meet the FAA State III noise criteria.
3. The Airport will operate with one runway that simultaneously accommodates a 4,700 foot landing distance and a 5,000 foot take off distance; the 300 foot difference, a displaced threshold on the runway's east end, will increase safety of the airport while reducing noise levels.
4. The County will take a proactive role working with local agencies and the FAA to protect the airspace around the airport from encroachment and to promote compatible off airport land development, and to insure the future safety and compatibility of the existing runway length.
5. The County will operate the airport in accordance with any adopted FAA Part 150 Noise Compatibility Program and in full compliance with any State or Federal mandated noise standards relating to the operation of a public airport. The program will recognized the Noise Element of the City of Carlsbad's General Plan and implement mitigation measures to minimize noise impacts.
6. The County will monitor aircraft noise and verify the Community Noise Equivalent Level (CNEL) noise contours within the airport influence area as described in the Palomar Airport Comprehensive Land Use Plan as well as monitor pilot compliance with any adopted FAA Part 150 Noise Abatement Program. The County will continue to monitor air traffic around the airport with a noise monitoring and flight tracking system and implement procedures to mitigate single event noise complaints.
7. The Airport Manager will produce distribute and promote a detailed noise abatement program for the airport. The program will contain specific flight information and a chart identifying noise sensitive areas. The noise abatement Program will be updated annually and distributed to pilots. The Airport Manager will request pilot compliance with the program.

8. This policy recognizes SANDAG's Airport Land Use Plan.

#### HISTORY OF MCCLELLAN-PALOMAR AIRPORT

Most of the land on which the County's airport facilities are located were dedicated by the federal government as a means of maintaining a general aviation network throughout the nation. Originally the Airport was referred to simply as Palomar Airport, however, in 1982 the airport was rededicated to McClellan-Palomar Airport in honor of Gerald McClellan, an aviator and North San Diego County leader who was instrumental in developing the airport.

- In 1958, the County purchased approximately 238 acres for \$144,000 to site Palomar Airport in the City of Carlsbad. The Palomar Airport site was acquired as a replacement for the Del Mar Airport, which was also owned and operated by the County of San Diego.
- In 1958, the Federal Aviation Administration (FAA) provided a grant for additional land and improvements for Palomar Airport.
- In 1959, Palomar Airport opened for business after construction was completed on a 3,700 foot long, 100 foot wide runway.
- During the 1960's, a terminal building was constructed, the runway was extended to 4,700 foot in length and widened to 150 feet, and runway lighting was installed.
- The air traffic control tower was installed by the FAA in 1973.
- In 1974, when the County acquired an additional 225 acres for \$1.5 million, Palomar Airport was expanded again.
- In 1976 an Airport Master Plan was approved by the County Board of Supervisors.
- An Instrument Landing System (ILS) and approach lighting system were installed in 1977.
- During the early 1990's high intensity approach lights and airport perimeter fencing was installed.
- In 1996/97 improvements were completed to comply with FAR Part 139 certification. The certification took effect December 1, 1998.
- In 1997 the County Board of Supervisors approved a new Master Plan for McClellan-Palomar Airport.
- In 1999 a new, interim terminal facility was added.

In total, it is estimated that the FAA, through numerous grants, has participated in more than 50% of the acquisition and development costs of McClellan-Palomar Airport.

### AIRPORT FACILITIES

McClellan-Palomar Airport is a single runway facility serviced by an air traffic control tower operated by the FAA. It is classified as a general utility facility, an airport mainly serving aircraft with a maximum gross takeoff weight of 12,000 pounds or less, although some larger aircraft do operate at the airport. The airport occupies approximately 255 acres of land, with an additional 211 acres of County owned airport separated from the airport by Palomar Airport Road and El Camino Real. McClellan-Palomar Airport is the only airport with an Instrument Landing System (ILS) between Lindbergh Field and Santa Ana that can accommodate the business aircraft over 12,500 pounds. The Airport is open 24 hours a day, however, most take-off and landings occur between 7 a.m. and 11 p.m., with a voluntary curfew of 10 p.m. to 7 a.m.

Currently Palomar Airport is served by two regional airlines, United Express and America West Express. United Express makes 11 round-trip flights per day to and from Los Angeles International Airport. America West operates 4 round-trip flights per day to and from Sky Harbor Airport in Phoenix, Arizona.

Air traffic statistics at McClellan-Palomar Airport are recorded by on-site county airport management staff. Information on aircraft operations is provided by the FAA control tower staff. County staff also collects and records data concerning commercial passenger activity at the airport.

### AIRPORT OPERATIONS

In 1998 Palomar Airport handled over 60,000 enplanements and 132,000 total passengers. The airport also serves a variety of corporate aircraft, general aviation fliers, and offers sightseeing excursions on vintage aircraft. McClellan-Palomar recently became a Federal Aviation Regulation Part 139 Certificated Airport, expanding safety and security features, thereby enabling larger commercial aircraft to service the facility. Enplanements at Palomar are projected to grow to more than 287,000 within the next 20 years, with passenger throughput forecast to exceed 630,000.

There are six (6) fixed base operators providing aircraft parking, aircraft storage hangars, aviation fuel, major aircraft and engine repair, automobile rental and flight instruction. In 1998 there were 490 aircraft based at the airport, most of which involved single engine aircraft. Revenue from Palomar Airport are derived primarily from aviation and commercial leases, and represent approximately 34% of the total airport system revenue.

### III. MCCLELLAN-PALOMAR AIRPORT - LAND USE

#### CARLSBAD GENERAL PLAN

There are eight elements of the Carlsbad General Plan, with four of them applicable to McClellan-Palomar Airport. These include the Land Use Element, Circulation Element, Noise Element and Public Safety Element. However, the General Plan elements that are most comprehensive with respect to McClellan-Palomar are the Land Use and Noise Elements. The General Plan also designates McClellan-Palomar Airport as a Governmental Facility.

The General Plan requires coordination with the San Diego Association of Governments and the Federal Aviation Administration to protect public health, safety and welfare by ensuring the orderly operation of the Airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airport.

#### Land Use Element

Land for development of McClellan-Palomar Airport was purchased in 1958, with construction of the airport complete in March of 1959. The airport was built atop the mesa just south of the Agua Hedionda valley and lagoon. Oriented to take advantage of the on-shore winds, the runway lies on an east-west axis. The associated glide path, crash hazard, and noise impact areas around the airport significantly influence the type and intensity of development across the entire central area of the City of Carlsbad. This area of influence extends generally in a broad band east and west of the runway, and to a lesser degree, north and south of the airport. To limit noise impacts on noise sensitive land and for reasons of general health and safety, the City has designated areas surrounding the Airport for predominately planned industrial and commercial uses. To accomplish this, a significant amount of non-residential land has been designated on the General Plan. Residential development and most institutional land uses, such as hospitals and schools, are precluded from this area of airport influence.

#### Noise Element

California's Planning and Zoning Laws require a Noise Element which identifies and appraises noise problems in the community. The Law specifically requires that noise levels of commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operations be analyzed and quantified, to the extent practicable by the legislative body.

In California, the technique used for quantifying aircraft noise is the community noise equivalent level (CNEL). The CNEL is a descriptor of daily noise environment. It accounts for the magnitude, the time of day, and the frequency of occurrence of noise intrusions. The CNEL is calculated from the hourly noise by a formula prescribe in the

California Noise Standards. The outside boundaries of the areas generally subject to such noise are usually portrayed by lines overlaid on a map of the area around the airport. These boundary lines are referred to as "noise contours". The noise contours are the basis for delineating the airport's Area of Influence and for establishing a pattern of land uses in the General Plan Land Use Element. Projected noise contours are provided in the Comprehensive Land Use Plan for Palomar Airport.

#### COMPREHENSIVE LAND USE PLAN (CLUP)

In 1970, the State of California enacted a law requiring the formation of an Airport Land Use Commission (ALUC) in each county containing a public airport. The law required that a comprehensive land use plan be formulated that would provide for the orderly growth of each public airport as well as the areas that surround an airport. This was done as a means to insure the safety and the general welfare of the inhabitants within the vicinity of the airport and the public in general.

The San Diego County Board of Supervisors, by unanimous vote on December 15, 1970, recommended that the San Diego Association of Governments (SANDAG) be designated to assume the responsibility of the county's Airport Land Use Commission (ALUC) and be charged with development and adoption of a Comprehensive Land Use Plan (CLUP) for each public airport. The purpose of the CLUP is to identify areas likely to be impacted by noise and flight activity created by aircraft operations at the airports. Its primary use is to provide information about specific impacted property in terms of land use or construction implications, and mitigation measures necessary to permit development that is compatible with airport operation. The most recent CLUP for McClellan-Palomar Airport was adopted in April 1994. As a long range master plan the CLUP reflects the anticipated growth of the airport over the next 20 years. So that the information contained in the CLUP remains current, it is updated every five years.

State law requires that the City's General Plan comply with the Airports Comprehensive Land Use Plan. If the City chooses to overrule a finding of the Airport Land Use Commission, it must do so by a two-thirds vote of the City Council, it makes a specific finding that the General Plan and the CLUP are consistent. The City's General Plan, adopted in 1994 is consistent with the CLUP.

#### AIRPORT INFLUENCE AREA

The Airport Land Use Commission establishes an Airport Influence Area for each airport in the region. The Influence Area encompasses those areas adjacent to airports that could be impacted by noise levels exceeding the California State Noise Standards or where height restrictions would be needed to prevent obstructions to navigable airspace as outlined in the Federal Aviation Administration regulations. It represents the boundary of the Commission's planning and review authority. The Commission procedure ensures a regional overview to protect the airport's operations and to prevent the creation of new noise and safety problems. The cities of Carlsbad, Encinitas, Vista, San Marcos, and

Oceanside, through their community planning processes and zoning ordinances, retain land use control within the Airport Influence Area.

The City of Carlsbad has established an overlay zone for the ALUC designated Area of Influence. The procedure requires that all parcels of land located in the Airport Influence obtain either a site development plan, planned industrial permit, or other discretionary permit and comply with the noise standards of the CLUP and Federal Aviation Administration building height and lighting obstruction requirements.

#### RUNWAY PROTECTION ZONE

The Runway Protection Zone for McClellan-Palomar Airport are the land areas adjacent to the ends of the runway's primary surface, over which aircraft using the airport must pass for each operation, either arrival or departure. The only land uses compatible with the Runway Protection Zone are: natural recreation areas or habitat and species preservation areas; public rights-of-way, agriculture, or storage facilities. In addition, areas immediately adjacent to the airport in every direction are zoned with a height limit of 35 feet (average), to ensure that new construction will not penetrate either the approach surfaces at the runway ends or the transitional surfaces along the length of the runway.

#### FLIGHT ACTIVITY ZONE

Areas designated as within the Flight Activity Zone are sites where most problems may be expected to occur. Flight activity hazard areas are those areas most likely to experience a crash and generally lie beneath the flight pattern, especially in the final approach to the runway. The Flight Activity Zone overlays private properties. It identifies areas which should be held free of intensive development, including high rise development and all uses that involve the assembly of large groups of people (more than 100).

#### MC-CLELLAN PALOMAR AIRPORT MASTER PLAN

The County Board of Supervisors approved a Master Plan for McClellan-Palomar Airport in 1976 that had a planning horizon of twenty (20) years (1975-1995). The purpose of the Airport Master Plan is to identify the Airport's potential needs and future development during a twenty year period. In 1996, the County began an update of the 1976 Master Plan and provided the Carlsbad City Council with an overview of the major components. In September 1997 the County Board of Supervisors approved the new Airport Master Plan. As with the first Master Plan, it also has a 20 year planning horizon (1995-2015).

The Plan is divided into five year increments. Certain facilities are required to be in place as certain important thresholds are reached. A key factor in determining future facility requirements was to estimate future demand. Forecasts of future aviation activity at the Airport were estimated based on national, regional, and local trends in aviation activity and economic growth as well as projected population growth in the Carlsbad area. This information was then used to estimate numbers of based aircraft, aircraft fleet mix,



passenger enplanements, annual aircraft operations, and peaking characteristics. Since airport improvements are based primarily on demand and not a specific year or timeframe, improvements are programmed as specified levels of activity are reached.

#### CITY OF CARLSBAD CONDITIONAL USE PERMIT

On September 24, 1980, the Carlsbad Planning Commission issued a Conditional Use Permit (CUP 172) for McClellan-Palomar Airport which allowed for certain structures and facilities without additional discretionary review. Provided uses proposed by the County are consistent with the approved Master Plan and the Conditional Use Permit, they are permitted to apply directly for a building permit. In this way the Airport Master Plan is implemented administratively.

In 1998 the County of San Diego began processing a Conditional Use Permit Amendment (CUP 172A) to update their existing conditional use permit to reflect (1) existing conditions; (2) reflect the 1997 Board approved Master Plan, and (3) adjust the configuration of the property covered by CUP 172. On February 4, 1999, the CUP Amendment was withdrawn by the County, because of mitigation concerns for the Palomar Airport Road/El Camino Real intersection failure. To date there has been no resubmittal of the CUP amendment by the County.

#### CARLSBAD MUNICIPAL CODE

On August 5, 1980, an initiative petition dealing with future expansion of Palomar Airport was presented to the Carlsbad City Council by Carlsbad voters. On August 12, 1980, the following ordinance was adopted by the Carlsbad City Council:

“21.53.015 Voter authorization required for airport expansion.

- (a) The City Council shall not approved any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of qualified electors of the city voting at an election for such purposes.
- (b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people.”

Based on this section of the Carlsbad Municipal Code, any proposal for construction of structures or facilities which are not listed in the approved Conditional Use Permit, would require an amendment.

#### IV. ECONOMIC BENEFIT OF MCCLELLAN-PALOMAR AIRPORT

##### ECONOMIC STUDY

The overwhelming majority of studies that examine the impact of airports on local or regional economic development conclude that they exert a positive effect. However, it is not altogether clear whether airports lead or follow economic growth. Air transportation appears to be a prerequisite, but not necessarily a sufficient condition for certain industries in their site selection deliberations. Also airport facilities alone are not the only element involved in regional and local development. What is clear is that air travel has grown significantly since deregulation in 1978, resulting in thousands more travelers passing through airports across the country. It is also clear that a number of businesses and industries value access to an airport.

In a study conducted by Carnegie Mellon University in 1989-90, researchers verified that one of the most significant airport attributes affecting a regional economy is the number of destinations available and the frequency of flights to those destinations. Combine the expanding market with the need to reach those markets, and consistently the response from public leaders has been clear, pro-growth airport policies. Cities across the nation have begun to improve and expand their airports while others are constructing new ones from the ground up. However, as air traffic in an area increases, and airports are expanded to handle the flow and or boost the local economy, noise and vibrations from aircraft create a problem for people living nearby. It is not uncommon for airport development to be curtailed due to citizen opposition. In fact, economic impact studies are often commissioned to convince nay-sayers of the advantages of airport development;

In 1994, the County of San Diego commissioned an Economic Benefit Study for McClellan-Palomar Airport. The study was conducted by Coffman Associates and Arizona State University College of Business and followed procedures in its methodology that were recommended by the Federal Aviation Administration (FAA) and the California Department of Transportation (CalTrans). Since 1994, no new or updated studies have been conducted and the estimates made at that time of future growth of the airport are understated compared with actual data we have today. This section of the airport analysis will not make an independent assessment of the economic benefits, rather it will highlight the findings and predictions of the 1994 study.

According to the Study:

“Airports benefit the regional economy through the employment, payroll, and spending associated with aviation activity both on and off the airport. Airports are sources of measurable economic benefits impacting jobs, income and regional spending levels.

Suppliers of aviation services, such as airlines, private businesses serving general aviation, other airport tenants, and various government agencies, all create jobs and value added for the local economy.

Air travelers create economic benefits that extend throughout the region. Visitors who arrive by air generally have greater expenditures for lodging, retail, entertainment, and food as compared to visitors using other modes of travel.

However, it is important for citizens and policy makers to be aware that airports create significant unmeasured social and economic benefits for the regions which they serve. For example, convenient air transportation allows freedom for individuals to travel to satisfy their preferences for goods, services, and personal needs. Airports make the regional economy more competitive by providing businesses ready access to markets, materials and international commerce.

Airports also bring essential services to a community, including enhanced medical care (such as air ambulance service), support for law enforcement and fire control, and courier delivery of mail and freight. These services raise the quality of life for residents and maintain a competitive environment for economic development.”

“An efficient airport can provide a competitive edge for communities seeking corporate relocations and expansions. Two out of every three Fortune 500 companies use private aircraft for their business to transport goods, material, and personnel.”

Data collected during the study was input into special economic impact models developed by the FAA and CalTrans in order to determine McClellan-Palomar Airports contribution to the local, regional and state economy. Benefits were categorized as either Direct or Induced (multiplier effect of direct benefits) and then combined to represent a Total Benefit (Exhibit 1).

### DIRECT BENEFITS

These are benefits that result from (1) on-airport economic activity of airlines, fixed base operators, all other airport tenants, and government agencies including the airport authority, as well as (2) off-airport activity that includes spending by air travelers for lodging, restaurants, entertainment, ground transportation and retail goods and services. These measures represent the amount of “first round spending, value added (new output), payroll, and jobs in the McClellan-Palomar service area that were the result of the presence of the airport during the study period. This is the direct economic activity that would not have occurred without the airport, the aviation services provide there, and spending by users of these services.

### INDUCED BENEFITS

These are the multiplier effects of the Direct Benefits and represent additional spending that is generated as a result of the on and off airport activities. It in effect becomes a "second round" of spending that occurs as a result of the airport. Dollars spent by suppliers or users of aviation services create or induce additional output, jobs and payroll, as they circulate within the economy, creating a multiplier effect. Induced impacts occur when an on-airport service provider purchases supplies or services locally, pays wages to its workers, or undertakes capital expenditures. All of these outlays create local jobs, additional output and income as the dollars circulate in the economy.

In addition to direct and induced Benefits, the study looked at gross revenues, value added, payroll and employment as a way of measuring the economic benefits.

### GROSS REVENUE

Total sales of business firms and budgets of government agencies, or the total flow of dollars from aviation-related activity. These are not subject to multiplier effects, since only the value added component stays within the local economy.

### VALUE ADDED

This is a measure of new output created within the region. Value added results when input materials are processed by labor, under the direction of management, to produce a product for resale or service.

### PAYROLL

This is a component of value added, representing the payment for labor used to create new output from aviation related activity.

### EMPLOYMENT

This is the number of jobs required to create the gross revenues and value added.

According to the 1994 study, in 1993-94 McClellan-Palomar Airport provided the following benefits to the regional/local economy:

### TOTAL ECONOMIC BENEFITS OF MCCLELLAN -PALOMAR

- 1,270 Jobs
- \$33 Million Total Payroll
- \$88 Million Value Added
- \$108 Million Gross Revenues

These Total Economic Benefits can be broken into the following categories:

Total Benefits from Air Operations: Includes airlines, air cargo, auto rental, FBO services, food services, flight instruction, charter services, medical transport, aerial photography, aircraft maintenance, aircraft sales and rentals, government agencies, airport administration, and capital projects.

- 290 Jobs
- \$7.4 Million Total Payroll
- \$27.4 Million Value Added
- \$32.9 Million Gross Revenues

Total Benefits from Air Visitors: Includes lodging, food and drink, retail goods and services, entertainment and transportation.

- 320 Jobs
- \$6.6 Million Total Payroll
- \$12.7 Million Value Added
- \$17 Million Gross Revenues

Total Benefits from Travel Agents:

- 13 Jobs
- \$296,000 Payroll
- \$740,000 Value Added
- \$11 Million Gross Revenues

## SUMMARY

The County commissioned study anticipated the future economic impact of McClellan-Palomar Airport and made a number of projections for both 2000 and 2005 utilizing a projected number of passenger enplanements of 33,000 and 45,000 respectively.

Unfortunately these figures understate the actual number of enplanements that occurred even as early as 1998 (over 60,000 enplanements and 132,000 passengers) and therefore significantly under estimate McClellan-Palomar's future and current economic impact.

However, utilizing the projection of 45,000 enplanements for the year 2005, the direct economic benefits from the airport were expected to be \$114.5 Million in business revenues, 1,472 Jobs, \$33.9 million in payroll, and \$71.1 million in value added.

Indirect benefits were expected to be an additional 1,531 jobs, \$46 million in payroll and \$113.6 million in value added. Although the estimate of operations are lower than the actual data they do indicate a significant economic contribution to the City of Carlsbad, North San Diego County and the region.

It is safe to assume that continued growth in the number of enplanements and passengers will result in greater economic growth and benefit to the City and the region in the future. However, the extent of economic benefit will likely be contingent upon the County's

ability to continue to upgrade airport facilities and provide other on and offsite improvements in support of this growth.

## V. AIRPORT FINANCING

### NATIONAL OVERVIEW

Airports are required by federal statute to operate as self-sufficiently as possible (49 U.S.C. Section 47107(a)(13)(A)). This is a condition of federal grants, airports' traditional source of capital, and an increasingly important obligation. Intense competition in the airline industry has resulted in greater pressure on airports to contain costs, the federal government has reduced the amount of grant funding available, and the ability of existing sources of capital to meet airport infrastructure needs is uncertain.

### Airport Improvement Program (AIP)

The Federal Aviation Administration administers the federal airport grant program, the Airport Improvement Program (AIP). AIP grants help finance projects that enhance airports' capacity, safety, security, and noise mitigation. Generally, most types of airfield improvements, such as runways, lighting, navigational aids, and land acquisition, are eligible, while hangars and interest expense on airport debt are not. AIP-eligible projects for airport areas serving travelers and the general public - called "land-side development" - include entrance roadways, pedestrian walkways and movers, and space within terminal buildings that does not produce revenue and is used by the public, such as waiting areas. AIP-ineligible land-side development projects include revenue-producing terminal areas, such as ticket counters and concessions, and the interest on construction bonds.

The AIP plays a significant role in funding airports, especially smaller airports (commercial-service airports with fewer than 1.5 million passenger boardings a year). In a 1999 report by the U.S. General Accounting Office (GAO), using data from 1996, the most recent year for which the GAO conducted an analysis, the nation's 3,233 smaller national system airports obtained \$1.5 billion in funding, about 22 percent of the total that year. These airports relied on AIP grants for half of their funding, followed by tax-exempt airport and special facility bonds, and state grants. Passenger facility charges (PFC), a fee imposed on each passenger per trip segment and which is to be used on airport related capital projects, accounted for only 7 percent of smaller airports' funding mix. Conversely, larger airports received more than \$5.5 billion in funding, relying on airport bonds for 62 percent of their total funding, followed by PFC collections. AIP grants accounted for only 10 percent of larger airports' funding.

Whether existing sources of capital will be adequate to meet future development needs is uncertain. In GAO reports on airport development needs published in 1999, the Office looked at studies which indicate substantial future investment in airport infrastructure is needed. The reports use airport funding in 1996 and conclude that as much as \$1.4 billion, or ½ of smaller airports' planned development that is eligible for grants may not be funded on an annual basis (a lack of funding for only about 1/5 of larger airports' planned development was projected). Small airports planned to spend nearly \$3 billion per year for capital development during 1997 through 2001, or \$1.4 billion per year more

than they were able to fund in 1996. Smaller airports' planned development consists of projects eligible for Airport Improvement Program grants, such as air-side items which include runways, taxiways and noise abatement, and projects not eligible for grants, such as roads, parking lots, hangars and terminal retail space.

Despite smaller airports' heavy reliance on federal funding and GAO reports identifying critical capital improvement needs, the trend for the AIP is reduced funding that "will represent a shrinking percentage of airport funding", according to the GAO. At its peak in fiscal year 1992, AIP spending was \$1.9 billion, almost 25% of that year's national airport capital costs. Spending dropped below \$1.5 billion in 1995, and did not increase until 1998 when it totaled only \$1.62 billion. Fiscal year 1999 AIP funding was \$1.95 billion, but the AIP was authorized for only 6 months, through Mar, 31, 1999, and the FAA was allowed to commit to airports only half the amount funded, or \$975 million, until the AIP was further extended. The inability of Congress to resolve FAA reauthorization issues resulted in two more short term extensions and FAA funding gridlock. The year ended with the FAA operating two months without authorization and Congress continuing to debate legislation to reauthorize the FAA's programs. Funding for fiscal year 2000 is \$1.85 billion, but as of February 17, 2000, the program remained suspended without authorization.

#### McClellan-Palomar/Capital Improvements/County Airports

The County's airport system depends on financial assistance from the FAA to meet the majority of its capital needs but it operates within the revenues that it generates. According to "A Study of County Airports" conducted by the County in 1999, the system is funded through the Airport Enterprise Fund (AEF), it does not receive any funding from the County's General Fund, and it has an operating budget of approximately \$4 million, a capital budget close to \$9 million, and operating revenue in the amount of \$4.26 million. The report also shows that the cost of operating the entire airport system is \$3.85 million, and only 2 of the system's 8 airports operate with a surplus of revenue over expenses: (1) Gillespie Field, with industrial leases contributing approximately 45% of total operating revenues for the County airport system; and (2) Palomar, generating 34% of the total operating revenue of \$4.26 million, or 37% of the cost of operating the entire airport system with revenue primarily from aviation leases and commercial leases. The 7/1/98 thru 1/8/99 AEF revenue and expenses statement provided by the County is shown in Exhibit 2.

A few years ago, County Airports had a reserve of around \$6 million. Since that time, according to the Study, the agency has embarked on a very aggressive capital program and the great majority of this "reserve" was allocated to specific projects. The end result is that the reserve fund is close to being depleted. The balance at the end of Fiscal Year 1998-99 was projected at \$1.44 million.

The largest of the expenditures that has led to the reserve depletion was a loan of approximately \$6 million to the County's Redevelopment Agency to help fund the establishment of an industrial park next to Gillespie Field Airport, located in a



Redevelopment Agency Project Area. It is a contiguous area of approximately 746 acres, of which 342 acres are devoted to airport related activities. There are more large parcels within this area to be developed. As a result, to continue the development of property for non-aviation uses, additional loans from the AEF are projected through fiscal year 2012-13 and the issuance of nearly \$16 million of debt by the Redevelopment Agency is planned before the end of 2006.

The County's efforts to increase non-aviation revenue are consistent with federal statutes that (1) require the airport system to operate with an overall goal to be "as self sustaining as possible" (49 U.S.C. Section 47107(a)(13)(A)); and (2) encourage airports to become totally self-supporting by enhancing their commercial or groundside revenues. Under 49 U.S.C. Section 47107(b), airports are mandated to limit total aeronautical revenues to total aeronautical costs-thus prohibiting any operating income from aeronautical sources. Moreover, without the development of non-aviation sources of revenue the County airport system could not sustain itself. According to the Study, the County's aviation lease revenues do not support the cost of services provided to the airport users. The addition of non-aviation and industrial park revenue provides needed capital for both the operations and capital development of the airport system. Land placed in the non-aviation arena brings five times the return of land that is restricted to aviation uses. Finally, the non-aviation property is critical to airport funding as it provides for a more diverse source of revenue than the land restricted to aviation uses only.

While there are ample opportunities for expansion of non-aviation revenue sources at Gillespie, such opportunities at Palomar are limited. The airport is land locked and has very little opportunity for expansion beyond the existing property boundaries. According to Bob Durant, Airports/Transit Public Works Manager, there is a significant need, however, for the expansion of commercial aviation uses at the airport. Mr. Durant reports that the Fixed Base Operators (FBOs) are now moving toward more corporate clients because they purchase more fuel than do general aviation aircraft operators, and the FBOs may be able to increase rents with these clients. In addition, according to Airport Manager Floyd Best, more commuter airlines are interested in Palomar. Expansion for these uses, however, requires a new terminal and additional parking. According to the County's 1999 Airports Annual Business Plan, with a financial plan spanning 20 years, *...aviation revenue at McClellan-Palomar airport should increase substantially with the construction of the new terminal building and parking facility to service the growing commercial passenger market. This will propel the aviation revenue system-wide to a level of near self-supportability. This will likely occur between years five and ten based on our current enplanement forecasts.* At this time, however, there is little progress toward realizing this projection. Both a new terminal and additional parking have not been moved out of the early stages of planning.

A parking study to address long term needs and the design of a new terminal were projected for this current and next fiscal year respectively. However, according to Mr. Durant, the earliest the parking study could begin is fiscal year 2000-01 and it is uncertain if the terminal design can be realized that year.

Over the past year or longer, the County has been discussing the development of the terminal and parking with Palomar Airport Centre (PAC), the management firm for the "Burrows Leasehold", an FBO with the first right of refusal for the development of their 12 acre parcel. According to Mr. Durant, a study on the development of a terminal, just south and west of the existing terminal, and parking on this property will be done by the end of March, 2000. On the basis of that study, he believes that the parties should be able to determine if they can pursue the project. While working with PAC, the long term parking needs study has been put on hold. In any case, development of a new terminal cannot proceed without first resolving the issue of parking.

Last year, Mr. Durant reported to the Palomar Airport Advisory Committee that the cost of a new terminal is estimated at \$4.5 million to \$5 million, which cannot be justified unless there is adequate parking. However, additional parking cannot be constructed without an approved amended conditional use permit (CUP). The County has not obtained this permit for 2 reasons.

- (1) A CUP amendment application (CUP 172A) was submitted on May 12, 1998. It was withdrawn on February 4, 1999, as a result of traffic mitigation requirements. According to Mr. Durant, the County's contribution to the Palomar Airport Road improvement project should satisfy the requirement for County participation in traffic mitigation on this roadway. In a March 22, 2000 interview of Mr. Durant, he added that the improvements to the airport are even more important to the City than the County, and some time ago, he sent the City a letter requesting relief from the requirement but has not yet had a response. He acknowledged that this may be because the CUP amendment application has not been re-submitted. According to both the Planning and Engineering Departments, the letter has not been received, and to date, the application has not been re-submitted.
- (2) According to Mr. Best, there has not been adequate staff time to complete and re-submit the application.

Until the CUP amendment can begin to be processed, long term parking and a new terminal cannot be addressed, and opportunities for expansion of revenue and revenue sources will continue to be limited.

In the Business Plan the AEF reserve is projected to decline to about \$500,000 in fiscal year 2000-01, and then grow again to approximately \$1 million in 2004-05, nearly \$17 million in 2009-10, and approximately \$80 million in 2018-19. However, capital projects between 1999-00 and 2004-05 total more than \$58 million with the AEF share targeted at just over \$11 million. As Mr. Durant wrote in the Fall '99 issue of PLANENEWS, the County Airports' newsletter, "while the 20-year financial plan for County Airports provides a picture of prosperity, the immediate future has demands for improvements that exceed available resources." In addition, as the Business Plan emphasizes, the growing level of the reserve over the twenty-year period should be viewed with caution because

(1) years 6-20 of the Plan are very scant in terms of capital development; (2) it is based on current economic conditions - if the economy deteriorates, the lease revenue streams and the tax increment revenue that is generated by the Gillespie Field Redevelopment Project will be affected and the reserve level will decline; and (3) the Plan assumes a very high level (60%) of FAA assistance for capital development.

Another reason to view the projected growth in the AEF reserve with caution is the financial liability County Airports has picked up since the Business Plan was completed. At the end of 1999, improvements needed at Palomar as a result of airport property deterioration associated with the underlying landfill were identified. While the County Inactive Waste Site Management Group, a division of the County Department of Public Works (DPW), has a trust fund of approximately \$100 million that funds the maintenance of the County's eighteen (18) inactive landfills, part of the responsibility for the current condition of the property has been allocated to the Airports Division of DPW. As a result, some of the estimated \$4 million cost of improvements taking place this year will be "billed" to Airports. According to John Rollin, Public Works Manager in the Inactive Waste Site Management division, in an interview in late 1999, the amount to be funded by Airports has yet to be worked out. In the interest of time, his division agreed to pay the full amount now and work out later the amount to be reimbursed by Airports. Finally, it is unknown if there will be any future financial liability for the landfill allocated to the Airports Division. According to Mr. Rollin, the re-grading and re-paving work in progress is only a "temporary fix."

## VI. MCCLELLAN-PALOMAR/COUNTY AIRPORTS SALE OR LEASE

### NATIONAL OVERVIEW

Various legal obstacles have deterred attempts to sell or lease commercial airports in the U.S. According to the November 7, 1996 GAO report "Airport Privatization: Issues Related to the Sale or Lease of U.S. Commercial Airports", the primary obstacle stems from the legal assurances airports agree to meet as a condition to obtaining federal grants. The FAA maintains that airports must continue to adhere to these assurances as part of any transfer of control, and these legal obligations cannot be unilaterally extinguished by repaying the grants (in testimony by the GAO earlier that same year, it was noted that the FAA has not sought any reimbursement when airport ownership has been transferred between public entities). Particularly problematic is the assurance regarding the use of airport revenue. Current law generally requires that revenue generated by public airports must be used exclusively to pay for their capital and operating costs and cannot be diverted for non-airport purposes. Because the FAA contends that airport revenue includes any sale or lease proceeds, local and state governments are entitled to recover only their un-reimbursed capital and operating costs from these proceeds. As a result, the GAO concludes, the financial incentive to sell or lease is diminished.

### McClellan-Palomar/County Airports

In 1999, the County evaluated the feasibility and advisability of the sale or lease of one or more of its airports. The County's study included the results of a survey of twelve airport agencies, a general assessment of the state of the County's airports (County Airports), and a review of the federal regulations related to the sale of a County airport.

Report findings include:

- While the great majority of agencies develop and manage their own hangars, County Airports is one of the few agencies that solely rely on the private sector to develop hangar facilities, thus minimizing the County's risk in economic downturns;
- Although four of the twelve agencies surveyed depend on the receipt of general government funds, County Airports does not rely on the County's General Fund;
- County Airports has one of the lowest fee structures and still is able to remain self-sufficient;
- County Airports' staffing is very lean (staff of 25 to support 8 airports);
- Tie-down fees could be increased;
- Efficiency of lease administration needs to be examined; and

- Stakeholders have a high level of customer satisfaction.

Major conclusions of the study include:

1. Three "critical success factors" for County Airports are: (a) self-sufficiency; (b) aggressive property development; and (c) partnership with the private sector to help develop its airports.
2. The sale of any County airport would require FAA approval of those airports that occupy land that was dedicated by the federal government, and reimbursement to the FAA of funds that were awarded through grants for the improvement of the subject airports. Specifically, the approximately \$6.1 million of FAA funds that were used to purchase and develop McClellan-Palomar Airport would have to be returned to the FAA, assuming that the FAA approved of the sale.
3. Any sale of airport property would require that the County address its past use of redevelopment bonds. The County issued redevelopment bonds in 1995 to finance the development of an industrial park adjacent to Gillespie Field. The Master Pledge Agreement for this bond issue requires the County to provide a solvent airport system to ensure the security of the bonds. Because of this requirement, the Agreement prohibits the sale of airport property except in narrowly defined circumstances.
4. About \$230,000 of County Airports' overhead is charged to Palomar on an annual basis. While the elimination of Palomar from the County system would decrease some overhead expense, the majority of this expense would need to be carried by the remaining airports.
5. Any sale of Palomar would require consideration of the issue of the inactive landfills upon which it is built. The sale would remove revenues but leave the County with ongoing liabilities for the landfills.
6. Because the County's airport system is self supporting and not a burden to the General Fund, coupled with the revenue diversion restriction and grant repayment requirement, there is no compelling reason for the County to sell at this time.

The report was given to the Board of Supervisors for their review with recommendations to (1) continue with the current management system; (2) continue to explore legal restrictions to long term leases or sale and assess the strength of the market as it becomes mature; and (3) implement a process improvement plan to expedite the lease adjustment when there is an escalation clause to ensure that the County receives market value on all leases.

## VII. MCCLELLAN PALOMAR AIRPORT ENVIRONMENTAL ISSUES

Airports create smog, contaminate waterways and generate a significant amount of noise pollution. The environmental impacts of airports that will be discussed include noise, and ground water contamination and hazardous gas specific to the landfills beneath Palomar Airport.

### NOISE

#### NATIONAL OVERVIEW

Communities throughout the U.S. are struggling to address the impact of aircraft noise on residents. This nationwide struggle is the result of federal regulations that restrict the control of airport operations for noise control purposes.

The limitations on noise control activities are spelled out in the Airport Noise and Capacity Act of 1990 (ANCA). This legislation resulted in large part due to the efforts of local agencies to restrict airport operations to reduce airport noise impacts on residents, and concerns that these efforts would impede growth in aviation. Findings of Congress cited in the Act include: (1) aviation noise management is crucial to the continued increase in airport capacity; (2) community noise concerns have led to uncoordinated and inconsistent restrictions on aviation which could impede the national air transportation systems; and (3) a noise policy must be implemented at the national level. The main features of the Act are requirements that (1) by the year 2000 all jet aircraft weighing 75,000 pounds or more at civilian airports be Stage-3 aircraft (aircraft that incorporate the latest technology for suppressing jet-engine noise); and (2) impose further constraints on the authority of airport owners to introduce any new noise and access restrictions.

Now, to obtain FAA approval for a restriction, ANCA implementing regulations in Federal Aviation Regulation (FAR) Part 161 require substantial evidence to support compliance with six statutory conditions. To meet these conditions, the airport sponsor must demonstrate that the proposed restriction:

- is reasonable, non-arbitrary, and nondiscriminatory between classes of aircraft;
- does not create an undue burden on interstate or foreign commerce;
- is not inconsistent with maintaining the safe and efficient utilization of the navigable airspace;
- does not conflict with any existing Federal statute or regulation;
- has been afforded adequate opportunity for public comment; and
- does not create an undue burden on the national aviation system.

According to FAA attorney Monroe Balton, compliance with Part 161 is very expensive, time consuming, and requires an extensive noise study. Mr. Balton reports that there

have been only two attempts at this study in the Western Pacific region, and in the ten years since passage of the Act, none have been completed.

#### McClellan-Palomar Airport

*Noise Compatibility Program (Part 150 Program):* In 1992, the County proposed some noise abatement and mitigation measures to the FAA, through the development of a noise compatibility program under Federal Aviation Regulation Part 150. The FAA's FAR Part 150 noise compatibility program focuses on airport noise as it relates to land use planning. It provides for the voluntary development of noise exposure maps and noise compatibility programs by airport operators, and FAA approval procedures. An approved Part 150 noise compatibility program is required for an airport operator to receive FAA grant funds for most noise mitigation projects.

Many of the proposed measures that were approved were administrative, represented a continuation of existing practices, or were already within the authority of the City of Carlsbad and the County of San Diego. These included measures such as updating City and County land use plans to reflect noise exposure areas, ensuring that aircraft noise levels are included in the fair disclosure statement for certain properties (see the "Noise Impact Notification Area" discussed in Exhibits 3a-c), educating pilots about noise sensitive areas, and continuing to have the airport advisory committee serve as a forum for discussion of noise abatement actions.

Only two other measures were approved as proposed: (1) a noise monitoring system, and the FAA specified that "this approval does not extend to the use of monitoring equipment for enforcement purposes by insitu measurement of any pre-set noise thresholds"; and (2) a voluntary stage 2 (a level of technology for suppressing jet-engine noise) jet departure curfew between 10:00 p.m. and 7:00 a.m. through a letter of agreement between the County and stage 2 jet aircraft at the airport.

The remaining measures proposed were either disapproved, approved with the modification that they be voluntary measures only, or the FAA determined that there was "no action required at this time". For some of the measures disapproved or for which no action was taken, the FAA noted that additional analysis was required. According to FAA Environmental Specialist David Kessler, who worked with the County on its program, he is not aware of any additional analysis that was submitted. A complete listing of the measures proposed and the FAA's response to each is shown in Exhibit 4.

*Noise Complaints:* Noise complaints received at the airport center around low flying planes, pilots who fly over residential areas, and planes that fly outside the voluntary curfew hours. The following is a summary of relevant airport operations and noise complaint statistics, some of the constraints to addressing the complaints, and recent actions taken to address the issue.

## 1. Airport Operations:

- (a) Level: Airport operations - take-offs and landings - were greater in every month of 1999 than any previous year since 1992. Total operations in 1999 were 292,000, up 19% from the total of 245,000 in 1998 (Exhibit 5). Palomar Airport was the busiest airport in the county last year, with more operations than both Lindbergh and Montgomery airports (Exhibit 6).
- (b) Factors in airport operation levels and aircraft type: General aviation (GA) makes up 78% of the aircraft using the airport; corporate jets make up 18% and commercial flights make up 4%. According to Airport Manager Floyd Best, the predominant factors responsible for the increase in operations are the mild weather and healthy economy, which encourage general aviation flights (Exhibit 7). Mr. Best reports that most GA pilots can't fly in inclement weather because they are not instrument rated, and the strong economy has made the high cost of flying more affordable.
- (c) Traffic - Local and Transient: The majority of airport operations are transient. In 1998 about 2/3 of the operations were transient. In 1999, the total was closer to 3/4 (Exhibit 8). According to the 1999 National Business Aviation Association Handbook, Palomar is in the top 20 airports based on itinerant general aviation operations (Exhibit 9).

**2. Complaints:** The following data is limited by the fact that technical problems at the airport during 1999 prevented an unknown number of callers from logging their complaints.

- (a) Level: Complaints in 1999 were well above that of 1998, equivalent to the total in 1997, and with the exception of 1994, higher than any other year since 1992. Airport staff has acknowledged that during 1999, as a result of technical problems, not all callers were able to log their complaints. As a result, it can only be concluded that complaint levels in 1999 were most likely the second to the highest if not *the* highest recorded since 1992. (Exhibit 10).
- (b) By community: In 1999, 2/3 of the complaints were from residents of Carlsbad, and of those, nearly half originated from the Poinsettia area, southwest of the airport (Exhibit 11).
- (c) By aircraft type: Noise complaints are predominantly over propeller-driven aircraft. In 1999, the noise complaints by aircraft type were: propeller - 41%; jet - 28%; helicopter - 7%; commercial - 5%; and unknown - 19% (Exhibit 12).
- (d) By time of day: Noise complaints are most often the result of flights between 7:00 a.m. and 5:00 p.m. In 1999, the noise complaints by time of day were: 7:00 a.m.-5:00 p.m.: 75%; 5:00 p.m.-10:00 p.m.: 13%; and 10:00 p.m.-7:00 a.m.: 12% (Exhibit 13).



**3. Constraints to resolving complaints about (a) low-flying aircraft; (b) flight paths over residential areas; and (c) flights outside the voluntary curfew hours:**

- (a) **Flight Altitude** - The airspace is controlled by the FAA. To provide maneuvering room for aircraft to safely descend into and climb out from the airport, the FAA established a cylinder of airspace 7 miles in diameter and 2,800 feet in altitude, centered around the airport runway. This airspace is known as "Class D Airspace". "Class E" areas have been designated as extensions of this airspace to provide controlled airspace for instrument approaches from the north and east (Exhibit 14). These areas coincide closely with the noise impact notification area discussed in Exhibits 3a-c and shown in Exhibit 15.

According to Mr. Best, a pilot needs to get to 1,000 feet as he exits the Class D air space if he is going to transit over a populated area. However, while in this airspace he may be lower than 1,000 feet and he can climb within the performance capabilities of his airplane, or per instructions from the tower, to reach a cruising altitude or the coast. Propeller-driven aircraft cannot climb as quickly as other aircraft, which may account in part for the significant percentage of complaints attributed to these planes.

- (b) **Flight Path:** Flight paths are controlled by the FAA's control tower at the airport. The "preferred path", established by the FAA in consultation with airport management to minimize aircraft noise impacts on the community, is directly west out of the airport and over the intersection of Palomar Airport Road and I-5 to the ocean. This flight pattern is recommended and voluntary to pilots. A pilot is free to take any course he/she wants unless directed otherwise by a tower controller who is charged with keeping aircraft at safe distances.

According to Air Traffic Control Tower Chief Sallyanne Rice, the tower must frequently direct aircraft outside the preferred path for safety reasons. The airport is a single runway facility with jet aircraft mixed in with much slower aircraft, and when patterns are busy, controllers must vector ("fan out") aircraft in other headings to maintain a safe margin between them. According to Ms. Rice, this occurs 200-300 times per day. With an average of 811 operations per day last year, this means that 1/4 to more than 1/3 of the aircraft fly outside the preferred path every day.

- (c) **Curfew:** Per the FAA, the airport's curfew may be voluntary only. Any attempt to make it mandatory would require the extensive studies required by the Airport Noise and Capacity Act discussed earlier. According to Mr. Best, Airport staff does, however, attempt to contact pilots who fly during curfew hours. Mr. Best reports that when the security guard can, he notes the identification number of an aircraft that "violates" the curfew and staff follows up with a letter to the operator. Mr. Best also reports the following difficulties in reaching the operators and getting "compliance" with the curfew: (1) transient aircraft may be registered to an aviation company in another state with an address that is difficult to locate; (2) registration to a business makes it difficult to locate the individual pilot; and (3) a pilot may have to fly after hours because a client needs to travel during that time.

**(4) Actions in response to complaints:**

- (a) Complaint call and response process - The airport's response to complaints is to identify the plane and its flight path through the noise monitoring system, and educate pilots on proper flight procedures. Both the software and hardware of the noise monitoring system were upgraded at the end of last year.

Since the end of December, the County has contracted with a Noise Reporting Specialist who collects noise complaints left on voice mail, and according to Mr. Best, investigates each one (in 1999, Mr. Durant reported that complaints were addressed on an ad hoc basis and that this was going to change). In addition, the phone system was updated at the end of last year to ensure that all callers could leave a message, and a complaint form was added to the airport website to provide another means to file a complaint.

- (b) Education/Awareness: Actions the County reported taking the past year to reinforce noise abatement efforts include: (1) meetings with FAA tower personnel, airline owners, flight schools and air carrier chief pilots; (2) reinforcing the preferred flight pattern, and noise sensitivity in the County's PLANENEWS publication; and (3) placing the noise abatement procedures on County Airports' website.
- (c) Coordination between FAA, County and City and outreach to public: As a result of escalating noise complaints in 1999, a public workshop on airport noise issues was held by the County, along with the FAA and the City of Carlsbad, on January 20, 2000. About 100 citizens attended the meeting. As a result of the workshop and a meeting between the City, County and FAA held earlier that same day, consensus was reached on 3 actions items: (1) update the Part 150 Noise Compatibility Program; (2) the County will request that the FAA allow the airport to use the noise monitoring equipment for enforcement purposes; and (3) establish periodic roundtable discussions involving all the interested stakeholders to better understand and address the complexities of airport operations and noise control.

Since the workshop and as of February 16, 2000, the following actions have been taken: (1) the County has sent a letter to the FAA requesting permission to use the monitoring system for enforcement purposes; (2) Mr. Durant reported to Council that in March, County staff would like to visit roundtable discussions in the cities of Santa Monica and Torrance, and he would like City staff and interested groups to go as well; (3) on February 8, 2000, the Council expressed support for these actions, City participation in the roundtable discussions, and the County seeking solutions by investigating noise control activities at other airports; and (4) on February 15, 2000, the County Board of Supervisors gave staff approval to apply for a grant to update the existing Part 150 Noise Study. According to the staff report that went to the Board, the study is expected to cost approximately \$250,000 (the FAA's grant program typically funds 90% of the cost) and take a minimum of three years to complete.

## LANDFILL

### STATE OVERVIEW

According to the State Water Resources Control Board (SWRCB), until the early 1980s, little attention was given to regulating or investigating potential ground water pollution sources. Water pollution control efforts focused primarily on controlling the discharge of sewage and industrial wastes into surface waters - rivers, streams, lakes and the ocean. Since then, pollution concerns have shifted to contamination of ground water by toxic chemicals and other substances. This change in focus was prompted by the introduction of thousands of new chemicals into the environment since World War II, and major advances in detection technology which revealed traces of chemicals in wells state and nationwide.

A significant source of ground water contamination is leaking landfills. In a 1995 SWRCB study of active and inactive landfills in California, for which water quality solid waste assessment test reports were submitted, the percentage found to be polluting ground water with municipal solid waste (MSW) leachate ("garbage juice") was between 72% and 86%.

In a 1994 paper by G. Fred Lee, Ph.D., PE, DEE, prepared for the California Environmental Protection Agency, Dr. Lee wrote that chemicals released from landfills to nearby ground water and to the air via leachate and landfill gas contain a wide variety of potential carcinogens and potentially toxic chemicals that represent a threat to public health. According to Dr. Lee, the leachate from MSW landfills is a highly concentrated "chemical soup", so concentrated that small amounts of leachate can pollute large amounts of ground water rendering it unsuitable for use for domestic water supply. Furthermore, he wrote, *both gas and leachate from MSW landfills contain many organic chemicals that have not been characterized with respect to specific chemical content or their associated public health or other hazards. These 'non-conventional pollutants' include more than 95% of the organics in MSW leachate.*

According to SWRCB, monitoring data collected in the late seventies "indicated that fluids leaked from landfills were reaching ground water." In 1984, an increased awareness of the adverse environmental and health effects caused by many common organic compounds prompted the inclusion of organic compounds in water quality analyses from landfills. These analyses indicated that volatile and semi-volatile organic compounds (VOCs) were found in ground water near landfills, and in many cases, at concentrations exceeding regulatory levels. That same year, revisions to the California Code of Regulations, Title 23, Division 3, Chapter 15, governing discharges of waste to land, required landfill operators to prepare a monitoring plan for all active landfills; the decision as to whether to monitor an inactive landfill was at the discretion of the Regional Water Quality Control Board (RWQCB), based on potential threat to water quality. Monitoring wells were to be designed specifically for the purpose of ground water monitoring. After the RWQCB approved the plan, the discharger was to establish monitoring points, start monitoring and submit monitoring reports. In 1986, the first year

of the program, few such monitoring programs had been established. In addition, according to SWRCB, funding for this program was reduced significantly in 1988, cut completely in fiscal year 1991-92, and only limited funds were available in fiscal years 1992-93 through 1994-95 to review a backlog of submitted reports. According to San Diego RWQCB staff, funding has not been appropriated since that time, resulting in little review of these ground water monitoring reports.

#### PALOMAR AIRPORT LANDFILL

Three closed landfill sites, owned and operated by the County between 1962 and 1975, and referred to as Landfill Units 1-3, lie beneath the airport. Situated from west to east, Unit 1, the oldest unit, is approximately 9 acres, Unit 2 is 5 acres, and Unit 3 is 19 acres. The average trash depth for each unit is approximately 20 feet. The top deck of Unit 1 is paved with asphalt concrete and the area is leased for general aviation purposes. Portable hangars and light weight storage buildings have been erected over Unit 1, with adjacent parking facilities for automobiles and fixed-wing aircraft. Similarly, the top deck of Unit 2 has been paved with asphalt concrete, and this area provides maneuvering room for aircraft, aircraft tie downs, and access to permanent hangars outside the Unit. There is no development on Unit 3, located at the eastern end of the runway.

A review of RWQCB and Department of Environmental Health files on the Landfill reveal (1) concerns about landfill gas emissions and the protection of ground water that date back nearly 10 years; and (2) the County Department of Public Works' (DPW) slow and inadequate responses to the requests of the environmental oversight agencies for measures to prevent environmental degradation and protect the public's health.

Environmental hazards documented by the Air Pollution Control District, RWQCB and Department of Environmental Health include: (1) inadequate monitoring and control of methane gas emissions; (2) cracking of asphalt which allows infiltration of water into underlying wastes; (3) "differential settlement" that (a) impacts drainage structures, (b) impacts sideslopes (causing erosion rills which can result in exposed solid wastes), (c) impacts the integrity of structures, and (d) provides a pathway for the release of landfill gases into the atmosphere and structures, and which can compromise the integrity of the landfill gas collection system; and (4) methane emissions through asphalt fractures exceeding the "lower explosive limit". Documentation also includes (1) the Landfill is leaking and needs monitoring to assess the extent of contamination of ground water; (2) there are an insufficient number of monitoring wells to determine ground water flow direction; and (3) correspondence over inadequate responses, insufficient required reports from DPW, and the issuance of numerous notices of violation.

The County's lack of action to resolve these problems resulted in actions by the oversight agencies that include: (1) the issuance of 2 notices of violation by the Regional Water Quality Control Board, one in 1998 and one in 1999; (2) a letter from the Local Enforcement Agency (LEA) reviewing the recent history of numerous violations and requiring immediate corrective actions (the LEA is the County Department of Environmental Health, responsible for the regulation of solid waste disposal sites under

the authority of the Public Resources Code and Title 27 of the California Code of Regulations); and (3) an inspection by the California Interactive Waste Management Board.

These actions and the agencies seem to have a limited impact on DPW. While some remediation work is currently in progress, there is little evidence to suggest that there will be on-going and long term efforts to prevent environmental degradation and comply with waste discharge regulations to protect the environment and the public. A review of the violations documented by RWQCB and the LEA, as well as information about ground water issues documented over several years, recent actions by DPW, and implications for the City's Dry Weather Testing Program and ground water quality in Carlsbad are discussed below.

(1) Regional Water Quality Control Board (RWQCB):

(A) On June 12, 1998, RWQCB issued a notice of violation for failure to perform adequate landfill maintenance, and the percolation of surface drainage through waste. A workplan to mitigate the landfill settlement and improve drainage was required by July 31, 1998. DPW submitted a workplan on July 30, 1998; however, the RWQCB responded to the submittal with concerns about both the vague scope of work and design of remediation and repairs, and the lack of a start date for long-term compliance work.

(B) On April 22, 1999, a second notice of violation was issued in follow-up to the earlier one because the violations regarding landfill maintenance and drainage had not been addressed. The notice also included (1) the fact that gas measurements by the LEA "indicated the lower explosive limit was exceeded for methane" and that this also was a violation; and (2) the agency's concerns about DPW's lack of specific milestones and dates in its long term workplan remained to be addressed and were required by May 20, 1999. On May 19, 1999, DPW submitted a list of 5 general tasks: preliminary engineering report, engineering, environmental approval, advertise/award contracts, and construction with tentative completion dates between November 1999 and December 2000. RWQCB requested a more detailed schedule which was submitted the following November with work projected to occur during the same time frame.

Missing from these notices was any mention of ground water monitoring, even though attached to the April 22, 1999 notice was a April 8, 1999 inspection report documenting inadequate ground water monitoring because of "inadequate number of monitoring wells to determine ground water flow direction for each unit". Furthermore, the need for additional monitoring wells for the determination of ground water flow direction had been documented many times since 1997, the first year DPW submitted a ground water monitoring report under the RWQCB's 1996 updated waste discharge requirements (WDR). In that report the County's consultant noted the following violations: (1) ground water flow rate and direction has not been determined (because existing wells are inadequate to enable this determination); and (2) water quality protection standards have not been developed (because ground water flow directions are not available). The report also noted that the County plans to establish additional wells.

According to RWQCB staff, the violations did not mention the insufficient number of wells because "there are so many things wrong out there" that RWQCB decided to just focus on a few items, and the County has consistently reported that they will put in more monitoring wells. RWQCB staff also reports that for some time the County maintained that it would construct a "subsurface barrier" as a ground water protection measure. This intention was communicated in a letter from DPW to the Department of Health Services back in 1993, as a result of refuse found outside the known boundaries of Unit 2 and discovered while drilling ground water monitoring wells. According to RWQCB staff, the barrier was never constructed.

RWQCB has continued to document the inadequate ground water monitoring at the airport, and information submitted by DPW during the past year, information collected in the City's Dry Weather Testing Program during the past year, and recent actions by DPW highlight the importance of these wells. These three areas are discussed below.

On April 30, 1999, DPW submitted the 1998 annual monitoring report and cover memo which included the following: (1) a number of volatile organic compounds (VOCs) were detected in the wells at all of the units; (2) testing of a "seep" near the southwest corner of Unit 3 revealed "constituents similar to those historically detected in ground water wells downgradient from Units 2 and 3." *The seep occurred in the north face of a trench associated with storm drain and road construction along the north side of Palomar Airport Road. Evidence of seepage was noted along 30 to 50 feet of the trench wall east and west of a storm drain outlet box located approximately 40 feet from the southwest corner of Unit 3.... Standing water was present in the bottom of the storm drain outlet box and, based on the assumption that the seep was the source of that water, a sample was collected for analysis. The results were typical leachate indicators. Several metals also exceeded applicable standards. The VOC constituents detected match those detected in wells MW-1, MW-5 and MW-7, all of which monitor shallow ground water. The laboratory results and the proximity of the seep to the landfill suggest leachate as the source...;* (3) *The County is developing a site characterization and work plan for implementation of an Evaluation Monitoring Program (EMP) at the site.... The investigation is intended to evaluate the source, nature and extent of impacts to ground water and determine ground water flow directions.... As part the of EMP investigation, ... the County plans to install a sufficient number of wells in each aquifer to establish ground water gradients and flow directions. Ground water contour maps will be generated at that time. A preliminary draft site characterization and work plan has been completed and is scheduled for submittal June 11, 1999.*

In a June 22, 1999 letter regarding the 1998 monitoring report, RWQCB commented that the submittal of a ground water contour map is required, it has not been done because there are an insufficient number of monitoring wells for each landfill unit, this is a violation, and if not addressed in the next semi-annual monitoring report, a notice of violation will be issued. In the October 30, 1999 cover memo to the 1999 semi-annual monitoring report, John Rollin, DPW Public Works Manager, just reiterated the County's intentions regarding an EMP, with no report of any progress made on this effort and no

new date for it to be submitted. As of March 22, 2000, the EMP still has not been submitted and no notice of violation has been issued.

During this same time frame, the City's dry weather testing results at the intersections of Camino Vida Roble and Yarrow Drive, and Camino Vida Roble and Palomar Oaks Way, identified storm-water flow with a low pH reading, indicating a high acid content in the runoff. In a July 20, 1999 memo from Associate Engineer Steve Jantz, Mr. Jantz reports that the most recent dry weather testing report concludes that, *based on the results of field investigations, review of current and previous storm-water testing events, and ground water sampling results from the test wells around the airport property, there is a high possibility that the source of the low pH flow observed at outfall EN-23 [the intersection of Camino Vida Roble and Yarrow Drive] is the ground water flow moving from the aquifer underneath Palomar Airport Landfill Unit 2. Due to the distance between EN 14-A [the intersection of Camino Vida Roble and Palomar Oaks Way] and the airport property, there is no clear connection between the landfill and the discharge point. However, the constituents in the runoff at EN 14-A are very similar in concentration and make-up.* Mr. Jantz met with County staff to share these results and reports that they were not receptive to the possibility of a connection between the results and the landfill.

While the findings in the City's Dry Weather Testing Program are disconcerting, they also place the City in a difficult position. Under this program, mandated by RWQCB Order 90-42, the City is responsible for the control of the discharge of waste in our storm drain system. However, without an adequate number of monitoring wells at the airport to determine ground water flow direction, it is difficult to directly tie the landfill leachate to the stormwater test results. According to RWQCB staff, if the connection can be made, RWQCB can require corrective action. When asked, RWQCB staff agreed with the observation that DPW does not want enough monitoring wells established because this would allow identification of responsibility for ground water contamination. According to RWQCB Executive Officer John Robertus, "This is the psychology".

Prospects for adequate ground water monitoring at the airport worsened during the week of March 13, 2000. According to Carol Tomaki, RWQCB Associate Water Resources Control Engineer, DPW "destroyed" 6 monitoring wells as part of their re-grading and re-paving work currently in progress. She reported that despite quarterly meetings with DPW, the plan to do this had never been mentioned and she had not been notified by DPW. She became aware that this was going to happen the day before it took place and instructed that it not occur, to no avail. She also reports that DPW maintains that it will not replace the destroyed wells until all re-paving is done under a schedule to complete the work by the end of December, 2000. According to Ms. Tamaki, there is now only 1 well per unit left, and there should be at least 1 upgradient and 3 downgradient for each unit. Finally, when asked if a notice of violation would now be issued, she responded that she anticipates asking for a schedule for putting in wells and then issuing a violation if DPW does not honor the schedule. Due to design and planning work that will be needed, she believes that the monitoring wells will not be replaced until well into the year 2001.

In a March 24, 2000 interview of RWQCB Executive Officer John Robertus, to obtain information about the RWQCB's enforcement process, City staff concerns about the results of our stormwater testing and the County's lack of responsiveness to RWQCB were shared. Highlights of Mr. Robertus' comments from that interview are summarized below.

- Take a serious look at the threat to water quality at Carlsbad beaches. What you may be seeing in your storm drains could be "just the tip of the iceberg". Last year, the closure of beaches in Huntington Beach as a result of pollution from storm drains is a good example of the tremendous impact this situation can have on the City and local businesses.
- Steps the City can take to focus attention on the County's poor compliance history and the apparent connection between the landfill and the dry weather testing results include: attending a public hearing of RWQCB or sending a letter to the Board requesting that the issue be placed on their agenda and (1) state the City's concerns about water quality, and based on our review of the records we would like a status report on the landfill, and we want to know what actions we can expect the County to take to abate and control; and (2) state that the City thinks the source of the test results of our storm drains is the airport property and the City is requesting that RWQCB invoke California Water Code Section 13267 and require the County to conduct and fund an investigation. This code section "is a powerful tool".
- Fines up to \$1,000 per day can be levied for violations of waste discharge requirements. Based on inaction by the County for problems at the San Marcos landfill, RWQCB recently imposed a fine of approximately \$250,000. *[He didn't go into the details about the amount but it should be noted that under Section 13264 of the Water Code, the Superior Court may impose civil liability of up to \$25,000 per day of violation.]*
- RWQCB has an enforcement unit of only 2 people, headed by Mark Alpert, Senior Engineering Geologist. A lack of funding for adequate staffing levels to carry out the agency's many oversight duties is one of the biggest obstacles his agency faces.

In an interview of Mr. Alpert, he reported that he was unaware of the results of our Dry Weather Testing Program and offered to meet with City staff to review the data. He also confirmed that violations on the matter of inadequate wells can be issued and more enforcement can occur, but first, more documentation and follow-up on the County's promises is needed.

(2) On September 10, 1999, the LEA (Local Enforcement Agency (County Department of Environmental Health)), sent a letter notifying DPW that it is in violation of CCR Title 27 State Minimum Standards and corrective actions are required. The letter summarized the violations and areas of concern (a condition that, if not corrected, has the potential to become a violation) that had been cited over the previous seventeen (17) months.



According to the letter, since 1998 there has been a succession of continuing violations. Violations and areas of concern were noted in LEA inspection reports dated 3/31/98, 5/21/98, 6/18/98, 9/3/98, 12/3/98, 12/7/98, 3/29/99, 6/29/99, and 8/20/99. The violations and areas of concern were cited because settlement was jeopardizing the integrity of structures and providing a pathway for the release of landfill gases into the air and structures, substantial cracking of the asphalt was allowing surface waters into the underlying wastes, waste was exposed (DPW disputed this finding in a follow-up letter), and because landfill gas was found to be migrating from Unit 3.

The letter was entitled "Official Notice", which according to LEA staff is meant to indicate to the landfill operator that the letter is very serious. It does not carry the weight of an "Order", which is part of a specific enforcement process.

DPW actions required in the letter include the repair of cracks in the asphalt, a monitoring program for the presence of methane in on-site structures to be submitted for review and approval by September 27, 1999, a monthly report to the LEA detailing the status of the Landfill, required repairs completed, and all methane monitoring data beginning October 1, 1999. In addition, DPW required the submittal and approval of a workplan detailing corrective action(s) and associated timelines to address the violations and areas of concern by September 30, 1999.

According to the LEA, DPW's reply was a draft submitted November 1, 1999. It was not found to be adequate. The LEA notified DPW that a meeting would be scheduled to discuss finalizing the submittal, and the LEA asked DPW to finalize it as soon as possible so that the corrective action and monitoring plans could be provided to the City. A January 14, 2000 submittal with monitoring to begin that month and a re-grading and re-paving schedule between July and December 2000 was accepted by the LEA.

According to Mr. Rollin, Department of Public Works Manager in the Inactive Waste Site Management Division, in an interview last November, this work is being done now because "Horn wants it fixed." When asked if this work will address the pollution problems from the landfill, he responded that the ground water wells on the site reveal no indication that there is any damage to ground water. He stated that the purpose of the work is to address regulatory agency requirements that they must prevent water intrusion into the trash, prevent water ponding on the asphalt, and to improve the surface and level of the pavement for airport operations. Mr. Rollin also reported that this will be a temporary fix only. Dirt will be imported to bring up areas that are now sunken, and then they will re-pave. Subsidence will be continual as the trash continues to compact and decompose. Finally, he stated that hopefully, these repairs will last 5 years, and if lucky, 10 years, but it is difficult to predict.

(3) On August 21, 1999, the California Integrated Waste Management Board (CIWMB), and the LEA conducted an inspection of the airport property, and in a follow-up report on the visit the CIWMB wrote the following in a letter to the LEA: *...we noticed the same conditions at the site as we had observed previously; namely settlement, drainage and erosion problems. We noted structures notwithstanding the effects of differential*

settlement and we observed huge cracks on the landfill surface. We further observed runoff from washing an aircraft, simply infiltrating into the landfill through the asphalt cap. Based on the state of the landfill, Board staff believes that the site continues to suffer from lack of adequate maintenance and that the routine and scheduled maintenance of the site, as required and as designed to protect the health and safety of the public and the environment, has been and continues to be either postponed or ignored, despite the conditions at the site and the repeated requests from the regulatory agencies to have the site be in compliance with state minimum standards. We have been told that this airport is the largest single runway airport in the nation, and with so many people using the airport, it only seems logical that adequate and on-time maintenance should be first priority, however, no evidence of previous or on going maintenance was observed during our inspection.

The apparent lack of maintenance has caused substantial damage to the landfill cover system and has jeopardized its integrity (27 CCR, S21140). Depressions, large and small, apparently caused by settlement, were observed throughout the site. The settlement has effected site drainage (27 CCR, S21150) and if not corrected immediately would continue to allow ponding of water and water infiltration into the landfill. Furthermore, it is possible that the settlement at the site will have already compromised the integrity of the landfill gas collection system. Cracks approximately 4 to 6 inches wide and 2 to 3 feet deep were also noted over some areas of the landfill. The cracks are conduits for gas migration (27 CCR, S21160) and water infiltration and air intrusion into the landfill.

...Overall, the site requires immediate and adequate maintenance to minimize the potential threats the existing conditions pose to the health and safety of the public and the environment. Please note that conditions noted above have been repeatedly cited in the LEA's previous inspection reports as violation of Title 27 of the California Code of Regulations. We have reviewed the Official Notice dated September 10, 1999 from your Department to the operator, ...and we support your action and would like to offer our assistance with any matter which would lead to site improvements.

According to RWQCB staff, the County appears to be on track with preparations to keep to the re-grading and re-paving schedule to repair the landfill cover during the last half of 2000.

The first methane gas monitoring report was submitted to the LEA on February 14, 2000. This report reviews some maintenance activities and concludes that the Landfill Gas Migration Control facilities appear to be performing satisfactorily as of the date tested. According to DPW's cover memo to the report, a consultant has been retained "for the design and implementation of the permanent on-site structure monitoring."

## VIII. CONCLUSIONS & RECOMMENDATIONS

### CONCLUSIONS:

#### Land Use:

- The City of Carlsbad currently participates in land use review and approval of all projects in and around McClellan-Palomar Airport, along with other agencies.
- Under the existing Conditional Use Permit (issued by the Carlsbad Planning Commission in 1980), certain structures and facilities are allowed without discretionary review. In the event that an amendment to the CUP is submitted for review and approval, the City will have an opportunity to revise the existing conditions of approval to provide for a greater role in review of new improvements.
- Acquisition of the airport, by the City, would allow the City to control all on-site planning, improvements, and uses.

#### Economic Benefit:

- McClellan-Palomar provides significant economic benefit to the City, the North County area, and the San Diego Region. These benefits should continue as long as the airport is able provide for the necessary capital improvements and infrastructure to support its projected growth (enplanements/passengers).
- Economic Benefits from airport growth must be weighed against "quality of life" and safety impacts on Carlsbad and the neighboring cities.

#### Finance/Capital Improvements:

- Palomar, like the airport system, does not generate enough revenue to cover all the needed capital improvements.
- County Airports has been proactive in developing non-aeronautical revenue sources which are critical to the long term financial health of the airport system and the goal to be self-sustaining. For at least the short term, the cost of not relying on General Fund money has been high at Palomar - general maintenance for operations, public safety and protection of the environment has been poor.
- It may be difficult to separate airport maintenance from landfill maintenance. The potential for County Airports' recent and unanticipated financial liability for property deterioration associated with the landfill under Palomar to continue will be important in future airport system financial planning. The extent to which this financial liability could extend to a new owner will be important to any potential purchaser.

#### Sale:

- FAA regulations and the County's dependence on Palomar to sustain the airport system make it unlikely that the County would be interested in selling Palomar at this time.

#### Noise:

- Noise complaints will continue to increase as the City builds out, especially as people begin to occupy the Carrillo Ranch and Bressi Ranch developments, and airport operations continue to increase.
- As operations continue to increase so too will the number of aircraft waiting on the runway, resulting in more aircraft directed outside the "preferred path" and over residences.
- The City's ability to mitigate airport noise impacts on residents is very limited as a result of the FAA's control over the airspace and flight paths, federal regulations designed to make aircraft restrictions for noise control purposes difficult to impose, and the County's control over airport operations.
- The success of efforts to emphasize noise sensitivity will depend heavily on the airport staff's ability to reach and affect itinerant pilots.

#### Landfill:

- Without County Board Supervisor intervention and/or regulatory enforcement, poor maintenance and property deterioration may be an ongoing issue at Palomar.
- The likely reasons there has been inadequate ground water monitoring at the airport are: (1) the lack of enforcement by RWQCB; and (2) the threat of required abatement action if ground water flow direction is established and the landfill is tied directly to the Dry Weather Test results.
- Without greater RWQCB oversight, our ground water degradation and storm drain test results will likely continue.

#### RECOMMENDATIONS:

##### Land Use:

- Consider adding new conditions to any future amendment to the existing Conditional Use Permit (172) that would provide the City with greater review/approval/oversight of new structures and facilities proposed for the airport, as well as airport maintenance levels.

Financing/Capital Improvements:

- Support legislation which increases AIP funding and/or makes more funds available to smaller airports.
- Investigate the advisability of participating in a redevelopment area around the airport in exchange for the expenditure of tax increment funds on Palomar.

Sale:

- No further action toward acquisition at this time.
- If it is decided to continue working toward acquisition, any feasibility study should include an analysis of:
  1. the legal assurances an airport owner must agree to as a condition to obtaining federal grants;
  2. the legal obligations that may be inherited by a new owner because of prior use of federal funds in the purchase and development of the airport;
  3. restrictions on the use of airport revenue;
  4. any relevant differences between the sale to a public entity versus a private entity;
  5. potential FAA conditions of approval of the sale;
  6. the airport's revenues, expenses and capital improvement needs;
  7. the potential for increasing revenue and expanding revenue sources; and
  8. a new owner's potential liability for the landfill beneath the airport.

Noise:

- Evaluate the need for additions to the Council's legislative platform addressing the measurement of community noise levels and aircraft noise levels.
- Encourage the County to evaluate the feasibility of tying lease agreements to compliance with noise mitigation activities.
- When the FAA responds to the updated Part 150 Study, review the response for any comments on the need for additional information or analyses, and where appropriate, recommend to the County that these needs be met.

Landfill:

- Evaluate the need for additions to the Council's legislative platform addressing ground water protection.
- Review land use authorities for avenues to facilitate adequate and timely landfill maintenance.

- Acquire staff expertise in the regulations and enforcement process of the various environmental oversight agencies associated with the environmental issues at the airport.
- Pursue a strategy of action steps to (1) raise the awareness among the County and environmental agencies of the City's concern about water quality and interest in the County's appropriate and timely remediation actions; (2) within the City's jurisdiction, continue to investigate the source and extent of pollutants in the storm drains; and (3) share the Dry Weather Testing results with RWQCB enforcement staff and coordinate with RWQCB to help facilitate County compliance.

## IX. EXHIBITS

1. Total Impact of McClellan-Palomar
2. Airport Enterprise Fund
3.
  - a. Airport Noise Impact Notification Area
  - b. Airport Noise Impact Notification Area
  - c. Notice Concerning Aircraft Environmental Impacts
4. McClellan-Palomar Airport 1992 County proposed Noise Abatement & Mitigation Measures with Responses from FAA
5. Annual Operations Count
6. San Diego County's Busiest Airports
7. Factors Effecting Airport Operation Totals
8. Local & Transient Traffic Breakdown
9. Top 20 U.S. Airports Based on Itinerant General Aviation Operations
10. Annual Noise Complaints
11. Annual Noise Complaints by Community
12. Annual Noise Complaints by Aircraft Type
13. Annual Noise Complaints by Time of Day
14. Federal Aviation Administration Class "D" & "E" Airspace
15. Comparison of NINA to Class "D" and "E" Airspace

# Exhibit 4



**Ongoing Problems with Palomar Airport Landfill Units 1, 2, & 3  
Summary of City of Carlsbad Year 2000 Findings & Summary of County of San Diego Palomar  
Airport Consultant Findings from 2000 to 2013**

**Executive Summary [pp. 1 to 5]**

**Preliminary Note.** Palomar has 3 closed landfills. These landfills were formerly canyons that the County filled with trash. These old landfills, operating in the 1970s and 1980s, do not meet current design standards the County would impose for new landfills in order to prevent contamination of surrounding land and water. For instance, the landfills were constructed without impermeable barriers.

For the reasons below, the landfill on the East side of the Palomar runway may cause safety and environmental problems because Palomar intends to service larger planes carrying several thousand gallons of aviation fuel and carry up to 70 passengers per plane.

The substantial evidence noted below supports the conclusion that the County needs to immediately study the safety and environmental concerns caused by a 90,000 pound plane traveling at 100 to 150 miles per hour that may leak 2000 to 3000 gallons of aviation fuel crashing into the Palomar landfill. Specific questions include:

- (1) what force would such a crash place on the landfill?**
- (2) what is the Palomar landfill methane gas collection system piping made of, how deep is it, and how would the plane crash affect the collection system?**
- (3) what is the chance of the methane gas collection system rupturing and sparking a fire on the crashed plane?**

**(4) what hazardous material contamination would occur to the Palomar landfill if 2000 to 3000 gallons of aviation fuel leaked into the fill?**

**(5) if aviation fuel contaminated the landfill, would federal and/or state law require the County to haul away the contaminated trash at a significant cost to the taxpayers?**

Landfill trash naturally decomposes. As it does, subsidence [ground settlement] occurs and various contaminants from household and other trash result. Decomposing trash creates significant quantities of methane gas. Landfill contaminants migrate through the ground. Without an impermeable barrier at the bottom of the landfill, the contaminants can migrate to the groundwater. Without an intact and fully functioning methane collection system [a series of underground vertical and lateral pipes], the methane gas can escape to the surface. Methane gas in excess of certain concentrations is explosive.

The County maintains the Palomar closed landfills and classifies them as containing non-hazardous materials.

Units 1 & 2 are paved, mainly on the South side of the airport. Over time, County airports has had to repair buildings and asphalt surfaces damaged by the decomposing trash that lead to settlement of the ground.

Unit 3 is on the East side of the only Palomar runway. It has a sandy surface. If a plane crashed into the landfill on approach to or on departure from Palomar runway, the crash could result in aviation fuel leaking into the landfill.

Due to concerns about the stability of airport landfill areas, the County has previously studied how the landfills could be stabilized. One method would be to dig up the decomposing trash and move it to a site away from the airport. The County has estimated this cost at \$50 to \$100 million dollars. The County has also studied "dynamic compression." The County could try to speed up the trash decomposition process by compressing the trash. To do this the County would repeatedly drop heavy weights onto the landfill surface. Unfortunately, dynamic compression slows but does not eliminate landfill settlement to continued leaking of harmful materials when the Landfill has no impermeable barrier.

Attachment A shows the general boundaries of Units 1, 2, and 3.

Significant past and ongoing Palomar landfill problems documented include:

- A. ***City of Carlsbad Conclusion in July 2000.*** After studying whether Carlsbad should buy Palomar Airport, Carlsbad concluded: "A review of RWQCB and Department of Environmental Health files on the Landfill reveal (1) concerns about landfill gas emissions and the protection of ground water that date back nearly 10 years; and (2) the County Department of Public Works' slow and inadequate responses to the requests of the environmental oversight agencies for measures to prevent environmental degradation and protect the public's health." [See Item below for much more detail.]
- B. ***Continued Palomar Airport Landfill Problems: 2000 - 2012 Including Underground Landfill Fires & Consultant Falsification of Records.*** Since the Carlsbad 2000 study, many County Consultant reports have noted ongoing problems in all 3 Palomar Airport landfills. County consultants have continued to note landfill methane gas emissions at explosive levels, migration of landfill related contaminants, and subsidence. County records note several underground landfill fires. The fires burned from a few weeks to as much as 5 months. To extinguish the fires, the County pumped liquid carbon dioxide to remove the oxygen feeding the fire and grout to replace the waste being burned that created voids in the landfill. In ----, the FBI reported arresting \_\_\_\_\_
- C. ***No County CEQA Environmental Landfill Environmental Analysis.*** While all the environmental problems noted were ongoing, the FAA and County undertook many Palomar projects at substantial cost without the preparation of a California Environmental Quality Act EIR or National Environmental Policy Act EIS. The County Palomar Airport environmental documents essentially ignore the ongoing landfill problems and the problems they could create as Palomar invites larger and larger planes to the airport.
- D. ***Current Internally Inconsistent County Consultant Landfill Documents.*** Monthly, the County landfill consultant [SCS Field Services] routinely includes a "Conclusions" statement on page 1 of its reports. The statement is: "*Testing for methane gas at the subject site, as described in this report, indicated that the LFG [Landfill Gas] control facilities were operating satisfactorily at the time of our testing.*" Oddly, these monthly reports frequently include data showing problems at the landfill.

Apparently, satisfactory LFG operations as defined by SCS includes malfunctioning Palomar landfill equipment. For instance, the **March 11, 2013** report includes the following statements on p. 2 of the SCS report:

- 1) "As reported in the January 2013 monthly monitoring report for this site, the Local Enforcement Agency [LFA] conducted methane monitoring on January 30, 2013, and reported that monitoring probe MP-15S and MP-15D had methane concentrations in excess of 5%

methane gas, in air, by volume.[Ray Bender Note: The regulatory lower explosive limit – as reported by the County consultants – is 5%.]

SCS conducted additional follow-up monitoring events for these probe locations throughout the reporting period and average observed concentrations were 8.9% methane by volume at MP-15S and 8.4% methane by volume at MP-15-D respectively.

In response to the MP-15 results, SCS had all sumps in Unit 3 [RB note: the sandy landfill area East of the Palomar runway] pumped out and made significant adjustments at the blower flare station and other parts of the gas collection system to increase available vacuum to wells that are believed to control this prove location. The most recent results [collected March 4, 2013 and included in this report] indicate a decrease in methane concentrations [6.6% methane by volume at MP-15S and 6,5% methane by volume at MP-15D respectively].”

**RB Note: On March 22, 2013, the County Solid Waste Local Enforcement Agency sent a letter to Jason Forga of County Department of Public Works entitled “Remediation Plan Approval for Perimeter Landfill Gas Probe MP-15 Palomar Airport Landfill, Carlsbad CA.**

2) During the monthly probe monitoring event, an anomaly occurred while monitoring IMP-8 and methane reading went to 100% causing the reading to turn to “Chevrons” [RB note: a red alert?] and thus, the reading appears as blank. SCS believes something other than landfill gas is affecting the GEM-2000 at this location.”

As early as June 10, 2010, SCS had reported problems with the Mp-15 probes. See the SCS reports.

### **Executive Summary Conclusion**

Both Carlsbad and the County have documented more than 30 years of landfill problems at Palomar Airport. The County contends that its periodic consultant landfill monitoring shows that Palomar methane gas and landfill contaminant migration are under control. The Carlsbad and County documents show that County response to problems has been continuously slow and partial. Note for instance that the so-called “anomaly” related to the March, 2013 methane reading of 100% has been an SCS-reported anomaly for several years.

The County needs to immediately analyze the safety and environmental problems associated by new large planes in substantial numbers using Palomar. In 2012, a new air carrier asked the FAA to certify for Palomar use large aircraft weighting about 90,000 pounds and carrying

up to 70 passengers and 2000 to 3000 gallons of aviation fuel. If the FAA certifies the planes, the carrier in year 1 proposes about 10,000 flights [30 landings and takeoffs per day x 365.] By year 5, the carrier has suggested it could double its flights.

Historically, Palomar has handled mainly small aircraft weighing up to 12,500 pounds, some corporate flights carrying only a few passengers, and smaller commuter planes carrying up to 30 passengers.

In short, substantial facts in the record show:

1. Serious potential safety and environmental problems at Palomar associated with using large planes near a problem-plagued landfill;
2. The County's failure to provide a California Environmental Quality Act EIR since 1975 and County failure to assess the problems noted above in any County environmental study;
3. County encouragement of increasingly large aircraft at Palomar;
4. The possibility of substantial avoidable liabilities against the County if the County fails to properly assess the Palomar landfill/large plane risks in a report showing all of the assumptions made, the analytic methods used, the engineering and environmental supporting data, and the conclusions reaches.

## Definition of Terms & Acronyms Used in Table

1. **Ongoing Environmental Problems.** This table details an ongoing 30-year history of environmental problems that Palomar Airport has encountered. Methane gas, a byproduct of landfill decomposition, continues to escape from three-closed County landfills on the Palomar site and from contaminated soil and water associated with the landfills. The County has also found leaking airport related storage tanks. Problems include emission of vapors into the air in violation of State air pollution regulatory standards, soil and water contamination, and even underground fires.
2. **Data Sources.** Unless otherwise noted below, the information below was gathered from multiple public record reviews of County Department of Public Works, Airport Division, and County Landfill Enforcement records. Records reflect findings from the County's own experts.
3. **Complete Information.** Of necessity, the information below provides only snapshots. See the complete reports for a full discussion.
4. **Agency Acronyms & Abbreviations Used**
  - APCD = Air Pollution Control District
  - BGS = below ground surface
  - CCR = California Code of Regulations
  - CHHSL = California Health Human Screening Levels
  - Department of Environmental Health [San Diego] = DEH
  - HMMD = Hazardous Materials Management Division
  - Hydrocarbons = HC
  - LEA = County of San Diego Local Enforcement Agency
  - LEL = the 5% lower explosive limit for methane gas specified in 27 CCR §20921(a)(2) [CCR = California Code of Regulations]
  - LFG = Landfill Gases
  - McClellan-Palomar Airport = Palomar Airport
  - Palomar Airport Landfill Units 1, 2, 3. Palomar Airport plane parking and certain buildings are located over 2 closed paved County Landfill sites called Unit 1 & Unit 2. Unit 3, the largest of the closed landfills, is an unpaved area directly to the East of the existing Palomar Airport 4900 foot runway. Note: Consultants analyzing Palomar landfill gas emissions and waste

migrations apparently sometimes refer to Units 1, 2 & 3 as Areas 1, 2 & 3.

- RWQCB = Regional Water Quality Control Board
- TDS = total dissolved solids
- UST = Underground Storage Tank
- VOCs = volatile organic compounds

See especially the larger type items below for special Palomar landfill problems.

	Year	Consultant	County Consultant Findings, Conclusions, Recommendations	Ray Bender Comment/Summary /Follow Up Questions
1	2013 April 10	SCS Field Services	<ul style="list-style-type: none"> <li>• "As reported in the January 2013 monthly monitoring report for this site, the Local Enforcement Agency [LEA] conducted methane monitoring on January 30, 2013, and reported that monitoring probe <b>MP-15S</b> and <b>MP-15D</b> had methane concentrations in excess of 5% methane gas, in air, by volume." [RB Note: 5% = the methane lower explosive limit [LEL]</li> <li>• "SCS conducted additional weekly follow-up monitoring events for these probe locations throughout the reporting period, and average observed concentrations were 11.4% methane by volume at <b>MP-15S</b> and 11.6% methane by volume at <b>MP-15D</b> respectively."</li> <li>• During the monthly probe monitoring event, an anomaly occurred while monitoring <b>IMP-8</b>, the methane reading went to 100% causing the reading to turn to "Chevrons" and thus, the reading</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Compare SCS Pg. 1 Conclusions to pg 2 noted problems</b></li> <li>• <b>The noted problems continued since at least June 2010 as may be verified by checking the SCS monthly reports.</b></li> </ul>

			<p>appears as blank. SS believes something other than landfill gas is affecting the GEM-2000 at this location.”</p> <ul style="list-style-type: none"> <li>•</li> </ul>	
2	2013 March 22	County Solid Waste Local Enforcement Agency [LEA]	<ul style="list-style-type: none"> <li>• Finally, gives “Remediation Plan Approval for Perimeter Landfill Gas Probe MP-15 Palomar Airport Landfill” work after several years of SCS reported problems with the probe. See for instance page 2 of the SCS June, 2010 report.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Why did it take the County nearly 3 years to respond to the problem? [June 2010 to April 2013]</b></li> </ul>
3	2013 January 10 & February 11, 2013	SCS Field Services	<ul style="list-style-type: none"> <li>• <b>Same MP-15 excess methane gas</b> problems as noted above</li> <li>• <b>Same IMP-8 anomaly</b> problem as noted above</li> </ul>	
4	2012 September 12	SCS Field Services	<ul style="list-style-type: none"> <li>• <b>Same IMP-8 anomaly</b> as noted above</li> <li>• <b>“All LFG extraction wells tested were receiving adequate vacuum with the exception of N5, N22, N23, VCW37, VCW38, H5, H6, and H7. S has attributed the vacuum loss to settlement that has occurred in the area of these well locations ...”</b></li> </ul>	
5	2012 July 10		<ul style="list-style-type: none"> <li>• <b>Same IMP-8 anomaly</b> as noted immediately above</li> <li>• <b>Same LFG extraction well inadequate vacuum loss due to settlement noted immediately above</b></li> </ul>	
6	2012 May 18	County Landfill Mgmt to County	<ul style="list-style-type: none"> <li>• Palomar Airport Landfill Monthly Status Report for April, 2012</li> </ul>	<ul style="list-style-type: none"> <li>• <b>High underground</b></li> </ul>



		LEA, Dept of Health Services	<ul style="list-style-type: none"> <li>• <b>Reports a “Unit 3 High Temperature Event”</b> <ul style="list-style-type: none"> <li>○ <b>Records 133.7 degrees F at 23 feet below ground</b></li> <li>○ <b>This reading is 27.2 degrees lower than 1/19/12 reading</b></li> <li>○ No sign of smoke</li> </ul> </li> </ul>	<b>temperature event – possible fire?</b>
7	2012 April	Kimley-Horn Reconstruction Taxiways A3, A4, A5	<ul style="list-style-type: none"> <li>• Notes Palomar landfill history as follows: <ul style="list-style-type: none"> <li>• “A report prepared by Geosyntec states that: <b>“The landfill was constructed without a liner, and does not have a leachate collection or removal system. Other than the groundwater monitoring wells, no leak detection system has been installed at the landfill.”</b></li> <li>• “The landfill facility is reported to have accepted residential, commercial, and agricultural waste; <b>however, occasionally industrial waste such as paint, oils and thinners, treated sewage sludge, and medical wastes were reportedly accepted (Geosyntec 2005).”</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Palomar landfill does not have modern protection systems to prevent leakage.</b></li> <li>• <b>Palomar repeatedly mislabels the landfill as containing only household waste when it knows the fill contains some hazardous materials.</b></li> </ul>
8	2011 May 5	SCS Engineers 858 571-5500 Report For RWQCB	<ul style="list-style-type: none"> <li>• Assignment: SCS works for RWQCB to develop assessment work plan for Palomar Airport site</li> <li>• Current Palomar Site Use: Short term parking</li> <li>• Study: <b>Re 2 former UST 10,000 jet-fuel storage tanks</b></li> <li>• UST History</li> <li>○ <b>Nov 1997 Western Pump removes UST &amp; soil samples show</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Shows 10 year History of Aviation Leaking Tank Problems</b></li> <li>• <b>Why did it take more than 5 years to implement a</b></li> </ul>

**HC above regulatory levels; SCS confirms**

- Nov 1998 environmental work plan sent to DEH
- July 1999 DEH approves plan; SCS assesses
- Nov 1999 DEH reviews SCS assessment & requires further assessment
- Feb 2000 new SCS assessment plan sent to DEH
- Mar 2001 SCS assesses again & prepares report: *“Environmental Site Assessment Activities at Former Air Resort Airlines”* dated Nov. 20, 2001
- May 2002 DEH requires added monitoring wells
- Jan 2003, DEH issues work plan approval letter
- **June 2006 DEH inspection letter [June 12] notes: “Monitoring wells could not be located and appear to have been asphalted over. Uncover the wells.”**
- Jan/Feb 2007 SCS returns to site & finds:
  - **HC have impacted the shallow groundwater at the Site**
  - The principal source areas of petroleum hydrocarbons in soil and groundwater at the Site are the locations of the UST tank pit and gasoline dispenser islands.
- Mar 2007 regulatory oversight of Site UST moved from DEH to RWQCB
- Nov 2007 RWQCB approves SCS destroying Monitoring wells MW1A & MW4 due to redevelopment activities at the Airport.
- May 2010 SCS reports “assessment work could not be conducted until the airport expansion was completed in May 2010.
- *May 2011 SCS Findings, Conclusions & Recommendations*
  - Estimated volume of HC-bearing soil = 72,600 cubic feet
  - **A potential human health risk occurs at the Site as a**

**satisfactory monitoring system?**

- **How could the monitoring wells have been paved over?**
- SCS File # = 11981630.06 = *Additional Site Assessment*
- SCS = formerly Environmental Business Solutions [EBS]
- **County has not prepared any CEQA document admitting that the landfill has “impacted the shallow groundwater at the site” or committing to remedial measures.**

			<p>result of the release of constituents of concern (CoCs) to the ground water.</p> <ul style="list-style-type: none"> <li>▪ The CoCs present in the groundwater could migrate and be discharged to surface waters.</li> <li>▪ Site monitoring should continue</li> <li>▪ An assessment of the enclosed buildings in close proximity to areas of residual petroleum HC-bearing soil or groundwater (e.g. Jet Source hanger) should be conducted for the likelihood that an unacceptable human health risk risks due to possible vapor intrusion.</li> </ul>	
9	2010 June 14	SCS Engineers 562 426-9544 "Interim Field Investigation Report Palomar Airport Landfill" Presented to County of San Diego DPW, Landfill Management	<ul style="list-style-type: none"> <li>• The SCS field investigation primarily involved 18 borings including 15 into paved landfill Unit 2 and 3 into unpaved landfill Unit 3.</li> <li>• SCS Findings: <ul style="list-style-type: none"> <li>○ "In Area 2, most borings encountered decomposed waste. The deepest boring hit the bottom of the landfill at 36 feet bgs.</li> <li>○ Boring 4 in the west end of Area 2 could not be advanced below 5 foot depth as it encountered a large hard object, possibly a concrete structure. Attempts to move the boring 10 feet northwest of the original location encountered the same hard object. Ultimately, the location was abandoned.</li> <li>○ Along the Western Flight hanger Borings #5 and #6 were drilled to measure the thickness of asphalt in the vicinity. Asphalt in this area was several feet thick -- at boring location 6, asphalt was 10 feet thick.</li> <li>○ In unpaved Area 3 [the proposed Palomar Runway extension area] only 3 borings were made. Strong</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• See SCS Engineers File No. 07206406.01</li> <li>• Question: Why were the Palomar engineering drawings for subsurface utilities not sufficient to disclose the obstacle SCS encountered?</li> <li>• Was the concrete object discovered the storm drain later found to be</li> </ul>

			<p>odors were detected from the borings. Two borings were less than 20 feet deep. The 3<sup>rd</sup> boring went to the bottom of the fill [no depth listed].</p>	<p><i>damaged? [See this Table Item __.]</i></p> <ul style="list-style-type: none"> <li>• Question: Why were the Palomar engineering drawings for subsurface structures insufficient to show 10-foot thick asphalt at Boring 6?</li> <li>• Question: How can the County safely drive hundreds of piles through landfill 3 to create a "bridge" for the proposed 1100-foot runway extension under review in 2012?</li> </ul>
10	2009 Nov 13	<p><b>FBI Press Release November 13, 2009</b>  <a href="http://fbi.gov/sandiego/press-releases/2009/sd111309a.htm">fbi.gov/sandiego/press-releases/2009/sd111309a.htm</a></p>	<ul style="list-style-type: none"> <li>• "United States Attorney Karen P. Hewitt announced that Mr. ---- was arraigned today in federal court in San Diego ... on charges of Mr. ... making false statements and tampering with a monitoring method. The indictment alleges that Mr. --- prepared false landfill gas emission reports by copying data already in his computer database without conducting the actual monitoring. <b>According to the indictment, between October 2004 and May 2007, Mr. --- was employed as a technician by a company under contract with the San Diego County</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>FBI Press Release suggests SD County consultant falsifying data related to numerous landfills including at Palomar Airport</b></li> <li>• <b>FBI Press Release notes that one possible result of falsifying of</b></li> </ul>

			<p>Department of Public Works, responsible for taking readings of the emissions of landfill gases from closed landfills within the County of San Diego, including the San Marcos Landfill, the Palomar Airport Landfill, ... among others. ... According to the indictment, on September 23, 2005, an underground fire was discovered at the Palomar Airport Landfill, although no unusual readings had been reported in the monitoring data from the methane extraction wells and migration probes at that location.”</p>	<p>Palomar Airport data was a Palomar Airport subsurface landfill fire. See this Table Item ___ for further discussion.</p> <ul style="list-style-type: none"> <li>• Did County take any corrective action? <ul style="list-style-type: none"> <li>○ Reconduct fieldwork at falsely reported data locations?</li> <li>○ Attempt to collect extra expenses from the firm involved?</li> <li>○ Create &amp;/or amend its list of consultants ineligible to propose on County contracts?</li> </ul> </li> <li>• <b>FIRE!!!</b></li> </ul>
11	2008 December	Geosyntec Report of Additional Environmental Evaluations - Unit 3, Palomar Airport Landfill Prepared for	<ul style="list-style-type: none"> <li>• <b>Assignment: Conduct field investigation to (1) further evaluate elevated concentrations of methane detected in LFG probe GW-9A; (2) evaluate northern extent of Unit 3 waste; and (3) potential presence of additional unidentified sub surface utilities near Unit 3.</b></li> <li>• History <ul style="list-style-type: none"> <li>○ Unit 3 is an inactive Class III municipal solid waste landfill.</li> <li>○ Recently, methane concentrations exceeding the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• See Project # SC0230</li> </ul>

		<p>County, DPW, Landfill Management</p>	<p><b>5% lower explosive limit [LEL] specified in 27 CCR §20921(a)(2) have been detected.</b></p> <ul style="list-style-type: none"> <li>○ <b>Three consultants have differed on the limits of the Unit 3 fill [SCS Engineers, Metcalf &amp; Eddy, and Geosyntec.]</b></li> <li>○ <b>A SDG&amp;E natural gas transmission pipeline that traverses the property near the Unit 3 fill boundary interferes with the ability to take more precise borings.</b></li>   <li>○ <b>“Subsurface utilities may provide a conduit for storm water to enter the subsurface and potentially saturate buried waste. Geosyntec recently encountered a storm drain traversing Unit 3 from the north to the south that previously had been reported as abandoned.</b></li> <li>○ <b>In December 2007 &amp; February 2008 Geosyntec replaced leaking LFG extraction wellheads in Unit 3.</b></li> <li>○ <b>In February, 2008 SCS, the County’s landfill gas contractor reported elevated temperatures in the northwest portion of Unit 3 where noticeable subsidence was occurring.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>How deep is the SDGE natural gas line? What risk does it pose if a 90,000 pound plane with 70 passengers aboard crashed into the Unit 3 fill?</b></li> <li>• <b>County Palomar Airport CEQA documents have not reported or analyzed this problem.</b></li>   <li>• <b>Fire???</b></li> </ul>
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			<ul style="list-style-type: none"> <li>• <b>Conclusions &amp; Recommendations</b> <ul style="list-style-type: none"> <li>○ Document review suggests there are other subsurface utilities through Unit 3 apparently not used.</li> <li>○ Intrusion of surface water into Unit 3 could result in saturated waste.</li> <li>○ Soil vapor sampling results indicate LFG appears to be migrating beyond the limits of buried waste near well GW-9A.</li> <li>○ Abandon Unit 3 storm drain in place and study rerouting it.</li> <li>○ Resume LFG control operations to reduce methane.</li> <li>○ Continue monitoring Unit 3 perimeter.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>How many of these recommendations have been carried out? What did the contractors find when they dug up the affected portions of the landfill?</b></li> </ul>
12	2008 August 14	Meeting of Air Pollution Control District Hearing Board	<ul style="list-style-type: none"> <li>• <b>Purpose: County requests variance to allow excess emissions of Palomar landfill emissions due to ongoing underground fires</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Underground landfill FIRE!!!</b></li> </ul>
13	2008 Mid May to September 25	Palomar Airport Underground Landfill Fire [See series of emails from Vicky Gallagher to John Snyder with later copies to Peter Drinkwater, Director of Airports & Willie Vasquez,	<ul style="list-style-type: none"> <li>• <b>Palomar Landfill Unit 3 [County-proposed area for 1100 foot runway extension]</b> <ul style="list-style-type: none"> <li>○ Initially detected temperature above 217 degrees F about 25 feet below ground and in area about 40 feet in diameter.</li> <li>○ Mitigation considered: injecting water or CO2. RWQCB opposed water. CO2 used.</li> <li>○ Carlsbad Fire Department notified.</li> <li>○ Broken under landfill storm drain contributes to bringing oxygen in to feed fire</li> <li>○ "It will be months and maybe a year before</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>FIRE!!!</b></li> </ul>

		Director of Palomar]	temperatures reach a normal range. [July 17, 2008 email: Vicky Gallagher to John Snyder (Update #6)]	
14	2008 July 25	Geosyntec Report for County Public Works Landfill Management 858 674-6559	<ul style="list-style-type: none"> <li>• Assignment: Evaluate quality of soil vapor near the soil vapor monitor problems installed near the Premier Jet aircraft hangar at Palomar Airport Landfill</li> <li>• Landfill Gas History: <ul style="list-style-type: none"> <li>○ In Dec 2005 Palomar tenant Premier Jet [by a consultant] installed vapor monitor probes near the Unit 1A landfill.</li> <li>○ Since June 2006, the County San Diego Law Enforcement Agency [LEA] has routinely reported elevated landfill gas [LFG], i.e. methane.</li> <li>○ Between July &amp; Dec 2007 LFG extraction well HCW-9 in the Unit 1A landfill was inoperable because the lateral connecting it to the LFG control system was severed by an electrical contractor working for Premier Jet.</li> <li>○ Geosyntec in 2007/2008 found soil vapor samples “consistent with aviation gasoline and not methane.”</li> <li>○ Upon beginning field inspection, Geosyntec discovered that the PVC lines installed did not conform to the construction logs and some fittings were loose.</li> <li>○ Geosyntec “upon initiating purging [detected] leaks in [certain probes] that could not easily be repaired .... [T]he leaks were determined to be due</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• How accurately does Palomar map subsurface lines when contractors can cut them?</li> <li>• How good was the Palomar inspection and construction management of the lines previously installed that Geosyntec was inspecting?</li> <li>• If the previously installed lines were defective in any way, what efforts did Palomar or Premier Jet make to hold the original contractor accountable?</li> <li>• For more detailed info, apparently see</li> </ul>



			<p>to the construction of the probes.”</p> <ul style="list-style-type: none"> <li>• <b>Geosyntec Conclusions &amp; Recommendations:</b> <ul style="list-style-type: none"> <li>○ “It appears that soil vapor in the vicinity of the Premier Jet probes may have been affected by both fuel related compounds resulting from the current and former use of hydrocarbon fuels at the site and LFG migrating from the Unit 1A landfill. VOCs [benzene, vinyl chloride, PCE and TCE] were detected at concentration exceeding CHHSLs. [California Health Human Screening Levels.]</li> <li>○ “The following indicate the Premier Jet probes may not be suitable for monitoring potential LFG migration from the Unit 1 A landfill: <ul style="list-style-type: none"> <li>▪ The detection of significant concentrations of non-LFG-related constituents that are erroneously reported as methane by the field instruments used to monitor the probes;</li> <li>▪ Leaks in the probes, apparently to be due to probe construction; and</li> <li>▪ The use of PVC cement in constructing the probes indicate[d].”</li> </ul> </li> </ul> </li> </ul>	<p>SC0230/Premier Jet probe Sampling/pj probe sampling.rptF.07252008.doc.</p>
15	2008 July 17	County Air Pollution Control District Issues Notice of	<ul style="list-style-type: none"> <li>• <b>Violation Date: April 1, 2003 to March 31, 2006: “Knowingly and with intent to deceive falsifying records required by the landfill permit to be kept</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Note: This Violation not Palomar but shows widespread County</b></li> </ul>

		Violation	regarding the presence of methane in the off site migration probes located at the Encinitas landfill.	problem throughout County at the landfills
16	2008 March	Geosyntec Premier Jet Methane Investigation Report, Palomar Airport Landfill Prepared for County of San Diego, DPW, Landfill Management	<ul style="list-style-type: none"> <li>• <b>Assignment: Conduct field investigation to evaluate elevated concentration of methane detected in Unit 1-A gas monitoring probe.</b></li> <li>• History: <ul style="list-style-type: none"> <li>○ Unit 1-1 is inactive Class III municipal solid waste landfill site.</li> <li>○ <b>County LEA monthly reports note elevated methane levels 10 to 90 feet outside the northern limits of Unit 1A wastes.</b></li> <li>○ <b>LEA noted violations of 27 CCR 20919 = failure to control migration of landfill gas.</b></li> <li>○ <b>Excavation of the HCW-9 lateral line revealed two electrical conduits resting on line. The lateral had to be reconnected in a manner to avoid problems with the electrical lines. A sump was installed that will require periodic pumping to remove condensate near electrical lines.</b></li> </ul> </li> <li>• <b>Conclusion. Leaking wellheads were replaced and a broken subsurface lateral line to HCW-9 was repaired to correct problem.</b></li> </ul>	<ul style="list-style-type: none"> <li>• See Project # SC0230</li> <li>• <b>How good can County construction be when County fails to catch contractor placing electrical conduits directly on methane gas lines?</b></li> </ul>
17	2008 March 6	Geosyntec Letter	<ul style="list-style-type: none"> <li>• Topic: Request to Revise Monitoring and Reporting Program 96-13, Palomar Airport Landfill</li> <li>• <b>Notes: "The landfill was constructed without a liner,</b></li> </ul>	

			<p>and does not have a leachate collection or removal system. Other than the groundwater monitoring network (26 wells) [for 32 acres], no leak detection system has been installed at the landfill:</p> <ul style="list-style-type: none"> <li>• “An annual or biennial sampling frequency is recommended for ethylbenzene, TCE, cis-1, DCE, and 1,1 DCE for each well at the Palomar Airport Landfill ...”</li> </ul>	
18	2008 January 15	County letter to Air Pollution Control District re: Fire	<ul style="list-style-type: none"> <li>• Letter requests variance to allow excessive emissions related to underground Palomar Airport fire.</li> <li>• Letter notes: “In January 2008, during a routine post storm inspection, County staff observed a depression approximately 50 feet in diameter and 3 feet deep in the northwestern portion of Unit 3.”</li> <li>• Temperature probes were installed and confirmed an underground fire.</li> </ul>	<ul style="list-style-type: none"> <li>• Unit 3 is adjacent to the runway and site of the 1000 foot Runway Safety Area</li> <li>• FIRE!!!</li> </ul>
19	2007 Novem-ber	Geosyntec “Additional Methane Investigation Report & Corrective Action Plan, Palomar Airport Landfill Prepared for County, DPW, Landfill	<ul style="list-style-type: none"> <li>• Assignment: Evaluate elevated methane concentrations in gas monitoring probe MP-10S.</li> <li>• History: <ul style="list-style-type: none"> <li>○ November 2006 routine monitoring by Consultant SCS Engineers showed methane gas exceeding 5% lower explosive limit [LEL].</li> <li>○ Investigation suggested elevations related to construction and placement of engineered fills in the northern portion of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• See Geosyntec Project # SC0230</li> <li>• Why did it take the County 1 year to follow up on its own consultant explosive gas field finding?</li> <li>• NOTE: STRONG EVIDENCE</li> </ul>

		Management	<p>the site during 2006.</p> <ul style="list-style-type: none"> <li>○ July 2007 routine monitoring by County Local Enforcement Agency [LEA] found methane above LEL in violation of 27 CCR 20919.5</li> <li>• <b>Summary of Results [See report pages 11 &amp;12]:</b> <ul style="list-style-type: none"> <li>○ “Soil moisture is a critical component in methane generation. Methane generation will not occur in the presence of oxygen. Once soils are saturated, the dissolved oxygen in the water can be consumed by microbial, plant, or animal respiration. The consumption of dissolved oxygen in interstitial water results in anaerobic conditions, which are required for methane generation.</li> </ul> </li> </ul>	<p><b>AS TO WHY AN AIRPORT NEGATIVE DECLARATION IS NOT ACCEPTABLE EVEN FOR A PROJECT APPARENTLY AS SIMPLE AS PLACEMENT OF FILL ON SITE [FILL PLACEMENT CAUSES SURCHARGES AFFECTING FILL GAS MIGRATION]</b></p> <ul style="list-style-type: none"> <li>• <b>Why did it take County 6 months to further evaluate methane above LEL when even County enforcement had found a problem?</b></li> <li>• <b>The County left the large area above the Unit 2 landfill bare for many years thus allowing annual rainfall to enter the landfill and contribute to more methane gas formation. Why?</b></li> </ul>
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			<ul style="list-style-type: none"> <li>○ <b>Geosyntec has recently had numerous conversations regarding soils encountered during the earthwork activities in the northern portions of the site in 2006. The earthwork was conducted to construct the plane tie down area and the access road along the northern property boundary. Messrs. Willie Vasquez (Palomar Airport Manager), Tony Torres (LEA), and Mike Tisdale (IEC Infrastructure Engineering Corporation, the contractor conducting the earthwork), each indicated in separate conversations that dark odiferous soils were encountered during earthwork activities in the northern portions of the site. The odors observed during earthwork activities are likely a result of localized methane generation in the dark soils. In addition, Geosyntec obtained test pit logs prepared by Ninyo and Moore that indicate two test pits excavated along the northern portions of the site contained organic matter in soil or soil with an organic smell. ... [T]he specific locations of these dark odiferous soils ... are consistent with those observed in boring PAL-B1, indicating localized methane generation unrelated to the landfill is occurring in the northern portions of the site.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>What if any CEQA environmental work was done for the plane tie down earthwork.</b></li>   <li>• <b>Note that if the Geosyntec conclusion is correct that the methane generation is not landfill-associated, then the airport problem is even worse than suspected because areas outside the landfill are causing problems. [Presumably, an Geosyntec or another engineering firm</b></li> </ul>
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			<ul style="list-style-type: none"> <li>• <b>Conclusions &amp; Corrective Action Plan:</b> <ul style="list-style-type: none"> <li>○ “The methane concentration of 4 October 2007 active gas sampling test [50.1% is greater than methane concentrations detected in 96% of the LFG extraction wells during the routine monthly Monitoring by SCS in September 2007... Therefore, it is unlikely that LFG migrating from one of the three-landfill units at the site is a likely source of methane detected in MP-10S.</li> <li>○ Probe MP-10S is unsuitable for use as a perimeter probe because its ability to monitor potential LFG migration is obscured by localized methane production. Probe MP-10S will be relocated to a location where localized methane production is not occurring.</li> </ul> </li> </ul>	<p>would have to study whether the County surcharged the Unit 3 landfill by placing piles of dirt over it resulting in landfill gases being “squeezed” out of the landfill into other areas.]</p> <ul style="list-style-type: none"> <li>• <b>Then it appears Palomar has a 3<sup>rd</sup> problem [in addition to landfill methane gas and Underground Storage Tank leaks] that needs to be properly assessed. Especially since the 50.1% level exceeds the lower explosive limit for methane gas of 5%.</b></li> <li>• <b>Question: Why would Probe MP-10S be moved? Yes,</b></li> </ul>
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				another probe for perimeter monitoring should be added. But MP-10S should have stayed.
20	2007 July	Geosyntec "Methane Investigation Report Palomar Airport Landfill" Prepared for County Landfill Management	<ul style="list-style-type: none"> <li>• <b>Assignment:</b> Evaluate elevated methane concentration in probe MP-10, GW-9A, GW-10, and MP 1-R on the northern portion of the Palomar Airport Landfill property.</li> <li>• <b>History:</b> In November 2006, SCS Engineers detected elevated methane concentrations at probe MP-10S. This probe is several hundred feet from the nearest documented location of landfill waste. [Emphasis added.]</li> <li>• <b>Conclusions:</b> <ul style="list-style-type: none"> <li>○ It appears unlikely that methane is migrating from the landfill waste in unit 2, Unit 3, or the natural gas transmission pipeline to monitoring probe MP-10S.</li> <li>○ The volatile organic compounds [VOCs] detected in the soil gas samples from MP-10S AND temporary probes P6-10 and P11-10 do not appear to be consistent with either LFG or natural gas methane sources.</li> <li>○ DCDFM [dichlorodifluoromethane [DCDFM]] was detected from monitoring probe GW-9A-D at a concentration significantly higher than that detected in the LFG. Additionally, hydrogen sulfide was detected in both the LFG and GW-9A-D soil gas samples.</li> <li>○ The paving of areas surrounding monitoring probe MP-1R and near monitoring probe MP-10S with asphalt may have</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Why did it take the County 6 months to further explore methane gas concentrations exceeding explosive limits?</li> <li>• Thus far, no environmental assessment for the Palomar Airport engineered fills and the apparent paving for airplane parking has not been found. The County's own evidence suggests that its projects are causing added gas problems at the site above and beyond the problems from the landfills and</li> </ul>

			<p>resulted in favorable methanogenic conditions in these areas. Additionally methane was not detected at elevated concentration until after the conclusion of earthwork grading in the northern portions of the site. Therefore, it seems likely the elevated methane concentrations detected in MP-10S and MP-1R, following the completion of the earthwork, may be attributable to the presence of engineered fills in the northern portion of the site.</p>	<p>leaking underground storage tanks.</p>
21	2007 July 25	County letter to Air Pollution Control District Compliance	<ul style="list-style-type: none"> <li>• <b>References a July 17 APCD Notice of Violation [#218838] related to a 12,000-gallon aviation self-servicing fuel station.</b></li> </ul>	
22	2007 May 3	Airports Letter of Palomar Airport Center dba Premier Jet	<ul style="list-style-type: none"> <li>• <b>"Portions of your lease lay above/adjacent to closed municipal solid waste landfill. ... the Local Enforcement Agency has been having some difficulty getting compliance from Premier Jet and they are concerned for the health, safety and welfare of Premier Jet and its tenants due to potential impacts associated with landfill gas."</b></li> <li>• <b>The concerns noted relate to installing automatic methane detectors inside the office building, installing certain monitoring probes, and certifying the adequacy of the ventilation systems within the hangars to prevent methane buildup.</b></li> </ul>	
23	2007 April 30	The 2000 to 2005 MOU Between County Airports & County Inactive	<ul style="list-style-type: none"> <li>• <b>The May 2, 2007 Pete Drinkwater [Executive Director County Airports] letter to John Snyder notes the landfill MOU extension and other issues related to the Palomar</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>The same risks related to dynamic compaction would exist from</b></li> </ul>



		Landfill Site Management was Extended to April 30, 2007.	<p>landfills.</p> <ul style="list-style-type: none"> <li>○ Notes that if dynamic compaction [i.e. dropping heavy weights from height] were used at Palomar to compact fill <b>“extreme risks include cracking nearby building foundations, cracking concrete slabs on hangar floors and ... pounding the soil may release buried hazardous materials, as the airport has undocumented waste buried in some units.</b></li> <li>○ <b>“Clean closure [removal of waste from airport property] may be an alternative long term solution that would address both Airports and Landfills needs. Clean closure would address development and operational impediments imposed by the landfill, improve safety ion operational areas, eliminate the potential for future environmental issues associated with this landfill, and reduce ongoing Solid Waste Environmental Trust Fund commitments.”</b></li> </ul>	<b>driving hundreds of piles 20 to 45 deep through Palomar Unit 3 landfill to create a bridge over the landfill.</b>
24	2007 April	Geosyntec “Operation & Maintenance Plan: Sub-Drain Discharge Treatment System, Palomar Airport Landfill prepared for County Solid	<ul style="list-style-type: none"> <li>• <b>Assignment: In 1985 the County installed a sub-drain system below an engineered soil fill area “down gradient” of landfill Unit 1. The drain was intended to provide slope stability for the “emplaced” engineered fill. Because low levels of VOCs and relatively high levels of total dissolved solids [TDS] have been detected in the sub-drain discharge, Geosyntec is to develop an operation &amp; maintenance program for the sub-drain.</b></li> <li>• <b>History:</b> <ul style="list-style-type: none"> <li>○ The RWQCB prepared a SD Basin 9 water plan in 1981 requiring</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Project # SC0230-12-05</li> </ul>

		Waste Management	<p>mitigation of untreated water discharges.</p> <ul style="list-style-type: none"> <li>○ Initial analysis of the RWQCB plan suggested reduction-costs would be excessive.</li> <li>○ Hence, the treatment system at Palomar targeted VOCs, not solids.</li> <li>○ Palomar landfill Unit 1 contains about 214,000 cubic yards of waste.</li> <li>○ In 2003 the County installed a discharge water treatment system. The discharge in April 2007 is about 2.6 gallons per minute [3,800 gallons per day].</li> </ul> <ul style="list-style-type: none"> <li>• Conclusions: Improve operations and maintenance of the sub-drain system components.</li> </ul>	
25	2007 February 8	SCS Engineers Assessment of Gas from Landfill Gas System Components at the Palomar Airport Landfill	<ul style="list-style-type: none"> <li>• <b>Assignment: Investigate whether outside sources contribute to methane gas found along northern perimeter.</b></li> <li>• <b>Recommendations: County should perform an isotopic analysis to determine if certain gas found is an outside source such as sewer gas or solvent spill plume or an undocumented landfilled refuse.</b></li> </ul>	
26	2007 January 9	County of San Diego Department of Environmental Health Closed Disposal Site Inspection Report	<ul style="list-style-type: none"> <li>• <b>Noted explosive methane at 24.5%. The regulatory limit is 5%.</b></li> <li>• <b>Noted the problems cited in November and December of 2006 continued.</b></li> </ul>	

27	2006 December 7 And November 14	County of San Diego Department of Environmental Health Closed Disposal Site Inspection Report: North Coastal Landfill Palomar Airport	<ul style="list-style-type: none"> <li>• <b>County found violations for “Post closure land use,” “gas controls,” and “explosive gas control.” Also found “areas of concern” related to site maintenance and perimeter monitoring network.</b></li> <li>• <b>Explosive methane was detected at concentrations of 29.7% - substantially in excess of the regulatory limit of 5%. In the prior month, the level was 41.7%</b></li> <li>• <b>Copies of report were provided to Palomar Airport Manager, RWQCB, and APCD.</b></li> <li>• <b>Same problems noted in the November report.</b></li> </ul>	
28	2006 October	GeoSyntec Phase II Evaluation Monitoring Program [EMP] Palomar Airport Landfill - Unit 2 Prepared for Landfill Management	<ul style="list-style-type: none"> <li>• Assignment: Assess Palomar landfill Unit 2 site again to further evaluate the nature and extent of landfill-related constituents in groundwater down gradient from Unit 2.</li> <li>• History:</li> </ul>	
29	2006 June 2	GeoSyntec Letter to Barry Pulver, Landfill Management	<ul style="list-style-type: none"> <li>• Assignment: Document groundwater sampling to profile total petroleum hydrocarbon concentrations [TPH] in groundwater at the Palomar Airport Landfill.</li> <li>• <b>“TPH was detected in both groundwater samples from upgradient monitor wells MW-28 and MW-30 in Unit 1. TPH signatures indicated the presence of</b></li> </ul>	

			<p>gasoline, diesel, AVGas, Jet A, and JP-4.”</p> <ul style="list-style-type: none"> <li>• TPH as diesel, Jet A and JP-4 were detected in all groundwater samples from Unit 2.</li> </ul>	
30	2005 Sep-tem-ber To Novem-ber	<b>Palomar Underground Landfill Fire:</b> See for example October 19, 2005 County Landfill Management letter to Kerry McNeil, Local Enforcement Agency	<ul style="list-style-type: none"> <li>• <b>Unit 2</b> <ul style="list-style-type: none"> <li>○ Burned from approx Sept 23 to Nov 23, 2005, temperatures of 190 degrees F initially noted</li> <li>○ 1<sup>st</sup> reported by FAA tower</li> <li>○ Grouting company pumped grout underground to seal hole and minimize oxygen entry for about 6 weeks</li> <li>○ After approx 700 cu yards of grout injected, temperature dropped to 158 degrees F</li> <li>○ Air Quality cited County for excessive methane emissions into the air. County violated air quality Rule 59.</li> <li>○ Fire presumed out by December due to grouting</li> </ul> </li> </ul>	<b>FIRE!!!</b>
31	2004 July 22	Advanced GeoEnvironment al, Inc. letter to Gary Backe, Tank Specialists of California	<ul style="list-style-type: none"> <li>• Notes: “Four 10,000 underground storage tanks [USTs] were removed from the subject property [Jet Source at Palomar Airport] recently. Two of the USTs contained aviation gas and the other two contained jet fuel. ... Following the removal, an unauthorized release into the subsurface soil was discovered beneath the eastern jet fuel UST. ... Based on site circumstances, it appears that the most effective method of remediation is over excavation.”</li> </ul>	

32	2000 July 7	Carlsbad City Council Rejected Purchase of Palomar Airport Due to Problems	<ul style="list-style-type: none"> <li>• Carlsbad prepared a 41-page document entitled: "Evaluation of Acquisition of McClellan-Palomar Airport."</li> <li>• Pages 31-37 summarize the many problems at the Palomar landfill pre-2000 including: <ul style="list-style-type: none"> <li>○ "A review of RWQCB and Department of Environmental Health files on the Landfill reveal (1) concerns about landfill gas emissions and the protection of ground water that date back nearly 10 years; and (2) the County Department of Public Works' slow and inadequate responses to the requests of the environmental oversight agencies for measures to prevent environmental degradation and protect the public's health.</li> <li>○ "Environmental hazards documented by the Air Pollution Control District, RWQCG and Department of Environmental Health include: (1) inadequate monitoring and control of methane gas emissions; (2) cracking of asphalt which allows infiltration of water into underlying wastes; (3) 'differential settlement' that (a) impacts drainage structures, (b) impacts side slopes (causing erosion rills which can result in exposed solid wastes), (c) impacts the integrity of structures, and (d) provides a pathway</li> </ul> </li> </ul>	

for the release of landfill gases into the atmosphere an structures ...; and (4) methane emissions through asphalt fractures exceeding the 'lower explosive limit'. Documentation also includes (1) the Landfill is leaking and needs monitoring to assess the extent of contamination of ground water, (2) there are an insufficient number of monitoring wells to determine ground water flow direction; and (3) correspondence over inadequate responses, insufficient required reports from DPW, and the issuance of numerous notices of violation.

- **Carlsbad Conclusions related to the Palomar landfill i include:**
  - **Without County Board of Supervisor intervention and/or regulatory enforcement, poor maintenance and property deterioration may be an ongoing issue at Palomar.**
  - **The likely reasons there has been inadequate ground water monitoring at the airport are: (1) the lack of enforcement by RWQCB; and (2) the threat of required abatement actions if ground water flow direction is established and the landfill is tied directly to the Dry Weather Test results.**
- **Without greater RWQCB oversight, our ground water degradation and storm drain test results will likely**

			<b>continue.</b>	
<b>33</b>	2000 June 15	MOU Between County Airports and County Inactive Waste Site Management [IWSM] [Ending June 30, 2005]	<ul style="list-style-type: none"> <li>• Notes that on April 22, 1999 <b>the RWQCB inspected Landfill Units 1 and 2 and issued IWSM a Notice of Violation.</b></li> <li>• On MARCH 22, 2000 the County awarded a contract for major repairs to Landfill Units 1 &amp; 2 to correct settlement and drainage problems.</li> <li>• Per the MOU, Airports agreed to pay 55% of the cost of the corrective work.</li> <li>• Airports agree to share equally with ISM the responsibility for the long-term maintenance, repair and landfill regulatory agency fines related to surface areas underlain by solid waste.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Note that it took the County 11 months to correct the RWQCB notice of violation.</b></li> </ul>
<b>34</b>	1990s [Exact date uncertain]	Woodward-Clyde Consultants Site Assessment and Subsurface Investigation Draft Report Prepared for Carlsbad Airport Centre Partnership	<ul style="list-style-type: none"> <li>• <b>“The results of our record review indicate that five facilities at Palomar Airport have been cited by the HMMD for an unauthorized release of hydrocarbons from an underground storage tank system. Two of the facilities have received a case closure from the HMMD and three cases remain open... One of the facilities, Air Resorts Airlines, had evidence of VOC contamination [PCE and methylene chloride), in addition to petroleum hydrocarbons, in a sediment sample collected from a floor drain.</b></li> <li>• <b>Landfill gases from cell No. 1 of the former Palomar Airport landfill have migrated onto the subject site in</b></li> </ul>	<ul style="list-style-type: none"> <li>• See report A/9153065E-RP01</li> <li>• <b>Note: The reference to lots 29 and 30 is</b></li> </ul>

			the area of Lots 29 and 30.	apparently to the area to which Palomar Airport relocated its parking in the mid-2000s. The quoted language is deleted by an ink cross out. It is unclear why the deletion was made. One possibility is that the County did not want a record of gas migration outside Palomar landfill cell 1.
35	1999 July	URS Greiner Woodward Clyde Corrective Action for the Cinema Hanger McClellan- Palomar Airport	<ul style="list-style-type: none"> <li>• <b>Assignment:</b> Develop corrective plan for foundation failures under the Palomar Cinema Hanger caused by subsidence from the landfill partially under the hanger.</li> <li>• <b>Findings:</b> <ul style="list-style-type: none"> <li>○ <b>The hanger foundation continues to fail.</b></li> <li>○ <b>Problems were first noted in 1993. Corrective work was performed in 1994 including a new foundation system with pier and grade beams.</b></li> </ul> </li> <li>• <b>Recommendations:</b> Demolish existing building and relocate to more suitable site OR retrofit existing</li> </ul>	



structure using piles and grout injection.

			structure using piles and grout injection.	
36	1998 March 2	Woodward-Clyde Consulting Report Financial Risk Assessment for the Palomar Airport Landfill - Units 1 & 2	<ul style="list-style-type: none"> <li>• <b>Noted 26 financial risks issues associated with the Palomar landfills including landfill settlement and ground water contamination.</b></li> <li>• <b>Noted that none of the remediation options would be profitable.</b></li> </ul>	
37	1993 April 9	Metcalf & Eddy, Inc, Geotechnical Consultants Palomar Airport Landfill Solid Waste Water Quality Assessment Test [Final SWAT Report]	<ul style="list-style-type: none"> <li>• <b>“Notable subsidence has occurred along the upper deck of the covered landfill units. This is particularly evident across Unit 1 and Unit 2 where much of the area has been paved and used for airport operations, including individual, portable hangars. Local depressions in the pavement as deep as five feet have been observed.... Evidence of subsidence can also be seen across Unit 3.</b></li> <li>• <b>The City of Escondido contributed approximately 3 cubic yards of treated sewer sludge per week to the landfill. ... Several employees did report minor health problems such as headaches, and on rare instances, nausea and vomiting while working at the landfill.</b></li> <li>• <b>Landfill volume in cubic yards is estimated respectively for Unit 1, Unit 2, and Unit 3 at 214,000;</b></li> </ul>	<ul style="list-style-type: none"> <li>• X</li> </ul>

195,000; and 697,000.

- “Groundwater monitoring immediately downgradient of Unit 1 indicates that a discharge has been occurring to the local groundwater environment. Based on analytical test findings, 13 volatile organic compounds are present in the underlying groundwater, five of which at concentrations exceeding California Department of Health Services Maximum Contaminant Levels for Drinking Water.”
- “With respect of Unit 2, the County of San Diego, Department of Health Services, Hazardous Materials Management Division, has records of an unauthorized discharge estimated at 4,000 gallons from underground fuel tanks located on the northeast side of the landfill unit ... .”
- “Overburden. There are several areas within the airport boundaries in which additional asphalt concrete was placed as a temporary mitigation to settlements under the asphalted surfaces. Considerable additional settlement should be expected in areas where additional overburden such as new fill is placed over the completed landfill. Overburden has been observed to generate significant settlements up to 40 feet away from the point of application. ... Typical settlement for a one

- Review of Palomar records suggest that in the mid 2000s, the Airport placed various fill materials on or near the several landfills for various reasons. The reasons seem to have included: (1) to have material available to fill up subsidence depressions and (2) to reconstruct taxiways. Records review suggests that such fill placement was done

			<p>foot thick layer of asphalt in a 20 foot deep area of the landfill is approximately six inches.”</p>	<p>without environmental analysis despite the County’s own records showing that “overburden” [storing materials on top of or near landfill areas] can cause subsidence.</p>
38	1968 June 20	<p>County Planning Dept granted Special Use Permit 68-97 for a sanitary landfill at 2386 Palomar Airport Road</p>	<ul style="list-style-type: none"> <li>• Special Use Permit states the three sanitary landfill sites are located on the Palomar Airport property.</li> <li>• Permit notes that “a previous sanitary land fill had been operated by the County on the airport property.”</li> <li>• <b>Permit states “No permanent structures or facilities will be constructed.”</b></li> </ul>	
<p><b><i>Note: This table is not comprehensive. Due to time limits there were other records I have not looked at, particularly those of the Regional Water Quality Control Board and the Air Pollution Control District. If the County were properly tracking landfill problems, it would maintain a chronological log similar to this table. Otherwise it is impossible for decision makers or the public to know the extent of the landfill problems – and the extent of County remedial measures, if any - without reviewing many, many thick reports.</i></b></p>				



# Exhibit 5

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## SCS ENGINEERS

October 15, 2013  
File No. 01213281.00

DRAFT

Mr. Jason Forga, P.E.  
County of San Diego  
Department of Public Works  
5510 Overland Avenue, Suite 210  
San Diego, CA 92123

**Subject: Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California**

Dear Mr. Forga:

The County of San Diego (County) is currently evaluating the possibility of extending the east end of the existing runway at the McClellan-Palomar Airport (Airport). Since the Airport is constructed on a closed landfill site equipped with a below-grade landfill gas (LFG) collection and control system (GCCS), SCS Engineers (SCS) was retained to evaluate the possible environmental impacts of a potential aircraft crash into the landfill cover at the site. Please note that this report attempts to evaluate the worst case 'what-if' scenario, and assumes that the impact from an aircraft crash into the landfill cover would result in uncovering buried solid waste materials and damage to the GCCS. Whether or not this scenario is possible, is beyond the scope of this report. Further analysis on whether or not the landfill cover could be penetrated by an aircraft impact, and to what degree, may be the subject of a future study. These services were approved by the County, and Task Order #250 was issued authorizing work on August 30, 2013.

### 1 BACKGROUND

Palomar Airport, located in Carlsbad, California, is owned and operated by the County (Figure 1: Location Map). The airport is partially located over a closed landfill site, which operated as a Class III municipal solid waste (MSW) disposal facility between 1962 and 1975. Over time, the anaerobic decomposition of the organic waste components buried in the landfill produces a by-product gas known as 'LFG'. LFG primarily consists of about 50 percent methane and 50 percent carbon dioxide. It also includes trace amounts of nitrogen and oxygen, and minute amounts of non-methane organic compounds (NMOCs) and inorganic compounds. Methane is a principle component of natural gas, and is explosive at concentrations of 5 percent and 15 percent by volume, in air. Hence, to prevent possible hazards associated with the migration of methane beyond the limits of the buried waste footprint, a below-grade GCCS has been installed on the site that collects and disposes the collected LFG in an enclosed flare.

## 2 EXISTING CONDITIONS

The Palomar Airport landfill consists of three (3) distinct MSW areas, designated as Unit 1, Unit 2, and Unit 3, also referred to as "Areas" (Figure 2: Site Map). Area 1 is located in the south-central portion of the airport, beneath a complex of aircraft fixed base operators. Area 2 is located adjacent to, and south of the east end of the runway. Area 3 is located in the easternmost portion of the airport (east of the runway). All three (3) areas are covered with between two to seven feet of soil, but Areas 1 & 2 are also covered with asphaltic-concrete (AC). Areas 1, 2 and 3 include a network of LFG extraction wells and high-density polyethylene (HDPE) piping, installed below-grade. The wellheads for the existing extraction wells are constructed in below-grade vault boxes. Table 1: 'GCCS Layout in Areas 1, 2 and 3 at the McClellan-Palomar Airport Landfill' shows the distribution of the existing seventy-two (72) LFG extraction wells and, the average depths of the vaults and HDPE piping over the site.

Table 1: GCCS Layout in Areas 1, 2 and 3 at the McClellan-Palomar Airport Landfill

Area	# of LFG Extraction Wells	Average Vault Depths (feet)	Average HDPE Pipe Depths (feet)
Area 1	26	2 - 4	2 - 7
Area 2	11	3 - 6	2 - 7
Area 3	35	3 - 6	2 - 7

The GCCS also includes a blower/flare system used to provide the vacuum to extract the LFG from the landfill and deliver it to a skid-mounted enclosed flare, with a heat release rating of 9.35 million British Thermal Units per hour (MMBtu/hr), used to destructively combust the LFG. The flare stack has an outer shell diameter of 4 feet and is 24 feet high. Presently, the flare is being operated at a heat release rating of approximately 2.2 MMBtu/hr, based on an LFG methane content of 30 percent, at 120 standard cubic feet per minute (scfm). The flare is located in the southern portion of the airport, south of Area 1 (Figure 2). In addition to the GCCS, the site also includes nineteen (19) LFG monitoring probes located along the perimeter of the site used for compliance monitoring to verify the GCCS is effectively controlling the potential for offsite subsurface migration of LFG.

The airport footprint also consists of office buildings, hangers and storage facilities (Figure 3: Airport Layout and Facilities Map). While portions of the landfill in Areas 1 & 2 are used for aircraft parking and other facilities, no areas of the closed landfill are used for aircraft runway.

In order to meet the existing demands of the airport, several improvements are currently under study. One such improvement is the extension of the east end of the existing runway. The objective of this preliminary evaluation is to assess the potential environmental impacts resulting

- **Spillage of cryogenic liquid**

Cryogenic liquids, such as liquid nitrogen and liquid helium, are liquefied gases that are retained in their liquid state at very low temperatures. These liquids are used as cooling agents to reduce engine temperatures, thereby reducing equipment stress and increasing life. These liquids are classified as 'compressed gases' on the Workplace Hazardous Materials Information System (WHMIS). Hence, even low quantities of cryogenic liquids can expand into large volumes of gases, while maintaining their low temperatures. If not stored in containers with adequate pressure-relief devices, enormous pressures can build up within the containers.

The impact from an aircraft crash can cause a sudden, rapid increase in the internal pressure of the container. Results can range from damage to surrounding equipment, structures, explosions, called 'boiling liquid expanding vapor explosion,' to asphyxiation hazards.

- **Pressurized liquid and/or vapor release**

Aircraft utilize a variety hydraulic and pneumatic accumulators, which contain pressurized air or fluids that assist in the operation of equipment, such as brakes, landing gear and Auxiliary Power Units (APUs). In the event of an aircraft crash, the accumulators can rupture and lead to sudden discharge of large amounts of pressurized fluids, resulting in destruction of property and possibly, injury to persons in proximity to the rupture.

- **Pipe rupture**

Impact from an aircraft crash may result in extensive damage to nearby above/below-grade utility lines. Damage or rupture of a buried water, gas or storm drain line, could contaminate nearby soils and water bodies. Emission releases from pipes could severely compromise the air quality and even cause explosions, depending on the contents of the carrier pipes.

Impact to piping associated with the GCCS may damage the system and cause a release of LFG to the atmosphere. If the LFG concentration is within flammable ranges and an ignition source is present, explosions or fires may occur. The quantity and general location of LFG extraction wells and piping are summarized above in Table 1.

- **Other**

Aircraft crashes can also create flying debris which could damage buildings and structures on and off the airport property, including above grade GCCS components. SCS did not study the buildings and structures in the vicinity of the site as our analysis was limited to the GCCS. However, it is important to note there are no buildings and structures on Area 3.

- **Site-Specific Hazards**

Depending on the type and the location of the crash site, any or all of the above described hazards may be encountered during an aircraft crash at Palomar Airport. Areas north of Areas 1

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included brief discussions on two (2) additional aircraft crash scenarios. The following sections present a summary of the effects of runway extension on the existing landfill and GCCS, and also discuss possible environmental impacts from typical aircraft accidents during take-off and landing, as well as the vertical impact scenario, requested by the County.

## EFFECT OF RUNWAY EXTENSION ON THE EXISTING LANDFILL AND GCCS

In a feasibility study for potential improvements at Palomar Airport, prepared by Kimley-Horn and Associates, Inc. (Kimley-Horn), dated August 2013, three different runway extension alternatives were identified. These include a 200-foot extension, a 900-foot extension, and a 1,200-foot extension to the east of the existing runway, over areas containing the existing landfill and GCCS (See Figure 5H: Runway Extension Alternative and Approximate Location of Landfill, Kimley-Horn). The feasibility study also states that under the 200-foot extension alternative, there would be minimal impact to the existing landfill and GCCS, while the other two alternatives (900 feet and 1,200 feet) would require extensive ground stabilization efforts and reconstruction of the GCCS. Furthermore, the feasibility study recommends 'Drilled Displacement Columns' (DDC) as the most suitable method for improving the bearing capacity and stability of soils, and reducing settlement in compressible materials i.e., solid waste, in this case. Under this method, columns would be constructed by advancing a drilling tool through the existing landfill, to the native formations below. The drill would then be slowly retracted, while filling the borehole with concrete or grout. Finally, an asphalt concrete runway pavement would be constructed, with geogrid-reinforced fill soils placed directly over the DDC. Depending on the extension alternative selected, additional portions of Area 3 may be covered by runway pavement, potentially minimizing landfilled areas where cover soils and solid waste could be stripped in the event of an aircraft crash. Consequently, a portion of the Area 3 GCCS extraction well and HDPE piping system will likely need to be re-designed and re-constructed.

## SCENARIO 1 - TAKE-OFF

Aircraft at Palomar Airport are permitted to take-off and land from the east end as well as the west end of the existing runway, depending on wind direction. During take-offs, aircraft are at their highest weight due to the aviation fuel they carry for the length of the flight. A heavier aircraft requires higher take-off speeds. It is our understanding that some of the larger aircraft at Palomar Airport do not take-off on a full tank of fuel. This is because a full tank of fuel increases the weight of the aircraft, thus necessitating higher take-off speeds, which in turn require greater runway lengths. The length of the existing runway is insufficient for certain aircraft operating at Palomar Airport to achieve the higher speeds needed. By extending the runway to the east, it is the intent of the County to facilitate these aircraft to achieve higher speeds, needed with higher on-board fuel quantities.

With the current runway configuration, when an aircraft takes-off from the east end (as is typical, based on the prevailing wind direction in San Diego County, which is generally from the west), aircraft would not fly directly over the landfill units once becoming airborne, reducing the

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possibility that an aircraft crash could impact the landfilled areas. If aircraft are taking-off toward the east (for example during "Santa Ana" winds from the east to northeast), then it is likely that aircraft would fly over landfill units leading to a possibility of the environmental impact scenarios discussed above. In case of mechanical failures or other events that could contribute to aborting a take-off, the probability that an aircraft now carrying a larger quantity of fuel impacting the landfill, could increase. Please note, SCS did not review and/or analyze glide paths during take-off or landing for aircraft operating at Palomar Airport. Also, per Airport records, take-off toward the east is infrequent (approximately 5% of all take-offs), thereby reducing the possibility of such an event. As stated in the earlier sections, aviation fuel is highly flammable and spillage of the same has the potential to cause the various impacts detailed above, if not contained during firefighting efforts.

## SCENARIO 2 – LANDING

Currently, when an aircraft lands from the east, it would touchdown in the vicinity of Area 3 landfill. Discussions with the airport authorities indicate that under any of the runway extension alternatives, the landing threshold will be moved back further to the east, an estimated distance of approximately 200 feet. Please note that the landing threshold and end of the runway are not necessarily the same. If an east side "displaced threshold" is implemented at Palomar Airport, then the landing threshold would be displaced some distance from the end of the runway. During take-off, aircraft would utilize the entire runway, while during landing, aircraft would be required to extend their approach to touch down at or beyond the displaced threshold. This would mean that aircraft landing on the new runway may touchdown at a location approximately 200 feet further east of the current touchdown location. In the event of failure to touchdown at the predetermined threshold and/or other mechanical issues that prevent a typical touchdown, there could be aircraft accidents with potential environmental impacts.

However, as previously discussed under the different runway extension scenarios, additional portions of Area 3 may be covered by pavement, potentially minimizing landfilled areas where cover soils and solid waste could be stripped in the event of an aircraft crash. Theoretically, a runway with a typical section consisting of subgrade cover, geogrid, lightweight cement and asphalt concrete, would decrease the possibility of an aircraft penetrating the landfill by creating a substantial barrier that would have to be breached before impacting the landfill.

## SCENARIO 3 – VERTICAL IMPACT TYPE CRASH

As discussed previously, this report assumes that an impact from an aircraft crash into the landfill could breach cover soils and expose solid waste. This scenario could result in the free-venting of LFG to the atmosphere. Alternatively, the impact from the crash could rupture below-grade HDPE pipes and damage LFG extraction wells, also leading to the free-venting of LFG to the atmosphere.

Under this worst case scenario a post-crash fire could theoretically aggravate this situation by serving as an ignition source to the potentially explosive LFG vapors. There could also be a

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subsurface fire, which could continue for an unspecified duration of time. The site has also reported instances of subsurface oxidation events in the past, not related to the airport or any aircraft accidents.

As stated earlier, SCS did not perform any energy or emissions calculations or assess the regulatory implications under this preliminary evaluation. Post-crash firefighting methods for crash related fires, landfill surface and subsurface fires would include one or a combination of methods such as water, smothering with soil, using heavy equipment and foam type suppression agents, which could cause some of the impact described above.

Based on the current location of the blower/flare facility (on the south side of Area 2), it is unlikely that it would be directly impacted or damaged as a result of an aircraft crash event. However, in the event that landfill cover soils are breached at the crash site and there is damage to the HDPE pipe network, air would be introduced into the collection system. With the GCCS still being under vacuum, air drawn into the ruptured end of the piping would slowly move towards the blowers and, possibly, into the flare. Under this scenario, it is possible for the flame within the flare, to propagate back into the collection piping, depending on the composition of the residual gas mixture in the collection piping. It is difficult to predict the magnitude or duration of this scenario; however, there could be extensive damage to the flame arrestor at the flare, blowers, knockout pot and piping, unless the system shuts itself down due to a no-flame or low temperature alarm.

## 5 CONCLUSIONS & LIMITATIONS

This report attempts to evaluate the worst case 'what-if' scenario, and assumes that the impact from an aircraft crash into the landfill cover would result in uncovering buried solid waste materials and damage to the GCCS. The above described events are noted as a 'worst case' scenario and only postulated upon the request from the County. Whether or not this scenario is possible, is beyond the scope of this report. For this preliminary evaluation, it is assumed that any or all of these events are theoretically possible during an aircraft crash event. However, SCS did not conduct any statistical analysis to assess the probability of any of these events or the vertical impact type aircraft crash event. SCS did not assess or evaluate the energy released from any aircraft crash or pipe explosions. Analysis on whether or not the landfill cover itself could be penetrated by an aircraft impact and to what degree may be the subject of a future study. Lastly, SCS did not review and/or analyze typical glide paths for aircraft operating at Palomar Airport, or glide slope for the airport itself.

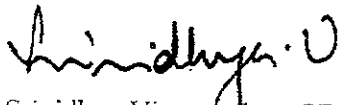
If, after further planning and study, a suitable runway extension alternative is selected, the limits of proposed ground stabilization efforts, and associated construction activities, will be established. Associated re-design/re-construction of the GCCS will depend on the runway option selected and the extent to which the proposed runway will impact refuse disposal areas.

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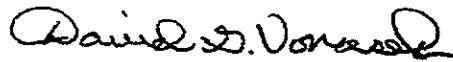
CLOSING

SCS appreciates the opportunity to assist the County with this important project. For any questions, please call either of the undersigned.

Sincerely,



Srividhya Viswanathan, PE  
Senior Project Professional  
**SCS ENGINEERS**



David Vonasek, PE  
Project Manager  
**SCS ENGINEERS**

Cc: Steve Cooper, SCS Field Services  
Chuck Houser, SCS Engineers



## RESOURCES & REFERENCES

1. *Accident Analysis for Aircraft Crash into Hazardous Facilities*, Department of Energy, May 2006.
2. *Civil and Military Aircraft Accident Procedures for Police Officers and Emergency Services Personnel*, June 2010.
3. *Contingency Analysis Modeling for Superfund Sites and Other Sources*, EPA, January 1993.
4. *Emergency Response Guide, Military Aircraft Incidents*, July 2007.
5. *Resource Guide to Aircraft Fire Fighting & Rescue*, Aviation Safety Advisory Group of Arizona.
6. *Post-crash Health Hazards from Burning Aircraft Composites*, Galaxy Scientific Corporation.
7. [http://www.faa.gov/regulations\\_policies/policy\\_guidance/envir\\_policy/airquality\\_handbook/media/App\\_C.PDF](http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/airquality_handbook/media/App_C.PDF)
8. <http://www.calrecycle.ca.gov/SWFacilities/Fires/lffiresguide/default.htm>
9. [http://www.faa.gov/regulations\\_policies/handbooks\\_manuals/aircraft/amt\\_handbook/media/FAA-8083-30\\_Ch04.pdf](http://www.faa.gov/regulations_policies/handbooks_manuals/aircraft/amt_handbook/media/FAA-8083-30_Ch04.pdf)
10. [http://www.nts.gov/aviationquery/brief2.aspx?ev\\_id=20060202X00149&ntsbn=SEA06MA047&akev=1](http://www.nts.gov/aviationquery/brief2.aspx?ev_id=20060202X00149&ntsbn=SEA06MA047&akev=1)

# Exhibit 6

21 . 53 . 015 - Voter authorization required for airport expansion.

(a) The city council shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people.

[Ord. 9604 § 5 (part), 1986; Ord. 9558 § 1, 1980]



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PLANNING COMMISSION RESOLUTION NO. 1699

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO OPERATE THE EXISTING PALOMAR AIRPORT FACILITY ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF PALOMAR AIRPORT ROAD AND EL CAMINO REAL.

APPLICANT: COUNTY OF SAN DIEGO - DEPARTMENT OF TRANSPORTATION  
CASE NO: CUP-172

WHEREAS, verified application has been filed with the City of Carlsbad and referred to the Planning Commission; and

WHEREAS, said verified application constitutes a request as provided by Title 21 of the Carlsbad Municipal Code; and

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on the 24th day of September, 1980, hold a duly noticed to consider said application on property described as:

That portion of Palomar Airport lying within Lot "G" of Rancho Agua Hedionda, in the City of Carlsbad, in the County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of said County.

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to CUP-172.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission recommends APPROVAL of CUP-172, based on the following findings and subject to the following conditions:

1 Findings:

- 2 1) That the requested use is compatible with existing uses or  
3 to uses specifically permitted in the zone in which the  
4 proposed use is to be located.
- 5 2) That the site for the intended use is adequate in size  
6 and shape to accommodate the use.
- 7 3) That all of the yards, setbacks, walls, fences, landscaping,  
8 and other features necessary to adjust the requested use to  
9 existing or permitted future uses in the neighborhood will  
10 be provided and maintained.
- 11 4) That the street system serving the proposed use is adequate  
12 to properly handle all traffic generated by the proposed use.

9 Conditions

- 10 1) Approval is granted for CUP-172 as shown on Exhibit "A",  
11 dated January 14, 1980 and Table 1 dated September 24,  
12 1980, incorporated by reference and on file in the Planning  
13 Department. Development shall occur substantially as  
14 shown unless otherwise noted in these conditions.
- 15 2) This project is approved upon the express condition that  
16 building permits will not be issued for development of  
17 the subject property unless the City Engineer determines  
18 that sewer facilities are available at the time of appli-  
19 cation for such sewer permits and will continue to be  
20 available until time of occupancy.
- 21 3) Any signs proposed for this development shall be designed  
22 in conformance with the City's Sign Ordinance and shall  
23 require review and approval by the Planning Department  
24 prior to installation of such signs.
- 25 4) Trash receptacle areas shall be enclosed by a 6 foot high  
26 masonry wall with gates pursuant to city standards. Loca-  
27 tion of said receptacles shall be approved by the Planning  
28 Department.
- 29 5) All roof appurtenances, including air conditioners, shall  
30 be architecturally integrated and shielded from view from  
31 adjacent properties and streets to the satisfaction of the  
32 Planning Department and Building Department.
- 33 6) Approval of this request shall not excuse compliance with  
34 all sections of the Zoning Ordinance and all other appli-  
35 cable city ordinances in effect at time of building permit  
36 issuance.

PC RESOL #1699

- 1 7) At the conclusion of the CPO Palomar Comprehensive Land  
2 Use Plan and the San Diego County Airport Noise and Land  
3 Use Compatibility study, the Planning Director shall bring  
4 this application back to the Planning Commission for their  
5 review. At that time, the Planning Commission has the  
6 discretion to set the matter back to public hearing where  
7 they may add, amend or delete any conditions relating to  
8 the airport use and development standards.
- 9 8) The permitted uses for Palomar Airport are limited to those  
10 as outlined in Table 1, dated September 24, 1980, and  
11 incorporated herein by reference. Approval of any uses  
12 not specifically listed in Table 1 and/or expansion of  
13 the airport facility shall require an amendment to the  
14 Conditional Use Permit.
- 15 9) Unless otherwise stated herein, all rules and regulations  
16 of the M Zone shall apply.
- 17 10) This Conditional Use Permit is expressly conditioned  
18 upon the approval of ZC-208 by the City Council.
- 19 11) The existing designation of the airport as a General  
20 Aviation Basic Transport Airport shall not change unless  
21 an amendment to this CUP is approved by the Planning Com-  
22 mission.
- 23 12) At the time of the issuance of any building permits for  
24 new construction or alterations to existing structures, each  
25 private individual lessee shall pay a public facility fee  
26 pursuant to City Council Policy No. 17, dated August 29,  
27 1979, on file with the City Clerk and incorporated by  
28 reference.

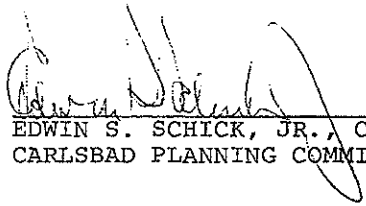
PASSED, APPROVED AND ADOPTED at a regular meeting of the  
Planning Commission of the City of Carlsbad, California, held  
on the 24th day of September, 1980, by the following vote,  
to wit:

AYES: Commissioner Schick, Jose, Larson, Leeds, Friestedt,  
and Rombotis.

NOES: None.

ABSENT: Commissioner Marcus.

ABSTAIN: None.

  
EDWIN S. SCHICK, JR., Chairman  
CARLSBAD PLANNING COMMISSION

ATTEST

  
JAMES C. HAGAMAN, Secretary  
CARLSBAD PLANNING COMMISSION

PC RESO #1699

-3-

TABLE 1

September 24, 1980

I. The following uses are permitted by this Conditional Use Permit without the need for additional discretionary review:

a. Structures and Facilities

Airport structures and facilities that are necessary to the operation of the airport and to the control of air traffic in relation thereto, include, but are not necessarily limited to, the following:

- (1) Taxiways and parking aprons, including lighting.
- (2) Aircraft hangars, tie-down areas and maintenance buildings.
- (3) Air traffic control towers and facilities.
- (4) Navigational aid equipment and structures.
- (5) Airport administration buildings, which may also include airport passenger terminal facilities.
- (6) Airport passenger terminal buildings and airtels, and facilities which may include as uses incidental thereto, consumer service establishments, including automobile rentals, retail shops normally operated for the convenience of the users of terminal facilities.
- (7) Heliports.
- (8) Aviation fuel farms.
- (9) Automobile parking lots and structures.
- (10) Buildings for housing operations and equipment necessary to the maintenance, security and safety of the airport.

b. Commercial Activities

Commercial aviation activities as follows:

- (1) Aviation flight and ground schools, including pilot and student equipment sales.
- (2) Aircraft sales, including radio and navigational equipment, parts, supplies and accessory equipment.

- (3) Aircraft hangar and tie-down rentals.
- (4) Aircraft leasing, rental and charter.
- (5) Airframe, engine, radio, navigational and accessory equipment repair, maintenance and modification.
- (6) Aircraft ground support equipment repair, maintenance and modification.
- (7) Aircraft cleaning services.
- (8) Aircraft painting.
- (9) Aviation fuel facilities.
- (10) Aircraft and engine mechanic schools.
- (11) Airlines, scheduled and non-scheduled.
- (12) Air taxi and air ambulance services.
- (13) Air freight terminals and trans-shipment facilities.
- (14) Aerial crop dusting and spraying enterprises.
- (15) Aerial fire fighting.
- (16) Aerial photography and surveying.
- (17) Parachute rigging sales and service.

II. The following uses are allowed if the Planning Commission determines that they are consistent with the airport facility:

- a. Incidental eating and drinking establishments
- b. Incidental commercial, professional office and/or industrial uses not specifically mention in Section I a and b provided that such uses are permitted in and are consistent with the intent of the M Zone.

III. The following uses are allowed if the Planning Director determines they are consistent with and related to the airport facility:

- a. Signs - Identification, directional and safety signs.
- b. A single-family dwelling occupied exclusively by a caretaker or superintendent of such use and his family.

BH:jt

# Exhibit 7



R J MASSMAN  
Director

# COUNTY OF SAN DIEGO

## DEPARTMENT OF TRANSPORTATION COMMUNITY SERVICES AGENCY

Bldg 2, 5555 Overland Ave.  
San Diego, California 92123  
Telephone: (714) 565-5177

Offices of  
County Engineer & Road Commissioner  
County Surveyor  
County Airports

December 3, 1979

TO: Director of Planning  
City of Carlsbad  
1200 Elm Avenue  
Carlsbad, Calif. 92008

FROM: R. J. Massman, Director of Transportation  
County of San Diego  
5555 Overland Avenue  
San Diego, Calif. 92123

SUBJECT: Rezone and Conditional Use Permit, Palomar Airport

Submitted herewith are applications for rezone and Conditional Use Permit covering 268 acres of property and the existing facilities of Palomar Airport. The applications are submitted pursuant to Board of Supervisors action #7, November 28, 1979, copy attached.

These applications are submitted in accordance with Board of Supervisors Policy F-20, copy attached. This policy requires that County staff consult with planning agencies within whose jurisdiction the County facility is located and give appropriate consideration to normal zoning and improvement requirements of those agencies.

As you know, prior to annexation of Palomar Airport by the city this property was zoned County M-2 and the airport was operated under County Special Use Permit P77-73. The city zoning of L-C placed on the airport at the time of annexation is not appropriate to the airport function. The development of a mutually acceptable Conditional Use Permit is appropriate to airport operation and the future development of existing airport property.

These applications deal with the existing airport only. They do not include expansion as proposed in the Palomar Airport Master Plan. Per previous County/Carlsbad staff discussions there are a number of statutory requirements with respect to the proposed expansion under the master plan which have yet to be completed. Pending final decision as to whether or not expansion is to proceed the land use status of the existing airport should be resolved, with future amendment if the expansion plan is implemented.

Director of Planning  
City of Carlsbad

-2-

December 3, 1979

Attached for your information is a summary of normal land uses which exist or can be expected at Palomar Airport. The Conditional Use Permit should include these uses and permit the construction of new facilities and modification of existing facilities for these uses subject to normal building permit process.

Reference the attached Property Record Drawing, future development of Parcels 78-0943A, 77-0206A, 77-0207A, 71-0936A, and 79-1235A is anticipated. These parcels are not leased at present.

If development of any unleased parcel is proposed in the future for a use not presently identified, additional land use actions would be required.

As noted on the Plot Plan, the parcels south of Palomar Airport Road may be utilized for non-aviation purposes in the future. A motel/recreation center development on Parcel 78-1234A is currently under consideration and has been the subject of separate correspondence to your office.

The County Animal Shelter is an existing non-aviation use on airport property south of Palomar Airport Road.

All other parcels at Palomar are on existing long-term aviation leases which allow lessees to undertake additional construction and/or modification of existing structures for permitted uses.

Phil Safford, Palomar Airport Manager, is designated as Department of Transportation contact point for the processing of these applications.

  
R. J. MASSMAN  
Director of Transportation

RJM:PRS:bw

Attachments (2)





R J MASSMAN  
Director

# COUNTY OF SAN DIEGO

## DEPARTMENT OF TRANSPORTATION COMMUNITY SERVICES AGENCY

Bldg 2, 5555 Overland Ave.  
San Diego, California 92123  
Telephone: (714) 565-5177

Offices of  
County Engineer & Road Commissioner  
County Surveyor  
County Airports

November 9, 1979

TO: Board of Supervisors (A45)  
FROM: Director of Transportation (0320)  
SUBJECT: Local Zoning Requirements, Palomar Airport

As a result of the annexation of Palomar Airport by the City of Carlsbad consideration of local zoning requirements of the city with respect to operation and development of existing airport land is necessary. Prior to annexation the airport was operated under a County Special Use Permit with M-2 Industrial zoning. Pre-annexation zoning of airport property by the city changed County M-2 to City LC. The Carlsbad Planning Director has now suggested that County request rezone to M Industrial and obtain an airport conditional use permit from the city. Staff believes that this action is appropriate to the future operation and development of the airport and is consistent with Board Policy F-20, which requires staff to consult with local planning agencies, give appropriate consideration to the normal zoning and improvement requirements, and conform with reasonable requirements. It is my

RECOMMENDATION: that your Board

1. Authorize the Director of Transportation to submit appropriate applications to the City of Carlsbad for rezone and conditional use permit for Palomar Airport.

- 2. Direct that a report containing staff recommendations with respect to Conditional Use Permit, as proposed by the City of Carlsbad, be submitted to your Board for review and approval.

Discussion:

The recommended actions with respect to local zoning should facilitate coordination of future County and City actions relating to new development and improvement of existing facilities on Palomar Airport. Although, in general, County is not legally bound by the requirements of local planning agencies, as noted in Board Policy F-20, the nature of airport development by private investors under County land lease is unique. County/City agreement on procedures relative to such lease development is appropriate. County or FAA construction projects, on the other hand, require different considerations.

Staff is presently formulating and will shortly docket recommendations with respect to actions required precedent to the proposed addition of a second runway at Palomar under the Master Plan. Local zoning requirements and general plan amendment are among the considerations which will be addressed. If the second runway project receives all necessary local, FAA and State approvals, amendment to the conditional use permit will be required in the future.

In view of the indeterminate schedule for completion of the approval process, however, staff believes that clarification of land use requirements for the existing airport should be undertaken at this time.

*R. J. Massman*  
 R. J. MASSMAN  
 Director of Transportation

CONCURRENCES:  
 Ruben Dominguez, ACAO

Reviewed by	Not needed
CAO	<input checked="" type="checkbox"/>
Counsel <i>HH</i>	<input type="checkbox"/>
Auditor	<input checked="" type="checkbox"/>
OMB	<input checked="" type="checkbox"/>
Purchasing	<input checked="" type="checkbox"/>

FISCAL IMPACT STATEMENT

Program: Airports

There are no direct costs associated with this action. Costs may result from improvement requirements of the city under the proposed conditional use permit. Such costs, if any, will be addressed in report to your Board per recommendation 2.

ADVISORY BOARD STATEMENT: Continuation of existing program. Advisory Board Statement not necessary.

BOARD POLICY APPLICABLE: F-20, Location of County Facilities

RJM:PRS:bw

cc: Ruben Dominguez, ACAO (A249)

County of San Diego, California  
BOARD OF SUPERVISORS POLICY

<u>Subject</u> Location of County Facilities	<u>Policy Number</u>	<u>Page</u>
	F-20	1 of 2

Purpose

To establish a Board of Supervisors policy to guide the process of locating County facilities. The policy will allow sufficient time for public response to an announcement of proposed property acquisition and procedure will provide the Board with the opportunity to receive, consider and act upon informational input from its staff, public agencies and interested citizens on the geographic location of County facilities proposed to be constructed, purchased or leased.

Background

The specific use of a County facility in a specific geographic location has a particular impact on the community in which it is located. Facilities providing a social service are of interest not only to the entire County, but are of special concern to the residents of the areas in which they are located. Although, in general, County projects are not legally bound by the requirements of local zoning ordinances, it is desirable that the appropriate local planning agencies, the local administrators, the local residents and the Supervisor in whose district the facility is proposed have an opportunity to become fully informed and to participate appropriately in the process.

Policy

It is the policy of the Board of Supervisors that:

1. County staff will consult with the planning agencies within whose jurisdiction the proposed facility is to be located and will give appropriate consideration to the normal zoning and improvement requirements of those activities in formulating its recommendations for the proposed facility. Project development shall conform with all reasonable requirements of such agencies.
2. The Chief Administrative Officer shall notify in writing the Council (through the City Manager) of a city in or near which the County proposes to locate a facility. Notification shall be given for each project at the time that the general scope and desired location have been determined.
3. With reference to social service facilities, when County staff has sufficient information to establish a need for such a facility in a specific supervisorial district and is able to provide information on the proposed size of the facility, the nature of the service program and its estimated general impact on the community, such information shall be provided to the Supervisor in whose district the facility is proposed.

County of San Diego, California

BOARD OF SUPERVISORS POLICY

<u>Subject</u>	Policy Number	Page
Location of County Facilities	F-20	2 of 2

When staff has identified a specific site desired for the facility, it shall notify the Supervisor in whose district the site is located and provide a recommendation as to the desirability of providing for a public hearing.

If the County Supervisor whose district may be affected by the proposed facility determines that a public meeting should be called to afford local residents an opportunity to present their views, the Supervisor's staff may arrange for such meeting, or the Supervisor shall request the Board to direct appropriate County staff to arrange for the meeting. County staff shall be made available to present pertinent information at such a meeting.

4. At the time a recommendation to construct, purchase or lease a facility for County use is submitted to the Board, staff shall advise the Board of the possibility of significant public interest in the project. If the Board considers it desirable, the Clerk of the Board will be instructed to place the item early on its agenda to permit expression of public interest.

References

- B/S Action 10-6-70 (70)
- B/S Action 5-4-71 (90)
- B/S Action 3-16-76 (63)
- B/S Action 8-23-77 (6)

LAND USES - PALOMAR AIRPORT

*USES AIRPORT  
WOULD LIKE TO  
SEE ALLOWED BY  
CWP.*

The following uses are permitted:

a. Structures and Facilities

Airport structures and facilities that are necessary to the operation of the airport and to the control of air traffic in relation thereto, include, but are not necessarily limited to, the following:

- (1) Runways, taxiways and parking aprons, including lighting.
- (2) Aircraft hangars, tie-down areas and maintenance buildings.
- (3) Air traffic control towers and facilities.
- (4) Navigational aid equipment and structures.
- (5) Support buildings to include: airport administration; commuter airline terminal; shelters for operations and equipment necessary to the maintenance, security and safety of the airport; consumer service establishments to include restaurants, bars, automobile rentals, vending machines and retail facilities normally operated for the convenience of airport users.
- (6) Heliports.
- (7) Aviation fuel farms.
- (8) Automobile parking lots.

b. Commercial Activities

Commercial aviation activities include, but are not necessarily limited to, the following:

- (1) Aviation flight and ground schools, including pilot and student equipment sales.
- (2) Aircraft sales, including radio and navigational equipment, parts, supplies and accessory equipment.
- (3) Aircraft hangar and tie-down rentals.
- (4) Aircraft leasing, rental and charter.
- (5) Airframe, engine, radio, navigational and accessory equipment assembly, repair, maintenance and modification.
- (6) Aircraft ground support equipment repair, maintenance and modification.
- (7) Aircraft cleaning services.
- (8) Aircraft painting.
- (9) Aviation fuel facilities.
- (10) Aircraft and engine mechanic schools.
- (11) Commuter airlines.
- (12) Air taxi and air ambulance services.
- (13) Air freight and air courier service.
- (14) Aerial crop dusting and spraying enterprises.
- (15) Aerial fire fighting.
- (16) Aerial photography and surveying.
- (17) Parachute rigging sales and service.

c. Other Uses

- (1) Office, retail, and service uses related or ancillary to other uses permitted under sub-paragraphs a and b above; or which are normally operated for the convenience of the employees or patrons of such other uses.
- (2) Agricultural uses.
- (3) County Animal Shelter.

# Exhibit 8



FINAL REPORT

**REGIONAL AVIATION STRATEGIC PLAN**

San Diego County Regional Airport Authority  
[www.sdrasp.com](http://www.sdrasp.com)

Prepared for

San Diego County Regional Airport Authority  
San Diego, California

March 2011

*Chicago • Cincinnati • Dallas • London • Ottawa • San Francisco • Washington, D.C.*

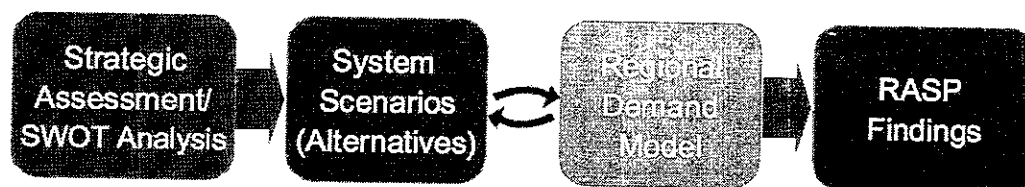
## Planning Challenges

There are a number of important challenges to meeting RASP goals and objectives:

- **Multiple Airport Sponsors.** The San Diego County Airport System includes multiple airport sponsors – the Authority, the County of San Diego, the City of San Diego, the City of Oceanside, and Grupo Aeroportuario del Pacifico (GAP) – and no single sponsor has unilateral authority to implement facility or policy changes for other airports in the region.
- **Accommodation of Commercial Service.** Of the total airports in San Diego County, only two airports are FAA-certificated for commercial service – McClellan-Palomar and San Diego International. The other public-use airports are general aviation facilities with significant expansion constraints, and San Diego International's growth is constrained by its single-runway airfield.
- **Natural "Balance."** The Airport System has achieved a natural balance with regard to accommodating passenger, cargo, and general aviation activity. This momentum is difficult to change given political, physical, and community factors. Furthermore, the conversion of an existing airport to accommodate new or additional service is complicated by community and political opposition, as well as costs and numerous technical factors.
- **Air Service Options.** Although San Diego International has good domestic air service at competitive airfares, there are large numbers of San Diego County residents and visitors choosing to use other airports, including Tijuana and airports in the greater Los Angeles metropolitan region. These choices are predominantly made based on air service options, rather than cost and accessibility.

## STUDY METHODOLOGY AND APPROACH

Four major work elements defined preparation of the RASP.

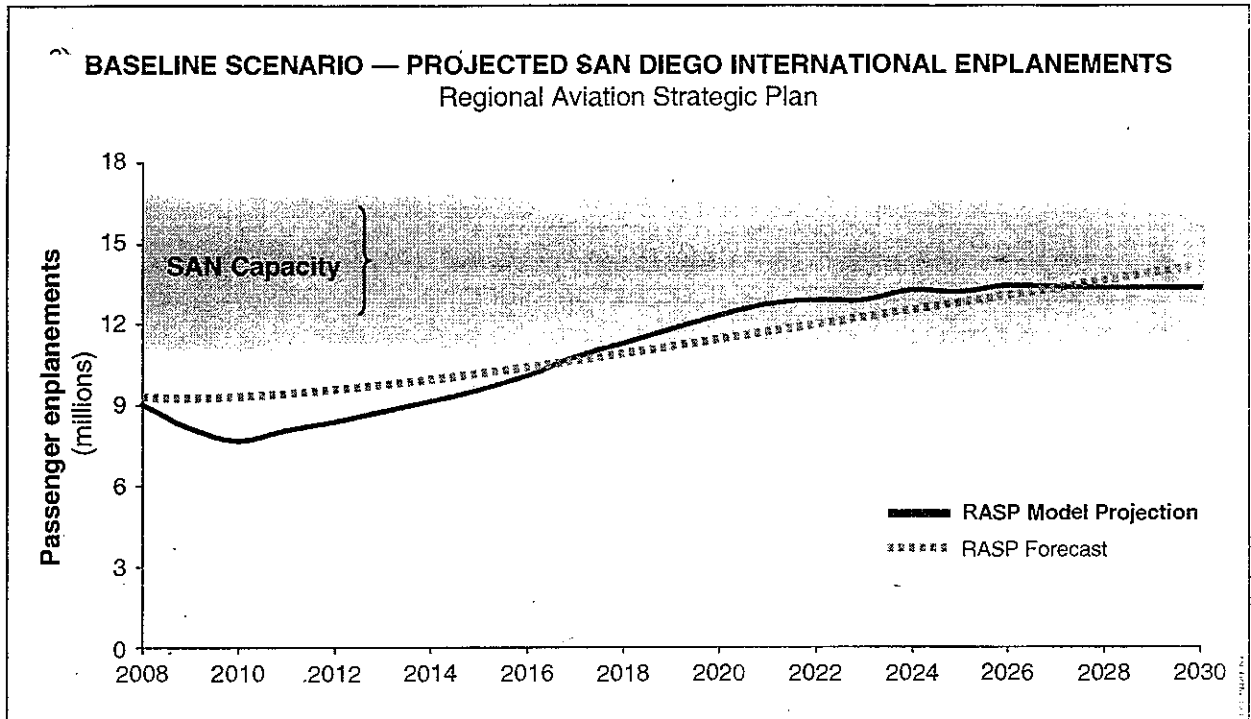


### Strategic Assessment and System Scenarios

A strategic assessment of each system airport was prepared to validate and document existing activity levels and facilities as well as the potential for future changes. Alternative scenarios were established that could have an effect on optimizing the Airport System. The scenarios included a wide range of infrastructure and operational

- Region-wide surface improvements per SANDAG's 2007 RTP – "Revenue Constrained Scenario"
- Capacity constraints at greater Los Angeles metropolitan region airports

The Baseline Scenario assumes the capacity of San Diego International is approximately 14.2 million annual enplanements (28 million passengers), with an implementation cost of approximately \$535 million. It should be noted that multiple agencies would be responsible for funding and implementing the various projects in the Baseline Scenario, and not all are the responsibility of the Authority.



### Suppressed Demand

The RASP demand model, which incorporates numerous econometric variables as well as capacity constraints at RASP Study Area airports, indicates capacity constraints will occur at San Diego International earlier than previously predicted – beginning between 2020 and 2025. The effects of this capacity constraint will be diminished levels of service, increased operating delays, and higher airline fares. As a result, there will be "lost" or "suppressed" demand, which is defined as potential passengers who desire to utilize air service but do not because of the lack of available capacity and/or prohibitively high costs. As demand eventually nears regional aviation capacity, the number of "suppressed demand" in San Diego County is projected to increase to about 3.0 million annual passengers by 2030.

- A. Facilitate border crossings
- B. Aviation passenger cross border facility
- C. Cross border airport terminal

**California High Speed Rail (HSR):** Offers passengers an alternative ground transportation solution to cities and airports within California; two potential alternative alignments and station locations in San Diego were evaluated.

- A. Station at downtown San Diego (line terminates at Santa Fe depot / train station)
- B. Station at San Diego International (line terminates at San Diego International)

**General Aviation Optimization:** Enhancing other airports to accommodate high-end general aviation aircraft (typically corporate users) would provide an attractive alternative to using San Diego International.

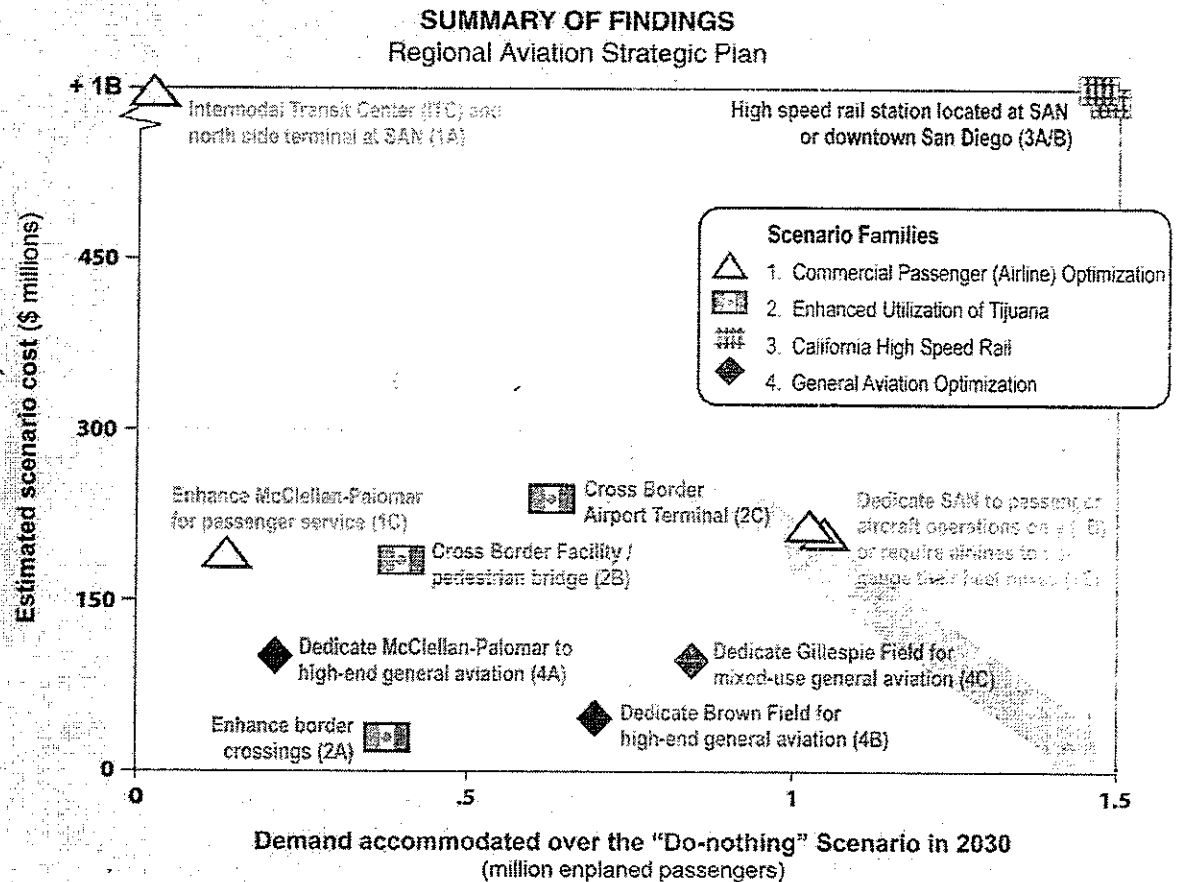
- A. Enhance McClellan-Palomar Airport for high-end/corporate general aviation
- B. Enhance Brown Field Municipal Airport for high-end/corporate general aviation
- C. Enhance Gillespie Field for mixed-use general aviation

**Air Cargo Optimization:** Alternative locations for air cargo could remove air cargo flights from San Diego International, preserving airfield capacity for commercial passenger airlines.

- A. Introduce air cargo service at Brown Field Municipal Airport

The above scenarios include planned and hypothetical measures that could be taken to optimize markets and user types which, if implemented, could serve to optimize the Airport System. Several of the 15 scenarios are designed to measure the maximum possible effect of a particular theoretical action and are legally challenging, impractical, and inadvisable to implement in full. Nevertheless, estimating the impact of these measures was determined valuable by the RASP Subcommittee so as to better understand the full range of available options, benefits, and costs of attempting to address projected demand.

## KEY FINDINGS



An evaluation matrix measuring the additional projected demand that could be accommodated over the Baseline Scenario in 2030 for each scenario evaluated in the RASP is presented above. Additional findings are as follows:

1. **Full Build-out of the ITC.** The full build-out of the ITC and north side terminal at San Diego International (Scenario 1A) has no effect on suppressed demand relative to the Baseline Scenario; however, this scenario is expected to yield regional access and other tangible service benefits not captured by RASP analyses.
2. **McClellan-Palomar.** Enhancing commercial passenger service at McClellan-Palomar (Scenario 1C) has little effect on suppressed demand because the maximum capacity of this airport only represents 8% of the total projected suppressed demand in 2030.
3. **Up-gauging the San Diego International Fleet Mix.** Up-gauging the fleet mix at San Diego International (Scenarios 1E and F) provides the same relative

- On-airport land available for reconfiguration/optimization of infrastructure, including the former Teledyne-Ryan site expected to be available after remediation
- Construction of new gates, airfield improvements, roadway and parking improvements beginning in 2009 will improve efficiency and flexibility

### Threats

- Airfield capacity constraints of the single runway will hinder growth sometime between 2020 and 2030 at around 28 million annual passengers
- Airport and demand base (passenger and cargo) located within the greater Los Angeles metropolitan area airports' catchment area
- Active and vocal community opposition, largely from noise exposure and vehicle traffic congestion

### 2.2.2 McClellan-Palomar Airport

McClellan-Palomar, depicted on Figure 2-2, is the Airport System's only FAA-designated Non-hub Primary Commercial Service Airport. The airport is operated by the County of San Diego and is located approximately 32 miles north of downtown San Diego and 30 miles south of the center of Orange County. The airport provides non-stop commuter service to Los Angeles (LAX); there are currently seven flights per day offered by a single carrier (Skywest/United Express). The airport's primary market is high-end corporate general aviation activity with some recreational general aviation activity.

### Strengths

- Located near population centers in north San Diego County
- FAR Part 139 certification and commuter service already established
- New 18,000 sq ft terminal and support facilities constructed in 2009 include international customs building
- Strong on-airport tenant base – four FBOs, with three recently constructed or remodeled and over 15 aviation-related on-airport businesses
- Relatively small area affected by cumulative noise exposure
- Commercial air service supported by mass transit (bus service only) providing access to north County locations and the COASTER
- On airport property revenue – producing leaseholds from commercial development

### Weaknesses

- Runway length prohibits most regional jets and some general aviation aircraft from operating at maximum operational capabilities, limiting service to markets within 500 miles
- Low levels of commercial activity; single airline (United Airlines) service to a single market (LAX)
- Cost to maintain FAR Part 139 status not adequately offset by revenues generated by commercial operations

### Opportunities

- Potential 1,000-foot runway extension would provide reasonable departure capability for most regional jets (e.g., CRJ200, EMB145) and larger corporate general aviation aircraft
- Proximity of COASTER provides opportunities to attract additional activity
- New terminal facility could be expanded to accommodate up to 240,000 annual passengers
- Potential for San Diego Metropolitan Transit System (MTS) to utilize excess parking facilities for Park & Ride services

### Threats

- Significant and costly impediments to runway extensions— eastern extension would require landfill remediation; western extension not practical due to significant grade changes
- On-airport environmental obstacles and sensitive areas (i.e., landfills) would increase development costs
- Some community opposition to airport expansion primarily based on noise

### 2.2.3 Montgomery Field

Montgomery Field, depicted on Figure 2-3, is one of four FAA-designated Reliever Airports to San Diego International. The airport is operated by the City of San Diego and located approximately 8.5 miles north of downtown San Diego. The airport primarily accommodates recreational general aviation activity. Airspace is shared with MCAS Miramar; interactions are coordinated by military air traffic control services, resulting in minimal operational impacts.



airports. In addition, the runway lengths at Montgomery and Gillespie fields are not capable of handling the full range of many high-end corporate general aviation aircraft given range requirements.

Key assumptions for Scenario 1B include:

- All forecast general aviation operations at San Diego International are replaced with commercial aircraft operations
- San Diego International's capacity limit would increase from 14.2 to 15.9 million annual enplaned passengers

### **5.2.3 Scenario 1C: Enhance Commercial Passenger Service at McClellan-Palomar**

This scenario is intended to optimize regional commercial activity by providing facilities for multi-carrier passenger service at McClellan-Palomar. This scenario would be implemented through leasing and pricing strategies (e.g., strategies making McClellan-Palomar a more attractive option for commercial air service than San Diego International).

To be implementable, Scenario 1C requires the following new or enhanced facilities at McClellan-Palomar:

- 1,000-foot runway extension for a total length of 6,000 feet; requires a bridge foundation due to landfill location
- 8,000 sq ft passenger terminal expansion for a total of 27,000 sq ft
- 2,800 space automobile parking deck

The total cost for Scenario 1C is estimated to be \$160 million and would be funded primarily from AIP, PFC, bonds, and/or private sources. A breakdown of the cost estimates, funding sources, and implementation timeline is provided in Appendix C.

Additional factors associated with Scenario 1C include the fact that no mainline jets could use the facility due to irresolvable FAA-required runway-taxiway separation criteria, and therefore, the fleet would remain restricted to regional jet (C-II) type aircraft. Extensive environmental review and approvals would also be required for the runway extension. Finally, most existing airlines at San Diego International are unlikely to split operations between San Diego International and McClellan-Palomar. Therefore, air service would likely be limited to new entrant airlines.

---

Based on average seat capacity and load factors provided in the *Destination Lindbergh* report.

---



Key assumptions for Scenario 1C are as follows:

- Airport capacity would be increased from approximately 500 to 750 thousand annual passenger enplanements
- Non-stop/direct services would be offered to markets within a 1,500 mile radius
- Two subsets of air service "drivers" are considered: (1) McClellan-Palomar infrastructure enhancements where facility expansion attracts more activity; and (2) San Diego International capacity limits where the lack of capacity causes aviation activity to go elsewhere

#### **5.2.4 Scenario 1D: Introduce Commercial Passenger Service at Brown Field Municipal Airport**

This scenario maximizes regional commercial passenger activity by providing facilities for multi-carrier commercial service at Brown Field. Such a scenario would be implemented via leasing and pricing strategies (e.g., strategies making Brown Field a more attractive option for commercial air service than San Diego International).

To be implementable, Scenario 1D requires the following new or enhanced facilities at Brown Field:

- New passenger terminal building
- Access/entrance roadway improvements
- 2,800 automobile parking spaces
- Facilities for FAR Part 139 certification (e.g., security fencing, firefighting facilities)
- Various utility upgrades

The total cost for Scenario 1D is estimated to be \$100 million and would be funded primarily from AIP and bonds. A breakdown of the cost estimates, funding sources, and an implementation timeline is provided in Appendix C.

Additional factors associated with Scenario 1D include the following:

- The airfield would not restrict the type of aircraft operating at the facility, but service would most likely be provided by regional jets (e.g.,  $\leq 70$  seat aircraft)
- The proximity of Brown Field to two existing commercial service airports (San Diego and Tijuana Rodriguez International Airports) negatively impacts the viability of this scenario

The breakdown of corporate and non-corporate operations by aircraft type is summarized in Table 5-2.

**5.5.1 Scenario 4A: Enhance McClellan-Palomar Airport for High-end / Corporate General Aviation**

This scenario increases the use of McClellan-Palomar for high-end/corporate general aviation by providing the necessary airfield, aircraft basing, and other amenities in order to shift aviation activity from San Diego International to McClellan-Palomar. The scenario assumes that McClellan-Palomar would no longer accommodate commercial passenger activity and the existing terminal building would be converted into a high-end FBO facility. The scenario requires a 1,000-foot runway extension to the airport's existing single runway to accommodate a near full range of high-end general aviation aircraft.

Table 5-2  
**BREAKDOWN OF CORPORATE AND NON-CORPORATE OPERATIONS  
 BY AIRCRAFT TYPE**

Regional Aviation Strategic Plan

Aircraft type	Corporate	Non-corporate
Jet	93%	7%
Turboprop	73	27
Multi-Engine Piston	58	42
Single-Engine Piston	20	80
Helicopter	36	64
Other	6	94

Source: Jacobs Consultancy, based on *San Diego County Regional Aviation Strategic Plan, Aviation Demand Forecasts*, Landrum & Brown, Inc., December 2008.

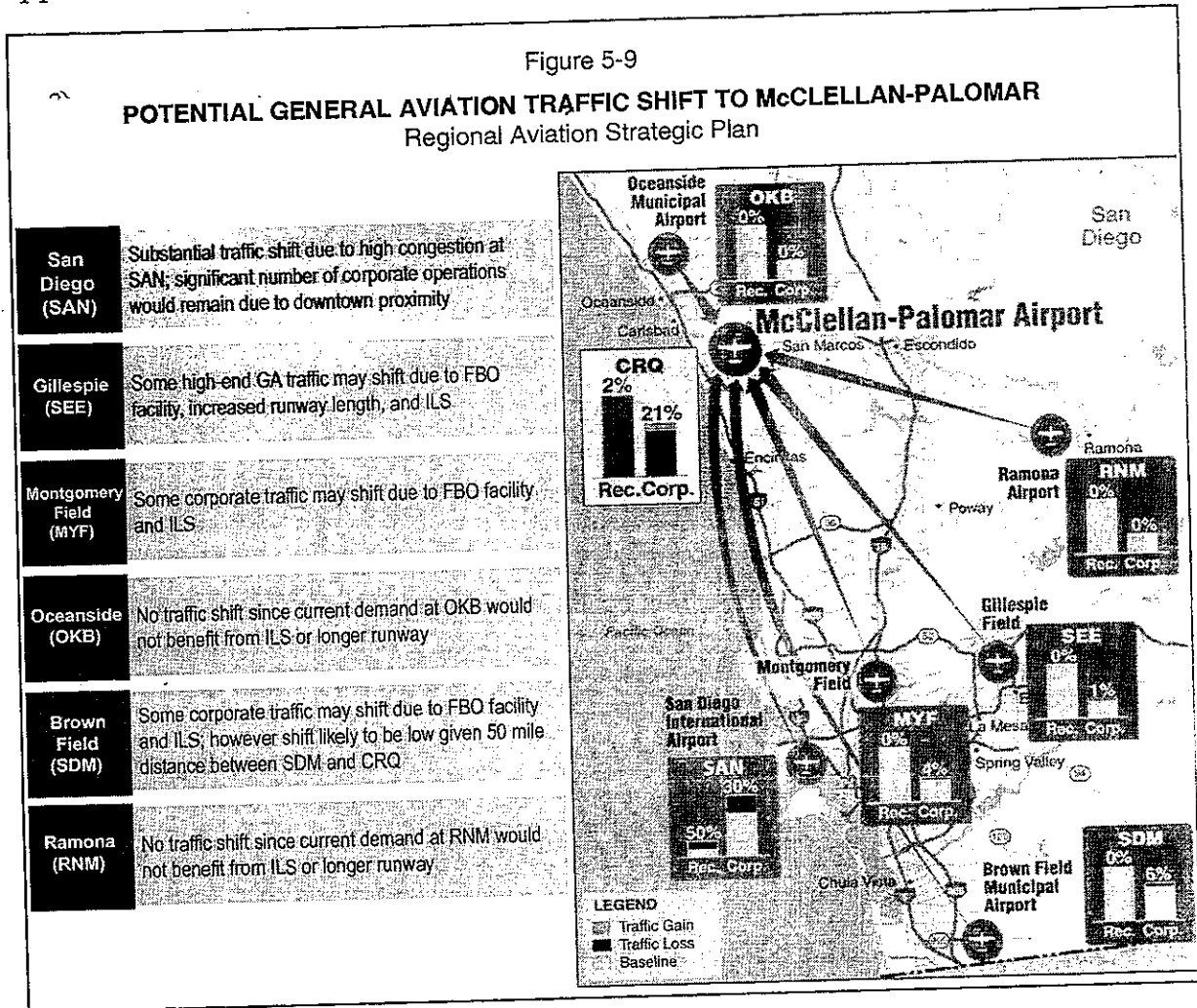
*Jet*

This scenario would be implemented via leasing and pricing strategies; but would also require a "coordinated" FBO/general aviation policy between the Authority and the other airport sponsors in San Diego County.

Figure 5-9 summarizes the key assumptions for Scenario 4A associated with the potential shift in general aviation traffic from existing system airports to McClellan-Palomar based on the improvements and assumed policy and pricing strategies. As presented, McClellan-Palomar would experience a 2% and 21% increase in recreational and corporate general aviation activity, respectively. The assumptions were derived from stakeholder input and information gathered during the Strategic Assessment.

The total cost for Scenario 4A is estimated to be approximately \$85 million and would be funded from a combination of federal grants, private sources, and user fees. A breakdown of the cost estimates, funding sources, and an implementation timeline is provided in Appendix C.

Additional factors associated with Scenario 4A include the implications and cost savings for San Diego County if the airport were to cease its FAR Part 139 certification. In addition, extensive environmental review and FAA and state approvals would be required for the runway extension.



### 5.5.2 Scenario 4B: Enhance Brown Field Municipal Airport for High-end / Corporate General Aviation

This scenario maximizes the use of Brown Field for high-end/corporate general aviation by providing the necessary facilities and amenities in order to shift aviation activity from San Diego International to Brown Field. This scenario is consistent with



### 6.1.3 Scenario 1C: Enhance Commercial Passenger Service at McClellan-Palomar

Scenario 1C is intended to maximize regional commercial passenger activity by providing facilities for multi-carrier commercial service at McClellan-Palomar. It is assumed under Scenario 1C that additional terminal and parking facilities at McClellan-Palomar would increase the Airport's capacity from approximately 500,000 to 750,000 annual passenger enplanements.

Two modeling alternates, or subsets, of Scenario 1C, were assessed:

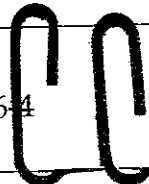
- Scenario 1C: San Diego International Capacity Driven – Growth in demand at McClellan-Palomar is primarily driven by capacity constraints at San Diego International
- Scenario 1C: Infrastructure Driven – Growth in demand at McClellan-Palomar is primarily driven by the facility improvements provided at McClellan-Palomar

Projected annual passenger enplanements at McClellan-Palomar under the Baseline Scenario and two modeling alternates are presented on Figure 6-4. As presented, annual passenger enplanements under the Baseline Scenario increase substantially around 2024, which corresponds to the period when San Diego International is anticipated to reach its airfield capacity. Additional findings are as follows:

- Scenario 1C: San Diego International Capacity Driven – Projected enplanements follow, but then increase beyond the Baseline Scenario beginning in 2024.
- Scenario 1C: Infrastructure Driven – Projected enplanements increase above the Baseline Scenario around 2020.

Projected enplanements under both alternates are similar beginning in 2027, reflecting the fact that demand at McClellan-Palomar is highly affected by when San Diego International reaches capacity.

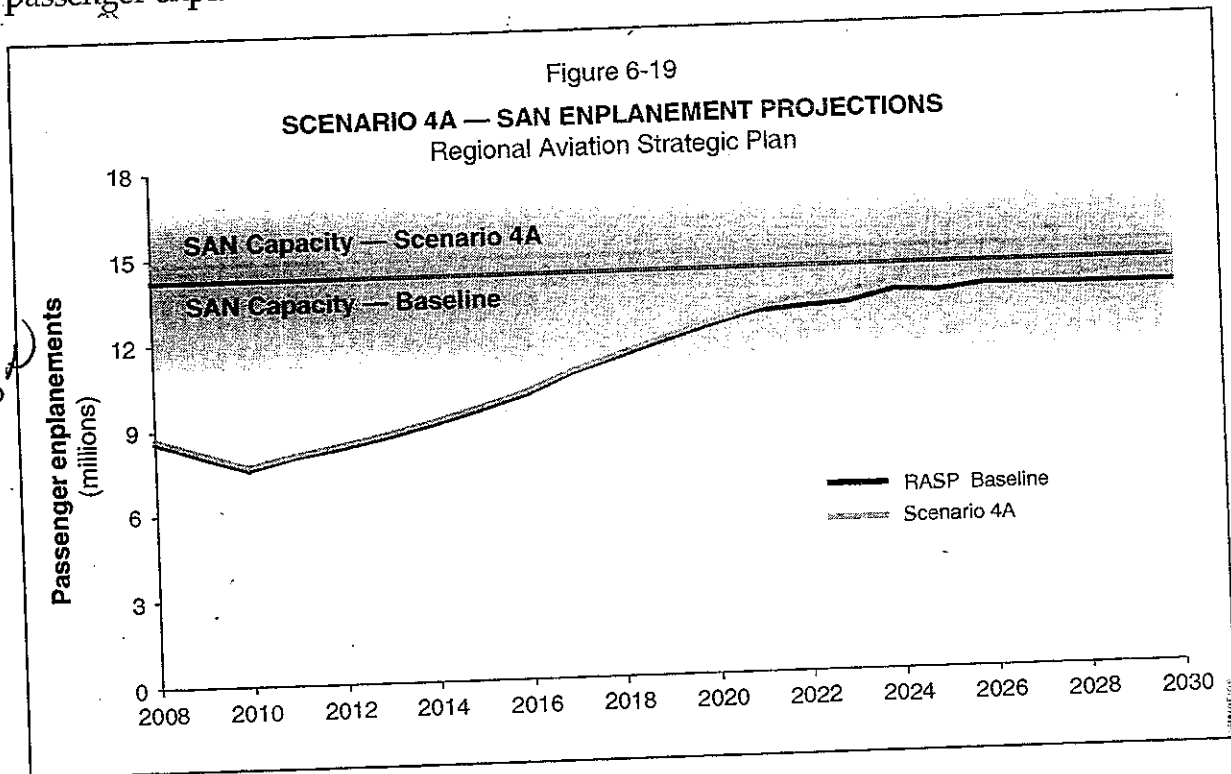
Projected annual passenger enplanements at San Diego International under Scenario 1C are presented on Figure 6-5. As presented, projected enplanements under Scenario 1C are virtually the same as projected for the Baseline Scenario. Increased commercial passenger service at McClellan-Palomar does not alleviate capacity constraints at San Diego International, primarily because the additional demand that can be accommodated at McClellan-Palomar only accounts for 5% of San Diego International's total traffic and the number of destinations offered at McClellan-Palomar is much more limited compared to San Diego International. As presented on Figure 6-2, Scenario 1C does not reduce the projected suppressed demand associated with the Baseline Scenario.



theoretical airfield capacity from approximately 14.0 to around 14.5-14.8 million annual passenger enplanements.

#### 6.4.1 Scenario 4A: Enhance McClellan-Palomar Airport for High-end/Corporate General Aviation

Scenario 4A maximizes the use of McClellan-Palomar for high-end/corporate general aviation by providing the necessary airfield, basing, and other amenities in order to shift activity from San Diego International to McClellan-Palomar. Projected annual passenger enplanements at San Diego International under Scenario 4A are presented on Figure 6-19. The increase in theoretical capacity results in increased passenger enplanements over the Baseline between 2020 and 2028.



As presented on Figure 6-20, Scenario 4A reduces the projected suppressed demand associated with the Baseline Scenario beginning around 2020. Therefore, redistributing general aviation operations per the assumptions under Scenario 4A would delay the capacity constraint at San Diego International by approximately two years.

#### 6.4.2 Scenario 4B: Enhance Brown Field Municipal Airport for High-end/Corporate General Aviation

Scenario 4B is intended to maximize the use of Brown Field for high-end/corporate general aviation by providing the necessary facilities and amenities in order to shift aviation activity from San Diego International to Brown Field.

# Exhibit 9

File Copy

July 11, 1996

TO: CITY MANAGER

VIA: *MJD* COMMUNITY DEVELOPMENT DIRECTOR

FROM: Planning Director

SUBJECT: AMENDMENT TO THE AIRPORT CUP AND AN UPDATE ON ACTIVITIES AT THE AIRPORT

The following is an update on activities at McClellan-Palomar Airport including staff's decision to require an amendment to the Airport Conditional Use Permit (CUP) to reflect development outlined in the proposed Master Plan.

1. Over the past two years, the County of San Diego has pursued the preparation of an Airport Master Plan for McClellan-Paloma Airport. A public review draft was distributed to staff for review on June 10, 1996. The review period on the Master Plan will be approximately two months. The Master Plan addresses airport demand; airport capacity; facility requirements; development alternatives; airport development plan; and, financial management and development programs. For your convenience, attached is a copy of the proposed Airport layout plan.
2. The Airport staff is proposing to take the Master Plan forward for Board of Supervisor approval in the near future. Airport staff will be processing the necessary environmental documents concurrently with the Master Plan. Airport staff would like to bring the Master Plan forward for Planning Commission and City Council review as an information item. Staff has reviewed the draft Plan and determined that the Master Plan is substantially different from the Airport plans previously approved under CUP 172 (approved by Planning Commission September 24, 1980). Therefore, staff proposes to advise the Airport staff that they must submit a CUP amendment for the proposed Master Plan. Airport staff have expressed concern regarding an update of their CUP. Their problem with the CUP amendment is the potential for public objections to the proposed Master Plan which could jeopardize new airport terminal improvements.
3. Airport staff are continuing to pursue FAA 139 Certification. Changes necessary to accomplish the FAA 139 Certification include increased security; measures to prohibit auto access to the flight line; measures to limit public and personnel access to various airport facilities; drainage and grading modifications; and, on-site fire facilities. It is estimated that the FAA 139 Certification process will be completed by January 1997.
4. Airport staff are proposing to release a Request for Proposals for the new Airport terminal parking structure in late 1997, with airport terminal design to begin in 1998.

*Michael*

MICHAEL J. HOLZMILLER

MJH:TW:kc

c: Adrienne Landers

# Exhibit 10





## County of San Diego

DEPARTMENT OF PUBLIC WORKS  
County Airports

1960 Joe Crossen Drive, El Cajon, CA 92020  
(619) 956-4800 FAX: (619) 956-4801  
Web Site: <http://www.sdcounty.ca.gov/dpw/airports.html>

Peter Drinkwater  
DIRECTOR OF AIRPORTS

May 31, 2013

David Cushing, Manager, Los Angeles ADO  
Federal Aviation Administration  
15000 Aviation Blvd, Room 3000  
LAX District Office  
Lawndale, CA 90261

Dear Mr. Cushing:

### CRQ/MCCLELLAN-PALOMAR AIRPORT MASTER PLAN

On March 19, 2013, the County of San Diego submitted a grant application to FAA for the above referenced project. We recommend our existing as-needed consultant, Kimley-Horn and Associates (KHA), for this project. There is adequate capacity remaining on this contract so that the task order for master planning will not cause the contract to exceed the \$3M total capacity advertised in 2008.

An excerpt from the advertised scope of work states the following:

"The Department of Public Works, Airports, has need for a consultant to perform architectural, engineering, and planning services including studies, surveying and mapping, **comprehensive planning**, designs, soil engineering, drawing reviews, and other related services, on an as-needed basis."

With regard to comprehensive planning, our intent was to include master planning as part of the scope. This was understood by the consultants when submitting their proposals.

We are requesting your concurrence in order to proceed with issuing a task order to KHA.

Thank you for your continued support and assistance. If further information is needed, please contact Michael Khoury of my staff at (858) 694-3097.

Sincerely,

PETER DRINKWATER  
Director of Airports

PD:mk

cc: George Buley



## AGENDA

### FAA & County of San Diego Airports

### Coordination Meeting Agenda & Summary *(in italics)*

June 12, 2013 – 1:00 PM



*Attendees: See attached sign-in sheet*

1. Intro - Good News

- a. Wings Over Gillespie
- b. Palomar Taxiway Reconstruct Project
- c. Gillespie Field Access Road
- d. Barrego Airport Lighting and Signage Project

*County staff presented a slide show of project-specific photos for informational purposes.*

2. Gillespie Field – Cajon Air Center

a. NEPA

- i. FAA Review Status (County submittal 5/7/2013)

*FAA had additional comments and revisions on the County's draft final submittal. Victor Glaba (FAA) and Cynthia Curtis (County Airports) met and discussed FAA's review comments. County will respond promptly to the text changes, and resubmit for FAA's concurrence.*

*FAA also has requested two additional items to complete the grant application for the San Diego ambrosia transplantation; a full breakdown of the proposed cost, and an Independent Fee Estimate (IFE) of the transplantation effort cost. FAA approved County's discretion in selecting a qualified biologist to conduct the IFE.*

b. Design

- i. \$1.9M offer by August 30
- ii. County conducting RFSOQ to select consultant for design – will go to BOS on June 26<sup>th</sup>.

*A reminder to County staff by FAA: the first year of grant award, there must be a 60% drawdown and 19% drawdown in the second year. Typically, FAA grants are awarded towards end of federal fiscal year. Upon award of FAA grant, sponsor performance period is (3) years.*

c. Financial

- i. Updated Grant Amendment

- ii. Drawdown & RFSOQ schedule as agreed by FAA
- iii. ACIP: Current vs. FAA-proposed

FAA will undergo funding constraints in FY14 & FY15 due to federal mandate to bring all runway safety areas into compliance by end of federal fiscal year 2015 (#1 priority for FAA in FY14 & FY15). FAA does not concur with the County's 2014 grant funding amount, and is "not sure yet" on how much or when the construction funding will occur. Although FAA considered a "Construction Management at Risk—CMAR," the idea was rejected. FAA staff did say that later this year they will have a better understanding of the budget. ACIP funding schedules are not approved or committed to by FAA and the funding amounts are for planning purposes only. It is possible that construction funding may occur in more than 3 phases (as currently planned).

Per FAA: For next ACIP planning cycle, show Gillespie Field "Cajon Air Center" construction over (4) years. Leave current 2014 -2018 ACIP alone; do not revise. Per FAA, FY16 will be the first year looking at any significant discretionary \$ to award to sponsors.

### 3. McClellan-Palomar Airport Master Plan

- a. Consultant Selection Requirements
  - i. Acceptability of Kimley-Horn as selected consultant
  - ii. County Submittal Letter
  - iii. Previous RFSOQ
- b. Goal: County issues task order with Kimley-Horn by Fiscal Year-end (6/30/2013)

The County's proposed use of the existing 2008 as-needed contract (awarded to Kimley-Horn) was deemed by FAA staff to not meet the procurement requirements of FAA AC 150/5100-14D section 2-6 "Policy for Selection." Accordingly, the proposed Palomar Airport Master Plan Scope of Services would not qualify for reimbursement using FAA funds. FAA considers "comprehensive planning" and "planning services" as broad terms which do not justify funding eligibility nor on a basis to prove our case.

In future consultant contracts, County staff will involve FAA in the review of draft procurement documents to ensure reimbursement eligibility.

FAA noted that Master Plans do not and cannot limit the airport on passenger enplanements. FAA also stated that the Airport Sponsor cannot deny a certificated airline the ability to use Palomar Airport.

### 4. Fallbrook Community Airpark



# County of San Diego

DEPARTMENT OF PUBLIC WORKS  
County Airports

1960 Joe Crosson Drive, El Cajon, CA 92020  
(619) 956-4500 FAX: (619) 956-4801  
Web Site: <http://www.sdcountry.ca.gov/dpwairports.html>

Peter Drinkwater  
DIRECTOR OF AIRPORTS

August 01, 2013

David Cushing, Manager, Los Angeles ADO  
Federal Aviation Administration  
15000 Aviation Blvd, Room 3000  
LAX District Office  
Lawndale, CA 90261

Dear Mr. Cushing:

## CRQ/ MCCLELLAN-PALOMAR AIRPORT MASTER PLAN

On March 19, 2013, the County of San Diego submitted a grant application to FAA requesting FY 2013 federal share of \$675,000 for the above referenced project. This letter is to inform you of the County's decision to officially withdraw the grant application. We are no longer seeking federal Airport Improvement Program (AIP) funds and will pay for this project using available funds in our Airport Enterprise Fund.

In addition, we welcome FAA's involvement in the development of the Master Plan, including public meetings.

Thank you for your continued support and assistance. If further information is needed, please contact Yavonka Burks of my staff at (619) 956-4835.

Sincerely,

  
PETER DRINKWATER  
Director of Airports

PD:yb

RECEIVED

AUG 06 2013

LAX-ADO

# Exhibit 11



Feasibility Study for

POTENTIAL IMPROVEMENTS  
to McClellan-Palomar Airport Runway

FINAL REPORT - AUGUST 1, 2013



Kimley-Horn  
and Associates, Inc.

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**Feasibility Study for Potential  
Runway Improvements  
McClellan-Palomar Airport**

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- Appendix B – Stabilization Options
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- Appendix G – Geotechnical Feasibility Study Runway 6-24 Extension McClellan-Palomar Airport Carlsbad, California



## **EXECUTIVE SUMMARY AND RECOMMENDATION**

## ***Feasibility Study for Potential Runway Improvements McClellan-Palomar Airport***

The primary objective of the Feasibility Study for Potential Runway Improvements at McClellan-Palomar Airport (CRQ) project was to find a runway extension alternative that would satisfy the following criteria:

- The runway extension must be technically feasible from an engineering perspective.
- The runway extension must be fiscally responsible. It must be a good use of the funds that would be required for construction.
- The runway extension must make good business sense.
- The runway extension must be eligible for funding by FAA programming criteria.

If an alternative did not achieve all four of these criteria, it was to be considered infeasible.

McClellan-Palomar Airport is currently a primary, non-hub airport with a Runway Design Code (RDC) of B-II-4000 which relates to an airplane approach speed of greater than 91 knots but less than 121 knots with a wingspan of 49' -< 79' and a tail height between 20' and 30' with visibility minimums of lower than 1 mile but not less than  $\frac{3}{4}$  mile.

An extension to the east of the existing runway would be over Unit 3 of an unlined former municipal solid waste landfill. The 200 foot alternative would require minimal improvements over the landfill in comparison to the longer extensions. Treatment of the existing landfill material to provide a stable base to construct a new pavement system that satisfies FAA design criteria is eligible to receive FAA funding. The priority of funding being made available to support this construction is uncommitted by the FAA as the total needs of the FAA funding is greater than the amount of funding that is actually available. Any potential future settlement of the existing landfill presents development challenges for the Airport, as funding of any repairs to the pavement surface prior to the end of its useful life is doubtful.

Currently, the airport is being used by a variety of aircraft (C-III) which are larger than the facility is designed to handle (B-II) and the forecast indicates that this usage will continue in the future. Although the footprint of the overall airport is able to handle a runway extension to reclassify the airport as a C-III, the change would involve extensive reconfiguration of the entire airfield including tenant improvements, airplane parking loss and/or relocation, impacts to buildings, and the relocation of NAVAIDs, fuel tank/station and the airfield lights and signs systems. Therefore any extension alternative that would reclassify the airport would be considered not feasible.

The forecast generated for McClellan-Palomar indicates that to meet the current and future needs for an Airport Reference Code (ARC) B-II airfield, a runway length of 5,800 feet would meet the departure needs. A landing length of 5,200 feet was determined to be most reasonable for these B-II business jet operators. A length of at least 5,000 feet for



departure and landing would permit the operators more flexibility in their operations by reducing delays or flight cancellation. The Falcon 2000 (B-II design aircraft for runway length) the extra 100 feet would allow approximately 600-700 lb additional payload on takeoff. The impact varies depending upon the aircraft. It can also make a difference for landings because aircraft must take a 15 percent penalty when the runway is wet, extending the runway length greater than 5000 feet would remove the imposed dry only restriction to Hawkers and G IV/450 fleets and allow all fleets to operate closer to their design specifications.

After determining and evaluating the forecast for CRQ, preliminarily laying out the airfield geometry, analyzing the structural stabilization alternatives available, drafting rough order of magnitude construction costs, and developing a business case and benefit cost analysis, three alternatives for extensions on the east side of the runway and one safety improvement on the west side were evident.

**WEST END**

With the realization that 45% of the total business jet operations are by aircraft with recommended design standards greater than the design of the runway, the recommended solution for the west side of the runway, regardless of the east end alternative, was to improve the safety area beyond the B-II standard to account for the volume of more demanding aircraft that visit this airport. To provide the equivalent runway safety area margins at the west end of the existing runway a 315 foot Engineered Material Arresting System (EMAS) is proposed along with the required platform construction to support this new EMAS. This EMAS would be located 35 feet from the existing west end of the runway and extend 315 feet to the west. This EMAS would effectively provide the required runway safety area (RSA) for the existing ARC of B-II as well as satisfy the criteria to the C-III aircraft operating from the airport. With the installation of the EMAS, the existing localizer equipment is required to be relocated approximately 50 feet further west, but no other navigational equipment will need to be adjusted. See **Figure ES-A** for the recommended safety improvements for the west end of the runway. The estimated construction cost for the west end safety improvements are as follows:

<b>Alternative</b>	<b>Description</b>	<b>Probable Construction Costs</b>
West End	West End Safety Improvement including EMAS and grading	\$25.4 Million



## **EAST END**

A major factor in determining the recommended extension alternative on the east end was the impact to the Municipal Solid Waste from an old landfill. In order to be considered feasible, the extension needed to be eligible for FAA funding and the FAA will not fund projects built directly on landfill due to continued settlement issues. Therefore part of this study investigated structural stabilization alternatives (landfill mitigation options) that would accompany the different length alternatives. The four structural alternatives and their associated cost per square foot are as follows:

### **LANDFILL OPTIONS**

- Option 1a: Structural Slab Supported on Steel Driven Piles – \$121/SF
- Option 1b: Structural Slab Supported on Displaced Driven Concrete Piles – \$109/SF
- Option 2: Drilled Displacement Columns – \$72/SF
- Option 3: Injection Grouting (Compaction Grouting) – \$70/SF
- Option 4: MSW Excavation (clean closure) – \$207/SF

Each of the ground improvement alternatives for the airfield stabilization was evaluated according to how well it addressed the current and future settlement of the MSW materials, construction impacts to airport operations, as well as initial and future lifecycle costs. Taking this into consideration, the recommended alternative for the airfield stabilization are drilled displacement columns (DDC) supporting lightweight fill and an asphalt concrete pavement section. DDCs provide a cost effective ground improvement option for increasing the bearing capacity and load transfer capabilities of the underlying materials while reducing the potential for future settlement of the airfield.

With options to provide a stable base to construct on, the east end extension options and needs were explored. Three length options were further evaluated to provide varying levels of operational support for the B-II aircraft forecasted to use this runway into the future; those alternatives are as follows (See **Figures ES-B, ES-C, and ES-D**):

### **EXTENSION ALTERNATIVES**

- Alternative A: a runway extension of 200 feet, for a total length of 5,100 feet maintaining the existing ARC of B-II, minimal impact to the unlined landfill
- Alternative B: a runway extension of 900 feet, for a total length of 5,800 feet maintaining the existing ARC of B-II, best meet the forecasted demand for runway length
- Alternative C: a runway extension of 1,200 feet, for a total length of 6,100 feet; potential change in ARC to C-III with accompanying airfield improvements deeming this alternative not feasible

Each alternative was preliminarily laid out on the east end of the runway to determine grading limits, retaining wall locations and varying taxiway improvements required for the



extension option. A rough order of magnitude construction cost was generated for each of the various options associated with the extension alternatives and are as follows:

Alternative	Description	Probable Construction Costs
A	200 ft extension with north and south side end connector taxiways	\$22.5 Million
B-1	900 ft extension with north side end connector taxiway	\$49.6 Million
B-2	900 ft extension with north and south side end connector taxiways	\$69.7 Million
C-1	1200 ft extension with north side end connector taxiway	\$61.3 Million
C-2	1200 ft extension with north and south side end connector taxiways – realign Palomar Airport Rd	\$183.9 Million
C-3	1200 ft extension with north and south side end connector taxiways – bridge Palomar Airport Rd	\$550.4 Million

This study has determined that this project is eligible for grant funding consideration. However, the FAA determines prioritization for distribution of CIP grant funds based on safety, security, maintaining existing facilities and capacity, in that order. Based on this prioritization, the west end safety improvements would be eligible for grant funding before the east end extension portion of this study. The east end extension is considered a capacity project and would therefore be considered for funding after higher priority projects on the FAA list. The east end extension also has the potential for a higher cost sharing by the County associated with funding due to the capacity nature of the project.

The preferred runway extension alternative varies based on the funding availability, whether the project is built in phases or all at once. If the ultimate funding amount is not available at one time, it is recommended that Alternative A be built as it satisfies the immediate needs of the B-II airfield with minimal impact to the unlined landfill. When additional FAA funding becomes available, then Alternative B is the preferred alternative for the longer term needs of the airport serving B-II aircraft operations. The difference in cost based on the phasing is as follows:



Alternative	Description	Probable Construction Costs
A	200 ft extension with north and south side end connector taxiways	\$22.5 Million
B-2 as second phase of A	900 ft extension with north and south side end connector taxiways	\$51.0 Million
Total Cost building A & B		\$73.5 Million
B-2 w/o A	900 ft extension with north and south side end connector taxiways	\$69.7 Million
Incremental Cost		\$4.5 Million

In order to select the best combination of runway length and structural stabilization alternative, a matrix was developed with multiple categories ranging from technically feasible to cost to RSAT issues. These alternatives were ranked on a scale from 1 to 9, 1 being the worst option and 9 being the best. Based on this analysis, the preferred Runway Extension Alternative if total funding is not available for a one phase project is Alternative A: a runway extension of 200 feet for a total length of 5,100 feet, using either the clean closure option or DDC piles to handle the landfill mitigation issue. If the funding is available, the recommended alternative combination based on the analysis is Alternative B: a runway extension of 900 feet for a total length of 5,800 using DDC piles to handle the landfill mitigation. Regardless of what is funded for the east end extension, the west end safety improvements should be built. The cost for the preferred alternative is as follows:

Alternative	Description	Probable Construction Costs
B-2 +West End	900 ft extension with north and south side end connector taxiways	\$95.1 Million

# Exhibit 12



FILE COPY  
**City of Carlsbad**  
**Planning Department**

November 5, 2007

Mr. Peter Drinkwater  
Director of Airports  
Department of Public Works  
County of San Diego  
1960 Joe Crosson Dr  
El Cajon CA 92020

**SUBJECT: PALOMAR AIRPORT PERMIT PROCESSING**

Dear Mr. Drinkwater:

I am writing to express the Planning Department's concern over the County's responsiveness to staff comments, compliance with City and State regulations, and follow through on previous commitments. More specifically I refer to the permit processing related to the new airport parking area and landscaping on the perimeter of the airport property.

In 2004, the County came to the City requesting approval to expand the airport property to include adjacent vacant industrial lots in order to provide parking for the airport. The County expressed a need for rapid processing since the other parking areas would be eliminated and, in response, the City processed the Conditional Use Permit Amendment and Planned Industrial Permit to the Planning Commission in six weeks. At that time, the County and City had an understanding that the proposed improvements were interim and the County would follow up with subsequent plans that met all City and State requirements concurrent with the terminal redevelopment project.

Prior to 2004, the City had been requesting a site plan of the airport buildings for the purposes of street addressing. Also during this time, the tenants on the airport property were undergoing building demolition and construction and, therefore, the existing site plan no longer represented actual conditions. The Conditional Use Permit Amendment Planning Commission Resolution (copy attached) allowing the new parking area contained a condition of approval stating the following:

"No further grading or building permits within the area covered by CUP 172 shall be issued until this site plan is submitted to the Planning Department."

In the spirit of interagency cooperation, the Planning Department has allowed the tenants of the airport to continue with their improvements since the submittal of the site plan was out of their control. Staff has continued to request the airport site plan.





Planning Department staff recently assisted the processing of a request from the Palomar Airport Advisory Committee (PAAC) regarding deletion of the name of "Aircraft Road" from the City maps. When presenting this item to the PAAC, City staff once again reiterated the need for an updated site plan of the airport. Now that the layout of buildings and addresses on the property has changed, all City plans are inaccurate. This includes the "run books" used by Police, Fire, and Emergency Medical Services to quickly identify buildings and locations on a site when responding to an emergency.

As of the date of this correspondence, the City has received no site plan. Therefore, condition number 6 of Planning Commission Resolution No. 5776 has not been satisfied and, in accordance with that condition, no further grading or building permits will be issued on the airport property until an accurate and legible site plan is received.

Also during the 2004 processing of the parking areas, County and City staff met several times to address the lack of perimeter landscaping along the airport property's frontage with El Camino Real and Palomar Airport Road. These prime arterials are designated as existing or future scenic corridors and aesthetically pleasing landscaping is an integral part of that designation.

Despite continued County assertions of cooperation, this issue remained unresolved. City staff has repeatedly offered potential solutions to the issue however the County has rejected these solutions as unworkable; the proposed County solution to greening of the perimeter slopes and improving aesthetics is to plant trees in the City's right-of-way, which the City would be responsible for maintaining and would assume liability in case of auto collision.

Another troubling area of concern deals with the processing of the final improvements for the airport parking area. According to the County, landfill constraints forced the parking lot access ramp to be located within the 50 foot landscaped setback for Palomar Airport Road. This necessitated the approval of an Administrative Variance (AV) and Planned Industrial Permit (PIP). The County submitted these applications in late March 2007, once again with a request for expedited processing.

The AV was approved in April 2007, less than one month after the application was submitted; that approval was conditioned subject to the approval of the PIP. In April 2007, the City sent a list of project issues to the County; among these issues were requests for information about stormwater protection and compliance with the City's Landscape Manual for slope and parking lot landscaping. Not only do both of these issues remained unresolved, the County has not submitted any reports on the stormwater management and, most recently, the requests for parking lot landscaping and street trees in conformance with the City's Landscape Manual have been referred to as "excessive."

Taken individually, these occurrences could be seen as aberrations or oversight. Considered in whole, a troubling pattern emerges. The City has cooperated with the County in accepting interim improvements on the parking area, allowing tenants to continue permit processing, expedited processing of County requests due to County needs, and provided supporting services to the PAAC such as the Aircraft Road name deletion. Meanwhile, the County has not fulfilled an over three year old request for a site plan, has

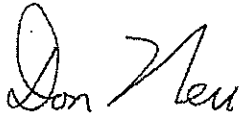
taken a passive role on improving the aesthetics of their site adjacent to scenic roadways, and has been unwilling to comply with requests for required information such as stormwater management reports and Landscape Manual compliance.

To summarize the current situation:

- No further grading or building permits will be issued on the airport property until an accurate and legible site plan is submitted to the Planning Department, in accordance with Planning Commission Resolution No. 5776.
- The allowance for a reduced setback from Palomar Airport Road for the parking lot access ramp is not valid until the associated PIP is approved. All issues related to the PIP, including but not limited to stormwater management and landscaping, must be resolved prior to approval.
- In concert with the County's previous public statements about improving the airport's appearance, the Planning Department is awaiting proposed solutions to the issue of perimeter slope planting and views from the scenic corridors, other than the current proposal of planting trees in the City right-of-way.

Over the past several years, the City has endeavored to work with the County on issues and has taken many actions, such as assigning a planner as liaison to the County for airport-related issues, to improve communication and cooperation. I hope that by bringing the concerns expressed above to your attention, the County will take actions to remedy the existing areas of non-compliance and improve responsiveness to permit processing requirements and previous commitments. Please feel free to contact me or Michael Grim at (760) 602-4600 if you have any questions.

Sincerely,



**DON NEU**  
Planning Director

Attachment

- C: Community Development Director  
Building Official  
Assistant Planning Director  
Senior Civil Engineer  
Principal Planner DeCerbo

# Exhibit 13



CITY OF  
**CARLSBAD**

Office of the City Manager

[www.carlsbadca.gov](http://www.carlsbadca.gov)

April 23, 2013

John Buntz  
Senior Vice President of Business Development  
California Pacific Airlines  
5670 El Camino Real, Suite D  
Carlsbad CA 92008

**SS 12-03 – SUPPLEMENTAL COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR CALIFORNIA PACIFIC AIRLINES COMMERCIAL SERVICE OPERATIONS AT MCCLELLAN-PALOMAR AIRPORT**

Dear Mr. Buntz:

After consultation with County of San Diego officials responsible for airport operations, the City of Carlsbad withdraws its request that CUP 172 be amended as stated in its comment letter of April 24, 2012 on the Draft Environmental Assessment for California Pacific Airlines Commercial Service Operations at McClellan -Palomar Airport.

Table 1 of CUP 172 (11) allows Commercial Aviation Activities, including (11) Airlines, scheduled and non-scheduled. The designation of the airport in CUP 172 condition Number (11) does not specifically restrict the General Aviation Basic Transport Airport airline service with respect to the weight, seat number, or other similar limitations on air carrier activities. That CUP terminology is now defunct, but functionally, it appears that the proposed California Pacific Airline is within the CUP Table 1 commercial airline scheduled passenger service permitted activity. Therefore, a CUP amendment will not be required by the City.

Sincerely,

JOHN W. COATES  
City Manager

- cc: Celia Brewer, City Attorney
- Gary Barberio, Assistant City Manager
- Conrad Hammann, Public Works Director
- Don Neu, City Planner
- Bryan Jones, Engineering Manager, Transportation
- David de Cordova, Principal Planner
- Scott Donnell, Senior Planner
- Pam Drew, Associate Planner



City Hall

1200 Carlsbad Village Drive, Carlsbad, CA 92008-1949 T 760-434-2821 F 760-720-9461

# Exhibit 14

SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776  
619.400.2400 WWW.SAN.ORG

April 11, 2014

Raymond Bender  
1015 Camino del Arroyo Dr.  
San Marcos, CA 92078

Dear Mr. Bender:

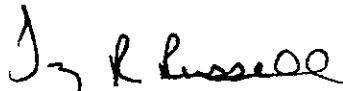
This letter is in response to your public records request received April 1, 2014 ("request"). Pursuant to the California Public Records Act (California Government Code §6250 *et seq.*) ("Act"), specifically you requested from the San Diego County Regional Airport Authority ("Authority") "In Jan 2010, SDRAA circulated: "Initial Study & Neg Dec for Airport LUCP" related to McClellan-Palomar Airport Public Comments & Responses to Comments. My page 257 is labelled "Citizens Surrounding Palomar Airport Opposed to Negative Declaration and has a July 6, 2009 fax date visible in the upper left hand corner. Pls provide a certified copy of pages 257-299 that contain citizen signatures and responses to citizen comments."

In accordance with the Act, the Authority has reviewed its public records to ascertain whether it possesses the records you have requested.

On April 8, 2014, you were notified that payment was needed prior to releasing the records. That payment has been received, and the records are enclosed.

If you need further assistance or information, please contact us at (619) 400-2550.

Sincerely,



Tony R. Russell, CRM, MMC

Director, Corporate & Information Governance/Authority Clerk



SAN DIEGO  
INTERNATIONAL  
AIRPORT

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

INITIAL STUDY AND NEGATIVE DECLARATION FOR THE

# McClellan-Palomar Airport Land Use Compatibility Plan

## **VOLUME II**

DOCUMENTATION OF PUBLIC COMMENTS AND  
RESPONSES TO COMMENTS

CORRECTIONS AND ADDITIONS

FINAL



January 2010

**N**

**Comments**

Jul0609 10:47a

Gail Carroll

760.438.7737

p.1

**CITIZENS SURROUNDING  
PALOMAR AIRPORT  
OPPOSED TO NEGATIVE DECLARATION**

**FACSIMILE TRANSMITTAL SHEET**

TO: SANDI SAWA, MANAGER, AIRPORT PLANNING

SUBMITTED BY GAIL CARROLL FOR THE CITIZENS OPPOSED TO  
PALOMAR NEG DEC

COMPANY: SD COUNTY REGIONAL AIRPORT AUTHORITY

DATE: 7/6/09

FAX NUMBER: 619.400.2459

TOTAL NO. OF PAGES INCLUDING COVER: **43**

PHONE NUMBER:

SENDER'S FAX NUMBER:  
**760-438-7737**

RE: NEGATIVE DECLARATION, CEQA FOR PALOMAR AIRPORT LAND  
USE

SENDER'S PHONE NUMBER:  
**760-438-7747**

Copy to:  
Bill Horn 760-806-2404  
Greg Cox 619-235-0644  
Diane Jacob (619) 696-7253  
Pam Slater 619.234.1559  
Ron Roberts (619) 531-6262  
Carlsbad City Council (760) 720-9461

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

**NOTES/COMMENTS:**

Attached you will find a letter, petition and signatures of 742 citizens who  
oppose the Negative Declaration to waive Environmental Impact Studies for  
future development around Palomar Airport.



**N** Comments

Jul 06 09 10:47a

Gail Carroll

760.438.7737

p.2

Palomar - N (continued)

To:  
Sandi Sawa, Manager, Airport Planning  
San Diego County Regional Airport Authority  
P O Box 82776, San Diego, CA 92138-2776  
Email: [alucccomments@san.org](mailto:alucccomments@san.org) — Fax 619.400.2459

From :  
Citizens Opposed to Negative Declaration Pursuant to CEQA for Land Use in Carlsbad Surrounding Palomar Airport.

From :  
Citizens Opposed to Negative Declaration Pursuant to CEQA for Land Use in Carlsbad surrounding Palomar Airport.

We oppose the adoption of the Negative Declaration pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for McClellan-Palomar Airport (ALUCP).

There are 742 signatures attached that represent only a small portion of the residents surrounding the 4 cities directly surrounding the Airport that we were able to contact personally. There are thousands of residents that feel similarly with conviction about the environmental issues, including safety, noise, pollution, congestion and quality of life are adversely effected by the air traffic and growth around the airport. We will be getting more signatures on this very sensitive subject for those that live in the area and oppose growth in any form in regard to the airport. This has been a collective effort from many communities.

We strongly believe an Environmental Impact Report is needed for any and all new development both near and within the Palomar Airport Area.

An EIR is fundamentally important to local residents to determine how the community is impacted by noise, safety, ground traffic, green house gases and other environmental issues the residents must live with.

**N1**

**N2**

**N3**

**N4**

**N5**

**N6**

**N7**

Additionally, We understand that the mitigation for all buildings, including business and residential, located in the high noise areas is closed double pane windows and thus constant air conditioning for air circulation as well as heating and cooling. This of course has environmental impacts due to need for more electrical energy for the a/c. Where are the detailed calculations with the assumptions for new demand that quantify how much additional electrical energy must be supplied for these mitigations, where this energy comes from in an area where energy conservation is at a premium, and why this does not require an EIR for public review?

Any new development will also increase water usage demand in our area where all existing businesses and residents are facing water shortages. Any new development then has environmental impacts on our communities with regard to water allocations. Where are the detailed calculations with the assumptions for new demand that quantify how much water will be required, where this water will come from, and why this does not require an EIR for public review?

We also believe that with the continued growth of the community and the airport over the last twenty years we must re-evaluate all new projects and consider mitigating measures to relieve the suffering of the residents!

We also oppose and extension of the runway or any expansion of operations at Palomar Airport and support mandatory flight guidelines and Quiet Hours (now only voluntary) to protect residents from unsafe flying practices, VNAP violations, and environmental & noise nuisance. Airport operators and officials believe that there are only a handful of residents adversely affected. They are WRONG. Any airport extension and expansion must go before a public vote based on Carlsbad City Ordinance 21.53.015, so stating.

You will find attached, a petition with 613 signatures of residents and visitors opposed to the Negative Declaration proposed. Additionally you will find 129 online petition signatures at <http://www.thepetitionsite.com/1/protect-citizens-surrounding-palomar-airport> and also printed below. Although this only represents a small portion of contacts we were able to make,

This is a total of 742 signatures and people that have taken time to make their statement in opposition to the negative declaration as well as the extension and expansion of Palomar Airport and want this put to a public vote. They also

N

Comments

Jul 06 09 10:48a

Gail Carroll

760.438.7737

p.3

N7

cont.

Palomar - N (continued)

believe that VNAP and Quiet Hours, (per the Federal Register dated December 18, 2006 (Volume 71, Number 242) of 10PM-7AM, must be made mandatory for all but emergency planes.

Sincerely, Citizens Surrounding Palomar Airport

I will also fax these documents.

**Comments**

Jul 06 09 10:48a

Gail Carroll

760.438.7737

p.4

Palomar - N (continued)

**PROTECT CITIZENS SURROUNDING PALOMAR AIRPORT**

**N8**

Frustrated residents surrounding Palomar Airport are concerned for their safety due to self-interested, hazardous flying practices at McClellan-Palomar Airport. Although most residents support the airport, and the benefits it brings to our community, democratic principals dictate that the government officials and airport operators make every effort to balance the needs of transportation with those of the residents, who support them by way of patronage and taxes. This balance has been swayed toward business interests at Palomar Airport, so much so, that residents have been tragically treated as though they were the nuisance, and not a partner. Our goals are very simple; Enforce the Quiet Hours and departure patterns of the current Voluntary Noise Abatement Policy, VNAP, per the Part 150 Study. This request is all about safety and environmental quality, yet officials have ignored resident's pleas and deny concerns and responsibility.

**N9**

Voluntary programs simply are not working as evidenced by review of NTSB plane crash records as well as the number of complaints registered with the county for non-compliance. We will greatly decrease the number of accidents, fear of greater tragedy, improve noise and environmental quality in the surrounding community if guidelines were made mandatory. The current Negative Declaration for Proposed Airport Land Use Compatibility Plan will omit environmental impact studies on future development around the airport and serve as precedent for the future planned expansion of the airport.

**N10**

It is our opinion that if officials cannot maintain safety and enforce current guidelines over homes, schools, churches, and parks at the current level of growth, that any expansion of services and extension of the runway to accommodate larger and more planes, will create more surface traffic and will surely be the end of the "Village by the Sea" and become a seaside metro, congested and noise polluted, providing safety hazards to both residents and visitors alike.

**N11**

**We the undersigned, call on the City of Carlsbad, County of San Diego, State of California and Federal Aviation Administration and Federal Representatives to:**

1. **Oppose relaxed environmental standards for future development adjacent to the airport included in the Negative Declaration for Proposed Airport Land Use Compatibility Plan at McClellan-Palomar Airport which would waive Environmental Impact Reports and studies upon local communities. This may lead to unrestrained standards when they move forward to extend the runway and expand operations at the airport. The proposed runway extension is intended over a land fill where underground fires and gases are known to dwell. Greenhouse emission impact on local communities is significant and must be reviewed to maintain the quality of our communities under CEQA and SB 375 aimed at limiting urban sprawl.**
2. **Oppose any extension of the runway or expansion of operations which will bring additional air traffic vis-à-vis larger planes holding more fuel, more noise pollution, increased safety threats, more noise and higher passenger volume, which will overburden already crowded roads and highways.**
3. **Submit to public vote any expansion of the airport or extension of runways per Carlsbad City Ordinance 21.53.015 so stating.**
4. **Remediate the horrific safety record of Palomar Airport by enforcing FAA guidelines set forth. This airport record of fatalities far exceeds others and is only a flight away from crashing into a home, school, church or park. Most of these "accidents" result from negligent or untrained pilots, negligent mechanical upkeep, weather and fog. All of these can be reversed by actions herein.**

**N12**

**N13**

**NTSB Tracking of Aircraft incidents - Calendar years 2000-2009**

**N14**

Location	Incidents	Fatalities	Apx annual operations*	Runway length	Mandatory Rules?
Palomar Airport, Carlsbad CA	17	13	215,000	4897	no
John Wayne, Santa Ana, CA	8	0	334,000	5701	yes
Lindberg, San Diego, CA	10	1	227,000	9401	yes
Los Angeles, CA	26	8	506,000	up to 12091	yes
Naples, FL	10	1	132,000	5290	no
Van Nuys, CA	15	3	504,000	8001	Partial
Giltespie Field, CA	20	6	242,900	5341	no
Long Beach, CA	27	4	356,605	10000	partial

**N15**

5. **Close the airport and make Quiet Hours 10:00PM to 7:00AM mandatory, when air traffic controllers are not on duty, for ALL aircraft except emergency as intended by Part 150 Study and Part 2000 Study and per the FEDERAL REGISTER, dated 12/18/05.**
6. **Make arrival and departure guidelines mandatory and impose penalties on pilots and aircraft owners that do not comply with VNAP (Voluntary Noise Abatement Procedures), including departures to fly at a 250° degree heading (Staying on the north side of Palomar Airport Road) until ½ mile off the coast before making turns for navigation. This is to include all aircraft, including training flights.**
7. **Require FAA Traffic Controllers take a pro-active role to provide direction and penalties to pilots to comply with VNAP, maintain required altitudes, and prevent operations when fog is present.**

**N** Comments

Jul06 09 10:48a

Gail Carroll

760.438.7737

p.5

Palomar - N (continued)

**N15**  
cont.

- 8. **Require Helicopters to fly along highway and main road navigation routes to avoid residential areas in non emergency situations.**
- 9. **Provide incentives for flight schools to train out of remote areas, such as Borrego Springs, avoiding dense population over homes, churches, schools and parks.**
- 10. **County request a Part 161 Study by FAA to make mandatory Palomar Airport VNAP and Quiet Hours.**
- 11. **Adopt a 3-Strikes policy and tracking system for pilots and operators not in compliance with VNAP and Quiet hours, denying them airport access, as adopted at John Wayne Airport, and public notification and posting of names.**
- 12. **Adopt a control system for both pilot training and airplane inspections with stiff penalties for non compliance.**

Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	Sail Carroll	J. Carroll	1254 Mariposa	Carlsbad	92011	760 578 9222	carroll@carroll.com
2	Christina Zelenka	C. Zelenka	6754 Lemonleaf	Carlsbad	92011	760 931 8888	zelenka@roadrunner.com
3	Katherine Van	K. Van	6764 Lemon Leaf	Carlsbad	92011	760 446 5315	
4	Traci ONeil	T. ONeil	6682 Lemonleaf	Carlsbad	92011	760 672 7583	
6	Jeffrey Higginbotham	J. Higginbotham	1262 Phoebe Place	Carlsbad	92011	760 444 5812	
6	Joan Sansiverino	J. Sansiverino	1269 Veronica CT	Carlsbad	92011		
7	Robert Dye	R. Dye	1257 Veronica	Carlsbad	92011	607-1203	
8	MICHAEL PRINCE	M. Prince	1250 Veronica	Carlsbad	92011		
9	David Hill	David H. Hill	1282 Veronica Ct.	Carlsbad	92011	448-5132	hilldnh@pacbell.net
10	Kathy Peterson	Kathy Peterson	6714 Lemon Leaf Dr.	Carlsbad	92011	431-2682	kpskincare@hotmail.com
11	Estela Sepulveda	E. Sepulveda	6715 Lemon leaf Dr.	Carlsbad	92011	804-2205	Estela.Sepulveda@pacbell.net
12	Rodney Sepulveda	R. Sepulveda	6715 Lemon Leaf Dr.	Carlsbad	92011	804-2205	rs@pacbell.com
13	PHOBA DA	P. Dye	6727 Lemon leaf Dr.	Carlsbad	92011		
14	Susan Hibbard	Susan Hibbard	6736 Camphor Pl.	Carlsbad	92011	760 918 9619	Susan.hibbard@pacbell.net
15	Cheryl Linzey	Cheryl Linzey	6705 Camphor	Carlsbad	92011	760 804 9442	
16	Ron Padilla	R. Padilla	6708 Camphor	Carlsbad	92011	760 841 783	
17	Stevie Hummel	Stevie Hummel	6709 Camphor	Carlsbad	92011	760 805 1821	with sherrin
18	EDD CROTT	E. Crott	6713 Camphor Pl.	Carlsbad	92011	760 804 0553	edc@pacbell.com
19	Mary Crotty	Mary C. Crotty	6713 Camphor Pl.	Carlsbad	92011	760 804 0155	
20	Deborah Ferber	D. Ferber	6746 Barberrry Pl.	Carlsbad	92011	760 930 9380	
21	Joyce Rose	Joyce Rose	6728 Barberrry Pl.	Carlsbad	92011	760 431 3407	
22	Joyce Rose	Joyce Rose	6728 Barberrry Pl.	Carlsbad	92011	760 431 3407	
23	MORA BASTIEN	M. Bastien	6710 Barberrry Pl.	Carlsbad	92011	760 476 1724	
24	CHEERY PACHECO	C. Pacheco	6701 Barberrry Pl.	Carlsbad	92011	760 918 9177	
25	Lori Romero	Lori Romero	6705 Barberrry Pl.	Carlsbad	92011	760 431 2828	
26	Lori Romero	Lori Romero	6705 Barberrry Pl.	Carlsbad	92011	760 431 2828	
27	Noelle Stapleton	N. Stapleton	6723 Barberrry Pl.	Carlsbad	92011	760 930 1004	
28	STEPHANIE ENGSETH	S. Engseth	6747 Barberrry Pl.	Carlsbad	92011		

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Comments

STUDY AND NEGATIVE DECLARATION FOR THE PROJECT AND USE COMPATIBILITY PLAN

### Protect Citizens Surrounding Palomar Airport

#	Name Print	Sign Name	Address	City	Zip	Phone	Email
29	Dolores Muoia	Dolores Muoia	6750 Solandra Dr.	Carlsbad	92011	889-0853	
30	JAT STRAZAR	JAT Strazar	6746 Solandra Dr.	Carlsbad	92011	738-1728	
31	SUSAN PETRAKES	Susan Petrakas	6742 Solandra Dr.	Carlsbad	92011	431-8165	
32	ANDREW PETRAKES	Andrew Petrakas	"	"	"	"	
33	Kelly Manshau	Kelly Manshau	6738 Solandra Dr.	Carlsbad	92011	496-1543	
34	MIKE JAMZAN	Mike Jamzan	6762 Lomocera St	Carlsbad	92011	438-2730	
35	Leann Pignone	Leann Pignone	6752 Lomocera St	Carlsbad	92011	918-0650	
36	Ruth Jones	Ruth Jones	6736 Lomocera St	Carlsbad	92011	602-9123	
37	ROU LUKASIEWICZ	Rou Lukasiewicz	6730 Lomocera St	Carlsbad	92011	602-0074	
38	Linda Lukastewicz	Linda Lukastewicz	6730 Lomocera St	"	"	602-0074	
39	Richard Mills	Richard Mills	6724 Lomocera St	"	"	718-0817	
40	John Tanit	John Tanit	8720 Lomocera St	"	"	431-5272	
41	GEORGE KRAMER	George Kramer	6716 Lomocera St	Carlsbad	92011	431-6716	
42	BRAD LUMM	Brad Lumm	6708 Lomocera St	Carlsbad	92011	918-0161	
43	Van Smith	Van Smith	1212 Abelia Ave	Carlsbad	92011	602-5019	
44	Karla Sampath	Karla Sampath	1208 Abelia Ave	Carlsbad	92011	438-3190	
45	JOSEPH H BILLES	Joseph Billes	6709 Lomocera	Carlsbad	92011	760-918-1278	
46	Teena Odlo	Teena Odlo	6713 Lomocera	Carlsbad	92011	760-498-5243	
47	Louis Odlo	Louis Odlo	6717 Lomocera	Carlsbad	92011	760-498-5243	
48	Wive Euler	William C. Euler	6725 Lomocera	Carlsbad	92011	760-31-8632	
49	William C. Euler	William C. Euler	6725 Lomocera	Carlsbad	92011	760-31-8822	
50	Ina Egge	Ina Egge	1200 Abelia Ave	Carlsbad	92011	804-5948	
51	Leslie Melnar	Leslie Melnar	1492 Abelia Ave.	Carlsbad	92011	918-6962	
52	Ela Karcewski	Ela Karcewski	819 Blue Point	Carlsbad	92011	918-89650	
53	Tian Fu	Tian Fu	6747 Blue Pt	"	"	760-310-2466	
54	Sherric Barrett	Sherric Barrett	7026 Corintia St	Carlsbad	92009	760-304-4245	
56	Lloyd P. Anna	Lloyd P. Anna	7815 Rugh Rose Dr	Carlsbad	92009	760-704-6534	
58	Luc E. Anna	Luc E. Anna	7815 Rugh Rose Dr	Carlsbad	92009	760-704-6534	

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Comments

FOR THE RECORD AND NEGATIVE DECLARATION FOR THE  
 PALOMAR AND CARLSBAD AIRPORTS  
 AIRPORT AND OPERATIONAL PLAN

Protect Citizens Surrounding Palomar Airport						
Name Print	Sign Name	Address	City	Zip	Phone	Email
57	Carolyn Zavilel	L. Zavilel	1039 Sagebrush Rd	Carlsbad	92011	760 470 1417
58	Nenita Megaron	N. Megaron	1047 Sagebrush Rd	Carlsbad	92011	760 535 6979
59	Rita Schmitt	R. Schmitt	1060 Sagebrush Rd	"	"	"
60	Vanya Plancitan	V. Plancitan	7079 Rose Dr.	Carlsbad	92011	760 918-1841
61	Katrina Staves	K. Staves	7085 Crystalline	Carlsbad	92011	760 448-6063
62	Ann Rame	Angela Sebeas	7073 Crystalline	Carlsbad	92011	760/931-8842
63	Linda Baker	Linda L. Baker	7065 Crystalline Dr.	Carlsbad	92011	760 524-1606
64	Dad Bensed	D. Bensed	7057 Crystalline Dr	Carlsbad	92011	760 612-1001
65	Brian Richard	B. Richard	4151 KAREE	Carlsbad	92010	760 533-4244
66	Marcia O'Neil	Marcia O'Neil	2022 Lee Ct	Carlsbad	92008	760 815 5165
67	Kim Hearn	Kim Hearn	4441 Liliuinia	Carlsbad	92011	760 209-1853
68	Kelly Mangum	K. Mangum	6245 ALVERNON	Carlsbad	92009	760 310-2305
69	Anne Chase	Anne Chase	2938 Konyha Riohico	Carlsbad	92009	760 276-7507
70	Jane Gilbert	Jane Gilbert	651 Red Plum Ln.	Vista	92081	760-533-1126
71	Georgio CHARLES	G. CHARLES	6470 TAMM CIRCLE	CARLSBAD	92011	(858) 503-1962
72	WILLIAM WEBSTER	W. Webster	6494 Willow Pt	Carlsbad	92011	949-292-3229
73	Jean Tron	J. Tron	6732 Tea Tree St	Carlsbad	92011	760 476 5825
74	DAVID SACKS	D. Sacks	6705 Tea Tree	Carlsbad	92011	510 477-6619
75	Dennis S. Lees	Dennis S. Lees	6708 Tea Tree St.	Carlsbad	92011	(760) 804-1652
76	Eva L. Lees	Eva L. Lees	6708 Tea Tree St.	Carlsbad	92011	(760) 804-1652
77	Aileen Heimlich	A. Heimlich	6729 Tea Tree St.	Carlsbad	92011	(760) 804-1640
78	Ric Lind Heimlich	R. Heimlich	6729 Tea Tree St.	Carlsbad	92011	(760) 804-1640
79	William Beck	W. Beck	6741 Teatree st	CARLSBAD	92011	760 930 6894
80	JAMES Lynch	J. Lynch	6767 Lonicera St	Carlsbad	92011	760 930 760
81	Devri Lynch	D. Lynch	6767 Lonicera St	Carlsbad	92011	760 930 760
82	Sharrisa Johnson	S. Johnson	6769 Lonicera St	Carlsbad	92011	760 103 7936
83	Adam McCabe	A. McCabe	6774 Lonicera St	Carlsbad	92011	760 804-0411
84	John R. Jackson	J. Jackson	6770 Lonicera St	Carlsbad	92011	760 930 1906

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Comments

STUDY AND NEGATIVE DECLARATION FOR THE PALOMAR AND USE COMPATIBILITY PLAN

### Protect Citizens Surrounding Palomar Airport

Name Print	Sign Name	Address	City	Zip	Phone	Email
85 SHARONE JACKSON	Sharone Jackson	6770 LONICER ST.	CARLSBAD	92011	760-931-1986	
88 Michelle Burnett	Michelle Burnett	4948 LONICER &	Carlsbad	92011	760-745-0033	
87 Carolyn Carter	Carolyn Carter	6746 LONICER ST.	Carlsbad	92011	760-930-9418	
88 BOB CARROLL	Bob Carroll	1254 MARIPOSA RD	CARLSBAD	92011	760-438-9222	
89 Amy Carroll	Amy Carroll	3223 Calle Vallarta	Carlsbad	92009	760-940-5757	
90		7476 MARIPOSA	CARLSBAD	92009	760-977-9777	
91 Kathleen Biegel	Kathleen Biegel	4435 CLAYMOUNT	San Diego	92112	734-1326	
92 Seymour Butts		1254 Mariposa Rd.	Carlsbad	92011	760-438-9222	
93 Lars Engstrom		7974 Annapolis Dr.	Carlsbad	92009	760-274-6322	
94 Kelly Reck Engstrom	Kelly Reck Engstrom	7974 Annapolis Dr.	Carlsbad	92009	760-274-6322	
95 PRARASH KOTAK	Prarash Kotak	7021 CRYSTAL LANE	"	92011	760-929-1047	
96 Catherine Jones	Catherine Jones	7013 CRYSTAL LANE DR.	Carlsbad	92011	760-438-2139	
97 Lynn Silverman	Lynn Silverman	7036 Cinnamon Tree St.	Carlsbad	92011	760-929-9975	
98 EL Choi	EL Choi	7029 CRYSTAL LANE	Carlsbad	92011	760-929-0171	
99 Kay Choi	Kay S. Choi	7029 " "	"	"	"	
100 Mattie Dill	Mattie Dill	7060 Cordgrass Ct.	Carlsbad	92017	760-904-9211	
101		7072 " "	"	"	"	
102 Courtney Weitz	Courtney Weitz	7076 Cordgrass	Carlsbad	92011	760-438-8855	
103 Margerie Rosenfeld	Margerie Rosenfeld	7060 Cordgrass	Carlsbad	92011	760-268-0086	
104 Wendy Labowitz	Wendy Labowitz	7088 Cordgrass Ct.	Carlsbad	92011	760-448-5266	
105 Jim Haeb	Jim Haeb	7075 Cordgrass Ct.	Carlsbad	92011	760-499-3398	
106 Linda Ward	Linda Ward	7067 Cordgrass Ct.	Carlsbad	92011		
107 Amy Irving	Amy Irving	7083 Marsh Wren St.	Carlsbad	92011	760-438-1353	
108 Lin Hini	Lin Hini	7090 Marsh Wren St.	Carlsbad	92011	760-245-5711	
109 VERA MCGUIRE	VERA MCGUIRE	7073 Marsh Wren	CARLSBAD	92011	760-503-0744	
110 Corbett Rumpf	Corbett Rumpf	7085 Marsh Wren	Carlsbad	92011	760-438-1353	
111		7069 Marsh Wren	Carlsbad	92011	760-930-9090	
112 D - A	Dana Abbott	7009 Marsh Wren	Carlsbad	92011	760-768-1273	

FOR THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AND RESERVATION OCCUPATION FOR THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY PLAN

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Comments

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**Protect Citizens Surrounding Palomar Airport**

Name Print	Sign Name	Address	City	Zip	Phone	Email
113 Andrew Abbott	Andrew Abbott	7009 Marshview	Carlsbad	92011	760-268-1973	
114 Ron Nelson	Ron Nelson	7005 Marshview	Carlsbad	92011	505-815	
115 Samma Nelson	Samma Nelson					
116 SLUIS BURNIER	SLUIS BURNIER	1017 LEONARD ST	CARLSBAD	92011		
117 Anna E. Young	Anna E. Young	315 S. Grant Highway	Eucalyptus	92024		
118 MONICA JANE HEN	MONICA JANE HEN	2681 VISCONTE AVE	HEAVENSIDE	92057	760-434666	
119 Cheryl Hopkinson	Cheryl Hopkinson	DOLLERESS DR	ESCONDIDO	92029		
120 Patricia M... ..	Patricia M... ..	500 Rood Rd	Carlsbad	92009		
121 Lisa Stansing	Lisa Stansing	7805 Willer Circle	Carlsbad	92011		
122 Rebecca Simons	Rebecca Simons	1612 Maritime Dr	Carlsbad	92011		
123 Amanda Stone	Amanda Stone	9950 Carlsbad Dr	San Diego	92108		
124 Sara Sunday	Sara Sunday	645 Union St	Escondido	92029		
126 Cliff S. ... ..	Cliff S. ... ..	7041 Marshview S.	Carlsbad	92011		
128 ... ..	... ..	1763 GAGEWAY	LEUCAPIA	92044		
127 ... ..	... ..	2900 Palomares Av	Carlsbad	92008		
128 K. Matthews	K. Matthews	1241 Partiquitos Dr	Carlsbad	92011		
129 ... ..	... ..	7398 Eschallona Ct	Carlsbad	92011		
130 Al Montano	Al Montano	1751 Nabal Rd.	Del Mar	92031		
131 Lori J Hoffman	Lori J Hoffman	2621 Roosevelt Sp2	Carlsbad	92008	760-815-6915	
132 JANE MULLER	JANE MULLER	818 CAMINITA AZUL	CARLSBAD	92011		
133 ... ..	... ..	167 Marshall	Shady Springs, NV	89423		
134 ... ..	... ..	1729 ... ..	Carlsbad	92007		
135 Andy ... ..	Andy ... ..	6234 PASCO AVE	Riva	Carlsbad	92009	
136 ... ..	... ..	2624 Sausalito Ave	Carlsbad	92010		
137 Jeffrey Pincus	Jeffrey Pincus	6973 Camarillo Dr	Carlsbad	92011		
138 ... ..	... ..	6973 Camarillo Dr	Carlsbad	92011		
139 ... ..	... ..	6973 Camarillo Dr	Carlsbad	92011		
140 Tanya Tatee	Tanya Tatee	608 Camarillo Dr	Carlsbad	92011		

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Comments

STUDY AND NEGATIVE DECLARATION FOR THE  
LAND USE COMPATIBILITY PLAN

### Protect Citizens Surrounding Palomar Airport

Name Print	Sign Name	Address	City	Zip	Phone	Email
141 James Chandler	[Signature]	6767 North Ct.	Carlsbad	92011	602-999-5149	James.chandler@cox.net
142 BARRY WATSON	[Signature]	628 Noble Ave	Del Mar	92014		
143 JIM McARTHUR	[Signature]	5529 Holcombs Bridge Ln	LV	89149	702-271-2478	
144 Jennifer Hansen	[Signature]	1129 Rockrose Ter	Carlsbad	92011		
145 Lisbeth de Haas	[Signature]	7109 Santa Barbara St	Carlsbad	92011		
146 Douglas Brandt	[Signature]	6673 Paseo del Norte #E	Carlsbad	92011	760-448-5067	
147 Susan Brandt	[Signature]	6673 Paseo del Norte #E	Carlsbad	92011	760-448-5067	
148 Linda Cahill	[Signature]	25200 Bloom St	SD	92130	760/402-7524	
149 Chris Riggs	[Signature]	23228 Brookside	Vietnam	92325		
150 Jacqueline E. Neel	[Signature]	3617 Hillcrest Dr.	Encinitas	92034	760.153.2625	
151 Venenath Smith	[Signature]	7075 Rose Dr	Carlsbad	92011	760-938-746	
152 Barbara Ann Krauen	[Signature]	7053 ROSE DR	Carlsbad	92011	760.931.1552	
153 Abhay Crache	[Signature]	7047 Rose Dr	Carlsbad	92011	760.476.7678	
154 Johnathan Ponce	[Signature]	7087 Heron Cir	"	"		
155 Ray O'Connell	[Signature]	7093 Heron Cir	Carlsbad	92011	760-930-0820	
156 Raymond Batanowski	[Signature]	7091 Heron Circle	Carlsbad	92011	760-476-0628	
157 Ellen Jusic	[Signature]	7050 Heron Circle	Carlsbad	92011		
158 [Signature]	[Signature]	7042 Heron Cir	Carlsbad	92011	760-579-0804	
159 [Signature]	[Signature]	7044 Heron Cir	Carlsbad	92011		
160 [Signature]	[Signature]	7047 Heron Cir	Carlsbad	92011	760-460-8973	
161 [Signature]	[Signature]	7053 Heron Circle	Carlsbad	92011	760 804-9751	
162 Donna Elwin	[Signature]	7054 Heron Cir.	Carlsbad	92011		
163 Lisa Dumas	[Signature]	7057 Heron Cir	Carlsbad	92011	760.931.9459	
164 Debbie Chrysler	[Signature]	7067 Heron Cir	Carlsbad	92011	760-448-6374	
165 Stephen R. Christie	[Signature]	7067 Heron Circle	Carlsbad	92011	760-448-6374	
166 Dana Anderson	[Signature]	71074 Heron Circle	Carlsbad	92011	760 500 0528	
167 Tomi Pecole	[Signature]	7081 Heron Circle	Carlsbad	92011	760-930-9312	
168 Suma Ramaswamy	[Signature]	7068 Heron Circle	Carlsbad	92011	760-431-0654	

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N Comments

FOR THE USE OF THE PUBLIC AND THE COMMUNITY PLAN

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Protect Citizens Surrounding Palomar Airport						
Name Print	Sign Name	Address	City	Zip	Phone	Email
169	OLISE	7056 Heron	Cantsbad	92011		lowsehung@hotmail.com
170	KAJ ASHCP OTA	7056 Heron	Caulsbad	92011		rajashcp@earthlink.com
171	Suzanne Burch	1221 Bell-flower Rd.	Cardsbad	92011	(760) 602-1079	spetitebb@earthlink.com
172	RICHARD JACKSON	3845 Caramaxxa Dr	SAN DIEGO	92124	(619) 530-1787	
173	Pat Jackson	2945 Caramaxxa Dr	S.D.	92124	858 5601787	
174	CAROL GINGERY	1051 OLIVER AVE	SD	92109	858 273-1936	
175	Art Dearden	11961 Drope Ct	S.D.	92121	858 3326687	
176	Jenny Seitz	14451 Old Creek R	SD	92131	858 560 6072	jen.seitz@cox.net
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 Comments

I HAVE READ AND NEGATIVE DECLARATION FOR THE  
 PROJECT USE COMPATIBILITY PLAN

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May 30, 2009

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Gail Carroll

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Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone Email
1	THOMAS NOONAN	T Noonan	7077 CORINTIA ST	CARLSBAD	92009	760-570-0176 T.J.NOONAN@SDCALBARR.NE
2	JAN BAYER	J Bayer	760 Melaleuca Ave	Carlsbad	92011	
3	Jerry Moloney	Jerry Moloney	1428 Misty Sea Way	San Marcos	92078	
4	Liz Hoffmann	Liz Hoffmann	353 DEANVIEW	ENCINITAS	92024	
5	Aue Mautz	Aue Mautz	1766 Callisa Ct	CARLSBAD	92011	
6	Holly Klepper	Holly Klepper	1966 Spanish Oakmy	Vista	92081	760 778369 holly.klepper@yalma.com
7	Rebekah Cream	Rebekah Cream	610 Richmar Ave #4	San Marcos	92069	760 473870
8	NIKI GRAY-RICHARDSON	Niki Gray-Richardson	610 RICHMAR AVE #4	SAN MARCOS	92069	(760) 475-0339
9	Victoria de Jesus	Victoria de Jesus	2891 Rancho Cortes	Carlsbad	92009	
10	Phillip Jann	Phillip Jann	6808 Kana Way	Carlsbad	92009	760 302-3170 philjann02@yahoo.com
11	Donna Plotnik	Donna Plotnik	2036 Ridgeline Ave.	Vista, CA	92081	
12	Laura Nugent	Laura Nugent	1510 S. Malrose Dr., #49	Vista, CA	92081	
13	Jill St Michael	Jill St Michael	3535 Lindal Vista	SM	92078	jillstamikele@adelphia.net
14	Gail Adams	Gail Adams	1019 Sunnyside	Carlsbad	92011	
15	Catherine Swill	Catherine Swill	1670 Vantage Loop	USA CA	92081	enrenta24@hotmail.com
16	Samela Camp	Samela Camp	2010 W San Marcos Blvd #154	San Marcos	92078	psocamp02@yahoo.com
17	Jacqueline Cohen	Jacqueline Cohen	4851 Marathon Way	Oceanside	92056	
18	Teri J. Sittner	Teri J. Sittner	3010 Kana Way	Carlsbad	92009	(760) 961-1567
19	Cynthia Breider	Cynthia Breider	6713 Limonite Ct	Carlsbad	92009	keelkat82@hotmail.com
20	Shannon Blase	Shannon Blase	6008 Paseo Piedad	"	"	shannonblase@gmail.com marc.a.hard@att.net
21	Mina Allic	Mina Allic	2720 Cazadero Dr	Carlsbad	92007	
22	Melinda Makos	Melinda Makos	934 MIMOSA AVE	VISTA CA	92081	
23	NATASHA MAKOS	NATASHA MAKOS	934 MIMOSA AVE	VISTA CA	92081	
24	REGINA BOK	REGINA BOK	4158 KANAWAY CAMP	SAN MARCOS	91078	
25	SANTRY VASU	SANTRY VASU	6494 Teresa Pointe	Carlsbad	92009	
26	CHRISTINE STONER	CHRISTINE STONER	10046 PASEO SAUNERD	CARLSBAD	92009	858 288 9151 ccruse113@yahoo.com
27	Margal Caruso	Margal Caruso	6741 Limonite Ct	Carlsbad	92009	(760) 347-6285 mcarsu@roadrunner.com
28	CHARLO YOGSA	CHARLO YOGSA	5107 PARRYCASH ST	OC Oceanside	92056	

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June 15, 2009

Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
29	Mary Meyer	Mary Meyer	4318 Sea Bright Pl	Carlsbad	92008		
30	Mary Beth Clark	Mary Beth Clark	2212 Wakehurst	Oceanside	92054		
31	Cynthia Orozco	Cynthia Orozco	2358 Nevada	Oceanside	92054		
32	Leslie Franco	Leslie Franco	3705 Trieste Rd.	Carlsbad	92010		
33	Patricia Spenberg	Patricia Spenberg	754 Pt. Arguello	Oceanside	92058		
34	Kathryn Anne Kramer	Kathryn Anne Kramer	1760 Blackbird Ln	Carlsbad	92011		
35	Margaret L. Conshlin	Margaret L. Conshlin	1050 Las Tunas #26	Vieta	92081		
38	Stephanie Maricella	Stephanie Maricella	1100 S El Camino Row, 200H	Encinitas	92024		
37	Katrina Schoume	Katrina Schoume	9293 Ashberry Road	Carlsbad	92010		
38	Brian Seetita	Brian Seetita	4155 East Rd	Carlsbad	92010		
39	Rosaleen Henderson	Rosaleen Henderson	4110 Waverly Rd	Oceanside	92036		
40	Carla Barnett	Carla Barnett	2267 Camino Rd	Carlsbad	92008		
41	Anne Gardner	Anne Gardner	3907 Franklin Dr.	Oceanside	92058		
42	Andrea Taylor	Andrea Taylor	6105 Paseo Papayos	Carlsbad	92009		
43	JULIANNA PURNER	Julianne Purner	156 CHINQUAPIN AVE.	CARLSBAD	92008		
44	Mauvee Moriarty	Mauvee Moriarty	4907 Via Hinton	Carlsbad	92008		
45	MARY GIBBS	Mary Gibbs	4426 SHELBY DR	Carlsbad	92010		
46	JERRY MEYER	Jerry Meyer	4318 SEA BRIGHT PL	CARLSBAD	92008		
47	Krisa West	Krisa West	4316 Sea Bright Pl	Carlsbad	92008		
48	Kelsie West	Kelsie West	4316 Sea Bright Pl	Carlsbad	92008		
48	Mendi Simmons	Mendi Simmons	4316 Sea Bright Pl	Carlsbad	92008		
50	Mary L. Smith	Mary L. Smith	4310 Sea Bright Dr	Carlsbad	92008		
51	Carole L. Smith	Carole L. Smith	4200 Seabright Dr	Carlsbad	92008		
52	Jane Kerner	Jane Kerner	4305 Seabright Dr	Carlsbad	92008		
53	LIAN BYRNE	Lian Byrne	4307 Seabright Dr	Carlsbad	92008		
54	TERI MCCOLES	Teri McColes	4321 Seabright Dr	CARLSBAD	92008		
55	Carol McCaleb	Carol McCaleb	4321 Seabright Dr	Carlsbad	92008		
56	Helen Wiegand	Helen Wiegand	4318 Sea Bright Pl	Carlsbad	92008		

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Jul 06 09 10:51a Gail Carroll 760.438.7737 Palomar - N (continued) P.14

N  
 Comments

ENVIRONMENTAL IMPACT STATEMENT AND NEGATIVE DECLARATION FOR THE  
 PALOMAR AIRPORT AND USE COMPATIBILITY PLAN

Comments

June 28, 2009

Protect Citizens Surrounding Palomar Airport						
Name Print	Sign Name	Address	City	Zip	Phone	Email
57 John H. Wiegand	John H. Wiegand	4318 Sea Bright Place	Carlsbad	92008		
58 Barbara Sukup	Barbara Sukup	4322 Sea Bright Pl	Carlsbad	92008		
59 ROBERT SUKUP	Robert Sukup	4322 SEA BRIGHT PL	CARLSBAD	92008		
60 Bill Korbis	B Korbis	4385 Sunnyside				
61 Rochelle Ribelin	Rochelle Ribelin	4445 Sunnyhill Dr.	Carlsbad	92008		
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Jul 06 09 10:52a Gail Carroll 760.438.7737 p.15 Palomar - N (continued) M.A.

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Comments

Date

### Protect Citizens Surrounding Palomar Airport

#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	Mercedes Ubieta	Mercedes Ubieta	2310 Bryant Dr.	Carlsbad	92008	760-931-9558	
2	Ramona Ubieta	Ramona Ubieta	2310 Bryant Dr.	Carlsbad	92008	760-931-9558	
3	DESI KAYE	Desi Kaye	5418 KIPLING LN.	CARLSBAD	92008	760-431-7498	
4	MARGARET CRANE	Margaret Crane	2297 BRYANT DR.	CARLSBAD	92008	760-438-4187	
5	Carole Wingerwe	Carole Wingerwe	5416 Spenshan			760-438-4187	
6	<del>Donna</del> Donna	<del>Donna</del> Donna	2293 Spenshan	Carlsbad	92008	760-431-9558	
7	ANDREW NELSON	Andrew Nelson	5424 Kipling Lane	Carlsbad	92008	760-931-0289	
8	Karol Lee	Karol Lee	2293 Morgan Rd.	Carlsbad	92008	760-431-8951	Leekarol@aol.com
9	Donnelly Sec	Donnelly Sec	5426 Kipling Lane	Carlsbad	92008	760-931-0190	
10	Jean Hooper	Jean Hooper	2306 Bryant Dr.	Carlsbad	92008	760-431-0107	
11	MIKE PROBY	Mike Proby	5418 Spenshan Lane	Carlsbad	92008	760-889-0768	
12	Van Perry	Van Perry	5418 Spenshan	Carlsbad	92008	760-889-0766	
13	Helmut Schraecher	Helmut Schraecher	5420 Spenshan	Carlsbad	92008	760-931-1762	
14	Carlene Galvan	Carlene Galvan	2296 Morgan Rd.	Carlsbad	92008	760-438-5657	
15	Michael Galvan	Michael Galvan	2296 Morgan Rd.	Carlsbad	92008	760-438-5657	
16	LESLIE GOMEZ	Leslie Gomez	2297 Morgan Rd.	CARLSBAD	92008	760-438-8204	
17	Paula Worstell	Paula Worstell	2283 Spenshan Dr.	Carlsbad	92008	760-431-9690	
18	Nel B. Turner	Nel B. Turner	2297 Bryant Dr.	Carlsbad	92008	760-431-9777	turner.nel@palomar.net
19	J.D. Sturtz	J.D. Sturtz					
20	Richard Sturtz	Richard Sturtz	2289 Morgan Rd.	Carlsbad	92008	760-603-7114	
21	Marquetta Amelia	Marquetta Amelia	2284 Morgan Rd.			760-438-4150	
22	Ramona Carrillo	Ramona Carrillo	2279 Spenshan Dr.	Carlsbad	92008	760-431-2379	
23	CARL HOOPER	Carl Hooper	2306 BRYANT DR.			760-931-0507	
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Gail Carroll

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Palomar - N (continued)

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M.A.

Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone Email
1	Tyler Painter	Tyler Painter	3233 Rancho Mirado, Carlsbad	Carlsbad	92009	(760) 803-9755 typpainter@yolac.com
2	HATHY BURKE	Hathy Burke	3833 RANCHO MILIBRO	CARLSBAD	92009	(760) 930-7404 BSNACKGOLF12@ATT.COM
3	ALBERT WERNER	Albert Werner	4427 Santa Isabel St	CARLSBAD	92009	(760) 931-8845 APWERNER@AOL.COM
4	GAIL WERNER	Gail Werner	6617 Santa Isabel Carlsbad	Carlsbad	92009	760 931-8849
5	CHAS OSTEEN	Chas Osteen	1610 AVENUE ROAD	SAN MARCOS	92078	760 960-0111 CHTOSTEEN@AOL.COM
6	Bill Foreman	Bill Foreman	6627 Santa Isabel St	Carlsbad	92009	760 931-8830
7	D. ROBINSON	D. Robinson	6609 SANTA ISABEL #105	CARLSBAD	CA 92009	760 804-1228
8	J. REASON	J. Reason	" " " "	" " " "	" " " "	" " " "
9	NANCY ADAMS	Nancy Adams	6438 Liliuokalani	Carlsbad, Ca	92011	760.438.1077
10	Pat de Bois	Pat De Bois	" " " "	" " " "	" " " "	760/801.4001
11	PHILIP JEFF	Philip Jeff	5924 BALFOUR CT	CARLSBAD	92009	760.438.5077 PJEFF@AOL.COM
12	JAMES LAWSON	James Lawson	4939 CACKTON ST.	CARLSBAD	92009	760-3226
13	Jamie Harrington	Jamie Harrington	10023 Santa Isabel #117	Carlsbad	92009	
14	JEFF PAINTER	Jeff Painter	6611 Santa Isabel #107	Carlsbad	92009	930-4005
15	Diane Fausett	Diane Fausett	5435 Gentekine	Carlsbad, CA	92009	
16	KEN COOPER	Ken Cooper	5146 Winston Drive	San Marcos	92078	760 877 3911
17	MIKE DIERCH	Mike Dierch	2604 La Costa Ave	Carlsbad	92009	760 274 6413
18	BARRY LEONARD	Barry Leonard	3016 ALE. CHRISTINA	CARLSBAD	92009	
19	PAUL UHLER	Paul Uhler	6623 SANTA ISABEL #121	CARLSBAD	92009	
20	ALAN VANNEY	Alan Vanney	6623 Santa Isabel #121	Carlsbad, Ca.	92009	
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Gail Carroll

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Palomar - N (continued)  
p.17

Comments

FOR AND NEGATIVE DECLARATION FOR THE  
LAND USE COMPATIBILITY PLAN

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Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone (Area)	Email
1	Dorrah Warner	Dorrah Warner	1493 Turquoise Dr	Carlsbad	92011	931-1916	efwarren@roadrunner.com
2	CHRISTOPHER P. WARDEN	Christopher Warden	1493 TURQUOISE DR	CARLSBAD	92011	931-1916	"
3	PAUL RUSSELL	Paul Russell	6446 ORAL WAY	CARLSBAD	92011	431-0690	pkrtledge@ " "
4	Susan Tarnas	Susan Tarnas	6442 Oral Way	Carlsbad	92011	431-8447	"
5	Martina Lyanage	Martina Lyanage	6434 Oral Way	Carlsbad	92011	6021089	martina.lyanage@ " "
6	Nancy Williams	Nancy Williams	6443 Oral Way	Carlsbad	92011	431-8367	LEE JAX 123@ " "
7	Jeff Williams	Jeff Williams	1478 Turquoise	CARLSBAD	92011	918-1673	jadwilliams@ " "
8	Michelle Williams	Michelle Williams	418 Turquoise Dr	Carlsbad	92011	711-1615	"
9	DAN SWEENEY	Dan Sweeney	1470 TURQUOISE DR	CARLSBAD	92011	760 809 4867	DSweeney@ " "
10	Nancy Sweeney	Nancy Sweeney	1470 Turquoise Dr.	CARLSBAD	92011	760 508 8036	dannanc@ " "
11	Efron Lane	Efron Lane	1417 Topaz way	Carlsbad	92011	760 627 2114	"
12	Wendy Salts	Wendy Salts	1413 Topaz Way	CARLSBAD	92011	929-8157	"
13	James Baker	James Baker	1413 Topaz Way	Carlsbad	92011	929-8157	"
14	Belinda Simonini	Belinda Simonini	1408 Topaz Way	Carlsbad	92011	931-8072	designobyte@ " "
15	Mike Schneider	Mike Schneider	1404 Topaz Way	Carlsbad	92011	801-9574	mitvahuntersteakhouse.com
16	Lyn Putek	Lyn Putek	1404 Topaz Way	Carlsbad	92011	804-0911	lyn.putek@ " "
17	Michelle Putek	Michelle Putek	1407 Topaz Way	Carlsbad	92011	804-0911	mlputek@ " "
18	L. JOHN PUTEK	L. John Putek	1404 TOPAZ WAY	CARLSBAD	92011	804-0911	jp@ " "
19	RAnn Simonini	RAnn Simonini	1408 TOPAZ WAY	CARLSBAD	92011	931-8072	"
20	Spencer R. Simonini	Spencer R. Simonini	1408 TOPAZ WAY	CARLSBAD	92011	760-3128	"
21	Frank Devlin	Frank Devlin	1412 Topaz Way	CARLSBAD	92011	760-6296	Frank.Devlin@ " "
22	Eric Devlin	Eric Devlin	1412 Topaz Way	CARLSBAD	92011	760-6296	"
23	Jim Serbia	Jim Serbia	1439 Turquoise	CARLSBAD	92011	760 458 357	"
24	Chris Serbia	Chris Serbia	1439 Turquoise Dr	CARLSBAD	92011	760 458 357	"
25	Tracy Strick	Tracy Strick	1437 Turquoise	Carlsbad	92011	760 931 1947	"
26	Patricia Mulsher	Patricia Mulsher	1438 Turquoise	Carlsbad	92011	760 931 2571	"
27	Kate BJSwell	Kate BJSwell	1403 Coral Way	Carlsbad	92011	760 809 4867	"
28	RON NASH	Ron Nash	1405 Turquoise	CARLSBAD	92011	760 446 6281	"

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Gail Carroll

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Palomar - N (continued)

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Comments

FOR POSTING AND NEGATIVE DECLARATION FOR THE PALOMAR USE COMPATIBILITY PLAN

Comments

Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone Email
29	Nicole Nash	N. Nash	1405 Turquoise Dr.	Carlsbad	92011	760-889-2800 nicol@thenashgroup.net
30	Lesa Nagle	L. Nagle	1497 Turquoise Dr	Carlsbad	92011	760/804-3831
31	Nancy Carpenter	Nancy Carpenter	1573 Turquoise Dr	Carlsbad	92011	760 929-1991
32	Melanie D'Donnell	Melanie D'Donnell	1409 Turquoise Dr	Carlsbad	92011	760 602-0144
33	Heather Stewart	Heather Stewart	1605 Paseo Hermosa	Carlsbad	92007	760 929-0087 hstewart@att.net
34	Nicole Miller	N. Miller	1501 Turquoise Dr	Carlsbad	92011	760-268-0748 nmiller@fuhed.net
35	Vincent Nelson	Vincent Nelson	1416 Sapphire Dr	CARLSBAD	92011	760-804-1945 35V@broadband.net
36	Dianna Arceola	Dianna Arceola	1422 Turquoise Dr	Carlsbad	92011	760 809 7254 di_arceola@yahoo.com
37	Cathy Goedken	Cathy Goedken	1162 Turquoise Dr	Carlsbad	92011	760-918-0422 cgoedken@comcast.net
38	Charles Butt	Charles Butt	1424 Turquoise Dr	Carlsbad	92011	760-345-4442 charlesbutt@comcast.net
39	Cathy Reid	Cathy Reid	6443 Ruby Way	Carlsbad	92011	760 603 6289 cathyreid@aol.com
40	Christy Ramirez	Christy Ramirez	6446 Ruby Way	Carlsbad	92011	760 931 5337 christyramirez@gmail.com
41	Bonnie Humberstone	Bonnie Humberstone	6442 Ruby Way	Carlsbad	92011	760 930 9235 humberstone@carlsbadca.gov
42	Bernard Whitehead	Bernard Whitehead	6435 Ruby Way	Carlsbad	92011	760-438-2893 blwhitehead@gmail.com
43	Jeanette Whitehead	Jeanette Whitehead	6435 Ruby Way	Carlsbad	92011	" " " "
44	Michelle Devine	Michelle Devine	6431 Ruby Way	Carlsbad	92011	760 918 6850 mickelle92002@yahoo.com
46	Daniel Devine	D. Devine	" " "	"	"	" " "
46	Jane Huang	Jane Huang	6427 Ruby Way	Carlsbad	92011	760 804 9826 huangtsunjane@yahoo.com
47	MIKE KEEFE	MIKE KEEFE	6415 Ruby Way	Carlsbad	92011	760 931 5475
48	Christine Smith	Christine Smith	6404 Ruby Way	Carlsbad	92011	760 821 1968 Christine2910@yahoo.com
49	CECADO CARTY	Cecado Carty	6420 Ruby Way	CARLSBAD	92011	760-804-0541
50	Tom Zanardi	Tom Zanardi	6424 Ruby Way	Carlsbad	92011	760-921-1701 tkzan1@yahoo.com
51	Erin Predmore	Erin Predmore	6428 Ruby Way	CARLSBAD	92011	760 918 1981 epredmore@earthlink.net
52	Doreen Predmore	Doreen Predmore	6428 Ruby Way	Carlsbad	92011	918 1981 dpredmore@earthlink.net
53	Dirk Jensen	Dirk Jensen	1456 Turquoise	Carlsbad	92011	602-8222 dirkjensen@earthlink.net
54	SHANNON BATT	Shannon Batt	1434 Turquoise Dr	CARLSBAD	92011	602-8222 sbattle@roadrunner.com
56	Dale DiPietro	Dale DiPietro	1418 Turquoise Dr	Carlsbad	92011	438 2002 dalesurf319@yahoo.com
58	Tori DiPietro	Tori DiPietro	1418 Turquoise Dr	Carlsbad	92011	760 2002 dipietro@earthlink.net

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Gail Carroll

760-438-7737

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yahoo.com #15

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760.438.7737

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Palomar - N (continued)

Protect Citizens Surrounding Palomar Airport							
	Name Print	Sign Name	Address	City	Zip	Phone	Email
57	TUD JERGEN	<i>[Signature]</i>	1408 TORAY WAY	CARLSBAD	92001	760-438-7737	TJJS@PDS.COM
58	Eannine Smart	<i>[Signature]</i>	1404 Sapphire Dr	Carlsbad	92011	760-805-8700	eammine@seelingsutters.com
59	Tracy Rodgers	<i>[Signature]</i>	1428 Sapphire Dr	Carlsbad	92011	760-930-1100	tracy_b_rodgers@comcast.net
60	Clay Hant	<i>[Signature]</i>	1401 Sapphire Dr	"	"	7/845-4740	guy@plusdeltapartners.com
61	Angela Hart	<i>[Signature]</i>	"	"	"	"	"
62	Alma Robison	<i>[Signature]</i>	1408 Sapphire Dr.	"	92011	760-603-1683	anna.dominici@kabo.com
63	Clay Robison	<i>[Signature]</i>	"	"	"	"	"
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Protect Citizens Surrounding Palomar Airport							Date
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	JOHN GINZLER	John Ginzler	2265 GRANDIDO AVE	VISTA	92083	727-8288	-
2	NANCY WILLIAMS	Nancy Williams	2154 Twain Ave	Carlsbad	92008	929-8050	-
3	DAVID SCOTT	David Scott	2141 TWAIN AVE	Carlsbad	92008	476-9943	-
4	DAVE SCOTT	David Scott	2141 TWAIN AVE	Carlsbad	92008	476-9943	-
5	MIKE AMES	Mike Ames	2158 TWAIN AVE	CARLSBAD	92008	930-0289	-
6	DENISE AMES	Denise Ames	2158 TWAIN AVE	CARLSBAD	92008	930-0289	-
7	Mark Hurst	Mark Hurst	2165 Twain Ave	Carlsbad	92008	929-1249	-
8	GAIL HURST	Gail Hurst	2165 TWAIN AVE	Carlsbad	92009	727-1249	-
9	JANIS PARK	Janis Park	5232 Coleridge Ct	Carlsbad	92008	718-7415	-
10	JACK K. PARK	Jack K. Park	5232 Coleridge Ct	Carlsbad	92008	718-7415	-
11	JUSTIN NGUYEN	Justin Nguyen	5250 Coleridge Ct.	Carlsbad	92008	431-9522	-
12	HONG YEN NGUYEN	Hong Yen Nguyen	"	"	"	"	-
13	Frederick Mark Gaus	Frederick Mark Gaus	5254 Coleridge Ct.	Carlsbad	92008	"	-
14	Siri Gawecki	Siri Gawecki	5254 Coleridge Ct	Carlsbad	92008	760-600-0970	-
15	Russell Coats	Russell Coats	5270 Coleridge Ct	Carlsbad	92008	760-720-0000	-
16	Kurt Coats	Kurt Coats	5270 Coleridge Ct	Carlsbad	92008	760-720-0000	-
17	Anne Brenna	Anne Brenna	5270 Coleridge Ct	Carlsbad	92008	"	-
18	Natalie McQueen	Natalie McQueen	5203 Coleridge Ct	Carlsbad	92008	805-3235	-
19	Lauren Ruehring	Lauren Ruehring	5246 Coleridge Ct	Carlsbad	92008	431-0122	-
20	Christine Stebens	Christine Stebens	5242 Coleridge Ct	Carlsbad	92008	438-5255	-
21	John H.	John H.	2177 TWAIN	CARLSBAD	92008	262-1066	-
22	Peggy Elliott	Peggy Elliott	2146 TWAIN	Carlsbad	92008	930-9440	-
23	FRANK C. ELLIOTT	Frank C. Elliott	2146 TWAIN	CARLSBAD	92008	930-9440	-
24	Henry L. Dute	Henry L. Dute	2157 TWAIN	CARLSBAD	92008	431-2211	-
25	Steve Geyer	Steve Geyer	2134 TWAIN	CARLSBAD	92008	760-720-0000	-
26	Linda Geyer	Linda Geyer	2134 TWAIN	CARLSBAD	92008	760-720-0000	-
27	Janis Williams	Janis Williams	2157 TWAIN	CARLSBAD	92008	"	-
28	SARA SCHMIDTKE	Sara Schmidtke	2138 TWAIN AVE	CARLSBAD	92008	720-9727	-

Jul 06 09 10:54a

Gail Carroll

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Palomar - N (continued)

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Comments

FOR STUDY AND NEGATIVE DECLARATION FOR THE PROJECT AND USE COMPATIBILITY PLAN

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21

#	Name Print	Sign Name	Address	City	Zip	Phone	Email
29	Bruce Schmuckler	Bruce Miller	2138 Twain	Carlsbad	92008	438-5292	N/A
30	Tammy Coston	Tammy Coston	2150 Twain Ave	Carlsbad	92008	949702625	tamcoston@yahoo.com
31	Jeanne Medbeck	Jeanne Medbeck	2149 Twain Ave	Carlsbad	92008	448-6862	
32	Alexandra Aram	Alexandra Aram	2090 Twain Ave	Carlsbad	92008	438-2635	
33	Alexander Aram	Alexander Aram	2090 Twain Ave	Carlsbad	92008	438-2635	
34	Darvies Aram	Darvies Aram	2090 Twain Ave	Carlsbad	92008	438-2635	
35	Rajni Dhawa	Rajni Dhawa	2089 Twain Ave	Carlsbad	92008	804-1939	
36	Juwan Dhawa	Juwan Dhawa	2089 Twain Ave	Carlsbad	92008	804-1939	
37	Rasjo Shah	Rasjo Shah	2097 Twain Ave	Carlsbad	92008	431-8114	
38	Cathy Connolly	Cathy Connolly	2109 Twain Ave	Carlsbad	92008	760-438-8484	
39	Deennis Connolly	Deennis Connolly	2109 Twain Ave	Carlsbad	92008	760-438-8484	
40	Mike Brennan	Mike Brennan	5266 Coleridge Ct	Carlsbad	92008	760-605-9308	
41	ROY VARTABEDIAN	ROY VARTABEDIAN	5258 Coleridge Ct	Carlsbad	92008	760-458-4993	
42	Renée Vartabedian	Renée Vartabedian	5258 Coleridge Ct	Carlsbad	92008	760-402-6119	
43	Cheryl Coats	Cheryl Coats	5270 Coleridge Ct	Carlsbad	92008	760-949-0866	
44	Mehran Aram	Mehran Aram	2090 Twain Ave	Carlsbad	92008	438-2635	
45	Ning Bin	Ning Bin	5239 Coleridge Ct	Carlsbad	92008	602-8212	
46	John J. Culler	John J. Culler	2093 Twain Ave	Carlsbad	92008	760-929-1569	
47	Sofia Culler	Sofia Culler	2093 Twain Ave	Carlsbad	92008	760-929-1369	
48	Laura Fenber	Laura Fenber	5235 Coleridge Ct	Carlsbad	92008	760-602-8009	
49	Yi Weng	Yi Weng	5239 Coleridge Ct	Carlsbad	92008	760-602-8012	
50	EDWARD YEUNG	EDWARD YEUNG	5217 Clemens Ct	Carlsbad	92008	760-918-6661	
51	AMNA YEUNG	AMNA YEUNG	5217 Clemens Ct	Carlsbad	92008	760-918-6661	
52	Heather Quejada	Heather Quejada	5212 Clemens Ct	Carlsbad	92008	760-994-6187	
53	Jame Ouo	Jame Ouo	512 Clemens Ct	Carlsbad	92008	760-474-4661	
54	L.M. Vu	L.M. Vu	2094 Twain Ave	Carlsbad	92008	760-476-645	
55	Am B. Vu	Am B. Vu	2094 Twain Ave	Carlsbad	92008	760-947-3028	
56	Jim Schweb	Jim Schweb	2144 Twain Ave	Carlsbad	92008	760-931-2930	

Jul 06 09 10:54a  
 Gail Carroll  
 760-438-7737  
 Palomar - N (continued)  
 p.22

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**N** **Comments**

Jul 06 09 10:57a Gail Carroll

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Palomar - N (continued)

**CITIZENS SURROUNDING  
PALOMAR AIRPORT  
OPPOSED TO NEGATIVE DECLARATION**

**FACSIMILE TRANSMITTAL SHEET**

TO: SANDI SAWAL, MANAGER, AIRPORT PLANNING

SUBMITTED BY GAIL CARROLL FOR THE CITIZENS OPPOSED TO  
PALOMAR NEG DEC

COMPANY: SD COUNTY REGIONAL AIRPORT AUTHORITY

DATE: 7/6/09

FAX NUMBER: 619-400-3459

TOTAL NO. OF PAGES INCLUDING COVER: **43**

PHONE NUMBER:

SENDER'S FAX NUMBER:  
**760-438-7737**

RE: NEGATIVE DECLARATION, CEQA FOR PALOMAR AIRPORT LAND  
USE

SENDER'S PHONE NUMBER:  
**760-438-7747**

Copy to:  
Bill Horn 760-806-2404  
Greg Cox 619-235-0644  
Diane Jacob (619) 696-7253  
Pam Slater 619.234.1559  
Ron Roberts (619) 531-6262  
Carlsbad City Council (760) 720-9461

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

**NOTES/COMMENTS:**

Attached you will find a letter, petition and signatures of 742 citizens who  
oppose the Negative Declaration to waive Environmental Impact Studies for  
future development around Palomar Airport.

*2 pages  
p 1-22  
p 23-43*

**Protect Citizens Surrounding Palomar Airport**

Name Print	Sign Name	Address	City	Zip	Phone	Email
57 Drew Nipper	Drew Nipper	2182 Inland Ave	Carlsbad	92008	760-438-0033	tammnipper@rockwell.com
58 RUPERT WALKER	Rupert Walker	2109 Twin Ave	Carlsbad	92008	760-931-8704	kwalkm@comcast.net
59 JASON FERBER	Jason Ferber	5235 Coleridge	Carlsbad	92008	760-602-0097	ferber@carlsbad.com
60 JAMIE NIPPER	Jamie Nipper	2182 Twin Ave	Carlsbad	92008	760-603-0033	
61 Kelly Schwab	Kelly Schwab	2199 Twin Ave	Carlsbad	92008	760-931-0577	Kschwab@carlsbad.com
62 Farzin Alavi	Farzin Alavi	2166 Twin Ave	Carlsbad	92008	760-438-2223	
63 GAIL ALAN	Gail Alan	"	"	"	"	"
64 Nushin Alavi	Nushin Alavi	2166 Twin Ave	Carlsbad	92008	760-949-8200	
65 Deborah Burnett	Deborah Burnett	2270 Twin Ave	Carlsbad	92008	760-931-7779	
66 Tiffany Weber	Tiffany Weber	5221 Clemens Ct	Carlsbad	92008	760-835-3499	tiffany23@rockwell.com
67 DAVID KUHN	David Kuhn	5224 Clemens Ct	Carlsbad	92008	760-519-0629	kuhn@carlsbad.com
68 Wilma Kuhn	Wilma Kuhn	5224 Clemens Ct	Carlsbad	92008	760-929-0629	
69 Jeff Vatz	Jeff Vatz	5229 Clemens Ct	Carlsbad	92008	760-603-9311	vat214@yahoo.com
70 Andra Vatz	Andra Vatz	"	"	"	"	vat214@yahoo.com
71 Paul Blankenship	Paul Blankenship	2121 TWIN AVE	CARLSBAD	92008	760-930-0208	
72 Cheryl Blankenship	Cheryl Blankenship	2121 TWIN AVE	Carlsbad	92008	760-579-9530	
73 David Butch	David Butch	2121 TWIN AVE	Carlsbad	92008	760-430-0208	
74 Yung Guan Chen	Yung Guan Chen	2129 TWIN AVE	Carlsbad	92008	760-438-1816	
75 Jing Mei Chen	Jing Mei Chen	"	"	"	"	
76 JUDY WEMMERT	Judy Wemmert	2114 TWIN AVE	"	"	954-829-0011	
77 Tsu ming Lei	Tsu ming Lei	2118 Twin Ave	Carlsbad	92008	760-268-1016	tsu@carlsbad.com
78 Carolyn Mundy	Carolyn Mundy	2113 TWIN AVE	Carlsbad	92008	760-438-9229	cmundy@carlsbad.com
79 Robert Germano	Robert Germano	2106 Robin Ave	"	"	760-438-3814	
80 Linda White Germano	Linda White Germano	"	"	"	"	
81 Cary Stevens	CARY STEVENS	5242 Coleridge	"	"	760-438-5265	
82 Russell Stevens	Russell Stevens	5242 Coleridge	"	92008	760-418-4230	
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Gail Carroll

760.438.7737

p.2

Palomar - N (continued) M.N.

N

Comments

FOR THE STUDY AND NEGATIVE DECLARATION FOR THE PALOMAR LAND USE COMPATIBILITY PLAN

Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	KENICE	Quade	1521 TURQUOISE DR	CARLSBAD	92011	9189624	
2	JOHN FREDERIKSEN	J. Frederiksen	1514 TURQUOISE	CARLSBAD	92011	929-9956	
3	Kelly Hoffmann	Kelly Hoffmann	1525 Turquoise	Carlsbad	92011	602-8472	
4	Copey HOFFMAN	Copey Hoffmann	1525 Turquoise	CARLSBAD	92011	602-8472	
5	CAVATION	CAVATION	1538 Turquoise Dr.	Carlsbad	92011		
6	GEORGE M. HARR	George M. Harr	1541 Turquoise Dr	Carlsbad	92011	760-602-4452	
7	KAREN T. MINOX	Karen T. Minox	1553 Turquoise Dr.	Carlsbad	92011	858-518-7946	
8	Charles Carpenter	Charles Carpenter	1573 Turquoise Dr	Carlsbad	92011	858-975-0895	
9	James Revie	James Revie	1585 Turquoise Dr	Carlsbad	92011	760-451-0907	
10	Christine de Payter	Christine de Payter	1601 Turquoise Drive	Carlsbad	92011	760-650-512	
11	Bruce Woods	Bruce Woods	1601 Turquoise Dr.	Carlsbad	92011	760-695-0412	
12	Lance Steinberg	Lance Steinberg	1604 Turquoise Dr.	Carlsbad	92011	602-0580	
13	JOY STAMMERS	Joy Stammers	6433 ARIAS WAY	CARLSBAD	92011		
14	SHERYL STAMMERS	Sheryl Stammers	"	"	"		
15	Jim Castelli	Jim Castelli	6437 Arias Way	"	"	448-5933	
16	KAY RUBY	Kay Ruby	6436 PROMETHEUS	CARLSBAD	92011	431-9889	
17	ROB RAYL	Rob Rayl	6432 PROMETHEUS WAY	CARLSBAD	92011	434-9454	
18	Peggy Edwards	Peggy Edwards	6432 PROMETHEUS WAY	CARLSBAD	92011	760-745-2112	
19	Helle Pearson	Helle Pearson	6443 PROMETHEUS WAY	Carlsbad	92011	760-930-9297	
20	Nicholas Finkelton	Nicholas Finkelton	"	"	"	"	
21	ANNETTE WAITE	Annette Waite	1612 SAPHIRE DR	CARLSBAD	92011	760-476-1730	
22	Jan Savinova	Jan Savinova	1608 SAPHIRE DR	Carlsbad	92011	760-476-0465	
23	PUNIT SETHI	Punit Sethi	1600 SAPHIRE DR	CARLSBAD	92011	760-438-7844	
24	Christina Dube	Christina Dube	1696 SAPHIRE DR	Carlsbad	92011		chrisdub@palomar.com
25	Kathy Baker	Kathy Baker	1601 SAPHIRE DR	CARLSBAD	92011	760-767-6270	
26	CHAD DORSEY	Chad Dorsey	1592 SAPHIRE DR.	CARLSBAD	92011	760-815-7447	
27	Elizabeth Jew	Elizabeth Jew	1588 SAPHIRE DR	Carlsbad	92011	760-438-4549	
28	Seann McGinnis	Seann McGinnis	1584 SAPHIRE DR	CARLSBAD	92011	760-402-2613	

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Gail Carroll

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Palomar N (continued)

p.3

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Comments

STATE OF CALIFORNIA AND ASSOCIATED DECLARATION FOR THE  
SAND ISLAND USE COMPATIBILITY PLAN

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Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone Email
29	Tanya Corbin	Tanya Corbin	1518 S Sapphire	Carlsbad	92011	760-578-8973 pizzacorbin@gmail.com
30	BRENDA Bamae	Brenda Bamae	1564 Sapphire Dr	Carlsbad	92011	760-578-8973
31	Mark Lombardi	Mark Lombardi	1552 Sapphire Dr	Carlsbad	92011	7213-4783 mjlombardi@aol.com
32	Shawn Johnston	Shawn Johnston	1552 Sapphire Dr	Carlsbad	92011	9204-8346 shawnter@aol.com
33	Marie Kenny	Marie Kenny	1548 Sapphire Drive	Carlsbad	92011	760-930-7431 mariekenny@yahoo.com
34	Karin Blue	Karin Blue	1544 Sapphire Dr	Carlsbad	92011	760-622-5928 karinblue@yahoo.com
35	VINCENT RYAN	Vincent Ryan	1540 SAPPHERE DR	CARLSBAD	92011	760-930-0108
36	ALEXIS MOLINA	Alexis Molina	1536 SAPPHERE DR	CARLSBAD	92011	760-929-0572 alexis@alexismolina.ca
37	Walter Muench	Walter Muench	1528 Sapphire Dr	Carlsbad	92011	760-602-0114 muench@jshva.com
38	Peter Taylor	Peter Taylor	1524 Sapphire Dr	Carlsbad	92011	760-443-5705 peterdebby@aol.com
39	Alison Proctor	Alison Proctor	1521 Sapphire Dr	Carlsbad	92011	760-476-3316 aliproctor@fouderrunner.com
40	Bob Proctor	Bob Proctor	1521 Sapphire Dr	Carlsbad	92011	760-762-1666 bobproctor@fouderrunner.com
41	Doris Pesaresi	Doris Pesaresi	1517 Sapphire Dr	Carlsbad	92011	760-476-0286 Pesaresi@aol.com
42	Marco Pesaresi	Marco Pesaresi	1517 Sapphire Dr	Carlsbad	92011	760-476-0286 Pesaresi@aol.com
43	Chris Gill	Chris Gill	1513 Sapphire Dr	Carlsbad	92011	760-804-1320 Chris-gill@playstation.com
44	MONICA DUGGAN	Monica Duggan	1508 SAPPHERE DR	CARLSBAD	92011	760-602-7491 mduggan@ymca.org
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Gail Carroll  
760-438-7737  
Palomar - N (continued)  
p.4

DL #4

Comments

FOR THE RECORD AND RESERVATION OF THE RECORDS DEPARTMENT

### Protect Citizens Surrounding Palomar Airport

#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	Diana Heynen	Diana Heynen	929 Hawthorne	Carlsbad	92011	931-0652	
2	ROD HEYNTEN	ROD HEYNTEN	9291 HAWTHORNE	Carlsbad	92011	931-2652	
3	Debra Parker	Debra Parker	6095 DAYLILY DR.	Carlsbad	92011	444-5743	
4	OLU PING TSE	Oliver Tse	6599 Daylily Dr.	Carlsbad	92011	579-020	
5	Danyek Robertson	Danyek Robertson	6615 Daylily Dr.	Carlsbad	92011	(760) 715-2482	D.Robertson@marco.com
6	Tam Baldwin	Tam Baldwin	6627 Daylily Dr.	Carlsbad	92011	760-801-0682	
7	Debra Baldwin	Debra Baldwin	6627 Daylily Dr.	Carlsbad	92011	760-801-3009	
8	David Howe	David Howe	6599 Daylily Dr.	Carlsbad	92011	851-576-2452	
9	PETRA PAULLUS	P. Paullus	6606 Daylily Dr.	Carlsbad	92011	760-929-1891	
10	M - Marc Lat	M. Marc Lat	6647 Daylily	"	"	"	
11	Ben Picklefs	Ben Picklefs	6655 Daylily Dr.	Carlsbad	92011	760-931-0312	
12	Anita Ballardo	Anita Ballardo	1326 Static Ct	Carlsbad	92011		
13	Roman Dragobytsev	Roman Dragobytsev	1338 Static Ct	Carlsbad	92011	858-521-0162	
14	Maksym Budhan	Maksym Budhan	1338 Static Ct	Carlsbad	92011		
15	Stacy Hansen	Stacy Hansen	1334 Static Ct	Carlsbad	92011	760-715-8588	
16	Chris Veerman	Chris Veerman	1310 Static Ct	Carlsbad	92011	760-929-9707	
17	Deanna Veerman	Deanna Veerman					
18	Jeanne A. Arenas	Jeanne A. Arenas	1308 Verbena Court	Carlsbad	92011	760-672-4445	
19	CHRIS ARENAS	Chris Arenas	1312 VERBENA CT	CARLSBAD	92011	760-448-8580	
20	JASON STUENKES	Jason Stuenkes	1321 VERBENA CT	CARLSBAD	92011	760-438-7506	
21	Darrell Goodman	Darrell Goodman	1328 Verbena Ct	Carlsbad	92011	760-445-2495	
22	Michelle Owen	Michelle Owen	1449 Verbena Ct	Carlsbad	92011	760-448-0172	
23	Cary Cowan	Cary Cowan	"	"	"	"	
24	Dolores Morris	Dolores Morris	1476 Sapphire Dr.	Carlsbad	92011	760-431-0591	
25	John Morris	John Morris	1476 Sapphire Dr.	Carlsbad	92011		
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Gail Carroll

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Palomar - N (continued)

P.5

Comments

STUDY AND TREATIVE REPARATION FOR THE  
PALOMAR AIRPORT COMMUNITY PLAN

DN

Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone
1	Catherine Jones	Catherine Jones	21452 Eastview Rd	Oceanside	92054	
2	Chris Wilkeson	Chris Wilkeson	22999 Compass Dr	Carroll Lake	92387	
3	BARBARA Schloer	Barbara Schloer	1664 Phoebe	"	92011	
4	Tom Campbell	Tom Campbell	6823 Brimwood	Carlsbad	92011	
5	Kate Kede	Kate Kede	1035 Cokienge Way	Carlsbad	92011	
6	Nickie E. Chidwell	Nickie E. Chidwell	1516 W. Garden Ave	San Marcos	92078	
7	Christina Ortega	Christina Ortega	4401 Calle Del Valle	Oceanside	92057	
8	Christine O'Leary	Christine O'Leary	1000 Hermosa Ave	Sacramento	92024	
9	Michelle Rubin	Michelle Rubin	809 Camino Bolson (Carlsbad)	Carlsbad	92011	
10	Wanda V. Stone	Wanda V. Stone	2306 S. Brea	Carlsbad	92011	
11	Kristine Hughes	Kristine Hughes	605 Paloma Dr	Encinitas	92024	
12	Andy K. [unclear]	Andy K. [unclear]	707 W. [unclear]	Carlsbad	92011	
13	[unclear]	[unclear]	456 G. [unclear]	Carlsbad	92011	
14	Eileen E. [unclear]	Eileen E. [unclear]	687 [unclear]	Carlsbad	92011	
15	Alto	Alto	1004 45 St	CA	92113	
16	Alto	Alto	6061 68 St	CA	92021	
17	Genevieve [unclear]	Genevieve [unclear]	1301 Laurel Ave	Carlsbad CA	92011	
18	Mrs. [unclear]	Mrs. [unclear]	[unclear]	CARLSBAD		
19	Kate W. Kenia	Kate W. Kenia	707 S. [unclear]	Carlsbad	92011	
20	Nathan [unclear]	Nathan [unclear]	915 E. [unclear]	Carlsbad	92011	
21	Joanna Bernier	Joanna Bernier	267 DuVal	Carlsbad	92011	
22	Allyson [unclear]	Allyson [unclear]	7016 San [unclear]	Carlsbad	92011	
23	Janet [unclear]	Janet [unclear]	6907 [unclear]	Carlsbad	92011	
24	Joel [unclear]	Joel [unclear]	6969 [unclear]	Carlsbad	92011	
25	[unclear]	[unclear]	1150 Grand [unclear]	Carlsbad	92011	
26	[unclear]	[unclear]	725 San [unclear]	Carlsbad	92011	
27	Lydia Lane	Lydia Lane	1278 Mariposa Rd	Carlsbad	92011	
28	Gigi Pincus	Gigi Pincus	3602 San [unclear]	Carlsbad	92011	

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2003 AND 2004 PUBLIC COMMENT PERIOD FOR THE PALOMAR AIRPORT DEVELOPMENT PLAN

Comments

Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
29	HANK ZIVANIE	Rhmonic	936 Rosemary Ave	Carlsbad	92011	760920496	
30	Kevin Lopez	Kevin Lopez	566 Rutted Ave	Carlsbad	92011		
31	Paul Jones	Paul Jones	901 Happy Lane	Carlsbad	92011		
32	Wendy Sheth	Wendy Sheth	277 Dickerson Dr	Carlsbad	92008		
33	Dusan Widmann	Dusan Widmann	2075 Linda Ln	Carlsbad	92008		
34	Ryan Terry	Ryan Terry	806 Azuleo Ct	San Marcos	92078		
35	Johanna Hanna	Johanna Hanna	6391 Harriet	Carlsbad	92011		
36	Branden Rutz	Branden Rutz	9106 Backer Rd	Mira Mesa	92126		
37	Ashley E. Tate	Ashley E. Tate	7265 San Luis	Carlsbad	92009	7609304019	
38	Gregg Luchi	Gregg Luchi	917 Peggy Lane	Carlsbad	92011		
39	Steve Barks	Steve Barks	77-52064	"	92011		
40	Shirley Pals	Shirley Pals	(760) 8281717	Carlsbad	92011		
41	Beverly L. Bell	Beverly L. Bell	7324 Black Swan	Carlsbad	92011		
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Gail Carroll

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Palomar - N (continued) p.7

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Comments

STATE OF CALIFORNIA AND COUNTY OF SAN DIEGO  
 NOTICE OF PUBLIC HEARING AND COMMENT PERIOD FOR THE  
 PALOMAR AIRPORT COMMUNITY PLAN

Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone Email
1	ROBERT EBERT	Robert Ebert	1187 MARIPOSA RD	CARLSBAD	92011	bre1187@gmail.com
2	Donna Ewert	Donna Ewert	1187 Mariposa Rd	Carlsbad	92011	
3	Teri Shen	Teri Shen	1187 Mariposa Rd	Carlsbad	92011	
4	Kim Geraghty	Kim Geraghty	1192 Mariposa Rd	Carlsbad	92011	
5	Jen forniat	Jen forniat	6460 Pyrus Place	Carlsbad	92011	jenfornia@asteglobal.net
6	Cindy Martin	Cindy Martin	6390 Joneyan Rd	Carlsbad	92011	
7	SABINA Ramsey	Sabrina Ramsey	1178 Mariposa Rd	Carlsbad	92011	
8	Sandra Baker	Sandra Baker	1186 Mariposa Rd	Carlsbad	92011	
9	FRANCES LARUCCI	Frances Larucci	1179 MARIPOSA RD	CARLSBAD	92011	
10	FRANCES LARUCCI	Frances Larucci	1179 MARIPOSA RD	CARLSBAD	92011	
11	IAN RAMSAY	Ian Ramsay	1178 MARIPOSA RD	CARLSBAD	92011	
12	Bonnie Plottkin	Bonnie Plottkin	1174 Mariposa Rd	Carlsbad	92011	Bonnie@plottkinsgroup.com
13	Jim Plottkin	Jim Plottkin	" " " "	" "	92011	
14	Kevin Prager	Kevin Prager	6456 Pyrus Pl	Carlsbad	92011	
15	WREN SWAIN	Wren Swain	6426 Pyrus Pl	CARLSBAD	92011	WrenSwain@aol.com
16	ROBERT VADAZ	Robert Vadaz	4402 PYRUS PL	CARLSBAD	92011	
17	Marcia Valdez	Marcia Valdez	6468 Pyrus Place	Carlsbad	92011	
18	Julia Kruger	Julia Kruger	6456 Pyrus Pl	Carlsbad	92011	JKruger503@aol.com
19	Scott Moran	Scott Moran	6448 Pyrus Pl	Carlsbad	92011	smoran@carlsbad.com
20	Suzie Shaaharian	Suzie Shaaharian	6459 Pyrus Place	Carlsbad	92011	Info@LevankJewelers.com
21	Brenda Kennedy	Brenda Kennedy	6463 Pyrus Place	Carlsbad	92011	
22	MIKE GERAGHTY	Mike Geraghty	1191 Mariposa Rd	CARLSBAD	92011	
23	Jason Navarra	Jason Navarra	1190 Mariposa Rd	Carlsbad	92011	jasoneph@group.com
24	Patricia Liao	Patricia Liao	1182 Mariposa Rd	CARLSBAD	92011	PERCHL@atb.net
25	Laura Navarro	Laura Navarro	1190 Mariposa Rd	Carlsbad	92011	l.navarro@atb.net
26	Steve Brem	Steve Brem	1209 Mariposa Rd	Carlsbad	92011	SteveBrem@insiderwater.com
27	Sarah Brem	Sarah Brem	1209 Mariposa Rd	Carlsbad	92011	
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Gail Carroll  
760.438.7137  
Palomar N (continued)  
p.8  
1320

Comments

FOR A COPY AND NEGATIVE DECLARATION FOR THE PALOMAR AIRPORT USE COMMENTS LISTED

### Protect Citizens Surrounding Palomar Airport

#	Name Print	Sign Name	Address	City	Zip	Phone	Email
29	Thinh Le	<i>Thinh Le</i>	1166 Mariposa Road	Carlsbad	92011	(760) 603-1844	thecarlsguy@earthlink.com
30	Al Rex	<i>Al Rex</i>	6450 Torreyana Cir	Carlsbad	92011	760-931-1378	Al@ARexRealty.com
31	Michael Wang	<i>Michael Wang</i>	6474 Torreyana Cir	"	92011	760-804-3787	michaelwang@roadrunner.com
32	Krista Provo	<i>Krista Provo</i>	12603 MARIPOSA RD	"	92011	760-789-9318	KristaProvo@earthlink.com
33	ALAN BOMGARDNER	<i>Alan Bomgardner</i>	1243 MARIPOSA	"	"	448-5422	
34	SCOTT SWAIN	<i>Scott Swain</i>	6746 PLOTS PL	CARLSBAD	92011	760-804-1365	oilstick@earthlink.com
35	Edward WILKROD	<i>Edward Wilkrod</i>	6410 TORREY AVENUE	"	92011	760-929-9868	FWINKR2000@aol.com
36	LINDA WILKROW	<i>Linda Wilkrow</i>	6410 TORREY AVENUE	Carlsbad	92011	760-929-9868	"
37	JEFF ESTES	<i>Jeff Estes</i>	1250 PLUM TREE RD	CARLSBAD	92011	760-931-8205	JEFFESTES@aol.com
38	GREG DEFEUER	<i>Greg DeFeuer</i>	6466 TORREYANA CIR	CARLSBAD	92011	760-804-0653	
39	Tahira Rogers	<i>Tahira Rogers</i>	6456 PLOTS PL	Carlsbad	92011		trogers53@aol.com
40	PAMLA BOMGARDNER	<i>Pamla Bomgardner</i>	1243 Mariposa	C	"	448547	
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Gail Carroll

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Palomar - N (continued) p.9

N  
Comments

FOR THE PROPOSED AND ALTERNATIVE DEGRADATION FOR THE  
SANDHILL OIL COMPLETION PLAN

Protect Citizens Surrounding Palomar Airport						
#	Name Print	Sign Name	Address	City	Zip	Phone
1	Laurie Batten	Laurie Batten	1201 Boasport Way	Carlsbad	92011	760-438-9304
2	Suzanne Martz	Jenny & Mary	1209 Boasport Way	Carlsbad	92011	760-602-0251
3	JIM SEMAN	J. Seman	1205 Boasport Way	Carlsbad	92011	760-602-0251
4	Marcela Rank	Marcela Rank	1213 Boasport Way	Carlsbad	92011	760-603-8887
5	Margaret Skiba	Margaret Skiba	6405 Ebb Tide Way	Carlsbad	92011	760-602-0251
6	Celentivo Gaeta	celentivo	6401 EBB TIDE	Carlsbad	92011	760-602-0510
7	Ronald Hall	Ronald Hall	4398 EBB TIDE	CARLSBAD	92011	760-931-0798
8	Max PARRIS	Max Parris	4385 EBB TIDE	CS	92011	760-212-0784
9	HARVEY NORDQUIST	Harvey Nordquist	6481 TOPMAST DR.	CARLSBAD	92011	760-431-8824
10	Cathy Bower	Cathy Bower	6414 Topmast Dr.	Carlsbad	92011	760-602-0251
11	Jack Sounart	Jack Sounart	6417 Topmast Dr.	CARLSBAD	92011	760-602-9175
12	Marcy DeBart	Marcy DeBart	6394 Topmast Dr.	Carlsbad	92011	760-438-6879
13	Cami Surney	Cami Surney	6397 Topmast Dr.	Carlsbad	92011	760-602-9327
14	CAROL DUMOTT	Carol Dumott	6390 Topmast Dr.	Carlsbad	92011	760-918-9821
15	ARTHUR L. ROSA	Arthur L. Rosa	6378 Topmast Dr.	CARLSBAD	92011	760-602-0556
16	Cecilia C Rosa	Cecilia C. Rosa	6378 Topmast Dr.	Carlsbad	92011	760-602-0556
17	Greg J. Rosa	Gregory J. Rosa	6378 Topmast Dr.	Carlsbad	92011	760-602-0556
18	VICKI L. DURIE	Vicki Durie	6902 Topmast Dr.	-	-	760-431-7423
19	ANJANA KATYAL	Anjana Katyal	6406 Topmast Dr.	CARLSBAD	92011	760-431-1122
20	Christine Gaeta	Christine Gaeta	6401 Ebb Tide St.	Carlsbad	92011	760-602-0510
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Gail Carroll

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Palomar - N (continued)  
 p. 10

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Protect Citizens Surrounding Palomar Airport							
#	Name Print	Sign Name	Address	City	Zip	Phone	Email
1	S. Wineiz	S. Wineiz	6401 El Pato Ct	Carlsbad	92009	760-431-8072	N/A
2	S. Webster	S. Webster	2512 La Colandrina	Carlsbad	92009	760-448-6705	
3	J. Storch	J. Storch	2510 La Colandrina	Carlsbad	92009	760-431-8072	
4	E. Grenten	E. Grenten	2505 LA Colandrina	Carlsbad	92009	760-431-8072	
5	D. Streshly	D. Streshly	6415 Cavendish	Carlsbad	92009	760-431-8072	
6	D. Lewis	D. Lewis	2526 La Colandrina	Carlsbad	92009	760-431-8072	
7	P. Nock	P. Nock	2528 LA Colandrina	Carlsbad	92009	760-431-8072	
8	K. Coenichner	K. Coenichner	2528 La Colandrina	Carlsbad	92009	760-431-8072	
9	J. Bawless	J. Bawless	2530 La Colandrina	Carlsbad	92009	760-431-8072	
10	V. Cutler	V. Cutler	2601 La Colandrina	Carlsbad	92009	760-431-8072	
11	James S. Williams	James S. Williams	2601 La Colandrina	Carlsbad	92009	760-431-8072	
12	Muse Beaudemian	Muse Beaudemian	2601 La Colandrina	Carlsbad	92009	760-431-8072	
13	Ambrasciano	Ambrasciano	2608 LA Colandrina	Carlsbad	92009	760-431-8072	
14	Zak W. Wynn	Zak W. Wynn	2608 La Colandrina	Carlsbad	92009	760-431-8072	
15	JAMES W. WYNNE	JAMES W. WYNNE	6417 La Paloma St	Carlsbad	92009	760-431-8072	
16	Wendy Storch	Wendy Storch	6402 El Pato Ct	Carlsbad	92009	760-431-8072	
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Jul 06 09 11:00a Gail Carroll 760.438.7737 Palomar - N (continued) p. 11

N
 Comments

AIRPORT AND RESIDENT DECLARATION FOR THE  
 PALOMAR LAND USE COMPATIBILITY PLAN



**From:** robert gilbert [mailto:beckola750@yahoo.com]

**Sent:** Thursday, April 24, 2014 11:42 AM

**To:** Jennifer Jesser

**Subject:** Gen Plan input

**C4-1** More parks and open space. Esp. in the north section of Carlsbad.

Thank You RJ Gilbert

**From:** maafendrick@aol.com [mailto:maafendrick@aol.com]  
**Sent:** Friday, April 25, 2014 3:09 PM  
**To:** Jennifer Jessor; dneu@ci.carlsbad.ca.us; Council Internet Email  
**Subject:** Fwd: Buena Vista Reservoir

-----Original Message-----

From: maafendrick <[maafendrick@aol.com](mailto:maafendrick@aol.com)>  
To: council <[council@carlsbadca.gov](mailto:council@carlsbadca.gov)>; matt.hall <[matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)>; keith.blackburn <[keith.blackburn@carlsbadca.gov](mailto:keith.blackburn@carlsbadca.gov)>; mark.packard <[mark.packard@carlsbadca.gov](mailto:mark.packard@carlsbadca.gov)>; Lorraine.Wood <[Lorraine.Wood@carlsbadca.gov](mailto:Lorraine.Wood@carlsbadca.gov)>  
Cc: MaryAnneViney <[MaryAnneViney@dslextreme.com](mailto:MaryAnneViney@dslextreme.com)>; doug.dentino <[doug.dentino@yahoo.com](mailto:doug.dentino@yahoo.com)>; sharonas <[sharonas@roadrunner.com](mailto:sharonas@roadrunner.com)>  
Sent: Thu, Apr 10, 2014 11:55 am  
Subject: Buena Vista Reservoir

C5-1

It has come to my attention that the Carlsbad City Council is considering selling the Buena Vista reservoir land for the development of a 9-10 home subdivision. I live in the immediate neighborhood, and would argue for the need for a park instead of more homes. This previously rural neighborhood is now currently undergoing extensive housing development all around this reservoir. We do not have a park within walking distance. The Buena Vista reservoir would be a perfect place for a city park. Please vote no to the sale of this land to a developer, and vote yes instead on making that land a park that the whole neighborhood needs and would appreciate.  
Sincerely,

Merle Albin Fendrick, MD, PhD  
2781 Arland Road  
Carlsbad, CA 92008

**From:** "Nextdoor Olde Carlsbad" <[reply@r.email.nextdoor.com](mailto:reply@r.email.nextdoor.com)>

**Date:** April 27, 2014 at 1:22:52 PM PDT

**To:** [kmray@sbcglobal.net](mailto:kmray@sbcglobal.net)

**Subject:** Parks & Open Space

**Reply-To:** "Nextdoor Old..."

<[reply+GM4DOOBUHFPXA4TPMR2WG5DJN5XF6UCPKNKF6NBVHA2DONZW@oldecarlsbad.nextdoor.com](mailto:reply+GM4DOOBUHFPXA4TPMR2WG5DJN5XF6UCPKNKF6NBVHA2DONZW@oldecarlsbad.nextdoor.com)>



**[Blanche Ramswick](#)**

[Olde Carlsbad](#)

Apr 27

- C6-1** | The public meeting on parks and open space held last Thursday night at the Senior Center was a real eye opener on what is considered parks/open space and how it is counted. A children's play area that has lights is counted as 1.4 playgrounds. The 32 playgrounds represented in the Park Needs Assessment, which was accepted by City Council, are in reality only 19 playgrounds. About 21 acres of school yards in
- C6-2** | NW quadrant are counted as City of Carlsbad park acres even though these acres are the property of the
- C6-3** | Carlsbad Unified School District. A picnic table behind the Shell Station on Pio Pico is counted as .2 acres
- C6-4** | of parkland. Landscaped street medians are counted as open space. The new General Plan has
- C6-5** | designated 38% for parks and open space short of the 40% we were promised in 1986 in the Growth Management Plan. But worse than the loss of 2% is the quality of our parks/open space. Back in the 80's my vision of 40% open space was more than median strips and a picnic table behind a gas station.
- C6-6** | We should all be concerned with parks/open space as it adds to our quality of life. One of the main reasons many of us moved to Carlsbad was the small town feel with low housing density and high quality open space. Does the new General Plan reflect the vision of 1986? If you think not email [Jennifer.jesser@carlsbadca.gov](mailto:Jennifer.jesser@carlsbadca.gov). Public comment period is until May 19, 2014. Also you can attend one of the community meetings and learn what is happening to parks and open space in your neighborhood- 6 PM Monday May 5 at Dove Library or 6 PM Wed May 7th at Calavera Hills Community center.

Shared with [Olde Carlsbad](#) and 9 nearby neighborhoods in [General](#)

[View or reply](#)

[Thank](#) · [Private message](#)

You can also reply by email or use Nextdoor for [iPhone](#) or [Android](#).

This message was intended for [kmray@sbcglobal.net](mailto:kmray@sbcglobal.net)

[Unsubscribe or adjust your email settings](#)

Nextdoor, [101 Spear Street, Suite 230, San Francisco, CA 94105](#)

**From:** Julie Peebles Peterson [mailto:julie@welovecarlsbad.com]  
**Sent:** Monday, April 28, 2014 4:47 PM  
**To:** Jennifer Jesser  
**Subject:** North Carlsbad Parks

Jennifer,

**C7-1** | Recently, it has come to my attention how and what the city establishes as open space/parks. While I understand medians are considered open space, however, if the city considers the medians on Carlsbad Village Drive the same value as the medians in South Carlsbad whereby, the area is much greater, it would seem unfair.

**C7-2** | Additionally, the city's use and consideration of Carlsbad Unified School District property as "parks" seems unlawful. Up until several years ago, CUSD managed their own properties. The city didn't have enough space to support all the leagues/teams so City of Carlsbad struck a deal with CUSD to maintain them. In 1986, it was established that 40% of Carlsbad would be held as open space/parks. You are short by 2% and robbing from the school district to justify you are delivering when in fact if you were to take away the CUSD properties, you would be in grave violation.

It is my understanding that the agreement to use CUSD property is not permanent and only a short term resolution. Please advise.

**C7-3** | With that said, we are not in favor of the City of Carlsbad establishing any further building until this matter is resolved and the citizens receive the promised 40% open space.

Thank you.

Julie Peebles Peterson  
2045 Linda Lane  
Carlsbad, CA 92008

**From:** maafendrick@aol.com [mailto:maafendrick@aol.com]  
**Sent:** Monday, April 28, 2014 12:16 PM  
**To:** Jennifer Jesser  
**Subject:** Fwd: Buena Vista Reservoir

- C8-1 | I would like my previously sent comments below added to the general plan comments. Also note that the Veteran's Park, which is many miles away from my neighborhood, should count for all quadrants as the location is close to the intersection of all quadrants. It is certainly about as far away as you can get from where I live and still be in this quadrant. I understand some parks are being counted twice towards the minimum required space on the general plan, and that locked school play yards at some schools are being counted 1.4 times towards parkland. Schoolyards that are mostly closed should not count towards parkland.
- C8-2 |
- C8-3 | Our previously rural neighborhood has many houses being added without plans for parkland to go along with it. I understand that the General Plan calls for growth of 22,000 people. Please put the parks where you are adding these people, and please at least do not sell public owned land to private developers when we could save it for future park development (in particular again please do not sell the Buena Vista Reservoir land to developers).
- C8-4 |

Thank you

Merle Albin Fendrick, M.D., PhD.

- C8-5 | -----Original Message-----  
From: maafendrick <[maafendrick@aol.com](mailto:maafendrick@aol.com)>  
To: council <[council@carlsbadca.gov](mailto:council@carlsbadca.gov)>; matt.hall <[matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)>; keith.blackburn <[keith.blackburn@carlsbadca.gov](mailto:keith.blackburn@carlsbadca.gov)>; mark.packard <[mark.packard@carlsbadca.gov](mailto:mark.packard@carlsbadca.gov)>; Lorraine.Wood <[Lorraine.Wood@carlsbadca.gov](mailto:Lorraine.Wood@carlsbadca.gov)>  
Cc: MaryAnneViney <[MaryAnneViney@dslextreme.com](mailto:MaryAnneViney@dslextreme.com)>; doug.dentino <[doug.dentino@yahoo.com](mailto:doug.dentino@yahoo.com)>; sharonas <[sharonas@roadrunner.com](mailto:sharonas@roadrunner.com)>  
Sent: Thu, Apr 10, 2014 11:55 am  
Subject: Buena Vista Reservoir

It has come to my attention that the Carlsbad City Council is considering selling the Buena Vista reservoir land for the development of a 9-10 home subdivision. I live in the immediate neighborhood, and would argue for the need for a park instead of more homes. This previously rural neighborhood is now currently undergoing extensive housing development all around this reservoir. We do not have a park within walking distance. The Buena Vista reservoir would be a perfect place for a city park. Please vote no to the sale of this land to a developer, and vote yes instead on making that land a park that the whole neighborhood needs and would appreciate.

Sincerely,

Merle Albin Fendrick, MD, PhD  
2781 Arland Road  
Carlsbad, CA 92008

**From:** Dianne McGee [mailto:mcgee350@me.com]  
**Sent:** Wednesday, April 30, 2014 7:59 PM  
**To:** Jennifer Jesser  
**Subject:** General Plan Open Space Comments

Dear Ms. Jesser,

C9-1 | As a resident of the NW quadarant, I am expressing my concerns about the drafted General Plan and that it fails to provide a minimum of 40% Open Space and Natural Environments to the city as provided for by the passage of 1986 Proposition E. As the current plan is written, it does not allow 3 acres per 1000 residents per quadant as required. I see that this is due to a number of issues:

C9-2 | 1. School Yards are counted as parks. If school yards are fenced and locked and the public does not have access, how can this be considered a park?

C9-3 | 2. Some land is double counted as hardline open space and as a park. Hardline perserve land is one item; a park is another item. They should not be counted as both!

C9-4 | 3. Some parks, which are city wide facilities, are counted as parks (e.g. Senior Center -- off limits to those who are not a senior, such as me!) and the Skate park (not for me either!)

C9-5 | 4. Veterans Park is counted for all 4 quadrants. It is not yet developed and should not be counted as park acreage for all quadrants until the entire city can give input about the park's infrastructure.

C9-6 | 5. All neighborhoods deserve to have a park. Neighborhood parks and larger parks. My Northwest quadrant is lacking open park space. The General Plan does not provide the connectivity and accessibility that was emphasized in The Vision.

C9-7 | Carlsbad needs to adopt a standardized measurement for evaluating park acreage and apply it consistently and fairly across the City. As it currently stands, 37-38% of Open Space for the City does not meet the minimum standard. Please put our names on record that we object to the General Plan concerning Open Space & Natural Environment as it is drafted.

Sincerely,

Dianne and Patrick McGee  
185 Chinquapin Ave  
Carlsbad

**From:** penny [mailto:pennyofcbad@roadrunner.com]

**Sent:** Thursday, May 01, 2014 6:08 PM

**To:** Jennifer Jesser

**Subject:** Open space

Dear Jennifer Jesser,

C10-1

The promise of 40 % open space made in the General Plan should be kept. Counting locked school yards and double counting other open spaces is not fulfilling that promise . The addition of Veteran's Park for the NW quadrant does not make an open space that is readily available ( walking and or biking distance to the residential area of the NW quadrant) . It is insulting to have that qualify as an open space area for our quadrant . We are being shortchanged ! 40% was promised and that is what l/we expect from our city !

Penny Johnson 1360 Hillview Ct. 92008 760- 729 -4689

**From:** Sandra Meador [mailto:meador.s409@gmail.com]  
**Sent:** Friday, May 02, 2014 3:56 PM  
**To:** Jennifer Jesser  
**Subject:** The Importance of Open Space

C11-1 | "Why do Americans, who love the outdoors so much do so much to jeopardize its future?", asked Derrick Crandall, Director of the American Recreation Coalition.

C11-2 | I am very upset to learn that open space that was supposed to be 40% of the city, is now being reduced to 750 acres.

C11-3 | All one needs to do is drive by Holiday Park or Chase Field to see that the open space that Carlsbad does have is definitely being utilized. As the population increases, the open space must be there, already designated for future generations.

Please act now so that parks and open space will be available in the years to come.

Sincerely,  
Sandra Meador  
4098 Harbor Drive  
Carlsbad, CA



**From:** Lisa [mailto:downbydsea@yahoo.com]  
**Sent:** Monday, May 05, 2014 4:57 PM  
**To:** Jennifer Jesser  
**Subject:** General Plan Comments/Parks and Open Space

Dear General Plan Committee, Mayor Hall and City Council,

C12-1 I am embarrassed for our fine city of Carlsbad to find out what the general plan considers open space:

"A children's play area that has lights is counted as 1.4 playgrounds. The 32 playgrounds represented in the Park Needs Assessment, which was accepted by City Council, are in reality only 19 playgrounds. About 21 acres of school yards in NW quadrant are counted as City of

C12-2 Carlsbad park acres even though these acres are the property of the Carlsbad Unified School

C12-3 District. A picnic table behind the Shell Station on Pio Pico is counted as .2 acres of parkland.

C12-4 Landscaped street medians are counted as open space. The new General Plan has designated

C12-5 38% for parks and open space short of the 40% we were promised in 1986 in the Growth Management Plan. But worse than the loss of 2% is the quality of our parks/open space. Back in the 80's my vision of 40% open space was more than median strips and a picnic table behind a gas station." (cited from Blanche Ramswick Olde Carlsbad - Nextdoor).

C12-6 One of the main reasons I moved to Carlsbad was the small town feel and high quality open space. Growth is inevitable, but it should and can be "smart growth". The city needs to re-assess their definition of open space. I don't feel it adequately reflect the 1986 vision, especially considering the manufactured definition above. It's like what food manufactures are doing to increase profits, putting less cereal in a big box, then lowering the price and people buy the lie, literally and figuratively.

C12-7 First and foremost let's be truthful, Carlsbad residents deserve that. Don't sell out Carlsbad to developers for profit. Greed is ugly. Open space is beautiful. Open space should remain at 40 %, ESPECIALLY if you are going to skew the definition to the above. Medians are not open space, a park bench behind a gas station is not open space; those should be funded by streets and/or development set asides, similar to low income housing. And school district property that isn't even accessible during the school hours and locked after hours, is not open space and its up-keep is provided by the school district. Please readdress these concerns before passing the Parks and Open Space in the General Plan. It's what the citizens you represent want.

Respectfully,

*Lisa Ash, M.Ed.*

*It's easier to build strong children, than to fix a broken adult--Fredrick Douglass*

**From:** George Moyer [mailto:hollymoyer1@me.com]  
**Sent:** Tuesday, May 06, 2014 5:08 PM  
**To:** Jennifer Jesser  
**Subject:** Open Space please

Dear Ms. Jesser,

**C13-1** | As a 20 year Carlsbad resident I have always been aware and in support of the 1986 General Plan which capped development and promised to preserve 40% open space. Fantastic plan, no worries....right? Until now. Apparently the definition of open space is up to interpretation.

**C13-2** | Open space to me, and many citizens, means a commons area that is free and accessible to the public. This includes parks, natural habitats and hiking trails. This does not include golf courses which are only available to paying members and those who pay hourly fees, fenced in school properties, buildings such as the Senior Center, landscaped medians and cemeteries. Open Space is just that – open space. Simple.

**C13-3** | Please recognize this is a very important quality of life issue. Paving paradise comes to mind. 60% is enough for development; 40% true open space is valuable use of land to be enjoyed and cherished by all.

Respectfully,

Holly Moyer

3461 Seacrest Dr.  
Carlsbad, CA 92008

**From:** Joan Herrera [mailto:jovian3@mac.com]  
**Sent:** Tuesday, May 06, 2014 1:43 PM  
**To:** Jennifer Jesser  
**Subject:** General Plan for Carlsbad

Dear General Plan Committee, Mayor Hall and City Council,

**C14-1** | Hopefully, you have heard from other Carlsbad citizens as I too am embarrassed for our fine city of Carlsbad to find out what the general plan considers open space:

"A children's play area that has lights is counted as 1.4 playgrounds. The 32 playgrounds represented in the Park Needs Assessment, which was accepted by City Council, are in reality only 19 playgrounds. About 21 acres of school yards in NW quadrant are counted as City of Carlsbad

**C14-2** | park acres even though these acres are the property of the Carlsbad Unified School District. A picnic table behind the Shell Station on Pio Pico is counted as .2 acres of parkland. Landscaped street medians are counted as open space. The new General Plan has designated 38% for parks and

**C14-3** | open space short of the 40% we were promised in 1986 in the Growth Management Plan. But worse than the loss of 2% is the quality of our parks/open space. Back in the 80's my vision of 40% open space was more than median strips and a picnic table behind a gas station." (cited from Blanche Ramswick Olde Carlsbad - Nextdoor).

**C14-4** | One of the main reasons my family and I moved to Carlsbad was the small town feel and high quality open space. Growth is inevitable, but it should and can be "smart growth." The city needs to reassess their definition of open space. I don't feel it adequately reflects the 1986 vision, especially considering the manufactured definition above.

**C14-5** | First and foremost let's be truthful, Carlsbad residents deserve that. Don't sell out Carlsbad to developers for profit. Greed is ugly. Open space is beautiful. Open space should remain at 40 %, ESPECIALLY if you are going to skew the definition to the above. Medians are not open space, a park bench behind a gas station is not open space; those should be funded by streets and/or development set asides, similar to low income housing. And school district property that isn't even accessible during the school hours and locked after hours is not open space. Please readdress these concerns before passing the Parks and Open Space in the General Plan. It's what the citizens you represent want.

Respectfully,

Joan Herrera  
Citizen of Carlsbad

**From:** Todd Goldstein [mailto:todd@rezbizllc.net]  
**Sent:** Tuesday, May 06, 2014 8:58 AM  
**To:** Jennifer Jesser  
**Subject:** concern about General plan and open space

Hi Jennifer,

**C15-1** | My name is Todd Goldstein and I live in south Carlsbad. My family and I moved her from Los Angeles 4 years ago and we could not be happier with our decision to leave LA and move to beautiful Carlsbad. We love Carlsbad!

We moved here with our two children 12 and 9, simply so we could have a better quality of life. Carlsbad reminds me of the suburbs that I grew up in LA 35 years ago. Sadly those suburbs are now over developed, lack parks and open space and are completely over populated as I am sure you have heard. The bottom line for me is I hope and pray that Carlsbad does not make the same mistakes of LA.

**C15-2** | I attended the Preserve Calavera meeting last night at the Dove Library. I am very concerned about how the city is counting school yards as park acres. Schools are not accessible outside of schools hours, why is this considered a park?

**C15-3** | I am concerned that some land is being double counted as both hardline open space and as a park. We have a beautiful natural open space below our home but we are not able to use this as recreational.

**C15-4** | Why are some city wide parks being counted as park acreage in my neighborhood? I would need to drive 8 miles to north Carlsbad to use them. It is not part of my neighborhood. There is no reason why the new proposed Veterans park should account for 22.5 acres of park in my neighborhood. What is the reason for this?

**C15-5** | I ask the city for one thing, please do not turn Carlsbad into a suburb of LA. Carlsbad is an incredible community, please do the right thing.

Best,  
Todd

Todd Goldstein  
RezBiz, LLC  
Skype: todd-goldstein  
E: [todd@rezbizllc.net](mailto:todd@rezbizllc.net)  
M: 760-402-2886  
S: 760-452-8373

**From:** Fred Briggs [mailto:briggs\_fred@yahoo.com]

**Sent:** Thursday, May 08, 2014 11:12 AM

**To:** Jennifer Jesser

**Cc:** info@preservecalavera.org; Lorraine Wood; Keith Blackburn; Fred Briggs; Chris Hazeltine; Michael Schumacher; Mark Packard; Matthew Hall; Marie Jones-Kirk

**Subject:** Comments on the Carlsbad General Plan/EIR

Hello, Jennifer -

**C16-1** | I wish to submit the following as comments applicable to the Carlsbad General Plan/EIR. I would appreciate return acknowledgment of the recommendations which follow the discussion below.

Last night I attended a well organized community meeting hosted by preservecalavera.org addressing the definition and designation of "open spaces" under the past, present and (potentially) future versions of the city's general plan.

As a long-time resident of Carlsbad, I have a vested interest in how the city manages past promises in this regard and how a proper balance of these precious resources is achieved in and among the city quadrants. Last night's presentation was well documented and, even though I try to keep up with such issues, made me aware of topics and issues I had not tumbled to before.

**C16-2** | I agree with preservecalavera.org's premise that the spirit of the early 1980's promise of "40% open space" in Carlsbad has not been completely fulfilled. Locked up schoolyards, median strips, parking lots, landscaping around city buildings, miniscule fill-in plots, etc., definitely do NOT count as open, usable space. Prohibited hardline preserve land is NOT a city park. Lawyering and weasel wording the compliance with past promises is NOT an adequate alternative to usable neighborhood parks.

**C16-3** | I have been actively working the past several years to bring recognition to a similar situation - the shabby and neglected appearance of the access and facilities on the seven miles of our most important natural resource - Carlsbad's beach and beachfront areas. In economic and recreational terms, improved use of these areas is vital to accommodating the additional residential and visitor increases being planned for our city. There are currently significant beach frontage areas ripe for development as city parkland.

**C16-4** | I see no evidence of procurement for additional park land or for consideration of the actual volume of usage as a decision-making criteria. I strongly recommend both these concepts be included in the next revision of the General Plan.

Thank you for your attention.

Fred Briggs

1578 Basswood Ave.

**From:** Nina Eaton [mailto:ninaknows@me.com]

**Sent:** Friday, May 09, 2014 4:54 PM

**To:** Don Neu; Jennifer Jesser; Council Internet Email; Keith Blackburn; Mark Packard; Lorrain Wood; Michael Schumacher; Council Internet Email

**Cc:** Corey Funk; Dave Huarte; Sandy Huarte; Emily Bagnall; Homer Eaton; Dee Dee Campbell; Sue/Leo McGuire; Karen Clements; Joan Costantino; Bunnie Smith; Betty Maerke; John Clements; Cheri Pryor; Bruce/Susan Hall; Dan Walsh; Kerry Siekmann; Jennifer Eaton; Catherine Miller; Ray Stainback; Gail/Bill Sides; Darcy Eaton; Johannsen Lance; Hallinan Greg; stults marcia; Stanley JonandPatricia; Byrnes Devin; allie.borg@gmail.com; brad@smithstructures.com; Chris Nagle; Mike & Ingrid; Jonnie Johnson; secretary@terramarassociation.com; Patty Goldojarb; carla Gazzi; Darcy Box; Keany Laura; Lisa Jessup; Rat Johnson; Tami Diehl; David Ebershoff; Ronn & Cathy Hart; Kerry Klimes; Chris Lillie; Karen Angell-Mendes; Nancy Brzeniak; Travis Gooding; Kelley Irish; Sharon Ackroyd; Ray Green; Gary Anderson; Steve Lloyd; Wayne Best; Ylva Aberg; John Hebert; Frank Grangetto; Al Gelbart; Rob Coury; Jan & Greg Berry; Dick & Wanda James; Bill & Donna Kilpatrick; Earl Carter; Jim Gilstrap; Tiffany Leyvas; Sharon Edmiston; Julie & Jan Brownell; Mishra Jagdish; Ken Longenecker; Jeff & Ylva Gilbert/Aberg; James Kaule; Ray Creteau; murph dow; Margret Kyes; NRVZN1 Lang; Tom Dean; Janet Carrol; Rene LOcke; Tom Bwarie; Tricia Gill; Hector Castillo; Alice Brown

**Subject:** REZONING OUR COASTAL PROPERTIES TO OS

To the Planning Dept. and City Counsel:

**C17-1** | We appreciated Don New conducting the meeting on May 5th to discuss the re-zoning proposal to the General Plan map, which impacts those of us owning private property on Tierra Del Oro or on Shore Drive, as well as all coastal properties in Carlsbad. I would like to reiterate some of the objections brought up at that meeting:

**C17-2** | • The current proposed OS overlay CONFISCATES OVER 50% of our entire private property.

**C17-3** | • These properties are PRIVATE PROPERTY FOR WHICH OWNERS PAY PROPERTY TAXES, ARE RESPONSIBLE TO MAINTAIN and INSURE AGAINST LIABILITY.

**C17-4** | • Our deeds to the property state OWNERSHIP TO MEAN HIGH TIDE.

**C17-5** | • We are told continuously that this zoning change "makes no difference" to our property rights. If so, WHY DO YOU REALLY WANT TO CHANGE IT?

**C17-6** | • The LATERAL ACCESS EASEMENT for public use already exists on the beach, on the west side of rip-rap or gunite. The OS designation does not enhance that.

**C17-7** | • The zone change to OS will NEGATIVELY AFFECT THE MARKET VALUE of our properties.

**C17-8** | • It is widely felt that rezoning this private property is being done to MAINTAIN A % OF OS TO BALANCE THE % OF BUILDOUT in near future, or already built.

C17-9

• Even if the city were willing to DOCUMENT, IN WRITING, THAT THIS PROPOSED OS WOULD NOT IMPACT THE OWNER'S RIGHTS IN ANY WAY, IN PERPETUITY, we all know that future city councils, and certainly the CCC, could oppose/change that document once the OS designation is made.

C17-10

**Pertaining to the city's DEFINITION OF OS:**

- Converting this private property to OS DOES NOT "ENHANCE RESIDENTS' QUALITY OF LIFE".
- Converting this private property to OS DOES NOT PROVIDE FOR RECREATION, CULTURE OR EDUCATION.
- Converting this private property to OS DOES NOT PROVIDE FOR PUBLIC HEALTH AND SAFETY.
- **This portion of OS OVERLAYS OUR BACK YARDS. Per the city OS definitions, BACK YARDS ARE NOT TO BE COUNTED as OS.**

C17-11

**PUT YOURSELVES IN OUR PLACE. WOULD YOU BE WILLING, AS CITY EMPLOYEES PROPOSING THIS PLAN, TO DESIGNATE 50% OF YOUR PROPERTY TO THE CAUSE OF OPEN SPACE?**

**From:** Al Gelbart [mailto:al@gelbarts.com]  
**Sent:** Sunday, May 11, 2014 3:11 PM  
**To:** Don Neu; Jennifer Jessor; Council Internet Email; Keith Blackburn; Mark Packard; 'Lorraine Wood'; 'Michael Schumacher'; Council Internet Email  
**Cc:** 'Nina Eaton'  
**Subject:** RE: REZONING OUR COASTAL PROPERTIES TO OS

To the Planning Dept. and City Council:

**C18-1** | I am a Terramar resident and am opposed to your re-zoning proposal and wholeheartedly agree with the note below.

I would like to reiterate some of the objections brought up at the May 5th meeting:

**C18-2** | • The current proposed OS overlay CONFISCATES OVER 50% of our entire private property.

**C18-3** | • These properties are PRIVATE PROPERTY FOR WHICH OWNERS PAY PROPERTY TAXES, ARE RESPONSIBLE TO MAINTAIN and INSURE AGAINST LIABILITY.

**C18-4** | • Our deeds to the property state OWNERSHIP TO MEAN HIGH TIDE.

**C18-5** | • We are told continuously that this zoning change "makes no difference" to our property rights. If so, WHY DO YOU REALLY WANT TO CHANGE IT?

**C18-6** | • The LATERAL ACCESS EASEMENT for public use already exists on the beach, on the west side of rip-rap or gunite. The OS designation does not enhance that.

**C18-7** | • The zone change to OS will NEGATIVELY AFFECT THE MARKET VALUE of our properties.

**C18-8** | • It is widely felt that rezoning this private property is being done to MAINTAIN A % OF OS TO BALANCE THE % OF BUILDOUT in near future, or already built.

**C18-9** | • Even if the city were willing to DOCUMENT, IN WRITING, THAT THIS PROPOSED OS WOULD NOT IMPACT THE OWNER'S RIGHTS IN ANY WAY, IN PERPETUITY, we all know that future city councils, and certainly the CCC, could oppose/change that document once the OS designation is made.

**C18-10** | **Pertaining to the city's DEFINITION OF OS:**

• Converting this private property to OS DOES NOT "ENHANCE RESIDENTS' QUALITY OF LIFE".

• Converting this private property to OS DOES NOT PROVIDE FOR RECREATION, CULTURE OR EDUCATION.





C18-10

• Converting this private property to OS DOES NOT PROVIDE FOR PUBLIC HEALTH AND SAFETY.

•• **This portion of OS OVERLAYS OUR BACK YARDS. Per the city OS definitions, BACK YARDS ARE NOT TO BE COUNTED as OS.**

C18-11

**PUT YOURSELVES IN OUR PLACE. WOULD YOU BE WILLING, AS CITY EMPLOYEES PROPOSING THIS PLAN, TO DESIGNATE 50% OF YOUR PROPERTY TO THE CAUSE OF OPEN SPACE?**

Al Gelbart  
5485 El Arbol Dr.  
Carlsbad, Ca 92008  
760-431-3733

**From:** Fu-Dong Shi [mailto:fshi66@gmail.com]  
**Sent:** Monday, May 12, 2014 1:48 PM  
**To:** Don Neu; Council Internet Email; Jennifer Jesser  
**Subject:** General Plan

Dear Carlsbad General Planners:

**C19-1** | I read this plan and think it is deeply flawed. The plan now adds numerous residential and commercial blocks and ignores the promises of 40 percent park and open space.

**C19-2** | Are you also Carlsbad residents? Are we sharing a similar vision of how this community should be? We do NOT want your plan to turn this place into a work and sleep place. We want a revised plan that has a balance act on development and conservation, a plan that makes Carlsbad distinctive in active outdoor life, sustainable development. After all, we want a plan that places the residents of Carlsbad first.

**C19-3** | I urge all of you consider keeping the promise, and listen to us. Revise the plan now!

Sincerely,

Fu Dong Shi

**From:** Madeleine Szabo [mailto:mbszabo@snet.net]  
**Sent:** Tuesday, May 13, 2014 3:46 PM  
**To:** Jennifer Jesser  
**Subject:** Corrected Letter about Draft of General Plan

C20-1 | *I sent you an email yesterday regarding the Draft Plan. I have since learned that I made some incorrect statements. Please delete that email and, instead, respond to this letter below. May thanks!*

I am writing to implore you to abide by the original Carlsbad General Plan that provides 3 acres of park per 1,000 residents and maintains 40% open space in Carlsbad. The astronomical increase in population in Carlsbad due to new and ongoing development has drastically impacted the availability of open space and of neighborhood parks.

I want to know the following:

C20-2 | 1) Is there a maximum cap on growth and open space infringement?

C20-3 | 2) I understand the maximum cap on residential units is being exceeded in the NE quadrant by 327 units. Where exactly are you planning to make these required reductions?

C20-4 | 3) The draft General Plan shows no new park acres being added- in spite of almost 23,000 residents being added. What are your plans for adjustments to the designated parks?

C20-5 | 4) The draft General Plan/EIR includes no evaluation of the Growth Management Plan performance standard of 15% open space for each Local Facility Management Zone. Every other performance standard has an evaluation so why is open space being ignored? This is a clear violation of the Growth Management Plan. Will you provide more parks and designate other open space to make up the loss of open space?

C20-6 | 5) The description of how you plan to address the increased traffic, sewage, water consumption, and depletion of other town resources with the new residential and commercial buildings is completely inadequate and based on assumptions for things that might not happen- such as how much water is available from the desal plant that is not even built. In other cases, like traffic, the draft General Plan says it is OK to have failing traffic conditions. But what have you done to mitigate those impacts on the neighborhoods like mine that will be impacted?

C20-7 | The draft General Plan overstates park acres which shortchanges everyone who lives in Carlsbad. You should not be counting designated hardline preserve land as a park, nor should you count any school grounds as park land since it is not accessible to all the residents.

C20-8 | Please protect and preserve our open space and our rights to designated park land. Please be mindful that once open land is developed, it is gone....forever North San Diego County should not replicate what Orange County has done in terms of creating high-density population and overcrowded roads and land.

C20-9 | Please ensure that the new General Plan strongly caps the growth of Carlsbad and allows for 15% useable open space for each Local Facility Management Zone as is required by the 1986 Growth Management Plan..

Respectfully submitted,

Madeleine Szabo  
5338 Forecastle Court  
Carlsbad, CA 92008  
760-814-2550  
[mbszabo@snet.net](mailto:mbszabo@snet.net)

From: Michael Kroopkin [mailto:mikek26@me.com]  
Sent: Tuesday, May 13, 2014 3:50 PM  
To: Jennifer Jesser  
Subject: Loss of open space+

C21-1

Hi, Recently I was informed that The City is considering changing the current 40% open space criteria. To that issue I say please do not! I have owned a home in Carlsbad for almost 18 years and have seen the tremendous growth. However keeping the 40% rule has helped us keep our beauty. It would be a terrible mistake to change even 2 % of that. Also many of us that live near the Robertson Ranch

C21-2

development are very concerned about the density issue. El Camino and College have already become a major intersection, the substantial increase in new homes built will increase congestion far to an extreme. We have a wonderful community and a fantastic city please do not ruin it just to satisfy a few.  
Michael Kroopkin 2322 Masters Rd.

To whom it may concern,

C22-1

It has come to my attention that the General Plan does not provide a standard for neighborhood parks and while it is adding many new residential units, commercial space, and hotel space, it is not adding any park space for our increasing population.

C22-2

I strongly believe that the general health and well-being of people in our community will be negatively affected by this lack of park space. Children need a neighborhood park to play freely in. Organized sports are excellent, but the free space provided by a neighborhood park allows children to be creative and develop their minds in unique ways. Unstructured free play time in a natural, sensory-stimulating environment develops neural pathways unique to each individual's experience. Each of us experiences the park differently and develops our own unique neural pathways. This is most important for young children, but it is also valid for people of all ages. Physical activity and sensory stimulation is known to help the brains of seniors and to slow down the process of senile dementia.

C22-3

Neighborhood parks encourage us to walk to them and engage in physical activity while enjoying the sights, sounds, smells, and feelings intrinsic to a natural, outdoor environment. If the city of Carlsbad does not provide parks within a comfortable walking distance for young children and seniors, they will tend to stay home and stay inside, thus limiting the stimulation to their brains and only strengthening the neural pathways that help them watch TV or play video games. Lack of physical activity will also lead to other health issues such as childhood obesity and increasing risk of stroke and heart disease in adults. Simply walking to a park can make a huge difference in the lives of our citizens.

C22-4

Please address this need for more neighborhood parks in the General Plan. Local schools cannot be considered as part of the available park space now that they are fenced and locked to protect our children from possible attacks such as the one at Kelly Elementary. I live in the North West Quadrant and do not have a park within walking distance. My daughter grew up here being able to play at Buena Vista before it was locked. When I have grandchildren, I would very much like to have a park to walk to with them, thus keeping us healthy and active and developing our neural pathways. Pio Pico park (also known as dog poop park) is insufficient. The Buena Vista reservoir area would be an excellent location for a park that many of us could walk to and enjoy for generations to come. You have many choices to make and the power to make them. Please choose wisely for the health and well-being of the citizens of Carlsbad.

Thank you,

Amy Sheets

1285 Yourell Ave.

**To: Mayor Hall and Carlsbad City Council  
From Alelia Gillin, 1061 Seahorse Court, Carlsbad 92011  
Re: Comments on Draft General Plan, Parks and Open Space**

- C23-1** | I am a seven year resident of Carlsbad and moved to this community from Northern California in part because it had a city plan in place that described in documents available in the city library that it would maintain 40% open space at build out. The draft revision of the General Plan that is currently being considered is clearly not in keeping with the Vision Carlsbad process I participated in and is using flawed means in my opinion to maintain 40% open space. I live adjacent to Pointsettia
- C23-2** | Park. 12.5 acres of the land listed as park acreage is hard line preserve land that is not maintained and land that residents have no access to. I
- C23-3** | believe a portion of the proposed Veterans Park should not be included in the park acreage for all four quadrants because it is proposed to be a specialized city wide park and is not in walking distance from the south neighborhoods. There need to be uniform standards for counting whether parks are city wide or local so that walkable neighborhood parks are available in all parts of the City. I understand that HOA's
- C23-4** | such as mine are being approached about including pocket parks that don't meet city equipment standards and are not open to the public in city parklands acreage. It is my understanding that this subverts the intent of the Parks and Open Space plan. Thank you for anything you can do to make the necessary adjustments in the Parks and Open Space section of the General plan so that it adequately and honestly addresses the needs of every neighborhood to have adequate parkland at build out.

**From:** Ed [mailto:axxiom2000@yahoo.com]  
**Sent:** Friday, May 16, 2014 5:08 PM  
**To:** Jennifer Jesser  
**Subject:** Parks Inventory Issues

Hi Jennifer,

C24-1 | I'm writing to express my strong concern with several issues with the City's views of parks and open space. Primarily:

- School yards are counted as park acres, even though some schools are fenced, gated and locked, preventing general public access, except during after school hours and when the yard is not used by the school

C24-2 | • Parts of 4 existing parks are double counted as hardline open space and as parks (total 51 acres). Under the Habitat Management Plan regulations, the public does not have rights to use hard line preserve park - the land is set aside to fulfill federal/state laws to protect flora and fauna

C24-3 | • There is no justification for counting Veteran's Park in all 4 quadrants. No other park is counted in the same manner.

C24-4 | • City needs to work with planners and the community to update the GMP vision of connectivity and walkable neighborhood parks. This planning process should not be tainted by the input of for-profit developers, whose self-interest is to develop as much of Carlsbad as possible and maximize their profits, and then move on to the next city. They don't live in our community and could care less about the long-term of our city

C24-5 | We moved to Carlsbad 5 years ago because of the open space, low density and safety. Recently, City leaders seem to be unduly influenced by developers and other special interest groups to develop every single inch of land to maximize their profits. We need to take our City back and get on a "development diet".

Thank you,  
Ed Corneio  
3488 Camino Largo  
Carlsbad, CA 92009

Janann Taylor  
1351 Pine Avenue  
Carlsbad, CA 92008

May 19, 2014

Dear City of Carlsbad Parks and Recreation Commission:

C25-1 | Firstly, thank you for the service and leadership you have provided our community for years. I have appreciated your support for concerns in the past and I believe that you work diligently to make decisions that are for the benefit of our community and environment.

Today, I write in request that you assist the residents of Carlsbad to create open space and parklands that can be used for recreation and provide opportunities for **all ages** to participate in tranquil, natural settings for walking, contemplation and exploration that are easily accessible to their homes and neighborhoods.

C25-2 | It is my understanding that much of the 15% open space is developed into easements along busy roads; parking lots; golf courses; sports facilities/ playing fields and locked school playgrounds.

C25-3 | Especially in the Northwest Quadrant, our choices for park areas and gardens are very limited. Holiday Park is enjoyed by many for the playground and picnic areas for birthdays and other functions, yet it is very impacted by the traffic noise and needs a sound wall to mitigate the negative affects.



C25-4 | Oak Park located next to the exit ramp of the 5 Freeway and behind a gas station on Pio Pico Street is 0.2 acres (very small) and noisy. Pio Pico Park (0.8 acres) is another noisy right-of-way located next to the 5 Freeway.

C25-5 | Pine Avenue Park, located next to the Senior Center, is used by some families of young children, but is small and near a large parking lot for the Senior Center.

C25-6 | Included in the parks inventory for recreation are also the schoolyard athletic fields of Buena Vista School and Magnolia Schools as well as other schools. These schoolyards are not available on weekends or after school hours to the general public. They are locked. Olde Carlsbad has about 18.5 acres of schoolyards counted towards our precious park acres (about 20%). This is well and above the other quadrants in terms of schoolyards counted as park acres. These acres are mostly athletic fields for groups who must register with the city to use them. They meet a citywide need but don't address local community needs for a wide range of park amenities for users of all age groups that are missing here in Olde Carlsbad.

C25-7 | Recently, in fiscal year 2102-2013, both Kelly and Hope Elementary schools were dropped completely from the joint use program.

C25-8 | Clearly, there are sports fields for baseball , soccer and football at Chase Field, yet this is not a park or a garden for citizens to find tranquility and relaxation.

C25-9 | The Senior Center is counted as 3.4 acres toward our precious park acreage. The Senior Center acres consist mostly of a building—top floor used for city government offices—and a parking lot—again serving a citywide need, but counted towards our local park acreage inventory. The Harding Center is counted in the same way (1 acre), serves a citywide need, and consists mostly of a building and a parking lot.

C25-10 | Please work to develop parks and gardens in the Northwest Quadrant to improve the quality of life for Carlsbad and provide a sense of community. The world's best cities have natural parks for walking and relaxing in nature within close proximity to neighborhoods. Some examples are Portland, Oregon; Boulder, Colorado; and Seattle, Washington.

C25-11 | Three generations of my family have lived in the Northwest Quadrant since 1959. Recently more housing developments have been approved in our area without plans for gardens and parks. The only garden I can think of is at Magee House.

C25-12 | The General Plan has added 23,000 residents; 7.5million square feet of business and 2,600 more hotel rooms. However, what additional parkland is being added?

C25-13 | With your help, I hope that my neighbors and I can work to plan, create and develop quality and tranquil open space in the Northwest Quadrant in which we can have pride and joy. Let's promote healthy life styles where all ages enjoy getting exercise and communing with community and nature.

I am interested to see how the Commission for Parks and Recreation will provide for Carlsbad residents and their "well- being". Thank you again for your efforts to contribute to creating a unique and quality city.

Sincerely,

Janann Taylor

From: cisternas [mailto:cisternas@me.com]  
Sent: Saturday, May 17, 2014 11:00 PM  
To: Jennifer Jesser  
Subject: Change to Master Development Plan

Dear Ms. Jesser,

C26-1

I have recently learned that Carlsbad is planning on changing its general development plan to allow for more residential and industrial buildings. I am very concerned about the impact that all this extra development will have in the quality of life of our town. New residents will require more infrastructure

C26-2

including water and will also impact the traffic in our roads. Carlsbad had made a promise to cap development in its previous general plan. The purpose of the cap was to guarantee the quality of life of its residents and to maintain a balance between development and open space. I am worried both about the impacts of the new plan on our town and about the precedent of the city going back on its original word. Who can guarantee from now on that the new development limits won't be expanded in the future?

Sincerely,

Ricardo Cisternas

**From:** JACQUI LUCAS [mailto:jacqui.lucas@sbcglobal.net]

**Sent:** Tuesday, May 20, 2014 7:54 PM

**To:** Jennifer Jesser

**Subject:** open spaces

C27-1

After last weeks fire, all the more reason to have open spaces. please stick to our plan of 40% open space or MORE. I have never met anyone in Carlsbad who really wants more businesses or more apartments or more houses. Only politicians and businesses push for more expansion. homeowners don't. Thank you. Jacqueline Lucas, 1744 Blackbird circle, Carlsbad, A 92011

**From:** JACQUI LUCAS [<mailto:jacqui.lucas@sbcglobal.net>]

**Sent:** Tuesday, May 20, 2014 8:18 PM

**To:** Council Internet Email

**Subject:** open spaces

C28-1

Please plan on giving Carlsbad as much open space as possible; Most residents want open space. businesses do not. Consider making Carlsbad a beautiful place to live, not a congested city. thank you. Jacqueline Lucas, 1744 Blackbird circle, Carlsbad, ca 92011

**From:** Janann Taylor [mailto:jananntaylor@me.com]  
**Sent:** Tuesday, May 20, 2014 12:05 PM  
**To:** Jennifer Jesser; David de Cordova  
**Subject:** Need for more Gardens and Parks for Recreation and Relaxation

Hello Jennifer and David:

C29-1 Thank you for your presentations last night at the Parks and Recreation Commission Meeting. I appreciated learning about the extent of the fire damage and the excellent response by the Fire Department. I was also glad to hear about Arbor Day and the Calavera School Garden. I also was very interested to see your presentation of the General Plan and learn that one key strategy is to "revitalize older neighborhoods" and the policy to identify appropriate need to the diverse and aging population.

C29-2 I trust that you and all the Planning Department are conscientiously working to increase the amount of true parkland space where all ages can find some respite from the development and traffic. Many of our parks have open space and athletic fields and playgrounds. My husband, Peter Taylor, and I hope that we can manage a way to increase beauty, nature and culture in neighborhood parks. Please include these ideas in the General Plan, as you work to make revisions.

C29-3 The idea proposed to use the three acres of the Buena Vista Reservoir is a great opportunity to fulfill a need in the Olde Carlsbad quadrant. I would like to request that we set up a meeting of the Planning Department with our NW Quadrant neighborhood so that we can work together to realize this proposal. I have been to meeting like this before where the Planning Department provided excellent clarity to the process.

Please call or set a time for me to meet to discuss . I appreciate your efforts to create an excellent plan for the next phase of Carlsbad history.

C29-4 Attached is a letter that I provided the Commissioners last night. Although I did not speak all the points, I believe that you would have learned the feeling of the residents that did clearly stand for more parks in Carlsbad and specifically here in the Olde Carlsbad and the Barrio, of the Northwest Quadrant.

**From:** James O'Leonard [<mailto:jamesoleonard@gmail.com>]

**Sent:** Monday, May 26, 2014 5:21 PM

**To:** Don Neu

**Subject:**

Dear Planning Commission,

**C30-1** | I am writing to express my disappointment in the actual emphasis given in the proposed general plan to open space and parks.

Our family lives in the South East quadrant of the city and has watched the undeveloped land rapidly disappear around us over the last 11 years. It was some consolation to see the new Alga Norte Park open, though we remain without a park that is walkable from our home.

**C30-2** | My feelings on this subject go much farther than that of a homeowner and concerned resident. I am also the founder and majority owner of a software company, PEAK 15 Systems, that is based in Carlsbad. In the last two years we have doubled the size of our team. Attracting and retaining team members is absolutely vital to our business. Of our current team of 12, 5 live in Carlsbad – more importantly those 5 people represent our longest and most loyal team members. That is not a coincidence. For our company to be successful we need Carlsbad to remain a very desirable place to live and work – and for every single one of my team members who live in Carlsbad, the city's open space was a major reason they settled their families here.

**C30-3** | I urge the City Council to update the proposed general plan to truly take the input you collected into consideration. Specifically:

- It is absurd that the general plan double counts hardline open space as both hardline preserve land and as a park.

**C30-4** | • Counting school yard as open space doesn't make sense either. They are not accessible to most residents any more.

**C30-5** | • The emphasis should be on neighborhood parks that are walkable rather than a single super park that requires long drives for most residents to access.

Best regards,  
James O'Leonard  
2670 Cazadero Dr.

**From:** Karen O'Leonard [mailto:karenoliphant@yahoo.com]  
**Sent:** Monday, May 26, 2014 5:00 PM  
**To:** Jennifer Jesser  
**Subject:** Concerned about Carlsbad's Open Space

Dear Jennifer,

**C31-1** | I moved to Carlsbad 12 years ago with my husband and infant son. We had been living in the San Francisco Bay area and were drawn to Carlsbad for the natural beauty of its beaches, parks and natural habitats, and small-town feel. I am sad to say that we have seen a steady decline in these treasures of Carlsbad over the 12-year period. We have seen housing developments spring up to encompass most of the open areas, with still more to come. Our community has lost much of its small-town feel, instead replaced by a busy suburban lifestyle.

**C31-2** | I recently became aware of the proposed General Plan and how open space is treated in the plan. I am concerned by the following aspects related to open space:

1. Some land is double-counted as hardline open space and as a park; the same land cannot be both, and preserve land is off limits to recreational use.

**C31-3** | 2. School yards are full counted as parks, but these have very limited access to the public.

**C31-4** | 3. Veteran's Park is counted in all four city quadrants.

**C31-5** | We need to save the precious little open space that we have. So I implore you to reconsider how open space is treated in the General Plan.

It's not too late to save Carlsbad from being just another characterless southern California suburb.

Sincerely,

Karen O'Leonard  
2670 Cazadero Drive  
Carlsbad, CA 92009  
(760) 268-0155



May 27, 2014

Natalie Shapiro  
7835 Rush Rose Dr., Unit 114  
Carlsbad, CA 92009

**Attention: Jennifer Jesser, Senior Planner**

C32-1 | These are my comments on the City of Carlsbad Draft General Plan and Draft EIR.

I have two concerns: 1) Adequate open space/parkland and 2) water issues regarding new development.

C32-2 | **Adequate Open Space/Parklands**

Veterans Park

I live in the Southwest Quadrant, and the draft General Plan (GP) states that this quadrant requires 86.6 acres of parklands, and that there are 92.7 future park acres. However, the 92.7 acres includes the proposed Veterans Park, a 90-acre centrally-located park, which is divided up into 22.5 acres per Quadrant. Why does the GP allocate 22.5 acres of Veterans Park to the Southwest Quadrant when it is not in the Southwest Quadrant? Other open space/park land areas are not allocated in this manner-for example, beach areas or golf courses located city-wide or located in a particular Quadrant, are not allocated to other Quadrants, so why is this done with Veterans Park? This violates one of the core values of the 2010 Community Vision which is to have locally accessible parklands and to not have to drive in order to recreate. For those of us in the Southwest Quadrant, we would have to drive to access Veterans Park.

So, please explain why Veterans Park is counting towards parklands in all Quadrants.

C32-3 | Double Counting

Double-counting hard line open space as both hard line open space and as a park violates the performance standards in the General Plan (15% open space/parklands per LFMZ). This was done with Poinsettia Park, located in the SW Quadrant-it was counted both as hard line open space and as a park. This should not be done! Count a particular area either as hard line or as a park but not both! Why was this done?

C32-4 | Actual acreage of open space/Park lands is lacking

For the Southwest Quadrant, from the 92.7 acres of future open space/park land, these acreages should be subtracted: 12.5 acres for double counting Poinsettia Park and 22.5 acres for allocation of centrally-located Veterans Park. Thus there is actually 57.7 acres. However, to adhere to the performance standards, 86.6 acres is needed. Please add open space/parklands to the SW Quadrant so that the required 86.6 acres is met, but not by double-counting or allocating city-wide parks.

C32-5

Things that are not parks

Identified open space/park lands in the draft GP/EIR include: locked school yards, HOA member only parks, road meridians, and hard line open space. I don't understand the rationale here-locked school yards and habitat management areas that are off-limits to the public cannot be counted towards the 15% performance standard as it is off-limits to the public. Do you really think members of the public should go into locked school yards or habitat management areas that say "no trespassing?" The same goes for many HOA parks, which are only for HOA members. And also for golf courses-even public ones (one cannot walk on a golf course unless they play golf). Please explain why you are expecting the public to break the law in order to access open space/parkland.

In sum, the 15% standard is not met where schoolyards, habitat management areas (ones that are closed to the public), and golf courses are used to meet the standard. And using road meridians as open space/park lands is ridiculous-what is the rationale here?

So, please explain your rationale for your selection of what is considered "open space/parklands." According to the draft GP/EIR, it is supposed to be lands accessible to the public.

C32-6

Where is the 40%?

The 1986 Growth Management Plan stated that there would be 40% open space at build-out, yet the Draft General Plan makes no mention of this. What happened to the 40% open space goal? It should be included in the General Plan. Please explain why it suddenly disappeared.

C32-7

More open space is needed

There is an increase in population and building, yet a scant increase of open space/parklands. People live here because of the proximity to open space/parklands, yet it is rapidly being built up. Why is there not an equal increase in the amount of new open space/parklands added?

In addition, in light of the recent fires that burned valuable habitat for rare species of wildlife, the GP and EIR needs to re-evaluate open space lands needed for wildlife, especially as fires will be more frequent due to climate change. More open space needs to be added for wildlife habitat. Are you going to add more open space areas for wildlife to help mitigate future loss of such lands due to fire? If not, why not?

C32-8

**Water Issues with increased number of dwellings**

Water, drought and new building

California is in the midst of a severe drought and with climate change, the state will be having severe difficulties meeting its water needs for existing housing dwellings. The new desalinization plant in Carlsbad may help mitigate water shortages but it is expensive and should not be relied on to satisfy future water needs in times of drought. Therefore, it is a bad idea to increase Carlsbad's number of dwelling units by 18%. Is this sustainable? Will there be enough water for these dwelling units? The draft GP notes that the Growth Management Plan requires that there are adequate public facilities concurrent with new growth and that there are performance standards for 11 public facilities, including water distribution (which I assume includes adequate available water quantity).

C32-8 | How did the GMP determine that new dwelling units will be getting enough water in light of the drought and climate change?

Thank you so much for your time,

Natalie Shapiro

**From:** Brian McInerny [mailto:beyondthemack@yahoo.com]  
**Sent:** Wednesday, May 28, 2014 7:24 AM  
**To:** Jennifer Jesser  
**Subject:** Park land

Dear Jennifer,

C33-1

I am writing to say that as a resident of the city I want to express the need for quality of life enhancement in the Northwest Quadrant of the General Plan. There is a property which was a former reservoir that the city is considering selling to a developer on the grounds it is under utilized. Many residents including myself feel that an excellent use of the property would be to create a small park. I think the city should take this opportunity to achieve one of the goals of the cities vision as professed in the General Plan.

for listening

McInerny

Avenue Carlsbad

Thank you

Brian G.

1343 Forest

**From:** Janann Taylor [mailto:jananntaylor@me.com]  
**Sent:** Wednesday, May 28, 2014 1:25 PM  
**To:** Chris Hazeltine  
**Cc:** Jennifer Jesser; David de Cordova  
**Subject:** Parks Follow-up

Dear Mr. Hazeltine,

**C34-1** It was exciting meeting you at the Parks and Recreation Commission meeting on May 19. I wanted to personally write and let you know that it was great to hear about the development of parks and recreation in Carlsbad. Over the weekend, my husband and I enjoyed the privilege and opportunity to hike on the trail recommended by Liz Ketabian.

I was happy to hear your report that Carlsbad will be caring for the bathroom facilities at Tamarack and Pine and that you also are scheduled to care for the landscaping and maintenance along the banks of the sea wall.

I wanted to mention to you that my grandparents, parents, my husband and I have all enjoyed the opportunity of raising our families, working and retiring in the Olde Carlsbad neighborhood for three generations going on four. (We have four grandsons that visit here regularly and take advantage of the parks, beaches and trails.)

**C34-2** As you continue to revise the General Plan Draft, please consider the number of people in the Olde Carlsbad neighborhood and why the residents have specifically chosen to purchase land and invest in businesses in this part of the city. My neighbors and I walk to the parks, Cole Library, Arts Office, Sculpture Garden and City Hall. We enjoy the unique character of the neighborhood and especially nature, trees, gardens and places accessible for peaceful enjoyment of open space away from busy streets and freeways.

I am happy to volunteer doing anything you visualize to provide for parks that my neighbors and I can walk to- other than Holiday Park, which really needs a sound wall to provide a quality space for recreation.

Can we work together to devise a plan for integrating parkland in this 'walking neighborhood'. My address is 1351 Pine Avenue. We purchased the land with the help of my parents in 1980 with the understanding that we would enjoy a natural environment that supported parklands, vegetation and nature as the city developed. I still own my grandparents' house on Spruce Street which is rented to a family with children.

**C34-3** Many people on Pine Avenue have generations of their families that also chose to come to this area for a "common sense" development of city-owned land used for civic purposes.

Please let me know how we can effectively develop the City owned lands for the highest common good and supporting a natural environment. This not only helps our neighborhood to be sustainable but also sensitive to environment issues.

**C34-4** My neighbors and I love the idea of having a park at the Buena Vista Reservoir as it meets many of the "Key Strategies" set out by David de Cordoba such as having "accessible and walkable centers"; "continued commitment to open space"; "livable streets to drive, walk and bike" and "revitalizing older neighborhoods".

**C34-5** Also the city-owned lands around the Cole Library and the Buena Vista Reservoir have a cumulative affect when one considers elements of the General Plan: land use, open space, conservation and public safety, recreation and arts. Incorporated into these spaces can be all elements!

**C34-6** An important element of the General Plan is to create educational opportunities for life-long learning. Do you agree that we could make plans incorporating solar, wind and gardening in our Buena Vista Reservoir "park"?

**C34-7** Please get back to me so we can make a positive impact on the Olde Carlsbad neighborhood!

Sincerely,  
Jan  
1351 Pine Avenue  
Carlsbad 92008  
(760) 213-5318

Janann Taylor

*The life given us by nature is short, but the memory of a life well spent is eternal. -Cicero*

**From:** Janann Taylor [<mailto:jananntaylor@me.com>]

**Sent:** Wednesday, May 28, 2014 9:12 AM

**To:** Planning

**Cc:** Council Internet Email; Taylor Peter

**Subject:** Land Use in the General Plan Draft

Hello everyone,

**C35-1** | I have appreciated the ability to read over the General Plan Draft. However, I have been unable to find the planned use for the area of the Cole Library, Arts Office, Sculpture Garden and surrounding area. It seems on the map that it is planned for residential. Can you share with me what is recommended by the City for this area?

**C35-2** | Three generations of our family have lived in Olde Carlsbad since 1959. We have grandchildren that visit several times a year, where we depend on the library and sculpture garden for enhancing the quality of life in this quadrant. Specifically I believe that the General Plan Draft should include a design plan for the Olde Carlsbad area. Please get back to me on your policies and plans for this part of the City.

**C35-3** | I live on Pine Avenue and my neighbors and I would appreciate your attention. Can you please call and set aside some time for us to meet and understand?  
Respectfully,

**C35-4** |

- Village**

Carlsbad Village—the community’s downtown—is the oldest and the most walkable neighborhood in the city. The Village is home to the majority of Carlsbad’s historic and cultural resources, including the Carlsbad Theatre, Old Santa Fe Train Depot, Army and Navy Academy and multiple historic structures.

The Village has evolved into an eclectic neighborhood rich with character and diversity – both in its physical landscape and in its varied activities and land uses. It has great bones – a walkable street grid, location adjacent to the ocean, a bus and rail transit center, and mix of old and new buildings. The Village should be Carlsbad’s ideal choice for residents looking for a more urban, walkable, transit-connected lifestyle, and for visitors seeking a contrasting experience to hiking along the lagoons, surfing, or golfing.

Many sites in the Village are developed at a low intensity and designed to meet the needs of a car-oriented lifestyle, not in keeping with the vibrant, active, pedestrian-oriented core that many would like to see as defining the Village experience. As the Village continues to evolve, it will be important to redevelop and strategically focus improvements in the neighborhood to best express the city’s small-town beach-community lifestyle, take advantage of key opportunities to connect to transit, the ocean, and the Barrio neighborhood to the south, and add new residents and life into downtown Carlsbad.

The Village Master Plan and Design Manual provides guidance for design, land use, and redevelopment, and includes development standards and design guidelines. There are additional opportunities to expand on key elements like public art and identity through a signage and way-finding scheme as well as an expanded public arts program.

Janann Taylor  
(760)434-4230 home  
(760) 213-5318 cell

*The life given us by nature is short, but the memory of a life well spent is eternal.*

*-Cicero*

**From:** Lee Shapiro E-Mail [mailto:lshapiro@lsglen.com]  
**Sent:** Wednesday, May 28, 2014 8:00 PM  
**To:** Jennifer Jesser  
**Subject:** Carlsbad general plan and EIR comments

May 28, 2014

Lee Shapiro

7835 Rush Rose Dr., Unit 114

Carlsbad, CA 92009

Attention: Jennifer Jesser

Dear Ms. Jesser:

C36-1 | I believe open space is very important and want to see adequate amounts left protected in Carlsbad. I do not support open space or parklands that are locked schoolyards, road meridians, homeowner-only parks, senior centers, or golf courses. Please make sure open space or parklands that go towards the 40% per quadrant or 15% per management zone are real parklands or open space (that are accessible to the public and are not on the list above) and that are locally accessible.

C36-2 | I oppose using Veterans Park to qualify for parklands in other areas. I cannot walk miles and miles to get to a park and I prefer not to have to drive to recreate! Also, the general plan notes that  
C36-3 | it is important to have non-driving methods of transportation in Carlsbad, and this includes getting to a park.

C36-4 | I also wish to know how our drought and climate change plays into the projections of increasing dwelling units by almost 20%. What models were used to determine we have the water in the future to support this increase in dwelling units?

C36-5 | I appreciate your attention to fixing these problems in an otherwise nicely written general plan and environmental impact report.

Sincerely,

Lee Shapiro

June 1, 2014

Marilyn B. Hendron  
335 McKinley Street  
Carlsbad, CA 92008

Dear Members of the City Council,

**C37-1** | As resident of Carlsbad, and more specifically Olde Carlsbad, I am writing to you to let you know of my concern regarding the possible disposition of the property known as Buena Vista Reservoir. I understand that the council has received a recommendation to sell this property to develop it into housing.

**C37-2** | May I suggest an alternative option that would benefit the city and its residents much more effectively than additional homes. The area of 3.5 acres is more perfect for a pastoral native plant garden that would provide a respite not only for the people of the community but provide much needed area for our avian friends.

As you may know, San Diego county is considered one of the “birdiest” areas in the country. But it will not remain so if we can not maintain habitat areas rich in bio diversity which provide food, nesting areas and safety to some of our winged friends.

We are fortunate that we are on the Pacific Flyway (migratory flight path) for a number of bird species. In addition, we have a number of resident birds in critical need of habitat. Western Tanager, Scarlet Tanager, Swainson Thrush, California Thrasher, White Crowned Sparrow and Hooded Oriole are only a few of the species that could benefit from a “sky island oasis” habitat surrounded by housing.

**C37-3** | By allowing the reservoir to become a park, we would be able gather community members to help in creating a space that can benefit the community. We could create a volunteer program to help with planting, laying trails and building seating. By using community groups such as scouts, church groups, neighborhood associations, etc., we could design, develop and create a fantastic space to be used by all members of the community.

**C37-4** | It is my sincere hope that you will seriously consider the best interest of the community and designate this area as a natural habitat park.

Most sincerely,

Marilyn Hendron



**From:** Blythe Doane [mailto:blytheskylark@aol.com]

**Sent:** Monday, June 02, 2014 7:44 AM

**To:** Jennifer Jesser

**Subject:** Open Space in Carlsbad

C38-1

Dear Ms. Jesser- We recently moved to Carlsbad from Michigan. One reason we selected this community over Carmel Valley was the promise that 40% of the land would remain open space. Now we find the City is trying to redefine open space as parking lots and medians in order to provide more land to developers. This is very disappointing and seems to contradict the statements the City makes about itself. The current plans should be reconsidered and more land given over to real open(wild) space and city parks.

Thank you,

Blythe Doane  
1654 Calliandra Rd  
Carlsbad

Dear Carlsbad Public Servant,

C39-1 We live in what is known to you as the Northwest Quadrant. It has recently come to our attention that the city plans to sell the reservoir property located on Buena Vista Drive near Highland Avenue. Our feeling is that would be a grave deviation from Carlsbad's core values as represented in Carlsbad's Vision Statement. Adding more homes in an area that already falls far short of the General Plan mandates for open space and parks. We have lived in Carlsbad for a combined total of 111 years. We love this place but we are slowly being nudged toward a dislike of the way future development has been handled by our Public Servants elected by the people to serve their needs. It seems that neighborhoods and individuals are far less important than the next big commercial project or large scale residential development. How does that jive with the "small town feel" expressed as a core value?

C39-2

C39-3

C39-4 Apparently the Northwest Quadrant was developed before there was a general plan so it is not subject to the same rules. How can you

C39-5 justify selling off a city owned property to development in an area such as this? We would love to hear your thoughts.

Best regards  
Lisa McKethan &  
Brian McInerney

**From:** Taylor Janann [mailto:montessoriarts-scs@sbcglobal.net]  
**Sent:** Monday, June 02, 2014 2:08 PM  
**To:** Scott Donnell  
**Cc:** Jennifer Jesser; David de Cordova  
**Subject:** Meeting with Planning concerning Olde Carlsbad

Hello Scott, Jennifer, David and colleagues that work to lead Carlsbad effectively and successfully!

**C40-1** Thank you for taking so much of your time concerning my inquiries of the economic or financial impact of the long term benefit of developing quality Public Spaces to the short term sale of real estate for housing in the Olde Carlsbad area east of the Interstate and west of El Camino.

**C40-2** I have followed your suggestions of calling Jennifer, yet her answer machine is not taking voice mail. It refers me to David de Cordova, so I have copied both Jennifer and David on this communication. Our concerns are attention to the City-Owned property in the vicinity of the Cole Library: Arts Office, Sculpture Garden, Community Garden, agricultural land, overflow dirt parking lot, etc.

My request is that we can set up a meeting to discuss a vision for the development of Olde Carlsbad and how with good leadership in design, development and community involvement, we can work together to address the policies, strategies and elements that David presented at the Parks and Recreation Commission meeting on May 19.

I will also contact Joe Garruba for his input. I am glad to learn about his involvement with City property.

**C40-3** My neighbors and I are responsible long-term property owners who have resided in Carlsbad for decades. We have educated our children here, supported libraries, street faires, commerce in the Village and the arts. We feel that Olde Carlsbad is an extension of the Village and the Barrio, yet there is insufficient mention of plan for Olde Carlsbad stated in the General Plan . and have chosen to live in the “older neighborhoods” which benefit from the focus of walkable streets, sustainability, concerns of energy and environment, meeting needs of diverse and aging population, reinforcing employment, creating innovative educational opportunities and aesthetics of our town.

**C40-4** We believe that Public Spaces help individuals to connect as humans in natural settings and promote healthy lifestyle and mental health.

**C40-5** Please provide my neighbors and I to meet with Planners responsible for the General Plan Draft to address concerns:

1. Understand the long-term economic benefit to the Village and all of Carlsbad by having “revitalized” Public Spaces in Olde Carlsbad
2. Need to create desirable public spaces on City-owned lands in Olde Carlsbad.
3. Identify the distinct Olde Carlsbad character to be included in the General Plan, so the City can make decisions for the best use.

I hope to hear back soon on your attention to the above.

Respectfully,  
Jan  
*Janann Taylor*  
1351 Pine Avenue  
Carlsbad, CA 92008  
(760)434-4230  
(769)213-5318

Nothing great was ever achieved without enthusiasm.

—Ralph Waldo Emerson

**From:** John Garcia [mailto:garciajohng44@gmail.com]  
**Sent:** Monday, June 02, 2014 11:03 AM  
**To:** Jennifer Jesser  
**Subject:** Comments and suggestions for new Carlsbad General Plan

Dear Jennifer and the Carlsbad City Council,

**C41-1** I have lived in the Carlsbad SW Quadrant LFMZ for the past 11 years, and really enjoy living in Carlsbad, which I feel is a great city. Unfortunately I have some serious concerns about the new Carlsbad General Plan (GP) which I feel need to be corrected, for us to continue to have a first class city to live in:

1. Currently in the new Carlsbad GP there is less than the required (from 1986 Carlsbad GMP) 15% of open space and 3 acres of parkland/1000 residents/quadrant.

**C41-2** 2. In the new Carlsbad GP parts of 4 existing parks, with a total of 51 acres land, are double counted as both park lands AND as hardline preserve land. Parks should not be double counted as part of the hardline preserve land!

**C41-3** 3. Another concern is that in the new GP, the Veterans Park is counted in all four quadrants when it should only be counted in the quadrant it is located.

**C41-4** 4. Locked school yards are also counted as parks, which is totally wrong! How can you count an inaccessible area as a park for people to use!

**C41-5** 5. Some "parks" such as the Crossings Golf course and the "Skate" Park are really "general use" Carlsbad Parks, and should NOT be allocated to a specific quadrant. I suggest a better method would be to take these "general use parks" and allocate 25% of each of these parks to each quadrant.

**C41-6** These errors must be corrected, and more land then set aside for open space and Parks in the SW quadrant, and other quadrants as needed.

In summary we need more park and open lands in the future for our children and grandchildren to use, so please include them in the new General Plan, correct the errors noted, and do not sell all our current open space just for more homes.

Sincerely,

John

John G. Garcia  
6771 Follette St,  
Carlsbad, CA 92011  
[Garciajohng44@gmail.com](mailto:garciajohng44@gmail.com)  
619-884-3701

**From:** Stan Katz [mailto:stankatz2000@gmail.com]  
**Sent:** Monday, June 02, 2014 12:02 AM  
**To:** Jennifer Jesser  
**Subject:** Please preserve Carlsbad's remaining natural open spaces. Thanks

Dear Jennifer,

C42-1 | Hello, I'm writing to encourage you to preserve as much of the remaining open, natural space in Carlsbad as possible. I've lived here for 25 years and the density keeps going up with the loss of the beautiful open spaces. Kelly Ranch will soon add many homes on El Camino.

C42-2 | Below is a website that does a fine job of presenting the case for saving these open spaces to be enjoyed by generations to come.

Thank you so much,  
Stan Katz

[www.preservecalavera.org](http://www.preservecalavera.org)

**From:** TD Rolf <[tdrolf@realignts.com](mailto:tdrolf@realignts.com)>  
**Subject:** Speech  
**Date:** June 2, 2014 at 8:23:35 PM PDT  
**To:** "[jananntaylor@me.com](mailto:jananntaylor@me.com)" <[jananntaylor@me.com](mailto:jananntaylor@me.com)>

C43-1 | The residents of Old Carlsbad are concerned with the lack of designation of Old Carlsbad in the general plan draft and would like the City Council to consider such a designation in order to preserve the unique and historical nature of Old Carlsbad and to implement protections and safeguards consistent with such designation.

C43-2 | Included in the designation for Old Carlsbad would be specific plans for retaining the public use and enjoyment of City owned properties located around the Cole library and City Hall. To be clear, the residents of Old Carlsbad strongly oppose the sale of any of these lands to private parties and request that the City explore alternative utilization of the public property for the public enjoyment of residents, resulting the true highest and best use of those lands. Preserving these unique lands will not only protect the character of Old Carlsbad, it will also benefit residents throughout the entire City of Carlsbad.

T.D. Rolf, Principal  
RE:Align Tenant Strategies  
858.518.0142

**From:** David Doane [<mailto:gmm250@yahoo.com>]  
**Sent:** Tuesday, June 03, 2014 11:30 AM  
**To:** Don Neu  
**Subject:** Carlsbad Growth Plans

To the Commission:

C44-1 | My main concern is protecting property values for homeowners in Carlsbad. The original master plan called for 40 percent open space to preserve aesthetic beauty and to provide natural, usable public space (not just soccer or baseball “parks” with bright lights). This was to protect property values. Families bought homes with the expectation that Carlsbad would honor its commitment. We are, therefore, appalled at the decision to double-count parks and use fake definitions of “open space” to include playgrounds, medians of boulevards, and inaccessible areas. This misuse of government power violates the rights of homeowners who have risked their own savings by investing in property. Homes are an important investment and store of wealth. We invested with the expectation that the master plan would be honored, not weakened for political reasons.

C44-2 |

C44-3 | I also question the cost/benefit ratio of the planned expansion of commercial space. Carlsbad already has too many relatively new but *vacant* office buildings. We see “For Lease” signs in every industrial park and mall. Won’t building more and newer buildings worsen this growing blight?

Sincerely,

David P. Doane  
1654 Calliandra Road  
Carlsbad, CA 92011  
760-814-2668

**From:** Janann Taylor [mailto:jananntaylor@me.com]  
**Sent:** Wednesday, June 04, 2014 9:33 AM  
**To:** Christie Marcella  
**Cc:** DebbieFountain@carlsbadca.gov; Council Internet Email; Jennifer Jesser  
**Subject:** Meeting with Departments for General Plan Draft -

Hello Chrisite,

**C45-1** Yes, I was very inspired by your experience, insight and knowledge of how to work with elected officials, City employees and the residents. Thank you for this message as I thought that I was invited to the meeting next Wednesday, June 11 and you were going to let me know if you wished for residents from different parts of the city or just a few to represent Olde Carlsbad with the concerns about City-Owned lands. I apologize for misunderstanding!

**C45-2** I do have other questions, yet I will try to research more so that these questions can be more specific. After attending the meeting last night, I thought how great it would be to have a city-specific bus/trolley/special vans that visitors or residents could ride from Olde Carlsbad to Village to Caruso Mall, waterfront-seawall, Encina Power Plant area, Flower Fields, Forum, City Hall, Faraday Offices, Dove Library, Schulmann Auditorium, Bressi, Rancho Carrillo, etc. Something like that should be in the plan if it isn't already. If it is in the plan, can you specify the pages in the draft:-)

**C45-3** I trust that none of my ideas are new or original as you professionals study great cities and what works. But, I cannot get away from the fact that in Portland - I could park my car at one of the city park garages for \$5.00 for the day and walk everywhere from art museum, history museum, to the Living Room (public space), Farmers' Market, Nordstrom's, Powell Books, Chinese Gardens along Park Blocks ———or for \$2.00 a day take their bus and get on and off as much as I wanted and end up at the Aerial Tram at the Waterfront to end up at the Oregon Health Sciences University hospitals. (There were several parking garages, so if you wanted to move the car to another, the driver could without another fee-ticket good for the day.)

**C45-4** I obviously have much work to do to catch up with all the amazing things planned. The City-Owned land in Olde Carlsbad should be used for something very innovative and wonderful whether it be the place for visitors and residents to have an amazing information services space, enhanced educational aspect— it historically, aesthetically, ecologically has intrinsic aspects to bring vitality, walkability and livable streets into Olde Carlsbad connecting to the original town and the future, progressive City of Carlsbad. There could be a city owned farm to table there too for educational purposes using agricultural lands and community garden. Alice Waters and Chez Panisse from Berkeley did so much to help the health and knowledge for children and community. All ages of diverse backgrounds for the higher and best use.

**C45-5** You at the City Offices are so fortunate to have the opportunity to continue to build on the foundation of our city. I know that everyone is responsible and dedicated to attend to the wants and needs of a factions. Still, Olde Carlsbad is unique and the people have invested here for the long term with roots from which it sprang.

I just realized yesterday when I saw a friend on Harding that my family has been here for *5 generations*. Keep up the good work! Please let me know how I could do some volunteer work to build connectedness and compatibility.

We all are interested and want to be satisfied and excited about the challenges ahead! Do you mind if I forward this email to TD Rolf and Mary Anne Viney as I trust they will be included in the meeting you arrange?

Janann Taylor

*The life given us by nature is short, but the memory of a life well spent is eternal.*

*-Cicero*



**From:** Kervin Krause [mailto:kervinkrause@gmail.com]  
**Sent:** Wednesday, June 04, 2014 1:26 PM  
**To:** Jennifer Jesser  
**Cc:** Patty Mi Amorsita Segovia-Krause  
**Subject:** Olde Carlsbad Neighborhood Park

Dear Jennifer,

C46-1 | My wife & I have been so blessed to live in the Olde Carlsbad area for over 15 years now. Now that we have a young son we are more aware of the lack of quality parks and open space in our area. The beach is great (although very crowded during summer and weekends) but quality family friendly neighborhood parks are much more difficult to find in our area. We would love to see a family friendly neighborhood park in Olde Carlsbad. Specifically Buena Vista Reservoir Park would be such a wonderful addition to our area.

C46-2 | It is wonderful the Carlsbad Village area continues expanding the pedestrian & bike friendly areas. It would be wonderful to expand this design into Olde Carlsbad. Neighborhood parks do so much to foster more community and reduce traffic congestion. Allowing our kids, retirees and everyone else to enjoy our amazing year round weather without having to drive.

Thank you so much!

[Kervin Krause](#)

[Patty Segovia-Krause](#)

C47-1

The City of Carlsbad's General Plan is defined in the Draft as: ***"It is a policy document that sets the goals, strategies and, in some areas, regulations regarding the distribution of land and its type and intensity of use, both public and private."*** With that broad and significant purpose, it is no wonder that input by the city's residents is a vital step to its adoption. That in mind, I respectfully submit some thoughts/recommendations I have for consideration by the city's staff and City Council.

C47-2

In August of this year, I will have enjoyed 25 years in my home at 1366 Pine Ave, Carlsbad. Certainly over those years, I have witnessed considerable change to our city. I am not opposed to change. In fact, I feel it often vital to the health of the community as a whole. However, any change should reflect the stated goal in the Draft chapter 2 G.16 – ***"Enhance Carlsbad's character and image as a desirable residential, beach and open-spaced oriented community."***

C47-3

All of which brings me to my first thought/recommendation. There are numerous unique sub-areas listed under chapter 2.7 – ***Special Planning Considerations***. Based on what I think the criterion was to select those areas, I am most surprised that **Olde Carlsbad** is not included. When you consider the historical significance of this residential neighborhood, and its distinct character, I question its omission. **Olde Carlsbad** is truly unique in it's charm and character due to the eclectic architectural designs, the large and varied lot shapes, the well established greenery, and, of course, the lack of curbs and sidewalks.

Consider Draft chapter 2 G.1 – ***"...,enhance the character...,with preservation and enhancement of open space."***, and 2 G.5 – ***"Protect the neighborhood atmosphere and identity of existing residential areas."***



C47-3 | The character and open space ambiance of **Olde Carlsbad** is unlike any other residential community in the city of Carlsbad, and so I would request that it be placed on the ***Special Planning Consideration*** list. I understand that the city is divided into quadrants, and zones, but within a given quadrant or zone, unique sub-areas can and do exist that require a different approach to future growth patterns, regulations and/or land utilization. **Olde Carlsbad** is one such area.

C47-4 | Which brings me to my second thought/recommendation. I am told that there is a list of "underutilized properties" that is being considered for sale by the city. I am particularly concerned with the one known as the ***Cole Library Agriculture*** lot – adjacent to the Cole Library parking lot. If the city is, in fact, attempting to "***preserve, protect and enhance***", then I would highly recommend that the lot be preserved and protected as open space, and then enhanced by being converted into a third Community Garden. There is considerable interest by Carlsbad residents to enjoy such a worthwhile experience (shown by the long waiting list for plots in the 2 existing Gardens). In addition, it would set a wonderful example for our young people in becoming good stewards of the Earth by making Community Gardens a priority in our city. Please know that I will be approaching the Carlsbad Garden Club, of which I am a member, and the Carlsbad Community Gardens Collaborative to join in drafting a proposal to the City of Carlsbad to do just that.

C47-5 | Finally, as the city goes through this process of adopting a revised General Plan, you must know that rumors run amok. One such rumor that I have heard from several neighbors is that the Cole Library may be closed or relocated. Jennifer, this decision would be met with considerable outrage by the community. I am not one given to hyperbole, so my use of the word "outrage" is probably an understatement. I could go on and on about this possibility, but let me leave it at that.

C47-5 | Yours is not an easy task. It is my intent to work with you and others to determine the best possible outcome for the City of Carlsbad's General Plan, and for the well being of our wonderful community. Please let me know the next step for my participation in this democratic process.

| There is no place like Carlsbad...,I feel blessed to live here.

Martha Law-Edwards  
760-720-0373  
[mledwards0@gmail.com](mailto:mledwards0@gmail.com)  
1366 Pine Avenue  
Carlsbad CA 92008

**From:** Scott and Merri Adams [<mailto:adamsincarlsbad@yahoo.com>]  
**Sent:** Thursday, June 05, 2014 8:42 AM  
**To:** Council Internet Email  
**Subject:** Open Space

Dear City Council,

C48-1

One of the magical things about Carlsbad is that it has it all. The beach, a town center, shopping ... and most importantly open space. The open space is what attracted us to this city, with open brush areas and lots of trails.

Please do not try to lump monument areas at housing developments and SDGE easement land into your definition of open space, and do not try to skirt the open space issues in one quadrant of the city with a park in a completely separate quadrant. That really is not the intent of having open space in our beautiful city. Stick with the intent of designated open space and preserve our canyons and parklands for the generations to come after us.

Merri Adams  
7059 Cordgrass Ct.  
Carlsbad, 92011

June 6, 2014

924 Begonia Court  
Carlsbad, CA 92011

City Hall  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Re: Open Space

To Whom It May Concern:

C49-1 I have been informed that the proposed General Plan Update threatens to unravel the community's commitment to open space preservation and expansion.

If this information is correct, I am very disappointed. We moved to Carlsbad in 1987 not only for its terrific coastal location but also for the low density of homes and the multitude of open spaces. We understood that Carlsbad's commitment to designation of 40% of the city for parks and recreation areas to be firm and long lasting.

C49-2 Please don't reduce the amount of open spaces in our city. With all the homes and subdivisions that have been added over the past 25+ years, parks and recreation areas are even more essential. They contribute to the quality of living that I, my family, and many of my fellow residents expect and enjoy.

Sincerely,



Judith A. Martin

From: Craddick, Robert [mailto:[rcraddick@aii.edu](mailto:rcraddick@aii.edu)]  
Sent: Thursday, June 05, 2014 9:49 AM  
To: Jennifer Jesser  
Subject: Carlsbad General Plan

C50-1

Hello, My family loves Carlsbad and hopes that the city will work toward a future that includes recreational trail access that includes single track trails for mountain biking trail hiking and trail running (vs wide path or fire-road type paths) and works to provide all parks (especially future parks) with tot/toddler bike paths and includes these as standard amenities like playgrounds, bbq zones etc. There are almost 40 skate parks in San Diego and a lot of pickle ball and dog parks but no place where we can go with family to picnic and let our kids and adults learn basic bike skills in a safe environment off the streets. A small pump track and looping tot push bike capable rolling course in parks near parking and bbq/picnic areas would welcome folks to spend a day at your great parks! My family loves Carlsbad and hopes that you add such amenities to your city parks soon to encourage safe and healthy family oriented play. For adults a skills area in those parks would be nice-- but at the very least plans to provide

C50-2

for recreation as a mandatory element of any open space planning needs to really be a mandated part of any planning process. MSCP is great and planning can provide for both human recreation as well as habitat preservation.

Thank you for considering these comments!

Robert Craddick  
4624 Dana DR  
La Mesa, CA 91942  
619-647-8941

Robert Craddick, Librarian  
The Art Institute of California - San Diego, a campus of Argosy University

address:  
Library  
The Art Institute of California - San Diego  
7650 Mission Valley RD  
San Diego, CA 92108  
858-598-1252  
[rcraddick@aii.edu](mailto:rcraddick@aii.edu)

**From:** Shannon Johnson [mailto:avidtest@gmail.com]  
**Sent:** Wednesday, June 04, 2014 10:03 PM  
**To:** Jennifer Jesser  
**Subject:** Calavera Hills

Hi Jennifer,

C51-1

I'm writing to provide my input on Calavera Hills and the other limited remaining outdoor spaces in and around the city of Carlsbad.

Calavera Hills in particular is a playground for adults and animals alike. Throughout the entire acreage there are fantastic mountain biking, horse and hiking trails available for the entire community and visitors to enjoy. Calavera is a tiny oasis in a desert of development.

And although the area is under some strain from the current number of surrounding homes, I often see a variety of animals there including, owls, deer, roadrunners, coyote, tarantulas, various snakes, hawks, skunks, and more. Not to mention all the other nocturnal wildlife.

C51-2

The city cannot afford to allow this area to be developed. The short-term gain will pail in comparison to the value it will add to the city if it is allowed to remain as it and enjoyed by so many and bettering our lives.

Please do everything you in your power to prevent any further development of the area, including prohibiting Canon Rd from advancing through the park.

Sincerely,

Shannon & Gloria Johnson



-----Original Message-----

From: Becky Larson [mailto:larsonclan@att.net]

Sent: Saturday, June 07, 2014 6:09 PM

To: Jennifer Jesser

Subject: Comments for the General Plan

Hi Jennifer:

C52-1

I hope you are having a nice weekend. My name is Becky Larson and I live in Olde Carlsbad. I am a mother of 3 and am concerned about some of the areas zoned for public space use. There are several places that are referred to as "parks" by the city but really are not. For example the area behind the shell on Pio Pico that has a bench. This is a dirty noisy area with no grass and my children would never play here. There is also a small spot of grass with a bench near Buena Vista Elementary that I is too busy for children to play. I now hear that there is talk of selling the land around the Cole Library and City Hall

C52-2

to private parties to be developed with homes or commercial businesses. Carlsbad's Community Vision states that they "prioritize protection and enhancement of open space and the natural environment." It also states "Promote active lifestyles and community health by furthering access to trails, parks, beaches and other recreation opportunities." I feel that adding yet another home or commercial development to Olde Carlsbad would be against the Community Vision and not in the best interest for my children and the other children in the area. They would prefer a park and open space to play in. I feel that keeping the lands as public property for public enjoyment is in the best interest of the community to preserve this unique land which enhances the character of Olde Carlsbad.

Thank you for you time and I hope you will take my comments to heart.

Sincerely

Becky Larson

760-525-2509

From: Lisa McKethan [mailto:lisalee2828@cox.net]  
Sent: Saturday, June 07, 2014 5:51 PM  
To: Jennifer Jesser  
Subject: draft general plan

Jennifer,

C53-1

The plan reflects what is important to the residents of Carlsbad- open space, beach access, parks and bike/walk mobility to name a few. However, I am concerned how the elements will be implemented and funded. I am told that the residents of the Barrio have been promised a park for several years. According to the 2014-15 budget no funds for Pine Park are allocated. This is the third time residents have

C53-2

requested Buena Vista Reservoir be designated a park. I continue to be told by city officials that there are adequate parks in my neighborhood. As I understand it, the NW Quadrant had to be grandfathered into '86 growth management plan' because it did not meet the plans standards. I believe the formula in 'growth management plan of 1986' by which open space and parks are calculated is flawed and outdated. The 'small town' feel that we treasure will be lost as we add more homes, business and hotel rooms. There is a point where sustainability equals 'no growth'.

C53-3

Kindly,

Lisa Mckethan  
1343 Forest Ave.  
760.803.9933

Sent from my iPad

1778 Cottonwood Avenue  
Carlsbad, CA 92011

**City of Carlsbad**

June 7, 2014

JUN 09 2014

RE: General Plan Changes

Planning Division

Corey Funk, Associate Planner  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Corey Funk:

C54-1 | I write you this letter in response to some things I became aware of after reading the recent article in the *Aviara Independent* about the proposed general plan for Carlsbad.

I am a resident of Seaport Villas whose private picnic area was pictured in the article and captioned as possibly being rezoned for open space under the city's new plan. To rezone this and other areas like it as open space is an inappropriate slight of hand as it is within a gated community and not intended for public use.

C54-2 | Likewise, to count school playgrounds as parkland is another rezoning that would be inappropriate because the playgrounds use is clearly restricted to the schools' use for most of the day. School playgrounds are school playgrounds, not city parks.

C54-3 | Do not redefine terms such as "open space" and "parklands" in an effort to reduce the true amount of building free area in our community.

C54-4 | Please add me to your notification list of hearings for the general plan.

Sincerely,



Michele Uke

Bladimir Hernandez  
1365 Pine Av.  
Carlsbad, CA 92008

June 10, 2014

To whom it may concern;

C55-1 I just recently moved to the city of Carlsbad. I live around the corner from Holiday park, Cole library and the area surrounding the sculpture gardens. I recall the first time I came to Carlsbad. I got off the Carlsbad Village exit off of Highway 5, going west. I instantly was charmed by the beauty of its nature, tranquility and unique feel to it. Unlike every other city in America with noise, apartment complex and corporate restaurants in every corner.

Now that I live in Carlsbad, I walk and attend the library all the time. I can't help but to be filled with joy watching all the people who use the library and walk around the gardens. It is always full of kids, parents and people in general. The community gardens are a great asset to the community. I wish the city would enhance that area with activities for the community like gardening classes, sculpture classes and perhaps expand the library.

C55-2 It saddens me to think that homes would replace such a beautiful piece of land. Within this area there is the possibility of developing a resource center for everyone in the community. Perhaps, have more art from people in the community or perhaps have a community garden that will feed several. I think building houses and apartments will only eliminate the unique land that makes Carlsbad a one of a kind town.

I hope that before building houses you consider the possibility of keeping, maintaining and expanding this gem of land. It is your hands to keep helping the people of Carlsbad by providing life changing opportunities (gardening, sculpture classes, more space for the library) or you can just be like most town leaderships, unconsidered, boring and make Carlsbad be like every other city in America.

I hope you have a wonderful day and thank you for your time.

Bladimir Hernandez

**From:** Michael Thompson [mailto:mikenlinda@earthlink.net]  
**Sent:** Tuesday, June 10, 2014 7:31 PM  
**To:** Jennifer Jesser  
**Subject:** GENERAL PLAN

Dear Jennifer,

C56-1 | I live in Carlsbad and am a member of [preservecalavera.org](http://preservecalavera.org). I am hopeful that when the new General Plan is updated that it does not reduce the commitment of 40% open space.

C56-2 | Regarding the plans to build for 23,000 more residents plus more hotel rooms, what about the provision of our precious water? This Plan is for Carlsbad's future, it seems our lack of rain is over looked yet again! Poseidon can only do so much! I knew this area in the early 1960's - before the sprinkler systems arrived. In those days it was looked upon as the northern part of Baja California!!

C56-3 | My husband and I look forward to hearing that the Plan continues to keep our open spaces. We are very appreciative of the work that the City does.  
Yours sincerely,

Linda Thompson  
5337 Forecastle Court, Carlsbad, 92008

**From:** Jo Ann Sweeney [mailto:j.ocean92008@yahoo.com]  
**Sent:** Wednesday, June 11, 2014 1:00 PM  
**To:** Jennifer Jesser  
**Subject:** Carlsbad General Plan

Dear Mayor Hall, Carlsbad City Council Members and Ms. Jesser:

**C57-1** | The purpose of this letter is to request that the members of the Carlsbad City Council and you maintain and enforce the original Carlsbad General Plan. It is imperative to maintain the 40% open space mandate and continue with only planned development and growth as originally outlined and implemented. The

**C57-2** | extensive fires this past May involving Carlsbad were not only devastating but a call to action to ensure the residents of Carlsbad have enough resources to plan and deal with such future tragic events. Since we are experiencing drought conditions through all of California, we need to conserve water and ensure our current residents have enough of our valuable resources to deal with emergencies.

**C57-3** | We have been residents of Carlsbad since 1997. One of the reasons for locating here was Carlsbad's planned growth and development, the excellent school system, beautiful beaches and the "small town feel" of Carlsbad yet with varied employment, entertainment, and recreational opportunities.

**C57-4** | We attended the Parks and Recreation meeting 5/19/14 and listened intently to the presentation and comments by the Carlsbad Planning Commission. The opinion of residents of Carlsbad who spoke at this meeting was to maintain the 40% open space, emphasize the quadrants of the city that do not have enough parks, to not count hardscape and school property as park land, promote a healthy, walkable lifestyle, continue to maintain and provide resources when the total of 130,000 population occurs, plan roads and traffic patterns to avoid gridlock, and to not sale any city owned properties for more high density residential/commercial use. For example as residents requested, consider a park for the Buena Vista Reservoir instead of selling it for more high density residential/commercial use. Medians along the roads should not be counted as open space. We appreciate the trees, shrubs and protrusion of colorful flowers in these medians, however they should not be counted as parks. Please listen to your citizens' concerns and requests. Carlsbad taxpayers want to continue to enjoy our beautiful surroundings and maintain our resources so all can enjoy Carlsbad in the future years. Once open space

**C57-5** | is gone, it is gone. We must also balance the need for open space with financial resources to care for these spaces. It is imperative to have programs in place to clear the brush and maintain and trim trees in order to maintain a safe perimeter for prevention of fires.

**C57-6** | Carlsbad is a beautiful place to live. It has the small town feel that so many crave, beautiful beaches, open spaces with natural environments, excellent schools, and strong employment prospects. Please maintain the vision of a recreational environment for residents of all ages and incomes so all residents can maintain, practice and live in a healthy environment and participate in a healthy lifestyle. Promote our local economy, provide business diversity and tourism, and connect to all quadrants of Carlsbad for ease of transportation whether by vehicles, walking, biking, or utilizing public transportation. Consider the

**C57-7** | increased build out population to avoid road grid lock and frustration during the workday hours when employees are driving on our streets. For example, drive on any of the major roads of Carlsbad such as El Camino Real, Palomar Airport Road, Carlsbad Blvd., Carlsbad Village Drive, College, or Faraday during peak rush hour traffic and you will already see the increase in traffic and beginnings of gridlock. Continue to provide for cultural events, high quality educational and community services while continuing and maintaining neighborhood revitalization.

**C57-8** | We would like to see a more proactive stance against littering and to remind citizens it is also their responsibility to keep Carlsbad litter free. This could be easily accomplished by including "litter free area" signs on the usual street signs and beach signs reminding individuals, no glass bottles, no skateboarding, no fires, etc. Please consider the quality of life of all of the residents when reviewing and revising the General Plan for our beautiful Carlsbad. Continue to use fire retardant materials for new structures and in planning for more parks use drought resistant plants and cactus on the medians and in future parks to conserve water.

C57-9

We are so appreciative of the Carlsbad City Council and Planning Commission for approving our beautiful golf course, The Crossings, a magnificent property. We enjoy walking along Carlsbad Blvd. in the AM or along the sea wall in the evening to listen to the ocean and to watch the glorious sunsets. We enjoy meandering through the quaint downtown village and enjoying new restaurants such as Paon and Blue Ocean. We continue to patronize older establishments such as Linda's Gifts, Gregorios Restaurant, Tip Top Restaurant, Canyon Restaurant at The Crossings, Naked Café, Harbor Fish Restaurant, Mermaids, PF Chang, shops at The Forum and The Premium Outlets. We're appreciative of a pro business plan, however that plan needs to be balanced with the original plan for 40% open space. We are so appreciative of the current parks and community centers such as Calaveras Community Park, a place where residents of all ages can enjoy their services. We love The Flower Fields and the strawberry farms. We want tourists to bring revenue to Carlsbad but to also enjoy our beautiful Carlsbad.

It is imperative to maintain the 40% open space mandate as originally outlined. Imagine Carlsbad in 2015, 2020, 2030, and a hundred years from now with 40% of open space. Imagine our Carlsbad! Let it continue to be the beautiful city by the ocean with citizens who truly care about their beautiful surroundings by preserving it and the Carlsbad lifestyle for the future.

Respectfully,

JoAnn V. and William K. Sweeney  
5342 Forecastle Court  
Carlsbad, Ca. 92008  
Residents of Carlsbad since 1997

**From:** Paige DeCino [mailto:pdecino@hotmail.com]  
**Sent:** Thursday, June 12, 2014 8:18 AM  
**To:** Jennifer Jesser  
**Subject:** GP comments

Comments to the draft General Plan for Carlsbad:

My comments on the GP will focus on 2 areas – open space and parkland.

• For conservation purposes, much of the open space in Carlsbad is designated as hardline preserve subject to conditional use by humans and set aside for the protection of wildlife. Therefore, this hardline space should, legitimately, only be counted as natural open space and not double-counted as recreation in areas where it is NOW used for relatively passive use such as hiking and biking. While humans may be using said land, currently, for recreation, there is no guarantee that such use will be continued indefinitely. Furthermore, it is deceiving to place the same land into two categories with the apparent goal of ensuring sufficient parkland. Carlsbad citizens need an accurate acreage for parks to meet the 3 acres/1000 residents, not one padded by misleading data. The future Veterans Park (90 acres) is divided equally amongst all 4 quadrants (@ 22.5 acres) even though a large percentage of that land is hardline open space, unusable and unsuitable for recreation use.

• According to the Envision Carlsbad survey, ~65% of Carlsbad residents listed natural open space as a high priority – higher than any other item. The argument in support of the 1986 ballot measure stated that 40% of Carlsbad would be preserved as open space. The current GP draft does not live up to this commitment. The acreage short of the promised 40% is on the order of 500+ acres – a significant shortfall.

• Neighborhood parks within a half mile of walking distance should be a standard for all quadrants of our city. An earlier version of the parks standard called for a total of 3 acres/1000 residents with 0.5 acres of that allotted to neighborhood parks. We need to return to this standard to assure equal access as much as possible throughout the city. The city should do all it can to ensure this occurs. We should not be selling city property that can be used for parkland in areas that are currently underserved and will be more so at build-out. This is particularly important in the northwest quadrant where consideration is currently underway to sell the Buena Vista reservoir which should become a neighborhood park. Earlier versions emphasized the importance of sustainability in the form of connectivity and accessibility to parks; we need to ensure this standard is re-inserted into the GP.

• While trying to ensure that each quadrant has its designated allotment of park acres, the city seems to be picking and choosing to what quadrant certain acreage is assigned. In some cases, “parkland” is assigned citywide (like the Senior Center), in others it’s distributed amongst all 4 quadrants (like the future Veterans Park). What’s the justification is dividing up Veterans Park? Why are not all community-wide facilities (like the Senior Center) assigned to the general park account? There are clearly inconsistencies in the way the city has made these decisions.

Thank you.  
Paige DeCinoenv  
4155 Skyline Rd.  
Carlsbad, CA 92008



**From:** Mike McMahon [mailto:2mmcmahon@gmail.com]  
**Sent:** Friday, June 13, 2014 2:25 PM  
**To:** Jennifer Jesser  
**Subject:** General Plan/EIR Comment

Dear MS Jesser,

I am a resident of the NW quadrant and have read the General Plan (GP).  
There are several areas of great concern.

**C59-1** | We are currently over counting open space in Carlsbad. We need better counting standards and add more open space, and both community and neighborhood parks.

1. GP inconsistencies. This is in violation of the California General Code which requires all GP's to be internally consistent. This requirement means that the general plan must fully integrate its separate parts and relate them to each other without conflict.

**There are some existing parks that are double counted as parks AND hardline areas. They cannot be both as hardline is habitat sensitive and cannot be used for recreation. This under counts open space.**

**C59-2** | 2. School Yards are not parks. School yards are school property and are nowadays gated and LOCKED due to safety/liability concerns. **The GP needs to remove all school yards being counted as parks.**

**C59-3** | 3. Standards for neighborhood parks. More neighborhood parks need to be created and be part of the City's priorities for Carlsbad's "Vision" of having 3 acres per 1000 residents (per quadrant). **The GP needs to maintain an established 3/1000 standard for BOTH kinds of parks.**

Thank you for your time. Please add this to the citizen comments for the GP for Carlsbad.

Mike and Kathy McMahon  
2645 Sutter Street  
Carlsbad, CA, 92010  
(c) 760-717-1899.

-----Original Message-----

From: hauge@roadrunner.com [mailto:hauge@roadrunner.com]

Sent: Saturday, June 14, 2014 4:06 PM

To: Envision

Subject: Draft EIR -- open space subject -- DECEPTION

To whom it may concern:

C60-1

I understand that someone or perhaps several people are trying to revise what open space is in Carlsbad. They are making open space:

monuments, landscaping adjacent to sidewalks, community common areas and closed school campuses, parkland not actually in the quadrant but counted as such.

In this way they are adjusting the "open space" equation, allowing the city to skirt the requirement without "officially" changing it.

Who are these people that are doing this?

They should be fired because in doing this they are deceiving the residents of Carlsbad. Just the fact that they are trying to do this, shows they are deceptive and do not belong in OUR city government. Perhaps they are being paid by the development industry? When does the greed and deception stop?

C60-2

Let Carlsbad be a leader in honesty and keeping open space so that our living quarters here is beautiful and peaceful. Too many people crammed in an area creates numerous problems. Why can't we learn from Los Angeles? When do we stop the Developers from lowering our standard of living. I remember when the Developers built all the homes in the Pacific Rim school area. But, there was no school for three years and all those children flowed over to Aviara Oaks and the traffic was a nightmare for those three years, makeshift classrooms were thrown up; it was turmoil. How are the developers allowed to throw up thousands of houses without the school, the fire dept, the park already in place? This is insane and how can the city continue to make these mistakes? How can the city not learn? This is NOT MANAGED GROWTH, it is insanity! I can only think that people in the city government are being paid off by the Developers! It makes me sick and I am not the only one!

Let's show some True leadership here in our city, some honesty/integrity. Let's be different than all the others that are run by deception and greed.

Additionally, there is a failure in this Plan to meet "MINIMUM REQUIRED PERFORMANCE STANDARDS".

C60-3

And I ask the city to EXCLUDE the re-zoned "cleanup" parcels as part of the official open space calculation. Redefining an existing piece of property is not the same as adding open space and parkland to meet "minimum required performance standards" when population increases.

How much of the designated "open space" and "parkland" in the Proposed General Plan actually is under or contiguous with SDGE power line easements?

C60-4

Open space to me and everyone I know in Carlsbad is:  
parks

wild areas where we can hike any time of day green belts The standard is that there should be three acres of parkland for every 1000 residents per quadrant.

PLEASE, let's be different and have integrity, care about the residents, not have greed enter into the story.

Sincerely,  
Patty Haugen  
Carlsbad resident

**From:** Jeff Lynch [<mailto:jlynch4390@sbcglobal.net>]  
**Sent:** Sunday, June 15, 2014 7:54 AM  
**To:** Council Internet Email  
**Subject:** open spaces in Carlsbad

Dear City Council and Mr. Mayor:

C61-1 | I have growing concern over the plans to continue developing Carlsbad open spaces. I am disturbed about the development of the Hilton Hotel along Hwy 101 and the rumors of continued hotel and housing development. I can not support a Mayor or any City Council Member that is pro growth, period. The entire Palomar airport corridor was ruined by irresponsible construction

C61-2 | that resulted in devastation to the leasing community as well as the open spaces and canyons. The vacancy rate is terrible so we are left with no open space and a huge quantity of un-leased space. It's a lose/lose proposition. What separates Carlsbad from all other coastal communities in Southern California is in fact our open space. From Mission Beach to Encinitas the open spaces have been consumed not only on the coast but inland as well.

C61-3 | We do not wish to be another Orange County, San Diego, or LA! I understand the need for a balanced budget and modest revenue growth but it must be put in check with preservation. With small growth, and protected coastal zones, bay and lagoon areas, as well as canyons and parks, the existing property value growth will more than offset a reduction in development. The homes in Santa Barbara are extremely valuable and their property tax revenues are very high. Why is this? They have controlled growth and made it a much more valuable place. The same is true for Lake Tahoe. Carlsbad should be treated the same way. It is a very unique and special place. It is NOT for the masses. I will support a Mayor and City Council that value the open spaces of this great city more than they do revenue growth.

Jeff Lynch – Carlsbad resident

Sheila and Jim Matthews  
1308 Pine Ave  
Carlsbad, CA 92008  
&  
Marilyn Hendron  
3235 McKinley Street  
Carlsbad, CA 92008

To the Members of the City Council of Carlsbad, CA,

**C62-1** | A number of my fellow citizens are wondering about the commitment and dedication of our civic leaders. It seems apparent they care little for the communities that they serve. There appears to be a philosophy that every spec of land in the Olde Carlsbad community should be available for continued development.

As concerned citizens we place our trust in you our civic leaders to think of the community as a whole rather than thinking about the economic benefit of creating more housing and commercial space to the detriment of what residents would like or need within that community. We are concerned about sustainability, environmental impact – CEQA, General and Master Plans and the cumulative effect of these on Olde Carlsbad.

The General Plan should be a document that reflects the concerns, needs and desires of the residents past, present and future.

**C62-2** | In hopes that you will hear the voice of the residents of Olde Carlsbad, we would strongly urge you and the members of the City Planning Commission, etc. to seek out better ways to use city property besides housing and commercial space.

We would like to suggest that you zone areas such as the Carlsbad Reservoir, Cole Library, Agricultural lands, Community Garden, Arts Office and Sculpture Garden, parking lot and land on Carlsbad Village Drive adjacent to Fire Station #1 to be zoned for parkland, open space and civic use and not continue in the current manner of selling land for housing developments.

**C62-3** | By allowing current land holdings to become park or natural habitat you will be supporting many of **Carlsbad’s Community Vision** objectives:

- Supporting and protecting Carlsbad’s unique open space and agricultural heritage
- Enhancing our small village feel while building on the city’s culture of civic engagement
- Providing community services for changing populations
- Enhancing community design and livability
- Supporting quality, comprehensive education and life-long learning opportunities

**C62-4** | Please take the time and consider wisely as you make choices for the General Plan. Take the time to understand and respect what community member’s want and need. Go out and talk to community members before you commit to a plan that will have far reaching negative impact on the community as a whole.

Respectfully,  
Sheila & Jim Matthews and Marilyn Hendron

Joey Kratcoski  
1306 Pine Avenue  
Carlsbad, CA 92008

June 10, 2014

Dear City of Carlsbad Staff and Council:

**C63-1** I am respectfully making comment for your input to adjustments for the General Plan Draft. I also wish to have your consideration about the Environmental Impact that there is significant cumulative affect for developing the land of Cole agricultural, the Arts Office, the Sculpture Garden, Community Garden and the Buena Vista Reservoir on us taxpayers.

The city-owned lands need to be zoned for civic purposes as was originally intended. Especially the Community Services should be kept on city-owned lands for the benefit of residents of the established neighborhoods in Olde Carlsbad.

**C63-2** Keeping civic services at this original location is of great importance to us that have chosen to purchase our houses and make improvements to our properties in this area. I personally have lived on Pine Avenue, Carlsbad since 1977.

I believe that having the city-owned lands protected and safeguarded for public space, facilities and services is both compatible and appropriate for our walkable streets and vitality of our quadrant and city.

**C63-3** Also, coordinating the Olde Carlsbad neighborhood with the Village and Barrio will be the highest and best use of these lands. I do not think that more housing in this high profile space is compatible, as we need to now improve the Northwest Quadrant to the standards of the other areas.

**C63-4** I do not understand changing the zoning and intentions for these land, especially without transparency. Please help preserve and enhance the sustainability and connectedness of Olde Carlsbad.

My best regards as a long time Carlsbad resident,

Joey Kratcoski

**From:** Brian McInerny [mailto:beyondthemack@yahoo.com]  
**Sent:** Monday, June 16, 2014 6:33 PM  
**To:** Jennifer Jesser  
**Subject:** General Plan

Dear Jennifer,

C64-1

Thanks for all your work on the Draft General Plan. I am writing to call your attention to issues that I and other residents feel need to be addressed regarding growth and open space in the Northwest quadrant. One of the first concerns is open space. I understand that some acreage in the Southeast quadrant is being counted toward open space in the Northwest. I do not understand how that can be considered reasonable.

C64-2

Regarding Buena Vista reservoir. It seems that at build out we will be short of the required park space. Why is it the city would sell potential future park space when it already owns the land at no cost. The city would then have to buy space for the shortage it needs to make up. The school that is counted as my park space is locked up. It doesn't seem that will change given the already crowded conditions and fear of future school violence. So the city needs to address the issues at hand. If the city

C64-3

professes to care about quality of life then why is future development not held in check to preserve the last vestiges of quality of life in Carlsbad. The primary subject in Carlsbad seems to be housing, shopping, hotels and dining. That's great if you live in a big city but not so great when you live in a small town with a beach town atmosphere mentioned in your draft. Please listen to the residents and not just developers who stand to make money. We will be here when they are gone. I have been living here for 59 years and I do not want to leave.

Thank you

Brian G. McInerny

**From:** Mark Remas [mailto:mremas@remasgrp.com]  
**Sent:** Monday, June 16, 2014 9:33 PM  
**To:** Jennifer Jesser  
**Subject:** Growth Management Plan - Public Comment.

**C65-1** | I want to register my concerns about the integrity of the proposed Growth Management Plan.

First and foremost, open space/parkland is a critical issue for me. I am in Olde Carlsbad. The closure of the grounds at Buena Vista Elementary and Kelly Schools was not a factor that was forecast in the prior growth plan (from 1980's). Who could have surmised then that the citizens of an area would not be able to use the local school as an outdoor asset. The fact that the schools are closed is not recognized in the proposed Growth Management Plan as they are still counted as open space/parkland when considering the ratio of acreage to citizen. **THIS IS SIMPLY WRONG!** As such - it is a violation of the 3 acres/1000 resident/quadrant rule.

**C65-2** | Secondly, the methods of counting open space allows for "fudgey numbers" - that is, areas are counted twice if there are lights at a recreation field and preserved areas (those not open to citizens walking through or riding through or otherwise enjoying) are counted as park space so the actual available park space is improperly offset.

**C65-3** | This brings me to the need for more parks in Olde Carlsbad that are accessible to the citizens of Carlsbad in this area. Buena Vista Reservoir is an ideal example of City land that needs to be converted to a park to meet the obligations of City Hall to the tax paying citizens (I myself am a long-term resident since 1989 in this house).

**C65-4** | I disagree with the approach to count Veteran's Park as a portion of my local community parks as it unfairly removes my access and assigns it to another geographic area.

**C65-5** | Certainly the interests of the citizens needs to be taken as a high priority in this matter. The poor decisions regarding the very expensive and continually unprofitable golf course in Carlsbad (one that I as a senior citizen find cost prohibitive) does not help my confidence in the means and methods used to skew the numbers in the proposed Growth Mgmt Plan.

**C65-6** | In conclusion - the Growth Plan needs to be amended to get an accurate count of open space and parks; the Olde Carlsbad area, which is impacted, cannot be cast aside out of convenience. The City has the legal and moral obligation to provide appropriate open space/parkland.

Mark Remas, MA, CRC, ABVE  
2757 Arland Rd.  
Carlsbad, CA 92008  
760-434-4233 voice  
760-729-1712 fax  
[www.remasgrp.com](http://www.remasgrp.com)

**From:** Pru Sweeney [mailto:pvsweeney1@msn.com]  
**Sent:** Monday, June 16, 2014 5:13 PM  
**To:** Jennifer Jesser  
**Subject:**

Ms. Jesser,

C66-1 | I have been a resident of Carlsbad since my daughter, her family and I moved here when my oldest son started first grade at Kelly elementary school. Yesterday, he graduated from Stanford University. When we moved in we were assured that our quadrant of the city would have a park soon. So far we have a soccer field that was moved from the police station to Faraday so that the police station could build a parking lot! At that time Ken Price showed me plans for the park on Faraday, but stated that he and his staff were looking at the possibility of private partnerships or alternative funding sources. I was president of our homeowners association and we volunteered to pay for the tot lot. At any rate the park has never really been a priority. I don't think open space is a priority any where in Carlsbad. The

C66-2 | Growth Management Plan says my LFMZ is supposed to have 15% open space. With 22 more homes going in right behind me how much space does my zone have? Please don't try to bring up the Veterans Park, or Kelly Elementary (which is locked on weekends and now during the week since school is out). I'm tired of going to meetings. Yes, I was on the planning committee to see what we wanted Carlsbad to look like, and I came to the meeting that was held to introduce the gentleman who was going to help the city go forward with pickleball courts, more bike trails etc. By the way how much was he paid? Did you use any of his suggestions? Perhaps you have an answer (other than using the time old not enough money, we have enough open space now). Could you elaborate just how much open space we have in this quadrant?

Thank you, Prudence V. Sweeney 2349 Longfellow Ct. 92008 760-801-1812



**RECEIVED**

JUN 17 2014

CITY OF CARLSBAD  
PLANNING DIVISION

June 16, 2014

Jennifer Jesser

Senior Planner

Carlsbad Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

Dear Jennifer,

C67-1

Please relay to the City of Carlsbad planners my concerns about the newly proposed definition of "open space". "Open space" should be public property that is not owned by any private entity such as a homeowner or a Home Owners' Association. "Open space" should not be land that private parties own and/or maintain. If the City waters and/or maintains the land and it is accessible to the public for public use, it may be considered "open space".

Any change in the definition allows for more land to be considered "open space" which can be calculated into the percent of land Carlsbad classifies as "open space". If that is done, other land which is truly "open space" could be developed without reducing the percent of "open space" the citizens of Carlsbad want. We, the citizens, expressed our desires for the future of Carlsbad in a fairly recent survey done by the City. In that, the majority of citizens indicated we want open space in our town which is public and for public use.

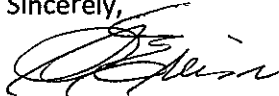
C67-2

The City has done a wonderful job of building parks throughout the City. The usage of these parks shows we appreciate having them.

C67-3

Please don't diminish true open space in exchange for gaining land that could be developed. I'm confident that is not what the citizens wanted when we completed the City's survey as to what we want in Carlsbad and the direction we want the City to go in the future.

Sincerely,



S. Ellisor

**From:** Blanche Ramswick [mailto:bramswick@yahoo.com]

**Sent:** Tuesday, June 17, 2014 12:56 PM

**To:** Jennifer Jesser

**Subject:** General Plan

C68-1

The quality of our Parks need to be re-evaluated and Open Space needs to be re-defined. The Parks in my neighborhood, Oak and Pio Pico, are pathetic and so bad no one uses them. They shouldn't even be counted as Parks. Landscape medians and parking lots as Open Space? What exactly is counted as Open Space in my area? Water that can't be walked on, median strips, parking lots, Senior Center?

Mayor Hall and the Council need to review the Parks and Open Space aspect of the New General Plan. There needs to be straight forward accounting of Park and Open Space acres. Not manipulation of the numbers to create the illusion that the General Plan is fulfilling the guarantee of 40% Open Space promised in the 1986 Growth Management Plan. Carlsbad can do better! **QUALITY COUNTS. ONLY QUALITY PARKS AND QUALITY OPEN SPACE SHOULD BE COUNTED!!**

C68-2

We have enough homes in Carlsbad. More homes means more traffic. Traffic is already bumper to bumper on Carlsbad Village Drive from Carlsbad Blvd. to I-5 and it isn't even summer yet.

More homes mean more air pollution.

More homes mean more water usage. California is in a serious drought. We already have plenty of places to shop. We don't need more shopping malls!

Carlsbad is fast becoming one of those typical Southern California cities with no character just cookie cutter houses and strip malls.

**DON'T SELL ANY CARLSBAD OWNED PROPERTIES TO DEVELOPERS FOR HOMES OR BUSINESS!!!**

We need to use those properties for the public good. Our quality of life has slowly been diminishing and these properties are all we have left to recover some of what has been lost.

Ron & Blanche Ramswick  
2886 Elmwood  
Carlsbad

**From:** Connie Chavez [mailto:cmchavez@pacbell.net]

**Sent:** Tuesday, June 17, 2014 8:47 AM

**To:** Jennifer Jesser

**Subject:** Concerns regarding Northwest Quadrant lack of parks/open space/Buena Vista Reservoir land

C69-1

My family moved to old Carlsbad in 1992. We are about two blocks from the reservoir site in a home built in the early 1950's. When we first drove into this area, north off Valley and Buena Vista, we saw on the right- flower fields and on the left- the horses in the Rancho Buena Vista corral. Peacocks could be heard. Many old, old trees grew on this property, it was quite lovely. On the top of the hill above this there was the Buena Vista Reservoir site with its stunning views of the village of Carlsbad and the ocean. This was the "small town feel" Carlsbad had that we loved. Now that Rancho Buena Vista has been leveled for the new housing development, this entrance into this old section of Carlsbad is going to change drastically. Even more drastic would be to allow more homes to be built on the Buena Vista reservoir site. The older neighborhoods back in this area need to be balanced with the old and the new. Preserving Buena Vista reservoir for open space in this area will put another needed

C69-2

park in our quadrant and contribute to revitalization of the old neighborhoods in this area. Our area in the northwest quadrant will end up with less than the minimum required park acres at buildout if no additional park space is dedicated for this quadrant. This beautiful site along with

C69-3

the historical significance should be considered a treasure to Carlsbad. To keep it for Carlsbad residents is the right thing to do. Because that is what so many "small towns" do, they preserve some of these beautiful open spaces to keep for their own use. Quite frankly I cannot believe that we all have to convince Carlsbad to consider this important area as an open space to be used for a park, gardens or viewing...This is all in the general plan and I will quote under VISION and STRATEGIES in this plan it writes: Looking ahead, the Carlsbad Community Vision core value of SMALL TOWN FEEL, beach community character and connectedness expresses a desire to reinforce the defining attributes of the city's identity. The Buena Vista Reservoir

C69-4

site could not fit any better into this plan. We are not happy to include the planned veterans park toward minimum required park acres. We have no interest in a park that shares to serve business and visitors. Thank you.

Victor and Constance Chavez

2510 Wilson Street

Carlsbad, Ca 92008

June 17, 2014

TO: Jennifer Jesser, Senior Planner  
Carlsbad Planning Department

FROM: Jack L. Nelson

1360 Las Flores Dr., Carlsbad 92008

Phone: 760 720-5420

Carlsbad citizen since 1998; member Carlsbad Senior Commission

cc: Senior Commission and Center Staff

Re: Comments on Carlsbad Draft General Plan, dated February 2014

C70-1

These comments and questions regarding the Draft General Plan of 2014 represent only my views as a Carlsbad citizen and a member of the Carlsbad Senior Commission. They do not represent the views of any other individual, group, or agency.

I was unable to attend the Senior Commission meeting in March, where the updated draft was presented by a member of the city staff, so I was not able to make these comments or raise these questions at that time.

Thank you for this opportunity.

C70-2

**Draft Plan Treatment of Seniors:**

From the perspective of my interest in seniors in the city, and my personal experience as a senior citizen here, my primary concern is that the Draft Plan essentially ignores seniors in areas where treatment should be obvious. So far as I can tell, they are not included in the “Goals and Policies” section. Nor are senior interests, needs, and desires included in discussion of the “key strategies”, the category apparently used in the Plan to identify recommendations for action.

C70-3

Examples which illustrate this concern, using item numbers from the Draft Plan:

Item 2. Land Use – Has convenient access to public transit and transit centers for seniors been considered? How are the proposed housing strategies related to ideas for senior living in regard to such topics as location, size, activities? What is proposed for improved beach access for seniors and the disabled (some of whom are seniors), especially where steep inclines now exist?

C70-4

Item 3. Mobility – Convenient mass transit is barely touched in the Plan, and important senior needs in this area are not indicated. The Plan includes a photo of a Senior Center van, but no discussion of how such vans are or could be used. Carlsbad lacks adequate senior transportation arrangements; how should these be addressed? The Draft Plan covers improvements in car traffic, bicycle systems, and parking, but nothing on improving senior issues in mobility/transit. Only one new bus route is noted (#471, maybe in 2020), and that is an express along Palomar Airport Road between Carlsbad and San Marcos. That hardly qualifies as real assistance for seniors who often need bus transport. From my personal experience: We moved to Carlsbad and were happy to be on a street served by bus, but they dropped that line and now we have a long walk, via a hill, to get one. More recently, my wife and I attended a multi-day program at the Senior



C70-4

Center to learn about mass transit trip planning for seniors; we found the system to be far too complicated, the schedule and necessary connections not very convenient, and no coverage for many parts of the city where seniors might live or need to be.

C70-5

Item 4. Open Space, Recreation – There is no statement about new senior facilities to serve parts of the city some distance from the Senior Center. The Senior Center is mentioned in a long list on p. 4-25, but there is no discussion of other senior facility needs and improvements in the city. Item 4-G6 states that recreational facilities and programs should operate on a financially self-supporting system; is that recommended for all programs, including those for seniors or at the Center? Why is this recommended as a blanket policy for the city? What about existing public support for senior programs and facilities? What of programs for the neediest, whether children, adults, or seniors? What about programs in the public interest; should they be self-financing? This seems to have no adequate rationale or criteria.

C70-6

Item 6. Public Safety – Where are special plans for safety for seniors and the disabled in the event of fire, floods, earthquake, or other disasters? What plans are there for senior residencies and their relation to public safety policies and practices?

C70-7

Item 7. Arts, History, and Education – How should the Senior Center and senior programs fit into the proposal for “lifelong learning” presented in the Plan? What offerings should be developed for seniors in this area and how can seniors be encouraged to be active as volunteers and participants in city arts, cultural activities, and education? What should be the relationship among the Senior Commission, other city senior groups, and the schools and library/cultural centers in terms of lifelong learning and intergenerational activities? Surprisingly, the list on p. 7-25 does not include the Senior Center as a resource in this area, but does include the libraries as well as the schools; why is that?

C70-8

Item 10. Housing – The age trends noted on p. 10-13, with Carlsbad having a higher median age than the county, includes no reference to the various projections showing a demographic shift toward more seniors. The Plan mentions a need for smaller housing units, but what about senior residence facilities now and proposed? What should the city provide for seniors now in larger units who want to downsize?

C70-9

On Carlsbad’s Population

The Plan document very briefly mentions Carlsbad’s “changing demography”, apparently based on data from 2000-2010, but does not refer to several population studies and projections for Carlsbad that show the largest increase in population for the foreseeable future is in those age 65 and older. Our Senior Center identifies people age 50 and over as seniors for program purposes, so these projections probably understate the likely proportional increase in the total senior population. Those studies, and the Draft Plan’s brief mention of changing demographics, suggest a need for far more attention to seniors in the new General Plan.

C70-10

**Other Draft Plan points of interest to me as a Carlsbad citizen:**

I think the draft plan is generally positive, well done, and progressive in orientation. I am not expert in city planning, but have some reservations about expanding development. While I understand some of the reasoning in that regard, we were attracted to Carlsbad in



C70-10 | 1998 partly because of the strong planning document passed by the citizens in 1986 to better control such growth.

C70-11 | There are some other specific areas of the Draft Plan about which I wonder.

1. The plan starts with statements on citizen surveys, focus groups, and “stakeholder meetings”, but presents no data beyond global information on the number/proportion of survey respondents (17% and “exceptionally high” the plan claims, but there are no obvious grounds for that view). There is no discussion of how the collected information was used, and how the material from surveys, groups, and stakeholder meetings assisted in producing the Plan. No data are presented from those sources, and there is no indication of what difference they made in developing the plan. It is not clear why the process was undertaken and how citizen participation was used.

C70-12 | One Plan statement notes that the survey results were “normalized” for Carlsbad population, but nothing explains what “normalization” is in terms of the Plan, how it was accomplished, what criteria were used, or what it means. What is it? Is it essentially a statistical manipulation similar to normalized/standardized test data, with their potential defects?

2. The Plan presents some claims, e.g., “..set of widely shared common values...”, and “..community vision reflects community aspirations..”, but no supporting documentation. And another statement, “..clear and motivational synthesis..”, is presented but appears to be meaningless.

C70-14 | I look forward to reading the revised Plan, and hope these comments and questions are useful in improvement of the Draft.

**From:** Julie Peebles Peterson [<mailto:julie@welovecarlsbad.com>]

**Sent:** Tuesday, June 17, 2014 12:22 PM

**To:** Council Internet Email

**Subject:** Do not change zoning

**C71-1** We want to keep Olde Carlsbad's Community Garden, Buena Vista Reservoir and the land around Cole Library zoned for City Use and not sold to developers!! Please do not change the zoning. Thank you.

Julie Peebles Peterson

-----Original Message-----

From: Linda Braun-Trautman [mailto:braunlinda@icloud.com]

Sent: Tuesday, June 17, 2014 5:24 PM

To: Jennifer Jesser

Subject: New General Plan/EIR for City of Carlsbad

To our planning representatives,

**C72-1** I moved to Carlsbad 11 years ago and settled in the NW quadrant. I was drawn to the diversity of the area. It was not a stucco jungle like LA and Orange County with rows and rows of strip malls and manicured planned communities. The promise of 40% open space and 3 acres of parks for each 1000 residents per quadrant even at build out was important in my final decision to locate here. After viewing the draft for the new General Plan and watching the farm land being replaced with new strip malls and rows of more stucco homes....I'm very concerned about the future of Carlsbad.

**C72-2** I was very encouraged when the envision process took place...it seemed like the city really was listening to what the residents wanted. The results showed the people wanted more open space and support for the agricultural heritage, but the new general plan has actually cut the open space to 38% from 40% and most of the agricultural land is zoned for residential even though people are desiring and supporting locally grown foods. Robertson Ranch will bring in thousands of new people without additional roads or water, and the "Grove South" will harm the village businesses, the mall and ruin the open space view of the strawberry fields and lagoon. This is NOT the way to keep the "small town atmosphere" mentioned in the Carlsbad "vision".

**C72-3** The envision results showed the people wanted more usable parks space and trails and yet looking at the general plan, much of the park space is not accessible or desirable....for example locked school yards are considered park space and even if they are unlocked during certain hours, they are limited to organized sports teams only. Wide landscaped medians and sidewalk slopes on some roadways are considered parks, parking lots at places like the Senior Center are considered parks, the fire maintenance area behind fenced homes and even some fenced in concrete reservoirs are "parks" or open space. This is not the "vision" the residents of Carlsbad had in mind....this is spinning the numbers and I feel that the outcomes are very manipulated.

**C72-4** The NW quadrant is especially short on open space and parks and yet Carlsbad is considering selling city owned land on the Buena Vista Reservoir instead of making it a park!!!!

**C72-5** I am not antidevelopment but I do think that the vision of Carlsbad is for less development at this point, more usable park space, more designated agricultural land, open space with trails for hiking and biking and also open space preserves for plants and animals.

I wish Carlsbad was concentrating on buying more land and using the land they already own for more parks and open space for the residents who live here instead of maximizing every opportunity for profit. The quality of life should count. I would just like to have what I thought I was buying into....40% open space with 3 acres per 1000 residents per quadrant of usable park space. I'd prefer more but certainly not less.

Thank you for listening to my concerns.

Linda Braun-Trautman  
3925 Holly Brae Lane  
Carlsbad, Ca. 92008



**From:** Sam DePrimo [mailto:samdee\_67@yahoo.com]  
**Sent:** Tuesday, June 17, 2014 10:57 PM  
**To:** Jennifer Jesser  
**Subject:** Comments of Draft Carlsbad General Plan

To: Jennifer Jesser, Carlsbad Senior Planner, Carlsbad Planning Division  
Dear Jennifer Jesser;

C73-1

I would like to provide comment on the draft Carlsbad General Plan and highlight some areas of concern regarding proposed changes that may impact open space the community. In the current draft it is unclear how the open space requirements promised in the 1986 Growth Management Plan, and reinforced in the more recent Carlsbad Community Vision, will be maintained. Specifically, the performance standard of 15% useable open space per local facility management zone and 3 acres parkland/1,000 residents/quad could be in jeopardy based on some of the ways that open space acreage is counted in the plan.

C73-2

For instance, school yards are fully counted as park acres; however since the Kelly school shooting school yards are fenced, gated and locked. The only access is typically after school hours - only if the school does not need it- and only for organized sports teams. There is no general public access. Thus it is questionable whether the often inaccessible school yards should be counted as community park space.

C73-3

Additionally, some land is double-counted as hardline open space and as a park - with a combined total of 51 acres double-counted as both hardline preserve land and as a park. The same land can't be both, as under established laws there is no right for the public to have any use of hard line preserve land. In limited cases where recreation is allowed, such as via hiking trails, these can be closed at any time - as recently happened at Mission Trails Park. Counting hard line preserve land as a park gives the impression that the minimum required park acres have been provided, but does not necessarily provide the required amount of accessible recreational space.

C73-4

Also problematic is the non-uniform ways that some park acreage s allocated in the counting. In particular, the planned Veterans Park is counted as providing park acreage towards all 4 city quadrants, despite only being located within one. Conversely, other park acreage that serves the entire city, such as the Senior Center, is allocated to a single city quadrant, while the golf course, another city-wide facility, is identified as a city-wide facility and is not counted toward meeting the required 3 acres of park land per 1000 residents for any quadrant. The same applies to the beach areas.

C73-5

Given the importance of connectivity and accessibility as highlighted in the Community Vision, coupled with the aims of reducing greenhouse gas emissions the Climate Action Plan, there is a need to emphasize the importance of accessible neighborhood parks (e.g., those within less than 0.5 miles from most residences); and the counting processes used in the draft plan would seem to put the open space goals at risk. This in turn could conflict with the vision of outdoors recreational lifestyles favored by residents and with the long-term need for balancing growth with preservation of open space for natural resources as well as for community usage.

Thank you very much for your attention and for the opportunity to comment on the draft General Plan.  
Kind Regards;  
Samuel DePrimo  
Carlsbad resident

June 17, 2014

Jennifer Jesser  
Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008  
jennifer.jesser@carlsbadca.gov

**Re: Carlsbad draft General Plan update and Environmental Impact Report**

Ms. Jesser:

The following are my comments on the above-referenced documents with extensive footnotes attached in support.

C74-1

The transportation portion (Mobility Element) of the February 2014 draft General Plan update is in need of revision. While the transportation plan in place under the current General Plan may be biased toward vehicles, the proposed update is ideologically biased against vehicles to an alarming degree. The City needs to take a more balanced approach in the update and recognize the reality of vehicular traffic needs in Carlsbad.

C74-2

**Unbalanced street typologies**

The newly proposed scheme inappropriately downgrades all but a handful of Carlsbad's largest "arterial" streets to "connector" or "employment oriented" street status and requires them to be re-prioritized to serve pedestrian and bike travel over vehicular travel (identical to neighborhood streets). For example, most of the major east-west corridors in the eastern portion of the city (e.g., Faraday Avenue, Poinsettia Lane, Alga Road, La Costa Avenue east of El Camino Real, and Calle Barcelona) would be re-prioritized to pedestrian/bike travel (Footnotes 1A-1C), and reduction from four to two vehicle lanes and installation of features intended to impede vehicle flow on these arterial streets is intended, even if they are carrying up to 25,000 vehicles per day (Footnote 2).

C74-3

**Street typologies untested and inconsistent with those in other cities being used as models**

City staff has cited "complete streets" plans from other cities to support their new scheme, but close inspection of such plans show that they have retained vehicle priority on arterials similar to those destined to be re-prioritized in Carlsbad. For example, the "complete streets" initiative in Fort Collins CO has been cited as a successful model (Footnote 3A). However, Fort Collins retains vehicle priority on the equivalents of the streets planned for downgrade to bike/pedestrian priority in Carlsbad (Footnote 3B), and the Fort Collins street classification scheme retains four vehicle lanes when the streets serve over 15,000 vehicles per day (Footnote 3C). City staff has acknowledged that the street re-prioritization is something of a cutting edge experiment that has not been done before (Footnote 4).

C74-4

**Reduced vehicle capacities on current arterials could compromise evacuations**

During the recent Poinsettia fire, Poinsettia Lane was in gridlock, and it is concerning to think what might happen during evacuations when many of our main corridors have been reduced to single lanes in each direction with bulb-outs, medians, roundabouts, and other features intended to enforce single-lane traffic flow. This could greatly restrict the ability of police to adjust traffic patterns in emergency situations (Footnote 5).

C74-5

**Even the largest arterials are being compromised for bike/pedestrian priority**

Even for the few streets that would retain their vehicle priority as arterials, there is a list of predefined exempted areas (Footnote 6A) and a directive to develop a further list of exempted areas (Footnote 6B). The City and any developers that might increase vehicle traffic on these exempted arterials are then restricted from implementing vehicle capacity improvements, but instead are required to implement improvements to enhance pedestrian/bike service that would likely further degrade vehicle service (Footnote 6B). The predefined exempted areas carry massive volumes of vehicles and include portions of El Camino Real and Palomar Airport Road, and all of La Costa Avenue west of El Camino Real (Footnote 6A).

C74-6

**It is unrealistic to assume re-prioritization will reduce vehicular service needs in Carlsbad**

These vehicular service downgrades are being proposed under the guise that wider bike lanes and related changes on the arterial routes will compel people to start commuting to work, shopping, etc. on foot and by bike rather than by car. However, much of Carlsbad is a sprawling bedroom community with steep grades and expansive areas of residences without nearby employment, stores, etc. Commercial areas in Carlsbad tend to be in very limited and focused areas along arterial routes (Footnote 7).

Nearly \$6 million was spent between 2003 and 2007 to install improved bike lanes in Carlsbad (Footnote 8) with a major goal being to reduce vehicle-based commutes to work (Carlsbad Bicycle Master Plan). However, these improvements had no meaningful impact on the vehicle commuting rates. In fact, the percentage of vehicle-based commuters increased in that period (as assessed by the US Census Bureau in 2000 and 2010) to an all-time high of 96.3%. In addition, average commute time by Carlsbad residents is 28.6 minutes (US Census Bureau 2010 data). For the vast majority of Carlsbad residents, it is not practical to routinely use non-vehicle modes of transportation for things like commuting and shopping

C74-7

**Significant improvements to bike/pedestrian access and safety can be achieved without codifying street re-prioritization**

It is a laudable goal to convert people from driving to walking/biking, but, as a practical matter, that likely would be largely restricted to recreational activities and would not meaningfully reduce vehicle trips or the need for vehicle capacity on the streets. It is appropriate for the proposed General Plan to prioritize nearly all Carlsbad streets for walking/biking (e.g., neighborhood streets and those in the coastal and village areas). However, the City needs to have a reality check and realize that it must continue to prioritize vehicle service standards on its arterial streets, keeping in mind that the vehicle



C74-7

priority does not preclude substantial improvements to pedestrian/bike access and safety on those routes.

C74-8

**The City and developers will no longer be required to mitigate traffic congestion and may need to increase it**

One of the most disturbing aspects of the proposed street re-prioritization scheme is that developers and the City will no longer be required to take steps to reduce vehicle congestion created by their projects or other emerging conditions. Rather, developers and the City may be required to take costly steps that will actually increase vehicle congestion with minimal practical impact on pedestrian/bicycle usage (Footnote 9).

C74-9

**La Costa Avenue’s projected vehicular traffic volume make it unsuitable for its proposed street typology that is equivalent to a neighborhood street**

The most egregious example is La Costa Avenue east of El Camino Real, which is projected to carry over 22,000 vehicles per day after La Costa Town Square opens in the Fall of 2014 and is projected to carry over to 24,000 vehicles per day by 2030 (La Costa Avenue Road Diet Arterial Traffic Calming Project, KOA Corp., September 2008; La Costa Town Square Environmental Impact Report, EDAW Inc., 2009). Ironically, just as the vehicle service requirement is increasing for La Costa Avenue, the City is planning further reductions in total vehicle capacity. This includes vehicle lane removal and installation of features (e.g., roundabouts, bulb-outs, medians, and other narrowings) that are primarily intended to impede vehicular traffic (La Costa Avenue Improvement Plan, Pat Noyes & Associates, August 2011).

The above-described downgrades to La Costa Avenue will reduce the vehicular level of service to an “F” rating (the worst on the scale of “A” to “F”) based on the rating system in the new Mobility Element (Footnote 10). Under the existing General Plan, that would be unacceptable. However, the re-prioritization for pedestrians and bikes under the new scheme means that this degradation in vehicle service on La Costa Avenue is not only acceptable, but it may be necessary to meet the new requirements (Footnote 1C).

Interestingly, Fort Collins, CO, which has been cited as a “complete streets” success story, has limited four-to-two travel lane “road diets” to streets with 15,000 vehicles per day or less (Footnote 3C), and most road-diet guidelines suggest that they should only be done when traffic is limited to 18,000 vehicles per day. In contrast, Carlsbad is planning road diets for streets carrying up to 25,000 vehicles per day (Footnote 2), including the current plans for La Costa Avenue, which is projected to carry over 24,000 vehicles per day by 2030.

C74-10

**The unbalanced ideological shift in transportation priorities is inconsistent with public sentiment**

A 2009 city-wide survey was supposedly designed to assess the priorities of Carlsbad residents related to the General Plan update. City staff has used responses from that survey to support their initiatives to re-prioritize the streets. However, the twisted interpretations are not consistent with the actual responses.



C74-10

For example, in reply to a survey question about the importance of improving traffic flow in and around Carlsbad, three-fourths of respondents ranked that as medium to high importance, which seems inconsistent with re-prioritizing arterial streets from vehicles to pedestrians and bikes. In addition, there were two virtually identical questions in the survey asking people to rank the importance of increasing walking and biking paths. Not surprisingly, again, three-fourths of respondents ranked that as medium to high importance, but the questions certainly implied *off-street* improvements (Footnote 11).

There were no questions about downgrading vehicle service standards on arterial streets in order to prioritize walking and biking on those streets. Thus, I challenge the City Council to distribute another city-wide survey before accepting the street reclassifications in the current draft General Plan and ask questions similar to the following:

- Do you favor a conversion of streets like Faraday Avenue, Poinsettia Lane, Alga Road, La Costa Avenue east of El Camino Real, and Calle Barcelona from being prioritized for vehicle traffic to being prioritized for pedestrian and bike traffic, including potential removal of travel lanes to widen bike lanes and/or installation of roundabouts and other traffic calming features?
- If such a conversion took place, would you begin commuting to work or going shopping on foot or by bike given the increased comfort/safety of walking or biking on those streets?

C74-11

**Conclusion and suggested changes**

To be clear, I strongly support a pedestrian and bike emphasis on all local/neighborhood streets. I also strongly support any pedestrian and bike safety and usability improvements to the current arterial streets, as long as vehicle service is not degraded. That said, to address the above concerns, I am requesting the following changes to the draft General Plan:

1. Change the first attribute under "Connector Streets" and "Employment Oriented Streets" (these are the reclassified arterial streets under the new scheme) in Table 3-1 of the draft Mobility Element to "Vehicular and bus efficiency shall be prioritized and managed; pedestrians and bikes are provided for, but not prioritized" (to match the arterial street attribute).
2. Modify Implementation Policies 3-P.7 and 3-P.9 to provide the City more latitude to implement vehicle capacity improvements on arterial streets that have been deemed exempt from vehicle service requirements, and delete Implementation Policy 3-P.8, which describes exemption of specific arterial street segments on La Costa Avenue, El Camino Real, and Palomar Airport Road. It does not seem prudent to handcuff the City by codifying specific segments as exempt in the General Plan, because conditions could change for those segments in the future, and there is no reason they could not be included on the separate list of exemptions under 3-P.7 that remains fluid.

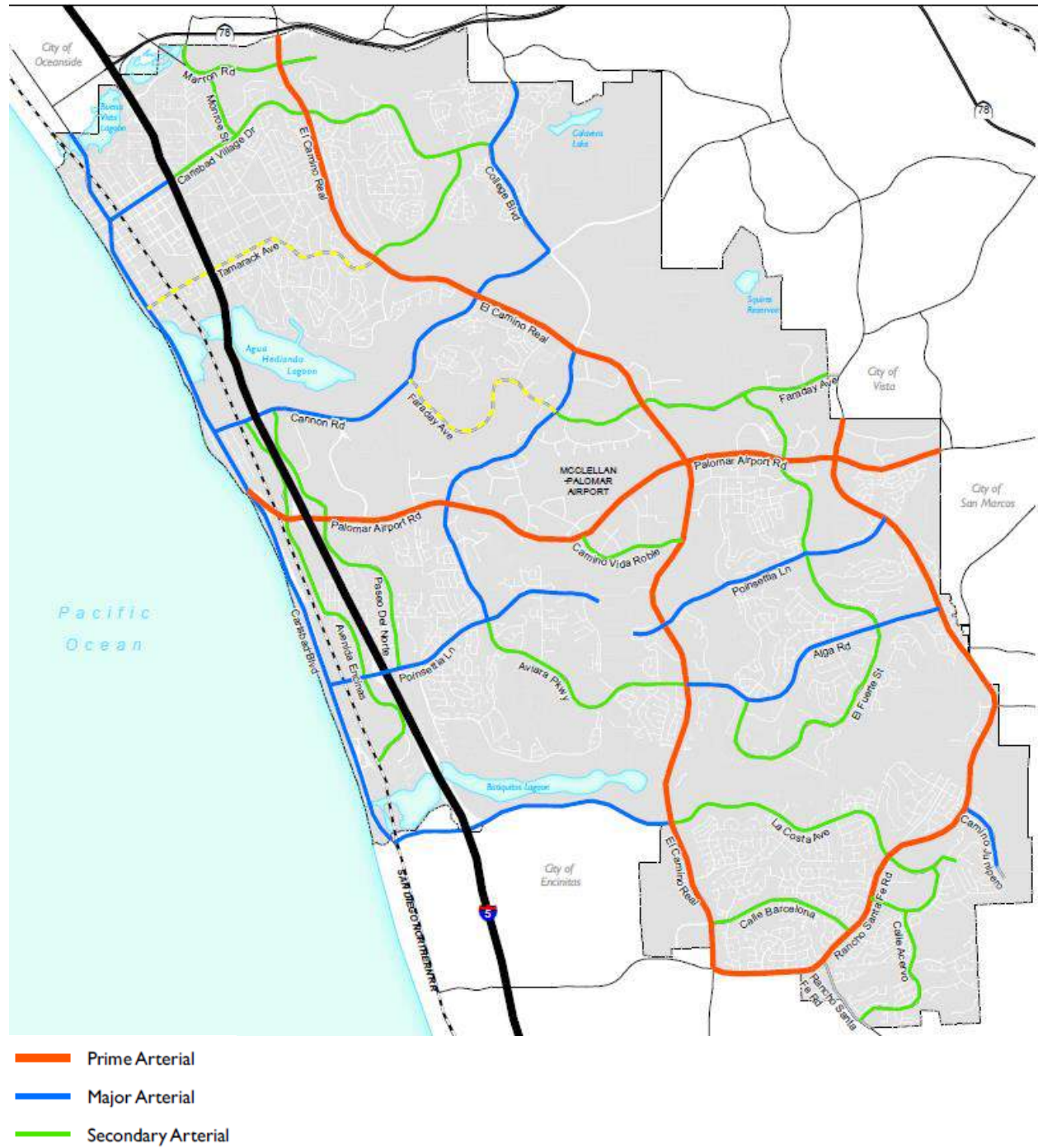
C74-12

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Linke". The signature is fluid and cursive, with the first name "Steve" and last name "Linke" clearly distinguishable.

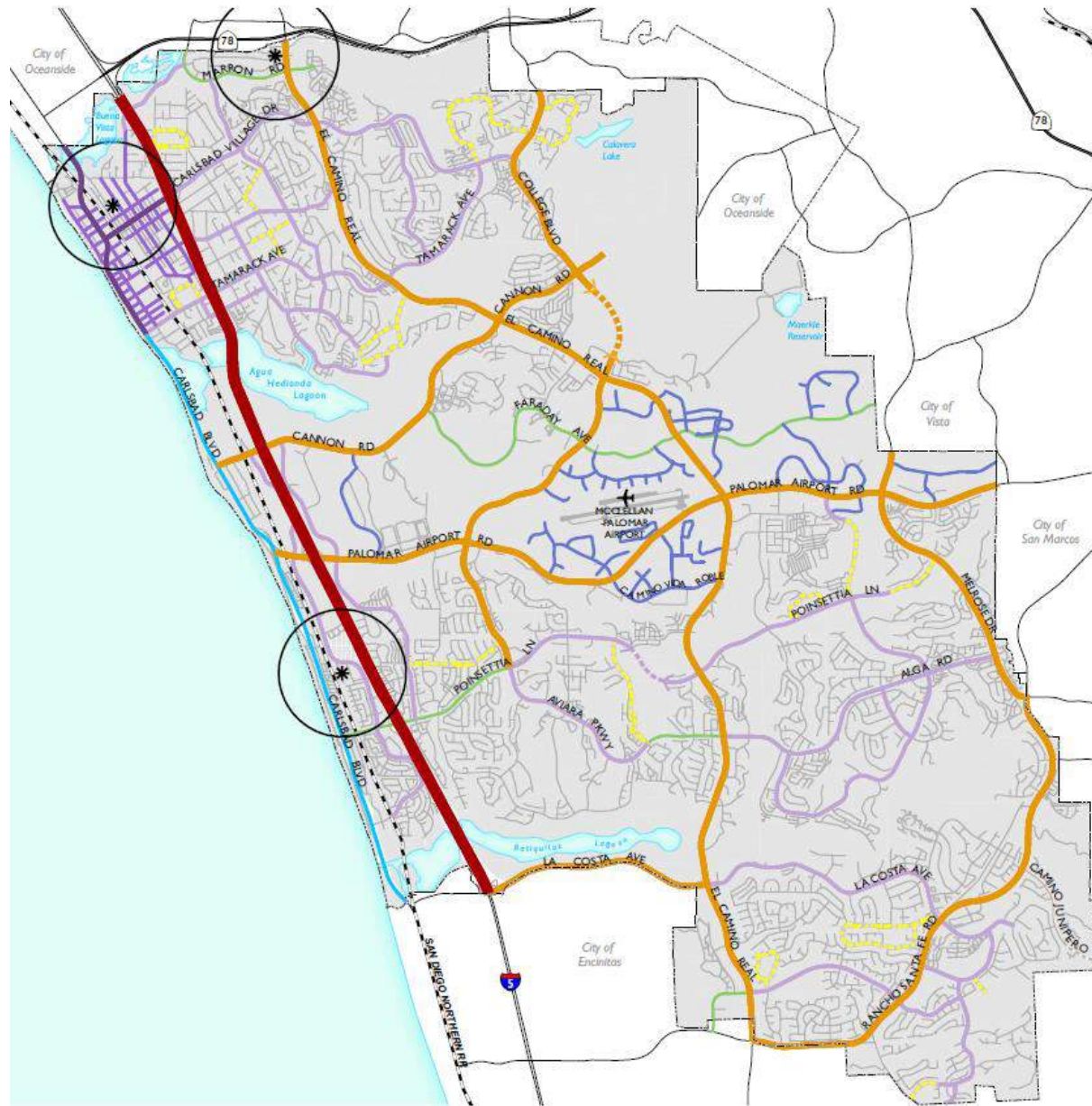
Steve Linke  
7513 Quinta St  
Carlsbad, CA 92009  
splinke@gmail.com

Footnote 1A. Current Carlsbad street classifications.



Source: Envision Carlsbad Working Paper 5, Walking, Biking, Public Transportation and Connectivity

Footnote 1B. New Carlsbad street classifications (typologies) proposed in the draft General Plan















- Arterial Streets
- Identity Streets
- Village Streets
- Connector Streets
- Coastal Street
- School Streets
- Employment Oriented Street
- Industrial Street
- Local/Neighborhood Street

Source: Figure 3-1 from the Mobility Element of the February 2014 draft General Plan



**Footnote 1C. Proposed downgrade of major and secondary arterial streets to local/neighborhood street status in Carlsbad.** The new "Mobility Element" of the proposed General Plan update replaces the "Circulation Element" in the current General Plan. The new street classifications (typologies) provide for prioritized methods of travel for vehicles, buses, bicycles, and pedestrians. Level of service (LOS) standards are defined for each of these modes of travel, and the overall system is called multi-modal level of service (MMLOS). In the new Mobility Element, the streets currently classified as "Prime Arterials" are generally retained as "Arterial Streets" with a vehicle priority, and the streets currently classified as "Local Streets" are generally retained as "Local/Neighborhood Streets" with a bike/pedestrian priority. *However, streets currently defined as "Major Arterials" and "Secondary Arterials" will be downgraded to "Connector Streets" (or equivalent) with a bike/pedestrian priority identical to Local/Neighborhood streets.*

<b>Arterial Streets</b>			
			
• Vehicular and bus efficiency shall be prioritized and managed; pedestrians and bikes are provided for, but not prioritized.			
<b>Connector Streets</b>			
			
• Pedestrians, and bicycles are prioritized; vehicles and buses are provided for, but not prioritized			
<b>Local/Neighborhood Street</b>			
			
• Pedestrians and bicycles are prioritized; vehicles and buses are provided for, but not prioritized			

Source: Table 3-1 from the Mobility Element of the February 2014 draft General Plan

The consequences of the new prioritizations are embodied in the "Policies" in the Mobility Element, including the following policy:

- 3-P.4** Implement the city's MMLOS methodology by evaluating level of service (LOS) for prioritized modes. Maintain LOS D or better only for the prioritized modes of travel by street typology as outlined in Table 3-1 and Figure 3-1.

**Footnote 2. Proposed Carlsbad policies showing intent to remove vehicle lanes and install features to impede vehicle flow on streets carrying up to 25,000 vehicles per day.**

- 3-P.11** Evaluate implementing a road diet to three lanes or fewer for existing four-lane streets currently carrying or projected to carry 25,000 average daily traffic volumes or less in order to promote biking, walking, safer street crossings, and attractive streetscapes.
  
- 3-P.13** Consider innovative design and program solutions to improve the mobility, efficiency, connectivity, and safety of the transportation system. Innovative design solutions include, but are not limited to, traffic calming devices, roundabouts, traffic circles, curb extensions, separated bicycle infrastructure, pedestrian scramble intersections, high visibility pedestrian treatments and infrastructure, and traffic signal coordination. Innovative program solutions include, but are not limited to, webpages with travel demand and traffic signal management information, car and bike share programs, active transportation campaigns, and intergenerational programs around schools to enhance safe routes to schools. Other innovative solutions include bicycle friendly business districts, electric and solar power energy transportation systems, intelligent transportation systems, semi- or full autonomous vehicles, trams, and shuttles.

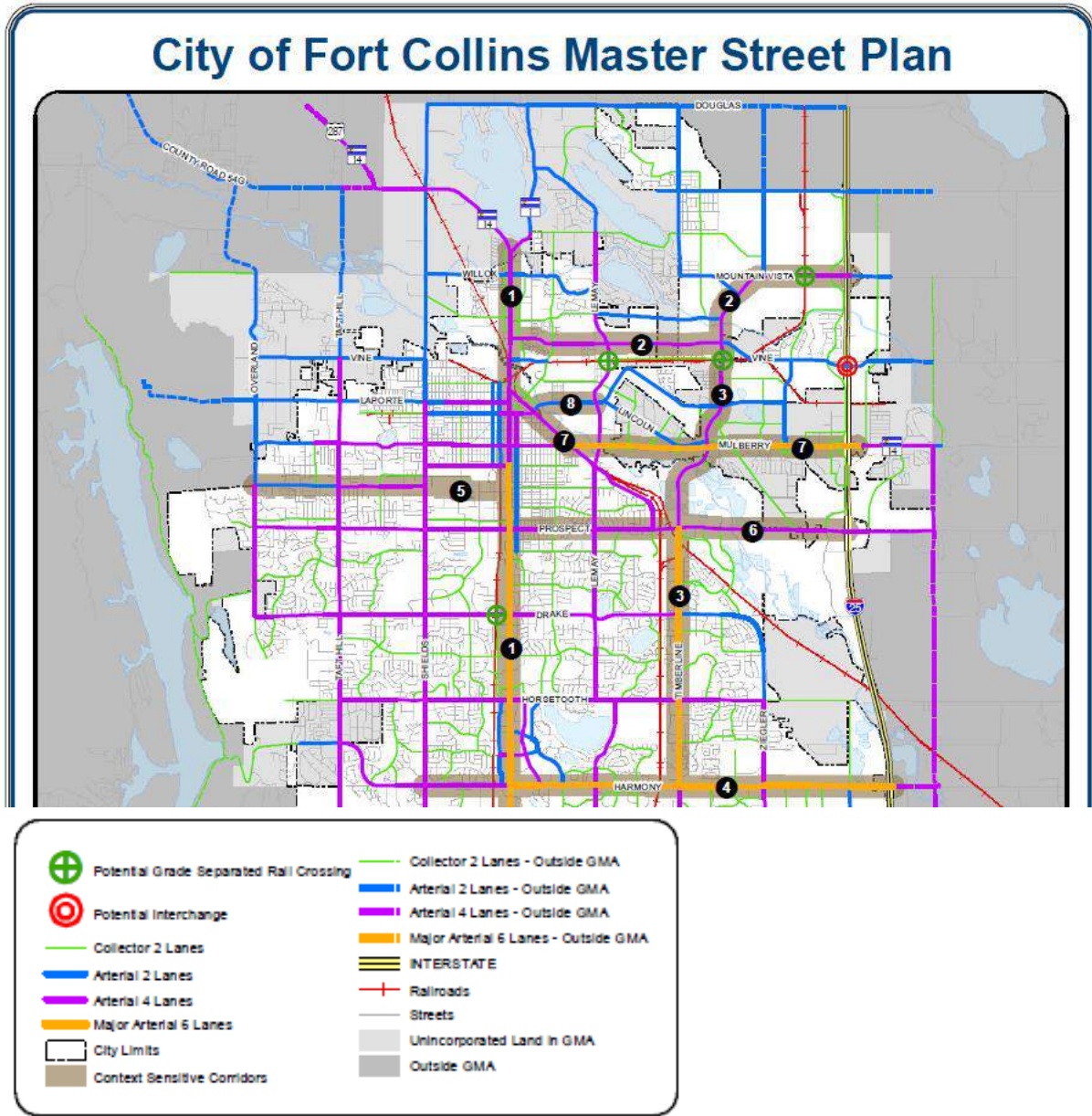
Source: Policies section from the Mobility Element of the February 2014 draft General Plan

C74-17

**Footnote 3A. Change in Carlsbad street classifications justified by citing transportation system design in other cities.** From Section 3.3 of the Mobility Element of the February 2014 draft General Plan:

“Traditionally, transportation systems have been designed to achieve a level of service from the perspective of the driver, not pedestrians or bicyclists. However, cities throughout the country are now designing their transportation systems to achieve levels of service for all travel modes. Some cities, such as Fort Collins, CO, San Francisco, CA, Gainesville, FL, Charlotte, NC, and others, have been doing this for more than a decade...”

Footnote 3B. Street classifications in Fort Collins, CO (used as a “complete streets” example in the draft General Plan). Note that the arterial streets (yellow, purple, and blue), which are prioritized for vehicle travel, are spaced about one mile apart in Fort Collins. That is similar to the spacing of Carlsbad’s current arterials, which would be downgraded under the proposed General Plan update, leaving several miles between streets prioritized for vehicles.



Source: City of Fort Collins Master Street Plan from the city web site

**Footnote 3C. Fort Collins’ “complete streets” classification scheme.** “Arterial 2 Lane” streets in Fort Collins are intended to carry up to 15,000 vehicles per day, while “Arterial 4 Lane” streets are intended to carry 15,000- 35,000 vehicles per day. Under Carlsbad’s draft General Plan, City staff intend to do “road diets” (reduction from four to two travel lanes) when there are up to 25,000 vehicles per day, and they are already in the process of doing that to La Costa Avenue, which is projected to carry over 22,000 vehicles per day by Fall 2014 and over 24,000 vehicles per day by 2030.

**Table 7-1  
Fort Collins (GMA and City Limits) Street Standards - General Parameters**

Street Classification:	6-Lane Arterial	4-Lane Arterial	2-lane Arterial	Major Collector (without parking)	Minor Collector (with parking)	Commercial Local	Industrial Local	Connector Local	Residential Local	Alley *a	Rural Residential Local
Right of Way (ROW) Width	141'	115'	84'	66'	76'	72'	66'	57'	51' *m	12'- 20'	46'
Roadway Width	107'	83'	52'	40'	50'	50'	44'	36'	30'	12'-20'	28'
Median Width	19'&7' *b	19'&7' *b	None	Optional *c	Optional *c	Optional *c	Optional *c	Optional *c	None	None	Optional *c
No. of Travel Lanes	6	4	2	2	2	2	2	2	1	1	2
Travel Lane Width	12'	12'	12'	12' *d	11'	11' or 12' w/left	12'	10'	16'	12'-20'	0
Designated Bike Lanes?	Y	Y	Y	Y	Y	Y	N *e	N *e	N *e	N *e	N *e
Bike Lane Width	8'	8'	8'	8'	6' w/parking 8' w/lt turn*	6' or 7' *h	0'	0' or 6' *f	0' *i	0'	0'
Parking Lane Width	None	None	None	None	8' or None *j	8' or None *j	10'	8' or None *j	7'	None	Not Defined
Lane Striping Req'd (T)ravel, (B)ike, (P)arking	T,B	T,B	T,B	T,B	T,B,P	T,B/P or T,B	None	T,P or None	None	None	None
Min. Parkway Width	10'	10'	10'	8'	8'	6'	6.5'	6'	6' *m	NA	9'
Min. Sidewalk width * k	7'	6'	6'	5'	5'	5'	4.5'	4.5'	4.5'	None	None
Left Turn Lanes Req'd?	Y	Y	Y	N or Y *d	N or Y *j	N or Y *j	N	N or Y *j	N	NA	N
Left Turn Lane Width	12'	12'	12'	0' or 12'	0' or 12'	0' or 12'	0'	0' or 10'	0'	NA	0'
Traffic Volume Capacity 1000 veh/day	>35	15-35	3.5-15	3.5 – 5	2.5 - 3.5	<2.5	<2.5	1.0 - 2.5	<1.0	NA	<0.3
Speed Limit, mph	40 - 45	35 - 45	30-45	30 – 35	25 - 30	25	25	25	25	15	25
Fence minimum setbacks, feet from parkway edge of sidewalk	10'	8'	8'	7'	7'	7'	6.5'	6.5'	6.5'	3' or 8' *i	9' *d
Driveway & Street Access	Limited	Limited	Limited	Limited	Limited	Limited	Limited	Unlimited	Unlimited	Unlimited	Unlimited
Continuity (see definitions)	Unlimited	Unlimited	Unlimited	1320'	1320'	1320'	1320'	1320'	660' *m	660'	1320'
Curb & Gutter Vertical or Driveover	V	V	V	V	V	V	V	V	V or D	V or D	V or D

\*a The maximum length of an Alley shall be 600 feet.  
 \*b Medians shall be 19' wide standard width or 7' wide where a 12' left turn lane is needed.  
 \*c Additional street width shall be required for development requested medians.  
 \*d To provide left turn lanes at intersections, 10' additional roadway width is required to provide an 11' wide left turn lane with 6' bike lanes and 11' travel lanes.  
 \*e Bikes share travel lanes with motor vehicles.  
 \*f If bike lanes are required, additional street width will be required to provide 6' wide bike lanes.  
 \*g An 11' lane for shared parking and bikes is provided.  
 \*h A 7' wide bike lane is provided when parking is removed for a left turn lane.  
 \*i Additional street width up to 4' wider may be required in the travel lane to accommodate higher volumes of bike traffic within and leading to activity areas.  
 \*j To provide left turn lanes at intersections, parking shall be removed.  
 \*k Additional sidewalk width may be required to accommodate anticipated higher pedestrian traffic volumes within or leading to activity areas.  
 \*l An 8' fence setback is required for a garage door setback of 8' from the alley ROW. With a garage door setback at 20' or greater, the minimum fence setback is 3' from the alley ROW.  
 \*m To use driveover curb and gutter the parkway width must be widened by 1 foot, thereby increasing street ROW width by 2 feet to provide 53 feet.

Source: Larimer County Urban Area Street Standards, Chapter 7 (Street Design and Technical Criteria) – last updated March 1, 2013

**Footnote 4. City staff acknowledge that their proposed street classification scheme is something of a cutting edge experiment.** Source: April 17, 2014 email exchange with Doug Bilse, Senior Traffic Engineer, Transportation Division, City of Carlsbad.

Linke: "...[A]re there examples of other cities comparable to Carlsbad where only a small number of "major arterials" are prioritized for vehicles and subject to minimum service levels, while the vast majority of streets, including all "minor arterials" (e.g., carrying 10,000 to 20,000 cars per day on four lanes), are prioritized for pedestrians and bicycles and exempt from achieving minimum vehicle service levels? I started looking at the cities promoted in the reports on the Carlsbad web site as being successful examples of the "complete streets" concept, and I have not found evidence to support that. For example, Fort Collins, CO has an MMLOS system, but their "minor arterials", which appear similar to the streets currently considered prime and secondary arterials in Carlsbad, still seem to be prioritized for vehicles. In other words, what is the street typology model Carlsbad is trying to emulate? Or, is this a grand, cutting-edge experiment to see what happens?"

Bilse: "This is somewhat a cutting-edge experiment. However, I don't think the LOS methodology we have been using has provided meaningful results. Our consultant has concluded that the MMLOS being used does not really support a multimodal solution (I have a little bit of evidence to support that claim). I have no problems working with the community getting a better solution. You were quite frankly the origin of why we decided to change. So if all roads keep measuring how well vehicles are served, have we created a better place to live in Carlsbad? Should a few more roads have the "typology" changed so that they are auto and pedestrian priority?"

C74-21

Footnote 5. Simulations of a roundabout (top) and a bulb-out and median (bottom) planned for La Costa Avenue and intended to enforce single-lane traffic. Source: Figure 2 of the August 2011 La Costa Avenue Improvement Plan



C74-22

Footnote 6A. Predefined arterial street sections exempt from vehicle capacity standards.

3-P.8 Allow the following streets to be LOS exempt facilities from the LOS standard identified in Policy 3-P.4, subject to the requirements described in Policy 3-P.7:

- La Costa Avenue between Interstate-5 and El Camino Real
- El Camino Real between Palomar Airport Road and La Costa Avenue
- Palomar Airport Road between Interstate-5 and College Boulevard
- Palomar Airport Road between El Camino Real and Melrose Drive

Source: Policies section from the Mobility Element of the February 2014 draft General Plan

C74-23

Footnote 6B. Directive to develop a further list of arterial street sections exempt from vehicle capacity standards.

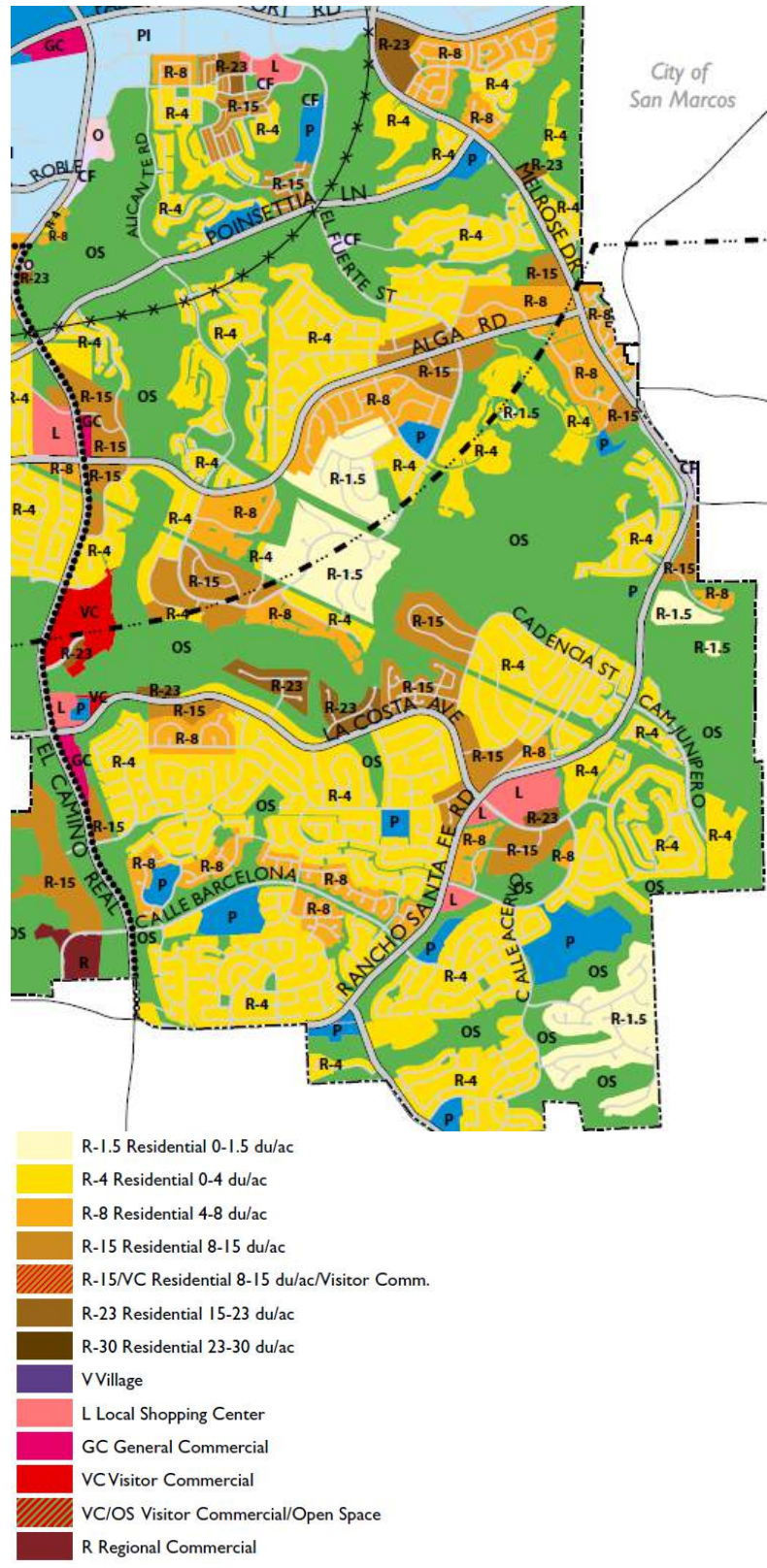
3-P.7 Develop and maintain a list of LOS exempt intersections and streets approved by the City Council. For LOS exempt intersections and streets, the city will not implement motor vehicle capacity improvements to maintain the LOS standard outlined in Policy 3-P.4 if such improvements are beyond what is identified as appropriate at build out of the General Plan; however, other non-vehicle capacity-building improvements may be required to improve mobility, to the extent feasible, and/or to implement the livable streets goals and policies of this Mobility Element. To be considered LOS exempt, an intersection or street must be identified as built-out by the City Council because:

- a. acquiring the rights of way is not feasible; or
- b. the proposed improvements would significantly impact the environment in an unacceptable way and mitigation would not contribute to the nine core values of the Carlsbad Community Vision; or
- c. the proposed improvements would result in unacceptable impacts to other community values or General Plan policies; or
- d. the proposed improvements would require more than three through travel lanes in each direction.

Source: Policies section from the Mobility Element of the February 2014 draft General Plan



Footnote 7. Land use in the southeast quadrant of Carlsbad showing vast expanses of residences, frequently very distant from commercial, retail, etc. Source: Chapter 2 of the draft General Plan



C74-25

Footnote 8. Nearly \$6 million was spent between 2003 and 2007 to improve bicycle lanes. Source: Carlsbad December 2007 Bicycle Master Plan

Table 3-8  
Past Bicycle Program Expenditures

Year	Project	Type	Cost
2003-2004	Faraday Ave s/o Cannon Road	Class II	\$580,000
2003-2004	Cannon Road south side e/o Faraday	Class II	\$165,000
2003-2004	Cannon Road north side e/o Faraday	Class II	\$165,000
2003-2004	Carlsbad Blvd at Poinsettia Lane	Class II	\$112,000
2004-2005	Rancho Santa Fe Rd - La Costa to Melrose	Class II	\$274,000
2004-2005	Melrose Drive s/o Palomar Airport Road	Class II	\$175,000
2005-2006	College Blvd/Cannon Rd	Class II	\$958,000
2005-2006	Poinsettia Lane Reach "C"	Class II	\$79,000
2005-2006	Bikeway Master Plan	Plan	\$60,000
2006-2007	Melrose Drive n/ o Palomar Airport Road	Class II	\$57,000
2006-2007	Coastal Rail Trail - Oak to Tamarack	Class I	\$2,500,000
2006-2007	Coastal Rail Trail - Poinsettia Transit Station to Encinitas	Class II	\$20,000
2006-2007	Faraday Ave - Melrose to Orion	Class II	\$710,000
<b>TOTAL</b>			<b>\$5,855,000</b>

Source: City of Carlsbad, 2007.

C74-26

Footnote 9. Requirement that new projects that will impact street usage must use the new MMLOS methodology to mitigate the impacts. Developers of projects that would likely increase vehicular traffic on streets formerly classified as arterials would no longer be required to report those projected negative impacts on traffic congestion in their Environmental Impact Reports, and they would only be required to mitigate issues related to the minimum service standard for bikes and pedestrians on those streets, perhaps at the expense of vehicle service standards.

- 3-P.3 Apply and update the city’s multi-modal level of service (MMLOS) methodology and guidelines that reflect the core values of the Carlsbad Community Vision related to transportation and connectivity. Utilize the MMLOS methodology to evaluate impacts of individual development projects and amendments to the General Plan on the city’s transportation system.

Source: Policies section from the Mobility Element of the February 2014 draft General Plan

**Footnote 10. The reduction of La Costa Avenue east of El Camino Real to 2 lanes will result in the degradation of the vehicle level of service (LOS) to an “F” rating under the MMLOS system in the draft Mobility Element.** La Costa Avenue east of El Camino Real already serves >19,000 vehicles per day, and it is project to carry over 22,000 vehicles after La Costa Town Square opens in Fall 2014 and over 24,000 by 2030. LOS “F” kicks in at just 15,000 vehicles per day. Note that Fort Collins, CO, which has been cited in the draft General Plan as a “complete streets” success story, keeps streets carrying 15,000-35,000 vehicles per day as 4 lane arterials prioritized for vehicles, while Carlsbad is planning to downgrade La Costa Avenue to a 2-lane connector prioritized for pedestrians and bikes, despite the >24,000 vehicle per day need.

**Table 3.13-I: Daily Street Segment Capacity**

Street Typology	Typical Lane Configuration	Level of Service				
		LOS A	LOS B	LOS C	LOS D	LOS E
Arterial	6 lanes	25,000	35,000	50,000	55,000	60,000
Arterial	4 lanes	15,000	21,000	30,000	35,000	40,000
Industrial	4 lanes	10,000	14,000	20,000	25,000	30,000
Industrial	2 lanes	5,000	7,000	10,000	12,500	15,000
Connector	4 lanes	10,000	14,000	20,000	25,000	30,000
Connector	2 lanes	5,000	7,000	10,000	13,000	15,000
Freeway	Mixed-Flow Lane <sup>(2)</sup>	-	-	17,600	19,800	22,000
Freeway	HOV Lanes <sup>(2)</sup>	-	-	14,400	16,200	18,000

<sup>(1)</sup> LOS thresholds were calculated based on V/C ratios of the daily threshold volumes for the corresponding street classification.

<sup>(2)</sup> Per lane capacities presented.

Note – These are general capacities for planning purposes. Specific operational characteristics, such as signal coordination, can enhance operations significantly.

Source: SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region, 2000.

Source: Transportation chapter of the draft Environmental Impact Report on the draft General Plan

**Footnote 11. Carlsbad Public Opinion Visioning Survey Report from the Envision Carlsbad Appendix, November 2009.** 4F asked about traffic flow, and 4D and 15C asked almost identical questions about increasing walking and biking paths. However, there were no questions about downgrading vehicle service standards on arterial streets in order to prioritize walking and biking on those streets.

**4. The City of Carlsbad is considering different priorities in planning for the City's future.**

**For each priority listed below, please indicate if it should be a high priority, medium priority or low priority in thinking about Carlsbad's future.**

	<u>High</u>	<u>Medium</u>	<u>Low</u>	<u>Don't Know</u>
A. Providing parks and recreational facilities in the City for active recreational uses.....	48%	39%	11%	3%
B. Protecting undeveloped areas for hiking and exploring.....	62%	26%	11%	2%
C. Protecting natural habitats in and around Carlsbad.....	65%	25%	9%	2%
D. Creating new walking and biking trails within Carlsbad.....	43%	35%	20%	2%
E. Increasing revenue for the City to maintain and improve the services and programs that Carlsbad currently offers.....	26%	45%	23%	6%
F. Improving traffic flow in and around Carlsbad.....	37%	38%	22%	3%
G. Maintaining or improving property values within the City.....	55%	29%	12%	4%
H. Providing a range of housing options of different types & price levels within Carlsbad.....	21%	30%	46%	4%
I. Preserving historic buildings and places within Carlsbad.....	31%	41%	25%	3%

**15. Please place a priority level on each of the following programs and facilities being considered for improvement or development in Carlsbad.**

	<u>High</u>	<u>Medium</u>	<u>Low</u>	<u>Don't Know</u>
A. Improving and expanding the City's current community centers.....	20%	43%	29%	8%
B. Developing public plazas and gathering places in or near your neighborhood.....	22%	35%	39%	5%
C. Increasing the number of walking and biking paths that connect to local parks and open space.....	39%	36%	21%	4%
D. Providing food and shelter for homeless families both in the City and the region.....	20%	33%	40%	7%
E. Supporting additional community events, such as local art exhibitions and "Jazz in the Park" type of events in the City.....	39%	41%	17%	3%
F. Developing more public art within the City.....	20%	36%	40%	4%
G. Providing additional support services for physically & mentally disabled residents.....	17%	41%	29%	13%
H. Developing more housing choices within Carlsbad to give seniors additional options for living in Carlsbad as they get older.....	24%	40%	30%	7%
I. Working with higher educational institutions, to develop new colleges, universities and educational institutes in Carlsbad.....	31%	32%	32%	5%
J. Promoting more opportunities for volunteers to give back to the community.....	40%	44%	11%	5%
K. Collaborating more with local and regional non-profit organizations that serve the community.....	33%	43%	15%	9%

From: Barbara Segal [mailto:sunngirl67@gmail.com]  
Sent: Wednesday, June 18, 2014 10:39 AM  
To: Jennifer Jesser  
Cc: dneu@carlsbadca.go; Council Internet Email  
Subject: PRESERVE CARLSBAD'S OPEN SPACES....

Hello.

C75-1

I moved to Carlsbad from Los Angeles 7 1/2 years ago. I was disgusted with the congestion on the LA freeways, major and minor arteries throughout the city, and the absurd length of time it took to get anywhere. I found a house in Carlsbad and was thrilled to be here when, among other wonderful things, I found that I did not have to drive through residential or commercial areas to get to a Trader Joes. I love driving along El Camino Real, La Costa Ave, and other roads with open space all around. Sadly, in the last couple of years, I've noticed a change...much of this open space is disappearing, giving way to condos, single family homes, business parks, shopping centers, and consequently, noticeably more traffic. This is not the quality of life I first noticed when I moved here in 2006.

C75-2

The "open space" promised in the GMP in 1986 doesn't seem to be happening. The new general plan calls for 7, 880 residential units, 7.5 million square feet of commercial/industrial space, and 2, 360 hotel rooms. These figures are so disturbing, and they translate into major traffic problems. We have limited arteries north, south, east, and west to accommodate these drivers. Gridlock here in Carlsbad???? Years from now, people will wonder why this came to be....It could be avoided.

C75-3

A few years ago, we attended several Envision Carlsbad meetings and workshops, and had a chance to voice our priorities.....The overwhelming feeling that residents (of all ages) had was "MAINTAIN OPEN SPACES"....that was the number ONE priority.

C75-4

To me, the city has plenty of parks. This isn't the issue that is so disturbing. The city of Carlsbad seems to be confused as to what they want Carlsbad to be....a "world class city"??? a laid back beach town?? I feel like we are losing a sense of what Carlsbad is supposed to be. Many of the businesses in the village are out of date, and much of the time, new businesses (restaurants) are part of a chain...We need some independently owned cafes and shops....much like those in other towns throughout California. When I travel, part of the attraction of going into towns, is shopping and dining at little unique privately owned businesses. That's part of the charm and character of the town. We do not need malls or large developments. Rick Caruso's vision of a development and building at the end of the lagoon and strawberry fields seems like a nightmare, creating all kinds of traffic congestion problems.....With the outlets, Flower Fields, car country, and Legoland, don't you think we already have traffic issues in that area?

C75-5

I've spoken to Carlsbad residents who agree with my concerns, and out of town people who have noticed changes in traffic here, and think it's destroying Carlsbad's feel. I strongly urge you to reconsider the general plan, and PLEASE limit the building that would eliminate open spaces.....

Thank you for your attention to this urgent matter.

Sincerely,  
Barbara Segal

From: Dr. Devora Lockton [mailto:devoralockton@sbcglobal.net]  
Sent: Wednesday, June 18, 2014 1:30 PM  
To: Jennifer Jesser  
Subject: Comments on the General Plan

Dear Ms. Jesser,

**C76-1** I am writing after reviewing the latest draft general plan/EIR. I am concerned about the plan allowing increased housing and commercial building density and also decreasing the open space allowance.

In The 1986 General Plan for Carlsbad the city promised to keep 40% of the city as open space to support the aesthetic and environmental standards of Carlsbad.

**C76-2** The revised General Plan seems to alter the definitions of Open Spaces that are available to the citizens of Carlsbad. An Open Space is a park or natural habitat that is accessible and adds to the aesthetic and environmental qualities of a community.

The City is now added school district land which is no longer open to the public and buildings as the Carlsbad Senior Center, landscaped street medians and roadside slopes, the paved sea wall, and golf courses as part of the 40% open space. This is not providing Open Space for the citizens of Carlsbad.

**C76-3** Another problem with the measuring of Open Spaces in Carlsbad is double counting preserved natural habitat as both preserve and also park.  
Counting a space twice does not make it any larger.

**C76-4** I agree with the goal of the City of Carlsbad becoming a world class entity. The Open Spaces are a treasure which can not be replaced once they have been developed.

Please support the original General Plan and do not play with numbers to develop more than 60% of Carlsbad.

Respectfully,  
Dr. Devora Lockton

**From:** Eugene Katz [mailto:genekatz@att.net]

**Sent:** Wednesday, June 18, 2014 9:47 PM

**To:** Jennifer Jesser

**Subject:** Further Traffic Calming

Dear Ms. Jesser,

C77-1

I am not nearly as articulate as Steve Linke on this subject. However, let me state this. The previous changes to La Costa Ave. seem to have been perfectly adequate. Residents on the north side of La Costa Ave can now exit their driveways without danger. There will never be large pedestrian or bike traffic amongst commuters or shoppers. So, any further changes would be punitive.

Thank you,  
Eugene Katz

**From:** Jerry Hansen [mailto:ljhansen77@gmail.com]  
**Sent:** Wednesday, June 18, 2014 7:35 AM  
**To:** Jennifer Jesser  
**Subject:** Comments on Carlsbad Draft General Plan

Dear Ms Jesser,

**C78-1** | I understand that you are the senior planner receiving comments to the new General Plan. Although I don't have the project numbers handy, I live near the intersection of El Camino Real and Cannon and have concerns about the significant number of new dwelling units (almost 700) as well as the Dos Colinas CCRC retirement community scheduled within 1/4 mile of our home.

**C78-2** | All official State and local documents I have read (LFMPs, General Plan, etc) stress the importance of Open Space, parks, and water distribution/conservation. We support the desalination project to address water issues, if coupled with conservation efforts. Yet the pace of development will soon outstrip both new sources, such as desalination, as well as conservation measures.

**C78-3** | My concerns directly relate to the categories mentioned above: rapidly shrinking amounts of open space (especially space set aside for perpetuity), inadequate funding for parks, and the availability of affordable water to support the population explosion which will accompany the planned development.

**C78-4** | My questions include the following:

1. Recognizing the continuing need for open space we all cherish for both quality of life and environmental sustainability, what percent of land will be retained for open space in the future—and what safeguards will exist to ensure that the standard is not continually eroded? Are we maintaining the 15% open space standard?

**C78-5** | 2. What is the current standard for community park set-asides in terms of acres per 1,000 residents or other measure used—and how will it be enforced and then adequately funded to ensure parks are actually built? Does the term “park” including anything other than community parks open to the proximate families?

**C78-6** | 3. What is the planned budget for actually building the parks currently planned (such as the Veterans Park on Faraday) and when can we expect to see them completed? How much will Carlsbad spend on building new parks in the next five years? (Many of us Veterans are hopeful we'll see the Veterans Park in our lifetimes—and new developments will have residents who need nearby park space as soon as they move in)

**C78-7** | 4. What requirements are placed upon developers to incorporate sustainable practices and parks in their developments? Are they incorporating solar energy, xeriscaping, and water conservation measures?

**C78-8** | 5. What impact will new development as a whole have upon available water sources—and how much can we expect our water rates to rise as existing supplies respond to growing demand? Are there any plans to provide gray water supplies for agricultural and landscaping purposes? With the new developments, do you anticipate a requirement for draconian conservation measures to ensure sufficient availability of affordable water, especially during droughts such as we are currently experiencing?

**C78-9** | I live near and am particularly interested in LFMP zones 5, 8, 14, 15, and 24. I have reviewed the LFMPs for some, but not all of those zones. Those I reviewed were generally from the 1987 timeframe, so I don't know if they were the latest.

Thank you for your time and consideration. I believe my concerns are shared by most current residents; they certainly are by those in my neighborhood.

Sincerely,  
L. Jerry Hansen, Esq  
5349 Forecastle Ct (92008)



**From:** luvonb@aol.com [mailto:luvonb@aol.com]  
**Sent:** Wednesday, June 18, 2014 9:33 PM  
**To:** Jennifer Jesser  
**Subject:** Carlsbad

C79-1 | Please no more building. Keep Carlsbad as it is...LaVonne Reiter

**From:** Mary Schmidt-Krebs [mailto:mesaincorporated@gmail.com]  
**Sent:** Wednesday, June 18, 2014 3:11 PM  
**To:** Jennifer Jesser  
**Subject:** Open Space for Parks in Carlsbad

Dear City Of Carlsbad Leaders:

**C80-1** | As 12-year residents of south Carlsbad/La Costa, my husband and I are deeply concerned about the issue of open space for parks in our city. The Growth Management Plan says my LFMZ is supposed to have 15% open space. I would like to know how much open space my zone has? If it is less than 15%, then why was this critical performance standard ignored in the EIR?

**C80-2** | In La Costa, will we end up with less than the minimum required park acres at build out – 3 acres/1,000 residents/quadrant? If so, why??

**C80-3** | As for Veteran's Park, we think it is unfair to count it toward the minimum required park acres – it is not in our quadrant--it is a city wide facility, it serves business/visitors---not residents.

**C80-4** | We can all benefit from open spaces/parks—it improves our quality of life. When we moved here, there was no Bressi Ranch and now we have a community with hundreds of more homes/traffic/congestion than we previously had. Please adhere to the rules for open space as outlined in the Growth Management Plan.

Thank you,

Mary and John Krebs  
2825 Torrey Court  
Carlsbad 92009

**From:** Christina Rosenthal [<mailto:chrisrose@christinarosenthal.com>]  
**Sent:** Thursday, June 19, 2014 9:57 AM  
**To:** Planning  
**Subject:** Parks and Open Spaces

Hello City Planners,

C81-1

It has been brought to my attention that the city of Carlsbad is not meeting it's requirements for open spaces and parks, especially in my zone(1).

I have been a resident of Carlsbad for nearly twenty years and I live at 3870 Valley Street.

My home is situated directly across the street from the Valley Middle School playing fields.

I would like two state for the record that these fields fall way short of being actual parks for many reasons:

\* They are only available for very limited times when there is no school being conducted.

\* In recent years they were completely fenced and are often locks with no access available .

\*They are used mostly on the weekends for soccer games played by people that are not actual residents of this local community.

\*There are no services available such as water , bathroom facilities or places to sit.

\*Pesticides are routinely applied to the grass fields and the gates are locked with warnings about chemical poisons.

\*They are used by people to let their dogs off leash because there are no Dog Parks in this vicinity but there are many dogs. This makes them unattractive to those who keep our dogs on leash.

\* In the months when we have no Daylight Savings there is only a couple of hours between school letting out and night time.

These are only some of the reasons that it is unfair to include these school fields as part of our park space.

C81-2

Please allocate more actual park and open spaces for our community as the law requires.

We need more areas dedicated to dogs and their owners so that families can spend more time enjoying our" promised parks and open spaces" in our wonderful community.

C81-3

On Memorial Day it was nearly impossible to find a place to park near the beach.

Our city of Carlsbad has grown to become a destination spot and resort town for people the world over.

We have had much growth and our open spaces and parks should grow also .

Allowing the building of houses and businesses without increasing the enjoyable and usable outdoor spaces would be a bleak future for our city.

Thank you for reading and considering the points raised in my letter,

Christina Rosenthal

<http://www.ChristinaRosenthal.com>

TOURMALINE STUDIO

Studio 760 729 5652

Mobile 760 505 6405

From: drmainwaring@roadrunner.com [mailto:drmainwaring@roadrunner.com]  
Sent: Thursday, June 19, 2014 3:16 PM  
To: Jennifer Jesser  
Subject: Comment General Plan - Parks and Recreational Open Space

My name is Dannie Mainwaring. I live at 3015 Glenbrook Street, Carlsbad 92010 - in the NE Quadrant.

**C82-1** I have just finished reading the Growth Management Plan and have strong concerns over future direction of Parks and Recreational Open Space, and also on the impact of population growth in Carlsbad. Our quadrant is expected to exceed the growth management dwelling unit cap, and there is no explanation of how the number will be reduced to be in compliance. There is also no discussion of parks and recreational lands to go along with the addition of residential housing in our quadrant.

**C82-2** In fact, I take issue with the reassignment ("sharing") of 22 acres from Veterans Park to the NE quadrant (and similarly to the other quadrants) so they look like they will have the required amount of park acreage. Veterans Park should be assigned only to the quadrant in which it is located. It doesn't meet the requirement of being easily accessible to residents of our quadrant. It requires residents to drive far to get to it. It will be used more by visitors than residents.

If you subtract the 22 acres from the NE Quadrant, we are short the required acres for parks and recreational open space promised by the Plan. We have a deficit of 11 acres, not a surplus.

The same is true for the NW Quadrant. The residents there desperately need a new local park within walking distance of the neighborhoods. Veterans Park does not meet the requirement.

**C82-3** The Plan states that the community vision is to retain the small town feel, to move away from future land use that favors car oriented shopping centers and instead build clustered housing and small neighborhood centers, with parks and recreational space within walking distance. Bressi Ranch is an example.

**C82-4** When I look at the maps of areas of potential residential growth in our sector, I don't see new parks or recreational open space. Right now, land shown on the maps as "current agricultural" (Robertson Ranch) is already scheduled for development by the Toll Brothers. How many parks will they be required to put in? And what about the other agricultural and undeveloped land near College and Cannon? What are the requirements for parks?

**C82-5** The community vision described in The Plan is a good one. We don't want to be like Orange County, or the San Fernando Valley. We do not want to lose our small town feel, our open landscape, our beautiful beachfront. We do not want to have traffic gridlock. We do not want to stress our resources and public services with too much growth.

**C82-6** Please review the sections on incorporating parks and recreational space into new housing areas, and on purchase of land in the Village and the Barrio to ensure there are sufficient parks and recreation areas for all residents with easy access.

Thank you.

Dannie Mainwaring

From: Dennis [<mailto:dglambell58@gmail.com>]  
Sent: Thursday, June 19, 2014 11:51 AM  
To: Corey Funk  
Subject: Concerns about the General Plan Update

Corey

C83-1

We would like to join our neighbors in expressing concern about the General Plan Update which, if passed, would redefine open space and parkland in a way that will not only limit the value of this space to residents, it will lead to the release of land for substantial new building in the community, which will increase the pressure on our existing infrastructure. We support what the city fathers have done for the past twenty years and would like to see this continue - managed growth, a focus on quality of life for residents, and concern for the environment. We don't support a change in the definition of open space using rezoning that counts school grounds and HOA space where it hadn't in the past, as this is just slight of hand.

Please include us in notices about public hearings or votes.

Thank you!

Dennis and Barbara Lambell  
1411 Cressa Court, Carlsbad, CA 92011

## Comments regarding the Carlsbad general plan update

C84-1

The **new** General Plan for Carlsbad will add:

- 7,880 residential units not even counting senior living units which are somehow counted as commercial
- 7.5 million sq. ft. commercial / office / industrial space
- 2,360 hotel rooms

Based on the current general plan and voter approved proposition E from 1986, there is already a deficit of required open space and parks, particularly in the southern two quadrants of Carlsbad. The proposed update to the general plan adds all of the above development without adding any parks whatsoever. This is an outrage that must not be allowed to stand. Citizens of Carlsbad, when surveyed, overwhelmingly listed open space as one of the top priorities.

C84-2

Carlsbad has seen tremendous growth already in the past few years and the addition of 18% more residents plus all the above visitors and office workers will seriously degrade the quality of life we current residents value so much. Yes some people, particularly developers, and organizations (including the city treasury) will profit financially but the negative unmitigatable impacts on the current citizens of Carlsbad cannot be minimized, obfuscated, ignored and left out of the GMP update and associated EIRs

C84-3

Such impacts include increased traffic, further depletion and degradation of scarce resources such as fresh water and clean air, native vegetation and animals, and scenic views. Decreased open space and outdoor recreational opportunities, noise and light pollution, crowding, global warming and increased demand for all city and other services will also result. And there are other valuable but less quantifiable impacts like the loss of our suburban North County neighborhood beach town feel.

Now for some specifics:

C84-4

The current plan requires that each LFMZ have 15% unconstrained open space and each quadrant of the city have 3 acres of park per 1000 residents. The city council has often stated throughout the years a goal of 40% open space at buildout but is now backpedalling. The GMP update does not analyze each LFMZ to show whether or not the 15% open space standard is met now, much less how it will be met under the new plan. What we do know is that the GMP update relies on a series of deceptive tricks to exaggerate how much open space and park land actually exists. Examples:



C84-4

1. Some acres are double counted both as hardline habitat management plan (HMP) preserve areas and as parks.
2. Locked school yards have been counted.
3. Roads and parking lots within parks are counted.
4. The Carlsbad Senior center is counted as a park.
5. Powerline easements are counted.

C84-5

Questions:

C84-6

1. Why aren't senior living units counted as residential units?
2. Where is the 15% unconstrained open space in each LFMZ and why isn't that standard discussed in detail for each zone and taken as seriously in the GMP update as all the other required facilities such as police, fire, ambulance?

C84-7

3. How can Veterans Park be counted in each quadrant when it is far from the southern quadrants and how do we know it won't be used for some private development such as an amusement park that will still be counted as park land?

C84-8

4. How can failing intersections that gridlock during rush hours be acceptable when previously they were not, hence the term "failing"?

C84-9

5. Why hasn't the city spent any of the \$5 million approved by voters and promised publicly by the city council for open space acquisition?

C84-10

I personally have lived in south Carlsbad since 1987 and have witnessed the relentless loss of open space and massive increase in traffic. A few years ago I would ride my mountain bike from my house to nearby easy trails with canyon and ocean views and wildlife. Now most of that land is under houses and a massive new shopping center without bike paths or parks. Like many Carlsbad residents, my wife and I settled here after living in Los Angeles and we don't appreciate Carlsbad becoming like Orange County or Los Angeles.

Of course some further growth is inevitable, but I humbly request that existing laws, plans, promises and our fragile environment be respected. The quality of life and indeed the property values of existing residents are best protected by a GMP that improves Carlsbad by providing open space and outdoor recreation rather than just adding more buildings.

Howard Krausz

La Costa, CA 6/19/14

From: Jinny Elder [mailto:[energyent@aol.com](mailto:energyent@aol.com)]  
Sent: Thursday, June 19, 2014 7:12 AM  
To: Jennifer Jesser  
Subject: Keep our open space

**C85-1** | We have been Carlsbad residents since 1984 please keep our open space jinny and mike elder

Sent from my iPhone jinny elder Energyent Inc [Energyent@aol.com](mailto:Energyent@aol.com) web site Energyent.com



From: Kristina Rebelo [mailto:krebeloander@earthlink.net]  
Sent: Thursday, June 19, 2014 9:59 AM  
To: Jennifer Jesser  
Cc: dneu@carlsbadca.go; Council Internet Email  
Subject: Carlsbad growth

To everyone this concerns:

C86-1

The very idea of this uninhibited out-of-control growth in Carlsbad is extremely disturbing. All of the wonderful features that Carlsbad has been known for and beloved by many is now taking a hard dive. The town is no longer bucolic; it is no longer the peaceful coastal town it once was.

I support growth, but not explosive fungal-like mushrooming of growth that has already caused routine traffic jams on the freeways and Carlsbad Blvd. Carlsbad is busting at the seams.

I don't believe Carlsbad government ever votes "no" on applications from philistine developers who come in and hit and run this wonderful place with their ambitious. Enough is enough. It's a propitious time to take a hard look at what is going on with the quality of life in this town.

Sincerely,  
Kristina Anderson  
Long-time Carlsbad resident

**From:** Mary Anne Viney [mailto:maryanneviney@dslextreme.com]  
**Sent:** Thursday, June 19, 2014 6:28 PM  
**To:** Jennifer Jessor  
**Subject:** Public Comment for Draft General Plan Update

Hello Jennifer

**C87-1**

My issues in this email pertain to noise and air pollution, with an emphasis on noise pollution, its impact to the quality of recreational park acres in Olde Carlsbad neighborhoods and to people's health who visit these park acres, proximity of those park acres to I-5 and Highway 78, and other major arteries, together with the cumulative impact effects of the build-out situation, and the obligation of the City to protect the health, safety and welfare of its citizens.

Much of the information below is taken from the General Plan Update: Noise Element, and City of Carlsbad Noise Guidelines Manual, 1995, as referenced.

See attachment below for PDF files included in this issues discussion.

**C87-2**

**PDF File 1:**

This map from the Noise Element of the General Plan Update shows existing noise contours for all major streets in the Carlsbad. Street traffic noise, including Interstate-5, is the most extensive noise problem faced by Carlsbad. Noise from Interstate-5 has the greatest existing and projected street noise emissions. These street noise contours correspond to increased concentrations of air pollutants as well. Studies have shown that eight percent of childhood asthma cases are due to high traffic exposure.

Expansion of Interstate-5 through Carlsbad is proposed to include two additional lanes in each direction and additional lanes for merging and exiting, and ramp improvements.

Other major streets with high levels of noise include Highway 78 and several arterial streets—El Camino Real, Palomar Airport Road, Rancho Santa Fe Road, Melrose Drive, Carlsbad Boulevard and Carlsbad Village Drive.

**C87-3**

**PDF File 2:**

A Close-up of Olde Carlsbad depicts significant impacts due to street traffic noise from major highways and arterial roads—Olde Carlsbad in the northwest is a relatively small area surrounded by 2 major highways and 3 major arterial roads.

Five of our 'parks', located right next to I-5, experience the worst, most health-damaging levels of street noise (large blue contour stripe) and exceed City of Carlsbad Allowable Noise Exposure for parks by many decibels.

**C87-4**

**(PDF FILE 3: Carlsbad Allowable Noise Exposure):**

These 5 parks, including Buena Vista School Field, Pio Pico, Community Gardens, Oak and Holiday are relatively small parks in area ranging from 0.2 acres (Oak) to 6 acres (Holiday), and all are counted towards our recreational park inventory. In order to escape from the traffic noise in these parks, there's nowhere else to go inside these parks, one must leave the park premises in order to get away from the noise.

Busy City Traffic is considered to be at 85 decibels. Noise levels at 85 decibels and above can cause permanent hearing loss.

**C87-5**

**(PDF File 4: City of Carlsbad Noise Guidelines Manual):**

City of Carlsbad Noise Guidelines Manual identifies the harmful effects of noise. Noise in the Community Noise Impact Range (40 dBA to 85 dBA) can cause temporary physiological and/or psychological effects. These can include certain disorders such as headache, fatigue, digestive upsets, circulatory or equilibrium problems, etc. Noise is considered a "stressor" and may have serious implications in stress-related ailments.

Two areas of significant concern with respect to effects of community noise on people are the interference with speech communication, which includes not only person-to-person but telephone, radio, and television communication, and the interruption of sleep.

Figure 5-2: Existing

Existing Noise Contour

- 70 + CNEL
- 65 - 70 CNEL
- 60 - 65 CNEL

Airport Noise Co

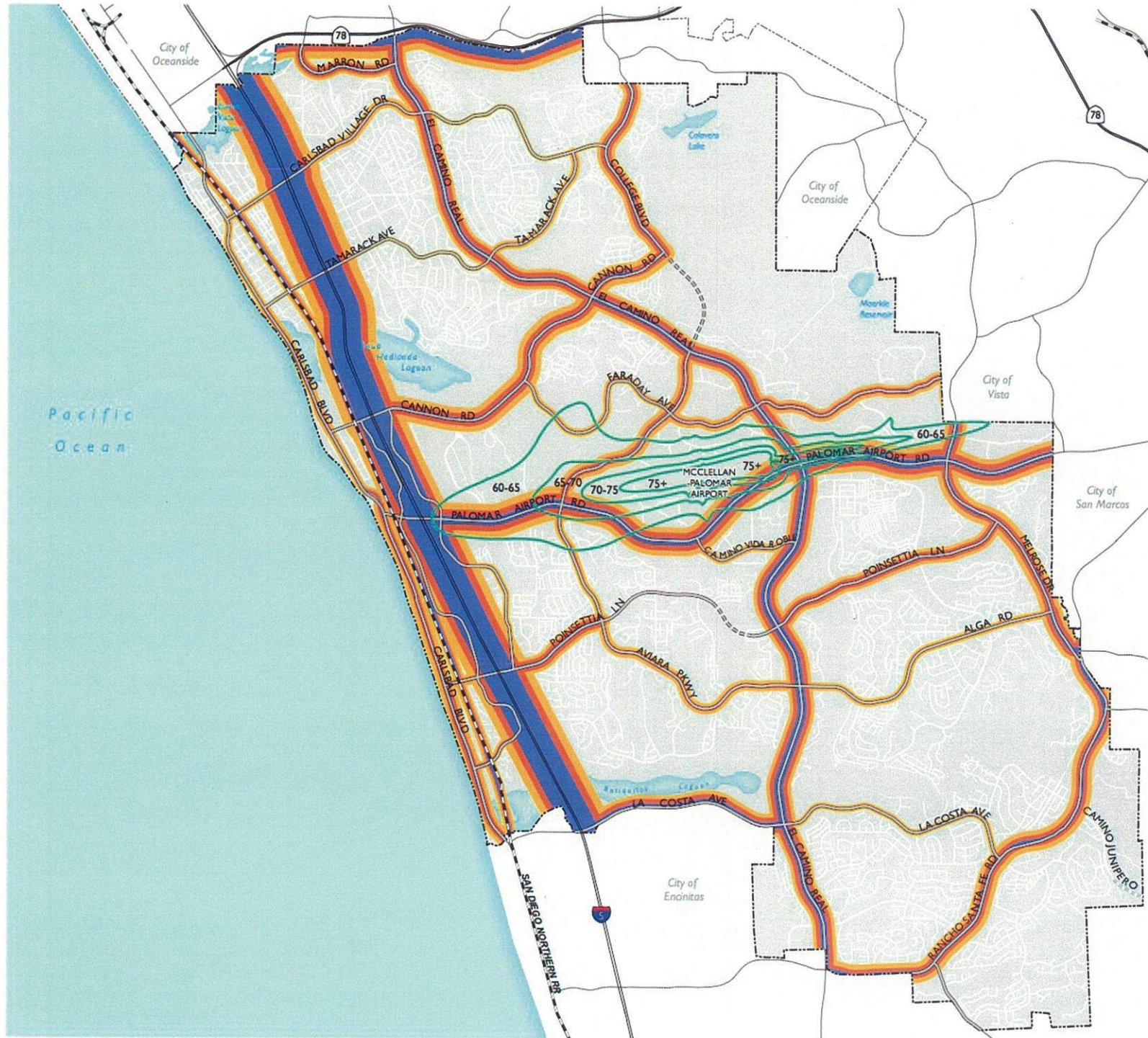
Highways

Major Street

Planned Street

Railroad

City Limits



60-65

65-70

70-75

75+

60-65

65-70

70-75

75+

60-65

65-70

70-75

75+

60-65

65-70

70-75

75+

60-65

65-70

70-75

75+

60-65

65-70

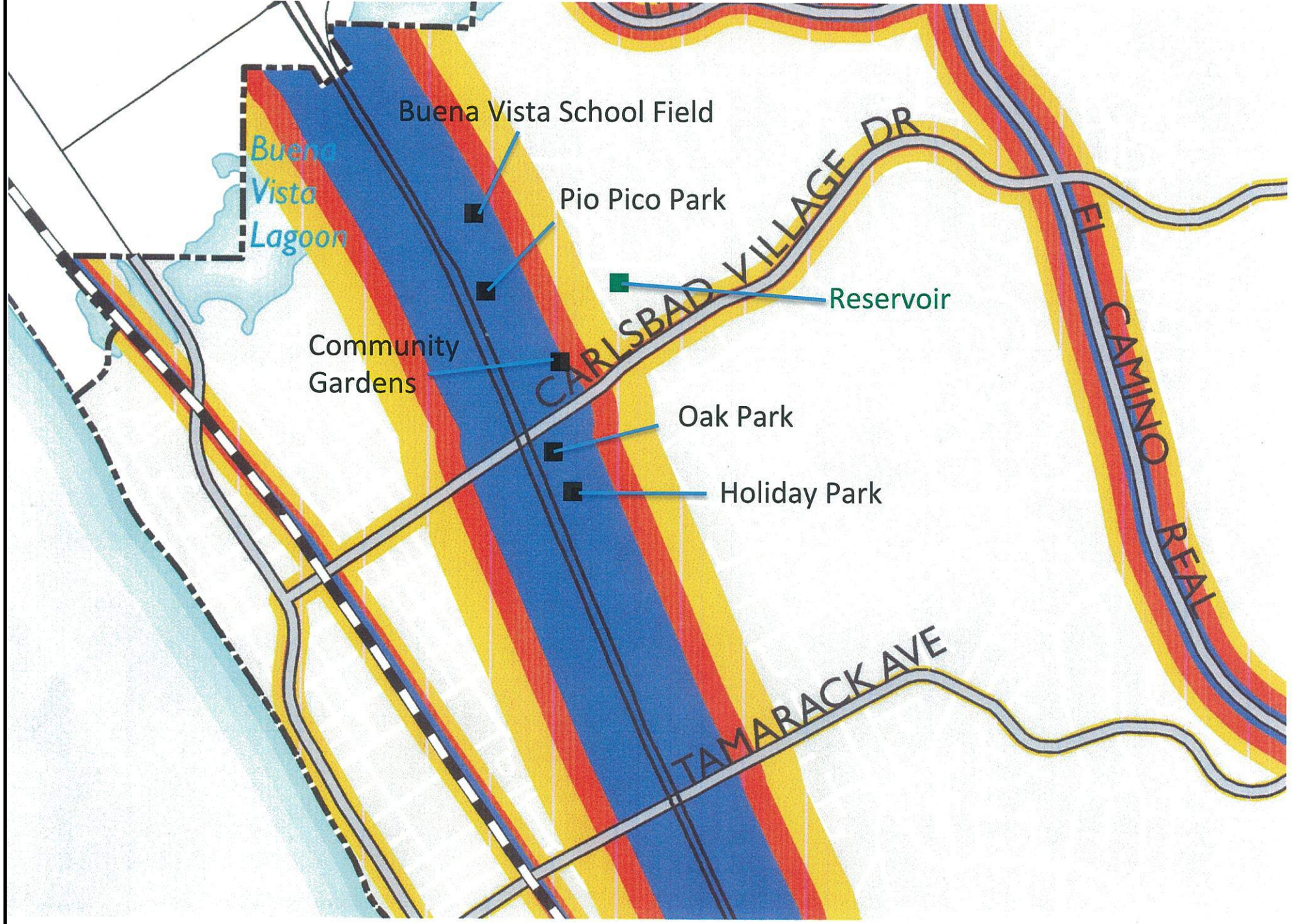
70-75

75+

60-65



Source: DUDEK, 2013; City of Ca McClellan-Palomar Airport Land Use Plan, 2013.



# City Of Carlsbad Allowable Noise Exposure

**TABLE 5-2: ALLOWABLE NOISE EXPOSURE<sup>1</sup>**

LAND USE	OUTDOOR ACTIVITY <sup>2, 3</sup> AREAS (DBA CNEL)	INTERIOR SPACES (DBA CNEL)
Residential	60 <sup>4</sup>	45
Motels, Hotels	65	45
Hospitals, Residential Care Facilities, Schools, Libraries, Museums, Churches, Day Care Facilities	65	45
Playgrounds, Parks, Recreation Uses	65	50
Commercial and Office Uses	65	50
Industrial Uses	70	65

# City Of Carlsbad Harmful Effects of Noise

Noise Guidelines Manual

CITY OF CARLSBAD

## Harmful Effects of Noise

Noise in the Community Noise Impact Range (40 dBA to 85 dBA) can cause temporary physiological and/or psychological effects. If the noise/response cycle is repeated at a sufficiently close interval and continues over time, then the noise may contribute to and aggravate certain disorders such as headache, fatigue, digestive upsets, circulatory or equilibrium problems, etc. Noise is considered a "stressor" and may have serious implications in stress-related ailments.

Two areas of significant concern with respect to effects of community noise on people are the interference with speech communication, which includes not only person-to-person but telephone, radio, and television communication, and the interruption of sleep. Figure III-4 illustrates how speech and communication can be impacted by noise.

Excessive background noises can reduce the amount and quality of verbal exchange and thereby impact education, family lifestyles, occupational efficiency and the quality of recreation and leisure time. Speech interference begins to occur at about 40 to 45 decibels and becomes significant at about 60 decibels. Background noise levels affect performance and learning processes through distraction, reduced accuracy, increased fatigue, annoyance and irritability, and the inability to concentrate.

Several factors determine whether or not a particular noise event will interfere with or prevent sleep. These factors include the noise level and characteristics, the stage of sleep, the individual's age, motivation to waken, and so forth. Ill or elderly people are particularly susceptible to noise induced sleep interference.

**Charter of the City of Carlsbad and  
the Buena Vista Reservoir Property**

- C88-1 | I haven't been able to find any evidence that Publicly Owned Property is, or has ever been, listed in a readily available, easily accessible, organized up-to-date- electronic format in order to alert voters that one or more properties has been considered for sale or lease. In the case of the Buena Vista Reservoir Property, an intense search has been unsuccessful in determining when, where and why the property was first considered for sale or lease.
- C88-2 |
- C88-3 | The City Charter does not appear to limit the power of the City Council from exercising its control over land use matters, yet it appears to require that voters have easy access to all pertinent information in a timely manner in order to effectively influence land use decision making processes at the earliest stage. Voters will be able to monitor all proceedings regarding specific properties, and will be able to politically engage when they feel it necessary to protect their interests. Such engagements could range from preparing a petition, writing opinion pieces, contacting council members, arranging community meetings or speaking at public forums.
- C88-4 | The intent of the City Charter of Carlsbad is to “**allow** the City Council and the voters the **maximum** degree of control over land use matters within the City of Carlsbad.” For the voters, this means readily accessible, detailed, up-to-date information. Carlsbad's Charter creates a unique, reciprocal relationship between City Council and Voters. It is one of effectively giving and receiving information, so that both entities can exercise collectively “the maximum degree of control over land use matters...” This is a unique feature of the City Charter.
- C88-5 | It also appears that the latest city policy requires that “satisfying community use needs” be taken into consideration in the implementation of the real estate strategic plan. This plan is portfolio based, and thus requires that those properties in the portfolio be properly identified so that those possessing attributes potentially related to a community use need, be identified. Identifying an such a need in a residential neighborhood is easy to do. Just ask.
- C88-6 | It was very considerate when a city official came by to open the gates of the reservoir for community inspection in April. However, it needed to have been done at least two years earlier, not after the Council had approved notice of intention to sell.
- C88-7 | Had a transparent process taken place at an earlier time, voters would not have been placed in a situation without readily available facts, forcing them to engage in a very difficult task of research and requesting documents, trying to discover and piece together how the city arrived at its decision to sell the reservoir property. Prudently, the city postponed the authorization to sell. The BVRP isn't a building in a commercial or industrial area or in an empty parcel of land near a golf course; this is an historical property with mostly open space located in one of Carlsbad's oldest, settled communities with its own, distinct environmental and topographical features.
- C88-8 | Placing voters in a defensive position, forced to react to the potential alteration of their community, is bad policy and contrary to the principles and intent of the City Charter. This is quite disappointing, since an opportunity to actually address some of the critical needs of the community may be overlooked in favor of an unnecessary, unwanted and an environmentally wasteful alternative.

C88-9

## What are Parks

The City Charter incorporates the principles of Proposition E, and therefore requires that “all necessary public facilities be provided as required by said plan with **emphasis on ensuring good** traffic circulation, schools, parks, libraries, open space and recreational amenities;”

The City Charter requires that voters be allowed the opportunity to understand how the City defines a **good park** with regard to land use planning. In the Parks and Recreation element of 2003, the City noted: “the intent of this element is to provide the policy framework by which the city will plan, develop and provide **quality** active and passive park facilities, trails and recreational programs to **ensure** that the residents, tourists and employees of Carlsbad are afforded the opportunity to enjoy **optimum** leisure experiences.”

The use of terms such as good, quality and optimum has created quite a bit of discussion amongst voters, and needs to be understood by all parties so that future land use matters pertaining to good parks are clearly understood by the voters.

Voters are also perplexed by the assumption made by the City that school activity fields can be included within the park area inventory. Joint use agreements are used all over the state and provide opportunities for city residents to access school playing fields. However, they should not be used as a policy impediment by the City to preclude the opportunity for the citizens of Carlsbad to acquire, what the Charter calls, **good** parks and what the City calls **quality** park facilities.

C88-10

I consider it sound policy for City to consider the use of school activity fields for meeting recreational needs of its citizens. I do not have an objection to their use for inventory purposes in determining **present** park facility acreage. However, these should **not be allowed to be factored into future planning** decisions such that they could actually block the community from acquiring good, permanent, City owned park space.

C88-11

There need be only a note affixed to N.W. Quadrant Park Facility Acreage Inventory indicating that good, quality City owned parks are still needed, and should be given highest priority if suitable land becomes available, if a good public park is feasible, and if there are no overriding issues (such as budgetary constraints etc.)

In regard to City owned property, budgetary constraints would seldom be a problem, in that the property could simply be retained until money becomes available. And in the case of the BVRP, it's been sitting there for 95 years, and I don't think the City would be harmed by holding it in safe keeping for a while longer.



## The City Charter - Land Use Matters - Fiduciary Duties

Carlsbad Voters should be the first to learn about publicly owned properties the City may be considering for sale or lease. There is a strong argument that fiduciary duties of the City owed to its voters require such a policy.

I think the City Charter is clear on this. Section 300 states the following: *“The Citizens of Carlsbad recognize and declare that managing and limiting growth and **ensuring** that necessary public facilities are **provided to the citizens** of the City of Carlsbad are quintessential elements of local control...”*

Surely, if Citizens declare in the Charter that they be ensured that necessary public facilities be provided them, then the City most certainly has a fiduciary duty to them. This requires the City to consider the needs of citizens and voters first if the City is considering the disposal of public owned property.

The Charter declares: “The **intent** of this Charter is to **allow** the City Council and the **voters** to exercise the maximum degree of control over land use matters within the City of Carlsbad.” It is well known that the City Council is the legislative body of the City. It has clear, enumerated powers in the City Charter. But with respect to land use matters, Section 300 establishes fundamental principles and provides voters with their share of control only if the City Council provides them with information by which they can exercise their control. This is a classic dilemma, and is well known by all voters.

The voters exercise their “maximum degree of control over land use matters” when they exercise the following: Their right to readily access accurate, up-to-date information from the City in order to be well informed about all land use matters, in order to be a well informed petitioner or signer of a petition with respect to all land use matters, in order to be a well informed speaker at any City forum or hearing with respect to all land use matters, and in order to exercise well informed political speech at any forum or venue with respect to all land use matters.

Voters know when they don't know enough.

## The City Charter, Section 300 Local Limits of Growth Control

Why is the Carlsbad City Charter Unique? It is unique because it states the **Intent** of the Charter; a **Declaration** of the basic principles at the core of self-governance in the City of Carlsbad; and the **Reaffirmation** of the principles in Proposition E passed in 1986.

The fundamental tenet of Proposition E requires that Citizens be guaranteed good facilities, such as schools, parks, libraries and open space; that Development be conditioned upon these guarantees being satisfied, and that public facilities may be added, but not reduced unless there is a corresponding reduction in the residential dwelling unit limit. Land use planning for the benefit of residents is a major focus in Proposition E.

The basic principles at the core of self-governance in Carlsbad require that growth be managed and limited and that the necessary public facilities be provided to the citizens of the city. The Charter calls these the “quintessential elements of local control.” These principles are framed in a declaration by the citizens of Carlsbad that reads: “The Citizens of Carlsbad recognize and declare that managing and limiting growth and ensuring the necessary public facilities are provided to the citizens of the City of Carlsbad are quintessential elements of local control and therefore a municipal affair.” This does not limit the power of the City in its management of those municipal affairs referred to in Section 300, but instead establishes reciprocal rights and duties between the City and its Citizens.

The power of the City Council and the rights of its voters are reciprocally bound in an explicit phrase laying out the intent of the City Charter of Carlsbad. The Charter states: “The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters in the City of Carlsbad.” This is a very unique phrase and one that is tailor made for Carlsbad. It is the quintessential statement of the entire Charter, and is properly focused on land use matters.

The powers of the City are clearly articulated in Section 100 of the Charter in what is standard phraseology of Charter City powers. But section 300 is the uniquely creative, voter mandated intent of the Charter itself. The Voters as well as the City Council are to be allowed “to exercise the maximum degree of control over land use matters...” This is the reciprocal feature of this uniquely crafted statement: The City Council exercise their maximum regulatory and legislative control. Voters maximum control comes through the exercise of Political Speech.

How do voters get to exercise their maximum degree of control over land use matters without diminishing the statutory powers of the City Council ? It is through knowledge, based upon readily accessible, accurate up-to-date information that maximizes voter influence over land use matters, whatever land use matters happen to arise during the process of governance. This might be through the exercise of political speech at a City forum or hearing; through the exercise of political speech at any forum or venue; through the exercise of rights to petition; through the exercise of planning and forming voter initiatives; through the exercise of lobbying city officials; through the exercise of the franchise; and through any legitimate political channel available that tends to maximize voter control over land use matters.

Voters must have readily available, accurate, continuously updated, comprehensive, detailed information on all land use matters in the City of Carlsbad in order to “allow voters to exercise the **maximum** degree of control over land use matters.” There should be a section in the City's Website that identifies and tracks underutilized city properties in order that voters possess the same information as

C88-14 | the City. This defines the reciprocal relationship between the two entities, the City Council with maximum power, the Voters with maximum information. It is a complex reciprocal relationship that always seems to run into difficulties. Nevertheless, “it takes two to tango.”

**In Opposition to Sale**  
**Issues And Commentary Related To The Buena Vista Reservoir Property-Zone 1**  
**Open Space**  
 By Michael Schertzer

**C89-1** For a total of twenty-eight years now, Zone 1 voters have not been availed of any process or procedure that could add even the smallest amount of needed open space to their community. There is no mechanism that allows citizens the opportunity to initiate any process that can lead to the addition of open space in their zone.

The 1986 Acreage Summary in the Growth Management Plan reports the net open space, but is silent on developable open space opportunities and fails to show whether or not the Open Space Performance Standard has, in fact, been met. The Acreage Summary suggests that Zone One may in fact be short of the Open Space Performance Standard that requires 15% of the total land area in the Local Facility Management Zone, exclusive of environmentally constrained non developable land, to be set aside for permanent open space.

**C89-2** The 2013 Local Facility Analysis for Open Space observed that *“At the time the Citywide Facilities and Improvements Plan was adopted (1986), the LFMZ's were divided into a) those that were already developed and considered in compliance with Growth Management, and b) those that still needed to comply with the open space performance standard.” In 1986, LFMZ's 1 through 10, and 16 were already developed and considered to be in compliance with the open space performance standard.”*

The 2013 observations seem to conform with the original Open Space Facility Planning And Adequacy Analysis concluded in 1987. That Analysis attempts to explain that since Zone 1 is already built out, there are no opportunities left to create permanent open space, and thus the Open Space Facility for Zone 1 needs no further analysis. This 1986 determination has been confirmed through 2013 up to the present moment. There has been no further analysis. It had never been indicated that Zone 1 exceeded the Open Space Performance Standard, so one may infer there was little room for error.

**C89-3** The quote above states that Zone 1 (amongst zones 1-10 and 16) was already developed. This was confirmed in the 1987 Inventory section of the Facility Planning And Adequacy Analysis, when it stated that Zone 1 *“is almost completely built out with only a small amount of remaining land available for development.”* It is followed with the statements that, *“This eliminates the opportunity to create future **permanent** open space...”* and *“For these reasons, the Open Space facility for Zone 1 needs no further analysis.”* Thus, Zone 1 was considered to have met the Performance Standard, notwithstanding any evidence to the contrary that could arise or be revealed in the future. One must assume that in Phase 1 of the Citywide Growth Management Plan (1986) there was sufficient data to allow the above determinations to be made, albeit inconsistent with the Zone 1 acreage summary in the Appendix.

**C89-4** However, in the Adequacy Findings of the open space facilities adequacy analysis of 1987 there is no reference to the phrases “built out” or “already developed”; instead **it refers to the Performance Standard specifically and that it had “already been met.”** That conclusion, by the Performance Standard definition itself, must be based upon computational, quantitative analysis not qualitative generalizations. It can only be assumed that there was a detailed, comprehensive inventory where



C89-4

Permanent Open Space was quantified with the Performance Standard shown to have been met. As of yet, such a document has not been discovered.

Again, some confusion arises from having two different explanations used to determine acreage adequacy for the Open Space Facility, with the Inventory Section explanation cited in 2013 as the basis for the conclusion, used for 28 years, that Zone 1 was “*already developed and considered in compliance with the open space performance standard.*” [See 2013 statement above] **The Adequacy Finding Section has never** been cited as the basis for the above conclusion. As it stands now, the 2013 and 2009 explanations of the 1986 Citywide Facilities and Improvement Plan are based on the Inventory Section and not on the Findings Section.

The “built out/already developed” explanation must be assumed to be based upon solid, computational data to support statements such as “*Zone 1, an infill zone, is almost completely built out with only a small amount of remaining land available for development.*” Then there is a following interpretation that seeks to explain the consequences of the above statement: “*This eliminates the opportunity to create future permanent open space unless existing structures are removed.*” These statements in the Inventory section appear to reflect a solid quantitative analysis. However, without a map and precise calculations, it was only a matter of time until these conclusions would be challenged, especially since it had removed Zone 1 from ever having to be monitored again. It effectively had created a dead zone, with normal changes that occur through time considered irrelevant. And to confirm this policy that could theoretically go on forever is counterproductive. It has already been 28 years and counting.

In any case, it was well understood that it was essential to periodically monitor conditions in all zones, as land use matters continually emerge requiring analysis, planning and projection.. There is a specific section in the General Conditions section of the Local Facilities Management Plan (January 1987) for Zone 1. It states, “**Periodic amendment to the Zone 1 Local Facilities Management Plan is anticipated to incorporate newly acquired data, to add conditions and upgrade standards as determined through the required monitoring program. Amendment to this Plan may be initiated by action of the Planning Commission or City Council at anytime.**” To never have implemented this program for Zone 1 (and perhaps other zones as well) appears to have been a strategic error made by the City. Instead all analysis was stopped and never attempted again. This is a grave error based upon a false assumption that in a near built out zone, land use always remains the same.

In reality, Zone 1 can gain permanent open space if a City Council wanted to buy private property for such purposes or convert City property to such purposes. Zone 1 could lose permanent open space if long standing private agricultural land were sold for housing. Zone 1 could lose a permanent open space opportunity (or a subset of open space) if City owned vacant land were sold for housing e.g. Buena Vista Reservoir.

Was there an assumption established as far back as September 1986 when the Citywide Facilities and Improvements Improvements Plan was completed, that the more developed a zone appeared, the more likely that land use issues would be inconsequential. This may appear to be a logical conclusion, as intuitively it might make sense. But a zone, such as Zone 1, with very little developable land left, certainly requires some element of attention in order to incorporate newly acquired data. Although the monitoring process might not be as intensive as in other zones, there is no rational explanation for its elimination.

The elimination of this necessary feature in Growth Management results in poor planning and a heightened chance that future problems will not be anticipated and recognized in a timely fashion. This



C89-4

is exactly the case with the Buena Vista Reservoir Property, where the City focused only on its value as an underutilized asset without considering its importance as committed open space, its overall environmental importance, its social importance and its affect on the health, safety and welfare of the local inhabitants. It has been stated that a continuing evaluation has been taking place over the last few years, but there is absolutely no evidence of this. The evidence so far indicates only that an appraisal of the property has been undertaken.

C89-5

Zone 1 voters don't have any detailed, factual or descriptive information, so how can they develop any informed opinions with respect to land use matters in their own neighborhood ?[See City Charters Section 300] This information should be regularly updated in the Annual Monitoring Analysis process. However, since it was declared in 1986 that no further analysis is necessary, properties such as the three acre reservoir site could be considered for sale without any citizen knowledge. If there is no accurate, up-to-date Inventory Data available for City Planners and Voters, the planning process for land use matters is totally ineffectual.

As a matter of public policy, there should never be a cessation of annual monitoring whether built out or not, as communities change and City policies change. The very idea that certain zones should be excluded from planning and adequacy analysis indefinitely without a mechanism that, at least, gives residents a formal channel to offer input does not fulfill any rational city objective, and again violates the principles of the City Charter section 300.

Zones that are nearly built out require more open space analysis, not less analysis, especially if they are in fact below the Performance Standard. Regular monitoring and detailed analysis must take place so that open space opportunities can be matched, in a timely fashion, with identified needs. And when individual development projects are considered, a public facilities adequacy analysis should be made as part of the report on the project to ensure that it is congruent with the Local Zone Needs. The decision made in September 1986, taken to its logical conclusion, makes any analysis forever impossible.

There has never been a proper summary in the Adequacy Findings section for Zone 1 of how compliance with the Open Space Performance Standard was determined, and thus leaves Zone 1 voters without any detailed, factual or descriptive information on which to base any informed opinion with respect to local land use matters in their own neighborhoods. Thus, voters are left with nothing but their inferences and suspicions. Neighborhoods inevitably change with time, along with their immediate and surrounding environments. There will always be adjustments that have to be made. The Carlsbad City Charter is clear: The City shall have full power and authority...to make...and enforce all legislation...and regulations with respect to municipal affairs subject only to the limitations as may be provided in this Charter..." And what is the intent of the Charter with respect to land use matter? "The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters in the City of Carlsbad." At minimum, there must be some element of shared information and participation regarding important "residential neighborhood" land use matters.

C89-6

By simply declaring a vacant, unused reservoir site an underutilized asset in a real estate portfolio without any descriptive or historical context is incomprehensible. This is a landmark site with a magnificent view that has been in its current location for 95 years, and over decades has had an entire residential neighborhood built around it. In fact it was, to an overwhelming degree, responsible for the development of Carlsbad's 20<sup>th</sup> Century agricultural economy and, thus, the entire City of Carlsbad. Nevertheless, the Buena Vista Reservoir Site found itself in a "Real Property Portfolio" that was continually evaluated as one of many "underutilized assets". Among these underutilized assets in this portfolio were a few golf course lots, some commercial buildings, a fire station and some property in



C89-6 | Oceanside. [See the Irving Group list for other properties] And considering that Zone 1 has been declared “built out” along with the fact that this 3 acre parcel may be one of the last times any significant developable open space may become available, it is critical that this issue be treated in conformity with the intent of the City Charter.

There is no difficulty in understanding why, at any particular time, the natural and regulatory limits of developable land make it impossible to add any open space. Thus, for example, the Adequacy Findings of Zone 1 regarding Open Space was considered to have been met in 1986, notwithstanding, that “in fact”, it had not been factually demonstrated. The world changes, and what may be unavailable one year may become available the next. This is why there are regulatory documents like the Growth Management Program, where procedures can determine whether Facility Planning is Adequate with respect to Performance Standards. Occasional changes to the facilities management plan is expected. In fact, under General Conditions of the Local Facilities Management Plan for Zone 1 in 1987 it states: “Periodic amendment to the Zone 1 Local Facilities Management Plan is anticipated to incorporate newly acquired data, to add conditions and upgrade standards as determined through the required monitoring program”.

And consistent with the General Conditions statement above, the Facility Planning Adequacy Analysis of Open Space in Zone 1 for 1986, under Section III, states: “There are no special conditions that apply at this time.”

Unfortunately, the mistakes made in 1986 and continuing thereafter have prevented updates and corrections to the Zone 1 Open Space Plan and have effectively throttled the residents of Zone 1 for 28 years. For example, the statement above explaining that “There are no special conditions that apply at this time,” has been altered to mean that “There are no special conditions that apply ever.” Citizens of Zone 1 have been told many times that Zone 1 is “already developed and considered to be in compliance with the Open Space Performance Standard.” This conclusion can be read in the Facility Adequacy Analysis of Open Space 2012-13, as it addresses zones 1-10 with the same disregard as if it were still 1986, although each zone has experienced its own unique changes over the last 28 years.

C89-7 | And so it is in this year, 2014, that Zone 1 residents have discovered their 95 year old reservoir site the object of a future sale by the City Council.

It is stated in the Phasing section in the 1987 Adequacy Analysis that:

*“Because Zone 1 is an infill zone with no future opportunity to increase open space, the phasing requirements for Open Space were not addressed as required by Chapter 21.90.110 (d) (2) of the Carlsbad Municipal Code.”* Not only were the Phasing requirements of Open Space not addressed, but it is stated definitively that there is “no future opportunity to increase open space.” However this has proven to be incorrect with the availability of the BVRP unless, of course, the BVRP had already been designated as open space and was intended to be removed from the open space inventory. This would end up resulting in a three acre loss of open space and possibly triggering Proposition E corrective measures.

## Conclusion

The 1986 Performance Standard Adequacy Analysis and its twenty-eight year interpretation, without any provision or mechanism to deal with foreseeable real property changes, is injurious to Zone 1 citizens. In the Buena Vista Reservoir situation, as it now stands, the City is attempting to increase the “utility” of the site for its citizens by removing it from any possibility of being considered as open space for a park. The City considers a housing development to represent increased utility for its citizens. Given that the reservoir is essentially vacant land already, Zone One will actually end up with an actual, physical LOSS of open space! In addition, the City is demonstrating a total lack of appreciation for the environmental value of the property along with the fact that it is a historical landmark. The reservoir site is not a Fire Station, Golf Course Lot, Commercial building, or property located in another city. It has a 95 year history in the same location and is an integral part of the neighborhood. Since the City has determined that the land is developable, how did the city weigh alternative options for development? Did the City ever consider doing a detailed acreage analysis of open space for Zone 1?

What happened in 1986 and what has been confirmed since, and what appears to be a continuing policy, is based upon an unsupported declaration that since Zone 1 was built out, it would not be necessary to provide detailed, factual support for the Inventory Analysis, and thus for the adequacy findings itself. This results in the near impossibility of attaining Mitigation or Special Conditions, because there is no detailed descriptive information available upon which to frame such a request. The response that “you're already built out” or “you've already met the standard” in 1986 is always given without any effort having ever been made to factually substantiate those claims

Thus, the 1986 document presents nothing but an unsupported declaration that nevertheless establishes a precedent that has been relied upon for 28 years. Thus, one can read strange statements such as the following written in 2013: “At the time the Citywide Facilities and Improvements Plan was adopted (1986), the LFMZ”s were divided into: a) those that were already developed and considered in compliance with Growth Management, and (b) those that still needed to comply with the open space performance standard.” The above language seems to suggest that the 1986 Facility Planning and Analysis of Open Space in Zone 1 may have already been determined before the Facility Planning and Adequacy document had received its completed inventory analysis

Interestingly, the 1987 Facility Planning And Adequacy Analysis for Open Space in Zone 1, which is supposed to determine whether the Performance Standard has been met, is vague, ambiguous and confusing without detailed factual bases, and yet able to somehow establish a precedent that has denied and continues to deny citizens of Zone One information about what is being planned in their own neighborhood. This is exactly what has happened with respect to the Buena Vista Reservoir Property and thus, the citizens themselves, may very well take a back seat to outside, unknown interests seeking to acquire publicly owned property that belongs to the People and the City of Carlsbad. This may very well violate Section 300 of the City Charter.



**C90-1** We concerned and committed taxpayers of Carlsbad would like our City Council and Staff to revise the General Plan Draft so that the Carlsbad Reservoir, Cole Library, Agricultural Lands, Community Garden, Arts Office and Sculpture Garden, parking, and land on Carlsbad Village Drive adjacent to Fire Station #1 to be **zoned for City Use purposes, not sold to developers for residential and commercial purposes.**


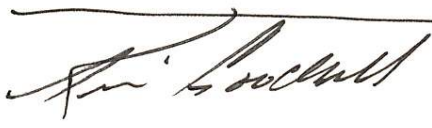
**C90-2** For decades the taxpayers of Olde Carlsbad neighborhoods have been patient and supportive, while Carlsbad has developed facilities in other quadrants. It is time for the City to put resources into the **in-fill area** of Olde Carlsbad and **connect** these lands with a creative vision to support the Village and the Barrio as an authentic and functional civic center.

**C90-3** We unite to petition Carlsbad City Council and Staff-

- to create useful, relaxing **parklands** and community garden where nature is respected and concerns for **sustainability, environmental impact and carbon emissions are addressed.** Each neighborhood must have a functional space within **walking** distance for different age groups to enjoy. Gardens grow the things we need to **live and connect** people. There can be educational elements from which all age groups benefit. We can learn to conserve better and share the resources.
- To create a civic center on the city-owned lands for **cultural and sciences functions:** dance, technology, drama, art exhibits, music, sculpture, even architecture for the **small town feel and beach community character that is found on the Carlsbad Community Vision**
- To dedicate facilities and functions on the **historic** Olde Carlsbad city-owned lands to **educate** residents and visitors of the past, present and future while **near public transport including Coaster and Amtrak.**
- to provide transparency for how the residents of Olde Carlsbad will access **Community Services**
- to protect and safeguard the city-owned lands so that **Olde Carlsbad will truly be a destination that supports the economy, business diversity and tourism to the Village**
- **to revitalize our Olde Carlsbad neighborhood with civic-minded projects-compatible and liveable that enhance the quality of life for all who live and visit Carlsbad**

**C90-4** **Respectfully,** you have the privilege and responsibility of being good stewards of the people and resources of this city. We feel that the core values proposed in the **Community Vision** are aligned with our requests. We are committed to working to build on the city's culture of civic engagement, volunteerism and philanthropy. **City-Owned Lands in Olde Carlsbad should be developed for the true highest and best use.**

Printed name    Signature    Address    Date    email for updates

Print Name	Signature	Address	Date	Email
Charles B Goodsell		4105 Park Dr Carlsbad, CA 92008		KIMCB600DSELL@ GMAIL.COM
		4105 Park Dr CARLSBAD, CA 92008		digitalpatientrevolution @gmail.com

**From:** Sharon Sova [mailto:sharonas@roadrunner.com]  
**Sent:** Thursday, June 19, 2014 11:28 PM  
**To:** Jennifer Jesser  
**Cc:** Council Internet Email  
**Subject:** General Plan - Comments and Concerns

Dear Jennifer Jesser,

C91-1 | The staff presented the General Plan before The Parks and Recreation Committee on May 19th. I attended that meeting and as you may recall, two members of the Committee voiced their concerns regarding the park space designated in the North West Quadrant.

C91-2 | This is a subject that we've been discussing with the Mayor and City Council over the last several months. There are 50 homes approved in our area and more to follow. If you plan to increase the population, then you also need to balance it by providing park space for the new residents in the North West Quadrant.

C91-3 | The only park space we have in walking distance is Buena Vista Elementary School, but since the Kelly shooting the facility is restricted and we have no access (even if it wasn't restricted, we wouldn't be allowed access during school hours).

C91-4 | There is still one jewel left in the North West Quadrant, The Buena Vista Reservoir. This property has significant historic value and should be preserved as park space for the residents of the North West Quadrant.

C91-5 | In the General Plan, the core value for Carlsbad is: small town, access to recreation, walking/biking, continued commitment to open space, focus on moving more people (not more autos), water conservation and protection of natural resources and open space to remain a high priority. We're no longer a small town, if the focus is to move more people (not autos) then please conserve and protect the last remaining open space left, The Buena Vista Reservoir.

Sincerely,  
Sharon Sova  
1700 Buena Vista Way  
Carlsbad, CA 92008

**From:** Council Internet Email  
**Sent:** Thursday, June 19, 2014 2:36 PM  
**To:** Jennifer Jesser  
**Subject:** FW: city zoning

**From:** Ulrike von Helms [<mailto:ulrikev@gmail.com>]  
**Sent:** Thursday, June 19, 2014 9:57 AM  
**To:** Council Internet Email  
**Subject:** city zoning

C92-1

I have lived in Carlsbad for about six years, and recently decided to buy a house. We just had our first baby and are looking forward to raising our family in this city. The thought that the city is contemplating changing the zoning laws to sell our invaluable open spaces to developers is abhorrent. Please reconsider this move, and keep the big picture in mind, rather than the immediate cash rewards.

Ulrike von Mehta

--

Ulrike

**From:** whitnie rasmussen [mailto:whitnie\_8@hotmail.com]

**Sent:** Thursday, June 19, 2014 10:50 PM

**To:** Jennifer Jesser; Council Internet Email

**Subject:** Open space in Old Carlsbad

Hello Carlsbad.

C93-1

I understand some changes are happening in our lovely, Old Carlsbad. From what I hear, you all are considering selling "underutilized" city space to developers. Please hold off, do not sell Buena Vista Reservoir, the gardens next to the library, Cultural Arts Office, Sculpture Garden, Community Garden or land next to the fire station.

I'm a mom of two in Carlsbad, a 10-resident of Carlsbad and would like to see these lands set aside for parks and open space. We have saved for 10 years to buy a home and raise our children in this family, beach community. Truly, it would be terrible to see our city overpopulated and over developed.

C93-2

We bought our home here because it has not been overdeveloped and made to look like everywhere else in Southern California. It is a charming city. We love that we can walk everywhere and have many no-driving days. We love the library, the barrio, the parks, the village, the boardwalk and the beach.

C93-3

I keep thinking of the Robert F. Kennedy quote:

Gross National Product does not allow for the health of our families, the quality of their education, or the joy of their play. It is indifferent to the decency of our factories and the safety of our streets alike. It does not include the beauty of our poetry, or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials... the Gross National Product measures neither our wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country. It measures everything, in short, except that which makes life worthwhile....”

Thank you,

Whitnie Rasmussen

**From:** Amy J. Davis [[mailto:a\\_jdavis@yahoo.com](mailto:a_jdavis@yahoo.com)]  
**Sent:** Friday, June 20, 2014 3:57 PM  
**To:** Council Internet Email; Manager Internet Email  
**Subject:** Parks inventory and performance standard

Dear Mayor and Council,

**C94-1** | We're writing today as concerned residents. We're concerned about our open space and parks. We fear that our city which prides itself on integrity and other honorable values, as per brochures and fliers handed out to employees, is not living up to those standards with regard to parks and open space. These areas are a mandatory part of the foundation for a high quality of life. We value our parks, our open space, and our trails.

Do we truly have 3 acres per 1,000 residents as required?

**C94-2** | Why are parks being double counted as both open space and parks? Hard line open space is not accessible to the public because they are preserves and therefore not public parks. Area that is protected for animals and natural vegetation is also important to us.

**C94-3** | Why are school yards that are not accessible to the general public after school hours being counted as parks? Parks are not just for students and organized sports. And if they are, then they definitely should not be counted as a public park.

Respectfully,  
Amy Davis  
Mark Wiehl  
6006 Paseo Alameda  
Carlsbad, CA 92009

**From:** Bklieberman@aol.com [mailto:Bklieberman@aol.com]  
**Sent:** Friday, June 20, 2014 12:57 PM  
**To:** Jennifer Jesser  
**Subject:** Buena Vista Reservoir

Hi Jennifer,

C95-1

My name is Betsy Lieberman, I live at 1323 Forest Avenue, Carlsbad. I spoke with you yesterday and wanted to thank you for your time answering my questions concerning this issue.

I had intended to write a lengthy letter. However, after watching the June 17th council meeting where numerous residents spoke, I felt I could sum up my letter by stating I agree with Kip McVane (sp?) and many of the other concerned citizens.

The city needs to delay this sale of this property for development and revisit the key points brought to their attention during this meeting.

Thank you.

Sincerely,

Betsy Lieberman

**From:** GigiO [mailto:gigiao@aol.com]  
**Sent:** Friday, June 20, 2014 4:20 PM  
**To:** Jennifer Jesser  
**Cc:** Don Neu; Council Internet Email  
**Subject:** Comments for 2014 Draft General Plan

Dear Ms. Jesser,

Following our review of the 2014 Draft General Plan, we would like to make the following comments.

C96-1 1) Regarding Table 4-1 Existing Open Space: We were disappointed to see Carlsbad's Promise to preserve 40% of its land as open space has now been reduced to 38% open space, and only 1186 acres or 5% of the City is open space land for outdoor recreation (programmed and unprogrammed). What happened to the promise of keeping Carlsbad 40% open space? And why is such a small percentage of Carlsbad's open space usable for outdoor recreation?

C96-2 2) Regarding Parks:

a. We are disappointed that the criteria used for "adequate" park land is 3 acres per 1000 residents. We studied Figure 4-3 and noted there are many areas in Carlsbad where residents don't have easy access to a park. Neighborhood parks are important for creating a sense of community. Ideally, no Carlsbad resident should have to go more than a mile to have access to a park or outdoor recreation area. Why not also use proximity and accessibility as criteria for adequate park and outdoor recreation areas?

C96-3 b. Regarding Table 4-7 Park Needs Projected for Buildout: We noted that in the NE Quadrant where we live, we should have 68 acres of parkland. According to Table 4-4 Existing Community Parks, we currently have 43.5 acres of parkland. Table 4-5 Anticipated Future Park Development Projects claims another 13 acres will be added when a "special use" park is built at Robertson Ranch. That brings the total of NE quadrant parkland to 56 acres, which falls 12 acres short of our 68 acres. According to that same chart, another 22.5 acres will be allocated to the NE Quadrant, but they are located in Veteran's Park in the NW Quadrant. This comes across as a "cheat" to us. A park in the NW Quadrant should not be divvied between all 4 quadrants.

C96-4 In addition, we attended the New General Plan meeting held on May 18, 2014 at the City Council Chambers. We fully support the following comments and suggestions made by various speakers:

1) Use the Buena Vista Reservoir in the NW Quadrant for parkland rather than development.

C96-5 2) The City should not double count certain land parcels as both Open Space and Parks (such as Veterans's Park)

C96-6 3) School yards, which are fenced, gated, and locked for school safety, should no longer be counted as park acres since the general public does not have access to them.

C96-7 4) Hardline Open Space Areas are not available for active recreation due to environmental impact and need to be subtracted from Park Acres.

C96-8 5) Citywide facilities such as the Senior Center and the Skate Park are for all City residents and should not be allocated to the Park Acres of the quadrant where they are located.

C96-9 6) A standard for neighborhood parks needs to be established to include local, walkable parks in every neighborhood. Both neighborhood parks and community parks are important to a community.

C96-10 7) The policy of using 3 acres per 1000 residents as the criteria for adequate parkland appears to be outdated and needs to be re-evaluated.

C96-11 Open space, Parks, and all outdoor recreation areas are key to a high quality of life for Carlsbad residents. We thank you in advance for considering and taking action on our comments.

Bruce Grouse  
E.A. Orlowski  
3729 Bennington Court  
Carlsbad, 92010

**From:** christine bevilacqua [mailto:judyjet72@yahoo.com]  
**Sent:** Friday, June 20, 2014 3:19 PM  
**To:** Jennifer Jesser  
**Subject:** Re: General Plan Comments

C97-1

One more important thought please.  
A fossil-fuel burning power plant in Carlsbad will negate every statement made by the City that purports to support sustainability and the environment.  
Carlsbad can make millions of super supportive friends and admirers instantly by holding a press conference announcing the halt of the plans for the power plant immediately. Carlsbad can make its mark by standing up and saying NO.  
I honestly don't think I could live and pay taxes in a city that would agree to a fossil-fuel power plant.

Christine Bevilacqua  
Resident

On Friday, June 20, 2014 3:09 PM, christine bevilacqua <[judyjet72@yahoo.com](mailto:judyjet72@yahoo.com)> wrote:

C97-2

I am a 5-year resident of Carlsbad Village and have lived in San Diego County for 16 years.  
As a middle-aged professional, I have a pretty wide range of awesome places to live on San Diego County.  
What would make me stay in Carlsbad? And encourage others to stay or move here?

C97-3

1. Better retail mix in the Village. We are sick of the ladies resort wear shops and salons. We live here year round though the focus is always on tourists. We need a market besides Albertsons. We need more public gathering space! We live and **work** here supporting your tourist industry.

C97-4

2. Don't let a few loud and grumpy old business owners dissuade the Village from becoming all it can be. Expand the Farmer's Market down State St. Bring a REAL live music venue to the Village. See for example North Park San Diego and the Bergamot area of Santa Monica. Excellent examples of where smart professionals WANT to live.

C97-5

3. Encourage more community gardens!!

C97-6

4. Make it easier for homes and businesses to install solar and other renewable energy sources.

C97-7

5. It's a crappy job, but the dog urine and poo needs to be cleaned more often. Posts and trees are coated at the bottoms, and poo smears are everywhere along the beach walk.

C97-8

6. Do something about the blighted abandoned houses on Oak and at Washington and CBC Dr. What an embarrassment! Broken and/or boarded up windows, fallen trees, homeless in the backyards.

C97-9

7. Encourage more EV charging stations so that Car2Go or other such company will come here.

C97-10

8. Encourage solar micro-grid projects that move us away from fossil fuels and investor-owned utilities.

C97-11

9. DON'T USE THE WORD SUSTAINABILITY IN YOUR PLANS IF YOU DON'T INTEND TO TAKE IT TO HEART AND LIVE IT. **SUSTAINABILITY HAS 3 PRONGS: SOCIAL, ENVIRONMENTAL AND ECONOMIC.** LIVE IT AND BE THE EXAMPLE!

When the Mayor shows up at a EV car charging event in a borrowed electric car because he drives an Escalade...that is NOT living it.

Thank you!  
Christine Bevilacqua  
Resident



June 20, 2014

Jennifer Jesser  
Senior Planner  
Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

RE: General Plan Update/Draft Environmental Impact Review

Dear Ms. Jesser:

C98-1

I am a 14-year resident of Carlsbad and I am writing to you to express my concerns with the Proposed General Plan Update and its potential impact on our community. There are several areas in which the proposed update fails to live up to the city's "minimum required performance standards." I will group the issues into two buckets: 1. Open space commitments, and 2. Poinsettia Lane completion.

C98-2

#### Open Space

I am fortunate to live on a cul-de-sac surrounded by a preserve – even if it is more like a charred moonscape post the May 14 Poinsettia Fire.

I was told when I bought the house that 1,000 homes would be built within five miles of my home in keeping with the General Plan. With the completion of the last available parcel on Black Rail between Aviara Parkway and Poinsettia that should be achieved.

It also was explained that because the Aviara Premier Homeowners Association had the largest trail system to maintain/house, the fees would be higher than in some other developments. That too has proved true with trail maintenance contributing to increases in HOA dues.

Over the years, I have enjoyed the trails even as they have become increasingly crowded with walkers, joggers, pets and bicyclists – particularly off-road bikers who are increasingly utilizing walking trails because there are not enough bike-friendly paths within the southwest quadrant.

Having served on the APC HOA board for five years, I am aware of the increasing expenses associated with maintaining the trails due to the erosion caused by the growing population. Unfortunately, the trails maintained by APC have not been able to connect to additional trails -- though such plans are found within the Aviara Master Plan. This failure to expand the trail system means more and more people – some from Carlsbad, some from neighboring cities – park along Fiona, Docena and Ambrosia so they can access the existing trails.

C98-3

Clearly, Carlsbad residents expect and need more open space. Unfortunately, the proposed General Plan Update neglects to respond to resident concerns by providing additional trailheads on the east side of Ambrosia as well as additional parking to accommodate both trail usage and Aviara Oaks Campus-related events. To neglect the 2.5 acres of available land along Ambrosia when there is a 29-acre



C98-3

shortfall in parkland and open space within the Southwest Quadrant represents one example of failure to meet a “minimum required performance standard.”

C98-4

I also am fortunate to have a five-minute walk to the Aviara Community Park, which opened in late 2005 with 14 acres of developed parkland and another 10 or so acres of open space. The Aviara Oaks School Field is a walk of seven to ten minutes depending on the congestion along Ambrosia. These are wonderful areas, but like the trails they are at capacity after school and work as well as on weekends.

An important part of the appeal of Carlsbad’s open space commitment is the opportunity to co-exist with wildlife and the habitat of California’s coastal sage and chaparral. The urbanization of the last 14 years means much of the wildlife that lived in my canyon has moved on. From my backyard, I no longer see the three species of owls that once conferred in the trees behind my home at dusk. A mountain lion and Golden Eagle were each seen on one occasion – both before 2004. The bobcat sightings are few and far between. The coyote packs no longer beat down a path through the front yards because there apparently is only one den in the canyon. The death of a red-shouldered hawk about three years ago seems to have signaled the end of that species presence in the neighborhood. The white-tailed kites have moved on. The Great Blue Heron is seen rarely, leaving only the white Egret to impress neighbors near the Aviara Community Park monument. The Poinsettia Fire has further stressed the wildlife community. It is in need of assistance, but there is nothing in the General Plan that addresses those needs, i.e. more open space, in this quadrant.

To allocate a portion of the proposed Veteran’s Park to the Southwest Quadrant and to suggest that doing so somehow makes it possible for the city to meet the “minimum required performance standard” for residents of this quadrant is simply absurd. It does nothing to help the overcrowded trails that exist today. And it is doubtful there will be much commuting by the wildlife to Faraday and Cannon either.

C98-5

Finally, the so-called “cleanup zoning” that reclassifies the monuments of APC as “open space,” or the landscaping adjacent to the sidewalks as “open space,” or the SDGE easements under the power lines as “open space,” is a poor attempt to whittle down 15% Local Facilities Management Zone open space requirements. It would be inappropriate to count such rezoned parcels when calculating the open space in Carlsbad.

C98-6

I believe it would be in the community’s best interest to make the following changes to the Proposed General Plan:

1. exclude the re-zoned “cleanup” parcels from the overall open space calculation as well as from the 15% LFMZ calculation;
2. separate the park space from the open space so that native open space that is contiguous to developed park space and playing fields, a la Aviara Community Park, is not counted as park space AND open space, i.e. no double counting;
3. expand the trail system so that existing trails connect and there are more miles of trails;
4. address congestion where there is public access to open space, such as along Ambrosia Lane;
5. clearly identify the land being designated as open space that is under/apart of SDGE’s power line easements.

C98-7

C98-8

C98-9

C98-10

C98-11

**Poinsettia Lane**

The Poinsettia Fire highlighted the need to complete Poinsettia Lane sooner rather than later. Completion would have made it possible for firefighters to access the fire in the canyon and at the



C98-11

Windsor Apartments more easily. It would have hastened the escape of hundreds of residents who were trapped on Cassia for too long as the flames reached both sides of Poinsettia. I hope that the flora and fauna that the federal government has sought to protect in the canyon will return. The bridge needed to complete Poinsettia Lane is expensive because of the habitat protection efforts. But the city last reported that more than \$10 million has been collected from existing residents for the completion of the road. That leaves \$4.8 million to complete the bridge as designed. The safety of residents of the Southwest Quadrant should not be jeopardized simply because the city chooses not to allocate \$4.8 million to complete a road first planned 50 years ago. Had the winds not shifted on May 14<sup>th</sup>, firefighters say they probably could not have held the fire line at Black Rail, which means the fire could have marched to the coast. With hindsight, is it not apparent that the failure to complete Poinsettia has consequences beyond its short-term depletion of the city's budget?

Thank you for considering the views of residents of the Southwest Quadrant.

Regards,  
De'Ann Weimer  
6606 Fiona Pl  
Carlsbad, CA 92011  
858-344-0436

**From:** Don Christiansen [mailto:donchristiansen@pacbell.net]  
**Sent:** Friday, June 20, 2014 11:18 AM  
**To:** Jennifer Jesser  
**Cc:** Envision  
**Subject:** Citizen comment on General Plan update and Climate Action Plan

Good Morning Jennifer!

Two things:

C99-1 | General Plan Update: Ever since we moved here in 1987 I've heard the "**minimum** 40% open space" mantra from many people, including electeds and City staff. Minimum 40% is what I and many other Carlsbad citizens expect in the final document.

C99-2 | The General Plan defers to the Climate Action Plan to implement some programs. I think it is **very** important to include Community Choice Aggregation ([www.sandiegoenergydistrict.org](http://www.sandiegoenergydistrict.org)) and the improved PACE program offered by [www.ygrene.us](http://www.ygrene.us).

Thank you,

Don Christiansen  
760-802-0552

From: Elizabeth Kruidenier [mailto:lizkruidenier@gmail.com]  
Sent: Friday, June 20, 2014 4:56 PM  
To: Jennifer Jesser  
Subject: Comment Letter on The Growth Management Plan

**C100-1** To Whom It May Concern, After sitting through most of the City of Carlsbad Council meeting last Tuesday re Old Carlsbad and the passionate pleas of 17 residents for a decent park in their area which they perceive as possible if the City developed the empty reservoir sitting on the hill. I must admit I became their ally. Everyone said "Don't sell the land. Build a Park and NOT more houses." My sentiments exactly. Every one of our quadrants and I live in the Southeast was promised 3 acres per 1,000 residents or 15% of open space as the MINIMUM required park acres at buildout.

**C100-2** What was equally moving were the stories of people coming to this City because of its beauty, its natural open spaces, its bucolic charm. Living in Carlsbad meant your heart skipped a beat as you neared home. It was totally different from the crowded space most had left behind. And they were fighting to keep their older homes from becoming like the places they had left behind.

Those of us who have been here for over 20 years realize the many sacrifices we have made already. We have had to put up with cookie cutter subdivisions crawling all over our beautiful canyons from top to bottom, on carved out shelves of land, not nestled cosily into the hillsides leaving the tops bare. We have roads so clogged that it takes as long to get on the freeway as it does to go to downtown San Diego. Those caught in the recent fires had to wait until evening to leave Harmony Grove because the one road out was so clogged in either direction. It was only thanks to the wind change they weren't burnt up.

**C100-3** Now we are supposed to be happily approving a General Plan that counts Veterans Park as part of all our regions even though it's not in our quadrant. We have schoolyards counted that are locked. We have every imaginable piece of land counted that is flat, paved and otherwise useless included in our quota. It is not about quality, philosophy or heart. It is about counting midget widgets. My quadrant is already 36 Acres short with more houses to come.

**C100-4** For 20 years this is going to be it. The IT we have is Not adequate! And many more houses are being planned. I would like to suggest we keep every parcel of land that belongs to the City that we have left until such time as we have filled out the full quota system for parks and open space in each quadrant and we are not counting anything less than an acre in natural open space or park in each in quadrant. In addition I would like to suggest we buy more

**C100-5** land from willing sellers with the funds set aside from selling land previously used for agriculture. Several years ago Carlsbad Citizens voted to buy more open space with these funds. It has NOT happened yet.

**C100-6** As a long time member of the National Alliance on Mental Illness and its past three year co-president it pains me to tell you that the we have had a steady rise in the occurrence of Mental Illness and Suicide in this Country as well as this County. Much of it is now believed to come from heightened levels of stress that are part of the way we live and work and play. Perhaps nature was meant to play a greater role in our lives. We seemed to do better on farms than in cities. Anything that you can do to help this situation would be most welcome and making sure that we have at least the amount of natural lands and open space that we were promised might help us learn to live more contented lives

Many thanks for your attention.

Sincere Hugs

Liz Kruidenier, 3005 Cadencia Street, Carlsbad CA 92009

**From:** Evan Dwin [mailto:edwin@dwinlegal.com]  
**Sent:** Friday, June 20, 2014 11:13 AM  
**To:** Jennifer Jesser; Don Neu; Council Internet Email  
**Cc:** Danny (djroads@yahoo.com)  
**Subject:** Comment on proposed General Plan Update for Carlsbad

Dear Sirs and Madams:

**C101-1** We write to express our concerns about the proposed General Plan Update under consideration by the City Council. Specifically, we are concerned about the manner in which the proposed General Plan treats Carlsbad's commitment to preserving open space and ensuring that there is sufficient land available for community recreation.

Our families love Carlsbad. It is a wonderful community and an extraordinarily well-managed city. We are proud to raise our children here. Since the day we moved here, we have felt incredibly fortunate to live in a city where people can pursue individual success in business but also share a commitment to a healthy lifestyle in which they collectively experience the beauty of nature and the serenity of one of Southern California last remaining coastal gems. Carlsbad's parks and other open space are a critical component of what makes Carlsbad special.

There is currently a great deal of growth and development in Carlsbad. It is only natural that people want to move to Carlsbad, develop land and create businesses given its perfect climate, prosperity and recreational opportunities. And certainly some development is inevitable and beneficial. But the lifestyle that Carlsbad offers, in contrast to the sprawl of Los Angeles and Orange County, is priceless. Accordingly, it is of the utmost importance to protect a sufficient amount of open space and parkland, and to proceed cautiously with new development, lest we allow Carlsbad's success to destroy the very lifestyle that has led to its success.

**C101-2** Carlsbad's commitment in 1986 to preserving 40% of its land as open space properly balances the need for economic growth against preserving the natural beauty and serenity that makes Carlsbad such an incredible place to live. Therefore, we were disturbed by reports that the proposed General Plan does not seek to expand what it has identified as the current total of only 38% Open Space. Meanwhile, it has also been reported to us that the proposed General Plan Update permits 7,880 additional

**C101-3** residential units, 2,360 new hotel rooms and 7.5 million square feet for commercial industrial and office space. Thus, there appears to be a lessening of the City's commitment to Open Space and parkland which will be compounded by an additional influx of new people and new construction.

**C101-4** We are also concerned about reports that the proposed General Plan defines school playgrounds and athletic fields as "parkland" to fulfill the requirement of 3 acres of parkland for every 1,000 people. School playgrounds and athletic fields are not open to the public, and public access for recreation is essential to any area that can be reasonably defined as "parkland" as that term is commonly understood. Thus, we believe it would be shortchanging the City, and especially its children, if fenced and locked school grounds are counted in determining whether the City is meeting its commitment to preserving and appropriate amount of land for recreational parks.

**C101-5** In addition, it is unnecessary for Carlsbad to loosen its standards for Open Space and parkland. Our understanding is that, thanks to excellent city management, Carlsbad's budget has been running at a surplus and the City has ample reserves. Because of this, fortunately, we need not make tough choices about our complete commitment to preserving open space and parks – choices that once made in favor of development can never be undone.

**C101-6** In sum, we are concerned that the proposed General Plan erodes Carlsbad's promise to maintain a baseline minimum of 40% of its land as open space and 3 acres of parkland for every 1,000 people. We believe that a steadfast commitment to these standards will preserve the lifestyle that we, and many other Carlsbad residents, love. Further, maintaining these standards without exception would not completely stop Carlsbad from growing, but, rather, would limit it to sustainable growth that benefits its residents.

Please consider our comments and provide us with any information you think is relevant to our concerns.

Thank you for your time and consideration.

Sincerely,  
Evan and Leah Dwin  
Daniel and Amy Pleickhardt

Evan Dwin  
Dwin Legal  
2173 Salk Avenue, Suite 250  
Carlsbad, CA 92008  
(office) 760.579.7641 | (direct) 858.480.9785 | (fax) 760.579.7642  
[www.dwinlegal.com](http://www.dwinlegal.com)

From: Glenn Garbeil [mailto:garbeil@roadrunner.com]  
Sent: Friday, June 20, 2014 12:43 AM  
To: Jennifer Jesser  
Subject: Comment on proposed General Plan

Dear Ms. Jesser,

C102-1 | In 1986, the residents of Carlsbad voted to approve the Growth Management Plan. Since I've only been a resident for 19 years, I did not have the opportunity to vote on it. But it is the plan that Carlsbad residents approved.

C102-2 | It now appears that you want to shortchange us of the parks and open space that the GMP promised to us. The GMP promised 40% open space, and even counting one fourth of Veteran's Park, which is not in my quadrant, the Senior Center, locked school yards, and on an on we still come up short.

C102-3 | It is just plain wrong. In the 19 years we've been residents I've seen the entire character of our city change. The quiet and the open space that once defined our city have become rare commodities. These were the qualities that attracted my wife and me to Carlsbad.

C102-4 | We take advantage of the natural resources Carlsbad still offers -- the lagoons, the trails around Lake Calavera (which are significantly diminished and are rapidly disappearing), Calavera Park. I recognize that this is a growing area, but please preserve what makes our city great. Thank you!

Sincerely,  
Glenn and Nancy Garbeil

**From:** HTCoffey@aol.com [mailto:HTCoffey@aol.com]  
**Sent:** Friday, June 20, 2014 1:28 PM  
**To:** Jennifer Jesser  
**Subject:** Modification of Carlsbad street plan

Dear Ms. Jesser;

C103-1

Steve Linke has sent me a response to the proposed modifications to the plan for streets in Carlsbad. I concur with his comments but extend them somewhat to state that while bicycles are nice, non-polluting and inexpensive they do not have the inherent safety of automobiles. To prioritize the streets for their use will increase the number of bicycle accidents in Carlsbad and the liability assumed by Carlsbad for these accidents.

Further, although one can point to many cyclist who are of any age one chooses, the preponderance of cyclist are young and athletic. Many of us are neither. When I was young and athletic I chose to ride my bicycle for recreation, not as a means of transportation to shop or to work. It appears this is an attempt to dictate the lifestyles of the population rather than improve the movement of traffic in the city.

Your plan will, in my opinion, reduce the livability of the city and the value of its homes.

Howard T. Coffey  
7515 Quinta St.  
Carlsbad, CA 92009



## DRAFT CARLSBAD GENERAL PLAN UPDATE QUESTIONS

### DRAFT CARLSBAD CLIMATE ACTION PLAN (CAP)

C104-1

#### Page 1-3 Carbon Cycle and Global Temperatures

Data collected on global GHG concentrations over the past 800,000 years demonstrates that the concentration of CO<sub>2</sub>, the principal GHG has increased dramatically since pre-industrial time, from approximately below 300 ppm in 1800 to about 353 ppm in 1990, 370 ppm in 2005, and 399 ppm in early 2013. 1) Source: NOAA.

Increased atmospheric concentrations of GHGs have led to a rise in average global temperatures. The consensus among climate scientists is that earth's climate system is unequivocally warming.

How was the consensus among climate scientists concluded? Since there is conflicting information about climate change by the Nongovernmental International Panel on Climate Change (NIPCC), an international panel of scientist and scholars who came together to understand the causes and consequences of climate change, why isn't their scientific research included on this subject?

C104-2

#### Page 1-4 to Page 1-5 Climate Change

Global climate change concerns are focused on the potential effects of climate change resulting from excess GHGs in the atmosphere and how communities can mitigate effects and adapt to change in the short and long term. Scientists have high confidence that global temperatures will continue to rise in the foreseeable future, largely due to anthropogenic GHG emissions.

What is your source for these conclusions as the NIPCC mentioned above, in their report, "Climate Change Reconsidered II, states "no unambiguous evidence exists of dangerous interference in the global climate caused by human-related Co<sub>2</sub> emissions"?

In California the Climate Action Team (CAT) a group of state agency secretaries and the heads of agency, board, and departments, led by the Secretary of the California Environmental Protection Agency- synthesized current research on environmental and economic impacts of climate change. Key findings of the CAT include **predicted** decreases in water supply, **could cause** revenue losses, **may cause** monetary impacts.

What is the basis for using the above sources to predict key findings (which are predictive and conditional) since it comes from synthesized research (meaning to combine to make something new or to form a new, complex product)?

C104-3

**Page 1-5 1.3 California GHG Reduction Legal Framework**

AB 32 directs the California Air Resources Board (CARB) to develop and implement a scoping plan and regulations to meet the 2020 target. CARB approved the Scoping Plan in 2008 which **provides guidance** for local communities to meet AB 32 and EO S-3-05 targets ...to assist the State in meeting the required GHG emission reductions. The Scoping Plan **recommends** that local government target 2020 emissions at 15 percent below 2005 levels...

Why is the City making its decisions on a Scoping plan that is only meant to **provide guidance** to local communities to assist the State? Are these GHG emission targets legally required by EO S-3-05 and AB 32? If so, has there been any cost/benefit analysis by the State or City to justify these levels ?

C104-4

**Page 1-8 1.5 Planning Process**

How this plan was prepared-

The CAP was prepared in 2013 by City staff and consultants... **with input from the public.**

Since I had no knowledge of the process until now, will I have other opportunities to provide input to the CAP?

C104-5

**DRAFT CARLSBAD GENERAL PLAN**

**9. SUSTAINABILITY**

Page 9-3 to 9.4 9.1 Introduction

Background and Purpose

Sustainability can be defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

As it relates to this section, how were the future needs measured in order to justify sustainability?

Relationship to State Law

Sustainability is not a state-mandated general plan element... Sustainability is a core value of the Community Vision.

Does sustainability cost money and if so, where is the cost/benefit analysis to assess that it should be a core value since it is not mandated?

C104-6

Relationship to Other General Plan Elements

The Land Use and Community Design Element establishes sustainable development patterns that seek to decrease dependency on the automobile; this theme is furthered through the Mobility Element that includes policies to promote pedestrian and bicycle movement.

Where is the scientific evidence that decreasing dependency on the automobile by promoting pedestrian and bicycle movement will result in less GHG emissions and reduce global warming by a demonstrable amount? Why is automobile travel mutually exclusive from pedestrian and bicycle travel?

C104-7

Relationship to Climate Action Plan

Concurrently with this General Plan, the city developed a Climate Action Plan (CAP) that proactively outlines the city's strategy for reducing greenhouse gas (GHG) emissions and climate change impacts.

Other than establishing sustainability as a core value, what makes reducing greenhouse gases a cost effective city government function? In other words, where is the cost/benefit analysis to substantial this as a core value.

C104-8

Page 9-5 9.2 Organizing Frameworks

A cohesive framework for sustainability needs to incorporate not only environmental , but also social and economic considerations.

Nowhere in these reports does it discuss the financial aspects of sustainability; where is the cost/benefit analysis to support the actions of sustainability?

C104-9

Page 9-7 Sustainability as a Guiding Principle of City Operations

-Solar Power for Commercial Facilities. The city is a participant in CaliforniaFIRST which finances energy and water improvement for commercial properties.

Where is the money coming from to finance these types of improvements? If city funds are involved, where is the cost/benefit or lost opportunity cost analysis to support this type of financing?

C104-10

Page 9-11 Climate Adaptation Planning

Three primary effects of a changing climate that are a particular threat to the City of Carlsbad are drought, fire, and rising sea level.

Where is the scientific evidence to substantiate that these conditions are the result of climate change?

C104-11

Page 9-12 9.4 Water Conservation, Recycling and Supply

Integrated Regional Water Management



C104-11

Enable the San Diego region to apply for grants tied to the Department of Water Resources program.

What are the requirements for these grants and where does the funding come from? Are there administrative costs borne by the City and if so, what is the cost?

C104-12

Page 9-16 9.5 Green Building

As the Carlsbad community expressed in the Carlsbad Community Vision, green building is a multifaceted way the city can make progress toward numerous sustainability objectives.

How was this presented in the Carlsbad Community Vision? Was it explained using a cost/benefit approach so the community could understand that it would negatively impact the cost of residential housing and/or commercial development?

C104-13

Page 9-19 9.6 Sustainable Energy

Use of fossil fuels for energy is the primary contributor to GHG emissions.

Where is the scientific evidence to substantiate this claim?

The concept of energy security is based on sensitivity to limited supplies, uneven distribution and rising costs of fossil fuels. Increasing energy security usually means effort to decrease demand, decrease demand for energy supplied by less politically stable countries, increase the resiliency of our national infrastructure, and increase supply of more sustainable and stable energy sources.

Does increasing the resiliency of our national infrastructure include increasing the production of US fossil fuels by hydraulic fracturing, thereby reducing our dependency on foreign oil?

C104-14

Page 9-20 9.7 Sustainable Food

A sustainable food system crosses over many different sustainability issues. For example in the US obesity and diet-related chronic disease rates are escalating.

Why does our city government feel the need to be concerned with the US obesity and chronic disease rates? Shouldn't that be the responsibility of individual city residents?

Residents in communities with a more imbalanced food environment (where fast food restaurants and corner stores are more convenient than grocery stores) have more health problems and higher mortality.

How can the city justify this type of oversight that ends up resulting in the city government putting a greater value on large corporations than small, local businesses which are the engine of the local economy?

-The Agricultural Conversion Mitigation Fee Grant Program which provides funding to support local agriculture.

Where does the funding come from for this grant? What are the administrative costs?

City leasing of underutilized city-owned land to farmers.

Are lease revenues at market value rates? What are the lost opportunity costs for these city-owned lands?

**From:** Jennifer Jacobs [mailto:jenn.jacobs@yahoo.com]  
**Sent:** Friday, June 20, 2014 9:41 AM  
**To:** Jennifer Jesser  
**Subject:** General Plan - More Open Space Needed

Dear Ms. Jenner:

**C105-1** I am genuinely concerned for the future of Carlsbad. I grew up here, back in the day when Carlsbad Village Drive was Elm Street, and went to Carlsbad schools from first grade through high school. I flew the coop, as they say, right after high school and have only been back for short periods of time since. Every time I come back for a visit, I grow more and more saddened as I see an ever-increasing amount of developments in areas that were once open space. Now that I have returned again, with the intention to stay, I am faced with a very different Carlsbad than the one I grew up with. There's hardly a road you can walk down without seeing development on both sides. When I climb up peaks in the area, my view is a somewhat depressing one, with a once gorgeous landscape blanketed by houses and shopping centers.

**C105-2** As a field biologist, avid birdwatcher and outdoor fitness buff, open space is extremely important to me. It provides much-needed habitat for wildlife and recreational space for residents, which are both essential to our quality of life. These are not just my values; these are the values of the community. This was evidenced in the city's Community Vision, in which both open space for nature and open space for recreation were designated top priorities by the citizens. Simply put, there are not enough parks.

**C105-3** Where is the 40% open space that was promised to the city in 1986 in the Growth Management Plan? The city was supposed to meet a requirement of 3 acres per 1000 residents in each quadrant, but it has fallen short. Instead of striving to meet that requirement and meet the needs of the citizens, the city is using questionable counting methods to beef up its numbers. School yards that are gated and locked are being counted as parks. Hardline preserve land is being counted as parks. Golf courses, which are not accessible to the general public for recreation, are being counted as parks. The General Plan needs to include fair counting practices to accurately assess the shortage.

**C105-4** The citizens have made their need for open space known. Prop C was approved by voters in 2002 to allocate some of the city's reserve funds toward open space and yet the city hasn't spent a single dime! We need action. Carlsbad needs to stop focusing on its tourist economy and start prioritizing the residents that call this city home. Our quality of life, and of the lives of future generations, will suffer if the city does not act fast.

**C105-5** I urge you to revise the General Plan to reflect an accurate picture of our open space and to address the current shortage. We may never be the Carlsbad that I grew up with, but we can still be a place I can proudly call home.

Sincerely,  
Jennifer Jacobs

**From:** juliebdecker@gmail.com [mailto:juliebdecker@gmail.com]  
**Sent:** Friday, June 20, 2014 5:21 PM  
**To:** Jennifer Jesser  
**Cc:** robmayers@gmail.com  
**Subject:** Carlsbad General Plan

Dear Jennifer,

C106-1

I am a home owner that is effected by the new construction at Carlsbad General Plan.

I am concerned about the traffic planning, development and insufficient open space and parks. Can you please send me the detail of all considerations that protect our residential space, streets and most importantly the safety measures that are outlined to secure our housing development due to increased traffic projections. I would also like to see the forecasted projections of the plan and any detail with respect to open space precautions. I am also interested in the feasibility studies.

I am concerned about the safety of the residential area and the congestion.

Thank you for your attention to this important matter.

I look forward to receiving the considerations above.

Julie B. Decker

La Costa, CA

C107-1

Comments on Carlsbad General Plan (April 2014) by: Kasey Cinciarelli, Lyons Ct. Carlsbad, CA 92010

Excerpts from General Plan - Land Use pg. 1 - "It is a basic principle of the General Plan that areas planned for residential, commercial or industrial use will not be put to such a use, nor zone changes or subdivision approvals considered, until the City can be assured that all necessary public facilities for the area to be developed can and will be available concurrent with need."

In keeping with the theme of "World Class City" Carlsbad should go beyond **the basic requirement for parks** and identify areas in this GP that can serve as future neighborhood parks. This will help mitigate the enormous amount of development : residential, commercial (including hotel guests) and industrial in this GP. Staff needs to present this idea to the City Council.

C107-2

Vision Statement .....Parks improvements may include strategic additions of more parks.

State Specifically where small (1-5 acre) future recreational parks COULD be to serve the large amount of residential, commercial and industrial building proposed. We need parks to serve residents, workers and tourists. The GP says parks will be planned for industrial areas - the exact location of those needs to be specified, it is not. Also to serve workers/tourists in commercial areas. Specifics limits on the amount of commercial and industrial land development was NOT stated in the 1986 GMP. These uses are proposed to be greatly intensified. What parks will mitigate for that development? Go back thru this GP and identify potential land, some already owned by the City, some needing to be acquired that can be set aside for future parks, for people, off leash dogs, recreation, birding, and conservation lands above the HMP baseline.

C107-3

Buena Vista Reservoir should be listed as a future neighborhood park for the underserved North West Quadrant. Even if you were to correct the error of splitting Veterans Park Acreage up and counting it as a "park" in all 4 quadrants and were to attribute it all to the NW quadrant -It is not a walkable neighborhood park.

C107-4

On Veterans Park - The plan is to turn it into an Adventure Park by the city this would make it count as a "Special Use Area" - an amenity mostly to serve tourists it should be excluded from the parks inventory.

C107-5

Study impact and feasibility in this proposed GP of returning the Park Standard to .5 acres of walkable neighborhood parks and 2.5 acres / thousand residents. Instead of 3 acres/1000 residents. How many of our parks are actually neighborhood parks that folks can walk or bike to? The pocket





C107-5 | parks in the newer developments are "off limits" to other city residents. Another reason why smaller neighborhood parks should be planned for in older areas for ALL residents.

C107-6 | Vision Statement: Prioritize protection & enhancement of OS and the Natural environment. This General Plan does anything but. The HMP was not suppose to be the only conservation land set-aside, it was a minimum contributed by developers. The city has not honored it's commitment from Prop C and purchased open space. And according to this GP, it does not plan to, except to serve the hotels in s. Cbd. Identify and zone parcels that can be open space. Go thru the Cities List of "Underutilized" properties and identify which land could become parks and zone it in this GP.

C107-7 | Power Line Easements in NE Quadrant are shown at Aesthetic & Cultural Resources". I fail to see a power line easement as either. Create an Energy Easement category to actually reflect the use is and update the maps with it. Do we have any real A & C lands?

C107-8 | Transit and CAP ....Explore the feasibility of a City run bus system. Reducing cold starts for people getting to the train and parents driving their kids to school would go a long way to reduce emissions. Make electric bikes available to all our residents as an alternative to car travel.

C107-9 | An area should be set aside, perhaps on Cannon Rd. for a Citywide green waste composting facility, currently our green waste collected thru Waste Management is transported by truck to Otay landfill where it is used between layers of refuse. It is a source of methane which contributes disproportionately to global climate change. Investigate the feasibility of composting and reusing our green waste locally. Shown potential sites and zoning changes that could occur in this GP to allow that to happen.

C107-10 | Community Design - Shopping & Services need to be closer to existing and new neighborhoods.

C107-11 | 1.5 (pg 1-31) States new residential development is proximate to Palomar Airport Rd, when actually it's spread all over.

C107-12 | It is inappropriate to allow residential development on what is now zoned industrial, as on Faraday. Eliminating this apartment building would help to reduce the excessive units in the NE quadrant.

C107-13 | pg 1-32 States....GP is consistent with GMP (except in NE quadrant and perhaps emergency services)

C107-14

Below are the many places in the GP there is mention of Open Space. How can this be achieved without any new zoning for OS or purchases by the city from the list of Open Space Acquisitions?

2-2 Preservation of Open Space a Priority      2-G.1 Balance development w/ preservation & OS

4-2 assure adequate OS for conservation & recreation pg. 4-5 ..... "discretionary acquisitions" - Where pray tell are the discretionary acquisitions? Where is the new zoning for new o.s. areas, not in HMP?

pg. 4.4 OS conservation lands & parks

pg. 8-5 states "general plan provides for balanced land use development"

8-P.5 ecotourism - Where is the PLAN to accomodate Ecotourism in this GP? require more quality land set aside, and inexpensive hotels or hostels ?

9-6 Prioritize Protection & enhancement of OS - listed in sustainability.

8 p.9 Monitor Land use for balance: this can be done by calculating amount of land in each zoning category - Residential, commercial, mixed use, industrial, and parks and conservation land.

2-3 list potential land available for zoning as "Open Space" in CARlsbad. Shown on an overlay potential properties that could be zoned Open Space.

C107-15

**9-14 CBD should adopt CALGREEN tiers 1 & 2 for res, com & hotels and all bldgs. LEED also.**

C107-16

9-21 Sustainable food, ( Can't eat flowers) In Community Visioning Meetings people time and again stated they wanted food production ag saved. MAKE AN AGRICULTURAL PRESERVE AREA.

C107-17

At the GP (Envision) meetings Carlsbad Citizens were vocal about wanting land set aside for FUTURE Agricultural Production (beyond flowers and strawberries). Providing fresh vegetables was also talked about in the sustainability section of GP, yet there appears to be no land zoned in GP for this?

C107-18

9 G.5 States: create food "system", reduce barriers & increase access to locally grown fruits and veges.

Yet I see no where in the GP zoned for production of food, (except flower & strawberry fields). Where is this food system located? Show on maps. Identify areas that could be used now and into the future for Agriculture. Kato and Mandana properties are good candidates. This GP is the time to change some zoning to Ag, if it is to EVER be done. It is possible to create a Community Supported Agriculture CSA in Carlsbad - what land is suitable in this GP for a CSA?

C107-19

There is a lack of cohesion between three categories in the proposed General Plan (GP), Sustainability, Open Space and Business Development is disturbing. You can't have it 3 different ways in 1 city.



C107-19

Sec. 8 Economy, Buss & tourism talks about "Balance" of available land for the development of industrial & bussiness uses to complement the remaining land that could be residential. No mention of OS or Parks in this section.

**But when you go to section 9 Sustainability - that Balance has an entirely new meaning.**

Sec. 9-G.1 GP maintain long term Balance among 3 dimensions of sustainability: environment, economy & Social to ensure a vibrant, healthy and prosperous community.

C107-20

**++ GP states that Parks need to be provided when Industrial lands are increased.**

*Show on Map location of future parks for these workers in zoned industrial areas.*

pg. 4-4 Not clear.

Increases in zoning categories: commercial 56%, industrial 31%, hotel 66%, office 14%, OS ???

retirement communities 2,251 beds that do not count toward GMP limits - they should count.

Residential 18% more or 7,880 D.U. approx 52,320 DU at residential build-out (elsewhere, 54599)

Schools: 7-15 should also show areas in City of Oceanside that are in CBD unified school district.

C107-21

**3 - P.14** Dev. parking on city owned lands, seek partnership to foster innovation in emerging tech for transportation. City provided or Bike rental facilities at all I-5 & 78 interchanges to raise LOS above F.

C107-22

**NE Quad**

327 United over GMP limit for our quadrant - only quadrant over limits, this document is not in compliance with local laws. The reduction of 327 units needs to be reflected in the G.P. zoning.

Hidden Canyon Park (HCP) is about 3 acres of land, it does not meet the minimum requirements to be a "community Park" as it does not contain: structures for lectures, meetings, etc. It is at best a neighborhood park. Passive Parks imply: nature trails, walkways, picnic tables, landscaping.

Land surrounding HCP is conservation land that people cannot go on, set aside to mitigate for Tanglewood dev. Dog Park near HCP on CBD Village Drive is a "Special Use Area" which according to the GMP cannot count for parks. ( pg 4-22) Delete Dog Park and conservation lands from parks calculation.



C107-22 | 4-17 states 600 more acres needs to go into HMP. **Map location of these. Doesn't appear to be enough developable residential land left for a 15% set aside from development to meet this goal.**

**Show location of where 600 acres of future HMP land will be extracted by development only for HMP.**

Show on Map: 79 acres of future park land in NE Quad, + 22 more acres to compensate for erroneously counted Veterans Park.

C107-23 | Roads on Maps not shown to scale - Roadways should be shown to scale.

C107-24 | Emergency Services -

How many ambulances are stored & used at each existing Firestation? How many ambulances are planned for Robertson Ranch and other future fire stations. If you are planning all this development you should know exactly what future services will look like to accomodate it. What is the desired ratio of number of people served/ambulance ?

6-P.28 Fire Dept. facilities & medical services must meet performance standards of GMP. Do They?

6- P.30 - cover all areas of City adequately, need to be without boundary drop agreement, because as we found out in 2013 it can always be terminated.

p- P.27 spell out existing and desired emergency response times. What percentage of city 911 calls are for medical assistance? Carlsbad needs to plan to meet its own emergency medical calls. Show sites of all ambulances, their coverage and projected response times both now and when development stated in this GP is achieved. Explain existing drop boundary agreement and what is the sunset date on it.

C107-25 | Schools: Shows **excess** capacity at High School and Elementary Schools. Show actual capacity of at each school, particularly the remodeled high school. Not current number of students - DESIRED number.

C107-26 | The fenced off State Campgrounds at Beach City should not count as OS

C107-27 | BVCER TRAILS are shown as existing - these are future trails - correct.

C107-28 | Quarry Creek shows up in Appendices but not in lists - correct

C107-29 | This General Plan is a blueprint for development. It also needs to spell out what should be preserved as Open Space and the location of future parks for the folks living, working and visiting our community.

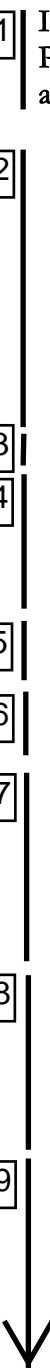
June 20, 2014

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

jenifer.jesser@carlsbadca.gov

re: EIR 13-02GPA 07-02 / ZCA 0701 / LCPA 07-02  
General Plan Update (etc.)

C108-1 I take exception to the contention that the Cumulative Effects of implementation of the proposed General Plan Update have been adequately addressed in the EIR, ZCA, and LCPA. Of particular concern are, among others:

- C108-2
1. Weaknesses in the analysis of the effects of reduced access to recreational amenities in the Northwest Quadrant of the City due to closure of school grounds for security concerns, the temporary nature of the land use agreements between the City and the Carlsbad Unified School District, and the lack of comprehensive planning in Zone One resulting in unknown impacts of proposed growth and development on the livability and environment of the area between Agua Hedionna Lagoon (to the South), Buena Vista Lagoon (to the North), I-5 (to the West), and El Camino Real (to the East), (generally known as “Olde Carlsbad”), and the faulty application of Growth Management standards to this area.
- C108-3
2. The failure of park development Olde Carlsbad to meet Quimby Act and City standards.
- C108-4
3. The Failure to adequately address the effects of the proposed widening of I-5 on the traffic flows in Olde Carlsbad, particularly the proposed closure of all or part of the Las Flores On/Off-ramps, and its impact on traffic patterns in the area and at the Carlsbad Village Drive On/Off-ramps, and pedestrian and bicycle circulation throughout the area.
- C108-5
4. The failure to comprehensively address the impacts of the incremental development of numerous infill projects on level of services and quality of life in Olde Carlsbad.
- C108-6
5. The Failure to analyze the impact on Olde Carlsbad of moving its resident based park allocation to the industrial areas which have no resident population.
- C108-7
6. The failure to analyze the impact of “effective residents” who are not being counted in population statistics for the purposes applying Growth Management and other standards, i.e. residents of retirement facilities, hotels, and short-term stay facilities, as well as transient workers in the City. This, coupled with other failures to accurately assess the Cumulative Effects of the proposed General Plan Update severely underestimates the impact on the actual provision of services consistent with the requirements of the Growth Management Plan.
- C108-8
7. The failure to accurately analyze the Cumulative Effects of land use changes since the implementation of the Growth Management Plan which effectively transfer more residents to less land area than anticipated in the Plan as lands are designated for non-residential use, residential lands are intensified in use, and no adjustment in build-out population estimates are made to accurately reflect the reduced land area available for residential development.
- C108-9
8. The failure to adequately analyze the effect of commingling the assets of the Carlsbad Municipal Water District, and the City of Carlsbad, in such a way as to effectively transfer costs of developing and maintaining City facilities to Water District ratepayers, i.e. the cost of making certain improvements to and maintenance of Lake Calavaras, a City recreation area, by Water District rate payers; the proposed sale of certain Water District assets i.e. Buena Vista Reservoir and certain lands in the City of Oceanside, to provide revenue for City (rather than Water District) purposes,
- 

C108-9

and the subsequent effect on the ability of the District to effectively and affordably provide water service to the residents and businesses in Carlsbad.

C108-10

There is no description of or analysis of the impacts of the inconsistency between the Proposed General Plan "Existing Land Use" Map (Figure 3.9-1, see attached), which shows the site of the existing Civic Center and Library at the Northeast intersection of Pio Pico Drive and Carlsbad Village Drive as "Commercial", and the "Land Use Map" shown in the EIR (Figure 2-1, see attached) which shows the same site as "Public Use". What is the intended Land Use and Zoning for this area under the General Plan Update? What are the Cumulative Effects of any changes in Land Use? and What are the effects on the applicable Growth Management Standards and other governing ordinances? Why is the figure being analyzed in the Environmental Impact Report inconsistent with the figure proposed in the General Plan Update?

I look forward to your response to these concerns.

Sincerely,

Kip McBane  
2691 Crest Drive  
Carlsbad, CA 92008

C108-11 (Excerpt From) Proposed General Plan Figure 3.9-1:



C108-12 (Excerpt From) EIR Figure 2-1:



**From:** Mary Anne Viney [mailto:maryanneviney@dslextreme.com]

**Sent:** Friday, June 20, 2014 1:30 PM

**To:** Jennifer Jesser

**Subject:** Public Comment on 15 % Performance Standard for LFMP Zone 1 for Open Space Facility

Hello Jennifer

C109-1 | I live in LFMP zone 1.

Local Facilities Management Plan zone 1 was exempted from getting its 15% open space performance (open space facility) guaranteed by the growth management plan in the GP.

C109-2 | Please explain how much developable land was available at the time of the exemption and provide the data. How built out was zone 1 at that time? Please provide inventory data and information that shows the quantity of the **15% open space performance standard** that was attained for zone 1.

Best regards,  
Mary Anne Viney



**From:** Mary Anne Viney [mailto:maryanneviney@dslextrreme.com]  
**Sent:** Friday, June 20, 2014 1:15 PM  
**To:** Jennifer Jesser  
**Subject:** GP Update Public Comment on Parks

Hello Jennifer

C110-1

My Issues here are with the Parks and Recreation with reference to the following City of Carlsbad Documents:

### **Quimby Act—Parks Not to Built on Environmentally Constrained Lands**

“The pre-1982 Parks and Recreation Element emphasized more passive use concepts with the acquisition and development of smaller neighborhood, mini, and vest pocket parks. Additionally, natural open space areas, meant to serve as connective corridors and greenways throughout the City, were accepted as park requirements dedicated under the Quimby Ordinance. Due to the characteristics of these natural open space areas, many of the sites once accepted for park purposes are considered undevelopable by today's park development standards.

Today, current and future parkland dedicated under the Quimby Ordinance is subject to more stringent conditions than were once required. Noting the shift in acquisition policy, developable parkland is considered to be buildable acreage similar to acreage associated with the subdivision for which dedication is required. Typically, it has slopes of less than 10% and is not to be located in an area on which building is precluded due to environmental constraints as defined by City Ordinance or other laws, geological constraints, flooding, easements, or other encumbrances and/or restrictions. “

--from Parks and Recreation Element July 2003

### **Quality Parks**

The intent of this element is to provide the policy framework by which the City will plan, develop, and provide **quality** active and passive park facilities, trails and recreational programs to ensure that the residents, tourists, and employees of Carlsbad are afforded the opportunity to enjoy optimum leisure experiences.

--from Parks and Recreation Element July 2003:

### **Proposition E Guaranteeing Good Park Facilities:**

The City Council or the Planning Commission shall not find that all necessary public facilities will l5e available concurrent with need as required by the Public Facilities Element and the City's 1986 growth management plan unless the provision of such facilities is guaranteed. In guaranteeing that the facilities will be provided emphasis shall be given to ensuring good traffic circulation, schools, parks, libraries, open space and recreational amenities. Public facilities may be added.

--from Proposition E

C110-2

**The GP fails to meet the minimum park requirement in my quadrant (NW) and this in one example:**

### **Hosp Grove Park:**

Link below is to Open Space and Conservation Element from 2005.

My comment is about showing Hosp Grove Park as open space and there are environmentally constrained areas overlaid on Hosp Grove Park— but it's supposed be a recreational park and not open space, and environmentally constrained land should not be counted towards park acreage and the park inventory standard, according to Quimby Act.



C110-2

You can say it was 'grandfathered in', but what is the real usable acreage as a park? Only this amount should be counted towards our Park Inventory.

It seems in this document Hosp Grove Park is being double-counted in two categories: both as open space and as recreational parks. These data are confusing and ambiguous and conflicting. Please explain.

This is another example of how land is counted toward the minimum park requirements when it really is not- and is double counted.

The map I'm referring to that overlays constrained and non-constrained open space is on p 40.

<http://web.carlsbadca.gov/services/departments/planning/Documents/OpenSpaceConservationElement.pdf>

C110-3

**Schoolyards—they are not real parks and should not be counted towards our park inventory:**

Schoolyards are not owned by the City of Carlsbad and therefore cannot be guaranteed as per Proposition E above. With build-out and selling off of public properties, our options for real parks are shrinking. Where will land come from to meet park inventory standard when school yards become unavailable?

My quadrant (NW) is being inequitably treated compared to the other 3 quadrants because we have much more school yard acreage counted toward our park inventory (about 21 acres).

Schoolyards are not real quality parks, and 'good' park facilities are guaranteed in Proposition E above.

School yards lack a variety of recreational amenities and opportunities for users of all age groups.

The general public has limited access to school yards.

School yards park inventory should not be used justify **not** acquiring park acreage for real parks.

C110-4

**Parks Significantly impacted by Noise and Air Pollution in Olde Carlsbad NW quadrant are far from Quality Parks and Exceed Carlsbad allowable limits for noise exposure:**

Five of our 'parks' in the NW quadrant (about 11 acres), located right next to I-5, experience the worst, most health-damaging levels of street noise (large blue contour stripe), as well as air pollution, and exceed City of Carlsbad Allowable Noise Exposure for parks by many decibels.

These 5 parks, including Buena Vista School Field, Pio Pico, Community Gardens, Oak and Holiday are relatively small parks in area ranging from 0.2 acres (Oak) to 6 acres (Holiday), and all are counted towards our recreational park inventory. In order to escape from the traffic noise in these parks, there's nowhere else to go inside these parks, one must leave the park premises in order to get away from the noise.

C110-5

**Pio Pico and Oak Parks should not be counted towards the park inventory:** These two parks have no redeeming features as parks and in fact the public does not use them because of the health-damaging noise and air pollution levels, proximity to I-5, small size and lack of amenities. Explain why these parks would ever be counted towards the park inventory, and preclude our area of the NW quadrant (Olde Carlsbad) from getting a real quality park.

C110-6

**Community Gardens should not be counted towards park inventory:**

Its sole purpose is for growing plants and should be put into the open space category for agriculture/ floriculture.

Best regards

Mary Anne Viney

**From:** Mary Millet [<mailto:mmillet97@aol.com>]

**Sent:** Friday, June 20, 2014 10:34 AM

**To:** Corey Funk

**Subject:** Proposed General Plan Update

C111-1

I have listed my concerns below. These are in regard to the proposed General Plan Update which is available online.

Is it accurate that the new plan reduces the commitment to preserving 40% of our city as open space to 37%, or a loss of 750 acres? The environmental organization Preserve Calavera calculates that this would be 20 times the size of the Alga Norte Park.

C111-2

According to the the Aviara Independent News, and it appears that they are accurate, as I read the actual document before the city council that is online, the definition of "Park" is being altered. Some private open space and inaccessible school yards are being labeled "parkland" under "joint-use" agreements. These may have been open space before, but under this proposal they would be parkland.

C111-3

I have long been concerned with the propensity of our city council to build, build, build. I watched the flower fields diminish in size, and heard the hedging and double speak that went with the debate over the last open space proposition. I am very concerned that the needs of Carlsbad residents to have affordable water, outdoor appreciation and recreation, and control of traffic increase are consistently sublimated to increasing the tax base.

I'm very concerned about the 7,880 additional residential units along with the 2,360 new hotel rooms and 7.5 million square feet for commercial industrial, and office space. We are in a severe water shortage. Not only will this new building increase the demand for water, but it will increase the cost of water for the existing Carlsbad residents. Will the filth that fills the air in Carlsbad from traffic now be radically increased? I believe the answer has to be yes if these proposals go through.

I wish there were more that private residents such as myself could do about this trend toward placing economic increase above other, more enduring concerns.

Mary Millet  
824 Caminito Rosa  
Carlsbad, CA 92011

From: Richard Somerville [mailto:rsomerville@ucsd.edu]  
Sent: Friday, June 20, 2014 1:19 PM  
To: Jennifer Jesser  
Subject: Input to updated Carlsbad General Plan

Dear Jennifer Jesser,

C112-1

I have been a Carlsbad resident for 35 years, and I live in the SE quadrant, in the La Costa area off Levante Street. In the 35 years I have owned my house, the area has gone from rural to urban. El Camino Real and La Costa Avenue were two-lane roads in 1979 when I moved here.

There is now no usable park or other open space within walking distance from my house. The Carlsbad I once knew has disappeared. I urge the City of Carlsbad to listen to the citizens of Carlsbad who have repeatedly told the City that we want more open space and less development. Please make sure that the updated Carlsbad General Plan does not let any more of the promised open space disappear.

C112-2

<http://preservecalavera.org/> is a web site that reflects my views and the views of many others. Please ask the city government to realize that we the citizens have had more than enough development and are tired of having our opinions ignored by our elected representatives. Calling a fenced and locked school yard "open space" insults our intelligence. Please wake up to what the voters who elected you are trying to make you understand. Thank you.

Sincerely,

Richard Somerville  
2127 Pintaresco Ct.  
Carlsbad, CA 92009

**From:** Rob Mayers [mailto:rob@aps2k.com]  
**Sent:** Friday, June 20, 2014 4:27 PM  
**To:** Jennifer Jesser  
**Cc:** Rob Mayers  
**Subject:** Carlsbad General Plan...

Hi Jennifer,

C113-1

Under the current general plan and voter approved proposition E from 1986, there is a deficit of required open space and parks, particularly in the southern two quadrants of Carlsbad. The proposed update to the general plan adds more development (18% more residents, 7,880 residential units, 2,360 more hotel rooms, 7.5 million sq ft commercial/office/industrial space) – ALL without adding any parks whatsoever. The current plan requires that **each LFMZ have 15% unconstrained open space and each quadrant of the city have 3 acres of park per 1000 residents**. The city council has often stated throughout the years a goal of 40% open space at build-out, but is now backpedalling. The GMP update does not analyze each LFMZ to show whether or not the 15% open space standard is met now, much less how it will be met under the new plan.

C113-2

Can we afford more traffic & congestion? It already takes 30 minutes to drive from one end of Carlsbad to the other. Are we packing it in so it will soon take one-hour? Carlsbad has seen tremendous growth already in the past few years. With the addition of 18% more residents plus all the above visitors and office workers will seriously degrade the quality of life we current residents value so much. Such impacts include increased traffic, further depletion and degradation of scarce resources such as fresh water and clean air, native vegetation and animals, scenic views,

C113-3

decreased open space and outdoor recreational opportunities, noise and light pollution, crowding, and increased demand for all city and other services will also result. And there are other valuable but less quantifiable impacts like the loss of our suburban North County neighborhood beach town feel. The negative unmitigatable impacts on the current citizens of Carlsbad cannot be minimized, obfuscated, ignored and left out of the GMP update and associated EIRs. This is an outrage that must not be allowed to stand. Citizens of Carlsbad, when surveyed, overwhelmingly listed open space as one of the top priorities!

C113-4

I have questions for you, which I would like answered.

- The Growth Management Plan says my LFMZ is supposed to have 15% open space. How much open space does my zone have (South East quadrant) and why was this critical performance standard ignored in the EIR?"
- Why are roads and parking lots within parks counted as open space? How can that be?
- A locked school yard and parks are being counted – how is that open space?
- Is hardline habitat management plan preserve areas counted as open space? And parks, too?
- Also, in regards to police & fire stations to support the population growth, are there enough for the population of Carlsbad according to National Firefighters Assoc. and ISO standards?
- Why hasn't the city spent any of the \$5 million approved by voters and promised publicly by the city council for open space acquisition?

C113-5

C113-6

C113-7

C113-8

C113-9

C113-10

I have lived in coastal San Diego county for nearly 20 years, after being born & raised in South Orange County. I have witnessed the relentless loss of open space and massive increase in traffic. And seems there is no escape from it. Carlsbad residents do not another Orange County or Los Angeles. Where is our promised 40% open space, walking trails, and biking trails that connect all parks and lead to the beach?

I request that existing laws, plans, promises and our fragile environment be respected. The quality of life and indeed the property values of existing residents are best protected by a GMP that improves Carlsbad by providing open space and outdoor recreation.

Rob Mayers  
La Costa, CA

**From:** Scott Morgan [<mailto:smorgantwo@gmail.com>]  
**Sent:** Friday, June 20, 2014 11:03 PM  
**To:** Corey Funk  
**Cc:** Scott Morgan  
**Subject:** Proposed General Plan Changes - Commitment to Open Space

Dear Mr. Funk, and

C114-1 | I am opposed to the proposed changes in the General Plan - Commitment to Open Space for several reasons:

1. Carlsbad is a family community and the loss of 750 acres of parkland would be a loss equated that can never be recaptured by the income generated by structures put in its place.

C114-2 | 2. The City is well off enough that as stated in point# 1 above the emphasis should be on quality of life, and that means open spaces, not on additional tax revenues. The City's related government is a good size and should grow according to the original plan, not larger.

C114-3 | 3. A few seemingly underhanded changes have been made to what is deemed open space and frankly demeaning to the Citizens of Carlsbad and frankly a move we would not expect of our City, a fact of which now makes homeowners more suspicious of the actions of those we deem fit to run our City. The list is as follows and should be not be classified as open spaces:

1. Re-zoned "cleanup" parcels are not open space and should be excluded from the open space calculation

C114-4 | 2. School property belongs to the State and therefore misleading to be deemed park land by the City. Again this is deceptive and obviously should not be counted by the City as a park. Doing so is dishonest and we should expect better from those who run our City.

C114-5 | 3. Additionally including unusable land adjacent to monument and landscape adjacent to sidewalks as part of the open space calculation is something that would be expected of dishonest and underhanded developers not the City of which the Citizens clearly would object to such disparaging practices.

C114-6 | The original plan needs no amendment. Please keep the existing open space calculations in place and preserve the parkland we want in our City.

Sincerely,  
Scott Morgan  
Resident/Owner 6448 Pyrus Place, Carlsbad, CA 92011

**From:** Tom Powers [mailto:blkmtn56@roadrunner.com]  
**Sent:** Friday, June 20, 2014 1:04 AM  
**To:** Jennifer Jesser  
**Subject:** Mob Rule in Carlsbad

Dear Jennifer,

C115-1

What does Lennar (*Bressi Ronch*) and the Toll Brothers (*Robertson Ronch*) have in common? They have both garnered a reputation for building "cheap houses" at "inflated prices" as well as running numerous contractual *Ponzi* development schemes? (*OC Great Park* and *Hunter's Point/Prop. F* to name a few). In 1962, I saw the Jewish Outfit move into Carlsbad through Moe Dalitz ("Mr. Las Vegas"). It is interesting to note that Mel Packard oversaw the hostile takeover of the *Twilight Country Club* by Jimmy Hoffa and the *Teamsters Union* in the same year the Packard's set up their dental clinic? (1963). It is my understanding that both *Twilight* owners died of heart attacks in 1963? It is also interesting that Dr. Ron Packard became a powerful U.S. Congressman soon after? Please read *The Hoffo Wors* by Dan E. Moldea and *Supermob* by Gus Russo to clearly see that Carlsbad has been owned and operated by the *Jewish Outfit* for over 50 years. Did you know Matt Hall is one of the largest property owners in the Carlsbad Barrio? Google: "Barry Jay Minkow/Lennar/OC Great Park". It is time for *Old Carlsbad* to take off the blinders, because if we don't our "Eden" is gone for good! Wake-up Carlsbad!!! Please post all my attachments as well. After you have posted them the citizens of Carlsbad can hopefully come to an "informed" conclusion as to whether they want to become "Sin City" (West) or stay *East of Eden*? If they haplessly turn over the remaining 40% of their "Open Space" to Matt Hall and Mark Packard for development then the *Lo Costo Outfit* has finally won an our *Eden* is gone forever!!!

C115-2

C115-3

Respectfully,  
Thomas Mark Powers (Tommy)

"There is little love for the Toll Brothers and the way they do business. they're like the mafia of construction." Joe B. Blog

"This City is a Racist City (San Francisco) that has chosen to back the worst developer in this Nation---Lennor Urbon." Francisco Da Costa, Director, Environmental Justice Advocacy

C115-4

My name is Thomas Mark Powers but since I was a kid, **growing up in Carlsbad**, I have been called **Tommy**. I am an artist and a teacher.

When my family first came to Carlsbad in the early 60's, the population was 9,000;---**60% of those were Hispanic, it is now only 13%**. The land in and around Carlsbad was filled with *Fuerte* avocado orchards and poinsettia fields.

At the heart and soul of this community was the barrio. It was where the community came together. It was where the things that were most important to the community were located: Chase Little League Field, Pine Junior High and the first Carlsbad Library.

**Then came** the Orange County developers. The City always seemed to be more interested in what the O.C.





C115-4

developers wanted than what the people of the barrio needed.

The O.C. developers had the City build them a **\$70 million dollar** golf course, **the most expensive municipal golf course ever built in the United States**, but not a dime went to maintain, restore or revitalize the barrio.

**And with the developers came the La Costa**

**Carpetbaggers**; people who turned Carlsbad into a sea of oversized **faux** Tuscan tract homes and a **seemingly** endless procession of golf courses. People who were **neither** from here or ever raised a family here.

And those that came here in the 70's and 80's began to call themselves "Old Carlsbad". **But they were not.** I am "Old Carlsbad", as are **Connie Trejo and Ofie Escobedo.**



C115-4

Those other people were merely opportunists attempting to co-op Carlsbad's legacy for their own profit.

I lived in Carlsbad when the city was in its infancy, when everyone knew and cared for everyone else. If we needed a baseball field we all grabbed our *shovels* and built it.

Our "**shovel-ready**" community projects were not subsidized by the City nor did we have to pass a bond measure to pay for them. More importantly, we had good schools, that were based in the Arts.

When I was 18-years-old, I met the great Bauhaus artist and teacher, Josef Albers. I asked him the *proverbial* **young--- aspiring---artist** question: **How do I become a great artist?** Albers simply replied: "**Open da Eyes Tommy.**" Which means: **expand your consciousness so**

**you can comprehend and meet the challenges you confront.**

Carlsbad now confronts numerous challenges on a global scale. For 50-years, the City has let the Carpetbaggers, like Moe Dalitz and Irwin Jacobs, create *ready-mixed-and-fixed* projects like the *Crossings*, **De-Sal plant** and the **Graduate School**.

Currently, no one in the City hierarchy can even begin to understand the complexity of these "**Buddied-up**" projects, because no one possesses the intuitive **consciousness** to grasp their **protocols**. Both the *Crossings* and **De-Sal plant** are already set in **multi-million-dollar concrete** but the Graduate School can be saved from becoming another ***Buddies' Ponzi Scheme!*** I already have created the curricular rubric/paradigm for the college and I have even



designed the campus.

When I was battling the City of Sacramento over their downtown revitalization plan, I lost many battles but I won the **Preservation War**. I believe a *revitalized barrio* is worth fighting for!

For all too brief a time, Carlsbad, was an idyllic paradise. But this isn't about *Paradise Lost*, this is about *Paradise Sold*.

In closing---the American orator, *Louis Nizer*, said that: "A man who works with his hands is a laborer; a man who works with his hands and his brain is a craftsman; but a man who works with his hands and his brain and his heart is an artist."

**If I am selected to be your next councilman, I will work**

**C115-4** | **with my hands, my brain and my heart to serve the  
citizens of Carlsbad.**

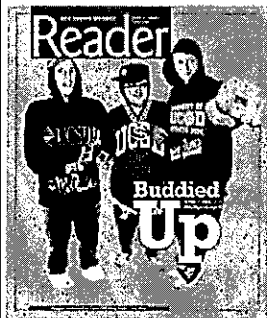
STORIES COVER STORY

## Buddied Up

By Matt Potter | Published Thursday, March 23, 2006

TEXT SIZE: A | A | A

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In October 2003, after seven years as chancellor at UCSD, Robert Dynes became president of the University of California. To pay tribute, a self-described "old friend" rose from his seat in the U.S. House of Representatives. "I have personally observed Bob's term as chancellor and seen the determined focus of his administration to uphold the integrity of this fine university," said Randy "Duke" Cunningham.

"Bob set high standards for himself and his administration as well as innovative ways to meet them. This is truly the sign of someone who is a special leader. I am not just saying this because I am his friend; others see this quality in him as well."

Two years later, as Cunningham was pleading guilty to bribery after selling congressional favors to the highest bidder, Dynes was facing his own problems. Headlines questioned undisclosed bonuses paid to UC's top administrators. State senators would soon question Dynes's leadership ability. In an era of state budget shortfalls, the University of California was in transition. Venture-capital financiers were taking over much of the university's research agenda, and administrators' bonuses, according to one state senator, reflected "corporatization." Dynes was well connected, with a wealthy wife and father-in-law who was closely tied to California's financial establishment. Collaboration with industry was Dynes's vision for the university's future.

Randy "Duke" Cunningham was not alone in his fondness for Dynes. The San Diego establishment loved Dynes when he was UCSD chancellor. He had cozy relationships with Qualcomm's Irwin Jacobs and with Padres owner John Moores. The *Union-Tribune* was enthusiastic about Dynes and the direction UCSD was taking. "Dynes, a physicist by training, keenly understands that close cooperation between academia and high-tech entrepreneurs is the surest way to accelerate the new economy," effused a December 2000 editorial.

When it was announced that Dynes would become president of the entire ten-campus university system, the *U-T* was even more effusive. In an editorial headlined "UC makes a splendid choice for chancellor," the paper said, "Dynes spent 22 years at AT&T Bell Laboratories before joining UCSD. His considerable experience in the private sector gives him a healthy appreciation for the bottom line."

Wrote Neil Morgan, "Outspoken and courageous, Dynes will be a scrappy president of the University of California, putting his job on the line every day. Even under the pressure of taking on a sprawling public giant and overseeing a budget of \$15 billion, his idealism explodes in every conversation."

The paper played up Dynes's purported humble beginnings. "A first-generation college graduate of Canadian descent, he has risen to the top of his profession by dint of hard work and determination. During his proactive chancellorship, UCSD has flourished."

But Dynes was not a self-made man. After leaving a messy first marriage in New Jersey, he had wed an heiress to one of California's wealthiest and most powerful dynasties, dating from San Francisco's Gold Rush days.

Frances Hellman, a Dartmouth College graduate, had worked for Dynes at AT&T Bell Labs. In 1987 she left to become an assistant physics professor at UCSD, and in 1991 Dynes followed her to the university. Three years later, Dynes rose to chair the physics department, the next year he was appointed senior vice chancellor of academic affairs, and the following year, in May 1996, Dynes was named UCSD's chancellor, succeeding Richard Atkinson, who had been elevated to UC president.

Two months later, in July 1996, Dynes filed for divorce from his first wife, Christel. They had been married almost 30 years. In January 1997, Christel filed

C115-5

an emotional counter-complaint against her husband. It revealed that the couple had been living apart for the prior 6 years. "On or about January 1, 1991, ever since which time and for more than 12 months last past, [Robert Dynes] has willfully and continuously deserted [Christel Dynes]."

The case was settled a year later, in January 1998. Dynes agreed to pay monthly alimony of \$6000 and turn over the couple's house in Summit, New Jersey. She kept the 1997 Ford Explorer and a 1984 Honda Prelude; he got the 1997 Mercedes-Benz and a 1987 Mazda. It was mostly small-stakes stuff. Clearly Dynes had not become wealthy working at AT&T Bell Labs.

Five months after the divorce became final, he took a new bride. "Dynes and physicist Frances Hellman will wed in May," wrote *U-T* columnist Neil Morgan. "The daughter of a San Francisco financier, she's become a hard-line Padres fan."

But Frances Hellman, then 43, was far more than a baseball lover. She was F. Warren Hellman's daughter, and in California's big-time social and political circles, that was saying something.

Warren Hellman, 65, is the great-grandson of a founder of Wells Fargo Bank, an heir to the Levi Strauss denim clothing fortune, and one of the richest and most powerful businessmen in the state. Among his many wealthy associates is San Diego Padres owner John Moores, with whom he has invested in some of the high-tech start-ups clustered around UCSD.

A graduate of UC Berkeley, Hellman has long been a major player in the secretive internal politics of the University of California. He is famous for making multimillion-dollar charitable contributions to his alma mater. He has been a frequent contributor to the campaigns of politicians like Assembly Speaker, later San Francisco mayor, Willie Brown and Governors Pete Wilson and Gray Davis.

Hellman has also stage-managed some of the university's most controversial moves, such as the 1997 merger of medical facilities at UCSF and Stanford, which critics said squandered tax dollars and reduced health-care choices for the poor. Hellman, through his San Francisco firm Hellman & Friedman, manages billions of dollars for a host of investors, including the massive California Public Employees' Retirement System -- CalPERS for short. In that role Hellman weathered charges that campaign contributions he and other family members made to state officeholders were intended to induce the CalPERS board to steer additional investment business to Hellman's firm.

Thus, when Dynes married Frances Hellman, university insiders couldn't be blamed for assuming that Dynes's power was due to the behind-the-scenes influence of his father-in-law, Warren Hellman, though the mainstream media never picked up on the connection and Dynes himself did his best to obscure it. His 1999 statement of economic interests, required under state law, contained no reference at all to Frances Hellman's holdings.

Only after a reporter complained to the UC conflict of interest office did Dynes file an amended statement in January 2000 that revealed his wife's interest in two Warren Hellman investment partnerships, Hellman & Friedman Management III and Locust Street Group III, L.P., each valued at more than \$100,000, plus millions more in common stocks, such as EchoStar Communications, Convergys Corporation, and Forest Laboratories.

When later asked why his initial filing had omitted Frances Hellman's assets, the chancellor of UCSD said, "I didn't at the time know -- I had just recently gotten married -- and so originally it just had my own on there, and after questions it was made clear to me that I had to include my wife's, which I didn't realize." And why, once he discovered that he was required to list his wife's assets, did he delay filing the amendment? "It just took time," Dynes replied. "I asked some people to work through it all, to work out the forms, and it just took time to do that. No other reason than just bureaucracy."

Dynes had become UCSD chancellor during a time of major change in university philosophy. Cutbacks in taxpayer support and new federal laws encouraging so-called public-private partnerships between venture capitalists and faculty members had given rise to a money-driven research culture. No longer did

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scientists design experiments only to test accepted theories or laws. Instead, research had to have a financial payoff.

The turning point had come in 1980 with the passage of the Bayh-Dole Act, which gave universities patent rights to inventions that their faculty members had developed using federal grants. "The university generally retains the patent to a given innovation, licenses it for a fee to one or more commercial enterprises, and industry then attempts to use the invention to develop profitable products," explains Dr. Jerome Kassirer in his book *On the Take: How Medicine's Complicity with Big Business Can Endanger Your Health*.

"In turn, for their involvement in generating the invention or discovery and helping to develop a marketable product, profits that derive from licensing the patent are required by law to be shared with the inventor." Thus, adds Kassirer, professor at Tufts University medical school, adjunct professor at Yale medical school, and editor in chief for more than eight years of the *New England Journal of Medicine*, "The academic scientist, lured by the promise of royalties, became an entrepreneur, and universities became more like big businesses than centers for learning how to cure the sick."

The problem gets even worse, Kassirer maintains, when corporations directly fund university research. "Financial incentives can and do influence how study questions are framed and the very design of experiments. Studies show that industry preferentially supports trial designs that favor positive results." Other pitfalls of the new relationship between corporations and universities, he notes, "include withholding information to delay dissemination of an undesirable result, and keeping research results secret even beyond the time needed to file patents, presumably to protect proprietary information."

"The very nature of the contractual relationship between physician investigators and drug companies can be problematic," Kassirer says. "As a condition of the contract, researchers may be forced to sign away their right to monitor and control data, to analyze the data, and even to notify institutional overseers if something goes wrong."

A complacent local press encouraged the shift at UCSD. "Some regents refer to 'the Atkinson miracle' as he and his successor, Bob Dynes, have made UCSD a revolutionary new research university studied and envied around the world," wrote *U-T* columnist Neil Morgan in December 2001. "It embodies a quiet revolution from the identity-challenged 1960s: Gushers of private-public funding as universities and industry seek to probe jointly the world's course amid chaotic change."

Smart operators swarmed onto the La Jolla campus, opening their checkbooks for enterprising faculty members who might come up with the next "killer application" -- an invention that would make the professors and their investors rich.

\* \* \*

Two early examples of what was to come were Irwin Jacobs and Andrew Viterbi. In 1968 Jacobs, a professor of engineering at UCSD, and Viterbi, a professor of engineering at UCLA, started Linkabit, a small electronics company specializing in then-esoteric satellite communications software used by the Pentagon.

Linkabit was sold in 1980. Five years later, Jacobs and Viterbi set up a fledgling venture with several former Linkabit employees. Viterbi joined the faculty of UCSD's engineering school in 1985, the same year that the new company was born. Its name was Qualcomm.

For the next nine years, during the critical period in which the firm perfected its cell-phone patents, Viterbi remained a professor of electrical engineering and computer science at UCSD. During this period, he filed many patent applications for the new technology used by Qualcomm.

In 1991, UCSD chancellor Richard Atkinson became a Qualcomm board member. Over the years, as Qualcomm grew and the value of its stock soared into the stratosphere, so did Atkinson's personal fortune. By January 2000, Atkinson, still a board member, owned Qualcomm shares worth \$238 million,



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based on a company filing with the federal Securities and Exchange Commission.

In late 1999, a reporter questioned whether some of the cell-phone patents owned by Qualcomm had been misappropriated from the university. The pervasive influence of the new culture of money was evidenced in a confidential report drafted by top UC officials in October.

"During the winter of 2000, allegations arose from a segment of the media regarding compliance with the University of California Patent Policy by a former professor at UCSD, Dr. Andrew J. Viterbi," said the report, authored by Robert Shelton, the university's vice provost for research; David Miller, its associate vice chancellor; and Terence A. Feuerborn, who had recently retired as the university's officer in charge of technology transfer. "The specific allegations involved questions regarding the ownership of a patent that was issued in 1992 listing Dr. Viterbi as a co-inventor.

"The patent in question is entitled 'System and Method for Generating Signal Waveforms in a CDMA Cellular Telephone System.' Qualcomm, Inc. is identified as the owner. The allegations assert that Dr. Viterbi, as a faculty member at the time of the invention, should have reported the invention to the University and that the University may have some rights to the issued patent. It was further asserted that the technology embodied in the patent contributed significantly to the financial success of Qualcomm, and that the University should have shared in that success."

The report said that the investigation had grown to include Viterbi's daughter Audrey, a former assistant professor at UC Irvine who later went to work for her father at Qualcomm, and Jack Wolf, a UCSD engineering professor who worked as a consultant to the company.

The report detailed Andrew Viterbi's somewhat unorthodox history -- first as an unpaid and later a salaried part-time professor at UCSD, at the same time a cofounder of and executive at Qualcomm, developing cell-phone patents that would make him and fellow investors, such as then-UC president Richard Atkinson, fantastically rich.

The billion-dollar question was whether the university would prove beyond a reasonable doubt that Viterbi came up with his inventions while working at UCSD. Unfortunately for state taxpayers, the investigators said they could not. Because Viterbi had failed to disclose his patents to the university as required by UC rules, it was difficult to tell for sure who owned the lucrative inventions. With UC president and Qualcomm board member Atkinson looking over the shoulders of the investigators, many UC insiders believed that the conclusion was preordained.

The investigators noted that of the ten patents Viterbi had obtained, three had been awarded between April 1992 and May 1994. "Since these patents were received while Dr. Viterbi was a faculty member, the Committee determined that the inventions involved should have been reported to the University to comply with the requirements of the Patent Policy and the Patent Agreement signed by Dr. Viterbi."

The panel conducted no interviews and relied on citations that Viterbi himself provided from his published work. Panel members concluded that Viterbi never spent any of his time inventing while he was on the premises at UCSD. "The generally consistent way in which Dr. Viterbi is identified with Qualcomm, and that Qualcomm is the source of support for the research, suggests that Dr. Viterbi conducted his research at Qualcomm and restricted his activities at UCSD to teaching."

As for Jack Wolf, the UCSD engineering professor who was a consultant to Qualcomm, the investigators said: "Professor Jack Wolf is named as an inventor or co-inventor on 9 patents assigned to Qualcomm that were not reported to the University. The evidence available to the Committee suggests that these patents occurred as the result of 'permissible consulting,' but the Committee recommends that Dr. Wolf's research activities be reviewed by the UCSD Office of Technology Transfer to fully determine whether or not the University has any rights to these patents."

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"That has all been cleared up," said Wolf, reached at his UCSD office this week and queried about the allegations against him. "The research I do at the university has nothing to do with the patents in question." Asked whether UC had done any follow-up reports regarding the issues raised in the Viterbi document, he replied, "I am not aware of any."

Critics had long claimed that UC was deliberately derelict when it came to enforcing its patent policies. With so much money to be made, and so little university oversight, they said, it was natural that professors would fail to remember their disclosure obligations.

\* \* \*

As UCSD chancellor, Dynes vowed that his efforts to monetize university research would go even further than Atkinson's had. He expressed his mercantile philosophy of education: "We're not just here to do what I call 'curiosity-driven' research (as much as I value curiosity and believe it is integral to the process of discovery)... Our faculty and students produce an average of three new inventions every single day."

In October 1999, Dynes announced that research funding provided by corporations had jumped 50 percent from the previous year, to \$116.3 million. "This was the first year UCSD ever raised more than \$100 million from private sources," he boasted in a news release. "This level of support is crucial to the university and helps us continue our legacy of conducting renowned research and developing world-class projects which will have a profound impact on not only the San Diego community but also worldwide."

At about the same time, another player arrived on the scene. In November 1998, California voters elected Gray Davis their new governor. A bland Democrat who had risen through the ranks as a staffer for Governor Jerry Brown, Davis was a prodigious fund-raiser who understood the art of the quid pro quo. Among his backers was John Jay Moores, the Texas-born-and-bred venture capitalist who owns the San Diego Padres.

In 1998, Moores contributed \$166,000 to the Davis campaign and gave the candidate free rides around the state on his private jet. The next year Davis appointed Moores to a 12-year term on the University of California's board of regents. A month after that, Moores gave the Davis campaign another \$100,000.

The plum job on the board of regents involved more than just prestige; Moores, who made his first fortune in software and was always on the prowl for new deals, now sat at the epicenter of California's burgeoning high-technology boom. He would not wait long to make his move.

In July 1999, according to a filing with the Securities and Exchange Commission, Regent Moores and Chancellor Dynes joined the board of Leap Wireless International, a company Qualcomm had spun off the previous year. Leap was supposed to promote Qualcomm's cell-phone technology by building phone systems in small cities around the country. University policy required Dynes to get permission from UC president Atkinson prior to joining any corporate boards, but when asked by a reporter to produce documentation of Atkinson's consent, the university balked.

In November 1999, a UCSD spokeswoman flatly denied that Dynes was on the Leap board, despite the SEC filing. Later that month, the university released a letter from Dynes to Atkinson. "I am writing to request your permission to join the Board of Directors of Leap Wireless International on December 10, 1999," it said. "The annual time commitment away from campus would include my attendance at four half-day board meetings as well as an occasional one-hour conference call. I will use accrued personal vacation time for all absences connected with my board membership."

In a subsequent interview, Dynes acknowledged that a university public-relations woman had "misspoken" and that he had indeed been on the Leap board since July 1999. "I actually talked to the president before joining the board and asked him verbally," he recalled. "I think [the answer] was yes." The November letter was necessary, he added, "because we didn't have a paper trail of it, and there were questions that I think you asked and realized that a verbal

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trail -- that a paper trail was better than a verbal trail. But the verbal trail was there."

Dynes remained on the Leap Wireless board until 2004. According to his statement of economic interests, filed in March 2005, he received between \$1000 and \$10,000 in director's fees from the company during his last year.

Dynes dismissed allegations by university critics that taking a position on the Leap board created a conflict of interest for him or detracted from his work as chancellor. "I don't see that as a conflict. I think part of the university's responsibility is to be of service to the community and to nourish the economic health of the community, and part of the nourishment of the economic health of the community is to work with industry, work with schools, work with everybody. It's part of our responsibility; it's part of our public responsibility."

In April 2003, Leap, loaded up with more than \$2.4 billion of debt, went bankrupt, blaming a downturn in the demand for its "Cricket" flat-rate wireless services following the burst of the dot-com bubble. Critics claimed that the company had been badly mismanaged and the board of directors was a front; a bankruptcy-court judge ruled that the company was "hopelessly insolvent." Stockholders were wiped out. Leap emerged from bankruptcy in August 2004, but by then both Dynes and Moores were gone from the board.

Dynes and Moores had other ties. In September 1997, Dynes had been an outspoken backer of a new taxpayer-subsidized baseball stadium for the Padres. As a member of a task force set up by San Diego mayor Susan Golding to study the desirability of a new venue, Dynes said, "I worry that Major League Baseball cannot be economically viable in San Diego. That's a serious problem for the community. I really don't want to see the Padres leave." He voted for a task force resolution that concluded, "The Padres cannot generate the revenue necessary to become economically viable and remain competitive in Qualcomm Stadium."

Dynes's father-in-law, Warren Hellman, also enjoyed a close business relationship with Moores. In October 1999, Hellman's investment firm and Moores paid an undisclosed sum to buy a small but rapidly growing South Carolina outfit called Blackbaud, Inc., which created accounting software for nonprofit organizations. Hellman's son Marco became chairman of the board.

When asked about the Blackbaud deal in a January 2000 interview, Dynes said he'd never heard of it and was unaware of any other investments Moores and Hellman had made together. By then, Securities and Exchange Commission records showed, the two men had jointly invested in at least one other venture, Mitchell International, a San Diego-based data provider.

In November 2004, Hellman and Moores purchased Vertafore, a software provider for insurers. In July 2005, Hellman & Friedman and JMI Equity, an investment firm controlled by Moores, acquired DoubleClick, Inc., an Internet-related firm, from its stockholders for \$1.1 billion.

When it came time to pick a new university president to replace Richard Atkinson, who announced his retirement in November 2002, Moores, then chairman of the regents, appointed himself and several board allies, including Governor Gray Davis, to the selection committee. Word circulated that the fix was in: Moores favored Hellman's son-in-law for the job; the appointment of Dynes was preordained, and no one else had a chance. Candidates began dropping out in droves.

In June 2003, after a secret vote of the regents, it was official: Dynes had been chosen to run the university. "There aren't many people in America who have done what he's done," said Moores. "He's a remarkable combination of scientist, academician, and administrator."

\* \* \*

The decline of Bob Dynes has turned out to be even swifter than his rise. Less than three years since he became president of the University of California, the friendly press is suddenly a thing of the past. His troubles began with a series of articles published last November by the *San Francisco Chronicle*. They revealed that the university had quietly given high-ranking employees \$871 million in

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undisclosed bonuses, administrative stipends, moving allowances, and other cash compensation, in addition to salaries and overtime.

The paper also reported that under Dynes, UC had added hundreds of high-paying administrative jobs, padding the payroll at the same time the university was boosting student fees, increasing class sizes, and freezing pay for thousands of already low-paid clerical and janitorial workers.

Since then, other exposés have rained down like hail: UC provost M.R.C. Greenwood, Dynes's number two, quit under pressure after it came to light that the university had hired her son and a business partner. Then it was revealed that she was on a 15-month sabbatical, collecting \$302,000 annually, after which she would take a \$163,800 teaching job at UC Davis.

UC Davis vice chancellor Celeste Rose was also forced out, then given a two-year \$205,000 annual home-office job with no specific duties. She had threatened to file a race and gender suit against the university, and critics said the job was a stealth settlement. "Two years' pay to sit home, watch TV, and do nothing," said state senator Abel Maldonado, a Dynes critic. (On February 22, Dynes admitted that the critics were right: "In my view, this was a settlement agreement that should have been approved by the regents.")

UCSD chancellor Marye Anne Fox, like Frances Dynes a Dartmouth College alumna, got \$248,000 in sabbatical pay that was actually owed her by her previous employer, North Carolina State University. In her spare time, Fox serves on ten corporate and nonprofit boards, making more than \$300,000 in addition to her \$359,000 annual salary.

On February 8 Robert Dynes was called to testify before the state senate's Education Committee. He started by saying he was sorry. "First of all, I take responsibility for the fact that the University of California has not always met its obligations to public accountability in matters of compensation and compensation disclosure. And I believe I owe you, the members of the legislature, an apology for that shortcoming."

But Dynes did not remain apologetic for long. He soon began talking about how little money University of California officials made in comparison to academic chiefs at other universities. "Total compensation, as the *Chronicle of Higher Education* defines it, for university heads around the country includes amounts of \$724,000 at the University of Michigan; \$720,000 at the University of Delaware; \$693,000 for the University of Texas system; and \$625,000 at Rutgers University, to cite just a few examples of public institutions.

"As a point of comparison, the UC president's total compensation, using the *Chronicle of Higher Education* definition, is listed at \$423,000. The point here is not about me, but about the nature of the competition we face -- and that competition is apparent throughout the ranks of the university.

"One might argue that we need to be competitive for the best faculty, but not necessarily the best administrators," Dynes continued. "I happen to believe that it is all one package -- that the faculty must be supported by the very best staff and administrative structure available if they are to be fully successful.

"It is perhaps true that at times we have been so committed to competitiveness and excellence that we have not been as mindful of the other responsibilities that come with being stewards of a public institution. That does not excuse anything we have done improperly, but it is an important piece of context."

The senators weren't buying it. Democrat Gloria Romero asked Dynes whether anybody had been fired as a result of the compensation mess. He mentioned former Provost M.R.C. Greenwood. "We heard what happened to her," Romero responded as the audience snickered.

Later, Republican senator Abel Maldonado pointed out that the university has long been plagued with scandals over the salaries paid its higher-ups, even before Dynes. "They're still doing it the same old way," he said. "Guess who's paying the bill? Taxpayers. Now they're telling me they have an internal audit. They need to be audited, but they need an independent audit."

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Maldonado has proposed a bill that requires the California Postsecondary Education Commission to perform a biannual audit of executive compensation at the UC, Cal State, and community college systems.

"President Dynes said in the hearing that he would be happy to work with the commission," Maldonado said. "So, President Dynes, please come out and support my proposal."

But Dynes paid little heed to the people's representatives. He didn't have to. Politicians come and go, and their campaigns are largely dependent on contributions from rich corporate types who are some of the chief beneficiaries of university research.

At a second senate Education Committee hearing held on February 22, Senator Romero voiced her frustration. "The outrage over this has been not only the corporatization of the University of California, but its ability to get away with it. I hope that there are resignations, firings, and that people are shown the door." But the UC president said any action would have to wait, pending completion of a consultant's study he had commissioned.

When Senator Maldonado asked Dynes to grade his performance as UC president, Dynes said he'd "have to go over the report card" and then hesitated. "Incomplete," called out Jackie Speier, a Democratic member of the panel.

"I think it's a fair question to ask how you would grade yourself," Senator Romero said. "Maybe you'll come back to us with that at some point...but an incomplete at the end of the day doesn't pass." The committee adjourned after agreeing it would meet again in May to hear further testimony.

As the compensation issue continued to gather headlines throughout the month of February, regent chairman Gerry Parsky, a wealthy Republican financier from Rancho Santa Fe, stepped forward to offer a face-saving way out.

It wasn't exactly tough love that Parsky had in mind for his fellow San Diegan. He asserted that Dynes was overworked and needed the help of a "chief operating officer" to run the day-to-day operations of the university. "Let's leave open the possibility that someone could be in charge of administrative matters and not necessarily require the president's approval on all things," said Parsky. That way, Dynes said, he would be free to work on what he called his "vision" for the university. "Somebody," said Dynes, "has to be making decisions about the policies."

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## La Costa's Merv Adelson admits mob ties

He is also just about broke, says Vanity Fair

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Don Bauder, January 31, 2013

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For decades, Merv Adelson, a Vegas/Hollywood entrepreneur who financed the building of North County resort La Costa with three other dubious characters, has denied his organized crime ties. But in the March 2013 issue of Vanity Fair, Adelson -- who has lost 90% of his money and lives in a wee Santa Monica apartment -- told the publication about his long association with mobsters. Adelson developed La Costa with notorious gangster Moe Dalitz (whose daughter lives in San Diego County), Allard Roen and Irwin Molasky. In March of 1975, Penthouse magazine wrote a story about "The Hundred-Million Dollar Resort with the Criminal Clientele." The four financiers sued, claiming they had no such ties. The jury found for Penthouse, but the judge (who had been a lawyer for a mobster) overturned the decision. Finally, after ten years, the case ended, basically in a tie. You can read all about it in Matt Potter's superb Reader article of June 29, 2011, which shows how Molasky's company is now constructing building for the Federal Bureau of Investigation.

Adelson -- who was once married to TV's Barbara Walters and was a co-owner of Hollywood production company Lorimar -- explained to the magazine how he was so close to Dalitz, known as the Mob boss who kept peace among the various factions owning the casinos. "I enjoyed a very close relationship with Moe Dalitz," who was known as the "the Godfather of Las Vegas," Adelson told the publication. "So I know you're thinking, 'How do you account, Merv, for the fact that Moe Dalitz was a Mob boss? All I can say is, in all the years I knew Moe, we never discussed anything criminal.'" In 1963, the book, The Green Felt Jungle, detailing the Mob's role in Vegas, came out. "I began thinking about leaving Las Vegas," recalled Adelson. "I wanted to get away from the Mafia." A move to Carlsbad to La Costa got him part of the way there, explains the publication.

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**Visduh** Jan. 31, 2013 @ 9:35 a.m.

The remarkable part of this story is that Adelson is still alive and able to talk to a magazine. Never mind that he lives in a tiny (probably rent-controlled) apartment in Santa Monica. A real heartwarming story of riches-to-rags, only in America.

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**Don Bauder** Jan. 31, 2013 @ 9:42 a.m.

Visduh: The suit in which Dalitz et al sued Penthouse was one of the all-time court farces. Best, Don Bauder

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**SurfPuppy619** Jan. 31, 2013 @ 8:21 p.m.

Who was the judge/Mob lawyer?? Reminds me of Oscar Goodman in Las Vegas.

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**Javajoe25** Jan. 31, 2013 @ 10:13 a.m.

Is it just coincidence or is there a connection between this Adelson and Sheldon Adelson, the billionaire who poured big bucks into Republican candidate campaigns?

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**Don Bauder** Jan. 31, 2013 @ 12:45 p.m.

Javajoe: You know, I don't know the answer to that, and I, too, have often wondered. I have a faint memory that I once heard they were not related. Certainly, their financial accomplishments are unrelated: Sheldon Adelson is one of America's richest billionaires; Merv Adelson lost 90% of his wealth and lives in a humble abode. Best, Don Bauder

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tomjohnstonJan. 31, 2013 @ 11:18 a.m.

Interesting. Much of the story told in the Vanity Fair article, no mob stuff though, was previously in an article in Variety about 7 yrs ago. At that time his then 10yr old daughter was also living with him in Santa Monica and he also had an office in Santa Monica. If I remember correctly, it was in one of the Water Garden buildings which is a pretty nice place.

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Don BauderJan. 31, 2013 @ 12:48 p.m.

tomjohnston: I did not see the Variety story. If that story had nothing about his finally admitting his mob associations, it wouldn't have been as interesting, at least to me. Best, Don Bauder

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Zorro1Feb. 1, 2013 @ 8:38 a.m.

Great article, Don! Matt Potter's article was great as well! Gee, Adelson/Molasky -- how sweet of the mob to just drop a slew of money in your pockets and have you build Las Vegas and then La Costa. Molasky's kids live on their daddy's money as well. It's no coincidence that Adelson's money runs out without the Sugar Daddy mob in his back pocket. What's really annoying is that Molasky -- who's money is also mob tainted from the get go -- is building an FBI building in San Diego. I think that's sick -- and it makes me wonder about the corruption in the FBI in San Diego. Why oh why would the FBI not use a local builder? Yeah, yeah -- like his Felon son-in-law, Ken Cornell, who was one of 3 incarcerated in the largest telemarketing scheme in US history -- to the tune of \$440 million. They ripped off seniors of their life savings. Obviously, Molasky has some close ties to the San Diego FBI. That is hideous. And says volumes!!!

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Don BauderFeb. 1, 2013 @ 11:33 a.m.

Zorro: Matt Potter's cover story on the Molasky company having the contract for the FBI building was one of the best the Reader has done in a long time. Matt has also done blog and other items on Molasky/FBI. I understand Molasky's company is building several FBI facilities around the country. Matt's cover story on the Molasky/FBI deals ran June 27, 2011 and is very much worth re-reading. Best, Don Bauder

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BurwellFeb. 1, 2013 @ 1:49 p.m.

The FBI building deals appear to be raw deals for the taxpayer. The leases appear to be structured so that the FBI's annual lease payment pays the land acquisition and construction costs in only ten years. That is, Molasky will own the buildings free and clear of any debts after ten years. When the initial lease terms expire, the buildings are paid for but the FBI is in the position of having to negotiate lease extensions at then current market rates. The FBI should have constructed its own buildings with a budget appropriation instead of signing costly leases that no profit-making corporation would ever sign. With regard to the San Diego FBI building, it would have been cheaper to relocate the FBI to the Broadway Naval Complex where there's plenty of free space that's already paid for.



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SurfPuppy619 Feb. 1, 2013 @ 4:24 p.m.

B, we're talking about the gov here. They're idiots and lazy scammers.

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**San Diego Reader**

**CIVIC**  
**GROUPLOVE**  
 AND  
**Portugal. The Man**



SPECIAL GUEST: TOKYO POLICE CLUB  
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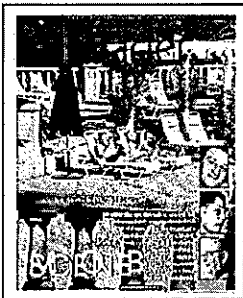
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**Mob Scene**

10

By [Matt Potter](#), Nov. 18, 1999

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You enter the spa through oversized oak doors and immediately see sun stream down on a naked old man as he climbs out of a sunken Jacuzzi tub in the center of a brightly lit atrium. Nearby, wrapped in herb-scented towels, sits a trio of tanned younger men, engaged in conversation. Around the corner, in a long, darkened, corridor-like room lined with leather-upholstered reclining chairs, a solitary figure, draped in white wraps, gets a facial from an attendant. There are other rooms -- one for steam baths, one for eucalyptus treatments, another for herbal wraps, another for massage. The attendants -- dark, big, and burly -- speak European-accented English.

Notorious men have passed through these doors. Presidents and playboys. Executives and Mafia dons. Union chiefs and hit men. This week, the nation's Republican governors, including Texas governor George W. Bush, GOP frontrunner, will gather here for their annual meeting. They will make pronouncements on the State of the Union, play golf or tennis, wheel and deal in the nightclub, rub shoulders with lobbyists, admire their female company, and maybe tip their hats to passing wise guys. Welcome to La Costa Spa and Country Club.

How much blood was spilled to build La Costa? So many bodies piled up over the years it's hard to keep track. The godfather of the place was Moe Dalitz, a mobster from Cleveland who got his start back in Prohibition days with Detroit's "Little Jewish Navy," running booze across the Detroit River from Canada. He traveled with Detroit's brutal "Purple Gang," until the Zerilli brothers arrived in town and things got too hot. He ended up in Cleveland with the Mayfield Road Gang -- Morris Kleinman, Sam Tucker, and Louis Rothkopf, a.k.a. Lou Rody.

Dalitz was a gangster's gangster. He was close to every big mob name: Joe Adonis, Bugsy Siegel, Frank Costello, Meyer Lansky. He attended the February 1946 going-away gala for deported mob boss Lucky Luciano. According to the late FBI agent William F. Roemer, who wrote War of the Godfathers, after World War II, Dalitz was dispatched by Lansky to Las Vegas to check on Siegel. After Moe made his report, Bugsy was shot dead one night in his girlfriend's L.A. mansion. Dalitz and the Mayfield Road Gang relocated to Vegas from Cleveland more or less permanently in 1949 and took over the ailing Desert Inn from Wilbur Clark. From there it was a short hop to California.

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Enter Teamster boss James Riddle Hoffa. Dalitz owned a chain of laundries and dry cleaners in the Midwest, including Cleveland's Pioneer Linen Supply Company. Dalitz met Hoffa, who was rising through the ranks of the local Teamsters union, in the mid-1930s through Hoffa's mistress, Sylvia Pagano. In 1949, when Teamsters threatened to strike the Detroit Dry Cleaners Association, Dalitz's dry cleaning racket, Dalitz intervened and slipped Hoffa \$17,500 to get the union off his back.

In the 1950s Dalitz and the Desert Inn picked up new friends, many from show business. According to Frank Sinatra biographer Kitty Kelley, Dalitz gave Old Blue Eyes a break when Sinatra was down on his luck, a favor for which Sinatra proved forever grateful. "Moe Dalitz let him sing at the Desert Inn," Kelley quotes a Sinatra associate as saying, "Yeah, I was at Cal-Neva with [Sam] Giancana, and I was with him a lot when he visited Frank in Palm Springs. I even knew Moe Dalitz when he was calling himself the entertainment director of the Desert Inn. Don't that beat everything? The entertainment director!" Years later Sinatra and members of his Rat Pack, including Dean Martin and Sammy Davis, Jr., would show up to entertain on La Costa's showroom stage.

In the late 1950s in Vegas, Dalitz met another couple of Las Vegas friends. Irwin Molasky and Merv Adelson were small-time builders who had separately arrived in the gambling mecca from Los Angeles. Molasky moved to Vegas in 1951 and built garage additions and home additions, according to an interview he gave the Las Vegas Review-Journal in 1998. Several years after Molasky arrived in Vegas, he met Adelson, the son of a Beverly Hills grocer who had set out to make his own fortune. The two founded Paradise Development Co., which, Molasky later said, sold a house a day from 1957 to 1959 for \$30,000 to \$40,000.

It didn't take long for Molasky and Adelson to get together with Dalitz, whose connections with Hoffa and the underworld were to pay off in a big way. Last year, the 73-year-old Molasky recalled for the Review-Journal that in 1956 he and Adelson wanted to build a new for-profit hospital in Vegas to compete with the county hospital. Doctors, he said, were demanding it. "The doctors wanted out of politics, and also they wanted to practice with modern facilities." At first, Molasky said, financing came from a local savings and loan. "But we ran out of money and had to take in some investors." They turned out to be Moe Dalitz and his associate Allard Roen.

To swing the deal, Dalitz arranged a \$1 million loan from the Teamsters Central States, Southeast and Southwest Pension Fund. As Molasky recalled it, "The local Teamsters, as well as the Culinary Union, wanted us to take all their members for a certain amount a month. It was an early form of managed care." Actually, writes Ovid Demaris, in his book the Green Felt Jungle, the contracts were a way to guarantee that the loan payments, and Hoffa's kickbacks, would get paid on time.

The Central States pension fund was created by then-Teamsters vice president Hoffa in 1955 by folding together smaller pension funds from 22 states. On its face, the new pension fund was a move to provide portable pensions for truck drivers who frequently changed jobs. But that was only how it looked on paper. The fund was designed to be a piggy-bank for Hoffa and his friends in the Mafia to dip into. According to James Neff, author of Mobbed Up, the board of trustees of the new pension fund was "simply a rubber stamp. Hoffa dictated whom to loan money to. In return Hoffa demanded a finder's fee of up to ten percent of each loan. The trustees went along with it. The union's trustees were his toadies; the employer trustees, usually trucking company owners, feared strikes and slowdowns if they lifted a finger against Hoffa."

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**Story Behind the Story**

10

By [Don Bauder](#), Sept. 10, 2008

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On August 31, the *Union-Tribune* printed an obituary on the death of Allard Roen, one of the original developers of Carlsbad's La Costa Resort and Spa. He was living there when he died August 28 at age 87.

The *U-T's* obituary was a typical, dutiful encomium. It did not mention the background of one of Roen's major partners in La Costa and other projects, Moe Dalitz. He was among the 20th Century's most notorious gangsters, as the Senate Special Committee to Investigate Organized Crime in Interstate Commerce, known as the Kefauver Committee, pointed out in 1950 and 1951. In fact, a book that is now a best seller, T.J. English's *Havana Nocturne*, notes that Dalitz, then 47, attended the famed Havana Conference at Cuba's Hotel Nacional in late December 1946. According to English, a select group of 22 dignitaries caucused to strategize the American mob's plan to make Cuba a Western Hemisphere vice haven. The group included Giuseppe (Joe Bananas) Bonanno, Vito (Don Vito) Genovese, Meyer Lansky of Murder Inc. and the Bugs and Meyer Mob, Charles (Lucky) Luciano, Luciano's sidekick and "Prime Minister of the Underworld" Frank Costello, Carlos Marcello, Santo Trafficante Jr., Joe Adonis, and Tony (Big Tuna) Accardo, former bodyguard for Al (Scarface) Capone and later head of the Chicago mob. The book points out that Dalitz had been a partner with Lansky in the Molaska Corporation.

Timothy L. O'Brien, author of *Bad Bet: The Inside Story of the Glamour, Glitz, and Danger of America's Gambling Industry*, writes that Dalitz had run "the Cleveland branch of Charlie 'Lucky' Luciano and Meyer Lansky's nascent Mafia." Decades later, Dalitz was known as the caretaker "of underworld investments in Las Vegas."

A Federal Bureau of Investigation official said in 1978, "The individual who oversees the operations of the La Cosa Nostra families in Las Vegas is Moe Dalitz," according to James Neff's *Mobbed Up*.

After Prohibition's repeal knocked out his bootlegging business, Dalitz went into the illegal casino business in southern Ohio and Kentucky. He then became the Big Boss in Vegas, arranging casino financing from the mob-tainted Teamsters Central States, Southeast and Southwest Areas Pension Fund and keeping track of the books at such spas as the Desert Inn, where Roen was also a key figure. In the late 1940s, Dalitz resurrected crooner Frank Sinatra's sagging career by giving him gigs at the Desert Inn.

Roen, who in the 1960s pleaded guilty in the United Dye and Chemical securities fraud, joined with Dalitz, Irwin Molasky, and Merv Adelson to build Las Vegas's Sunrise Hospital with Teamster funds. They tapped Teamster funds for other investments. That Central States fund was essentially a piggy bank controlled by Jimmy Hoffa.

The fund played a key role in San Diego. It loaned \$100 million to San Diego's Irvin J. Kahn, a mobbed-up financier who used the money to develop Peñasquitos. He also got a concealed loan of \$800,000 from a tiny Swiss bank named the Cosmos Bank, which made other mob-related loans before being closed up by joint action of the United States and Switzerland in the 1970s.

But the Central States Teamster fund's big investment was La Costa. The interim loans were made by U.S. National Bank, controlled by C. Amholt Smith, named "Mr. San Diego" by the Downtown Rotary Club and "Mr. San Diego of the Century" by a reporter for the *San Diego Union*. Following the interim loans, the Teamster fund would assume the U.S. National loans. There was a cozy relationship. Frank Fitzsimmons, who became head of the

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Teamsters after Jimmy Hoffa was exterminated, used to come down to watch the Smith-owned minor-league Padres play. And Fitzsimmons would play golf in San Diego with politician Richard Nixon.

The *Union-Tribune*'s recent panegyric to Roen mentioned that in 1975 *Penthouse* magazine ran an article charging that La Costa was a hangout for mobsters, and the founders sued for libel. Here's how the *U-T* summed up the result: "A 10-year court battled ensued until La Costa accepted a written apology from the magazine." This is a rank distortion. A joke.

"San Diego leadership has a tendency to fall in love with people with big bucks who come into town," says Mike Aguirre, city attorney. The La Costa founders "were one of the first big-bucks boys who rode into town, and the welcome wagon was driven by C. Arnholt Smith." The *U-T* then, and to this day, protects the roughriders who bring their sacks of money to San Diego.

Aguirre was one attorney representing *Penthouse* in the suit. He and his colleagues parsed every sentence in the article. The *Penthouse* trial lawyer rattled off to the jury the names of those who had shown up at La Costa, including Hoffa, Dalitz, Lansky, and many other hoods. And here is the key: *the jury exonerated the magazine, agreeing that it had proved that everything it said was true.*

It turned out that the judge, Kenneth Gale, had formerly been a lawyer for Jimmy "the Weasel" Fratianno, a notorious mob hit man who had begun cooperating with the government. Fratianno was to testify for *Penthouse* about the mobsters who habituated La Costa. Gale wouldn't let the magazine's lawyer question Fratianno. Judge Gale had also previously represented an infamous union racketeer, as related by Matt Potter in a 1999 *Reader* story.

After Gale threw out *Penthouse*'s victory, the magazine thought it could win a retrial, but after ten years and \$8 million in legal expenses, *Penthouse* issued an innocuous statement, saying that it "did not mean to imply nor did it intend for its readers to believe that Messrs. *Adelson and Molasky* are or were members of organized crime or criminals" (italics mine). Note that Dalitz and Roen were *not* included in that statement. The magazine praised Dalitz and Roen for their "civic and philanthropic activities."

Then La Costa owners lauded *Penthouse* for its "personal and professional awards." It was a détente sans sincerity.

Dalitz died in 1989 at age 89, leaving a daughter in Rancho Santa Fe. She is involved in many peace and politically progressive activities. Her attorney was once San Diego's James T. Waring, who didn't last long as Mayor Jerry Sanders's real estate czar.

The information on Waring ran in detail in the *Reader* in early 2006. San Diego's leaders, always friendly to moneybags, didn't appreciate the story.

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Comments



a2zresource Sept. 10, 2008 @ 2:04 p.m.

Wow... scratch an obit and find a real story..

You have done a tremendous service for San Diegans, or we should all be upgrading to armored cars right now.

10

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JohnnyVegas Sept. 10, 2008 @ 10:03 p.m.

Wow, that was a GREAT read!

I had no idea La Costa was Mob financed and some of the big wigs used to hang there.

The last San Diego story I heard that was mob related was that mob guy from Chicago-Petite or something similar-and this was when the Indians were just starting to open their casinos in the last 80's and this guy was trying to infiltrate them.

Cool stuff.

10

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**Don Bauder** Sept. 11, 2008 @ 7:08 a.m.

Response to post #7: The Teamsters were once one of the largest private land owners in San Diego County. Before La Costa, Murrieta Hot Springs was a big mob hangout. Irvin Kahn, who was connected with mobsters, tapped Teamsters money for development. It was kept quiet by local media but out-of-town publications like Penthouse, Life Magazine and the Wall Street Journal would probe San Diego's corruption. Best, Don Bauder

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**Don Bauder** Sept. 10, 2008 @ 2:23 p.m.

Response to post #1: A lot of dirty money has poured into San Diego environs through the years. La Costa, Penasquitos, and Murrieta in Riverside County. Then there's the laundered drug money from Mexico that has gone into San Diego real estate. That's a different story and one that has barely been covered. Best, Don Bauder

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**Fred Williams** Sept. 10, 2008 @ 5:02 p.m.

Don, please do tell us that story about the drug money that finances San Diego real estate.

For some reason, I bet CCDC is involved somehow...

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**McLovin** Sept. 10, 2008 @ 5:21 p.m.

That explains all the gated McMansions in the Otay area. And the building is still going on, even with all the real estate problems!

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**Don Bauder** Sept. 10, 2008 @ 7:31 p.m.

Response to post #3: I would love to do what you suggest, but, I am sure you appreciate, it would be a huge and dangerous task. I don't like cement boots. Best, Don Bauder

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**Don Bauder** Sept. 10, 2008 @ 7:33 p.m.

Response to post #4: I don't know if laundered money is going into those Otay homes. In any case, they are being deserted quite rapidly. I didn't know there was still building going on. Best, Don Bauder

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**a2zresource** Sept. 11, 2008 @ 9:21 a.m.

I am personally grateful for the "printer friendly" link. I have put it to use.

We can't even begin to solve the problems of this city as an informed electorate until we understand exactly who we are as a community of residents, influenced by an apparently much larger community of investors -- good and bad -- who see "opportunities" here that we provide to them on a regular basis.

Given your writing above, the announcement today that a City of San Diego Redevelopment Agency director who sits on our City Council (and was acting mayor while three other councilmembers were indicted/convicted/died in office as a result of a federal bribery probe) is now married to a Centre City Development Corporation board member, where both redevelopment agencies are involved in unsupervised loans from the City of San Diego totally \$250 million or more, all makes perfect sense to me.

I had no idea that the newlyweds had been dating for the last seven years, while these loans from the people of San Diego were being made without the City Council making any effort to demand repayment.

Ordinarily, who dates/marries who is something I consider beyond me, but this looks like a political marriage of convenience to keep somebody from later testifying against somebody else.

The fact that this union was apparently vetted by the Ethics Commission... well... hell...

I only hope I live so long to get cut in on this deck of "Get Out of Jail Free" cards...

1 0

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**Fred Williams** Sept. 11, 2008 @ 10:47 a.m.

It's not just Jennifer and Toni who are hitched...seems we're all married to the mob here in San Diego, and getting a divorce looks dicey.

Don Bauder, who has been measured for cement boots more than once, and Matt Potter, who once had a dead fish with his name on it delivered to the Reader office, are two of the most courageous journalists in San Diego. They're too often alone in their willingness to lift up the paving stones and see what scuttles around in the dirt underneath. For this public service, they have been belittled, locked out, distrusted, and cursed by the establishment.

If we stand any chance of cleaning up this town, it will be because the Reader, Voice of San Diego, and City Beat had the fortitude to stand up to the entrenched few who think they own this town. That the UT would once again distort the truth to protect their blood-brothers is no surprise at all.

As to getting a "get out of jail free" card, those are reserved only for officials at SEDC and CCDC, as well as members of the City Council who put their fingers in the cookie jar.

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**Johnny Vegas** Sept. 11, 2008 @ 4:33 p.m.

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## As to getting a "get out of jail free" card, those are reserved only for officials at SEDC and CCDC, as well as members of the City Council who put their fingers in the cookie jar.

Exactly.

The rich (i.e. like Bear Sterns Cos, Lehman Brothrs, Freddie Mac/Fannie Mae) get special treatment.

...

If the little guy goes BK it is called "personal responsibility".

If the big boys go BK, like the chosen few above-it is called "saving the economy for the better good".

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**Don Bauder** [Sept. 11, 2008 @ 7:37 p.m.](#)

Response to post #9: The Ethics Commission -- make that the PURPORTED Ethics Commission -- is in the establishment's pocket a la Bonnie Dumanis. Best, Don Bauder

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**Don Bauder** [Sept. 11, 2008 @ 7:40 p.m.](#)

Response to post #10 The romance, recently codified by marriage, was hardly a secret in San Diego. Best, Don Bauder

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**Don Bauder** [Sept. 11, 2008 @ 7:46 p.m.](#)

Response to post #11: I must say I get a chuckle when I hear one of the faux capitalists intone, "We believe in free markets! Free enterprise! We oppose government interference in business! The Fed's putting \$29 billion into the JP Morgan takeover of Bear Stearns was brilliant! The Fed's taking doggy mortgages from lending institutions and replacing them with Treasury paper was wonderful! The Fed's opening the loan window to investment banks was capitalism in action! The seizing of Fannie and Freddie was American capitalism at its best!" Huh? It's like Republican candidates running against their own party, and the public swallowing it. Best, Don Bauder

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**a2zresource** [Sept. 11, 2008 @ 9:14 p.m.](#)

Regarding #9:

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Thanx... too often I'm looking at docs so closely that the really obvious stuff just goes zing... right over my head!

I always wondered why it was the County Counsel's office and not the DA who sued SDG&E over the Encanto Gas Holder site in 2005.

Sometimes I feel so naive, and bruised from just falling off the turnip truck...

10

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**Don Bauder** Sept. 12, 2008 @ 7:05 a.m.

Response to post #15: The depths of San Diego corruption, past and present, are becoming better known. Best, Don Bauder

10

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**Ponzi** Sept. 12, 2008 @ 9:31 p.m.

Don you are too cool for school! I'm sure glad I met you when you were at the Del Mar Fairgrounds in the U/T exhibit before you retired! You probably shook a lot of hands that day, but I was glad to meet you. My family and I have been following your stories since the beginning of the 1980's. Have a copy of your Captain Money & The Golden Girl book in my library.

Stay Classy Don!

10

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**Don Bauder** Sept. 13, 2008 @ 7:16 a.m.

Response to post #18: Did you mean "sassy" or "classy?" Thanks and best, Don Bauder

10

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**Don Bauder** Sept. 12, 2008 @ 9:01 p.m.

Response to post #15: I often wonder why I missed something, too. In my case, I blame age (72). Best, Don Bauder

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**a2zresource** Sept. 14, 2008 @ 11:14 a.m.

Regarding #17:

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Given what the US EPA has already told me about friable asbestos in my neighborhood, I should be so lucky as to live so long!

10

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**Don Bauder** Sept. 14, 2008 @ 11:50 a.m.

Response to post #20: It sounds like you have two alternatives: 1. Wear a gas mask when at home; 2. Move. Best, Don Bauder

10

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**a2zresource** Sept. 14, 2008 @ 4:59 p.m.

Regarding #21:

We should've figured out those were our "blighted area" choices when we all got the 1000-foot-radius lulling letter in the mail nearly a decade ago. It came from the public utility's corporate agent, saying that everything had been inspected and permitted as safe and non-toxic... then the birds started falling out of the sky.

Some of us got ill... at least one of us ended up in the hospital for breathing problems... but none of us actually died, and in Southeast San Diego, that's considered to be "good health."

We had our first hint of how really bad things had been for us humans when someone in the County Counsel's office was quoted in our city's distinguished daily paper five years later. She had gotten reports of "tons" of debris which she described: "Our inspectors found asbestos debris everywhere. Dust was flying in the air. It looked like shaved chocolate." <http://www.signonsandiego.com/news/metro/20050831-9999-2m311gsuit.html>  
Too bad they were allowed to see what had been blocked from the neighbors' eyes, and mine as well.

When neighbors did go to testify at the federal criminal trial almost two years later, after nearly 7 years of exposures... well, maybe I'll just post the link to the judge's order for a new trial after last year's GUILTY verdicts.

[http://emerginglitigation.shb.com/Portals/8/1bfc4f-cc59-46fe-9ed5-7795e6cea5b5/Asbestos\\_Criminal--Overturn.pdf](http://emerginglitigation.shb.com/Portals/8/1bfc4f-cc59-46fe-9ed5-7795e6cea5b5/Asbestos_Criminal--Overturn.pdf)

Like I said before, I'm just naively trying to write down the license plate of the turnip truck I fell off of, as if it'll actually make a difference later on.

10

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**Don Bauder** Sept. 14, 2008 @ 10:11 p.m.

Response to post #22: You and your neighbors have a legitimate complaint. Will local government listen? Doubtful. Best, Don Bauder

10

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**a2zresource** Sept. 15, 2008 @ 11:21 a.m.

Regarding #23:

Some in local government have.



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There is a nice selection of letters from various state and local public prosecutors' offices dating back to 2001, and the US Attorney's press release on the 2006 criminal indictment lists our local Air Pollution Control District as an investigative agency. Casey Gwinn's office said my information would "be recorded and included in any future investigation of" the utility or its corporate parent by the City of San Diego. Dianne Jacob, serving on the APCD board, is most likely the person behind the earlier County Counsel suit; she described the utility as a "bad actor" in a recent LAFCO meeting involving the 16-acre lot in question.

With all of the "reasons" for Carol Lam's departure as USA in San Diego, no article has ever mentioned this issue in the pre-trial phase involving the major local asset of a top 100 Fortune-mentionable corporation that has in the last few weeks just raised its dividends. Until I was finding actual court documents or reliable summaries on asbestos and power-related websites, I had been pretty good about keeping quiet about the whole thing, waiting perhaps too patiently to hear back on the DA's 2001 promise of eventual prosecution after what the ADA did assume would be a lengthy investigation.

I blogged earlier this summer that a utility-state Voluntary Cleanup Agreement (that produced no cleanup) has probably been used to silence other state agencies, especially a related Regional Water Quality Control formal enforcement letter regarding storm water discharge info from the utility. It's amusing that the Water Quality violations were never admitted into the VCA study that was going on at the same time...

My blog photo (Encato Gas Holder) is of storm water discharge from the site in March 2008, years after the VCA results came back from the utility-supplied site samples saying "No Asbestos Found"... the samples mentioned in the federal court order found at the link in #22 above seem to contradict that VCA finding.

It is my understanding that some, including Erin Brockovich, may be following this whole mess from a safe distance away. At least my neighbors have tried to make her aware of it...

So what are the results of a tainted VCA with a guilty federal environmental crimes defendant actually worth?

That's what we want to see in state court.

At least that was my intention until I was blown away by your writings above... Sincere thanx for opening my eyes!

10

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**Johnny Vegas** Sept. 15, 2008 @ 10:25 p.m.

When neighbors did go to testify at the federal criminal trial almost two years later, after nearly 7 years of exposures... well, maybe I'll just post the link to the judge's order for a new trial after last year's GUILTY verdicts.

**<http://emerginglitigation.shb.com/Portal...>**

Well I see your problem, you had Dana Makoto Sabraw as your judge, another loser judge that is only a shade better than Marilyn Louise Huff.

Both are rubber stamps for the government and Big Business, and seem to be brainless.

10

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**Don Bauder** Sept. 16, 2008 @ 7:06 a.m.

Response to post #24: Did you think Casey Gwinn would ever do anything against a business and in favor of a citizen? Impossible. And Goldsmith is a Casey Gwinn clone. Best, Don Bauder

10

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**Don Bauder** Sept. 16, 2008 @ 7:09 a.m.

C115-8

Response to post #25: The judges, both state and federal, are definitely a major part of San Diego's problem. Best, Don Bauder

1 0

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**a2zresource** Sept. 16, 2008 @ 12:42 p.m.

I have no complaint about Judge Sabraw. In fact, I see him whittling down the defendants' future appeal issues in a case where government prosecutors have been handicapped by (1) old federal regulations that restrict the government's ability to test debris for regulated asbestos containing material, (2) the same regulations adopted under federal rule-making to use essentially outmoded science that undercounts the smallest asbestos fibers to defendants' advantage (at least one recent law review article was published because of these two issues in this case), and (3) an absence of other guiding case opinions in the relatively new area of National Emissions Standards for Hazardous Air Pollutants (NESHAP) law that would make nailing down this case just that much easier. Judge Sabraw has moved delicately in his orders to avoid the appearance of "legislating from the bench"... or at least that's my otherwise-ignorant no-law-school take on things.

The federal agents, investigators and prosecutors have been and remain my heroes in this. In the neighborhood, make that "our heroes." More than a few of us have the FBI on speeddial, and among us all, we only have nice things to say... because those nice things are deserved.

In a way, it's kind of like watching the Chargers in the early part of the season. There are no blowout losses, and we're just waiting for the rest of what should be a winning trip to post-season play.

1 0

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**Don Bauder** Sept. 16, 2008 @ 1:36 p.m.

Response to post #28: Good. No complaints. Best, Don Bauder

1 0

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**a2zresource** Sept. 17, 2008 @ 2:33 p.m.

I should have been clearer when including the link in #22 above.

I included it because of Judge Sabraw's summary of the asbestos content of a sample (collected by the main defendant in the federal environmental crimes trial) that came in at over 50% asbestos. Other asbestos-contaminated samples were similarly described in the judge's new trial order.

Obviously, the defendants would prefer that these sample results not be known, except that challenging the judge's order might mean that the public utility et al could be paying million\$ in fines right now with individuals serving felony time... instead of waiting on a new trial or reinstated guilty verdicts on appeal.

1 0

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**Don Bauder** Sept. 17, 2008 @ 6:58 p.m.

Response to post #30: It's clear you are not holding the judge responsible. Best, Don Bauder

1 0

2-894

C115-8

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## Larry Agran's Irvine Idiots

[Moxley Confidential] Even after the release of a damning audit, the longtime political boss and his apologists still think all's swell at the Great Park

By R. Scott Moxley Thursday, Jan 23 2014

Comments (0) AAA

0 8+1 6



Bob Au

In a Jan. 14 reaction to the latest scathing, independent audit of his financial mismanagement at the proposed Orange County Great Park, Larry Agran—Irvine's legendary Democratic Party boss—played the shocked, wounded victim like only a 35-year, career politician could. Agran pouted, acted confused and tossed onto underlings all accountability for any possible "very disturbing irregularities." Though he's the reigning Southern California king of unapologetic cronyism and backroom deals, he declared himself a champion of "financial propriety."

The 50-page summary of the recently completed forensic audit by Hagen, Streiff, Newton & Oshiro (HSNO) details how Agran spent years bungling the Great Park project and diverting large sums to enrich players in his own political machine. One of the more egregious findings was that he'd handed three of his campaign operatives at least \$174,500 per month—that's not a typo: *per month!*—in no-bid, government contracts for alleged public-relations tasks at a park that still hasn't celebrated a real grand opening. For that malfeasance alone, Irvine residents should boot Agran and his squawking council sidekick, Beth Krom, from public office.

But if the tainted spending doesn't outrage, perhaps you might not like Agran's hamfisted attempt to argue this HSNO audit is irrelevant by rewriting history and reshaping reality. Several years

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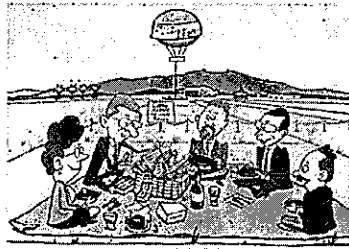
Beyond Coconut Grove, Miami's leaders ignore other parks where kids and dogs romp.

Miami New Times

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ago, he dismissed another disturbing audit detailing secrecy and puzzling spending by equating himself to a modern-day Frederick Law Olmsted, who had to be "creative" financially. We now know Agran's imagination has run wild.



Bob Art

Details

**moxley**  
CONFIDENTIAL



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"I'm proud of what we've achieved," he said, and then noted the audit's findings of incompetence, secrecy and malpractice "just don't compute."

(Fittingly, councilman Jeff Lalloway observed it's time to drop "great" from the title and call it what it is: just another government park plan.)

There's no mystery about the cause of the park's shrinkage. Its coffers are relatively empty after Agran and Krom (and their onetime third council ally, Sukhee Kang) spent more than \$133

For 14 years, he has been promising "the most extraordinary park" built in the 21st century at the site of the mothballed El Toro Marine Corps Air Station, and by gosh, it's there, Auntie Em. Just close your eyes, click the heels of your ruby-red slippers three times, and you won't see the vast emptiness of Agran's non-accomplishments. Close your eyes extra-hard, and you can see in dreamy haze the promised stately museums on par with the Smithsonian, NFL-worthy sports stadium, college campuses, war memorial, wildlife park, seemingly endless hiking trails, lakeside amphitheater, boardwalk and a 2.5-mile, manmade canyon.

With his eyes open at the public hearing on the audit, Agran—who made a quixotic run to win the Democratic Party's 1992 presidential nomination—tossed truth aside and incredibly declared, "We've delivered!"

In March 2003, Agran guaranteed to me on the record that Orange County's Great Park would not only be more impressive than San Diego's Balboa Park (1,200 acres) and New York's Central Park (843 acres), but also massively larger, with 2,800 acres of open, public "parkland," and he got pissy that anyone would question his numbers.

For years, he and his allies employed those false claims and called their political candidacies "The Great Park Team" to keep control of the city, as well as the \$1.6 billion project.

Here's the reality: Not a single major item of Agran's park master plan—a plan he wasted several years and \$50 million to concoct—exists. And get a load of these additional facts: In 2006, the size of the project was chopped in half to 1,347 acres. It has now dwindled to a mere 220 acres. In Agran's view, that is "progress" that critics of his corruption—people he calls "gas bags"—refuse to appreciate.



The Lovely Ladies of Coachella 2014

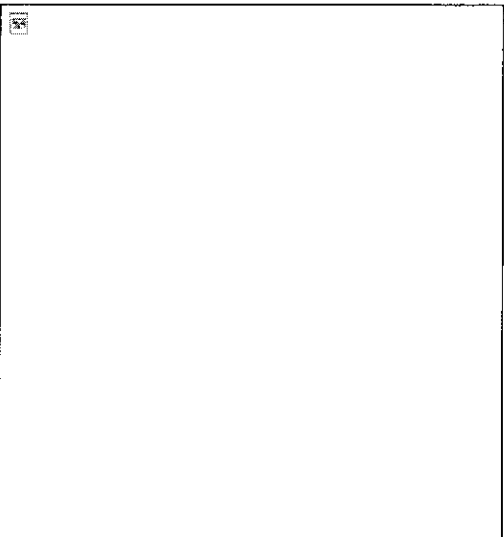


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million and somehow forgot to build the promised park. Krom angrily defended all the wasteful contracts to the well-connected, campaign operatives as necessary, pre-park construction "community outreach." She slammed the audit—including sworn statements that Agran secretly ordered staff to allow his buddies to convert fixed-fee contracts into lucrative, open-fee arrangements. For example, four firms offered to complete various Great Park tasks for \$5.1 million, won the jobs by placing the lowest qualified bids, and then quietly filed dozens and dozens of "change orders" that inflated their pay to \$14.825 million. The audit reasonably labeled the tactic both excessive and questionable.

"Oh, my God, are we on an HBO suspense thriller?" mocked a sour-faced Krom to the auditor who'd presented the findings at the Irvine City Council session.

Dan Chmielewski—a PR man by day, as well as an unrepentant defender of Agran/Krom corruption and co-owner of TheLiberalOC.com—fretted in a Jan. 13 blog post that the audit revelations might influence voters in upcoming city elections. Chmielewski opined that the real villains who emptied the Great Park coffers aren't Agran and Krom, who unquestionably controlled spending from 2002 to the end of 2012. Instead, he wants the public to believe the people who "wasted" park funds were council members who were in the minority and powerless during the entire period, Christina Shea and Steven Choi. According to Chmielewski, the Republican majority that took control of the city in 2013 and ordered the audit should not have hired HSNO—who performed forensic auditing in the ENRON and Bernie Madoff scandals. He says they should have instead used Agran-controlled city bureaucrats to write the report because they have "objectivity."

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reddbrique

13 days ago

I'm glad the \$174,000.00 was only diverted. With all this confusion it would have been really easy for someone to have stolen it!!! Sheeesh, that was a close one!

So does anyone have any idea when the \$174,000.00 will make it back home?

I'll look for it every night when I put on the porch lite for Jimmy.  
Grandma Hoffa

Like Reply



sandj.williams

Jan 27, 2014

Five years ago or more as the recipient of PR releases costing up to \$5 a pop to mail and a heck of lot more to produce, as the editor of a local La Habra paper, I was well aware something wasn't passing the smell test in the Great Park creation. Why would North County residents be that interested in something that did not even exist yet? Why didn't Irvine residents care that such luxurious, and they were luxurious and more suitable to introducing a movie, PR releases being produced regularly.

As a local government enthusiast, I wondered where were the Irvine citizens.

former newspaper editor

Like Reply



billbartell

Jan 24, 2014

WOW. Is there any chance area residents can get some REAL news around here ??? This "hit piece" is just the ramblings of a not-so-smart political operative in the press rewriting history, as usual. . . . These folks tried to make something wonderful happen for their community & the economy messed things up & slowed them down. END of story. . . .

Like Reply



rscottmoxley

Jan 24, 2014

@billbartell Oh, sure, "Bill." The "economy" made Larry Agran, Beth Krom and Sukhee Kang divert \$174,500 per month in critical Great Park public funds to three of their private campaign operatives. Given that you're barking precisely from Agran's lame talking points, you raise a question: Did Larry also type your comment?

1 Like Reply



ltpar

Jan 27, 2014

@billbartell Bill clearly you are an Agranista and have been overindulging in the kool aid? The only thing Larry Agran has tried to do wonderful for Irvine during the past twenty years is extend his power and influence, at the expense of others. This alleged "hit piece" is just the tip of the ice berg that long time residents have known about for years. Finally, the chickens are starting to come home to roost and the Wheel of Karma is rolling around. Stay tuned for the remaining chapters in the soon to be best seller, "Just Another Day In Paradise."

Like Reply



steelgolf

Feb 6, 2014

@billbartell Bill, as a project manager in the construction industry the Great Park is a Great Cluster F\*\*K. To have spent that much money, over that period of tim, and have nothing to show for it is unbelievable. In the private sector Agran would have been fired long ago. Now the taxpayers are at the mercy of the housing developer (former Lennar executive I think) because of the money Agran pissed away. He was clearly out of his league dealing with such a project and should have asked for professional assistance.

Like Reply

billbartell

Jan 24, 2014



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WOW, Is there any chance area residents can get some REAL news around here ??? This " hit piece " is just the ramblings of a not-so-smart political operative in the press rewriting history, as usual. . .

Like Reply



jimgilchrist

Jan 23, 2014

OMG! Journalist R. Scott Moxley is attacking a Democrat! This is shocking.

I thought Democrats were exempt from attack or criticism by journalists.

Jim Gilchrist, Founder and President, The Minuteman Project

1 Like Reply



ABartlett

Jan 23, 2014

Jim, Scott has been exposing Larry Agran's Great Park corruption for 10 years. As far as him going after Republicans, are you mad at him for exposing what Mike Carona did? Are mad at him for exposing all the crony capitalism by Curt Pringle? Are you mad at him for exposing former Assemblyman Mike Duvall? I myself applaud Scott Moxley. He has an almost de facto monopoly on investigative journalism here in OC because no one else seems to want to do this type of valuable work.

2 Like Reply



jimgilchrist

Jan 23, 2014

@ABartlett @ABartlett@ABartlett@ABartlett AI, Not mad. Just wary of the real intentions of journalists. They can be as corrupt as the persons they indict with their rhetoric. So much of journalism today is outright propoganda aimed at discrediting and/or distroying the target of the writer that only a fool would believe everything he or she reads in newspapers, blogs, etc.

Of course, being the repeated and ongoing target of deliberate and grossly irresponsible propoganda (outright lies deliberately presented as truth) by the OC Register's Frank Mickadeit has certainly reinforced my mistrust of most journalists. In my opinion, dirty Journalist Frank Mickadeit gives me all the proof I need to challenge anything a news journalist writes.

I expect the media to be the watchdog of government,for sure. But who will be the watchdog of corrupt journalists?

You can praise Moxley all you want, but that does not make him any less corruptible than the praises of pedophile priests by Bishop Mahoney made those priests any less corrupted.

The first casualty of propoganda is the truth, Mr. Bartlett. The next casualty is the victim of a witch-hunting lynch mob who foolishly believe the propoganda.

Jim Gilchrist

Like Reply



rscottmoxley

Jan 25, 2014

@jimgilchrist Hey, Jim! You might have a chance of sounding sober if you pour more tonic and less gin into your dozen daily cocktails. Have you or your robots run over more brown skinned people in parking lots as a show of nationalism?

1 Like Reply

jimgilchrist

Jan 26, 2014

@rscottmoxley @jimgilchrist

C115-9



I think you have my organization confused with the California Coalition for Immigration Reform (CCIR). Actually, you sound like one of their goose-stepping members. If not a member, I am sure their Machiavellian leader Vaughn Becht would love to bring you on board. He's every bit as misguided as you are. They probably need someone to drive the steam roller in their quest to run down brown-skinned people.

BTW, I don't drink hard liquor. Never had a taste for it. However, let's make a deal. I will stop drinking wine or beer as soon as you enter a rehabilitation clinic to deal with your meth addiction.

Jim Gilchrist, President, The Minuteman Project

1 Like Reply



**barackzero** Mar 27, 2014  
Moxley, your vile and reprehensibly dishonest cheap shot, characterizing Jim Gilchrist as a racist is vintage liberalism after the fashion of Larry Agran, whom you just toasted. Shame on you, sir.

1 Like Reply



**jimgilchrist** Mar 27, 2014  
@barackzero @barackzero I am targeted by dirty journalists and delusional loud-mouths all the time with accusations of being the quintessential racist, bigot, xenophobe, hater of mankind, Nazi and KKK lover, murderer (served in Vietnam War), psycho, gay transvestite, mindless zombie, fraud, thief, embezzler, etc... and the litany of bogus epithets goes on and on.

But, that is what dirty journalists do... cloud reality and the truth with fictional and unproven accounts of what they "want" the target of their wrath to be. That has been my endless complaint about the Orange County Register's Frank Mickadeit ever since he deliberately wrote (repeatedly, like in six editorial columns) that I was essentially conducting a criminal enterprise from within the Minuteman Project. Mickadeit, according to his commentaries, relied on a long-time friend of his for the "mis-information."

Coincidentally, I was suing his so-called friend in Superior Court at the time and was awarded around \$80,000 in judgments by Judge Wilkinson.

I've always wondered if Frank Mickadeit's professionally corrupt conduct was payback for justifiably suing his friend.

The favorable outcome of the law suits seemed to me to be irrefutable proof that Frank Mickadeit deliberately wrote lies for a naive and gullible public that he thought would interpret his balderdash as truth.

Frank Mickadeit, and Scott Moxley, or any dirty journalist, know they are lying to the public, and they purposely avoid asking the targets of their hatred for a rebuttal to the false claims made about them. God forbid that their targets ever have the opportunity to respond to false claims made about



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them! Why, that would relegate their writing to the heap of garbage that it is.

I remember in my newspaper reporter days back in the early 70s that whenever a newspaper writer conducted him or herself in that reprehensible manner they were immediately fired. Nowadays, firing of dirty journalists only happens at the highest levels of national print and broadcast journalism, almost never at the local levels.

Unfortunately, the first casualty of propaganda is the truth. And the truth is what most audiences want, whether they are liberals, conservatives, vile left-wing dissidents, or mean-spirited right-wing whackos.

Jim Gilchrist, Founder and President, The Minuteman Project

Like Reply



**BBAIN**

Jan 23, 2014

I don't know about you guys, but as long as they don't put in an airport, I don't really give a s\*\*\* what they do with that land. Sure - the original vision of the great park was blown up to convince voters to vote for the park over an airport (I'm probably paraphrasing previous points made by the Weekly). Agran has done a lot for the city of Irvine over the years - namely defeating the airport. So far, it seems as though there is no smoking gun here. Agran is not the only politician who has rewarded campaign contributors with lucrative contracts. BTW - I'm not pro-Agran... I voted for Choi. If there has been any actual illegal activity, put Agran and Krom in the slammer.

1 Like Reply



**Itpar**

Jan 23, 2014

@BBAIN Hold that thought about the slammer. U.S. Attorney are you listening or do you still have the blinders on?

Like Reply



**BBAIN**

Jan 23, 2014

@Itpar@BBAIN You're a long time Irvine resident as well, no? I assume you were against the airport as well? My parents moved from Texas to I-Town when I was 7, which was just under 30 years ago. Each time I see a new apartment community being constructed (which is frequent these days), I say "wait a minute - slow the f\*\*\* down." But I'm getting off the subject. Agran did a lot to make this the city it is, and the top-notch schools, and the beautiful shopping centers (not to knock other cities, but we actually have trees and flowers around our shopping centers), etc. Again, throw the book at him if he has committed any actual crimes.

Like Reply



**Itpar**

Jan 23, 2014

@BBAIN @Itpar I have known Larry Agran since 1978 and the man you see today is not the man we knew back then. As Irvine Police Association President, I actually supported him in his Council Campaign efforts in the early years. I took a lot of heat from my fellow Officers in the start, but after several good contracts, they shut up. As Agran's power grew, the man changed. The old saying, "Power corrupts, absolute power corrupts absolutely" has been alive and well in Irvine. Yes, in the early years, Larry Agran did do a lot of good things for Irvine including blocking the airport and helping put in place a Master Planned Community. Then he changed and anyone who didn't agree with

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him, or jump to his tune ended up in the gutter with their throats cut. It is now time for the Wheel of Karma to roll around and for Larry to reap what he has sowed. I for one will look forward to that day.

1 Like Reply



Brian J. Arra from Facebook

Jan 22, 2014

Well, at least it didn't become an Airport.

1 Like Reply



JJOK

Jan 22, 2014

Ask yourself why local law enforcement...Like Irvine PD...has not investigated the corruption of the mayor, city council, city bureaucrats, and Agranistas? Maggard was never appointed Chief of Police by Agran and the City Council as per California Code. Maggard did not file his oath of office (again as per California Code) until 10 years after he illegitimately took position as "Chief." The Irvine PD has been operating under an abandoned office of Chief for how long now? And you wonder why local law enforcement has blinders? FBI is looking into this one as well....supposedly. We shall see if they continue to ignore the 8000 lb Orange elephant in the room and how it got there.

Like Reply



Itpar

Jan 23, 2014

@JJOK First off, a Police Chief is not hired by the City Council in any place in Orange County. The Police Chief in Irvine was selected and hired by the City Manager, in this case Sean Joyce. Dave Maggard had been the Deputy Chief under Mike Berkow and was promoted when he left for Los Angeles in 2003. Chief Maggard was given his oath of office by the Irvine City Clerk before assuming his current position and I am confident any paperwork required was completed. The State Commission on Peace Officers Standards and Training is very thorough in checking sworn Police personnel and assuring all requirements are met. You are out to lunch on comments about Dave Maggard "illegitimately" taking the position. Chief Maggard reports directly to the City Manager and not the Council. The City Manager of course, is hired by, reports to and serves at the pleasure of three of five City Council votes in Irvine. Prior to a year ago, that meant Larry Agran and the gang. As I recall, the City Manager has a contract which runs for several more years.

For obvious conflict of interest reasons, the local Police Department's in Orange County do not investigate political corruption cases on local politicians. Criminal investigations, "Yes" but corruption cases, "No." Those are usually referred to the Orange County District Attorney's Office. I am confident that Chief Maggard followed that process if there were allegations of local corruption presented to him.

That said, many of us, especially those who have seen the underbelly of the Agranista beast over the years have wondered why Larry Agran continues to be the "Teflon Man?" Numerous requests have been made for investigations from both the United States Attorney and the Orange County District Attorney to no avail. With the District Attorney, many people believe he turned a blind eye to Larry Agran because of his Republican BFF's have been feeding from the gravy train at Great Park. That however is speculation, not fact. What is really needed is for the U.S. Attorney to direct the FBI to step in and initiate a Criminal Investigation of corruption at the both the City of Irvine and Great Park. Those guys are experts at what they do and chances are very good that we would see people being led from City Hall in handcuffs. Well, one can hope anyway.

Like Reply



Itpar

Jan 22, 2014

Scott, excellent opening salvo on the "Not So Great Park" fiasco. As the Council majority moves forward with granting subpoena power to the auditors, we can anticipate many additional sorry details to be revealed. The unfortunate part to this entire mess is that there continues to be reluctance of Federal and Local Law Enforcement officials to remove the blinders and get involved. The corruption in Irvine and at the Park could easily surpass that previously seen in the City of Bell. Keep up the great investigative reporting on this important topic.



C115-9

Like Reply

**18usc241**

Jan 24, 2014

@ltpar Hey, we finally agree on something.

Like Reply

**Michael Moon** from Facebook

Jan 22, 2014

We got a gang of three in Costa Mesa. Santana has it's merry crew. Anaheim has it's lifers. Don't start with the Supes or the DA's office.

Like Reply

**Gabriel Torres** from Facebook

Jan 22, 2014

A joke

Like Reply

**henrygattis**

Jan 22, 2014

Careful "thanksfortheemail", you are likely to get a surprise in the mail like me and Mill. Or perhaps a call to your boss, or simply have your kids stalked on Facebook.

The guy is a creep. ANYBODY who dresses up with his 20 something son as a comic book figure is wacked.

Look up Rispardal settlement and Alex Chmliewinski and you get a good idea of how he can afford his "Northwood" home, when he doesn't work.

Like Reply

**Whackadoodle**

Jan 22, 2014

LOL they Developers are having a Heyday because we let them take it. It should have been a Airport like it was but some well connected developers got a hold of it.

Dragging feet is part of it so in time people will forget or become complacent and they get a trillion dollars of land for free.

Politics is all about what you can Scam always has been.....

Like Reply

**thanksfortheemail**

Jan 22, 2014

Dan C. is completely full of hot air. That guy loves to sit around and mentally masturbate all day long about this stuff. He is so full of himself. When I used to have a radio show years ago, he would tell me any chance he had how wrong I was and what a fabulous media guy he was. He would spend hours ranting about what a wonderful radio talk show host he was. And how much more experience he had than me. It was a hoot to listen to him. He was such a gas bag. I always wondered, "Gee Dan, if you are so awesome, how come you don't have a radio show on a big network?" I would even wonder, "Gee Dan, if you are so great, how come you are only a blogger? Why doesn't the Register or the Weekly hire you?"

Dan C. is nothing more than a political hack. He is no different or better than the likes of Matt "Gerbil" Cunningham. Lies are part and parcel to his world. He would fall on the sword for Agran and Krom. He would fall on the sword for any Democrat. Just like Cunningham would fall on the sword for any Republican. Dan C. is a has-been. A relic of a forgotten past. He is a nobody.

When you realize who and what Dan C. is, then it makes understanding his motives easy. Once you understand there is nothing of honor behind his motives, then it makes you no longer fear what he says. And once you no longer fear his words, he becomes useless and without meaning. White noise in the background. It's there, but easily ignored.

35 Like Reply

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C115-10

# ORANGE COUNTY CRIMINAL LAWYER BLOG

PUBLISHED BY LAW OFFICES OF MICHAEL L. GUISTI

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Orange County Criminal Defense A

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## Orange County Great Park CEO Mike Ellzey faces charges of fraud, embezzlement

January 4, 2011

Posted In: Criminal Defense, Embezzlement, Felony, Fraud

By Michael L. Guisti on January 4, 2011 9:40 AM | Permalink

Irvine, Orange County - An article in the Salem-News.com caught the interest of Irvine criminal defense attorney and Irvine fraud lawyer Michael Guisti. Tim King and Roger Butow have covered the news on the happenings of the Orange County Great Park in Irvine for quite some time and should be acknowledged for their reportings.

Ellzey has been charged with transforming a dangerous and toxic military base in El Toro into a park for children and families. Now, this is the park in Irvine where there is a large Orange balloon which can be seen for miles and plans were made to build single family homes, condominiums, townhomes, parks etc.

The fund for the project at one point in time had \$240 million. There is \$19 million left, much of the money which cannot be accounted for. Where did all of the money go? There is speculation that Greg Cooley, CFO at Music Community Concourse Partnership, a nonprofit, may have been involved with the disappearing of funds. Nonetheless, a case is brewing for fraud, embezzlement, misappropriation of funds among others.

According to the California white collar crime attorney, in California, crimes like embezzlement are referred to as "white collar crimes". Examples of a California white collar crime are: grand theft, bank fraud, wire fraud, mail fraud, securities fraud, unemployment fraud, tax fraud, and honest services fraud among others.

The Newport Beach grand theft defense attorney states that the charge of embezzlement is defined in the California Penal code section 503. The Irvine criminal attorney explains that embezzlement has occurred when embezzlement is the fraudulent appropriation of property by a person to whom it has been entrusted. This crime is very common amongst the employee and the employer.

The Santa Ana grand theft attorney and Orange County criminal defense lawyer also explains that in California, Grand theft is a common charge that comes along with many embezzlement charges. California Grand theft is defined in the California Penal code section 487. Grand theft occurs when the amount of property taken is over \$400. Many white collar crimes are charged as felonies. Punishments include a prison sentence, fines and restitution.

The Costa mesa theft crime attorney and California white collar crime attorney also explains that in California, white collar crimes including embezzlement are considered very serious. It is important to hire a California white collar criminal defense attorney to help you defend your criminal charges. Many times, you will not be charged with one felony. Most of the time it is many depending on the number of acts committed.

Why is it important to hire a Irvine white collar criminal defense attorney or a Newport Beach grand theft defense attorney?

At the Law Offices of Michael Guisti, we understand the seriousness of a charge like embezzlement and grand theft. We have been successful defending our clients' white collar criminal charges. We have handled cases in Orange County, Irvine, Santa Ana, Newport Beach, Fullerton, Costa Mesa, Tustin, Huntington Beach, Westminster, Los Angeles, Riverside, San Bernardino, and San Diego County. Our Orange County criminal defense attorney has spent years helping clients with their misdemeanor and felony charges and has the experience to help you defend your case.

If this is a first time offense, you have no idea what to expect. Your mind, your body and your brain are trembling with fear. You don't have any idea what to do or who to trust. Talk to an expert. Call the Orange County white collar crime expert, Michael Guisti, he'll help answer most of your questions. As an expert in embezzlement and grand theft, this life altering act may cause you to paralyze and feel numb about your decision making process. Let us help you through this trying time in your life. Schedule an appointment with our Irvine white collar defense attorney today. Call for an appointment at (714)530-9690 or visit our website at [www.topcalifornialawyer.com](http://www.topcalifornialawyer.com). You'll be glad you did.

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# Orange County Great Park CEO Mike Ellzey Unmasked

Tim King and Roger Butow Salem-News.com

500 miles suddenly becomes a much shorter distance.

(IRVINE, Calif.) - The CEO of the 'Great Park' Corp. is charged with transforming a dangerous toxic Southern California military base, Marine Corps Air Station El Toro, into a park for children and families. We suspected some time ago that Mike Ellzey may not be exactly who he says he is.

After all, who would have the conscience to head such a project?

New information about a plagued parking garage project in San Francisco involving millions in missing money, an underling serving out a prison sentence at San Quentin, and a trail of unanswered questions, including years of unpaid rent to the city of San Francisco, is Mike Ellzey's most recent professional legacy. 500 miles suddenly became a much shorter distance.

Perhaps not surprisingly, there are some surprising revelations about the guy who is 'proud' to turn a toxic EPA Superfund site into a park for little kids to play in.

As outgoing Irvine City Council Member Christina Shea explained in a June 2010 interview with Salem-News.com, hundreds of millions of dollars once in place for the construction of the park no longer exist. While attempting to trace the missing funds, Shea says she has repeatedly been denied access to information. Shea says she had every right to see the numbers as a member of the Irvine City Council. Few would disagree.

What those missing hundreds of millions brought taxpayers, rather than a Great Park, is a mini-park with trees mounted in above-ground boxes, and a bright orange balloon that takes people into the air to see hundreds of acres of broken and destroyed buildings, and a once gallant flightline that now serves as a motorhome storage lot.

Shea said in June, "We only have \$19 million left, so much has been spent on development, I honestly don't know what we are going to do."

Almost \$240 million had existed to create the park. Beyond Ellzey, Irvine's pro-tem Mayor Larry Agran will eventually answer big questions about the missing money.

Now that officials in Bell, California have been fully exposed for financial malfeasance, perhaps it is time for the federal agents to direct their attention toward Irvine's Agran and Ellzey?

### Did a rat leave a sinking ship?

Our primary questions about Ellzey's past center around his public claims over having, as a Marine, accomplished tasks and filled roles that seem almost impossible. Fellow Salem-News.com writer Roger Butow and I both caught his unmistakable unsavory manner at an Irvine City Council meeting several weeks ago.

Greg Colley was fired in February of 2008 from his position as CFO after one of his bosses at the nonprofit, the Music Community Concourse Partnership (MCCP), discovered that he had taken millions of dollars over the course of several years (2006-2008)...At least that's all they could prove. He fled California, was caught then extradited from Salem OR. on August 1, 2008.....Then he was prosecuted and convicted by former SF District Attorney and recently elected State Att. General Kamala Harris, sentenced to over 5 years at San Quentin and ordered to pay back \$3.9 million. The stolen money, now gone, has not been accurately accounted for.

Roger attempted to hand Ellzey our research about the dangers of El Toro, an EPA 'Superfund' site, and he completely rejected the documents, showing us that he had no interest in the hard work of a group of former El Toro Marines whose information was more than on target.

That was the moment that we knew something wasn't right with Ellzey in particular.

So the word went out through several Marine Corps related channels that Roger and myself and other members of our group which we refer to as 'TET' for Team El Toro, are associated with. We advised that the team was seeking additional information about Mike Ellzey, and what Roger Butow described as "Ellzey's gloriousy embellished, tear jerker, self-aggrandized USMC history and service record."

Colley worked with Mike Ellzey, who was the Executive Director of the same scandal-plagued non-profit. Scroll way down this link which has the officials minutes of an October 16, 2003 meeting chaired by then Mayor Willie Brown. <http://sf-recpark.org/index.aspx?page=856>

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- No one who served with him in the USMC (either during basic training or at T. I.) stepped up, or could back up his tall tales about personally participating in numerous military funeral services as part of his duties, including attendance and involvement with the coffin of the last Marine killed in combat just before the Paris Peace Accords signed on January 27, 1973: Pfc. Mark J. Miller.
- Does Ellzey's alleged trip to the Vietnam Memorial constitute patriotism? Does his claim that he was spit upon as a Marine have ANY basis in fact, can this common but sometimes made up scene be proven to have occurred? What are the real facts, not Ellzey's claims but hard evidence (photos and docs) to corroborate his bio?
- The City of Irving stated publicly in Feb. 2008 that, "Ellzey has a law degree from Lincoln University, School of Law, and a Bachelors degree in Political Science from San Jose State diversity. Ellzey is a veteran of the U.S. Marine Corps and served as Legal Chief, Marine Barracks, Naval Station, Treasure Island." By our research, based on Ellzey's brief enlistment in the Marine Corps, the Marine who holds that 'Legal Chief' title at such an esteemed Marine facility, would have been *significantly* higher in rank.

Why did the OCGP Board hire Ellzey, a man who left one scandal-plagued corrupt project in his rear view mirror only to come to another one?

What happened to the \$3.9 million?

Did any of the OCGP Board members know details of Ellzey's history or bother to simply GOOGLE his former employer's name, browse media archives for San Fran? What kind of referral for Ellzey was the MCCC or its easily discovered black history?

Did Ellzey reveal this fiasco in a behind-closed-doors interview? If OCGP Board members found out that Ellzey's friend Greg Colley was the CFO of the corporate Siamese twin to Mike Ellzey's employer at some point after hiring him, why did they keep him on?

Ellzey's hiring as Deputy CEO at the Great Park was simultaneous with his resignation or termination in San Francisco; it was also contemporaneous with the news that Colley was indicted.

For those who are wondering 'what the big deal is' about all of this, simply appreciate that Ellzey very clearly has used his illustrious 'Marine Corps past' to open doors and to justify his role as CEO of the Great Park. *Surely*, people probably thought to themselves, this man would do the right thing, after all, *he was a Marine*. It has worked until now.

In the meanwhile, the money for the park that came from the blood, sweat and tears of Orange County taxpayers, has been squandered.

Today we learned a great deal more about Ellzey's past, thanks to one of our contributors who has done a lot of ground work and general research for Salem-News.com stories, primarily related to our Civil Rights and Hate Crime investigation of Oregon's prisons. In this case our source switched gears from that beat and spent a great deal of time digging up the facts surrounding Ellzey's time heading a very controversial and less than successful parking garage project at one of the Bay Area's historic sites.

From our source:

HOGWASH, Mr. Ellzey! Either you need to go back to law school and study the difference between a private gift and Revenue bonds, or you were outright lying in your 2005 interview about the situation in San Francisco you walked from. In 2005 you told your "apologist" blogger Anderson (who apparently can't sort wheat from chaff) that the SOURCE of \$55 million dollars funding of the parking garage project in San Francisco was a "GIFT."

Half a decade later, Mr. Whiting at the Orange County Register should have paid attention to what you said to Anderson in that 2005 interview, because Mr. Whiting may find, "the who lies down with dogs gets up with fleas."

In the Orange County Register (Oct. 12, 2010) article by Whiting he mentions how he just happened to come across an interview you did with a blogger (Anderson) from 2005.

Great Park CEO talks, no PR needed David Whiting - ocregister.com

Your 2005 Anderson interview is still online here: [Interview with Mike Ellzey: Executive Director of the Concourse Authority - districtdiary.blogspot.com](#) (and here: [salem-news.com pdf version](#))

Anderson asks you in the interview in 2005:

Questions: "How about the 'privatizing' the park issue? It's been charged that 'well, who is in charge? The Concourse Authority or the Music Concourse Community Partnership and Warren Hellman?"

(You, answer) Ellzey: Well, I think to use the word 'privatization' to describe our projects is hogwash. I really do. Why would the community be upset about the city receiving a \$55 million GIFT and where that money came from, so long as that money was a gift to the city and the city had absolutely zero risk associated with it? That's the deal we have with these folks. On the front end, that's \$55 million."

End excerpt.

Mr. Ellzey, must have known when Anderson interviewed you (with your high level of educational attainment, your time in government and even "finance" (per you) that it certainly was NOT a \$55 million dollar GIFT to the people of San Francisco that was to build the garage.

Over \$30 mil in Revenue bonds had to be sold to pay for the garage project as the donations had fallen short (remember the 2004 lawsuit?).

Sir you would have known that full well when you sat down with Anderson in 2005, so I must say "ditto" about you the recent headline at salem-news.com: "Falsus in uno, falsus in omnibus." False in one thing, false in everything.

Certainly, having gone to law school and such, you know that Revenue bonds are backed by TAXPAYERS and (HOPEFULLY) some long-term income produced (or a cost efficiency of long-term savings) from project financed by bonds. Oh yes, this garage will be gifted back to the city after the bonds/loans are paid (as it is owned by a semi-

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government setup. That's construed as a gift by you??

Here's just the facts: [City and County of San Francisco Budget & Legislative Analyst - sfbo.org](#) (and: [salem-news.com pdf version](#))

Public trust is a very difficult thing to maintain when a person's actions are totally surrounded by allegations of wrongdoing. The base at El Toro has been closed for many years and at one point, there were plans to transform the toxic ground into a housing subdivision and, as the content of this article indicates, a 'Great Park' for the residents of Orange County. There were other promises. None have come to pass, and the awful orange balloon is a terrible spectacle that is suicidal in nature to any hope of positively showing the place.

#### History of Corruption in Orange County

All of this in Orange County, a massive government entity in California that actually had to file bankruptcy in 1994.

OC saw its former Sheriff-Coroner Mike Carona indicted by a federal grand jury along with his wife, and his alleged longtime mistress on corruption charges in 2007. He was convicted and sentenced to 66 months in prison which he has still not yet served.

Wikipedia explains how Carona received over \$215,000 in pension checks in 2009, in spite of his felony conviction, as the county's retirement system faces a massive shortfall totaling \$3.7 billion in unfunded liabilities. In fact, 'Carona the convict' is one of approximately 400 retired Orange County public servants who received more than \$100,000 last year in benefits.

It seems the corruption is just rampant in this Republican stronghold of California, and one has to wonder if that was some kind of a draw card for Ellzey. Not the Republicanism, but the prominence of corruption. People in San Francisco do have a tendency to be less accepting of corruption and the press there tends to call it out more than those who write news behind the Orange Curtain. Interestingly, as our unnamed source reveals, the story that led to millions of missing dollars under Ellzey's watch, connects back to Salem, Oregon.

From our source:

Quote: On June 2, 1998, voters passed Proposition J, the Golden Gate Park Revitalization Act, to improve the Music Concourse area of Golden Gate Park and reduce the impact of vehicles on the park through construction of a privately funded, 800 vehicle garage and various transit improvements. This Act established the Golden Gate Park Concourse Authority to effectuate the garage project and related transportation initiatives. In November of 2003, the Board of Supervisors approved a 35-year ground lease between the City and the Music Concourse Community Partnership, a non-profit public benefit organization established in December of 2001 to finance, design, construct, and operate the Music Concourse Parking Garage under the oversight of the Golden Gate Park Concourse Authority. The parking garage was developed at the Music Concourse Community Partnership's sole cost and expense. Proposition J prohibited the expenditure of any public funds.

After an extensive public consultation process and a lawsuit in 2004, the parking garage was opened in October of 2005 at a total cost of \$55 million, funded by revenue bonds issued by the Music Concourse Community Partnership in 2004 and by philanthropic donations.

There's more regarding the revenue bonds being recently needing core-financing: [Golden Gate Park Concourse Authority meeting November 18, 2010 - sfreepark.org](#) (and: [salem-news.com pdf version](#))

Excerpt:  
NOTICE OF SPECIAL  
PUBLIC MEETING  
November 18, 2010  
12:30 P.M.  
CITY HALL, ROOM 416  
AGENDA

MUSIC CONCOURSE COMMUNITY PARTNERSHIP - REFINANCE Discussion and possible action to recommend that the Recreation and Park Commission and Board of Supervisors approve the Music Concourse Community Partnership's proposal to refinance the Series 2005 Bond Anticipatory Notes with Tax Exempt Bank Qualified Bonds from First Republic Bank in the amount of \$30 million. (ACTION ITEM)

Interestingly, there's a bit more to the Revenue Bond - Fiscal Fiasco story Golden Gate Concourse story (and embezzlement too): [Deadbeat San Francisco Garage Asks Board to Endorse \\$30 Million in Federal Stimulus Loans Matt Smith blogs.sfweekly.com](#) (and: [salem-news.com pdf version](#))

Excerpt:

By Matt Smith, Mon., Dec. 6 2010: "The nonprofit that operates the parking garage serving the de Young Museum is three years behind on its \$100,000 annual rent payments owed the city.

But that hasn't stopped the Music Concourse Community Partnership from requesting that the Board of Supervisors give its blessing to \$30 million in loans backed by the federal American Recovery and Reinvestment Act stimulus funds.

In 2008, museum officials discovered that the garage's chief financial officer, Greg Colley, had embezzled \$3.6 million. (Colley was fired in February 2008 and arrested in August 2008 in Salem, Ore.)

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Read more here about the garage fiasco, Mr. Ellzey: [Really feeling the economic downturn - Google web cache](#) (and: [salem-news.com pdf version](#))

The garage has struggled ever since, gradually paying overdue bills to some contractors and vendors, leaving for last money owed the city in land rent.â€

â€œIn March 2008, the San Francisco Chronicle cited former Board chair Richard Bingham as saying the embezzlement had not endangered the garage's operations. He was also cited saying no taxpayer funds had been lost when Colley skimmed millions unnoticed by Bingham and the Partnership's one other director, Dede Wilsey.â€

â€œThose statements -- that operations were not endangered and taxpayers hadn't been dunned -- will not become true in a strict sense until the bank obtains \$30 million in bank financing made possible by a President Obama stimulus provision.â€

â€œNotwithstanding, Kropf explains that the re-financing package, the subject of a bill to be considered Tuesday by the Board of Supervisors, is not directly linked to the 2008 embezzlement scandal.â€

â€œAccording to documents accompanying the debt proposal, the garage also owes \$1.5 million to Swinnerton Builders, and has \$30.9 million in outstanding initial construction debt, much of it coming due next year. The garage has managed to make interest payments on that debt by taking out individual loans, while putting off vendors -- and its city government landlord.â€

"The embezzlement is a black mark and an incredible story," Kropf said. "But he was found out, and has been serving time in San Quentin," she said. "But this refinancing is not specifically reacting to the fraud."

Rather, she explained, the garage has always intended to issue new bonds to cover its outstanding debt, and the stimulus program seemed like a great deal because of a relatively low 5.5 percent interest rate, and a 28-year term.

"It came up, and it was an opportunity we felt we could not skip," Kropf said.

At the time of the embezzlement criticisms were leveled at the Partnership's two board members, Wilsey and Bingham, for failure to spot the embezzlement scheme until an unpaid contractor inquired about missing money. Since then, the board has been expanded to seven members, Kropf said -- Wilsey and Bingham continuing to serve.

End excerpts.

Mr. Ellzey, it is you who is full of HOGWASH!!!

*Team El Toro* is a cohesive group of El Toro Marine veterans aligned under Salem-News.com; anyone familiar with our work in this area knows that Salem-News.com writer Robert O'Dowd has written many stories about El Toro's contaminated wells and many other aspects of the base. John Uldrich has been working closely with the team since the beginning and former Marine officer Dave Bedworth has been extremely helpful, especially with his articles about another Marine base with the same type of deadly contamination; Camp Lejeune in North Carolina.

Perhaps because he is a tried and true water quality activist who lives in the immediate vicinity of El Toro and its related pollution, Roger Butow has been our most forward voice in this fight and he certainly is our point man.

*Appropriately, Roger shares his thoughts and closes this article with several relevant points.*

*Ellzey should resign to remove the cloud of suspicion that is now stalled over the heads of the OC Great Park Board, he has become an intermittent distraction for an entity that has already endured enough CEO nightmares. Ellzey's hiring for the Great Park CEO position was a direct result of his supposed and highly publicized, highly praised prior leadership and incredible success in San Francisco. It's unclear whether Ellzey approved of or sponsored the hiring of Greg Colley as CFO, but that doesn't eliminate the atmosphere of contamination. Then too if this happened on Ellzey's watch he definitely can't be trusted any longer.*


*Like the former base itself, Ellzey is toxic, there is a type of guilt by association in this revelation. So what didn't Ellzey know and when didn't he know it? What does he know now that he has firewalled or hidden from the public about the finances and actual soil and water contamination? How can Ellzey be trusted with the oversight of billions of public funds at the Great Park if he was any part of such a colossal scandal involving far less money, is this the fox guarding the henhouse?*

*That SF project is not a stellar resume' stuff.*

*Ellzey MUST have been subpoenaed and deposed by then SF District Attorney, now Attorney General Kamala Harris after his appointment to the OCGP position. Did he disclose this in 2008 to his godfather, Larry Agron, or to the OCGP Board members who failed at their due diligence and kept him aboard without a thorough background check?*

*Did he cut a deal, snitch out Colley and cut his own deal to avoid prosecution?*

*It's obvious that this former MCAS El Toro is not only a metaphorical graveyard of Marines and civilians who drank and bathed in the carcinogenic-laden water, but is cursed, hexed, under some evil spell. Maybe it's the ghosts of those whose health was severely affected, reaching out from their hospital beds and the grave for justice, just like the movie POLTERGEIST.*

Tim King is a former U.S. Marine with twenty years of experience on the west coast as a television news producer, photojournalist, reporter and assignment editor. In addition to his role as a war correspondent, this Los Angeles native serves as Salem-News.com's Executive News Editor. Tim spent the winter of 2006/07 covering the war in Afghanistan, and he was in Iraq over the summer of 2008, reporting from the war while embedded with both the U.S. Army and the Marines. 

Tim holds numerous awards for reporting, photography, writing and editing, including the Oregon AP Award for Spot News Photographer of the Year (2004), first place Electronic Media Award in Spot News, Las Vegas, (1998), Oregon AP Cooperation Award (1991); and several others including the 2005 Red Cross Good Neighborhood Award for reporting. Tim has several years of experience in network affiliate news TV stations, having worked as a reporter and photographer at NBC, ABC and FOX stations in Arizona, Nevada and Oregon. Serving the community in very real terms, Salem-News.com is the nation's only truly independent high traffic news Website. As News Editor, Tim among other things, is



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responsible for publishing the original content of 65 Salem-News.com writers. He reminds viewers that emails are easily missed and urges those trying to reach him, to please send a second email if the first goes unanswered. You can send Tim an email at this address: [newsroom@salem-news.com](mailto:newsroom@salem-news.com)

Launched in 2010, *Odd Man Out* is the creation of Roger von Bülow and his OMO columns are written exclusively for Salem-News.com. Born and raised in the LA Harbor area, son of a German immigrant father, he's been in Orange County for 45 years and is a 38-year resident of Laguna Beach, Ca. In 1998, he began his professional career in environmental review processes (CEQA, NEPA, MND, MND and EIR/EIS). He's a rare mix of cross-trained builder, writer and consultant as he brings his extensive construction experiences dating back to 1972 into his eco-endeavors. He has tremendous field and technical expertise in successful watershed restorations, plus wastewater, urban runoff, water quality monitoring/improvements and hydrologic mechanisms. He's built everything from commercial spas to award-winning private residences, and provided peer review and consultant analyses for single homes, subdivisions and upscale resorts.

View articles written by Roger Butow [Read Roger's full biography on the Salem-News.com Staff Page](#)

His resumé is extensive, try an online GOOGLE search of his personal journey and historical accomplishments. His consultation fees are reasonable and if you've got a major project that alarms you, that needs creative intervention, then he's your man. His credentials and "CV" can be provided upon request.

Contact him at his office: (949) 715.1912 or drop him an email: [rogerbutow@cleanwaternow.com](mailto:rogerbutow@cleanwaternow.com)

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#### Comments

Roger Bülow August 14, 2011 2:48 pm (Pacific time)

Derica:

Your father's accomplishments in the Bay Area already have a controversial and questionable air about them, others have covered their true impact. Nonetheless, helping public or private facilities doesn't constitute patriotism, especially if he was well paid for his work. Inversely, does lying about his USMC record mean he's a traitor? No, but he lied about his position as Legal Counsel, he rotated back in after initial discharge to go to OCS, then within 48 hours of arrival was shown the door, washed out and washed up. At minimum he's a liar, at maximum someone who padded his CV, falsely represented his CV and should be fired for those breaches of ethics alone. Your father has dishonored the USMC, dishonored those who didn't get a Free Pass due to his father's lobbying to keep him from overseas duty, etc. If your father is soooooo heroic, so brave, why hasn't HE come forward and set the record straight, litigated us for libel/slander, etc.? You know why? Because we and our extensive Veteran's support network caught him, because our due diligence proved what his own employers failed at: We unmasked a bogus service record, a man who like his ample girth padded his resumé too. He is now part and parcel, a significant player in the Great Park Fiasco, a con man who found one more con game, one more con artist like himself: Larry Agran. If you're so outraged, get your pops to cough up the truth...It might be interesting. After 2 years of posting our incriminating evidence not one shred of legitimate rebuttal, his or others, has come to our attention. The punishment of a liar is that he's never believed, even when he speaks the truth. Your dad and truth parted company decades ago. He got a cushy stateside desk job because of his father's influences, he doesn't have the guts to respond to or engage us---Like the USMC movie (A Few Good Men) with Jack Nicholson, your father can't handle the truth. Unlike Tim who was compassionate, I have no sympathy for stalking horses, for responding kindly to supposed relatives of his---Where's your supporting facts that you're actually his daughter? Either file in court or go back to believing a self-created myth, that Mikey is a great guy who miraculously avoided Vietnam while less-connected and less-privileged USMC brothers and sisters were sent over and died there.

Oct-18-2010: [Irvine Great Park CEO Michael D. Ellzey: Is This Man An Imposter? - Roger Butow Salem-News.com](#)

Dec-13-2010: [Great Park Irvine CEO Michael David Ellzey - Investigation Reveals USMC Biographical Disparities and Much, Much More...Salem-News.com Staff Report](#)

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Derica Ellzey August 14, 2011 10:37 am (Pacific time)

I am disgusted after reading such libel against my father. He is a patriot to his country and a philanthropist to all. I was with him when he visited the Vietnam Memorial and cried as he made charcoal copies of his fallen friends' and soldiers' names. I take great offense to the ridiculous accusations most of you have made toward my father. He is someone that deserves to be looked up to. Mike Ellzey helped initiate the free parking garages in Downtown San Jose to increase business in the dwindling downtown. Another amazing project he took part in was the free trolley system in San Francisco. Helping to bring and salvage trollies from all around the world to add character to the eclectic City of San Francisco. Before the help of my father, Golden Gate Park had never been so beautiful. Thanks to him parking is available for 800 cars underground giving better access to the newly remodeled de Young Museum which he also contributed to. Without him the park would still be lined with cars obstructing visitors views of the beauty that is Golden Gate Park. This article was written by a journalist with unsupported facts. If you cannot get any support of your "findings" than keep it to yourself. This is the problem with our society, people will read and believe anything posted on the internet. What happened to Critical Thinking and Supporting your facts. All I see are King and Butow stirring up unnecessary insults to tarnish the name of a good man.

Tim King: Oh that's good, you're supposed to stick up for your dad, and I stick up for the tens of thousands of Marines who served aboard that toxic base that your father and his buddies are presenting as this sweet place, what an illusion. We know about the parking garages, and about the missing money, and the guy who went to prison, and also how Hunters Point was the scene of another Lennar project, one that left African-American families in homes that were falling apart and wreaking toxicity. SF is full of fools who care about their money. (Lennar is the proposed developer of luxury homes on El Toro, which was treated like a garbage can by the U.S. government for over fifty years- the base Derica's father wants to see exist as a park for children today. I know Marines who have died horrible deaths and watched their family members perish from illnesses connected to TCE at El Toro.) Derica, nothing personal, you would be wrong for not standing up for your dad... unless that is you are able to look at the bigger picture, and agree with me. This is an example of critical thinking, many people worked in the background while Roger worked and worked. Can you see it from our perspective? if so you would understand how terrible it is to be involved with a project that stands to contaminate families and kids with real toxic soup. And Derica, we had not one but two Irvine City Council members on our side, can you appreciate the significance of that? Your dad unfortunately has not been open with the media, he refused to receive our documentation that Roger tried to hand to him one night at city council in Irvine and Roger and I were both there. He could have spoken to us, but he is the personification of big business gone bad and we are the dead opposite, just some regular guys trying to get the word out to help our fellow humans. If you have other thoughts, you can write to me in total confidentiality at [tim@salem-news.com](mailto:tim@salem-news.com) and maybe there is something you can offer that would sway our thinking, maybe I could affect the way you see it.

Roger von Butow December 17, 2010 12:54 pm (Pacific time)

Bless you, "remediation=federal \$\$\$" whomever you are for posting that Ellzey/LENNAR/Hellman info

You've just connected a critical dot:

FACT: Warren Hellman is the primary philanthropist that Ellzey was in close contact with back at the GGP Concourse Authority

FACT: Kofi Bonner is the Pres. of LENNAR.

Both do serve on the Board of Directors of the Bay Area Council and socialize.

[http://www.bayareacouncil.org/bay\\_area\\_council\\_board.php](http://www.bayareacouncil.org/bay_area_council_board.php)

No stranger to scandal themselves, LENNAR is the commercial/residential developer of OC Great Park who has already reneged on much of what was promised. in the eye of the controversy storm. You've just provided an explanation of a possible scenario that draws a straight line from San Francisco to Irvine. Hellman and Bonner godfathered, sponsored, recommended, referred Ellzey to the OCGP Board. Though unqualified Ellzey could be manipulated and controlled by LENNAR. Maybe that's why Ellzey was able to buy a big expensive house in Foothill Ranch, a rumor TET is trying to confirm, plus he might have changed wives too and now has an OC trophy bride. Could have been some kind of big payoff for relocating from his usual San Fran predatory turf.

It was never about Ellzey's credentials---It was about slipping a LENNAR mole inside the OCGP fence, into that keystone CEO position to keep LENNAR aware of possible obstacles and scandal. Ellzey could then report ANY confidential info he was privy to that might affect public perception and shelter LENNAR preemptively. Ellzey =LENNAR's point man. Larry Agran didn't find Ellzey: LENNAR (Bonner) did over a game of golf or cocktails on the SF wharf.

The wheels were coming off up north anyway, just as Colley fled the State trying to avoid the poliee Ellzey fled his cash cow zone---For another more lucrative one. Then again, wharves are know habitats for large rats.

Lennar a bad idea? December 16, 2010 10:26 am (Pacific time)

<http://www.youtube.com/watch?v=B-GvYWIQCYM>

This above video is regarding the very same Lennar Corp. which is mentioned in this Orange County Grand Jury report:

<http://www.ocgrandjury.org/pdfs/greatpark/The-Great-Park-Report.pdf> If that page ever fails, you can always click this link: <http://www.salem-news.com/lms/pdf/The-Great-Park-Report.pdf>

Another video on Lennar, I found interesting (involving another military base and other people talking about Lennar):

and this website has more details: <http://www.lenn-ron.com/>

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SF Park December 16, 2010 5:09 pm *(Pacific time)*

You missed an important distinction - Ellzey was the executive director of the GGP Concourse Authority, a public agency tasked with implementing Prop. J. The imbezzler Greg Colley was the financial officer of the Music Concourse Community Partnership, the private entity fundraising and building the garage. Ellzey had no knowledge or control of Colley's actions or employment.

---

remediation= federal \$\$\$ December 16, 2010 10:56 am *(Pacific time)*

[http://www.finalcall.com/artnan/publish/National\\_News\\_2/article\\_7159.shtml](http://www.finalcall.com/artnan/publish/National_News_2/article_7159.shtml)

buying mothballed toxic military bases (like El Toro) = federal remediation money and contracts. Lennar is in line to tap taxpayer money at some point.

Kofi Bonner, President of Lennar/BVHP, and uber-rich Warren Hellman (the Golden Gate parking garage fiasco-philanthropist) rub elbows on the Bay Area Council. Pelosi's nephew, Laurence Pelosi, was even a Lennar exec for awhile.

---

can't con a con ? December 16, 2010 9:55 am *(Pacific time)*

Lennar (mentioned in the Orange County Grand Jury report regarding the Great Park), is a 'partner of sorts' with the Great Park boondoggle.

This video is interesting. The speaker in the video is of course now being sued by Lennar. However, there's an old saying, "You can't con a con", so I found this video quite (well) amazing!! The speaker calls Lennar, "a financial crime in progress."

Windows media link <http://www.2big2go2jail.com/windows.html>

Quicktime link <http://www.2big2go2jail.com/quicktime.html>

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Jeff Lalloway sworn in December 16, 2010 9:34 am *(Pacific time)*

Lalloway was sworn in last night to Irvine City Council.

<http://www.lallowayforirvine2010.com/>

Quotes from Lalloway's campaign webpage (link above);

1) "We need to restore accountability to our city government and keep the promise of Irvine's bright future."

2) "I have served as the Vice Chairman of your Finance Commission, reviewing the City Council's expenditures. My report to you is simple and straight forward; we need fiscal responsibility and a change in direction on the Irvine City Council. First, we need to clean up the mismanagement of the Great Park. The current City Council majority awarded the park's consultants work with no bid contracts and little oversight. These consultants then over-billed our city millions of dollars. Worse yet, the Council majority refused to review their mistakes. In return for turning a blind eye at the possible fraud and double billing, Larry Agran and his "Team" have received millions of dollars in campaign contributions from those same businesses and consultants. Soon over \$200 million will have been spent and all the city has show for it is a fading balloon and three soccer fields."  
[end excerpts]

Shea is now gone from the Irvine Council...but I'm confident (after hearing her speak in recently published salem-news.com videos, found here at salem-news.com) that Shea's heart is still with the greater public good and she will become an even greater champion of the people of Irvine, going-forward.

---

old flea infestation at Irvine's Gr. December 16, 2010 7:28 am *(Pacific time)*

Apparently, the citizens of Irvine have had to long rely on previous 'bad calls' (similar to this Mike Ellzey affair) by City officials and related money-connected entities; such as, the prior hiring and later promotion of a convicted-felon embezzler, Marty Bryant, to oversee the Great Park.  
<http://www.theliberaleoc.com/2007/11/07/irvine-great-park-ceo-has-a-criminal-record/> If I was a taxpayer-voter in the Irvine, I would be demanding a thorough forensic audit of the whole financial situation of Great Park, post-haste.

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**From:** Tom Powers [mailto:blkmtnS6@roadrunner.com]  
**Sent:** Friday, June 20, 2014 2:35 PM  
**To:** Jennifer Jesser  
**Subject:** Re: Mob Rule in Carlsbad

Dear Jennifer,

C116-1 | In the 1980's and early 90's I led the historical preservation fight against Chinese and Jewish crime syndicates who were turning *downtown* Sacramento into a sea of redundant tilt-up concrete. I lost many battle and they came close to killing me (*Luck of the Irish*) but I won the Preservation War! Governor Brown lives in a building that I saved from demolition. With Carlsbad's new draft General Plan my old enemies are on the verge of winning another *Developers Wor*. But once again they are going to have to go through Tom Powers (smile). I would rather just surf and paint but the Good Lord keeps putting me in these situations? I cost developers in Sacramento over \$40 million. Sacramento City Manager, Doc Wisham, was quoted in the *Socromento Bee* as saying: "*There is nothing I believe in so strongly that I would be willing to oppose Tom Powers on an issue he was passionote about.*" Translation: Doc worked for the "Man", I worked for the Lord. (smile) In 1997, I was a *MocArthur Genius Award* finalist for my OPEN EYES project. My father was a co-founder of UCSD with Roger Revelle and, together, they broke the anti-Semitic line in La Jolla (1965) by creating *Lo Jollo Farms*. For there service to the Jewish community, Roger Revelle was shipped off to Harvard and my dad was sent to Vietnam. I am willing to work with you on the draft General Plan because it is misguided and flawed. I am "family" and I am just trying to do right by Carlsbad. Just remember when the

C116-2 |

C116-3 | La Costa *wise guys* get their *pound of flesh* they *burst the bubble* and you will be left to face the angry mob. Currently the only DeSal plant in California is in Santa Barbara. It has been

C116-4 | decommissioned for 20 years. Its DeSal filtration system was sold off a long time ago. In the same year as the last General Plan was created (1997) the City of Carlsbad floated a bond measure to build a DeSal plant. It was to cost \$70 million. Now it will cost over \$700 million and the City had to float another bond measure. We have spent close to \$1 billion on a system that has not delivered one drop of water? Of course the system is being created in Haifa Israel, just

C116-5 | like the new *Technion* graduate school. Alfred Toll (the Toll Brothers father) sat on the *Technion* board and also had to sell his Atlantic City casino holdings because of his ties with organized crime. I pray the good citizens of Carlsbad are not going to let you get away with this? I am including several attachments to support my statements.

Respectfully,

Thomas Mark Powers (Tom)

PS: I don't do *dog & pony* shows anymore ("upcoming meetings")

**STATEMENT OF PURPOSE**  
**Cultural Arts Manager**  
**City of Carlsbad**  
**Thomas Mark Powers**

For the position of *Cultural Arts Manager*, I respectfully submit my resume for your consideration. My dance with the  *muse* spans 40 years with experience in every facet of the Arts. As to my qualifications, first and foremost I am a California artist/historian. I hold three degrees in fine art: a high school diploma from North Carolina School of the Arts, a BFA from Maryland Institute College of Art and a MFA from Laguna College of Art and Design. Additionally, I have studied with California artists Wayne Thiebaud, Richard Diebenkorn and Clyfford Still. I am co-founder of *Black Mountain College Museum + Arts Center* in Asheville, North Carolina, and have hosted readings and “happenings” by such distinguished *Beats*’ as Lawrence Ferlinghetti, Allen Ginsberg and John Cage. Other qualifications are my experience as a community organizer and preservationist. For the past 19 years, I have been the President of Black Mountain Productions, a Multiple Intelligence/Arts Education based 501(c)(3) consortium created by Dr. Howard Gardner at *Harvard Project Zero*.

For ten years, I was active in the preservation of 19<sup>th</sup> and early 20<sup>th</sup> century California architecture. In 1985 I initiated the revitalization of downtown Sacramento by restoring the *Merrium* apartments, Sacramento’s finest example of *Prairie School* architecture. When expansion of the community center threatened the Merrium with demolition, I found my media and theatrical skills an effective tool in my advocacy for its preservation. Recognition of my efforts has been acknowledged in periodicals such as *Preservation News* and the *Sacramento Bee*.

I have done extensive work with the Sacramento city government. I initiated seminars in how to design historically sensitive/cost-effective structures, which harmonized with a neighborhood’s existing aesthetic character and architecture. My presentation before the city’s Architectural Review Board induced the board to require the owners of the new Hyatt Hotel, located in a historically sensitive area, to add \$2.5 million worth of aesthetic improvements to their structure before receiving city approval. I expanded on my architectural credo by developing a proposal to replicate a *Prairie* style apartment building on a site across from the California State Capitol. I successfully negotiated \$1.2 million for the construction of the building from the City of Sacramento as well as the right to remove all the antique fixtures from a National Register of Historic Places building the city was tearing down. These fixtures were incorporated into the new building. In 1995 the finished apartment building received the *Governors’ Award* for excellence in design. That same year, I developed a proposal to create the *19<sup>th</sup> Street Arts Corridor* in midtown Sacramento. I also collaborated with state and local governments to secure the initial funding for the arts corridor.



C116-6

My teaching experience began in 1993 when I taught art at Rock Hill High School in Rock Hill, South Carolina. During this period, I developed a visual art curriculum that I entitled OPEN EYES. It is based on the pedagogical philosophy of Josef Albers that he developed at the Bauhaus and Black Mountain College (BMC). The most notable result of my OPEN EYES effort was that five of my students took top honors at the most prestigious student art exhibition in the State. My method for teaching OPEN EYES is hands-on, and my central and consistent effort is to teach method and content. In particular, I invite students to realize that the way they handle facts through creative application is as important as the facts themselves.

In 1996 my Harvard-based non-profit art education consortium Black Mountain Productions (BMP) was granted \$100,000 through the Z. Smith Reynolds Foundation. My involvement in educational technology grew out of my work with OPEN EYES curriculum. In 1997 I was offered an opportunity by White House Chief of Staff Erskine Bowles, North Carolina Governor Jim Hunt, BellSouth and Apple Inc. to take my OPEN EYES curricular approach to the State's under-funded schools via the *North Carolina Information Highway* (NCIH).

In my capacity as BMP President, I served as an intermediary between all artistic, educational, corporate and governmental entities, handled all administrative duties as well as overseeing daily operations of the OPEN EYES project. I, also, wrote all the grant proposals, budgets and met with the chief officers of foundations about requested funding. Upon request, I can provide you with a \$12 million operating budget I created for *Coronado School of the Arts*.

Another aspect of this work involved taking advantage of new possibilities in digital media and communications. For example in 1997, I created one of the earliest interactive *coast to coast* teleconferences in "real time". BMP utilized the NCIH's fiber-optic system to video-stream their statewide educational conference to *Apple Corporate Headquarters* in Cupertino, California. Also, in 1997 BMP created the North Carolina Teachers Resource, Assistance & Information Network (TRAIN) which delivered online professional development in Harvard-based arts education to teachers statewide and contained America's "first" web gallery. In 1998 TRAIN became LEARN (Learners and Educators Assistance and Resource Network), a Worldwide Website maintained by UNC-Chapel Hill. Recently, I reinstated BMP's 501(c)(3) tax status with the IRS. Since 2009 I have collaborated with BMCM+AC on the **RE-VIEWING** International Conference, which was in part the subject of my MFA Thesis, based on the legendary BMC Summer Institute (Buckminster Fuller was the director) and the pedagogical paradigm for Harvard Project Zero Classroom (which I attended in 2004)

I was an art professor at Palomar College. I am a docent at *Mission San Luis Rey* and have been helping the padres raise monies for their seismic retrofit. My father worked at SIO/IGPP for Roger Revelle and was a career Marine. I have roots in the Carlsbad Barrio and collaborated with Scott Bradstreet to create *Pine Avenue Park*. I am a 2003 *Carlsbad Citizens Academy* graduate where Mayor Bud Lewis presented me with my own block and gavel.

C116-6

In November of 2012, I was asked by my fellow *University of North Carolina School of the Arts* (UNCSA) alumnus to apply for the Chancellorship. I have enclosed my UNCSA *Open Eyes* manifesto as my *personal statement* to provide insight as to what I would do as Cultural Arts Manager, it is written in *Scots-Irish/Appalachian English* (North Carolina vernacular). In 1748 my Scots-Irish family settled in North Carolina. As a Californian, I would often be asked to translate California vernacular into North Carolina *Scots-Irish* when my educational consortium was in Charlotte. It is imperative to be able to communicate in the *vernacular* of a community. That it speaks to greatness and not mediocrity. The fact that I am one of the original Carlsbad *kids* is a chaotic intangible I would bring to the Cultural Arts Manager position. I lived in Carlsbad when the city was in its infancy, when everyone knew and cared for everyone else. If we needed a baseball field we all grabbed our shovels and built it! (Chase Field). Our shovels were not subsidized by the government nor did we have to pass a bond measure to pay for them. More importantly, we had good schools that were based in the Arts.

On April 1, 2013, I met with Council Member Lorraine Wood and Dr. Kathy Dobson to discuss the City's plan for a college (*Technion-Israel Institute of Technology*) and creating a cross-genre Arts/Multiple Intelligence education approach for the new *Sage Creek High School*. The opportunities being offered Carlsbad are on a highly evolved level of global consciousness. This level of consciousness can only be accessed through the arts and intuitive intelligence. The Cultural Arts Manager will act as interpreter/facilitator/coordinator for these complex global options and offerings now before the city council. Without fully understanding the complex *nature of the beast*, Carlsbad will be ill-equipped to meet the demands of the digital age. If Irwin Jacobs' *Technion Institute* is located in Carlsbad, Sage Creek High School will become a *Global Learning Charter Public School* which indoctrinates F-1 students in relativism instead of inculcating them in an intuitive approach to problem solving (project-based learning). To quote Nietzsche..."*The surest way to corrupt a youth is to instruct him to hold in higher esteem those who think alike than those who think differently.*" Man, like a painting, can never be a finished creation. Education may lay the foundation of poverty or riches, industry or idleness, good or evil, it can also imbue the learner with the consciousness to create or only the limited capacity to copy. Thomas Wolfe, in his chaotic manuscript *The October Fair*, reaffirms the biblical passage: "no prophet is accepted in his hometown" (Luke 4:24) when he exclaimed that "*you can't go home again.*" Carlsbad needs a Cultural Arts Manager who will protect our community's cultural ethos by expanding its arts consciousness and reconnecting it with California's deconstructed sybaritic counter-culture. Only then can Carlsbad successfully perform on the global stage. It is time for me to finally *return home* and retire the city's outmoded arts council paradigm and focus on an intuitive approach that will restore our sybaritic lifestyle and strengthen our schools and businesses through the Arts. I look forward to meeting with you to discuss my relevant qualifications and transcendental vision for Carlsbad.





C116-6

*“I would teach children music, physics and philosophy; but most importantly music, for the patterns in music and all the arts are the keys to learning.” -Plato*

**Thomas Mark Powers**

6160 Citracado Circle • Carlsbad, California 92009  
 (760) 438-1335 • blkmtn56@roadrunner.com

- EDUCATION** LAGUNA COLLEGE OF ART & DESIGN, Laguna Beach, CA  
*Master of Fine Arts, Painting, 2010*
- UNIVERSITY OF CALIFORNIA, Davis, CA  
*Graduate Studies, 1982-83 (LCAD transfer credits)*  
 Figure Painting - Wayne Thiebaud, 4 credits
- MARYLAND INSTITUTE, College of Art, Baltimore, MD  
*Bachelor of Fine Arts, Painting, 1978*
- NORTH CAROLINA SCHOOL OF THE ARTS, Winston Salem, NC  
*High School Diploma, Area of Specialization: Visual Arts, 1974*
- EXPERIENCE**
- 2011 PRESIDIO PERFORMING ARTS FOUNDATION (PPAF)  
*Project Specialist*  
 Collaborate with PPAF to secure funding for the *Robert C. Leefeldt Dance Theatre*.
- 2006-2008 PALOMAR COLLEGE ART DEPARTMENT  
*Adjunct Professor*
- 2004 HARVARD GRADUATE SCHOOL OF EDUCATION  
 Attended Project Zero Classroom 2004
- 1994-Present BLACK MOUNTAIN PRODUCTIONS (BMP)  
*President 501(c)(3)*  
 Developed in collaboration with the *North Carolina Information Highway* arts curricula to be utilized via interactive distance learning.
- 1994 BLACK MOUNTAIN COLLEGE MUSEUM + ART CENTER, (BMCM+AC) Asheville, NC  
 Secured funding through the Mary Duke Biddle Foundation to create BMCM+AC.
- 1993 SAN FRANCISCO OPERA  
 Successfully obtained the Southeastern San Francisco Opera Merola Auditions for North Carolina School of the Arts, Winston-Salem, NC
- 1990-1991 YALE UNIVERSITY, SCHOOL OF DRAMA  
 MFA Program, Theatre Administration, *Alternate*
- 1990-1995 CAPITOL AREA DEVELOPMENT AUTHORITY (CADA)  
*Project Specialist*  
 Conceived and designed architectural concept to cost effectively replicate a Prairie School style apartment building in Sacramento, CA. The design was approved by the CADA Board of Directors. Successfully negotiated 1.2 million from the City of Sacramento to fund the project. (*Governor's Award Recipient, 1995*)
- 1985-1988 MERRIUM APARTMENTS, Sacramento, CA  
*Property Manager*  
 Responsible for extensive restoration of National Register of Historic Places building. Creator, Merrium Tenants Association, advocacy group concerned with preservation of architecturally significant buildings in Sacramento (*Sacramento Bee Magazine, 3/6/88*).
- 1979-1980 RALEIGH LITTLE THEATRE, Raleigh, NC  
*Publicist*  
 Successfully acquired Ava Gardner as 1980-1981 Honorary Membership Chairman. Advertising Coordinator, Membership Campaign. Highest attendance records in the 45-year history of the theatre, as well as largest membership subscription rate. Secured interview with Ava Gardner for *Raleigh News & Observer*.
- 1976-78 APATHY POETRY PROJECT, Baltimore, MD  
*Performance Artist*  
 Co-founder of Apathy Poetry Project. Hosted readings by such distinguished *Beat* poets as Lawrence Ferlinghetti, Allen Ginsberg, Robert Creeley & Robert Duncan

**SACRAMENTO OLD CITY ASSOCIATION**

April 5, 2011

The Honorable Edmund Gerald "Jerry" Brown Jr.  
Governor, State of California  
State Capitol  
Sacramento, CA 95814

**RE: Letter of Recommendation, Thomas Mark Powers**

Dear Governor Brown,

I strongly urge that you appoint Thomas Mark Powers as your new Director of the California Arts Council.

Tom and I have known each other since the late 1980s when I was Planning Chair for the longstanding local historic preservation organization, the Sacramento Old City Association. He was the key preservation advocate fighting first for the National Register apartment building at 14<sup>th</sup> and K Streets, the Merrium Apartments, and then later for replacement housing projects (artist lofts) in the midtown of Sacramento. Back in the 1980s, citizen advocacy for historic preservation and in-fill housing was in its infancy. He, early on, saw the need to encourage increased residency downtown in order to create that critical mass of people needed to support and advance the arts in Sacramento.

He is also a strong advocate for the expansion of the role of arts in the schools while promoting the use of cutting-edge communication techniques and information technologies to facilitate that expansion.

Tom is a unique individual. He has the uncanny ability to solve 'unsolvable' problems via 'outside the box' approaches. He is just a resourceful person whose energy, ability and passion have spawned everything from artist loft developments to school programs in the arts.

In summary, I have found Tom Powers, basically through his tireless efforts to preserve many of the old buildings of Sacramento, to be a zealous, hardworking artist who exhibits tremendous commitment to personal causes. That commitment to date has resulted in the revitalization of downtown Sacramento. That is no small achievement.

If he should ever commit such energy and devotion to directing the California Arts Council, then I harbor no doubt he will be a tremendous asset to advancing the Arts in our State. I hope you will give him the opportunity to be interviewed by your selection committee so they can also, first hand, get to experience his creativity and passion for this important public assignment.

Yours truly,

Dennis Neufeld  
Treasurer  
Sacramento Old City Association  
(916) 446-1054

## Hands+Brain+Heart=CAC California's State of the Arts

We often associate the term “SMURF” with those lovable blue cartoon characters we see on *Nickelodeon*. During the Clinton Administration, it was used as a political acronym for “wealth redistribution through the punitive theft of taxpayer's dollars” (social justice). In 1985 “legislative genius” Al From set up a caucus of Chicago and Chinese crime syndicates, pliant politicians, global control freaks, junk bond cannibals, equity privateers and public sector unions known as the *DLC*, which was modeled after Jimmy Hoffa's *International Brotherhood of Teamsters* (IBT) and has now evolved into the *SEIU*, to raise and control monies to support progressive candidates. In 2008 the *DLC/IBT/SEIU* generated over \$700 million for the Obama Campaign and is on track to raise \$1 billion for his re-election bid in 2012. The *DLC/IBT/SEIU* generates its campaign funding through mindless tax-based egalitarian entitlements designed to create a system of government where the least capable to lead are elected by the least capable of producing, and where the members of society least likely to sustain themselves or succeed, are rewarded with goods and services paid for by the confiscated wealth of a diminishing number of producers. (*Frontline: Washington's Other Scandal, 1997*) My friend, Steven Greenhut, recently reminded me of the Ronald Reagan quotation: “If it moves, tax it. If it keeps moving, regulate it, and if it stops moving, subsidized it.” Since 1964, when the National Endowment for the Arts (NEA) began to “subsidize” the Arts, American artists have not produced one seminal painting, opera, symphony or ballet.

Through closed-door, backroom machinations (Comprehensive Annual Financial Reports) the *DLC/IBT/SEIU* has been able to fly under the taxpayer's radar, bundling billions in Federal and State tax revenues into their political coffers. It is the *800-pound Gorilla* in the room. For example, the CAC might have \$5 million in their budget one day and then the next they have allocated \$4.2 million to political pork projects. The *DLC/IBT/SEIU Gorilla* will always leave you a “vigorish” *banana peel/tithing* (one tenth of a hundred) for administrative cost.

In 2001 Governor Gray Davis allocated \$30.7 million to the CAC. Although a portion of the allocation would have been fed to the *DLC/IBT/SEIU Gorilla*, the \$3.2 million dollar *banana peel* would have finally realized former CAC Director Barbara Pieper's vision of bringing the Arts into the 21st Century (Digital Age). Unfortunately, before Governor Davis was recalled in 2003, he was forced to place the state arts council on a starvation diet of only \$3 million, and the new Governor allocated just enough money (\$1.1 million) to the CAC in order to secure matching

federal funds. To save money during the 2003 state budget crisis, which had brought about the recall initiative, (\$38 billion shortfall) the CAC was targeted for elimination. After losing 97% of their State funding, former Senate Leader John Burton's (D-San Francisco) only option was to place the *terminal* arts council on *life support* by authorizing the CAC to solicit foundation grants and charitable donations. The cuts in 2001 gave California a lock on 50<sup>th</sup> place in the nation in per capita funding for its state arts agency. Since 2003, it has been left to California motorists to voluntarily shoulder most of the CAC's budget. By paying \$50 extra for special arts-funding license plates (\$40 for renewals), they collectively donate about \$3 million a year (over 60% of their budget). The "Arts plates" are, in essence, a smurfing operation patterned after the California Memorial Scholarship's 9/11 "Ponzi plates".

Every night Carlsbad artist Dan Webb sleeps in the cliffs over Tamarack Beach, and many other California artists like Archa Barcha sleep in their cars so they can secure art supplies and storage. In the 25 years I have been an artist in California, I have yet to receive or know of any of my fellow artists receiving any kind of support from the CAC. In fact when I queried my fellow artists at a recent LA Art Opening on their perception of the effectiveness of the CAC, the consensus believed they do not serve artists in any capacity. What I found insightful is that many artists would ask the CAC to stop perpetuating their unqualified assertion of being California's principle Arts Advocates.

I have observed over the years most of the CAC funding going for front burner *Diversity/Inclusion* programs (violates Prop. 209), which is considered a classic *Affirmative Action/Title IX* smurfing venue. In 2004 the biggest slice of the CAC pork pie went to the Simon Wiesenthal Center-Museum of Tolerance for a "not so kosher" \$1.5 million Semitic indoctrination program. Currently there are five Jewish Holocaust Museums in California. If my American history serves me correctly the only "holocaust" which occurred in California was the internment of 28,835 Japanese Americans at *Manzanar* and *Tule Lake*? Currently there is no museum for these patriotic Americans (442<sup>nd</sup> Nisei Regiment). To add further embarrassment to the State's beleaguered Arts Agency, CAC African American Poet Laureate Quincy Troupe, Professor of Creative Writing at UCSD, was found to have fabricated a Bachelor of Arts degree from Grambling College. Professor Troupe had actually attended the college for only three weeks. Needless to say, Professor Troupe had to resign from both positions. Recently, the Founding Director of the CAC funded the *Kid Serve Youth Murals* program, Anthony *Spanky* Norris, who teaches art to children in the San Francisco schools, surrendered to the FBI for possessing over 600 pornographic images of children.

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The J. Paul Getty Trust is the world's wealthiest art institution with a \$4.2 billion endowment and has been embroiled in scandal since its inception. Time and again the State Attorney General has turned a blind eye to the Getty Trust's political collusion (*SF Gate: Lockyer, Munitz lunched as State probed Getty chief, 2006*) To bring some fiduciary constraints to these rogue non-profits, I would establish the *California Endowment for the Arts* (CEA). The CEA would enlist competent concessionaires to serve California's grass-root arts organizations. The CEA would also reign in the \$118 million in municipal *enhancement* funding (San Francisco Arts Commission, SFAC) and "Render unto Caesar the things which are Caesar's." It will also establish accountability practices for "untouchable" California arts enigmas like the Getty Trust, because most of these Art behemoths are nothing more than a repository for looted art, tax shelter, Ponzi scheme or *chandelier bidder* for their wealthy patrons. Recently, the *Bay Citizen* reported that a full survey of the City of San Francisco's \$90 million art collection had not been done since its creation in 1932. It was revealed that numerous works of art and jewelry had been lost. The city has no way to locate hundreds of pieces of artworks. If the SFAC would simply reference *Chasing Aphrodite* they would find most of those lost artworks were smurfed. The Association for Research into Crimes against Art estimates that art crime is the world's third largest grossing criminal activity, behind only drugs and arms trafficking. The association estimates that the Art *Black Market* smurfs as much as \$6 billion annually, stating that those funds are used to bolster organized crime syndicates.

With a CEA in place, the CAC will be free to create a State Arts Agency that would maintain a level playing field for California artists who have been disenfranchised by the small yet focused "Democrats for the Leisure Class" politburo who now have a stranglehold of every facet of our sybaritic culture. The new CAC would be a community of artists and educators modeled after the *Bauhaus* (1919-1933) and dedicated to revitalizing our declining economy and strengthening our cultural identity. We would primarily accomplish this through the **Hands + Brain + Heart** mantra which was espoused in the *Bauhaus Manifesto*.

Ronald Reagan's economic oracle, Arthur Laffer, has predicted a *Chapter 9* implosion of the California Keynesian Economy by the end of 2012. California has been driven to ruin by feckless voters and incompetent politicians and is bleeding red ink with the highest debt of any state in the union (\$617 billion in *real* debt and \$127.2 billion in negative net worth) and this does not even take into account the state's unfunded pension liability, which may be as high as \$500 billion. On the

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day before the 2010 gubernatorial election Secretary of State Debra Bowen introduced Jerry Brown and his “Social Justice/Institutional Racism” platform by reminding his La Raza/SEIU constituency that: “One hundred years ago you had to be a white, property-owning, Christian male to vote in California, thankfully these *Anglos* are moving back to Texas.” Secretary Bowen, an Ashkenazi Jew from Chicago, should have been inculcated in California history before making such an overtly bigoted statement. Texas Anglos never wiped out their indigenous population through starvation (100,000 California Indians), and they never interned 120,000 of their fellow Californians in internment camps and then through the Office of Alien Property (Truman Administration) seized 535,000 acres of cultivated land from Japanese Americans. Progressives will be forced to abandon their profligate spending on social justice programs due to a declining tax base. Middle-class families with children will continue to flee the state, taking California’s future with them. Since 1991, a net 2,987,433 Californians have left the *Golden State*—more than the combined populations of San Diego, San Jose and San Francisco. California has the highest poverty rate (23.5%) and the lowest credit rating in the Nation. For example, in 27 of 58 counties unemployment is over 10%, in four over 15%, Imperial County 24%, Colusa County 20%. The State lost 33% of its industrial base from 2001-2010, declining 11% more than in the United States as a whole. Between 2000 and 2010 the state’s population increased by 3,382,308, because of the influx of foreign nationals and their *anchor babies* (More than 66% of all births in California are to illegals on MediCal). The State of California currently spends \$10.1 billion per year on providing goods and services for illegal aliens.

Shortly after his inauguration in 1983, Governor Deukmejian appointed a Republican crony, Assemblywoman Marilyn Ryan, to become CAC Director, Assemblywoman Ryan had no exposure to the arts of any kind. This set a precedent that was followed by the CAC until 2005 when former California Acupuncture Board CEO, Marilyn Nielsen was appointed as CAC Deputy Director after cutting a check to the Governor Schwarzenegger *Widows & Orphans Fund* for \$7,000, she also has no arts experience, training or interest. As Picasso once declared... “Artists are not imbeciles”. What does it say when our elected officials continue to use the CAC as a de facto patronage asylum for the least enlightened among us. I am certain that Malissa Feruzzi-Shriver has another unenlightened, politically correct sycophant waiting in the wings to become the State of California’s new Dionysian theatre mask (*face*). It is imperative that the CAC Director be well versed in all facets of the Arts and be a practicing artist.



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In 1995 the DLC fronted my Harvard-based non-profit art education consortium *Black Mountain Productions* (BMP) \$100,000, and I served at the pleasure of North Carolina Governor Jim Hunt. I naively thought that future BMP funding would be directed towards empowering countless disadvantaged children to finally escape from their proletariat prison through arts consciousness. In reality, BMP was nothing more, to Governor Hunt, than a DLC smurfing operation. The California Arts Council is also a smurfing operation which serves the State at the pleasure of the Governor. The 2001 CAC Budget (\$30.7 million) was just on paper (*skim*); and if CAC Director Barry Hessenius had spent one dime of that phantom funding without the permission of the *Mickey Mouse Mafia/Chicago Outfit*, he would have literally been cut off at the knees. The CAC will not survive California's economic winter if they continue to maintain their supine/obsequious status that barely survives off the "vig" of the powerful Outfit's *capo dei capis*.

In researching this letter, I discovered that Arts funding is a huge skim/smurfing operation. Intra-governmental holdings and off-balance sheet transactions are flying under the State's radar unabated through a hidden accounting gap between the Department of Finance and the Controller. This fiduciary anomaly has created a \$37 billion unaudited account for CalPERS. Before I read Gus Russo's *Outfit* expose, *Supermob*, these smurfing funds would not have made sense. As I stated in my opening paragraph, Barack Obama is on track to raise \$1 billion for his re-election campaign, and he will obtain that funding from primarily 4 states, California, New York, Illinois and Michigan. All four states are facing insolvency on the scale of Greece (Stockton/Detroit). So how will California's \$65 million Obama campaign contribution be funded? Primarily through Chicago/Chinese crime syndicate bagmen like John Huang/Norman Hsu/Johnny Chung and wasteful *shovel ready* GSA projects, like the new FBI Headquarters in San Diego, which is being built by Irwin Molasky, a one-time partner with the late Las Vegas mobster Moe Dalitz and Senate Majority Leader Harry Reid's *sugar-daddy*. The Arts' *banana peel* will be smurfed through NEA/GSA projects such as the *Art-in-Architecture* program or the vigorish from the 1 percent "art charge" that developers/tenants are assessed when building projects cost \$1 million dollars or more. These arts fees are often seen by politicians as "rainy day funds" and are often raided when budgetary shortfalls occur. More importantly how will public sector union controlled municipal funding support the Arts? The answer will come, I believe, within the next year when numerous California municipalities will have to declare *Chapter 9* bankruptcy due to their pension systems eating up 30 percent of the budget, an absurdly generous retiree medical program and excess bond debt for exploding pension obligations, interest rate swaps, derivative investments with Wall Street banks, synthetic collateralized debt obligations, toxic assets and



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through dubious *shovel ready* art museum expansion and performing arts center renovation projects. Congress is also in the process of closing the \$158 billion *charitable giving* loophole.

The Arts will have to compete for shrinking corporate and foundation funding in order to survive and more times than not these tax shelters/smurfing projects follow a *Council on Foreign Relations* agenda where their *global* agenda takes precedent over the *Muse*. Therefore, the Arts only recourse will be to seek grass-root support from their communities and develop more altruistic programs as oppose to displays of Progressive/Nihilistic hubris.

Finally, let me remind the CAC board that the Arts are not a charity. They are a dynamic entrepreneurial engine that gives significant returns on invested dollars. In 2005 the Arts had 2.6 million full-time employees nationwide. They expended \$63.1 billion and generated \$6.3 billion in local and state taxes. Arts venues rivaled sporting events in attendance. The arts generated an additional \$103 billion for local merchants and their communities (sustaining 3.1 million jobs over \$16 billion in local, state and federal taxes) and yet our de facto State Arts Council consists of a State P.O. Box, a suite of offices in the AG building which is principally sustained through vanity plate sales. The current *State of the Arts* is a “bread and circuses” farce and Californians deserve and should demand a viable State Arts Council. It is time to focus on the intuitive solutions that will restore California’s sybaritic culture and strengthen their atrophic economy.

Respectfully,  
Thomas Mark Powers

“A man who works with his hands is a laborer; a man who works with his hands and his brain is a craftsman; but a man who works with his hands and his brain and his heart is an artist.” *Louis Nizer, American lawyer (1902-1994)*

## OPEN EYES: Interactive Distance Education Project

Black Mountain Productions' (BMP) OPEN EYES Project is an innovative approach to help both classroom teachers and arts specialists infuse the arts across the curriculum. The project follows in the footsteps of Black Mountain College's *community of learners* approach providing new and significant learning in and through the arts. This learning will benefit teachers and students throughout the State of California by utilizing the latest in web-based technology as well as the most creative ideas in education reform: multiple intelligences theory, project-based teaching for understanding, the power of new media and new technology and authentic assessment.

This project comes at an opportune time for California in its efforts to bring their schools into the 21<sup>st</sup> century. Recent efforts to assess and reform our schools, such as the *No Child Left Behind* law and *Title Five* legislation have focused attention on *Common Core* subjects and rigorous testing, rather than learning modalities, brain development and scaffolding of knowledge. No effort has been made to address more fundamental questions regarding what we teach and why. My concern, given the relatively low predictability of the tests, is that there may be people who have tremendous talents—creative and practical talents—who, because they don't do well on tests, never get the chance to show what they really could do in important jobs. I believe that education is the foundation of our democracy, an opportunity for our youth to reach their full creative potential, but traditional education can be extremely isolating. Too often, schools operate as if they are separated from their communities and the standard curriculum lacks relevance to real life. The arts are the key to this effort, and web-based technology is the most direct and accessible way to make the arts available to teachers and their students.

The arts must be central to education. But how do we actualize that possibility? The first is by providing authentic experiences in the arts as content areas equal in importance to study in other *academic* subject areas. For this, it is inherent that every school has its specialists in art, music, theatre and dance. These specialists provide authentic experiences in their particular art forms, developing students' appreciation of the arts, their artistic skills and their capacity for expression and creativity. The second way is equally important but more difficult to achieve. It is to prepare classroom teachers to infuse the arts into the existing curriculum. Not only has this been proven to enrich the educational experience by *bringing the subject matter to life*, it enables students with different learning styles and *intelligences* to become engaged in the learning of an important subject matter which might otherwise escape them.

The arts also teach that neither words nor numbers define the limits of our cognition; a good example of infusing the arts into the existing curriculum can best be demonstrated through a collaboration BMP did with MIT Media Lab called *Escher's World*. The world of M.C. Escher, artist and geometrician, is a place where students create art and mathematics simultaneously in a studio setting. Making mathematics in such an expressive environment questions the very nature of what we mean when we say something is "mathematical." When children use mathematics as a tool for self-expression, they discover the visual, intuitive and open-ended aspects of mathematical

inquiry that are often missing from traditional mathematics classrooms. In this way, *Escher's World* explores how arts/media technology dissolves the boundaries between traditional school "subjects" and how these changes in turn force us to reexamine our understanding of what it means to think and to learn.

Most classroom teachers have had little experience in the arts and are not aware of the many possibilities for using the arts in teaching. The Black Mountain Arts Education Website meets this need head on. It provides lesson plans and resources by which teachers in every discipline can integrate the arts into their curricula. It further provides support materials for arts specialists, allowing them to work more effectively within their disciplines. Moreover, this program will allow them to work more closely with their academic colleagues to make art a central part of learning in the California schools.

Black Mountain Productions' goal is thus to provide, via the Internet, direct instruction access to resources for students and teachers and a forum for all interested in art and art education. Our particular interest lies in teaching students and teachers how to use technology to the greatest advantage in all aspects of art instruction and production.

The Black Mountain Arts Education Website will draw upon model lesson plans and curricular units from teachers across the country. It will also link teachers with arts-based educational organizations like Harvard Project Zero, Lincoln Center Institute and MIT Media Lab. Features of the website will include the following elements:

#### **A Multiple Intelligences approach to arts-based learning**

- MI theory provides a conceptual framework for the project, presenting the arts as cognitive domains in which intelligence is applied through solving problems and making products of significance to the culture.
- MI provides a *democratic* model of education in which all students are enabled to learn in ways most appropriate to their strengths and backgrounds. At the same time, it fosters comprehensive education in which students develop not only intellectual, but personal and social qualities necessary for them to become good citizens in a democracy.
- MI based curricular structures facilitate the integration of arts and academic subject matter while incorporating *authentic* assessment.

#### **Arts-Based Curricular Material**

- Arts based lesson plans and curricular units will be organized according to grade level and subject areas. These will include lessons built around creative writing, dance, drama, music and visual arts as applied to the full range of academic subject matter. Arts activities applied to such important areas as conflict resolution, character development and community service will also be available.

- Lesson plans, units and activities will be presented in a common format delineating: project goals, introductory information, materials, procedures and *performance-based* assessment criteria.
- Diverse examples of student work, as well as references from professional artists, musicians, etc., will be provided as references.

### Arts-Education Resources

- Bibliographic references to books, periodicals and other literature that provide further examples of arts-based instruction, as well as research demonstrating the importance of the arts to various aspects of education.
- Arts-education websites listed with brief descriptions and hyperlinks to the sites.
- Bulletin Boards and Chat Rooms which teachers can pose questions or discuss arts-based curriculum with peers and university based arts educators.

In these ways, Black Mountain Arts Education Website will significantly contribute to California's nationally recognized technology-based educational reform agenda. Most important, the project helps teachers throughout the state use the arts and multiple intelligence-based curricular approaches to help all their students learn.

In 1852 the State of California amended school law requiring teachers "to provide their pupils a practical education steeped in the *Three R's*," their duties also included moral training. Outlined in the *1871 Annual Report to the California Commissioner of Education*, it states: "To endeavor to impress upon the minds of their pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of a free government, and to train them up to the comprehension of the rights, duties and dignity of American Citizenship." The Three R's are essential, but do not forget the A---the Arts. Do California schools still adhere to these virtues or do they now pander to social justice *diversicrats*,"---A particular *habitué*' of academia whose career is built largely through the manipulation of diversity programs", and to the teachers unions (CalSTRS/ATF)?

John Kennedy said... "Today, as always, art knows no national boundaries. Genius can speak at any time, and the entire world will hear it and listen. Behind the storm of daily conflict and crisis, the dramatic confrontations, the tumult of political struggle, the poet, the artist, the musician, continue the quiet work of centuries, building bridges of experience between peoples, reminding man of the universality of his feelings, desires and despairs, reminding him that the forces that unite are deeper than those that divide.

Thus, art and the encouragement of art are political in the most profound sense, not as a weapon in the struggle, but as an instrument of understanding of the futility of struggle between those who share man's faith. Aeschylus and Plato are remembered today long after the triumphs of imperial Athens are gone. Dante outlived the ambitions of 13<sup>th</sup> - century Florence. Goethe stands serenely above the politics of Germany, and I am certain that after the dust of centuries has passed over our cities, we too, will be remembered not

for our victories or defeats in battle or in politics, but for our contribution to the human spirit.

It was Pericles' proudest boast that, politically, Athens was the school of Hellas. If we can make our country one of the great schools of civilization, then on that achievement will surely rest our claim to the ultimate gratitude of mankind. Moreover, as a great democratic society, we have a special responsibility to the arts, for the arts is the great democrat calling forth creative genius from every sector of society, disregarding race or religion or wealth or color. The mere accumulation of wealth and power is available to the dictator and the democrat alike. What freedom alone can bring is the liberation of the human mind and spirit which finds its greatest flowering in the free society.

Thus, in our fulfillment of these responsibilities toward the arts lies our unique achievement as a free society."

In the increasingly global, interconnected and technically accelerated future, BMP's ultimate goal is to develop a *new* model of schooling (*cyber School of Hellas*). This is fundamental as a result of advances in technology linked with our evolving understanding of intelligence and learning. Schools have traditionally been places of *information acquisition* where teachers provided facts and figures to relatively passive students. With the Internet and CD-ROM's ability to provide more information than a teacher could dole out in a lifetime, schools must become more active environments designed for *information management and application*. Simultaneously, students must learn to use this information in creative ways with the help of teachers who now serve as facilitators, guides and co-learners.

Black Mountain Productions feels strongly that all children should be given the chance to fulfill their creative potential. This can only be accomplished through arts education. For too many decades, children in rural areas or those who are socially or economically disadvantaged have been deprived of this right and opportunity. Our project, when fully in place, will provide *all* children with the access and the opportunity regardless of economics, geographic or social strata.

Thomas M. Powers  
President  
Black Mountain Productions

*"The mentoring of new teachers and pre-service teachers through this plan is brilliant."*  
USDOE Review of OPEN EYES



# RECEIVED

Comments -Carlsbad General Plan Update 6/20/14

JUN 20 2014 Page 1

Wesley Marx, 299S Ocean St., Carlsbad, CA 92008 760-729-4027 CITY OF CARLSBAD  
PLANNING DIVISION

C117-1 | page 2-33, Sunny Creek Commercial

How is "walking distance" measured taking into account different age groups? See also Glossary, p. xi, Walkability "close proximity" how measure?

C117-2 | p. 2-4S, 2.P.50.

What backup space for Managed Retreat will State Park need to offset bluff and beach erosion? Will proposed development intrude on Managed Retreat?

C117-3 | p. 2-46, i

"slow down" With vehicles relegated to non-priority transportation mode on Carlsbad Blvd, how is community safety impacted – ability of police, fire to respond to calls in the area? What are the current standards for fire and police response times and would Identity Street designation comply with these standards?

C117-4 | p. 3.3. Does the City have a system to evaluate the efficacy of measures taken to encourage non-car alternatives i.e. does proximity to transit station cause a significant portion of residents to use transit to commute to work?

C117-5 | p. 3-9 planned roundabout - What vehicle length is the roundabout designed to accommodate? Large fire fighting trucks?

C117-6 | P. 3-11, Carlsbad Blvd. as Identity Street, see comments p.2-46 and 3-9. Will vehicles affected by slower traffic flow divert to nearby streets like Garfield and Ocean?

C117-7 | P. 4-7, Are bluffs, slopes along Ocean and Terramar St. counted as open space even though developed with swim pools, seawalls, patios et al?

C117-8 | p. 4-10, Habitat and Natural Vegetation, Should eelgrass beds/submerged aquatic vegetation be included? Regarded as Essential Fish Habitat by NOAA Fisheries. Ecosystem services: reduce wave energy/shore erosion, filter pollutants, take up nutrients/reduce harmful blooms. Sources: local lagoon foundations, CDFW, NOAA Fisheries Southwest region La Jolla and Long Beach. Also native cordgrass – potential nesting habitat for endangered clapper rail.

C117-9 | p. 4-18, Table 4-2, Gains. Include areas burned by recent fires? Assume recovery?

C117-10 | p. 4-20, North Carlsbad Beaches. Signed public access adjacent to 3021 Ocean Street and across from Carlsbad Inn.

C117-11 | p. 4-21.Special use areas. Should gated/locked school sites be given park credit?

C117-12 | p. 6-3 Coastal Hazards. This section does not acknowledge how loss of natural sand supply (dams, harbors and seawalls that impound sand) contributes to severe beach erosion hazards in the San Diego Region including Carlsbad and triggered the need for sand replenishment efforts. Sources—SANDAG – Shoreline Preservation Strategy for the San Diego Region (1993) & Coastal Regional Sediment Management Plan 2009. See also 2010 California Beach Erosion Assessment Survey.

C117-13 | p. 6-14, When will FEMA Study be released? Should Carlsbad prepare a preliminary map of most vulnerable costal segments based on reports cited in Sea Level Rise section?

C117-14 | p. 6-43, 6-P.S Does this include seawalls? The CA. Coastal Commission, which often has the last word, prefers managed retreat over seawalls. See Ca. Coastal Commission – draft Sea-level Rise Policy Guidance 10/14/13.

C117-15 | 9-9, first paragraph, impacts-ocean acidification (OA)? Could certainly impact Carlsbad aquaculture facility based on what is happening to shellfish in Puget Sound. See Ca. Coastal Commission website OA for overview, impacts on shellfish, link to NOAA OA Program, Harvard Environmental Law Review article, WA State Blue Ribbon Panel on OA (2012),

C117-16 | p. 9-II, How do you adapt to ocean acidification? See above cites

C117-17 | p. 9-23, 9-P.6. Should “rainwater collection systems” be described on p.9-11 and in Glossary? The public may not be aware of how adaptable these systems can be beyond the conventional above ground cistern. Rainwater harvested from a rooftop can be stored in an inflatable pillow tank (500 gallons) located below an outdoor deck.

C117-18 | Draft EIR Report  
p. 3.3-4 Marsh . . . See comment p. 4-10 G. Plan update

C117-19 | p. 3.5-11, Soil erosion, second paragraph, “coastal erosion” see comment p. 6-3 G. Plan Update

C117-20 | p.3.8-11 Sea Level Rise section, second to last sentence, “sewalls”. The reader is given no guidance on how feasible each of these strategies is. The CA Coastal Commission prefers managed retreat over seawalls. Will Commission position impact Carlsbad local coastal program? See cites in comments p6-43. See also Angela Howe, Piercing Armor, article in Environmental Law Review Fall 2014 (State Bar of CA). Sand replenishment, while often a preferred alternative, is up against a ticking clock. Rising sea levels reduce if not eliminated the ability of a wave cut platform to retain imported sand.

C117-21 | P3.8-3, Agua H. Lagoon, would list Carlsbad Aquafarms, Hubbs Sea World Research Institute. Both deped on good water quality.

C117-22 | Glossary- add ocean acidification.



From: Don [<mailto:hlexad@aol.com>]  
Sent: Monday, June 23, 2014 12:45 PM  
To: Planning  
Cc: Council Internet Email  
Subject: General Plan Update

C118-1

We do NOT want to see the amount of open space reduced in the city. Reclassifying certain areas as open space is just smoke and mirrors.

Please consider the traffic that will be generated by such a change.

Please let us rely on the City's policies that now exist.

Donald and Jeane Holmes  
6943 Mimosa Drive.

Sent from my iPad

-----Original Message-----

From: Leslie Ramirez [mailto:lpowellramirez@gmail.com]

Sent: Monday, June 23, 2014 2:43 PM

To: Jennifer Jesser

Cc: Council Internet Email

Subject: re: new Carlsbad development

Hello,

C119-1 | I understand some changes may come to our lovely Olde Carlsbad. From what I hear the City is considering selling "underutilized" city space to developers. Please hold off, do not sell Buena Vista Reservoir, the popular community garden, the Sculpture Garden, the Cole Library or the land next to the fire station.

C119-2 | Our family has owned and enjoyed a vacation home on Ocean Street since 1972, and we've been living permanently in Olde Carlsbad for the past 14 years.  
My three sons attend school in north Carlsbad, the Georgina Cole Library is a treasure, as are the Village restaurants, stores, and the ability to ride bikes and enjoy the local parks and gardens.  
We enjoy this community because it is unique, continues to have charm, be family friendly, and open-- it has not yet been overdeveloped and made to look like so many other Southern California cities complete with track developments and chain restaurants.  
  
Please consider the residents of Olde Carlsbad, who allocate resources and dedicate time to the place we call home.

Thank you,  
Leslie

To: Jennifer Jesser  
Senior Planner

①

Subject: Comments on DRAFT Carlsbad General Plan of February, 2014

(p.1-10) Vision Statement - "Carlsbad's small town feel and beach,  
C120-1 community character are defining attributes of the city."  
(emphasis added)

(p.1-14) Beach Uses and Improvements - "..... protecting and enhancing  
C120-2 access to the beach and the quality of the experience  
is a top community priority." (emphasis added)

(p.1-28) General Plan Purpose - "To outline a vision for Carlsbad:  
C120-3 long-term physical and economic development and  
community enhancement....." (emphasis added)

(p.1-16) Fair and Tourism Strategy - "Tourism ---- emphasizes the very  
C120-4 resources that make the city attractive to existing residents -  
the ocean and beach; lagoons;....." (emphasis added)

C120-5

Contrary to the above stated goals, the draft General Plan (as currently configured) contains only vague and generalized statements concerning the <sup>future</sup> protection and enhancement of the city's most precious physical resource and important economic mainstay - the beach, beach front areas and public use facilities.

For the past 40 years or so, the city has fundamentally ignored the beach and its frontage areas, leading if open to piecemeal development, shabby and inadequate public facilities and general neglect on the part of a mostly-silent partner, the State of California. As a result, Carlsbad has fallen well behind our neighboring communities in terms of managing this over-arching cultural and economic resource and guiding its future use. Only Figure 4-4 mentions even the possibility of future enhanced access and useability of our 7-mile coastline.

Reference p. 1-26, where Village (Downtown) Revitalization is discussed: no mention is made of the obvious physical, economic and cultural connection of the Village to the nearby beach areas. Emphasizing and improving access to the beach areas is key to the Village economic improvements the city wishes to foster. Improvements - significant improvements - in beach access, recreational facilities, public sanitation, landscaping, etc. are necessary to draw the demographic Carlsbad wants to see. Mandatory infrastructure changes, such as traffic safety issues, people (crowd) movement, transportation within the area, <sup>disabled access,</sup> and above all, parking has not been addressed.

The General Plan needs to be a great deal more specific in regard to future beach/coastal area usage. Plans should be made now for property acquisition, infrastructure needs and most importantly, the integration of Carlsbad's public vision statement with the final General Plan, the Village Revitalization, The South Carlsbad Boulevard Re-alignment Project and financial planning. (emphasis very deliberate)

The opportunity still exists in a physical sense for Carlsbad to establish a world-class park/promenade along the entire 7 miles of its coastline, but that window is rapidly closing due to current development pressure.

C120-6

One last issue with the DRAFT General Plan; The definition currently being used by the city for "Open Space" may be too self-serving in a bureaucratic sense. When residents specified in the "Envision Carlsbad" Surveys that they wished to re-affirm long-held commitment to open space, they envisioned usable space.

C120-7

By and large, "open space" should be accessible to the public. Boulevard medians, locked up school yards, protected areas, etc. should not be counted toward the acreage goals.

Thank you for your consideration.

Fred Briggs  
1578 Basswood Ave.  
Carlsbad 92008  
tel: (760) 729-2650  
email: briggs\_fred@yahoo.com

**From:** Steve Jess [mailto:steve@carlsbadgc.com]  
**Sent:** Tuesday, April 08, 2014 9:20 AM  
**To:** Jennifer Jesser; Chris DeCerbo  
**Cc:** 'Susan Roll CGC'; 'Dana Chaiken'  
**Subject:** APN # 1670307300 - Full Range Properties, LLC, DBA Carlsbad Golf Center

Jennifer and Chris-

C121-1 I was referred to you by Barbara Kennedy to speak to about the recent letter we received regarding the proposed change to the land use and zoning for our property.

Our APN # is 1670307300. Our property is located at 2711 Haymar Drive, Carlsbad, CA.

We would like to discuss these proposed changes as soon as possible.

Please let me know how to proceed. Thank you for your assistance with this matter.

Steve Jess  
Vice President  
Carlsbad Golf Center

**From:** Steve Jess [mailto:steve@carlsbadgc.com]  
**Sent:** Monday, April 14, 2014 11:53 AM  
**To:** Jennifer Jesser  
**Cc:** 'Mug Ogg'  
**Subject:** Follow up from our meeting today

Jennifer-

C121-2 Here is a list of questions that the owners would like to have answered in regards to what we discussed in our meeting today. Thank you for your help in answering these items.

C121-3 1. If we disagree with the proposed zone change, what is procedure to appeal?

C121-4 2. On what basis did they decide to split our property into two zones?

C121-5 3. What is the basis for these two particular zone designations?  
a. Why not some kind of commercial zoning, as it is being used now and has been since 1995?

C121-6 4. How did they decide where to split the property?

C121-7 5. How much acreage does this leave in each zone?

C121-8 6. Do they realize that there is a large SDG&E easement over the part they included as residential?

C121-9 7. Do they realize how much slope is where they put the residential?

C121-10 8. We had land planners look at the property 11 years ago and they concluded that it would be nearly impossible to put residential on any part of this property. What does the city know that they didn't?

C121-11 9. Do they realize that the land is "land locked" with only one egress/ingress and a creek to cross where they put the residential?  
a. Or are we incorrect about it being landlocked?

- C121-12 | 10. Do they know this is a flood plain and you would have to cross that to get to the residential part?
- C121-13 | 11. How does the proposed zone change affect our current use, long-term use and CUP?  
a. No more CUP? Ever?  
b. Can we do anything we want/expand, etc.  
c. Beer/wine license?  
d. If not these zones for these things, is there a zoning that would?
- C121-14 | 12. Can they give us more definition of what each proposed zone means?
- C121-15 | 13. Can the city decide to shut us down to create open space? Basically what guarantee do we have that we can operate/sell the land/facility as it is being used?
- C121-16 | 14. If we wanted to develop the residential section someday, would we have to remediate the open space portion at all?
- C121-17 | 15. If zoned open space, does that mean we could "bank" for open space credits like they are doing at the San Luis Rey Golf Course?
- C121-18 | 16. Is there a plan to have Haymar Dr. go through to the east?
- C121-19 | 17. Changing the designation to open space could dramatically reduce our property value. How does the city approach this situation from a current tax standpoint and future sale standpoint?
- C121-20 | 18. We still have a creek, flooding and sediment problem now and for the foreseeable future using the property as-is, what can the city do to help with this and how does the zone change help/hurt that?

I look forward to your reply to these questions.

Thanks,

Steve Jess  
Vice President  
Carlsbad Golf Center  
760-585-1118

From: Alex Ning [mailto:[alex.ning@gmail.com](mailto:alex.ning@gmail.com)]  
Sent: Thursday, March 13, 2014 1:03 PM  
To: Corey Funk  
Cc: ALEX NING; Jenny  
Subject: New zoning proposal for 4529 Adams street

Hello Mr. Funk,

C122-1

We received the attached proposed zoning change for our home. The current zone is RH(15-23 du/ac). Why is the proposed zoning R4 which is 0-4 du/ac, not R23 with the same du/ac number ? If this proposed change impacts the future value of our home, we cannot agree to this change.

**From:** Alex Ning [mailto:[alex.ning@gmail.com](mailto:alex.ning@gmail.com)]  
**Sent:** Wednesday, March 19, 2014 3:14 PM  
**To:** Corey Funk  
**Subject:** Re: New zoning proposal for 4529 Adams street

Hi Corey,

Thanks for writing back to me.

C122-2

Our lot is quite large. There is a large backyard area accessible from Cove Dr. There was a plan or permit (or something like that) to allow the development of a 6-unit multi-family condo with a Cove address. Due to the real estate downturn, that plan was put on hold. But we may revisit this plan in the future.

If you reclassify our lot as 0-4 unit/ac, that will make this plan impossible to implement, thus affecting the lot value.

I would like to keep the number of unit/ac the same with your re-classification.



March 26, 2014

TO: Cory Funk

FROM: Ben Costantino

SUBJECT: General Plan Update

C123-1

As per our telephone conversation yesterday afternoon, I am submitting my suggestion concerning the "cleaning up of minor issues".

I received your notice regarding the proposed zoning change which would include a large portion of my property reverting from R-1 to OS. If this proposal continues to move forward, it will adversely impact all parties concerned.

C123-2

Our file records, dated February 4, 1954, clearly indicate that the properties in question are bordered on their easterly side by a dedicated street and on their westerly side by the mean high tide. The intent of the use of these properties should be obvious.

C123-3

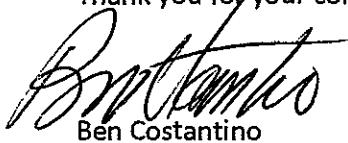
The motive for the proposed change is not quite clear at this time. Are there other motives that are being covertly considered at this time?

C123-4

If, in reality the intent is to combine documents and clean up minor issues, then my suggestion is to do the obvious: Recognize the data that has been in place for 60 years and discontinue any further contribution to unnecessary turbulence.

Push the "EASY" button and avoid potential costly and embarrassing problems for our city.

Thank you for your consideration.



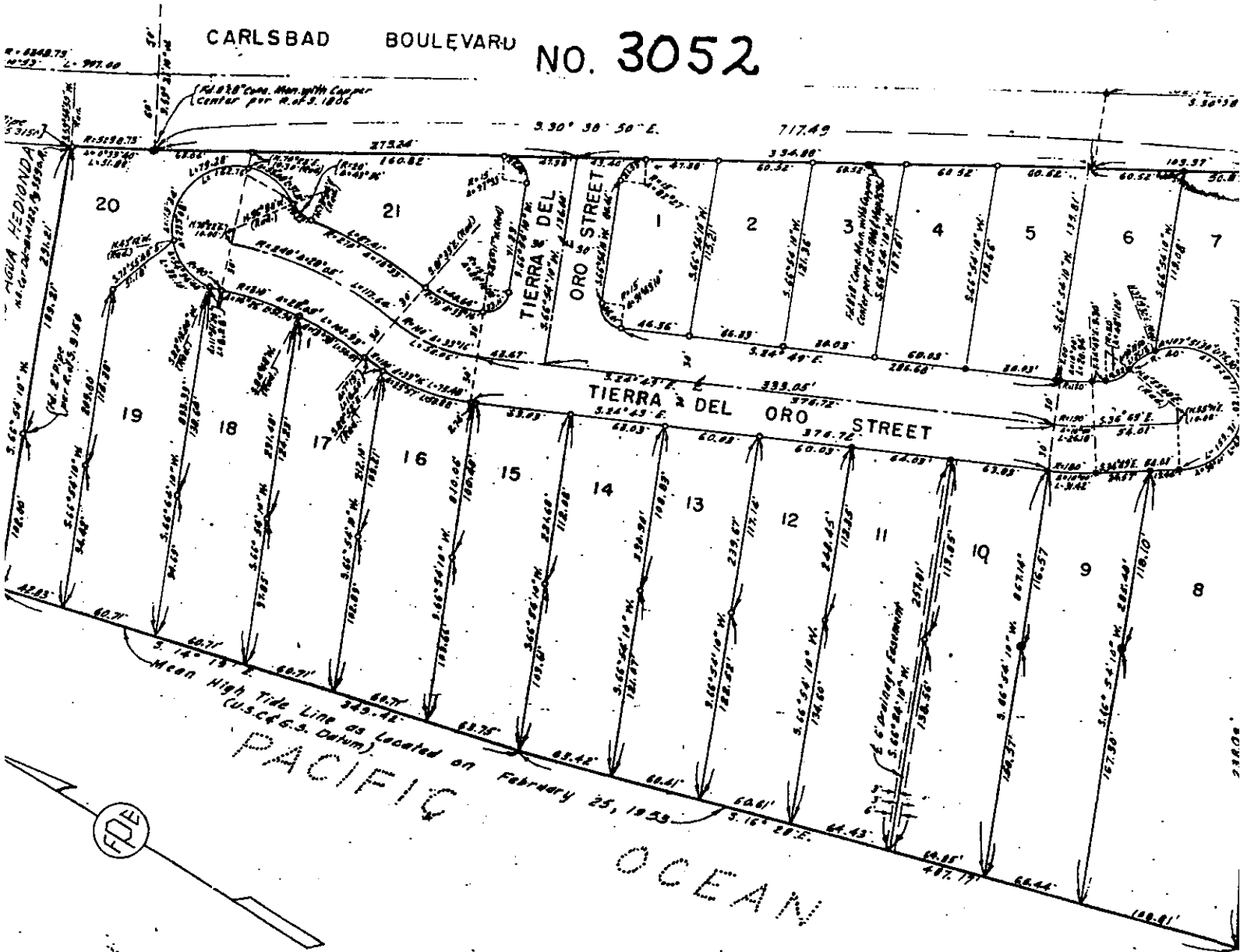
Ben Costantino

S009 Tierra Del Oro

This plan is to be correct, the Company assumes no liability for any loss occurring by reason of reference to records.

# TIERRA DEL ORO

## CARLSBAD BOULEVARD NO. 3052



From: Dr.Bill Odom [mailto:bill@odomortho.com]

Sent: Wednesday, March 12, 2014 4:33 PM

To: Corey Funk

Cc: bgirdner@courthousenews.com; blwahl@roadrunner.com; ump51@roadrunner.com; dan.wilson5775@gmail.com; denise.weinberg@gmail.com; graciadelmar@yahoo.com; kellylewis00@yahoo.com; kviner@gmail.com; dennisonbules@sbcglobal.net; missmarci@me.com; marharwil@yahoo.com; pnoite5@gmail.com

Subject: UPDATING OF GENERAL PLAN

Hi Corey,

C124-1

I received a notice today regarding a change to the Land Use Map and Zoning Designations for selected properties to "clean up" minor mapping issues, including:

1. Where the existing land use and/or zoning designations are inconsistent with each other  
2. Where the existing designations do not reflect the existing use of the property  
3. Where the existing designations need to be replaced with updated regulations

I represent the affected property owner identified on the map and by the parcel number:

ODOM FAMILY TRUST 10-02-06

330 REDWOOD AVE

CARLSBAD, CA 92008

PARCEL # APN 20242701400

C124-2

It appears the existence of a conflict in the minor mapping issues #1 & #2 above, requires the action suggested in item #3, that is to be replaced with updated regulations.

The current land use for all homes in the 200-300 block of Redwood Avenue is single family residence. Neither the current designation of RH nor proposed designation R-4 satisfy the parameters presented as cause for change.

To conform with the criteria presented the land use should be changed to reflect use and that is single family residence.

Please inform me of the procedure required to bring the designated zoning of the homes on the 200-300 block of Redwood Avenue into a proper designation to reflect use.

Thank you,  
Bill & Kathi Odom  
330 Redwood Ave.  
Carlsbad, CA 92008  
Cell: 650-533-9967  
Home: 760-729-6952  
[bill@odomortho.com](mailto:bill@odomortho.com)

**From:** Bob Ladwig [mailto:ldg@dwilsoneng.com]  
**Sent:** Monday, March 17, 2014 1:18 PM  
**To:** Corey Funk  
**Cc:** Dave & Diane Ladwig (dd2kj4@gmail.com)  
**Subject:** FW: 1025 Laguna - AP # 203-130-03

Corey

C125-1

My son David and his wife Diane own the above parcel. They received a notice in the mail about the update of the General Plan and Land Use map which affects their property. They live in Washington state and questioned what the City proposal is. The change proposed is a reduction of intensity of land use for them and has the potential to reduce the value of their property. They have owned the property a long time and the property is part of their long term financial plan. The proposal will negatively affect the value of their asset and they are concerned about the City proposal to change the General plan category from RMH (8 to 15 DU's/acre) to the new category of R-8 (4 to 8 DU's/acre).

Your cover letter and notice to the property owners says the City is proposing to make the changes for select properties to "clean up" minor mapping issues ( 3 issues described in letter).

C125-2

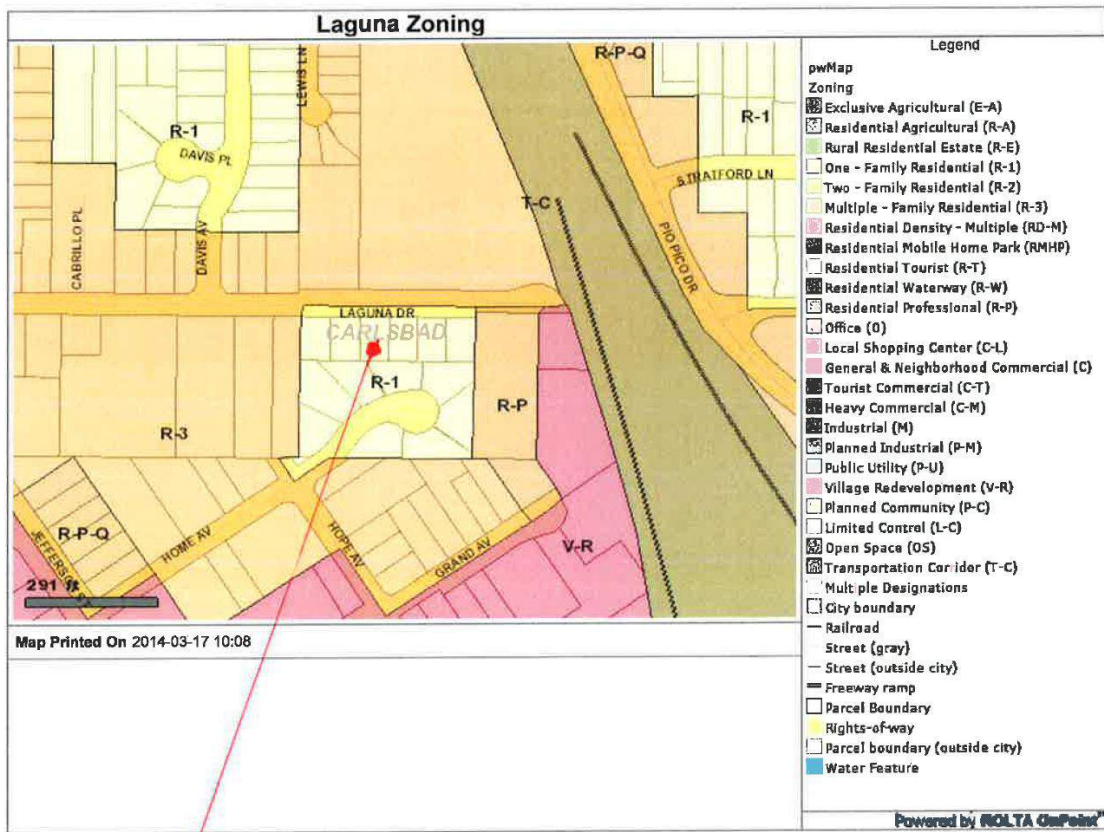
There are a small number of single family homes on this portion of Laguna and I would describe this area as an "emerging" area which will slowly convert into the existing RMH category which it is today. The zoning and General plan across Laguna Dr. is R-3 and RMH. There are a total of 6 single family lots which front on Laguna Dr. and 2 lots to the west is R-3 and RMH and 3 lots to the east is RP and RMH.

C125-3

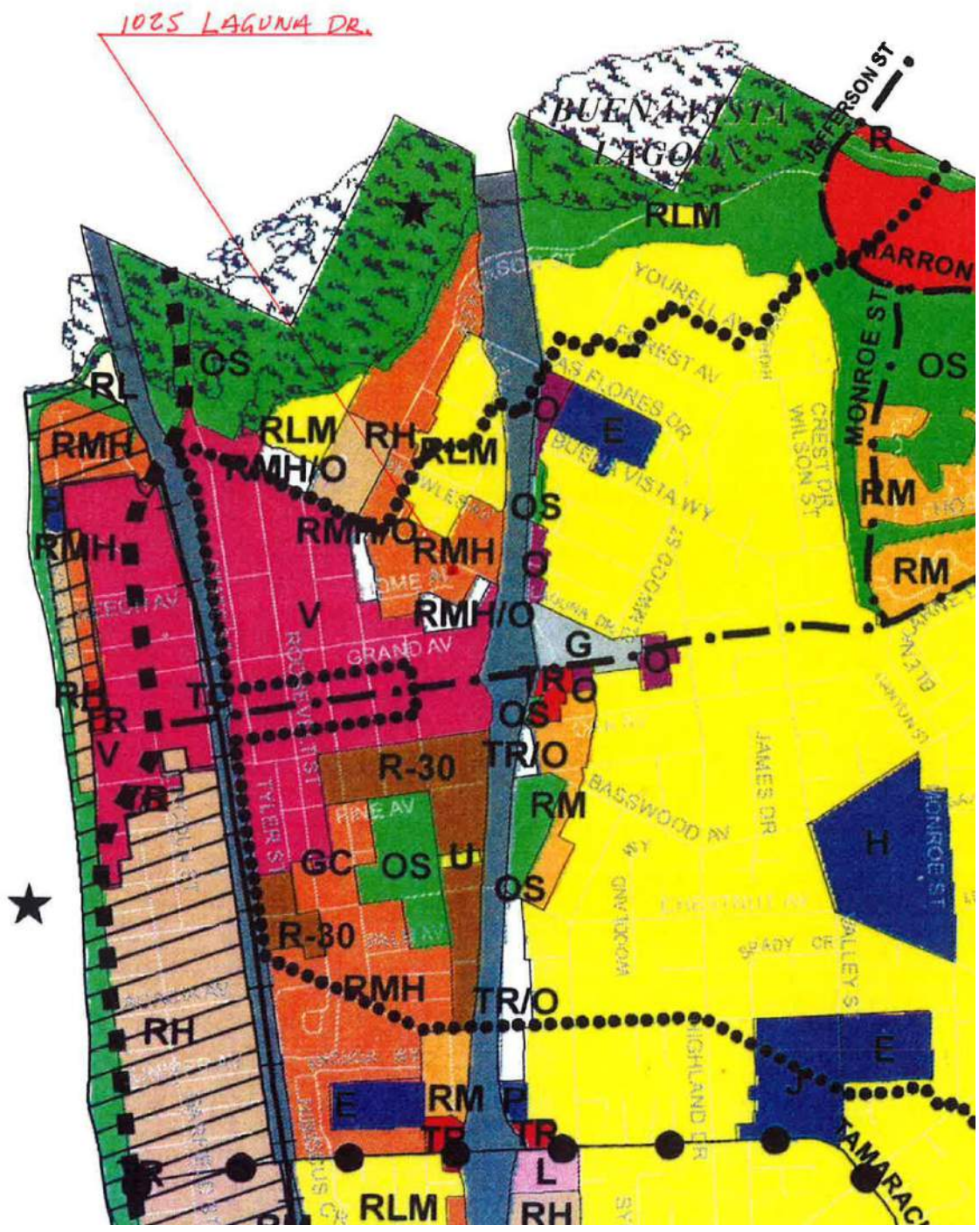
Based on the existing conditions we request the General Plan Land Use Designation change from RMH to R-15 with a range of 8 to 15 DU's per acre similar to the existing land use of RMH with 8 to 15 DU's per acre. Thanks for your consideration.

Bob

Robert C. Ladwig  
President  
Ladwig Design Group, Inc.  
2234 Faraday Avenue  
Carlsbad, CA 92008  
Ph: (760) 438-3182 Fax: (760) 438-0173



1025 LAGUNA DR.



From: Bradley Wm. Brunon [mailto:brunonlaw@verizon.net]  
Sent: Tuesday, March 18, 2014 10:24 AM  
To: Corey Funk  
Subject: property owner notice APN2100611100

C126-1

Mr. Funk, we received the property owner notice and have a couple of questions that were not answered on the Carlsbad site. It appears that a significant portion of our lot will be rezoned to open space. Where can I find the definition of open space and the description of the portion of the lot that it is proposed to rezone. Thank you

PLEASE NOTE NEW ADDRESS AND TELEPHONE/FAX NUMBERS

--

Bradley Wm. Brunon  
Certified Specialist Criminal Law  
Law Office of Bradley Wm. Brunon  
11601 Wilshire Blvd. Suite 1400  
Los Angeles, Ca 90025-0509  
Tel: 310 442-8890  
Fax: 310 820-8859

**From:** brunonlaw@verizon.net [mailto:brunonlaw@verizon.net]  
**Sent:** Friday, March 21, 2014 7:56 AM  
**To:** Corey Funk  
**Subject:** Re: RE: property owner notice APN2100611100

C126-2

Mr. Funk, thank you for the response. I looked at the zoning and open space regulations and agree there is no change affecting my parcel. What my concern was is the substantial increase in the OS designation. It appears that we would be limited in enlarging our residence if it overlaid the increased OS area. This is hypothetical at the moment, but the next owner may want to build a larger SFR on the property and this may impact that. Am I understanding this correctly?

**From:** cmeredith1@aol.com [mailto:cmeredith1@aol.com]

**Sent:** Wednesday, March 12, 2014 5:52 PM

**To:** Corey Funk

**Subject:** land use and zoning

Hi Corey,

Re: APN: 2153403602

C127-1

This parcel is currently designated as R-2-"Two-Family Residential"

That is exactly what it is. It is a side-by-side duplex of which I own one side, #6839 El Fuerte St.

I am puzzled as to your thinking that you propose to change the designation to RD-M, Residential Density-Multiple.

This unit stands on its own w/no association or HOA fee.  
Please explain. Thank you.

Sincerely,  
Carole Meredith



April 7, 2014

**Sent via email at: corey.funk@carlsbadca.gov  
and U.S. Mail**

Mr. Corey Funk  
Associate Planner  
City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, CA 92008

Re: **Aviara Master Association - Rezoning of APN: 2156431100**  
Our File No. 2693.01

Dear Mr. Funk:

C128-1

This office represents Aviara Master Association ("Association"). We write to you on behalf of the Association with regard to the proposed rezoning of APN: 2156431100, which is owned by the Association.

The Association recently received a "Property Owner Notice" from the City stating that certain land owned by the Association was being rezoned from "Residential 0-4 du/ac" (or "RLM") to "Open Space" (or "OS"). A copy of the notice is included herein for your reference. Upon receiving the notice, the Association immediately became concerned with how the rezoning of this area would affect the Association's maintenance responsibility. We write to you for clarification on this issue.

C128-2

In order to determine how the Association's maintenance responsibilities might change upon the proposed rezoning, I have reviewed the "Pacific Rim Country Club and Resort Master Plan – Project Renamed Aviara" ("Master Plan"); the Association's Third Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Aviara ("CC&Rs"); and the Carlsbad Municipal Code, specifically Chapter 21.33 entitled "O-S Open Space Zone". None of these documents clearly delineate how the proposed rezoning might affect that Association's maintenance responsibilities with regard to the affected land. Although Section 21.33.045 of the Carlsbad Municipal Code provides some direction as to "[o]pen space preserved in conformance with the habitat management plan", that section does not appear to apply to the land at issue here.

C128-3

The Association requests that the City provide it with written confirmation that the Association's maintenance responsibilities with regard to APN: 2156431100 will not change if the land is rezoned from "RLM" to "OS". This would include no change to the type and amount of landscaping currently planted on that parcel, and no change to the

Mr. Corey Funk  
Associate Planner  
April 7, 2014  
Page 2

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level of maintenance the Association provides to the landscaping that currently exists or that might be planted in the future. If there is any change whatsoever as to how the Association will be required to maintain this property if rezoned to Open Space, please notify this office immediately. Also, please provide a detailed description as to how the Association's maintenance obligation will change. If there is any such change, the Association will make every effort to ensure that the rezoning is not approved.

Thank you for your consideration. To ensure the Association has time to take appropriate action if necessary, we request a response within 10 days of this letter.

Very truly yours,

EPSTEN GRINNELL & HOWELL, APC



Carrie M. Timko

CMT/sjg  
Enclosure  
cc: Board of Directors

**From:** Crystal Gillotti [mailto:cvgillotti@gmail.com]  
**Sent:** Thursday, March 13, 2014 1:14 PM  
**To:** Corey Funk  
**Subject:** APN 215-340-2801 located at 6808 Urubu Street

Hello Mr. Funk,

C129-1 We received your letter regarding the land use map updates, specifically for APN 215-340-2801 located at 6808 Urubu Street and its designation change from a R2 to R-DM. We have a few questions regarding the proposed zoning designation change:

1. What exactly does the change of designation mean to us?
2. Does a Density – Multiple typically a negative thing – meaning neighbors could build condos next door?

C129-2

3. How does this change affect our lot, value of lot and size?
4. Does an RD-M designation mean to impose any restrictions on the lot that were not there before? Such as building restrictions/multi-family uses?
5. Does this affect our property taxes in any way?
6. Will this designation affect the value of the home and lot if/when we sell?
7. Does the change of designation allow the City of Carlsbad any rights to our property that they didn't have before?

C129-3

8. Our main concern is not only decreasing the value of our home, but also having a neighbor decide to buy a neighboring lot and build multi-family units and then we are next to a loud apartment complex.

If you would, please help us understand so we can make an educated decision to get involved.

Many thanks,

Mr. & Mrs. Kevin Gillotti

**From:** Daniel Burke [<mailto:dburke@dburkelaw.com>]  
**Sent:** Wednesday, April 16, 2014 3:26 PM  
**To:** Kevin Pointer  
**Cc:** [danielvburke@gmail.com](mailto:danielvburke@gmail.com)  
**Subject:** zone change / general plan change: 825 Laguna / 2712 Jefferson

Kevin:

C130-1

You and I spoke at the counter of the Planning Department on Friday April 11, 2014. I expressed my interest in ascertaining the written criteria the City Council and the City Planning Department utilize in determining whether a proposed general plan amendment and whether a proposed zone change will be enacted. Although you did mention the decision was up to you, as a City Planner, I believe you were being facetious. You did explain that a lengthy process is and has been under way to obtain input regarding proposed changes to the City General Plan and the City zoning map. You did not identify any specific City or state code, legislative enactment of rule of law which governs the ultimate decision. I again ask you to provide such authority so I know what ultimate criteria should and will be used.

During our discussion I mentioned that I found it a bit mystifying that the City would proceed with this momentous task yet had failed to notify me, as an affected property owner, that the City intends to change my ability to develop the property through a process which just recently, for the first time, even mentioned the possibility that my dream of future development is about to be substantially altered. I further explained that the property in question on Jefferson Street is within walking distance to a metropolitan transportation hub, including rail and bus access.

You explained to me that if I believed the highest and best use was a mixed use then the zone would have to be changed to commercial. You did not dispute that further south on the Jefferson Street corridor many office buildings have long term vacancies. You also listened when I advised you that vacancies in residential property on Jefferson near the Laguna intersection rarely remain vacant for more than a few days. In other words, the market has shown over the last 20 years that offices are less desired and residences are more desired. Does the City really want more 'For Lease' and 'Available' signs littering even more office buildings on Jefferson Street? Very few, if any, offices built within the last twenty years on Jefferson have ever attained full 100% occupancy. No residences have been built in many years yet all the residential properties remain 100% occupied.

Due to the proximity to the rail and bus centers, eliminating residential zoning and potential residential development is contrary to many statewide goals. Most advanced and forward thinking communities are increasing density within walking distance of rail, bus and commuter stations to meet the know future reality of population growth. The property is also within walking distance of the beach, a factor more important to residential than to office development.

If we are going to have a serious discussion about meeting Carlsbad's future needs while protecting the tax paying property owner's ability to enhance the City with usable and valuable improvements then I am surprised no one has asked me as the property owner what I think is the highest and best use of the specific property. I believe the number of units allowed should be increased and that an office mixed use should be allowed. Such changes would financially allow an owner to make a substantial improvement and, more importantly, would enhance the neighborhood with a first floor offices, residential units above and underground parking.

I am having difficulty in understanding why the City would change the general plan and zone for this property and its little city lot next door [this is not an 'area' or multiple lots] without a request to do so by the owner. I am having difficulty in understanding why the City would change the general plan and zone to a designation that is not successful for many other properties on Jefferson Street (i.e. eliminate potential residential development in favor of office development only). I am having difficulty in understanding why the City is not conforming with known best uses of properties within walking distance of rail and bus terminals.

Many of the residential properties on the east side of Jefferson Street between Laguna and Grand are vintage duplexes. The owners cannot make economic sense of rehabbing or making substantial improvements due to the restrictive density controls. Jefferson Street could and would be a beautiful City street populated with updated offices and multi-unit residential buildings if the City zoned the property more consistent with the already slowly evolved needs and wants of the neighborhood and the market.

This contains my initial thoughts concerning the surprising notice I received from your office regarding a down zoning of my property. I would like to further discuss these matters and ask that you keep me informed of all meetings and hearings where the issues will be discussed.

Thank you for listening and I look forward to hearing from you.

Thank you.

If you have any questions please give us a call here at the office.

/s/ Daniel V. Burke

From: Spencer, David L CIV NAVFAC SW [mailto:david.l.spencer1@navy.mil]  
Sent: Friday, March 14, 2014 9:59 AM  
To: Corey Funk  
Subject: RE: Seaport Villas: APN 2155033707

Hi Corey,

C131-1

I own a Townhouse at 1848 Cottonwood Avenue in Carlsbad and recently received some planning info from you regarding rezoning of the overhead power line easement running through our project.

I am concerned as to how this action might affect existing uses on the property.

Presumably there would be no impact on the larger section which contains primarily landscaping and an access road but I am concerned about the impact on the smaller site (RLM) at the corner of Mimosa & Aviara Parkway. The site is now used for RV storage for the residents and is a paved parking lot containing semi-permanent vehicles.

Will this use still be allowed? ....By right? .....Grandfathered?

C131-2

Also, is the change from RM to R-8 a density decrease? The property has at least 2 locations where additional units could potentially be placed and/or additional community facilities. Can you please comment as to the impact of these changes?

Thanks.

VR/Dave

David L. Spencer, MAI, SRA, JD  
Senior Appraiser  
U.S. Department of the Navy  
Asset Management  
NAVFAC Southwest  
San Diego, Ca.  
619-532-2614  
David.L.Spencer1@Navy.Mil

**From:** David Swagerty [mailto:david.swagerty@gmail.com]  
**Sent:** Friday, March 28, 2014 9:22 AM  
**To:** Corey Funk  
**Subject:** General Plan

Hey Corey,

C132-1

I know you are busy with lots of questions regarding your notice to property owners.

My question is how will going from R-2 (two family residential) to a RD-M (Residential Density - Multiple) affect me and my neighborhood? Will my home value decrease? I am currently on a R-2 with a single detached home. Maybe you can explain that to me.

C132-2

My initial reaction was that changing to a Multiple dense residential zoning designation would result in a number of lots being transitioned to low income housing or dense housing like condos or apartments. If this is the general plan's goal, I must say I am strongly opposed.

C132-3

I was born at 3050 Blenkarne Drive and spend my entire youth growing up in carlsbad.

I attended Kruger House pre-school in Holiday Park.

I attended Magnolia Elementary, Valley Middle, and Carlsbad High schools, graduating in 2003 with honors.

I served as ASB president of my school.

My wife (Aviara Elementary, Valley Middle and CHS GRAD) and I married and purchased our home at 6740 Cantil St two years ago.

No doubt, we have seen Carlsbad change over the 30 years I have been lucky enough to live and work and go to school here.

C132-4

That being said, I know change is inevitable. Especially in a city like carlsbad where we have some many good things going on for our residents.

It's obvious many people from all over the world want to live here. And, I understand the need for creating housing.

Let's try and find a way for our great city to thrive and grow.

I don't believe the "sardine can" zoning approach is healthy for our city.

Look at El Fuerte St. right down the street from us. The whole entire street is lined condo after condo after apartment after apartment. Those of us who live up on the hill in the residential neighborhoods should not be changed zoning-wise to permit these types of developments.

Thank you for taking the time out of your busy day to read and consider my thoughts.

I might be way off here, but this notice has re-sparked my concern for the best interests of our city planners and residents.

Very Sincerely,

David Swagerty  
6740 cantil st 92009  
760-683-5351



**From:** dean goetz [mailto:[dgoetz12@gmail.com](mailto:dgoetz12@gmail.com)]  
**Sent:** Monday, March 17, 2014 3:02 PM  
**To:** Corey Funk  
**Subject:** recent property owner notice

Corey

C133-1 | Regarding APN 2101203300

| Can you explain what prpoerty is being newly designated as open space?

C133-2 | Is any of this property included in the legal description contained in my Deed.

| Is this my back yard or is it referenicng the beach?

C133-3 | Why is this being done now?

Thank you for your assistance.

Dean Goetz  
Law Offices of Dean Goetz  
603 N. Hwy 101  
Solana Beach, CA 92075  
[858-481-8844](tel:858-481-8844)

**From:** dean goetz [mailto:[dgoetz12@gmail.com](mailto:dgoetz12@gmail.com)]  
**Sent:** Tuesday, March 25, 2014 5:22 PM  
**To:** Corey Funk  
**Subject:** Re: APN 210120330

Corey

Thanks for your response but I am still confused.

Why would the General Plan Land Use map and Zoning map be altered to suddenly include the beach portion of my property?

Why is this suddenly a concern?

C133-4 | There will never be any structures built on the beach so why the need for this change.

| Do you really need this change as to beach property?

Will there be public hearings?  
When and where?

Dean Goetz

**From:** Eric Hepfer [mailto:eric.hepfer@gmail.com]  
**Sent:** Thursday, March 13, 2014 2:44 PM  
**To:** Corey Funk  
**Subject:** Proposed Zoning Change

Corey,

C134-1

I received a letter in the mail yesterday from the City explaining that it intends to shift the zoning for my home (APN 2153401001) from R-2 to RD-M. I'm assuming that this covers a larger area than just my home and I am curious as to the extent of the changes. I would generally not support increasing density in my neighborhood and would like to see the extent of the proposed changes.

Thank you,  
Eric Hepfer

**From:** James Clark [mailto:jclark@aboveallreSD.com]

**Sent:** Tuesday, March 18, 2014 9:27 AM

**To:** Corey Funk

**Subject:** APN #212-220-28-00 \*\*Proposed Land Use and Zoning Change Letter\*\*

**Importance:** High

C135-1

I called and left a message for you last week after receiving your notice of proposed change to the General Plan (Land Use Map). I reviewed the proposed changes and if I am reading them correctly, I would have to object to this proposal. If I am reading this correctly, currently my house is zoned R-1-10000Q, which allows for One DU – family residential. The proposed change would then zone my property RD-M-Q, which allows for Residential Density – multiple. NO, this is completely unacceptable. I have a single family residence on a single lot and if something catastrophic happens to my property, I would be in violation of new zoning if I tried to just rebuild the current property as it exists today. I would be required to get a variance from the city or be forced to rebuild a multiple unit dwelling on this lot. NO, this is completely unacceptable.

C135-2

C135-3

On the other requested change (to the General Plan Land Use), currently the General Plan Land Use designates this property as RLM, which allows for allows for 0-4 dwelling units per acre (which would mean lots sizes no less than 10,890 square feet for every 4 units). The proposed change to R-8 would allow for 4-8 dwelling units (which would mean lot sizes between 10,890 & 5,445) – this change is acceptable. My current lot is between 5445 & 10,890 square feet, so this General Plan Land Use does not affect my property and I would not object to this change.

C135-4

Please call me back at (760) 431-8269 and help me to understand why you want to re-zone a community of single family residences into multiple units. This community was built in 2001 and has been in its existing for nearly 13 years, why would you want to require us to change the density requirements and be forced to build more homes closer together in an existing community of single family homes? This proposed change just must be in error. Please advise, Jim

James F Clark III (owner of record)  
6422 Torreyanna Circle  
Carlsbad CA 92011  
APN #212-220-28-00  
President/Broker  
Above All Real Estate Services, Inc.

From: Jason Iuculano [<mailto:jasoniuculano@gmail.com>]  
Sent: Friday, March 28, 2014 6:15 PM  
To: Corey Funk  
Subject: Zoning Designations on Sacada Circle

Corey:

**C136-1** | My neighbor, John Bionillo, living next to me at 2409 Sacada Circle shared some disturbing information about zoning that being considered right behind our property.

I am deeply concerned about this situation as it looks as though the city is considering a different zoning option (RD-M) for one of these properties which would devalue my home and the surrounding homes in addition to an entire host of other issues.

**C136-2** | Also, I never received a copy of this letter and I'd like an explanation as to why I was never notified.

Jason Iuculano  
2407 Sacada Circle  
Carlsbad 92009

From: Jason Iuculano [<mailto:jasoniuculano@gmail.com>]  
Sent: Tuesday, April 01, 2014 11:47 AM  
To: Corey Funk  
Subject: Re: Zoning Designations on Sacada Circle

Hi Corey,

Thanks for getting back to me. It makes sense that the county assessor shows Joan Stanley as the listed as the owner, however, the house is in trust to me so that is how it's currently set up. Not sure if the letter was sent to Joan's address in Montana as she did not say that she received the letter. -I'll check again with her.

**C136-3** | I reviewed the zoning for both R-2 and RD-M and while it may be correct that the maximum amount of units allowed are the same, "what" you can build seems different to me. RD-M seems as though one could build structures, layouts, etc that are more similar to a typical apartment property.

If the definitions for RD-M were exactly the same as R-2 I may be ok with the change but they are not, they're different.

Also, I believe it to be true that changing this zoning on paper from R-2 to RD-M could affect property value should I ever sell my home.

For me the issue is that it all comes back to the differences in defined usage in the development standards.

Would be interested in updates on hearings or possibly attending.

Thank you,

Jason

**From:** Jenny Racine [mailto:jenny\_racine@yahoo.com]  
**Sent:** Tuesday, April 22, 2014 1:02 PM  
**To:** Corey Funk  
**Subject:** R-2 to RD-M Questions

Dear Mr. Funk,

C137-1

I am writing to you in regard to the notice I received a few weeks ago about the rezoning of my property. We are currently a R-2 and are slated to become a RD-M. Our property is a Duplex but is completely independent on each side (ie: single family "attached"). I don't foresee what could happen on our property because there is no way that these houses could become further divided. However, I am concerned about my neighborhood becoming an apartment zone. It seems like this would happen if the properties become zoned for multiple units (which is my understanding of RD-M)? I recently battled the city about the stupid stop signs, one of which got placed in front of my home - which BTW, everyone rolls through - and this seems insult to injury. Can you explain where the city is coming from with this? Are there property developers who want to put apartments along Levante St.?

Thank you,  
Jenny Racine

From: Biondolillo CIV John M [mailto:john.biondolillo@usmc.mil]  
Sent: Thursday, March 13, 2014 2:37 PM  
To: Corey Funk  
Cc: jmbiondolillo@gmail.com  
Subject: Property Owner Notice - Proposed Zoning Change - Object

Mr. Funk:

APN: 2161903501  
OWNER: BIONDOLILLO JOHN & SYLVIA, 2409 SACADA CIR, CARLSBAD, CA 92009  
CONTACT: 949-444-1219 & jmbiondolillo@gmail.com

C138-1

I am writing you in regard to the proposed zoning changes to my property.

I object to the proposed zoning change of my property from R-2 to RD-M. My entire neighborhood is composed of single family homes (R-1) and duplexes/twin homes (R-2). There are no multiple density dwelling units within our neighborhood and therefore changing the zoning within my neighborhood to allow an increased density of housing is not consistent with the current zoning and character of the community as stated in your letter, and it could serve to reduce property values and increase crime if allowed. The empty lots proximate to my property should be developed with the same zoning requirements as the surrounding properties (R-1 and R-2) to preserve the aesthetics, character and safety of the neighborhood.

I do not want to see a multiple density development adjacent, proximate or near my home ever. This type of zoning change would only serve the interest of a greedy developer trying to build as many housing units as possibly allowed on a piece of property to maximize profits, and does not serve the best interest of the existing tax paying citizens of my community. I am also very concerned that any City Planner would even propose that RD-M is a more consistent with current zoning of R-1 and R-2 because it is so obviously inconsistent with the existing residential development in the neighborhood. The job of the City is to serve the interest of its tax paying citizens and not developer profit margins.

Please let me know when the public hearing is scheduled for this proposed zoning change to my property ASAP, so my neighbors and I can come and adamantly object in person.

Best regards,

John Biondolillo, Sc.D.  
Environmental Planner, Strategic Planning Section Environmental Security MCIWEST-Marine Corps Base  
Camp Pendleton Box 555008 Camp Pendleton, CA 92055-5008

From: Biondolillo CIV John M [mailto:john.biondolillo@usmc.mil]  
Sent: Monday, March 17, 2014 12:35 PM  
To: Corey Funk  
Subject: RE: Property Owner Notice - Proposed Zoning Change - Object

Mr. Funk:



C138-2

The current zoning designation of my property is R-2 not RM, according to the figure that you sent along with my letter, and I would like it to stay that way. As previously stated, my neighborhood consists of only R-1 and R-2 dwellings and we would like to preserve the character of the neighborhood by maintain our current zoning designation throughout the neighborhood. We are not interested in a new more flexible higher density zoning designation of RM in our neighborhood, and will adamantly protest any high density construction proposed in the neighborhood. Please don't ruin our neighborhood with your zoning shell game; put your low income housing somewhere else that's more appropriate. The City should look out for the interest of its Citizens, and not the profits of greedy developers.

If the City has changed my properties zoning designation from R-2 to RM without my consent, I would like the record of that change from the City sent to me ASAP, so that I may present my objection to the City Council in person and my lawyer if necessary.

Best regards,

John Biondolillo  
2409 Sacada Circle  
Carlsbad, CA 92009

**From:** John Ireland [mailto:johnrireland@msn.com]  
**Sent:** Friday, April 04, 2014 7:23 AM  
**To:** Corey Funk  
**Subject:** Zoning

Hello Corey

This is in reference to...  
APN:21530005300  
John Ireland

C139-1

Is the cities intention to raise the density from two to multiple units for my parcel?

If so, I would have to assume that no one from the city has actually come over and viewed the properties in question. Higher density zoning in our neighborhood makes absolutely no sense. The zoning, if changed at all should be for less density!

I would welcome the opportunity to meet with you at my home, to view the area and discuss the reasoning behind such a drastic change.

Thank you for your time and consideration.

Regards

John Ireland

**From:** John Minan [mailto:jminan7@hotmail.com]  
**Sent:** Thursday, March 13, 2014 1:49 PM  
**To:** Corey Funk  
**Subject:** Proposed General Plan amendment questions

Mr. Funk,

C140-1

I recently received an undated notice about a proposed General Plan amendment suggesting I contact you if I have questions. The proposed change in the notice would affect our parcel, APN:2153101901, at 2821 Luciernaga Street, Carlsbad, CA 92009. It proposes changing the existing zoning of our parcel from R-2 to RD-M. It also appears to change the zoning in the general neighborhood. No explanation is provided for the proposed change other than to "clean up" minor mapping issues.

Because the rationale "cleaning-up" minor mapping issues is not specific, would you please explain why the change is necessary? Also, how does the zoning code specifically differentiate between allowed uses under an R-2 zoning designation and an RD-M designation?

The current R-2 designation appears correct for our parcel as well as the neighborhood generally. Allowing more intense future development in the area, which is already fully developed, has the potential to negatively change the character of the neighborhood and in the process adversely affect property values.

Thank you for responding to my two questions.  
John Minan

**From:** Kevin Moriarty  
**Sent:** Tuesday, March 18, 2014 3:03 PM  
**To:** 'corey.funk@carlsbadca.gov'  
**Subject:** 6255 Nygaard St - APN 213-190-02

Hello Corey-

C141-1

We are the owners of the above-referenced property, on which we operate the ActivCare at Bressi Ranch facility. We are in receipt of your letter regarding the proposed change in its land use designation in the General Plan (map attached).

It appears that the proposed new designation, R-23, is not accurate, as ours is not a residential use. It seems to us that the more accurate designation would be 'CF', as we are a licensed Residential Care Facility for the Elderly, specializing in memory care. From our reading of the definition of the Community Facilities designation, it appears to match our use precisely.

Please let me know if you concur with this conclusion, and if the proposed change will be modified accordingly. Feel free to call any time to discuss the issue.

Thanks.

*Kevin Moriarty*

**VICE PRESIDENT - DEVELOPMENT**



**ACTIVCARE LIVING, INC.**  
**9619 CHESAPEAKE DRIVE, SUITE 103**  
**SAN DIEGO, CA 92123**  
**(858) 565-4424 x310 OFFICE**  
**(760) 473-7922 CELL**  
[KEVIN@ACTIVCARELIVING.COM](mailto:KEVIN@ACTIVCARELIVING.COM)

**From:** Kevin Moriarty [mailto:kevin@activcareliving.com]  
**Sent:** Thursday, March 20, 2014 5:10 PM  
**To:** Christer Westman  
**Cc:** Corey Funk  
**Subject:** RE: 6255 Nygaard St - APN 213-190-02

Hi Christer-

C141-2

Thanks for your call earlier today – hope you are doing well.

I understand the logic you explained in your message regarding the new designation, and it makes perfect sense. As long as the new designation does not create the possibility of any new requirements or put our use out of compliance in the City's eyes, then we are in agreement.

Thanks.

*Kevin Moriarty*

**VICE PRESIDENT - DEVELOPMENT**



**ACTIVCARE LIVING, INC.**  
**9619 CHESAPEAKE DRIVE, SUITE 103**  
**SAN DIEGO, CA 92123**  
**(858) 565-4424 x310 OFFICE**  
**(760) 473-7922 CELL**  
[KEVIN@ACTIVCARELIVING.COM](mailto:KEVIN@ACTIVCARELIVING.COM)

May 20, 2014

**Sent Via E-Mail and U.S. Mail**  
**corey.funk@carlsbadca.gov**

Mr. Corey Funk  
Associate Planner  
City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, CA 92008

Re: Aviara Premier Collection Association  
**Rezoning of APN: 2159602100**  
Our File No. 5130.01

Dear Mr. Funk:

C142-1

This office represents Aviara Premier Collection Association ("Association"). We write to you on behalf of the Association with regard to the proposed rezoning of APN: 2159602100, which is owned by the Association.

The Association recently received a "Property Owner Notice" from the City stating that certain land owned by the Association was being rezoned from "Residential 4-8 du/ac" (or "RM") to "Open Space" (or "OS"). A copy of the notice is included herein for your reference. Upon receiving the notice, the Association immediately became concerned with how the rezoning of this area would affect the Association's maintenance responsibility. We write to you for clarification on this issue.

C142-2

In order to determine how the Association's maintenance responsibilities might change upon the proposed rezoning, we have reviewed the "Pacific Rim Country Club and Resort Master Plan – Project Renamed Aviara" ("Master Plan"); the Declaration of Covenants, Conditions and Restrictions for The Aviara Premier Collection and its Conditions and Restrictions for Aviara ("CC&Rs") and subsequent amendment; and the Carlsbad Municipal Code, specifically Chapter 21.33 entitled "O-S Open Space Zone". None of these documents clearly delineate how the proposed rezoning might affect that Association's maintenance responsibilities with regard to the affected land. Although Section 21.33.045 of the Carlsbad Municipal Code provides some direction as to "[o]pen space preserved in conformance with the habitat management plan", that section does not appear to apply to the land at issue here.

2076205v1

**San Diego**  
10200 Willow Creek Rd., Suite 100  
San Diego, California 92131  
858.527.0111 • fax 858.527.1531

**Coachella Valley**  
74830 Highway 111, Suite 100  
Indian Wells, California 92210  
760.836.1036 • fax 760.836.1040

**Inland Empire**  
43460 Ridge Park Dr., Suite 200  
Temecula, California 92590  
951.461.1181 • fax 858.527.1531

Mr. Corey Funk  
Associate Planner  
RE: Aviara Premier Collection Association  
May 20, 2014  
Page 2

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C142-3 | The Association requests that the City provide it with written confirmation that the Association's maintenance responsibilities with regard to APN: 2159602100 will not change if the land is rezoned from "RM" to "OS". This would include no change to the type and amount of landscaping currently planted on that parcel, and no change to the level of maintenance the Association provides to the landscaping that currently exists or that might be planted in the future. If there is any change whatsoever as to how the Association will be required to maintain this property if rezoned to Open Space, please notify this office immediately. Also, please provide a detailed description as to how the Association's maintenance obligation will change. If there is any such change, the Association will make every effort to ensure that the rezoning is not approved.

Thank you for your consideration. To ensure the Association has time to take appropriate action if necessary, we request a response within 10 days of this letter.

Very truly yours,

EPSTEN GRINNELL & HOWELL, APC

  
Kieran J. Purcell

KJP/avl  
Enclosure

**From:** Kurt Hoy [<mailto:kurthoy@gmail.com>]  
**Sent:** Wednesday, March 12, 2014 10:00 PM  
**To:** Corey Funk  
**Subject:** General Plan/Zoning

C143-1

Corey, the proposed update to the General Plan and zoning doesn't make sense. Read this:

"The issues facing the future of Carlsbad are no longer focused on guiding development of large land areas, but are related more to protecting and enhancing the quality of life that the community has worked hard to create." It's from the city's website.

And refer to this: <http://www.carlsbadca.gov/services/departments/community/envision-carlsbad/pages/carlsbad-community-vision.aspx>

Where does it say anything about higher density being a core value of our community. Who's behind this? Someone must be getting paid somewhere to even suggest something that is so contrary to our core values as a community. Kind of like the changes to zoning in the barrio, huh?

C143-2

If you want to make a difference, let's finally put in some sidewalks so that our kids and moms with strollers don't have to walk in the streets. Or, let's bury the power lines that make our skyline look like that of a third world country.

Thanks for your help, Kurt

Kurt Hoy

305 Hemlock Ave.

Carlsbad, CA 92008

**From:** Kurt Hoy [<mailto:kurthoy@gmail.com>]  
**Sent:** Thursday, March 13, 2014 4:00 PM  
**To:** Kevin Pointer  
**Subject:** Re: APN 2042700800

C143-3

This is great information. Thanks, Kevin. I'll share this with my neighbors. Higher density, and the parking problems, trash that comes with it, is a scary idea for those of use who moved into our neighborhoods because we like them the way they are.

C143-4

I do think the incomplete sidewalk system and power lines are big issues. The first for safety and appeal, the second for beautification and quality of life in Carlsbad.

Thanks again for explaining. Kurt



**From:** Myron Swize [mailto:mnlswize@gmail.com]  
**Sent:** Friday, May 09, 2014 2:14 PM  
**To:** Corey Funk  
**Subject:** Proposed Changes to Zoning

From: Lydia and Myron Swize, 6829 El Fuerte Street, Carlsbad, CA APN: 2153403901

Hello, Corey,

C144-1

Thank you for spending time with me earlier discussing this rezoning proposal. The proposal is to change our area from a zoning of R-2, Two Family Residential, to a zoning of RD-M, Residential Density - Multiple. I understand that from your perspective this is a simple measure intended to "clean up" zoning issues, since there are not many areas with the R-2 designation.

C144-2

From our and our neighbors' perspectives, as homeowners in that zoning area, it is a significant and undesirable change. We are on a street lined with duplexes, or "twin homes." We see this as consistent with the R-2, Two Family Residential, zoning. We have seen in other areas where zoning has changed, that existing homes are purchased and then removed to make space for multiple family dwellings, which completely changes the nature of the neighborhood. We are firmly opposed to this. If there truly is to be no change in our neighborhood, as has been indicated, then we request that the zoning remain the same. Sometimes "clean up" changes result in unintended or unanticipated consequences. We believe that change just for the sake of change can be negative. We see no positive value for the neighborhood from the proposed change.

C144-3

We value being a part of the City of Carlsbad because of the care the City has shown in protecting its neighborhoods, and we ask that once again the Planning Commission and the City Council do what is right for our neighborhood and reject this proposed zoning change.

Thank you very much for your attention to this matter and for making our objections known to the members of the Planning Commission and the City Council.

Lydia M. Swize  
6829 El Fuerte Street  
Carlsbad, CA

**From:** Marguerite Hunt [mailto:midgehunt@att.net]  
**Sent:** Wednesday, April 23, 2014 5:25 PM  
**To:** Corey Funk  
**Subject:** proposed change in land use

C145-1

My name is Marguerite L. Hunt, and I live at 2733 Abejorro Street. Recently I received a letter informing me that the city is proposing to change the zoning designation for my property from R-2 to RD-M. I am unsure as to why the city wishes to make this change.

As I understand it, the proposed designation would allow for higher density on the affected properties. If this is correct, I object to the proposed change.

I live on a quiet residential street of twin homes (duplexes). Nearby streets have single family detached homes mixed in with the twin homes, and the houses behind mine are single family detached.

Allowing for higher density would destroy the quiet character of the neighborhood. Parking is already a challenge on our streets. In addition, the streets are not designed for additional traffic. Allowing for higher density would be an undue burden on the current residents.

Please reconsider the proposed change and leave the zoning designation at R-2.

Thank you for your consideration,

Marguerite Hunt

**From:** Markus Spiegelberg [<mailto:m Spiegelberg@cnlm.org>]  
**Sent:** Thursday, March 13, 2014 3:57 PM  
**To:** Corey Funk  
**Cc:** Mike Grim  
**Subject:** Property Owner notification-rezone

Hi Corey,

C146-1 We got this in the mail the other day. Putting OS designation is what it should be.

C146-2 Also, I've noticed on track maps the designation OS (HCP) for La Costa Villages. Not sure if this makes a difference, but I thought Mike Grim would know.

Thanks.

--

Markus Spiegelberg  
San Diego Regional Preserve Manager  
Center for Natural Lands Management  
(619) 295-4953

**From:** Markus Spiegelberg [<mailto:m Spiegelberg@cnlm.org>]  
**Sent:** Thursday, March 13, 2014 4:09 PM  
**To:** Mike Grim  
**Cc:** Corey Funk  
**Subject:** Re: Property Owner notification-rezone

you prefer OS vs OS(HCP)? I'd like the latter if possible.

**From:** mpierre [mailto:mpierre1206@gmail.com]  
**Sent:** Tuesday, March 25, 2014 12:30 PM  
**To:** Corey Funk  
**Subject:** BADAJOZ PLACE LAND USE ZONING

C147-1

This letter is in reference to the zoning at the Badajoz Place cul de sac in the 92009 zip code. This is an established well maintained group of homes- each individually owned- and it seems that every single one may be currently mis-designated and that your planning department may have serious plans to erode that further. There is one single family residence here (ours, zoned an R-2. 2432 Badajoz Pl.) We are not a two-family residence here. We are definitely not a RD-M.

Neither are our neighbors, who are currently designated as condominiums when in fact, they are single owned households. If you do change the zoning here to multiple density residences, you will destroy the integrity of our neighborhood here.

We notice the multiple residential density that has built up nearby. We are aware that the lot at Levante and Sacada is for sale and with this designation it would be a multiple residential residency, or an apartment building.

Granted, many of the homes here are large, spacious twin homes, but they are NOT apartment buildings. There are not 6 to 20 households within a specific address. We absolutely do not want to open the door for that development. Your suggested plan would be the logical step toward that goal and it would destroy the demographics we have currently. If your intent is to actually "clean up" zoning designations, start by designating the properties on Badajoz Place properly.

Please notify us of the planning meeting. We fervently hope that this is not a back pocket deal initiated by developers in conjunction with the city, which has been known to occur in San Diego County. We moved here because it was the neighborhood it is. A decent place to raise a family, enjoy a quiet life, not be overrun with a more transient population.

Thank you.

Maureen and Jerry Bodow

**From:** Paul [mailto:turro@aol.com]  
**Sent:** Tuesday, July 15, 2014 8:17 AM  
**To:** Corey Funk  
**Subject:** REVISED OPEN SPACE BOUNDARY FOR TERRAMAR

Paul J. Turro D.D.S.  
5143 Shore Drive  
Carlsbad, Ca 92008  
760-802-2296

July 14, 2014

Attention: Corey Funk, Don Neu  
City Planner  
City of Carlsbad Community & Economic Development  
Planning Division  
1635 Faraday Avenue  
Carlsbad, Ca 92008

RE: REVISED OPEN SPACE BOUNDARY FOR TERRAMAR

Dear MR. FUNK AND MR. NEU,

C148-1

Thank you for your letter of July 10, 2014, which enclosed exhibits revising the city's previously proposed Open Space designation on beachfront properties in the Terramar neighborhood. You requested our review.

Please note that my lot, address 5143 Shore Drive, APN; 2100311000, is incorrectly shown on the EXISTING GENERAL PLAN LAND USE, the PROPOSED GENERAL PLAN LAND USE and the EXISTING ZONING and the PROPOSED ZONING diagram exhibits. All these "diagram exhibits" that you included incorrectly show the boundaries of my lot, in fact only 1/2 of my home is included in your proposed exhibit diagram of my lot... and your diagram of my lot also includes parts of my neighbor's home. The neighboring boundaries on all the lots appear to be shifted North.

C148-2

Please also note on your exhibit diagram titled PROPOSED ZONING, includes some of my internal improvements, (a portion of my stairway and lower deck), in your proposed zoning. I am opposed to including my stairway and improvements in your new OS zoning.

For the NEW Proposed OS plan, please assure that my entire home and improved portion of lot is correctly shown. I understand that in your meeting you explained that this is intended for visual example only. Therefore, in addition, there needs to be clear, descriptive wording stating that the existing seawall and steps are NOT included in the open space.

Please confirm receipt of this email and thank you so much for all your assistance in this matter.

Sincerely,

Paul Turro D.D.S.

**From:** Rebecca Anne Williams [mailto:rebeccawilliams99@cox.net]  
**Sent:** Monday, March 31, 2014 11:46 PM  
**To:** Corey Funk; David de Cordova  
**Subject:** Land Use update of general plan

Hello,

C149-1

I am writing to protest your update to the General Plan, specifically how it affects the neighborhood known as La Costa Meadows. La Costa Meadows is a neighborhood of twin homes, with land use designation of R-2, which has the feel of a single family home neighborhood because of the way the properties are designed. For individuals and families who want the lifestyle of a single family residence neighborhood, but who may not quite have the income to afford a single family home in Carlsbad, La Costa Meadows is a terrific option. Your proposal to change the land use designation to RD-M will significantly change the character and feel of the neighborhood. By allowing more than two residences per parcel, the neighborhood will potentially become more like a series of apartment or condominium complexes, rather than a single family neighborhood. It will make it less likely that neighbors know and interact with each other and will make it a less desirable place to live.

I strongly urge you to reconsider your plan to increase the density of the La Costa Meadows area. I realize Carlsbad is a growing community and must put new residents somewhere. Nonetheless, I would encourage you to increase the density of areas that are already zoned as multi-family, rather than changing an area that is like a single family community to multi-family.

Thank you for your consideration,

Rebecca Williams  
Arthur Nefsky  
APN: 2152902002

**From:** Shellnutt, Rick [mailto:Rick.Shellnutt@aa.com]

**Sent:** Friday, March 21, 2014 8:47 AM

**To:** Corey Funk

**Subject:** parcel 215 320 23 02 zoning change

To: Corey Funk

C150-1

I am property owner for parcel 215 320 23 02 at 6739 Corintia St and my name is Richard L Shellnutt. The current plan use designation of R-2 fits my home perfectly since it is a twin home with a common wall with my neighbor Terri Harrison.

I believe that RD-M would mis-represent our home as “residential density–multiple:” which more appropriately applies to a multi-unit condo. Please maintain the R-2 designation, but if not, please provide an explanation as to why the RD-M would better apply to our twin home in Carlsbad.

I prefer email response but cell phone is below.

Thank you,  
Rick Shellnutt  
918 704-2591

**From:** Robin Gartman [<mailto:rgartorth@cs.com>]  
**Sent:** Tuesday, April 01, 2014 11:13 AM  
**To:** Corey Funk  
**Subject:** Property rezoning or APN:2153201801

Hi Corey,

C151-1

The information provided for rezoning my property is pretty vague on what is really behind this "clean up". Could it be old development versus new, higher density to give more property taxes or just a change in computer software?

R2 vs RD-M leaves my neighborhood open to becoming a high density district. Using R2 clearly defines the limit of these "small lots" to exactly two families. Multi family is not specific at all.

I vote no to this change unless conditions/restrictions are placed in the definition of RD-M. Without specific reasons, I can only assume updating is being done is to simplify coding, however, this change will allow more latitude in home replacement than the simple code already in uses. This is a simple neighborhood and changes are being made on paper without actually visiting this small La Costa neighborhood.

RD-M could be a developers green light to buy my neighborhood and build 4 or 6-plex (Multi-family) homes on these small lots. This is a neighborhood of small homes and we would like to insure it stays that way.

I live on a small cul-de-sac were for a very long time life, parking, and space have been clearly defined by the zoning of R-2 (two family lots).

Please provide a better description of what RD-M really means because one label doesn't fit all.

Robin Gartman and Wheeler North  
2725 Anta Court  
Carlsbad, Ca.92009



From: Trafford, Scott [<mailto:STrafford@tiaa-cref.org>]  
Sent: Wednesday, March 19, 2014 10:39 AM  
To: Corey Funk  
Subject: Zone change notice APN 2550120400 - reject change

Hello Corey,

C152-1

I received the attached letter regarding your proposed clean up. I am not sure why you are proposing to change our use, but we do not support the proposed changes you outline on the attached. The zoning should stay the same as we have now at R/O/RMH.

Please call me if you want to talk further

Thank you

Scott R. Trafford  
Director | Retail Asset Management | Global Real Estate TIAA-CREF | Financial Services

4675 MacArthur Court, Suite 1100

Newport Beach, CA 92660

Office: 949.809.2653

Fax: 949-752-7842

[trafford@tiaa-cref.org](mailto:trafford@tiaa-cref.org)

From: Trafford, Scott [<mailto:STrafford@tiaa-cref.org>]  
Sent: Thursday, March 20, 2014 9:05 PM  
To: Corey Funk  
Subject: RE: Zone change notice APN 2550120400 - reject change

Thanks for the reply Corey. I just want to clarify this is not just my preference. We bought the project with this zoning. We will challenge any change to the current zoning.

Thank you Corey

Scott R. Trafford  
Director | Retail Asset Management | Global Real Estate TIAA-CREF | Financial Services

4675 MacArthur Court, Suite 1100

Newport Beach, CA 92660

Office: 949.809.2653

Fax: 949-752-7842

[trafford@tiaa-cref.org](mailto:trafford@tiaa-cref.org)

**From:** Tina Newkirk [<mailto:tinasnewkirk@gmail.com>]  
**Sent:** Monday, April 07, 2014 7:04 PM  
**To:** Corey Funk  
**Subject:** existing zoning designation for APN; 206001300

ADDRESS: 4525 ADAMS STREET, CARLSBAD, CA 92008

CITY OF CARLSBAD PLANNING DEPT AND COREY FUNK.

C153-1

PER OUR CONVERSATION WHICH TOOK PLACE AT THE CITY OF CARLSBAD LAST TUESDAY APRIL- FIRST 2014. IM FOLLOWING UP WITH A LETTER AS INSTRUCTED. I WOULD LIKE TO KEEP THE FOLLOWING PROPERTY AT 4525 ADAMS STREET, APN NO .206001300 TO REMAIN UNDER ITS CURRENT EXISTING ZONING DEZIGNATION.

KLEMENTYNA NEWKIRK

April 4, 2014

Steven Handelman  
6164 Castejon Drive  
La Jolla, CA 92037-6930

City of Carlsbad  
Community & Economic Dev.  
1635 Faraday Ave  
Carlsbad, CA 92008

[corey.funk@carlsbadca.gov](mailto:corey.funk@carlsbadca.gov)

RE: 2417 Burgos Ct., Carlsbad APN: 2162403701

Dear Cory Funk:

C154-1

I am in receipt of your property owner notice stating the change in zoning from R-2 to RD-M. I am not in agreement with this proposed zoning designation. This will allow developments to build apartment buildings or condos that will devalue my property. The area has been R-2 and should remain R-2.

The larger buildings with multiple density is not good for the neighborhood. We do not want to see our properties go down in value or the beauty of the area change. I have owned this property since 1990 and value the neighborhood.

We don't want anyone to buy 2 twin homes tear them down and put 4 to 8 units on the lot!

Steve Handelman

**From:** [QuirkT@gtlaw.com](mailto:QuirkT@gtlaw.com) [<mailto:QuirkT@gtlaw.com>]  
**Sent:** Tuesday, March 18, 2014 2:42 PM  
**To:** Kevin Pointer  
**Subject:** RE: APN 2032510800

C155-1

What you sent comprises an aerial photo of our property, and a colored drawing that is no more detailed than the piece of paper that I received in the mail. These are neither helpful nor instructive. Please provide information or comprehensive written responses as follows:

1. What are the reasons that the City believes that a zoning change for a portion of this property is necessary?
2. What additional restrictions, obligations or burdens are placed on the property, and what rights are lost, by virtue of a portion of it being zoned "OS"?
3. What rights has the City, or the public, acquired as a result of a portion of the property being zoned "OS"?
4. By what authority can the City rezone a portion of a parcel such that a single parcel has multiple zoning designations?
5. How can anyone tell where R-3 ends and the proposed OS zoning commences, based on the block drawing with a line drawn on it that has been provided? At the very least, a legal description must be provided so that any owner will know exactly where the zoning changes. For all I know, the line could go through my deck.

C155-2

C155-3

C155-4

C155-5

C155-6

It just appears to me that the City has not completely thought through the ramifications to this proposal. Absent adequate responses to the questions set forth above, you may record my position as being opposed to this zoning change.

Sincerely,

EJQ

**Ted Quirk**  
Of Counsel  
Greenberg Traurig, LLP | Suite 400 North  
3773 Howard Hughes Parkway | Las Vegas, Nevada 89169  
Tel 702.938.6883  
[QuirkT@gtlaw.com](mailto:QuirkT@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



**From:** [QuirkT@gtlaw.com](mailto:QuirkT@gtlaw.com) [<mailto:QuirkT@gtlaw.com>]  
**Sent:** Friday, May 02, 2014 1:37 PM  
**To:** Kevin Pointer; Corey Funk  
**Subject:** RE: APN 2032510800 3075 Ocean St.

Greetings Kevin and Corey:

C155-7

I have not heard from the City since receiving the preceding email, although I am in receipt of Mr. Neu's 4/28/14 letter advising of a community meeting scheduled for Monday 5/5/14. I am not able to attend the meeting, so comment as follows.

The Questions and Answers page, attached to Mr. Neu's letter, does not adequately address the questions set forth in my 3/18/14 email, below. The questions admit of simple, straightforward answers; for example, if the answers to questions 2 and 3 are "none," you can simply type that in below the questions and return by reply email.

C155-8

In addition, the issue of specifically identifying the property to be rezoned has not been addressed. The statement that the city will, in the future, set forth language that will "clarify intent" of where the boundary will be, will certainly not inspire confidence in the property owners. And it is still not clear to me that a single parcel can have multiple zoning designations, although maybe that is possible in Carlsbad.

C155-9

Regrettably, as I am unable to attend the meeting, please regard this letter as my objection to the proposed zoning change.

Ted Quirk

**Ted Quirk**  
Of Counsel  
Greenberg Traurig, LLP | Suite 400 North  
3773 Howard Hughes Parkway | Las Vegas, Nevada 89169  
Tel 702.938.6883  
[QuirkT@gtlaw.com](mailto:QuirkT@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



**From:** Tim Johnson [mailto:tjohnson5805@yahoo.com]  
**Sent:** Wednesday, March 12, 2014 6:10 PM  
**To:** Corey Funk  
**Subject:** Proposed Zoning

C156-1

I received a letter from the Planning Division indicating the city is looking to change my property's, 2257 Levante St, existing zoning from R-2 (Two-Family Residential) to RD-M (Residential Density- Multiple). I translate that as the city is going to try to identify my house, a twin-home, and those of my neighbors as apartments. Is it the intention of the city to destroy my and all of my neighbors property value? Has anyone in the Planning Division driven out to Levante and looked at the properties? Do they look like multiple density residents to you? I plan on attending the upcoming public hearings and I will be bringing a lot of mad voters with me.

Please contact me if I am wrong about the Planning Division's intentions. I sure don't want to hire an attorney over this.

Tim Johnson  
WK (858) 505-7809  
Cell (760) 500-8527

**From:** Kathryn <[kfhall@visionsunltd.com](mailto:kfhall@visionsunltd.com)>  
**Date:** March 12, 2014 5:18:21 PM PDT  
**To:** [corey.funk@carlsbadca.gov](mailto:corey.funk@carlsbadca.gov)  
**Subject:** APC 2153002401

Dear Mr. Funk,

C157-1

We are writing in regard to the proposed land use and zoning changes. Our parcel number, as referenced above, is currently listed as a R-2 Two-Family Residential. This accurately reflects our property; a 2 parcel attached house with no HOA, no common area, and have no relationship to any other twin home. Consequently, we are curious why the proposed change would list us as an RD-M Residential Density-Multiple.

What are the reasons and benefits to the City for this change? What are the detriments to us as homeowners?

Your prompt reply would be appreciated.

Sincerely,

Kathryn and Joseph Hall  
Owners of APC 2153002401

**From:** Kathryn [<mailto:kathrynfernhall@gmail.com>]  
**Sent:** Wednesday, March 12, 2014 7:04 PM  
**To:** Corey Funk  
**Subject:** Fwd: APC 2153002401

Dear Mr. Funk,

C157-2

After further processing your letter it came to mind that the City may be trying to allow development of apartment complexes onto these lots. Please tell me this is not the case.

Again, your prompt response would be appreciated.

Sincerely,

Kathryn and Joe Hall  
Owners of APC 2153002401

**From:** Denise Hendricks [mailto:[denihendricks@gmail.com](mailto:denihendricks@gmail.com)]  
**Sent:** Monday, March 17, 2014 9:13 AM  
**To:** Corey Funk  
**Subject:** Property Owner Notice

Hello Mr. Funk,

C158-1

Can you answer a couple questions regarding the Prop. Owner Notice I received regarding APN: [2155033730](#).

Is this in fact the parcel now being owned and operated by Seaport Villas, as an RV lot for their community?

If so, how can the city change this, and how will the city compensate the community?

Thank you for your information,

Denise Hendricks

[denihendricks@gmail.com](mailto:denihendricks@gmail.com)



**From:** Jeffrey Neichin [mailto:jeffandcarole98272@msn.com]  
**Sent:** Saturday, March 22, 2014 8:30 PM  
**To:** Corey Funk  
**Cc:** Barry M Neichin; blpipes@yahoo.com  
**Subject:** City Of Carlsbad-Proposed Zoning Change

Dear Corey Funk,

C159-1

My name is Jeffrey Neichin my wife and I own the home @ 2750 Argonauta St Carlsbad CA it is a 2 unit condominium and the other side of the condominium is owned by another man who has two children one living at home and the other at college.

I received notice of a pending zoning change to my property from R-2 to RD-M. According to the description included in the notice the current zoning of R-2 is Two- Family residential, RD-M is Residential Density Multiple.

The current use of the property seems to mirror that description for R-2, and the current zoning seems appropriate and I don't understand the reason for the proposed change.

Can you please explain to me the differences in the two different zonings and what different uses would be allowed under each of the zonings R-2 and RD-M.

Thank you for your time hopefully your explanation will provide me with the information I need to better understand this proposed change.

Sincerely,

Jeffrey Neichin  
[jeffandcarole98272@msn.com](mailto:jeffandcarole98272@msn.com)

**From:** yk [mailto:aduhey@gmail.com]

**Sent:** Monday, March 17, 2014 11:09 AM

**To:** Corey Funk

**Subject:** FW: Your notice of proposed rezoning of my property - APN: 2122202700

Mr. Funk,

C160-1

We are in receipt of your (undated) notice of proposed zoning changes to my property. Presuming to understand your notice correctly, your proposed change would re-zone my property from a single family dwelling to a multi-unit (up to 8?) property. Presently, my property comprises of a single story home of 1771 sq. ft. living space situated on a very small lot. Also, the entire street, as well as the surrounding neighborhood is solely occupied by single family homes. Indeed, presently there are no apartments, condos or commercial properties within several blocks nearby. As such, I find your proposed rezoning nothing but perplexing and an explanation from you would be greatly appreciated

Respectfully,

Yehuda & Barbara Krampfner  
6426 Torreyanna Cir.  
Carlsbad, CA 92011  
925-699-7877 (cell)

APN: 2122202700

**From:** Chad Phillips <chadcphillips@att.net>  
**Sent:** Monday, February 17, 2014 11:52 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir

C161-1 This email is in regards to all of the developements in North Olde Carlsbad. I am a long time resident here at the North end of Pio Pico and walk our daughter and dogs in the neighborhood everyday, unfortunately I see plans for significant development in the area adding more than a total of 30 homes, which all resident will have to exit Las Flores Dr.. I was just informed that the city is planning to sell the Reservoir at the top I Buena Vista for development, which is right above where they just tore down a huge lot full of trees and will be building 11 home. this is also across the street from where even more home are proposed to be built. We Need To Keep More Green Space !

C161-2 The Neighborhood believes the Reservoir should be made into a park as there is none in this area. Also on Pio Pico there is an application for 17 lots !!!! I think this is a travesty !!! Please do not pass this as it will destroy our Olde Carlsbad Neighborhood. Please look at the whole picture in our area before approving anything !!!

Sincerely  
Chad Phillips Registered Voter !

**From:** Giovanna Spinosi Phillips <giovanna.s@att.net>  
**Sent:** Monday, February 17, 2014 11:54 AM  
**To:** Council Internet Email  
**Cc:** John Hamilton  
**Subject:** Buena Vista Reservoir Development & Miles Pacific

C162  
-1 This email is in regards to all of the developments in North Olde Carlsbad. I am a long time resident here at the North end of Pio Pico and walk our daughter and dogs in the neighborhood everyday. Unfortunately, I see plans for significant development in the area adding more than a total of 30 homes, which all resident will have to exit Las Flores Dr.. I was just informed that the city is planning to sell the Reservoir at the top of Buena Vista for development, which is right above where they just tore down a huge lot full of trees and will be building 11 homes, which is across the street from where even more home are proposed to be built. We Need To Keep More Green Space !

C162  
-2 The Neighborhood believes the Reservoir should be made into a park as there is none in this area. Also on Pio Pico there is an application for 17 lots by Miles Development !!!! I think this is a travesty !!! Please do not pass this as it will destroy our Olde Carlsbad Neighborhood. Please look at the whole picture in our area before approving anything !!!

Sincerely,  
Giovanna Spinosi Phillips  
Registered Voter

**From:** emy reilly <emyreilly@hotmail.com>  
**Sent:** Monday, February 17, 2014 1:57 PM  
**To:** Council Internet Email  
**Subject:** buena vista reservoir

C163  
-1

Hi, I am a resident of 1305 buena vista way in carlsbad. I would like to express my concern regarding the potential sale of the buena vista reservoir to a private developer. I believe that this space would better serve the city of carlsbad as a park or open space area. We do not have many parks in this area and since they locked up buena vista elementary school after hours and on weekend there is no where for my three children to go to play. There are so many children in this neighborhood that would benefit from a park in their neighborhood. Please consider all the neighbors and residents of carlsbad and do not sell this property to a developer.

Thank you,  
Emy Reilly

**From:** Michael Barone <mikebarone@sbcglobal.net>  
**Sent:** Monday, February 17, 2014 2:58 PM  
**To:** Council Internet Email  
**Cc:** Matthew Hall  
**Subject:** BUENA VISTA RESERVOIR

DEAR FRIENDS.

C164-1 I am a homeowner on 2884 Elmwood St; I was born in Oceanside in 1952 but have LIVED in this Carlsbad Home for 60 years. I have SEEN ALL THE CHANGES occurring since the 1950's; 1960;s.

I ask that you PLEASE NOT SELL THE RESERVOIR to Developers; We dont need more homes; people, foot traffic etc and all that comes with a Home development. We have enough density in this area.

I would like to see it preserved as open space or park land; lets NOT TURN CARLSBAD into a MEGALOPOLIS OR MINI L.A.

MICHAEL BARONE  
2884 ELMWOOD ST  
CARLSBAD

760 434 8834

**From:** Connie Chavez <cmchavez@pacbell.net>  
**Sent:** Tuesday, February 18, 2014 8:25 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir

C165-1

we have lived on a quiet street off Valley and Buena Vista for over 22 years now.....We were heartbroken when we saw the lot on the corner being demolished for the construction of new homes in this area. Now we are aware that the land above may be sold for that million dollar view- we are against this sale and will participate in action against this sale of the Buena Vista Reservoir land. The land should be preserved for this quiet neighborhood. It is called old Carlsbad, not new Carlsbad which is already filled with new development. We have no access to open space in this vicinity, we cannot utilize Buena Vista School for the grassy areas. Why not turn this one small piece of beauty into a lovely park area, possibly a meditation garden?? The views are incredible, it would be a perfect place for the neighborhood to enjoy. We have enough homes in this area, we do not need more homes. Please consider the pleas of this quiet neighborhood to preserve some of the last open space remaining.

Constance and Victor Chavez  
2510 Wilson Street  
Carlsbad, Ca

**From:** Robert Dentino <rdentino@excelengineering.net>  
**Sent:** Tuesday, February 18, 2014 10:17 AM  
**To:** Mary Anne Viney  
**Cc:** Sova, Sharon; Council Internet Email  
**Subject:** Buena Vista Reservoir Neighborhood Poll

C166-1

Hi Guys,  
I wanted you to know that when I got home yesterday, I had 5 more responses to our neighborhood poll. They were brought over by the couple that spoke with Mary Anne and then me, who live on Elmwood. They have been really productive. Anyways we now have 5 more responses that vote no to selling the reservoir. This brings the results of my poll to: Roughly 55 homes visited around the reservoir area

41 responses on the forms  
40 votes for don't sell the reservoir  
1 vote for sell the reservoir.  
Add to that the results you guys got this

weekend.

The latest signatures come from:	Marsha Adams	2515 Wilson St.
	Ray/Christine Immelman	2992 Elmwood
	Michael Barone	2884 Elmwood
	Tammy Vittone	2905 Elmwood
	Ron/Jill Lea	1453 Buena Vista

Good luck today with Parks Director, Chris Hazeltine in regards to forming the neighborhood group and presenting our results.

I am believing that our neighborhood is very behind this movement to not sell the reservoir. Thank you again for your help.

Robert D. Dentino, P.E.  
*Excel Engineering*  
440 State Place  
Escondido, CA 92029  
P:760.745.8118x12  
F:760.745.8134  
rdentino@excelengineering.net



**From:** mark cunningham <markgcunningham@gmail.com>  
**Sent:** Tuesday, February 18, 2014 11:49 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista reservoir

C167-1

To whom it may concern: As a 32 year resident of Carlsbad, and 27 year homeowner of the neighborhood to be impacted I would like to express my feelings of not building on the last city owned chunk of land in my neighborhood. One of the great things of living in this area has been that it had not been over built. Please consider using this piece of property for the good of one of the last great neighborhoods left. See you at the council meeting on the 25th. Thank you

Mark Cunningham

1776 Forest Ave

Sent from my iPad

**From:** robert gilbert <beckola750@yahoo.com>  
**Sent:** Thursday, February 20, 2014 6:54 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir

C168-1

Mayor and Council, we are hoping you can agree to set aside some land for a small park ( or open space for walking ) at this site. Besides the forest, we have no open space left. The city supports the Crossings Golf course (approx. 1 million dollars per year total), can't we set aside a small open space for the citizens of the northern section of old Carlsbad. "Parkettes" greatly improve neighborhoods and brings neighbors together. Thank You Robert Gilbert 1339  
Buena Vista Way Carlsbad, Ca 92008

**From:** rick lantz <lantzfam@roadrunner.com>  
**Sent:** Thursday, February 20, 2014 3:52 PM  
**To:** Matthew Hall; Keith Blackburn; Mark Packard; Lorraine Wood; Council Internet Email  
**Subject:** Buena Vista Reservoir/Feb 25 Council Mtg

Dear Council Members,

C169  
-1 I am writing to ask you to NOT approve the sale of the Buena Vista Reservoir property. Our quadrant of the city has been fortunate to enjoy Open Space in the form of several undeveloped parcels for many decades.

We have not asked the city for parks or dedicated Open Space because we were content with the natural land around us and that is why we bought our homes. Unfortunately the landscape(literally) has changed dramatically with the sale of this land and planned housing developments. As part of this new development, we recently watched over 200 mature Maple, Eucalyptus, and Avocado trees be cut down to make way for development. That was the property owner's rights but it has made an impact on the character and open space of our neighborhood.

We are fortunate that we still have one city owned Open Space parcel that does not have to be purchased by Prop C money. The Buena Vista Reservoir can be preserved and developed as a neighborhood park or left as an Open Space parcel to buffer against the multiple developments planned for our neighborhood. The Reservoir parcel sits on a hill crest which is in the sight line of a large percentage of residents. To replace the current Open Space sight line with multiple houses would be detrimental to the character of this city quadrant and why many of us purchased our homes.

C169  
-2 I have copied a paragraph from the City of Carlsbad's Open Space web page. I ask that you follow through with what residents voted for in

1986 and stated again in Envision Carlsbad and the Carlsbad Community Vision in 2010. Our neighborhood is at a crossroads in "ensuring an excellent quality of life", please protect it.

"The City of Carlsbad has made a strong commitment to preserving open space to ensure an excellent quality of life for our residents. In

1986 residents voted to approve the Growth Management Plan, which ensures ample land will be set aside as permanent open space."

Sincerely,

Rick Lantz  
2844 Wilson St.  
Carlsbad 92008  
lantzfam@roadrunner.com

**From:** Mary Anne Viney <maryanneviney@dslextreme.com>  
**Sent:** Tuesday, February 25, 2014 6:42 PM  
**To:** Council Internet Email; Keith Blackburn; Mark Packard; Lorraine Wood  
**Cc:** MANUEL CONTRERAS  
**Subject:** Fwd: Buena Vista Reservoir

Begin forwarded message:

**From:** MANUEL CONTRERAS <[manuel\\_contreras@me.com](mailto:manuel_contreras@me.com)>  
**Subject:** Buena Vista Reservoir  
**Date:** February 25, 2014 at 4:16:13 PM PST  
**To:** [council@carlsbad.gov](mailto:council@carlsbad.gov), [keith.blackburn@carlsbad.gov](mailto:keith.blackburn@carlsbad.gov),  
[mark.packard@carlsbad.gov](mailto:mark.packard@carlsbad.gov), [lorraine.wood@carlsbad.gov](mailto:lorraine.wood@carlsbad.gov)  
**Cc:** [maryanneviney@dslextreme.com](mailto:maryanneviney@dslextreme.com), [sharonas@roadrunner.com](mailto:sharonas@roadrunner.com),  
[doug.dentino@yahoo.com](mailto:doug.dentino@yahoo.com)

All,

C170-1

Please save the Buena Vista reservoir. Allowing the construction of high density housing is not a good use of that land. Pick up the latest edition of the Coast News newspaper and you will find multiple articles about the traffic issues the city is facing. Read about the severe drought is affecting the state and how it is affecting the cost of our water.

C170-2

I understand how desirable of a place Carlsbad is. The questions you have to answer to the people you represent is how much traffic is acceptable. How much an acre foot of water is too much. The cost and of the time of people sitting in traffic can be easily projected and calculated. Striking the right balance between development and quality of life is never simple. Yet you asked for our vote to work on finding that balance.

There are simple metrics that you can use to make better decisions and to monitor the quality of life of our city that you can use as guidance to determine how many more homes we can absorb in the city. How long does it take to get from Palomar Airport Road to FWY 78 driving on El Camino Real en between 4:00 PM and 6:00 PM?

The answer is almost 30 minutes on a working week day. This is just an example but we can apply the same metrics to other main street in our city.

How much more time is it going to take in two or five years after more homes are added per your approval. How long is acceptable? 35 minutes? 45 minutes?

I would propose you take the leadership on this matter and start tracking time and cost of the spending more time on congested roads. Simple hard measurable indicators of the effects of the decisions taken by this city council.

It occurs to me that during the time of a successful administration those times should not increase by much. I'm sure there are standards out there to compare our city with other cities to use them as a reference for your performance.

I can tell you that more homes is not the answer.

C170-3

Please save this and other open spaces. Build a park, a bigger community garden. Do something beautiful and meaningful to preserve our quality of life. Full fill your promise of making of Carlsbad a better place.

Kind regards,

Manuel Contreras  
Rosaura Rivera  
Maritza Contreras-Rivera

2710 Wilson Street  
Carlsbad CA 92008

**From:** obrienstephanie8@gmail.com  
**Sent:** Wednesday, February 26, 2014 10:32 PM  
**To:** Council Internet Email  
**Subject:** Buena vista reserve

C171-1

Dear Council members,

As a resident of Old Carlsbad, I need to voice my opinion against selling this parcel to a development company. Progress and revenue are important in maintaining a city, however we do not need to add more homes that will draw from our water supply, impact the already congested area around the lagoon, and compromise the integrity of the "rural" feel....which is the biggest tourist calling card.

Therefore please consider voting against Selling to developers.

Thank you,

Stephanie OBrien,  
Carlsbad resident

Sent from my iPad

**From:** Susan Berson <sberson@live.com>  
**Sent:** Monday, March 03, 2014 10:00 AM  
**To:** Council Internet Email  
**Cc:** 'Susan Berson'  
**Subject:** Possible Sale of the Reservoir in Olde Carlsbad

Dear Carlsbad City Council –

C172  
-1 I am a member of the Olde Carlsbad neighborhood within walking distance of the reservoir. I am very concerned that there are current plans under discussion for the sale of that land for further development. This is an older corner of larger Carlsbad and many of the needed and thoughtful city elements that are built in these days were not included back in the 60s when this community was built. There is very little opportunity to add open space or a park for our children to play in. This should be the direction the City Council goes in – how to enrich the quality of the lives of our community members; and more houses is not what we need. Just on my street alone there are 10 elementary age children; within a few blocks that number grows exponentially. For playdates, we have to get in the car and drive to parks like Hidden Canyon, there is nothing within walking distance. Furthermore, there are a fair number of Seniors in this community as well, original residents from the 60s. They would benefit greatly from a safe place to walk or sit outside and join with others in the community.

Please consider the value a park would add to the community. No to new houses; YES to a park!

Respectfully,

Susan Berson  
1847 Butters Road,

**From:** Larry Peifer <larrypeifer@hotmail.com>  
**Sent:** Monday, March 03, 2014 4:28 PM  
**To:** Council Internet Email  
**Subject:** Lagoon

C173  
-1 Preserve buena vista lagoon as a community park. Vote No development.

Larry Peifer  
2610 Valewood Ave.  
Carlsbad, Ca

Sent from my iPad



**From:** downbydsea@yahoo.com  
**Sent:** Saturday, February 22, 2014 4:33 PM  
**To:** Council Internet Email  
**Subject:** A park not housing at the old Buena Vista reservoir!

C174  
-1 I feel in this case a park is more appropriate for the site than housing. The community is lacking a nearby park. Rather than 9 ocean view homes, why not a ocean view park for 90,000 residents or however big we are now! Put housing out by the brand new high school...they can use the enrollment.

Thank you for your time.  
Lisa Ash  
3515 Roosevelt St Apt C  
Carlsbad CA  
Sent from Yahoo Mail on Android

**From:** Kristen Taylor <usclvr@hotmail.com>  
**Sent:** Monday, March 24, 2014 11:01 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir meeting on Thursday, March 27th

Dear Council Members,

C175  
-1

We live at 2398 Spruce Street in Carlsbad. It is difficult to see all the destruction being done to our quiet neighborhood in order to put in so many housing developments. There are 3 going in within a half mile of us. The area under the Buena Vista Reservoir had SO many avocado trees that will never be replaced. There is an area above the said area (Buena Vista Reservoir) that is going to be on the agenda this Thursday night. My husband and I urge you to not sell this property, and provide a park or open space we can all enjoy. The nearest is Holiday Park which is hard to get to without a car. Please do not reduce the enjoyment of being a Carlsbad resident by cramming so many people in such a small area. Please consider giving us a highly needed park with a bench that we can sit at. We could sit and enjoy the beautiful view from the reservoir, and appreciate why we live in this beautiful city!

Thank you for listening,  
Joe and Kathy Taylor  
Residents since 1993

**From:** Duv Macgurn <dmacgurn@gmail.com>  
**Sent:** Tuesday, March 25, 2014 6:19 PM  
**To:** Council Internet Email  
**Subject:** Buena vista resevoir.

Dear Council Member,

C176  
-1

living in the north-quad of beautiful old Carlsbad for over 25 years I and many residents have enjoyed the traditional Suburban yet open landscape it thus provides. The recent demolition of the property adjacent to the Reservoir and the senseless murder of scores of trees notably fruit trees, the Council has an obligation to stop the encroaching continuous development. The days following the destruction of that property, my cats were eaten by coyotes as a result of loss of land and hunting grounds. So for those that say this doesn't effect us , they're wrong. The city of Carlsbad is one of the wealthiest Cities in the nation. This has nothing to do with finances, I happen to know y'all got over 500 million and more assets in the books. so for Gods sake make a park / dog park with the property and spare yourselves the bad karma.

very seriously,  
Duv

**From:** Pete Suffredini <psuffredini@sbcglobal.net>  
**Sent:** Wednesday, March 26, 2014 3:49 PM  
**To:** Help  
**Subject:** reservoir

C177-1

First of all, I find it odd that there are no email addresses for City Council members on the City website. I am writing to express my concern that the City reservoir on Buena Vista Way may be sold for development. Recently all the trees have been removed from the large lot on the corner of Valley and B.V. I assume many homes will be built there. I hope the city will consider the reservoir land for a small park to preserve the semi-rural atmosphere of the neighborhood. This would help home values for the new homes to be built as well. Sincerely, Joan Suffredini, 2635 Crest Dr. 760-729-5710

**From:** Summer Johnson <summerashleyjohnson@gmail.com>  
**Sent:** Sunday, March 30, 2014 4:28 PM  
**To:** Council Internet Email  
**Subject:** Park and Recreation Needs in North Carlsbad

Dear City Council,

C178-1 Please consider park needs in the northern Highland Drive community of Carlsbad as a priority when reviewing park and recreation needs in the city. This family filled community adjacent to Buena Vista Elementary School has no parks that are readily accessible.

C178-2 The city's recently completed park assessment appropriately highlights some local needs. To further underscore our community needs, it should be clarified that the report incorrectly maps the Buena Vista School play area as a playground. This is not accurate, since the area is secured with a school gate after school hours and not open to the public during school hours or on weekends.

C178-3 On November 5th, 2013 the city council concurred to postpone sale or transfer of the Buena Vista Reservoir property (APN 156-200-16-00 [PR 13-47]) – opting to await the city's Parks and Recreation Needs Assessment Report. As this family community is identified as under served in regard to accessibility to local parks, I am hopeful the council's action reflects a sincere interest in supporting recreation needs in this area and that the council will consider the reservoir location as one solution when evaluating options to meet these needs.

If you would like to discuss this further, you may contact me by phone or email. Thank you for your time and consideration concerning this issue.

Sincerely,

Ryan & Summer Johnson  
1749 Yourell Avenue  
Carlsbad, CA 92008  
(714) 943-0655 (mobile)  
[summerashleyjohnson@gmail.com](mailto:summerashleyjohnson@gmail.com)

**From:** Gerardeen Santiago <gerardeen@hotmail.com>  
**Sent:** Monday, March 31, 2014 7:53 PM  
**To:** Council Internet Email  
**Subject:** Water reservoir property off Buena Vista, 92008

Dear Carlsbad City Council,

C179  
-1 We reside on 2890 Highland Drive. Our backyard borders the currently city-owned water reservoir property. We understand that this property may be up for potential sale or for other type of development.

In any case, we are very concerned about our privacy. One of the primary reasons we bought a home in Old Carlsbad was so that we wouldn't have neighbors looking into our home and yard -- common to newer developments.

We understand the city does not want the land sitting idle. In an attempt to defend our home, we would like to know if the City would consider offering for sale a small section of property to the residents bordering the property in question. Our lot is approximately 70 feet wide, so my proposal is for the purchase of about 2100 square feet of the reservoir property directly abutting our property. We believe that this small extension of our lot will help greatly in maintaining our privacy.

Best Regards,

Anthony Wang and Gerri Santiago  
2890 Highland Drive  
760-500-1137

**From:** michelle lin <mashou1729@att.net>  
**Sent:** Friday, April 11, 2014 12:59 AM  
**To:** Council Internet Email  
**Subject:** PLEASE do not sell the reservoir for development!!

Dear Carlsbad City Council;

C180-1 I am writing to you in regards to the sale of the Buena Vista Reservoir development project (9-10 home subdivision) and to please re-think this offer.

I'd like for all of you to truly think of the quality of OLDE CARLSBAD and how we can still have a chance to preserve the unique characteristics of this neighborhood BEFORE it's fatally transformed into another bland suburban cookie cutter neighborhood! Please think of the other San Diego neighborhoods that still hold their historic qualities with neighborhood parks and still retain high real estate value (ex: Cardiff, Banker's Hill, Pt. Loma, Coronado, etc...) Transforming the water reservoir into a park would truly add value to the area versus a quick profit that in the long-run would be detrimental.

I beg you to look at the long-run effect of this decision, when there are already many other profitable revenues throughout Carlsbad (ex: Car Country, Premium Outlets, etc...). And truly ask yourself where you're values lie and what you are doing to best serve this jewel of a village tucked away in the North county.

Sincerely,  
Michelle Lin  
2732 Arland Rd.  
Carlsbad, CA 92008

**From:** Nanci Chartier <nanci.chartier@gmail.com>  
**Sent:** Monday, June 02, 2014 6:17 PM  
**To:** Council Internet Email  
**Subject:** Park please

C181  
-1 Please keep the old water reservoir on buena vista drive as open land or park please. Also can new developments such as the one below the old reservoir keep some old trees standing? Clear cutting those old trees down was horrible! Thank you! Nanci Chartier

Sent from my iPad



**From:** penny <pennyofcbad@roadrunner.com>  
**Sent:** Wednesday, June 11, 2014 6:07 PM  
**To:** Council Internet Email  
**Subject:** Fw: IMPORTANT!! Buena Vista Reservoir Presentation at Carlsbad City Council Meeting Tuesday, June 17, 6:00 PM at City Council Chambers

**From:** penny  
**Sent:** Wednesday, June 11, 2014 12:00 PM  
**To:** carlsbad  
**Subject:** Fw: IMPORTANT!! Buena Vista Reservoir Presentation at Carlsbad City Council Meeting Tuesday, June 17, 6:00 PM at City Council Chambers

C182  
-1  
It is an insult to the NW quadrant residents that more parks will not be considered for 10 years at which time there will be few parcels ( if any) left for more parks. In the meantime , further insult is given to us in the 2 small parks along Pio Pico that are obviously deemed "good enough" for us. The one park behind the Shell station is a small parcel of dirt with a picnic table on it. The west side of this "park" is right up next to the freeway and the Carlsbad Village Dr. off-ramp. The freeway sound and the vehicle pollution makes it an untenable spot for a restful get away ..to say nothing of the other side being right up against the Shell station car wash. The whine of the machinery coupled with the freeway traffic and pollution would not make it suitable for a dog park,let alone a park for families. The other small park along Pio Pico by Buena Vista Way is also a small parcel of dirt with a picnic table on it . It also is right up against the freeway on its' west side. Full on traffic noise and pollution from the freeway make it a less than adequate dog park ,let alone a place for Carlsbad citizens to reflect on how wonderful Carlsbad is. I find it totally insulting that the families of the NW quadrant are being told that this is good enough for us. Why don't the council members take their families to these parks for a lovely picnic and try to relax and let the kids play for an hour or two on a regular basis and report back to us on that experience. Holiday Park is a wonderful park for us but is in need of a sound wall to counter the ubiquitous traffic noise accompanied ,of course , by the vehicle pollution that is blown from the freeway. The park on Chestnut and Harding....quite nice, but in need of being finished. But the BV reservoir could have everything the other parks in the NW lack.....mainly a quiet respite from the freeway noise AND accompanying pollution. Are the citizens of the NW quadrant worth that ? OR, once again ,is it all about the \$\$\$\$\$\$. Please do not think that the Veteran's Park in any way meets the requirements of park that is close and readily available to the NW citizens ...it would not be a "neighborhood " park. Why not build homes out there and leave the BV reservoir as a TRUE neighborhood park for the NW citizens.

C182  
-2  
Penny Johnson 1360 Hillview Ct. 92008 37 year resident

**From:** Ziv Ran <ziv.ran@gmail.com>  
**Sent:** Tuesday, June 17, 2014 7:52 AM  
**To:** Council Internet Email; mayor@carlsbadca.gov  
**Subject:** BV reservoir: DO NOT SELL

C183  
-1 When I moved to Cedar Hill over 25 years ago, I found the neighborhood (bounded by Elm, Pio Pico, Jefferson and Crest) attractive for its numerous open spaces and working farms, quite unlike a large tract. Since then, those open spaces and farms have, all save one, disappeared, replaced by small tracts with not a square inch of public space or park, whereas the big tracts like Calavera enjoy large public parks.

We badly need a real park in this neighborhood, and I refuse to consider the sorry sliver of tail-pipe view, exhaust-fume drowned land on Pio Pico as one. While it is difficult to create a park out of private land, the BV reservoir property is ideal for this purpose and it would be a shame if it were lost to housing development

Sincerely,

Ziv Ran  
Forest Ave.

**From:** sidneysmith3@gmail.com  
**Sent:** Wednesday, June 18, 2014 9:27 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir Issue

**Importance:** High

Dear Mayor and Council Members,

C184  
-1 As a long time Olde Carlsbad resident I am ashamed that I even have to comment on this issue. There can be no choice but to make the Buena Vista Reservoir area into a city park.

Because your time is valuable and verbosity rampant in your line of work I will be brief and only highlight the issues.

- The master plan for the city deems the NW quadrant of Carlsbad to be "built out"  
Here is a 'once in a lifetime' opportunity to address that issue with a park.
- There had always been general agreement the NWQ needs park.  
Make good on the 30 old promise to act. A park not more hollow talk.
- The land need not be purchased. We have paid taxes for 30 years to pay for the land.  
Already city land. Make it "usable" city land.
- Drop the semantic dance with 'space'. We all know what 'usable space' is really.  
Residents here now deserve 'usable space'. Decide for residents, not potential buyers.
- Two small 'parks' by the freeway are a joke. You know and I know no one wants to go there.  
Long past due for a park in the NWQ not to be located next to a freeway.
- The park could be pay for itself.  
Proper planning could allow for rental of activity spaces within the park.
- Revenue from 50 plus home permits in the NWQ should be used in part to for this park.  
Adding 50 families puts more pressure for even more 'usable' space.
- This would help meet the Master Plan for open space however poorly that is defined.  
This is an opportunity to fix many years of past neglect and meet future goals.
- Carlsbad wants to have the 'quaint Village' perception in the NWQ.  
Act in a manner benefitting residents not just the tourist trade.
- Where has the money gone for unwanted sidewalk and road upgrades residents rejected?  
Money earmarked for the NWQ not spent and yet a simple park is even an issue?

-Remember the "Bars" sculpture issue at the beach?

All the citizens wanted was some 'usable open space'. Don't make that same mistake.

Of course, I could go on but you and I lead busy lives. However you were elected to manage this great city and that is not the same as managing a business. The goal is not solely revenue. The residents of the NWQ have paid for 30 years and would like something useful in return. Additional homes with additional cars and people only add to the need for 'usage' open space. Without the Buena Vista Reservoir converted into 'usable open space', for the citizens of the 'built out' NWQ and all citizens of Carlsbad, what could have been will be lost forever.

Carlsbad will be fine without a couple of extra homes but let the last remaining piece of land in the NWQ prime for conversion into a park be lost on your watch would be a true tragedy .

I implore you to do what you know in your heart of hearts is right.

Thank you in advance for your anticipated consideration of the above,

Sidney Smith  
2515 Wilson St.  
Carlsbad CA 92008

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## Individual Responses

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### **C1: Bradley Wells**

- C1-1: The comment suggests that the beach from Pine Avenue to the boundary with Oceanside is not the responsibility of the City of Carlsbad. As described in the City of Carlsbad website: “Beaches north of Pine Avenue to the Oceanside border are jointly owned by the state and the coastal property owners along that stretch. All are open to the public, and the City of Carlsbad provides public access to the beach at Carlsbad Village Drive, Grand Avenue, Christiansen Way, Beech Avenue and Rue des Chateaux. Beaches in north Carlsbad do not have lifeguard services, restrooms, showers or other amenities.” The comment’s concerns regarding noise, trash, overcrowded parking and event permits involve the resolution of existing problems enforcement issues within the jurisdiction of the State of California and are beyond the scope of the draft General Plan and the draft EIR.
- C1-2: The comment addresses low flying aircraft above the beach. Figure 3.6-3 of the draft EIR shows the McClellan-Palomar Airport Influence Area and Safety Zones, which indicate airport overflight notification areas, which only apply to new developments. Please see comment letter A11. This letter describes that the county is currently updating the Airport Master Plan, which may be a more appropriate venue to address the issue of aircraft flight patterns. In general, issues relating to aircraft flight patterns are outside the regulatory authority of the city and are within the jurisdiction of the FAA.

### **C2: Christine Davis**

- C2-1: This comment provides background information on safety concerns regarding the existing alignment of La Costa Avenue. The draft Mobility Element seeks to implement improvements to this section of La Costa Ave. to ensure the safety and mobility for all users of the system.
- C2-2: This comment expresses safety concerns relating to driveways on La Costa Avenue and its designation as a secondary arterial rather than a residential street. La Costa Avenue was originally constructed as a county road and the current striping was installed to improve safety along the corridor. The Mobility Element classifies this segment of roadway as a connector street which is consistent with implementing improvements to improve safety along the corridor and prioritize bicycle and pedestrian travel.
- C2-3: This comment refers to a previous lawsuit and recommends additional improvements to La Costa Avenue to prevent future lawsuits. The Mobility Element street classification of a connector road will support safe design along the roadway corridor.
- C2-4: This comment quotes the Transportation Department regarding a new commercial center which may attract shoppers to the area. Since the comment does not raise any

- environmental issue regarding the draft General Plan or draft EIR, no response is required.
- C2-5: The comment requests the interim striping plan be permanent and installation of additional improvements including a road diet on the eastbound lane and a roundabout, using funds in the Carlsbad Capital Improvements Program earmarked for improvements along La Costa Ave. The Mobility Element street classification of a connector road will support safe design along the roadway corridor.
- C2-6: This comment refers to an “Encinitas Group” that does not want traffic moved from Las Costa Avenue to Calle Barcelona. Since the comment does not raise an issue concerning the draft General Plan or draft EIR, no response is required.
- C2-7: This comment expresses appreciation for the Transportation Department. No response is required.
- C2-8: This refers to a motorcycle accident and funds paid to an injured motorist. Since the comment does not raise an issue concerning the draft General Plan or draft EIR, no response is required.

**C3: Ray & Ellen Bender**

- C3-1: This comment consists of a transmittal letter from Ray and Ellen Bender, dated June 19, 2014, attached to the binder containing a 46-page comment letter on the draft EIR plus 14 exhibits, and which also requests timely notification of all Carlsbad meetings at which the Planning Commission and/or City Council considers the draft General plan or EIR. No response is required.
- C3-2: This comment clarifies that this letter provides comments on the draft General Plan Environmental Impact Report, and also notes that commenter already provided comments on the draft General Plan (which is included as Exhibit 1 of this letter). The comment requests that city include these comments in the administrative record related to the draft General Plan adoption and/or certification of the EIR. No response is required.
- C3-3: The comment states the draft EIR ignores the environmental impact of County of San Diego on-airport projects. This response provides a thorough explanation of the scope of analysis of the draft EIR, the basis for the airport analysis in the draft EIR, and information about future airport projects unrelated to the draft General Plan.

Scope of Analysis of the Draft EIR with Respect to the McClellan-Palomar Airport

In accordance with CEQA, the draft EIR evaluates the impacts of the draft General Plan. The draft General Plan includes a number of policies to ensure that Carlsbad’s General Plan is consistent with the San Diego County Airport Land Use Compatibility Plan (ALUCP). These proposed policies are listed in the draft EIR under Impact 3.6-5 on page 3.6-33, Impact 3.9-2 on pages 3.9-16 through 20, and Impact 3.10-5 on page 3.10-37.

In addition, since release of the draft EIR, the San Diego County Airport Land Use Commission (ALUC) approved Resolution Number 2014-0015 ALUC, titled “A Resolution of the Airport Land Use Commission for San Diego County Making A Determination that the Proposed Project: Adoption of General Plan Update, City of Carlsbad, is Consistent with the McClellan-Palomar Airport—Airport Land Use Compatibility Plan.” The resolution was sent to the City of Carlsbad in a letter dated July 3, 2014. As the title states, the ALUC determined that the adoption of the draft General Plan is consistent with the ALUCP, based on numerous facts and findings, summarized in the letter.

The draft EIR is not required to evaluate or mitigate the impacts of operation of the existing airport.

#### Basis for McClellan-Palomar Airport Analysis in Draft EIR

The draft EIR is based on information available at the release of the notice of preparation of the draft EIR for the draft General Plan. The current ALUCP modeled airport land use exposure levels based on approximately 289,100 operations, which is the aviation forecast in the county’s current 1997 McClellan-Palomar Airport Master Plan.

With respect to noise impacts, Figure 3.10-2 of the draft EIR shows existing noise contours within the city, including airport noise contour lines from the McClellan-Palomar Airport. Figure 3.10-3 shows the future noise contours from the draft General Plan, again including airport noise contour lines from the McClellan-Palomar Airport. Impact 3.10-5 describes a less than significant impact from excessive noise due to projects that may affect persons residing or working in the ALUCP area, and lists numerous policies addressing airport noise.

With respect to hazardous materials sites, Figure 3.6-2 shows ranked hazardous materials sites, including those within the boundaries of the McClellan-Palomar Airport. Impact 3.6-5 evaluates the potential for the draft General Plan to result in a safety hazard within the airport land use plan area, and determines a less than significant impact.

#### Information for Future Airport Projects

As of Fall 2014, the county is preparing an update to the airport master plan for the McClellan-Palomar Airport. Please see comment letter A3 above. After completion of the plan, a program EIR for the airport master plan will be prepared, which will evaluate impacts of the project. The following is from the County of San Diego’s website about the update:

The County of San Diego has initiated a new 20-year master plan for McClellan-Palomar Airport. The existing 1997 McClellan-Palomar Airport Master Plan reaches its planning horizon in 2015. The new 20-year master plan will provide a comprehensive approach to strategic planning for McClellan-Palomar Airport’s facilities and services.



The master plan is intended to develop a framework for the future of McClellan-Palomar Airport within the context of local, regional, and national aviation system environments. The new 20-year master plan (2015-2035) will identify and assess a range of development alternatives for meeting the airport's forecast, facility, safety, and operational requirements in the next planning period. The focus will be on developing a plan of action that is demand driven, can adjust to the changing dynamics of the surrounding environment, and is reasonable and justifiable. The master plan will consider many factors including market trends, land use opportunities and constraints, natural resources, community concerns, and financial feasibility.

Public involvement is a key component of the master plan process. The county will be soliciting input from airport users, tenants, travelers, resource agencies, public officials, and residents throughout the planning process and at key stages of the master plan's development. The first public master plan meeting was held January 16, 2015 to discuss the commencement of the master plan. The first public workshop was held on February 5<sup>th</sup>, and a second was held May 7<sup>th</sup>, 2014. On September 18, 2014, a master plan update meeting was held. Public workshops and meetings will continue to be held to discuss the Plan's findings and recommendations. Ongoing updates on the progress of the master plan will be held at regularly scheduled meetings of the Palomar Airport Advisory Committee (PAAC).<sup>1</sup> The CEQA/NEPA review of the master plan is expected to begin in spring of 2016.

C3-4: The comment concerns planning and zoning authority over the airport. Please see responses to comments C3-27 and C3-28 below. The comment states that the draft EIR's assumption that projects undertaken in the draft General Plan area will comply with the city's planning policies and conditions is incorrect because the city has not enforced its restrictions against the county at the airport. This comment relates to the enforcement of local land use regulations against the county's existing operation of the airport. The draft EIR is intended to analyze and mitigate the potential environmental impacts of changes that may result from the draft General Plan, not to correct deficiencies in existing conditions. Accordingly, no further response is warranted.

C3-5: The comment states that the draft General Plan and draft EIR does not distinguish between on-airport and off-airport regulation, without referring to specific policies. Figure 5-4 of the draft General Plan shows Airport Safety Zones 1 through 6 and aviation easement areas. Draft General Plan airport noise policies 5-P.12 through 5-P.16 refer to specific boundaries related to the airport, including the boundaries in Figure 5-4 and the airport influence area (AIA).

The comment also states the draft EIR does not address on-airport problems including storm water contamination from landfills and toxic leaks. In terms of "on-airport"

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<sup>1</sup> County of San Diego. 2014. McClellan-Palomar Airport Master Plan Update. Available: <http://www.sdcounty.ca.gov/dpw/airports/crqmasterplan.html>. Accessed: August 29, 2014.

regulation, the purpose of the draft EIR is to evaluate impacts due to implementation of the draft General Plan. The draft EIR is not required to evaluate the on-airport problems or the impacts of existing airport operations. Accordingly, no further response is warranted.

- C3-6: The comment asserts that the draft EIR analysis is defective because it assumes that Carlsbad will redefine the term “expansion” (of the airport) used in Carlsbad Municipal Code 21.53.015 and CUP 172 to mean “geographic expansion”, contrary to how the state Aeronautics Act defines airport expansions. The draft General Plan Land Use and Community Design Element policy 2-P.37 has been revised to remove the word "geographic" and to be consistent with wording of Section 21.53.015 of the Carlsbad Municipal Code, which was proposed by voter petition in 1980. Draft General Plan policy 2-P.37, has been revised to read:

“Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate (Section 21.53.015, Carlsbad Municipal Code).”

This is a minor clerical change that does not change the intent of the draft General Plan policy, and does not result in the need for additional environmental analysis.

- C3-7: The comment states that the draft EIR does not comply with CEQA, stating that draft General Plan project impacts will be significant and unavoidable with respect to air quality and transportation but the impacts are not “cumulatively considerable”. Please see Chapter 5 (pages 5-4 to 5-9) of the Recirculated DEIR, which describes cumulative impacts due to air quality and transportation, and states these impacts are significant and unavoidable.

The comment refers to a “ratio test”, wherein the contribution to an already impacted situation is considered not significant. The draft EIR does not utilize this approach, nor does the comment highlight where specifically in the draft EIR the approach is utilized.

The comment outlines an approach to address air quality impacts. Please see the analysis of potential impacts on air quality in the Recirculated DEIR, section 3.2 Air Quality, Impact 3.2-2 on pages 3.2-23 to 3.2-39. The recirculated section provides a revised analysis that describes the estimated daily maximum operational emissions from net new land uses resulting from the draft General Plan, lists policies and regulations that reduce the impact, and recommends an expanded list of mitigation measures. The impact discussion follows the general approach outlined by the comment.

- C3-8: The comment refers to disclosure of air quality analysis in the draft EIR. Please see the analysis of potential impacts on air quality in the Recirculated DEIR, section 3.2 Air Quality Impact 3.2-2 on pages 3.2-23 to 3.2-39. The recirculated section provides a revised analysis that describes the estimated daily maximum operational emissions from net new land uses resulting from the draft General Plan. Table 3.2-10 of the recirculated section lists emissions sources and criteria pollutants, quantifies the total emissions, and

shows how these compare to the emissions thresholds. The Recirculated DEIR (pages 3.2-42 to 3.2-46) also provides a revised analysis of health risk impacts associated with criteria pollutants.

Regarding the effect of draft General Plan policies on reducing air quality impacts, specific draft General Plan policies that would reduce construction and operational emissions cannot be quantified in terms of the percentage reduction in criteria air pollutants that would result from their implementation. This is because project-level information is not available to determine which criteria emissions exceed SDAPCD project-level thresholds, the extent to which thresholds are exceeded, and which policy or measure would be most effective in reducing the exceedance, and/or because specific policies do not have an inherent metric by which to measure their effectiveness. While all policies and mitigation measures identified in the Recirculated DEIR related to air quality would reduce criteria air pollutants, many of them are not numerically quantifiable..

The comment also states that the draft EIR defers analysis of future projects. Chapter 1 of the draft EIR describes that it is a program EIR. A program EIR can be used as the basic, general environmental assessment for an overall program of actions/projects proposed over the planning period of a general plan (the draft General Plan has a 21-year planning period with a horizon year of 2035).

As a program EIR, the document focuses on the overall effects of the draft General Plan in the planning area. Individual development projects will continue to require project-level environmental assessment. The project-level environmental reviews will focus on site-specific impacts and mitigation measures.

- C3-9: Chapter 3.13 (Transportation) of the draft EIR contains a discussion of transportation and traffic conditions in Carlsbad and identifies the related potential environmental impacts that would occur as a result of the implementation of the draft General Plan. This chapter and the Mobility Element of the draft General Plan describe a livable streets vision for the city, a multi-modal level of service methodology, planned City of Carlsbad street capacity improvements, and future transportation management improvements.

The comment also states the draft General Plan ignores impacts that would occur from significant increases in airport passenger service. The draft General Plan does not propose changes to airport operations that would affect vehicular trip generation from the airport and assumed traffic generation at the levels described in the current 2010 ALUCP, which was the applicable guiding document when the Notice of Preparation was released for the draft EIR.

- C3-10: This comment says the draft EIR inadequately discusses airport noise issues and refers to five alleged deficiencies. Chapter 5 of the draft General Plan and Chapter 3.10 of the draft EIR both evaluate the noise impacts associated with the draft General Plan, including existing and proposed airport operations in Figure 3.10-2 and Figure 3.10-3 of the draft EIR. Impact 3.10-5 evaluates the potential for the draft General Plan to result in projects that expose persons residing in or working in the project area to excess noise levels due to

the project's location in an airport land use area, in this case the ALUCP. The discussion of the analysis is reproduced below:

McClellan-Palomar Airport is located within the city limits, in the central portion of the city. 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). Additionally, compliance with the draft General Plan Noise Element goals and policies would ensure that noise from the airport does not cause a significant adverse effect on noise-sensitive land uses. For example, the draft General Plan Noise Element's Airport Noise Policies encourage the development of compatible land uses within the Airport Influence Area (AIA) as depicted in the ALUCP and require disclosure actions for new development in the AIA, such as aviation easements, deed restrictions and recorded notices. Compliance with the city's draft General Plan goals and policies would reduce permanent noise impacts to less-than-significant levels.

With respect to the (a) noise averaging methods, page 3.10-4 of the draft EIR describes the methodology for the CNEL scale. Table 3.10-1 shows typical sound levels in the environment, including the noise level of a jet fly-over at 300 meters. For (b) distinguishing between different types of existing aircraft using the airport is beyond the scope of the draft EIR. The draft General Plan does not provide any policies that related to the types of planes that fly out of the airport, nor does it promote the use of certain types of aircraft at the airport. For (c), with respect to the Fly Friendly Program, draft General Plan policy 5-P.14 states that the city expects the widespread dissemination of, and pilot adherence to, the adopted procedures of the Fly Friendly program. For (d) and (e), the draft General Plan does not propose any changes in the existing environment which would increase noise levels due to new air carrier service or extend the existing runway.

- C3-11: The comment states that the draft EIR fails to disclose and properly analyze McClellan-Palomar Airport environmental issues. This is an introductory comment that does not raise any specific environmental issues concerning the draft General Plan. Therefore, no further response is warranted.
- C3-12: This comment identifies Exhibit 1: Bender letter dated April 22, 2014 GP comments related to Palomar.
- C3-13: This comment identifies Exhibit 2: Ray Bender's qualifications to comment on the draft EIR and on Palomar Airport issues.
- C3-14: This comment identifies Exhibit 3: The Carlsbad 42-page staff analysis entitled "*Evaluation of Acquisition of McClellan-Palomar Airport*" presented at the July 25, 2000 Carlsbad City Council meeting.

Final Environmental Impact Report for Carlsbad General Plan Update  
Chapter 2: Comments and Responses on the Draft EIR

- C3-15: This comment identifies Exhibit 4: A 35-page table (prepared by the commenter) summarizing the Palomar landfill problems that the Airport landfill consultants identified from 2000 to 2013.
- C3-16: This comment identifies Exhibit 5: The Airport SCS October 2013 consultant report entitled "*Evaluation of Possible Environmental Impacts of a Potential Airport Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, CA.*"
- C3-17: This comment identifies Exhibit 6: Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional use Permit 172 including CUP Table 1.
- C3-18: This comment identifies Exhibit 7: The county December 3, 1979 letter with attachments including the county-proposed "Land Uses-Palomar Airport" for CUP 172.
- C3-19: This comment identifies Exhibit 8: Excerpts from the 2010 San Diego County Regional Airport Strategic Plan describing strategies for Palomar Airport improvement including diverting San Diego International traffic.
- C3-20: This comment identifies Exhibit 9: Carlsbad Planning Director 7/11/96 memo to Carlsbad City Manager noting county desire to avoid public input to county 1997 McClellan-Palomar Airport Master plan.
- C3-21: This comment identifies Exhibit 10: Correspondence between the FAA & county showing that the county failed to follow proper FAA planning consultant selection process when retaining Kimley-Horn for the McClellan-Palomar Master Plan.
- C3-22: This comment identifies Exhibit 11: Kimley-Horn August 1, 2013 Runway Extension Study Executive Summary, pp. 0-1 to 0-4 and other excerpts.
- C3-23: This comment identifies Exhibit 12: Carlsbad Planning Director November 5, 2007 letter to Peter Drinkwater, county Airports Director, complaining of repeated lack of county cooperation including failure to plant Palomar Airport slopes – which remain barren as of June 2014.
- C3-24: This comment identifies Exhibit 13: Carlsbad April 23, 2013 Letter to the FAA withdrawing certain Carlsbad comments on the FAA NEPA California Pacific Airlines analysis and claiming the term "General Aviation Basic Transport" facility used in the Carlsbad Conditional Use Permit, Condition 11 was "defunct."
- C3-25: This comment identifies Exhibit 14: Letter from 742 "Citizens Surrounding Palomar Airport Opposed to Negative Declaration" for the Palomar Airport Land Use Compatibility Plan.
- C3-26: This comment requests that the administrative record include the comments and exhibits, and that these documents are available to the Planning Commission and City Council. Additionally, this comment clarifies that the term "GP" means Carlsbad's proposed 2014 General Plan Update.

- C3-27: The comment states that it is not possible to tell from the draft General Plan or EIR whether Palomar Airport projects within the airport property footprint are subject to Carlsbad General Plan policies and to environmental analysis and mitigation. The regulation of on-airport activities may be subject to regulation by federal, state and local agencies. Although counties generally are exempt from local zoning and building regulations, the county voluntarily applied for and obtained a Conditional Use Permit (CUP 172) from the city to operate the Palomar Airport facility. To the extent local regulation is not preempted by federal or state laws or regulations, on-airport projects that fall within the scope of CUP 172 would be subject to the city's jurisdiction. To the extent that the city has jurisdictional authority over the airport, or to the extent that the county agrees to voluntarily comply with city policies, standards and regulations, the draft EIR has identified draft General Plan policies that reduce impacts to a less than significant level.
- C3-28: The comment states that the draft EIR does not explain whether on-airport projects, such as the proposed runway extension, must comply with city, county or other planning and zoning regulations. The regulation of on-airport activities may be subject to regulation by federal, state and local agencies. Although counties generally are exempt from local zoning and building regulations, the county voluntarily applied for and obtained a Conditional Use Permit (CUP 172) from the city to operate the Palomar Airport facility. To the extent local regulation is not preempted by federal or state laws or regulations, on-airport projects that fall within the scope of CUP 172 would be subject to the city's jurisdiction. No proposal to expand the existing runway has been submitted to the city. Although the county has performed a feasibility study concerning future expansion of the existing runway, the city is informed that any proposed runway expansion would be incorporated in a new airport master plan. The county has begun a public workshop process intended to lead to the development of a new airport master plan. The city is informed that the county does not expect to complete the public workshop process until February 2015 and does not expect to commence environmental review of a draft new airport master plan until Spring 2016. The county will be the lead agency for environmental review of any new Airport master plan, which would include an evaluation of the new plan's consistency with applicable plans and regulations, such as CUP 172. At present, however, no application for environmental review or approval of a runway expansion has been submitted and the county has not yet adopted a new airport master plan. Accordingly, the draft EIR properly analyzed the potential environmental impacts of the draft General Plan in light of the adopted 1997 McClellan-Palomar Airport Master Plan,
- C3-29: The comment asserts that (a) the draft General Plan does not comply with certain government code sections, and (b) that since 1979 the city and county have not agreed on whether and how Carlsbad has the power to regulate county development of Palomar Airport. Regarding (a) above, Government Code Section 65302 specifies the content requirements of the seven mandated elements of a general plan. As specifically related to this comment, the draft General Plan Chapter 2, Land Use and Community Design Element, fulfills GC 65302(a) content requirements for a land use element; Chapter 3,

Mobility Element, addresses GC 65302(b) requirements for a circulation element; and Chapter 5, Noise Element, satisfies GC 65302(f) requirements for a noise element.

Regarding (b) above, please see response to comments C3-27 and C3-28 above.

C3-30: The comment provides the author's interpretation of the meaning of CMC Sec. 21.53.015 and Carlsbad CUP 172, and introduces five specific comments addressed below in responses to comments C3-31 through C3-37. No response is required.

C3-31: The comment asserts that both the city and county are avoiding applying Carlsbad CUP 172, and refers to a memo from the Carlsbad Planning Director in 1996 as an example. Since the comment does not address the draft General Plan or its associated EIR, no response is required.

C3-32: The comment says that both the city and county are avoiding applying Carlsbad CUP 172, and uses previous actions by the county to convert the classification status of the airport from general aviation to commercial service as an example. The comment also asserts that Carlsbad did "slip" the FAA designation into the General Plan through adoption of amendment GPA 10-02 – Airport Land Use Compatibility.

At the time GPA 10-02 was adopted, the General Plan contained descriptive language about the airport that was outdated and inaccurate as to the classification status of Palomar Airport. The purpose the language change in GPA 10-02 was simply to accurately reflect the current FAA classification status of Palomar Airport. The FAA determines what airport classification applies to each airport, not the local jurisdiction. Contrary to comment's statement, the city did not "slip in" or "hide" the change to reflect the proper FAA designation; rather, the amendment was considered by both the city's Planning Commission and City Council at properly noticed public hearings, as referenced in the comment letter footnote 3. Since the comment does not address the draft General Plan or its associated EIR, no further response is required.

C3-33: The comment reiterates that both the city and county are avoiding applying Carlsbad CUP 172, and cites a previous letter from the Carlsbad City Manager as an example. Since the comment does not address the draft General Plan or its associated EIR, no further response is required.

C3-34: The comment asserts that the draft General Plan tries to redefine the term "expansion" used in Carlsbad Municipal Code as it relates to the airport, from "expansion" to "geographic expansion", and asserts that this action that is not consistent with CMC Sec. 21.53.015. Please see response to comment C3-6 above for revisions to draft General Plan Land Use and Community Design Element Policy 2-P.37.

C3-35: The comment states that the 1979 initiative could have included the term "geographic expansion" instead of the term "expansion" but did not. Please see responses to comments C3-6 and C3-34 above. The comment also states the county proposes to extend the existing runway. The city is informed that the county has studied the feasibility of expanding the existing runway and that expansion of the runway may be

included as part of the proposed airport master plan. Please see response to comment C3-28 above regarding the status and timeline for preparation of the proposed airport master plan. The city is further informed that no application for environmental review and/or approval of an expansion of the existing runway has been submitted.

- C3-36: The comment asserts that the draft General Plan and EIR will redefine the term “expansion” (of the airport) used in Carlsbad Municipal Code 21.53.015 and CUP 172 to mean “geographic expansion”, contrary to how the state Aeronautics Act defines airport expansions. Please see responses to comments C3-6 and C3-34 above.
- C3-37: The comment states that over the years city/county correspondence shows confusion as to what law governs the airport and raises numerous questions listed in bullet points under the general comment. Please see responses to comments C3-27 and C3-28 above. Since the comment does not address the draft General Plan or its associated EIR, no further response is required.
- C3-38: The comment states that the city cannot assess McClellan-Palomar Airport project impacts to the city without knowing which agency has the power to impose project conditions, impose enforceable mitigation measures or adopt a statement of overriding considerations. The draft EIR analyzes impacts of the draft General Plan, not McClellan-Palomar Airport projects. The city is the lead agency under CEQA for the draft General Plan project and is the agency responsible for analyzing potential impacts, imposing project conditions and enforceable mitigation measures, and adopting a statement of overriding consideration for any unavoidable significant impacts. Please see response to comment C3-3 above.
- C3-39: The comment describes a hypothetical aviation accident and poses questions regarding potential impacts of the accident on an existing landfill at the airport. The draft General Plan does not propose any changes to the type of aircraft which may use the airport, the existing landfill at the airport, or existing accident prevention and safety procedures at the airport. The investigation and remediation of an aircraft accident as hypothesized in the comment would likely involve several federal, state and local agencies, including the FAA and the county. The city does not have jurisdiction over hazardous material problems at the airport, which generally are subject to regulation by federal and state agencies including the U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC) and the county Department of Environmental Health (DEH). To the extent the comment raises questions regarding the draft General Plan’s impacts on airport safety, Impact 3.6-5 of the draft EIR assesses the safety hazard for a project located within the ALUCP area for people residing or working in the project area. The impact discussion is reproduced below:

The McClellan–Palomar Airport has an ALUCP developed and adopted by the San Diego County Airport Land Use Commission. San Diego County manages the operation of the airport. The draft General Plan would continue to guide development in a way that is consistent with the land use compatibility policies in the McClellan–Palomar ALUCP. The city requires review of all proposed development projects within the Airport



Influence Area. 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. In addition, the draft General Plan goals and policies listed below would help to reduce any potential impacts related to airport safety. Impacts would be less than significant.

Please see response to comment C3-3 above for an explanation of updates to the ALUCP.

- C3-40: Please see response to comment C3-39 above with respect to proposed McClellan-Palomar Airport projects. The proposed runway expansion is not analyzed in the draft EIR because it is not part of the proposed “project” (i.e., draft General Plan), is not a reasonably foreseeable future cumulative project, and is not an independent “project” within the meaning of CEQA. No proposal to expand the existing runway has been submitted to the city. Although the county has performed a feasibility study concerning future expansion of the existing runway, the city is informed that any proposed runway expansion would be incorporated in a new airport master plan. The county has begun a public workshop process intended to lead to the development of a new airport master plan. The city is informed that the county does not expect to complete the public workshop process until February 2015 and does not expect to commence environmental review of a draft new airport master plan until Spring 2016. The county will be the lead agency for environmental review of any new Airport master plan, which would include an evaluation of the new plan’s consistency with applicable plans and regulations. At present, however, no application for environmental review or approval of a runway expansion has been submitted and the county has not yet adopted a new airport master plan.
- C3-41: The comment quotes a portion of the county’s 2007 environmental documentation for the McClellan-Palomar Airport, which relied in part on the conclusions of the city’s 1994 General Plan EIR, and states the draft EIR should analyze airport development issues. The county is the public agency responsible for evaluating the potential environmental impacts of airport development issues. The draft EIR is intended to analyze the potential significant environmental effects of the draft General Plan. As discussed above in response to comment C3-39, the draft EIR considers the airport based on the current adopted ALUCP, and evaluates consistency with the ALUCP with respect to safety hazards and noise in Impacts 3.6-5 and 3.10-5. The draft General Plan does not propose any changes in airport operations inconsistent with the adopted ALUCP.
- C3-42: This is an introductory comment that refers to potential impacts related to McClellan-Palomar Airport, which are addressed in responses to comments C3-43 to C3-126, below.
- C3-43: The comment states that the aesthetic impacts analysis does not take into account the County of San Diego’s alleged failure to landscape airport slopes as requested by the city. The draft EIR is intended to evaluate the potential environmental effects of the draft General Plan. CEQA does not require the draft EIR to address enforcement issues concerning existing environmental condition. Accordingly, no further response is

warranted. Please see responses to comments C3-27 and C3-28 above regarding authority and enforcement.

- C3-44: The comment states that the draft EIR makes no effort to analyze the air quality impacts of the airport. The draft EIR is intended to evaluate the potential environmental effects, including air quality impacts, of the draft General Plan, not the potential impacts of existing airport operations. With respect to air quality, the draft General Plan does not present changes to airport operations or policies inconsistent with the ALUCP. Nonetheless, the air quality analysis in the draft EIR takes existing airport operations and projected operations according to the current ALUCP into account. Table 3.2-2 of the Recirculated DEIR provides ambient air quality data from SDAPCP, representative of the region. Impact 3.2-2 of the Recirculated DEIR evaluates air quality impacts from the net new land uses resulting from the draft General Plan. The URBEMIS 2007 model was used to forecast daily emissions through the 2035 buildout year, which includes airport land use.

In terms of the cumulative impacts, the comment states that the draft EIR's use of a "summary of projections" method incorrectly assumes the County of San Diego will comply with City of Carlsbad planning policies in relation to the airport (see responses to comments C3-27 and C3-28). The comment is incorrect in that the "summary of projections" method for evaluating cumulative impacts on air quality considers the draft General Plan's contribution to air quality impacts in the San Diego air basin and is not dependent on the county's compliance with the city's planning policies.

- C3-45: The comment quotes the impact discussion related to airport hazards, and finds fault with relying on the ALUCP to govern land use within the airport land use plan. The CEQA criteria which address airports, set forth in Appendix G of the CEQA Guidelines and covered in Impacts 3.6-5 and 3.10-5 of the draft EIR, both specifically refer to an "airport land use plan area."

Please see response to comment C3-3, which explains that the San Diego County ALUC found the draft General Plan to be consistent with the ALUCP.

The comment also states that there is a lack of understanding in the public between which regulations apply to on-Palomar Airport development and off-Palomar Airport development. The comment does not provide a specific example of a policy in which this is not clear. The draft General Plan does not propose projects within the McClellan-Palomar Airport. The airport influence area (AIA) is delineated in the ALUCP, and policies in the draft General Plan specifically state in which areas they are applicable. See airport land use policies 2-P.35 through 2-P.37, noise policies 5-P.12 through 5-P.16, and public safety policy 6-P.8 in the draft General Plan.

The comment also suggests that the public should not trust that its interests are protected by the FAA and the San Diego County Regional Airport Authority. Since this comment does not raise an environmental issue concerning the draft General Plan, no further response is required.

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- C3-46: The comment expresses the author's opinion regarding the purpose of the Airport Land Use Compatibility Plan (ALUCP). The draft EIR discusses the draft General Plan's consistency with the ALUCP in sections 3.6-5 pp. 3.6-33 and 34) and 3.6-10 (p. 3.6-37) of the draft EIR. The ALUCP is a public document prepared by the San Diego County Regional Airport Authority and is available for review at <http://www.san.org/Airport-Projects/Land-Use-Compatibility#McClellan-Palomar-Airport-Approved-Dec-1-2011-57>. Please also see response to comment C3-3 above.
- C3-47: The comment states that the FAA, the San Diego County Regional Airport Authority, the county and the draft EIR do not take airport noise issues seriously. With respect to the draft EIR, please see response to comment C3-10 above regarding the draft EIR's analysis of airport noise. With respect to the other regulatory agencies, the comment states the author's opinion but does not raise an environmental issue concerning the draft General Plan. Accordingly, no further response is required.
- C3-48: The comment refers to a report referenced as Exhibit 3 titled "Evaluation of Acquisition of McClellan-Palomar Airport," which analyzed whether the city should buy the airport and discussed conditions at the airport existing at the time the report was prepared (2000). The draft General Plan does not propose acquisition of the McClellan-Palomar Airport by the City of Carlsbad, nor does it evaluate any potential effects of an acquisition. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-49: The comment states that problems at the airport have continued from 2000 to the present, including issues relating to landfill methane emissions. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-50: The comment refers to Exhibit 5 titled "Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad California," and airport hazards due to a potential crash. Please see response to comment C3-39 above for a discussion of airport hazards. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-51: The comment states that the draft EIR does not mention certain alleged facts, including aspects of the FAA's certification of airports and the matters alleged in comments C3-52 through C3-60. The facts alleged in these comments relate to existing operations, conditions and aircraft at the airport. However, the draft General Plan does not propose any changes to these matters. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required. See response to comment C3-3 above.
- C3-52: The comment describes FAA B-II airport designation. See responses to comments C3-3 and C3-51 above.
- C3-53: The comment describes FAA B-II airport designation. See responses to comments C3-3 and C3-51 above.

- C3-54: The comment refers to a 2013 Palomar Runway Study. See responses to comments C3-3 and C3-51 above.
- C3-55: The comment refers to the length of the safety area at the end of the existing runway. Please see responses to comments C3-3 and C3-51 above.
- C3-56: The comment describes runway safety areas for FAA classified aircraft. See responses to comments C3-3 and C3-51 above.
- C3-57: The comment quotes FAA design requirements relating to runway safety areas. See responses to comments C3-3 and C3-51 above.
- C3-58: The comment states the airport handles existing C-III and D-III operations with a 300-foot safety area but FAA standards recommend a safety area at least 1000 feet long See responses to comments C3-3 and C3-51 above.
- C3-59: The comment states that if the existing runway is expanded, the longer runway will attract more corporate jets and there is insufficient area to create a 1000-foot safety area. The draft EIR's analysis is based on the adopted ALUCP, as available at the time of release of the Notice of Preparation of the draft EIR for the draft General Plan. The draft General Plan does not propose changes to the operations of the McClellan-Palomar Airport or policies inconsistent with the adopted ALUCP. Please see response to comment C3-51 above.
- C3-60: The comment describes the potential leak of aviation fuel into the methane gas collection system for the existing airport landfill from a crash of C-III and D-III aircraft See response to comment C3-3 above.
- C3-61: The comment refers to the discussion of airport hazards related to existing operations at the McClellan-Palomar Airport. Please see response to comment C3-39 above for a discussion of airport hazards. Please also see response to comment C3-51 above.
- C3-62: The comment reproduces text concerning the purpose of the ALUCP from page 3.6-25, with emphasis, of the draft EIR No response is required.
- C3-63: The comment further suggests that the draft EIR ignored environmental issues because they are within the jurisdiction of another agency. The comment is incorrect and appears to misunderstand the purpose and limitations of the draft EIR. The draft EIR is intended to analyze and mitigate significant impacts on the environment which may occur as a result of the draft General Plan. The draft General Plan does not propose any changes in airport operations. The draft EIR complies with CEQA's requirements to evaluate whether the draft General Plan will expose people to safety hazards or excessive noise associated with the airport (see draft EIR, section 3.6 [safety hazards] and section 3.10 [noise]) and whether the draft General Plan is inconsistent with the ALUCP (see draft EIR, section 3.9). Please also see responses to comments C3-3 and C3-45 above with respect to the ALUCP. However, CEQA does not require the draft EIR to cure or otherwise mitigate existing conditions at the airport. Since the comment does not raise

an environmental issue concerning the draft General Plan, no further response is required.

C3-64: The comment describes with the responses of County of San Diego staff to noise complaints. No response is required.

C3-65: The comment states that claim 5 (as listed in C3-64 above), that people buying homes within the AIA are told of noise impacts from McClellan-Palomar Airport at the time of purchase, is misleading. As described on page 2-6 of the 2010 ALUCP, “a real estate disclosure is required by state law as a condition of the sale of most residential property if the property is located in the vicinity of the airport and within its AIA (see Bus. & Prof. Code §11010; Civ. Code §§1102.6, 1103.4, 1353).” Disclosure of airport-generated noise impacts is also required by noise policy 5-P.12, and the city’s Noise Guidelines Manual. Contrary to what is stated in the comment, the required noise disclosures (found in the Noise Guidelines Manual) do not mention CMC 21.53.15 or CUP 172. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.

C3-66: The comment states that the draft EIR analysis of Impact 3.6 ignores a letter from DTSC providing guidance for regulatory oversight of contaminated sites and excavation of contaminated soil. The potential for development under the draft General Plan to create a significant hazard to the public through reasonably foreseeable upset and accident conditions, including through soil excavation, is addressed in Impact 3.6-2. A portion of the impact discussion is reproduced below:

Although the risk of upset and accident conditions involving the release of hazardous materials into the environment cannot be completely eliminated, it can be reduced to a manageable level. Future development in the city could occur on sites that have been previously contaminated by hazardous substances. The County of San Diego DEH, Hazardous Material Division is the designated CUPA for the county. With proper implementation of CUPA programs, in conjunction with other state and federal regulations and the draft General Plan policies discussed below, the impact of reasonably foreseeable accidents and/or upset conditions involving the release of hazardous materials, associated with implementation of the draft General Plan, would be less than significant.

Since the comment does not explain whether or how the draft EIR’s analysis of contaminated soil is inadequate, no further response is possible.

C3-67: The comment refers to the author’s discussion with the project manager for the 2014 Palomar Airport Master Plan concerning what work is necessary at the runway east end. Please see response to comment C3-39 above. The draft General Plan does not propose any changes to airport operations or facilities, including the east end of the runway. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.

- C3-68: The comment refers to the county's alleged handling of a fire in Unit 3 Palomar landfill at the east end runway approximately eight years ago. See response to comment C3-3 above. The draft General Plan does not propose any changes to airport operations or facilities, including the east end of the runway. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-69: The comment refers to potential expansion of the McClellan-Palomar Airport and runway which may cause leachate to migrate to groundwater below the airport landfill, which does not have an impermeable liner. See response to comment C3-3 above. The draft General Plan does not propose any changes to airport operations or facilities, including the landfill or east end runway. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-70: The comment says the draft EIR does not discuss what mitigation measures will apply to a future runway expansion at the McClellan-Palomar Airport. See response to comment C3-3 above. The comment is correct in that the draft EIR does not discuss potential mitigation measures for a future expansion of the airport runway. The draft EIR is intended to analyze and mitigate significant impacts on the environment which may occur as a result of the draft General Plan. The draft General Plan does not propose future expansion of the airport runway or any other changes in airport operations. In addition, potential expansion of the existing runway is not a reasonably foreseeable future cumulative project within the meaning of CEQA. No proposal to expand the existing runway has been submitted. Although the county has performed a feasibility study concerning future expansion of the existing runway, the city is informed that any proposed runway expansion would be incorporated in a new airport master plan. The county has begun a public workshop process intended to lead to the development of a new airport master plan. The city is informed that the county does not expect to complete the public workshop process until February 2015 and does not expect to commence environmental review of a draft new airport master plan until spring 2016. The county will be the lead agency for environmental review of any new airport master plan, which would include an evaluation of the new plan's consistency with applicable plans and regulations. At present, however, no application for environmental review or approval of a runway expansion has been submitted and the county has not yet adopted a new airport master plan. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-71: The comment quotes the draft EIR concerning Impact 3.6-2 regarding the accidental release of hazardous materials and draft General Plan policy 2-P37 which would prohibit the geographic expansion of the airport without a vote of the Carlsbad electorate. No response is required.
- C3-72: The comment states the draft General Plan focuses on projects outside the borders of the airport and not on on-airport projects such as future runway expansion which could result in safety hazards and the release of hazardous materials due to the location of the landfill near the runway safety area of the McClellan-Palomar Airport. See response to comment C3-3 above. The comment is correct that the draft General Plan and draft EIR

- focus on impacts on the environment that will result from the draft General Plan, and not on the impacts that may relate to future expansion of the airport runway. The draft General Plan does not propose future expansion of the airport runway or any other changes in airport operations. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-73: The comment requests a list of all instances in the last five years in which the city has written a letter to the county to express concern about safety hazards at the airport. Although CEQA does not require an EIR to address deficiencies in existing environmental conditions, the author may contact the City Clerk during ordinary business hours to inquire concerning such written communications. Section 3.6 of the draft EIR analyzes whether changes in the draft General Plan will expose people living or working in the airport area to safety hazards. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-74: The comment describes several events of water quality concern related to current McClellan-Palomar Airport operations. No response is required.
- C3-75: This comment requests all information the city has concerning the events alleged in Comment C3-74, and says the draft EIR leads the public to believe that airport projects are subject to the city's review and conditions. CEQA requires a lead agency to provide written response to public comments on a draft EIR which raise significant environmental issues concerning the proposed project and its environmental review. However, CEQA does not require an EIR to address the correction of deficiencies in existing conditions or the enforcement history of existing environmental conditions. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-76: The comment also concerns the events alleged in Comment C3-74 and says the comment is intended to provide the city with the opportunity to show that it has made conscientious efforts to discover, investigate and respond to county and county tenant environmental violations at the airport. As noted above, the draft EIR is not intended to address the correction of existing conditions or the enforcement of alleged violations at the airport. The draft General Plan does not propose any changes in airport operations. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.
- C3-77: The comment reproduces text in the draft EIR related to aircraft noise. No response is required.
- C3-78: The comment provides the author's interpretation of the portions of the draft EIR quoted in Comment C3-77 and appears to disagree with the 24-hour averaging formula. Please see page 3.10-4 of the draft EIR for an explanation of the Community Noise Equivalent Level (CNEL) scale. Draft General Plan Noise Element Section 5.2 also describes noise measurement methodology and includes illustrative examples of noise levels from common sources (Figure 5-1).

- C3-79: The comment proposes text for an airport noise disclosure statement, which includes the author's speculation about future increases in airport operations, flights and related noise. As described on page 2-6 of the 2010 ALUCP, "a real estate disclosure is required by state law as a condition of the sale of most residential property if the property is located in the vicinity of the airport and within its AIA (see Bus. & Prof. Code §11010; Civ. Code §§1102.6, 1103.4, 1353)." However, the draft EIR is intended to analyze the potential impacts of the draft General Plan and not potential future airport operations. The draft General Plan does not propose any changes in airport operations. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required. Disclosure of airport-generated noise impacts is also required by noise policy 5-P.12, and the city's Noise Guidelines Manual.
- C3-80: The comment describes actions the county has taken with the McClellan-Palomar Airport for the alleged purpose of converting the airport to one capable of handling substantial San Diego International flight diversions. See response to comment C3-3 above.
- C3-81: The comment states that the draft EIR should analyze impacts associated with McClellan-Palomar Airport for the years 2015 to 2035. The draft EIR is based on the approved 2010 ALUCP, which modeled airport operations based on approximately 289,100 operations, which is the aviation forecast in the current 1997 McClellan-Palomar Airport Master Plan. Please also see responses to comments C3-3 and C3-70 above.
- C3-82: The comment refers to an increase in nighttime flights which the author says could occur as a result of proposed expansion of the McClellan-Palomar Airport runway. However, the draft EIR is intended to analyze the potential impacts of the draft General Plan and not a potential future expansion of the airport runway. The draft General Plan does not propose any changes in the airport runway or operations. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required. See response to comment C3-81 above, which explains that the airport expansion is not a reasonably foreseeable future project within the meaning of CEQA.
- C3-83: The comment refers to noise impacts which allegedly would result from a proposed expansion of the McClellan-Palomar Airport, which is not part of the draft General Plan

The comment also refers to the *Berkeley Keep Jets Over the Bay Committee v Board of Port Commissioners* court case, which dealt with the adequacy of an EIR analyzing the environmental consequences of a proposed airport development plan for the city airport.

However, the draft EIR is intended to analyze the potential impacts of the draft General Plan and not potential future airport operations. The draft General Plan does not propose any changes in airport operations. With respect to the hypothetical noise situation developed in the comment, the draft EIR evaluates noise impacts of the draft General Plan with respect to the noise standards established in the draft General Plan Noise Element. The draft EIR in Impact 3.10-5 addresses airport noise with respect to the draft General Plan Noise Element and determines a less than significant impact. Although the



comment appears to disagree with the methodology used in the noise technical study on which the draft EIR's analysis and conclusions are based, the author's disagreement with the methodology does not mean the draft EIR is inadequate. Since the comment does not raise an environmental issue concerning the draft General Plan, no further response is required.

- C3-84: The comment states that the draft EIR does not suggest noise mitigation measures for McClellan-Palomar Airport operations. The draft General Plan does not propose changes in airport operations or policies inconsistent with the adopted ALUCP or which will cause or contribute to an increase in noise from airport operations; therefore no noise mitigation measures are suggested for McClellan-Palomar Airport operations. Please see response to comment C3-3 above regarding the scope of the draft EIR.
- C3-85: The comment proposes mitigation measures to reduce McClellan-Palomar airport noise. Please see response to comment C3-84 above.
- C3-86: The comment asks the city to support and to encourage the county to pursue the mitigation measures for airport operations noise listed in Comment C3-85. See responses to comments C3-84 and C3-85 above. The comment's request will be included in the materials presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan.
- C3-87: The comment refers to comments from the state Department of Transportation, Division of Aeronautics in 2011 regarding a suggested appropriate noise standard for land use compatibility planning in the vicinity of the airport and an analysis of cumulative noise impacts associated with the project site's proximity to roadways and railway lines. As the comment states, "the 60 decibel CNEL, or even 55 decibel CNEL, may be more suitable for new development in the vicinity of the airport (underline added). For a further discussion of how to establish an appropriate noise level for a particular community, these [sic] referred to chapter 7 of the Department's airport land use planning handbook."

The draft EIR analyzed the draft General Plan's potential to expose persons to excessive noise levels who may reside or work in an airport land use plan area (see Section 3.10, Impact 3.10-5, p. 3.10-37). The draft General Plan includes a number of policies to ensure that Carlsbad's General Plan is consistent with the San Diego County Airport Land Use Compatibility Plan (ALUCP), which was prepared and adopted by the San Diego County Airport Land Use Commission (ALUC) in accordance with the state Aeronautics Act and Caltrans' California Airport Land Use Planning Handbook (Handbook). The ALUCP categorizes a range of land use types as compatible, conditionally-compatible, or incompatible for noise levels at 60-65, 65-70, 75-80 db CNEL.

Although the CalTrans Division of Aeronautics comment letter recommends 55 to 60 db CNEL as the appropriate noise threshold for new development in vicinity of the airport, ALUCs have discretion to deviate from such guidance to determine appropriate policies

for airports within their jurisdiction. This discretion is explained in the McClellan-Palomar ALUCP, as follows (p. 1-5):

When preparing compatibility plans for individual airports, ALUCs must be guided by the information in the *Handbook* (Pub. Util. Code §21674.7). To be guided by the *Handbook*, ALUCs must have at least examined and duly considered the material contained in it. The burden is presumed to be on ALUCs to demonstrate their reasons for deviating from the guidance that the *Handbook* provides. These requirements notwithstanding, ALUCs have a significant degree of flexibility and discretion to make planning decisions they deem appropriate for the airports within their jurisdiction. The *Handbook* is not regulatory in that it does not constitute formal state policy, except to the extent that it explicitly refers to state laws. Rather, the *Handbook* provides guidance and is intended to serve as the starting point for compatibility planning around individual airports. When in doubt regarding the *Handbook's* guidance, ALUCs are encouraged to contact the *Division of Aeronautics* staff. The policies and maps in this *Compatibility Plan* take into account the guidance provided by the current edition of the *Handbook*, dated January 2002.

In addition, since release of the draft EIR, the ALUC approved Resolution Number 2014-0015 ALUC, titled “A Resolution of the Airport Land Use Commission for San Diego County Making A Determination that the Proposed Project: Adoption of General Plan Update, City of Carlsbad, is Consistent with the McClellan-Palomar Airport—Airport Land Use Compatibility Plan.” The resolution was sent to the City of Carlsbad in a letter dated July 3, 2014. As the title states, the ALUC determined that the adoption of the draft General Plan is consistent with the ALUCP, based on numerous facts and findings, summarized in the letter.

As described in Chapter 5 of the draft EIR, the noise impact analysis is, by its nature, a cumulative analysis (and includes airport noise, from the ALUCP), because the effects specific to the draft General Plan cannot reasonably be differentiated from the broader effects of regional growth and development.

- C3-88: The comment raises a hypothetical question regarding potential noise impacts. Please see response to comment C3-87 above regarding traffic and airport noise impacts and Chapter 5, pages 5-4 to 5-5 of the draft EIR for a discussion of the cumulative nature of the analysis of noise impacts. The draft EIR's noise analysis takes both airport and traffic noise into effect. Please see Section 3.10, Impact 3.10-5 on page 3.10-37 of the draft EIR for a discussion of airport noise, and Table 3.10-8 on 3.10-30 of the draft EIR with respect to traffic noise.
- C3-89: The comment reproduces text from page 3.13-7 of the draft EIR with emphasis. No response is required.
- C3-90: The comment states that the draft EIR ignores the three most relevant documents relating to development of the McClellan-Palomar Airport, which are addressed in comments/responses to comments C3-91 to C3-94.

C3-91: The comment states that the 2013 Runway Extension Study recommends a 900-foot extension of the existing runway to a total length of 5,750 feet. Please see responses to comments C3-40 and C3-70 above.

The draft General Plan does not propose any change in the length of the existing airport runway. Impacts associated with a future runway extension instead would be analyzed in environmental documentation produced by the County of San Diego, as the lead agency, if and when any change in the existing McClellan-Palomar Airport operations is proposed.

C3-92: The comment quotes portions of the 2011 Regional Airport Strategic Plan (RASP). From the website of the RASP, the objectives are to:

Explore opportunities to meet demand for air service in the San Diego County region. The RASP identifies and analyzes 15 alternative scenarios that could potentially work together to improve capacity of the regional airport system.

The RASP does not propose any construction projects in McClellan-Palomar Airport, nor does it provide environmental review for any airport-related projects.

C3-93: The comment states the city and the county “have overcome this hurdle by simply ignoring Carlsbad Conditional Use Permit and MC § 21.53.015” and asks for information supporting the city’s position if it disagrees with the comment. Please see responses to comments C3-3, for an explanation of the scope of analysis of the draft EIR, and C3-92 above, for an explanation of the RASP. The draft General Plan does not propose any changes in the existing operation of the airport. Because the comment relates to allegations concerning the enforcement of an existing land use permit and regulations and does not raise an environmental issue regarding the draft General Plan, no further response is warranted.

The comment also quotes portions of the 2011 RASP concerning extension of the airport runway, strategies to divert air traffic from San Diego International Airport to other airports, and improvements that would be required at McClellan-Palomar Airport to increase its use for high-end/corporate general aviation. Please see responses to comments C3-40, C3-70 and C3-91 above. No further response is required.

C3-94: The comment quotes portions of a 2013 county consultant SCS report related to airport hazards relating to aircraft crashes, fuel spillage and related hazards. No response is required. Please see response to comment C3-39 above for a discussion of airport hazards.

C3-95: The comment questions the adequacy of the draft EIR, says it ignores the three documents referred to in Comments C3-92, C3-93 and C3-94, and states the airport restricts the development of thousands of acres of land within the city. The draft EIR does not discuss these documents because they do not relate to the draft General Plan and do not discuss a reasonably foreseeable cumulative project; see response to comment C3-40 above. The draft EIR sections Chapter 3.10 (Noise) and Chapter 3.6 (Hazardous

- Materials, Airport Safety, and Wildfires) discuss airport noise and public safety issues relating to the draft General Plan. The draft EIR also determined that the draft General Plan will be consistent with the ALUCP (see draft EIR, Impact 3.6-5 on page 3.6-33, and Impact 3.9-2 on page 3.9-16). In addition, on July 7, 2014, the city received a notification from the San Diego County Regional Airport Authority that the draft General Plan is consistent with the ALUCP. The draft General Plan does not propose any changes to existing operations at the airport. Any future changes in airport operations and their potential impact on public safety issues would be subject to CEQA and to project-specific environmental review by the County of San Diego, as lead agency.
- C3-96: The comment states the author's opinion that an extension of the existing airport runway would significantly impact traffic on several streets already having LOS D or lower levels of service and that an aircraft crash in the landfill area of the airport could result in closure of the airport and relocation of large quantities of hazardous waste. The draft EIR does not propose any change in the existing runway or other airport operations. Any potential traffic, public safety and hazardous material impacts associated with a future runway extension would be analyzed in environmental documentation produced by the County of San Diego, as the lead agency for the McClellan-Palomar Airport operations.
- C3-97: The comment states that the draft EIR and draft General Plan policy 2-P.37 are inconsistent because they use the terms "expansion" and "geographic expansion" and that the term "geographic expansion" contradicts Carlsbad Municipal Code § 21.53.015. Please see response to comment C3-6 above, which states that the draft General Plan Land Use and Community Design Element policy 2-P.37 has been revised to delete the term "geographic."
- C3-98: The omission of the Department of Transportation, Division of Aeronautics in the draft EIR is appropriate, as the draft General Plan does not propose any changes in airport operations and is consistent with the ALUCP. As a result, the draft General Plan does not involve any regulatory matters within the jurisdiction of the Department of Transportation, Division of Aeronautics.
- C3-99: The comment states that the impact title for Impact 3.13-2 "the proposed General Plan may result in a change in air traffic patterns..." conflicts with the discussion which states that "the proposed General Plan is not expected to result in any change to air traffic patterns..." The impact title describes one of the criteria used in the draft EIR for evaluating whether the draft General Plan will have a significant impact on Transportation/Traffic. These criteria are based on CEQA Guidelines Appendix G, § XVI (Transportation/Traffic) The impact discussion which follows the title evaluates the draft General Plan will have a significant impact with respect to this criterion and concludes that the draft General Plan is not expected to result in any change to air traffic patterns or safety. The statements are not contradictory, but rather show a consideration of the draft General Plan's potential to change air traffic, the results of the analysis, and the conclusion that there is no expected change in air traffic patterns or safety.

C3-100: The comment refers to “facts” alleged by the author with respect to future expansion of the airport runway and potential safety issues. Please also see C3-3 for an explanation of the scope of the draft EIR with respect to proposed airport projects.

C3-101: The comment states that the draft General Plan will allow expansion of the airport, including but not limited to a runway expansion. The statement is incorrect; the draft General Plan does not propose or authorize any change in the operation, runway or other facilities at the McClellan-Palomar Airport and is consistent with the adopted ALUCP.

C3-102: The comment states that the size of Carlsbad growth depends on residents, jobs, visitors, and those that pass through via I-5 or other arterials, and requests information about the associated vehicle trips. Table 2.4-2 of the draft EIR describes the estimated total development to buildout, including population; jobs; and commercial, office, and industrial square footage. Figure 2.2-1 shows the draft General Plan land use. Table 2.4-2 and Figure 2.2-1 and the text in the Project Description guide the environmental analysis in the draft EIR.

Chapter 3.13 (Transportation) of the draft EIR describes the methodology used to evaluate impacts to transportation. The future traffic volumes were developed using the SANDAG travel demand forecasting model (Series 12), incorporating the General Plan land use information and the draft General Plan street network. The trips associated with the draft General Plan land use map include those associated with commercial land uses, including visitors to Carlsbad, and pass-through traffic on I-5 or other arterials. Appendix F of the draft EIR includes detailed transportation modeling information. The analyses of impacts to noise, air quality, and greenhouse gas emissions in the draft EIR and Recirculated DEIR (for air quality) are all based on inputs from the transportation modeling.

Regarding the comment on health risks, please see Impact 3.2-4 of the Recirculated DEIR, which provides a revised analysis of the potential for development under the draft General Plan to expose sensitive receptors to substantial pollutant concentrations, and describes associated health risks. The revised analysis for Impact 3.2-4 includes a revised impact finding of “significant and unavoidable.”

C3-103: The comment requests a cumulative impact analysis of a proposed expansion of the McClellan-Palomar Airport runway. The draft General Plan does not propose expansion of the McClellan-Palomar Airport by the City of Carlsbad. Although the County of San Diego is in the process of conducting public workshops concerning an updated airport master plan, which may include future expansion of the airport runway, the public workshop process has not been completed, an updated airport master plan has not been prepared and environmental review of an updated airport master plan is not expected to begin until 2016. Please also see response to comment C3-3 above for a discussion of the scope of the draft EIR, and response to comment C3-40 for a discussion of how the county and FAA will determine if a runway expansions will be part of future airport improvements.

- C3-104: The comment refers to CEQA Guidelines § 15126.2 and says the draft EIR is silent with respect to the multiple risks the author believes would occur in connection with a future runway expansion at the McClellan-Palomar Airport. Please see responses to comment C3-42 to C3-103 above, which address environmental concerns related to the Palomar Airport.
- C3-105: The comment asserts the author's opinion that draft EIR should analyze the significant irreversible environmental impacts that would result from an aircraft crash into the landfill at the McClellan-Palomar Airport. Please see response to comment C3-39 above.
- C3-106: This comment states that Chapter 5 of the draft EIR is inadequate because it does not discuss mitigation, that the draft EIR cannot assume General Plan policies will mitigate development project impacts because the city has not enforced city policies with respect to the airport, the draft EIR does not disclose how and by whom airport mitigation measures will be enforced, and does not describe which GHG mitigation measures will apply at the airport. The draft EIR lists numerous draft General Plan policies that serve to reduce impacts, as listed in each resource chapter of the draft EIR. Where significant and unavoidable impacts exist, such as air quality (Impacts 3.2-1, 3.2-2, 3.2-3 and 3.2-4 of the Recirculated DEIR) and transportation (Impact 3.13-1 of the draft EIR), there is an explanation of policies and mitigation measures that serve to reduce the impacts and a description of why the mitigation measures would reduce these impacts but would not reduce the impact below significance. With respect to the level of detail, Chapter 1 describes the overall applicability of the draft EIR on page 1-4:

As a program EIR, the draft EIR focuses on the overall effects associated with adoption and implementation of the draft General Plan. The analysis does not examine the effects of potential site-specific projects that may occur under the overall umbrella of the draft General Plan in the future. When specific development proposals within the planning area are submitted to the city, the city will determine whether the environmental effects of the proposed projects have been adequately addressed by this EIR or whether any additional environmental analysis will be required. If the city determines that a project could create potentially significant adverse environmental impacts that have not been studied in this EIR, or if the city determines that environmental conditions have changed substantially since the EIR was prepared, the city may require further environmental review to determine appropriate revisions to the project, conditions of approval, or additional mitigation measures.

The draft General Plan does not propose any change or expansion of operations or facilities at the McClellan-Palomar Airport; therefore no mitigation measures are provided relative to the airport. Please see responses to comment C3-3, C3-40 and C3-70 above for a discussion of the reasons that future runway expansion is not within the scope of the draft EIR.

- C3-107: The comment summarizes the information from the draft EIR Executive Summary concerning growth projections and potential unavoidable significant impacts on air

quality and traffic. No response is required. Also see the Recirculated DEIR, which provides revised analysis of air quality impacts.

C3-108: The comment quotes from page 3.2-23 of the draft EIR and states the draft EIR's method of air quality analysis violates CEQA. Please see response to comment C3-109 below. Since the comment does not state any basis for the author's disagreement with the methodology used in the draft EIR's analysis of air quality, no further response is possible.

C3-109: The comment requests an explanation of the term "existing conditions" as used in the draft EIR's analysis of air quality impacts and gives examples of what the author asserts are existing air quality conditions in the city "which are not shown by paper work on file in Carlsbad." The term "existing conditions" as used in the draft EIR's and Recirculated DEIR's methodology for air quality impacts means those air quality conditions which existed in the San Diego air basin at the time the city began preparation of the draft EIR. Page 3.2-18 of the Recirculated DEIR has a discussion of air quality methodology and assumptions, which was used to conduct the air quality analysis in accordance with CEQA:

Information and analysis have been compiled based on an understanding of the existing ambient air quality of the SDAB and review of existing technical data, aerial maps, and applicable laws, regulations, and guidelines. Traffic data and trip generation information was derived from the project's traffic impact analysis prepared by Fehr and Peers.<sup>2</sup> The URBEMIS 2007 model, Version 9.2.4, land use and air emissions model was then utilized to estimate daily emissions from proposed vehicular sources.<sup>3</sup> URBEMIS 2007 default data, including temperature, trip characteristics, variable start information, emissions factors, and trip distances, were conservatively used for the model inputs. Draft General Plan-related traffic was assumed to be comprised of a mixture of vehicles in accordance with the model outputs for traffic. Emission factors representing the vehicle mix and emissions for 2035 (buildout year) were used to estimate emissions associated with the draft General Plan. In addition to estimating mobile source emissions, the URBEMIS 2007 model was also used to estimate emissions from Carlsbad's area sources, which include other natural gas combustion, landscaping (which would not produce winter emissions), and architectural coatings for maintenance.

Appendix B of the Recirculated DEIR provides air quality modeling inputs and outputs from the URBEMIS model.

Each of the air quality conditions listed in the comment's bullet points is addressed in turn below.

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<sup>2</sup> Fehr and Peers. Trip Generation Estimates worksheet. 2013.

<sup>3</sup> Jones & Stokes Associates. *Software User's Guide: URBEMIS2007 for Windows; Emissions Estimation for Land Use Development Projects*. Version 9.2. Prepared for the South Coast Air Quality Management District. November 2007. <http://www.urbemis.com/support/manual.html>.

The transportation modeling is based on existing land use and draft General Plan land use input into SANDAG's Series 12 model, as described in Chapter 3.13 (Transportation) of the draft EIR. This reflects existing conditions (which include trip generation due to LEGOLAND operations) and future transportation forecasts using the best possible data. A comparison of initially predicted vehicle trips to current vehicle trips from LEGOLAND is beyond the scope of the draft EIR. More importantly, the transportation data used as a baseline represents the existing conditions.

As stated above in response to comment C3-3, the draft EIR evaluates the impacts of the draft General Plan, and the draft EIR is not required to evaluate or mitigate the impacts of operation of the existing airport. As such, the draft EIR does not evaluate the air quality impacts associated with existing airport operations.

In regard to I-5 and SR 78, the comment asks what the current baseline is for I-5 and how the state's proposed I-5 expansion affects pollution, traffic congestion and noise. The draft EIR evaluates existing and future traffic operations on I-5 and SR 78 and uses that information to determine traffic and noise impacts. Table 3.13.6 identifies the existing (baseline) operations for I-5 and SR 78. Table 3.13-10 identifies the future operations for I-5 and SR 78; future operations on I-5 incorporates the state's planned expansion of I-5. Please also see draft EIR, Appendix F (Transportation Appendix) for detailed information on existing and future traffic volumes on I-5 and other arterials throughout the city.

For air quality impacts, the draft EIR and Recirculated DEIR evaluate existing and future traffic operations on I-5 and SR 78 associated with trips that result from implementation of the proposed General Plan; in other words, pass-through traffic (trips without an end point in Carlsbad) was not included in the mobile emissions estimates provided in Tables 3.2-7 and 3.2-10 of the Recirculated DEIR. However, all traffic on I-5 and SR 78 was considered in the evaluation of potential exposure of sensitive receptors to substantial pollutant concentrations (Recirculated DEIR Impact 3.2-4, pp. 3.2-42 through 3.2-46). Please see Chapter 3.2 of the Recirculated DEIR for the description of the air quality analysis methodology and assumptions (p. 3.2-17 and 3.2-27).

C3-110: The comment says that, even if the draft EIR uses a "summary of projections" approach to analyzing potential cumulative impacts, it still needs to know the total impacts including both baseline and the projections to determine if the unavoidable significant increase associated with air quality impacts will result in increased cancer rates. As required by CEQA, the draft EIR describes the existing air quality conditions ("baseline"), identifies the changes in air quality conditions that may result from the draft General Plan ("projections"), determines whether or not the changes resulting from the draft General Plan will be significant under established regulatory thresholds, and recommends feasible mitigation measures for those impacts that will be significant. Please see the analysis in section 3.2 of the Recirculated DEIR (Impact 3.2-2); and see response to comment C3-102 above for an explanation of health risks associated with air quality.

C3-111: The comment requests information on air quality impacts in the year 2015. The baseline for the draft EIR is year 2008; please see Table 3.2-7 of the Recirculated DEIR for existing



(2008) operational emissions. The URBEMIS model was run to produce information on the buildout year of 2035 (see Table 3.2-10 of the Recirculated DEIR). The draft General Plan is intended to provide goals and policies for future development of the city and the EIR evaluates the potential impacts of allowable development through 2035. Full project buildout is dependent on a number of variable factors, including long-range demographic and economic trends. The EIR requires future development projects to analyze both direct and cumulative impacts on air quality, which would include the particular intermediate year condition that the comment requests for projects proposed before that date.

Regarding the correlations between pollutant emissions and human health, please see Impact 3.2-4 of the Recirculated DEIR.

C3-112: The comment requests clarification on evaluation of stationary sources in the air quality analysis of operational emissions. Table 3.2-10 of the Recirculated DEIR provides a revised analysis of operational emissions. The analysis identifies the net new emissions at buildout of the draft General Plan; the net new emissions reflect the emissions from new land uses that result from the draft General Plan. As shown in Table 3.2-10, the only new stationary source anticipated is the Carlsbad Energy Center Project (CECP), which will replace the existing Encina Power Station (EPS). While the EPS/CECP may not be the only stationary source in the city, the CECP is the only future new stationary source anticipated. The comment states that there are several proposed new stationary sources, but does not identify any specifically. No further response is possible.

C3-113: The comment states the author's interpretation of three court cases relating to CEQA's requirements for an adequate air quality analysis. Please see the revised air quality analysis in section 3.2 of the Recirculated DEIR, which complies with the requirements of CEQA. Impacts 3.2-1, 3.2-2, 3.2-3 and 3.2-4 of the Recirculated DEIR describe a significant and unavoidable impact from development under the draft General Plan. The air quality analysis captures the full extent of potential development under the draft General Plan and provides that, because the individual development projects that will comprise full build-out have not yet been proposed, further environmental review will occur when site-specific development projects are proposed. Please also see response to comment C3-109 above on the adequacy of the air quality analysis. Since the comment does not indicate whether or how the draft EIR's analysis of air quality impacts complies with the principles enunciated in the cases cited, no further response is possible.

C3-114: The comment states that the draft EIR used the wrong test for mitigation of significant air quality impacts for Impact 3.2-2 and should have determined whether mitigation is available to "minimize" or reduce the level of significance. Please see Impact 3.2-2 of the revised portions of the EIR, which provides an expanded list of mitigation measures that reduce (minimize) impacts; however, due to lack of specific information regarding future development it is not possible to quantify that the mitigation would reduce emissions below the significance threshold (SDAPCD thresholds); therefore, impact would be considered significant and unavoidable.

The comment does not identify any feasible mitigation measures for air quality impacts which should have been considered in the draft EIR but were not. Accordingly, no further response is possible.

C3-115: The comment suggests fees should be assessed to be paid into a fund to reduce air quality impacts and/or related health effects. Neither the SDAPCD nor the city has an adopted air quality impact fee program. Instead, the draft General Plan provides specific goals and policies to avoid or reduce adverse environmental impacts that future development projects must be consistent with. Compliance with the goals and policies within the draft General Plan, city-implemented programs and regulations, and mitigation measures outlined in Chapter 3.2 of the Recirculated DEIR would further reduce impacts to air quality.

The comment also states that, if the draft EIR will be used as a first tier analysis to assess future specific projects, the city must develop a list of air quality related mitigation measures that may be imposed on larger projects. The draft EIR is a program EIR that may serve as the first tier of environmental analysis for future site-specific projects pursuant to CEQA Guidelines § 15168. For this reason, the Recirculated DEIR identifies as mitigation at the program level specific air quality mitigation measures for future projects, which would apply as appropriate as determined in subsequent environmental review at the time such projects are proposed. Please see response to comment C3-114 above.

C3-116: The comment quotes the draft EIR's conclusion regarding the draft General Plan's contribution to cumulative air quality impacts, and disagrees with the draft EIR's definition of the term "cumulatively considerable" (Impact 3.2-3 of the draft EIR). Please see Impact 3.2-3 of the Recirculated DEIR, which states "the proposed General Plan would contribute to a significant cumulative impact on air quality if the emissions from the proposed General Plan, in combination with the emissions from other proposed or reasonable foreseeable future projects, are in excess of established thresholds. The definition that the comment refers to has been deleted, the analysis revised, and the significance finding for Impact 3.2-2 has been changed to "significant and unavoidable", as shown in the Recirculated DEIR.

C3-117: This comment states that common sense says the draft EIR's analysis of cumulative air quality impacts is wrong because the San Diego air basin is a nonattainment area for three criteria pollutants and the draft General Plan will generate increased housing, population, employment and commercial/ industrial/ office space, as well as increased traffic that produces much nonattainment area criteria pollutants. Please see response to comment C3-116 above regarding revisions to the analysis of cumulative air quality impacts found under Impact 3.2-3 of the Recirculated DEIR.

C3-118: Please see response to comment C3-116 above regarding revisions to the analysis of cumulative air quality impacts found under Impact 3.2-3 of the Recirculated DEIR. See response to comment C3-7 above regarding the "ratio" test; no ratio test is used in the air

quality analysis in the draft EIR or the revised air quality analysis in the Recirculated DEIR.

C3-119: The comment explains what the author referred to in Comment C3-118 as the “ratio” test. See response to comment C3-118; and see responses to comment C3-102 regarding the health effects associated with air pollution.

C3-120: The comment states the draft EIR should quantify the number of people who may get cancer due to increased criteria pollutant emissions, inquires about health impacts on residents near transportation corridors, and says that mitigation is needed to reduce criteria pollutant emissions. Please see the revised analysis of criteria pollutant emissions (Impact 3.2-2) in the Recirculated DEIR. Please also see response to comment C3-102 regarding health effects associated with air pollution, responses to comments C3-114 and C3-115 regarding air quality mitigation measures, and response to comment C3-7 regarding the “ratio” approach, which is not utilized in the draft EIR.

C3-121: The comment states that the analysis of wastewater treatment capacity is missing certain information. Impact 3.12-2 on pages 3.12-29 to 3.12-33 of the draft EIR evaluates the potential for the draft General Plan to cause construction of new wastewater facilities and describes the capacity of the wastewater services, including Carlsbad’s current ownership capacity for treatment at the EWPCF. The draft EIR, on pages 3.12-15 to 3.12-16, describes the EWPCF’s current treatment capacity of 40.51 mgd, and on pages 3.12-27 and 3.12-33 states that the city currently owns a total treatment capacity of 9.24 mgd in the EWPCF and has requested an additional 1.02 mgd for a total of 10.26 mgd. The Encina Joint Powers Authority Basic Agreement was revised as of July 23, 2014; per the revised agreement the city now has capacity rights to 10.26 mgd (other jurisdictions have capacity rights to the remaining EWPCF flow capacity). An update to the status of the city’s EWPCF capacity ownership is reflected in Chapter 3 of the final EIR.

The Carlsbad Sewer Master Plan (2012) estimates a wastewater flow of 10 mgd at buildout of the current General Plan. As stated on page 3.12-27 of the draft EIR, the draft General Plan will result in additional wastewater than currently estimated. The Encina Wastewater Authority (EWA) 2040 Master Plan estimates that at buildout of the service area (based on current general plans), 39.4 mgd of the buildout flows are projected to be treated at the EWPCF, which is less than the current capacity of the facility (40.51 mgd). In addition, the EWA 2040 Master Plan identifies property south of the existing EWPCF where the facility could be expanded to accommodate additional capacity. The EWPCF meets all current regional, state, and federal requirements for secondary treatment and is expected to continue to meet these requirements.

The draft General Plan may result in the need for expansion of the EWPCF, however, as stated on page 3.12-27 of the draft EIR, current regulations require compliance with water quality standards and would not allow development without adequate utility capacity, including water or wastewater treatment capacity. Future development projects allowed under the draft General Plan would be reviewed by the city and the applicable water and wastewater providers to determine that sufficient capacity exists to serve the

development. In addition, the city's Sewer Master Plan will be updated to reflect the draft General Plan growth projections. The city will continue to coordinate with the wastewater districts to ensure that new development 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.

In addition, construction of new water or wastewater treatment facilities would be subject to CEQA to evaluate the impacts of such construction; and the draft General Plan contains goals and policies (listed on page 3.12-28, 3.12-29 and 3.12-33 of the draft EIR) that: 1) promote sustainability and reduce the future demand for water and wastewater treatment capacity due to water conservation measures, use of on-site gray water, and the proposed water sub-metering ordinance, and 2) ensure that future development occurs according to the city's Growth Management Plan and is coordinated with availability of public facilities, including wastewater facilities. These conservation policies coupled with SB X7-7 conservation goals and current practices would reduce the significance of impacts related to the construction of new wastewater facilities to less-than-significant levels.

The Carlsbad Desalination Project is described on pages 3.12-4 and 3.12-30 of the draft EIR. As stated on page 3.12-30 of the draft EIR, 10,000 AF of desalinated water have been proposed to be purchased for utilization throughout Carlsbad. To clarify, the city has the right to purchase up to 10,000 AF of desalinated water from the San Diego County Water Authority (per an agreement dated September 13, 2011 between the San Diego County Water Authority, City of Carlsbad, Carlsbad Municipal Water District and Carlsbad Housing and Redevelopment Commission). The draft EIR evaluates the potential for the draft General Plan to induce growth in section 5.1 of the draft EIR. A discussion of the growth-inducing potential of the existing capacity or future expansion of the desalination plant is beyond the scope of the draft EIR, which is intended to evaluate the potential environmental impacts of the draft General Plan, not the desalinization plant. Information about the desalination plant EIR is available online at <http://carlsbaddesal.com/eir>.

C3-122: The comment expresses the author's interpretation, in a bullet-point list form, of information provided in the draft EIR, without references to specific pages in the draft EIR. The following response addresses each bullet point in turn:

Table 2.4-2 of the draft EIR (p. 2-18) describes total development to buildout. Population is forecast to increase approximately 21 percent, industrial square footage 31 percent, and commercial square footage 55 percent.

All future development must be consistent with the goals and policies of the General Plan. The comment refers to what it characterizes as "generic 'feel-good' policies to reduce project impacts" but does not provide a specific reference to any draft General Plan policies. Accordingly, no further response is possible.

The draft EIR discloses that the potential significant and unavoidable impacts to air quality and transportation associated with the proposed General Plan. These impacts are analyzed in Chapter 3.2 (Air Quality) of the Recirculated DEIR; and Chapter 3.13 (Transportation) of the draft EIR.

Chapter 3.10 of the draft EIR explains the methodology used to evaluate potential noise impacts that will result from the draft General Plan. Impact 3.10-5 describes impacts from the exposure to noise due to the project's location in an ALUCP and concludes that the impact will be less than significant.

Carlsbad contains sites with hazardous waste. Hazardous materials sites are listed in Table 3.6-2 (p. 3.6-10) and shown in Figure 3.6-2 (p. 3.6-11) of the draft EIR.

The draft General Plan policies are designed, in part, to reduce environmental impacts to the extent feasible. Significant and unavoidable impacts to air quality are analyzed in Chapter 3.2 (Air Quality) of the Recirculated DEIR; and significant and unavoidable impacts to transportation are discussed in Chapter 3.13 (Transportation) of the draft EIR. Chapter 3.2 of the Recirculated DEIR identifies an expanded list of feasible mitigation measures to reduce the significant impacts on air quality; draft EIR Chapters 3.13 and 3.10, respectively, identify measures to reduce potential significant impacts on traffic and noise.

The final bullet point summarizes the alternatives analyzed in the draft EIR; please see the Recirculated DEIR, which provides a Reduced Density Alternative and a comparative analysis of the impacts of each alternative.

C3-123: The comment states, in bullet list format, the author's opinions of actions city must take to comply with CEQA. The first bullet point refers to documenting the use of the proper environmental baseline. Unless otherwise indicated, the proper baseline for environmental analysis is the conditions established at the time of publication of the Notice of Preparation of the draft EIR. The baseline for each environmental resource analyzed in the draft EIR is discussed in each chapter of the draft EIR. The remaining bullet points are discussed below in responses to comments C3-124 and C3-125.

C3-124: The draft EIR describes the environmental setting for each environmental resource in the individual chapters of the draft EIR. In particular, the McClellan-Palomar Airport is discussed in numerous chapters of the draft EIR and recirculated EIR: Chapter 3.1 (Aesthetics), Chapter 3.2 (Air Quality), Chapter 3.6 (Hazardous Material, Airport Safety, and Wildfires), Chapter 3.9 (Land Use, Housing, and Population), Chapter 3.10 (Noise), and Chapter 3.13 (Transportation). See response to comment C3-102 above regarding the four environmental impacts described in the comment.

C3-125: This comment includes five sub-bullet points that restate comments made previously regarding compliance with CEQA's legal requirements and the McClellan-Palomar Airport. Please see responses to comments C3-107 to C3-124 above, which cover comments related to CEQA issues.

Please see response to comment C3-6 regarding policy text and Carlsbad Municipal Code with respect to airport expansion.

Please see response to comment C3-38 related to airport regulation issues.

Please see responses to comments C3-58 and C3-60 related to C-III and D-III operations.

C3-126: The comment provides a conclusion to the comment letter and does not raise any environmental issue regarding the draft General Plan. Accordingly, no response is required.

C3-127: The comment introduces as Exhibit 1 to the primary comment letter, identifying it as “Comments on the Draft 2014 General Plan Related to McClellan-Palomar Airport”, submitted to the city on April 22, 2014. No response is required.

C3-128: The comment states that this letter provides comments on the McClellan-Palomar Airport discussions in the draft General Plan, and references them by General Plan Section number. No response is required.

C3-129: The comment notes that the draft General Plan does not have a key strategy for the airport in Section 1.5. The key strategies identified in draft General Plan Section 1.5 were developed through significant public input and guided by a 19-member citizens committee over the course of about three years. The stated purpose of the key strategies is to achieve the core values of the Carlsbad Community Vision. One of those core values’ aims is “strengthen the city’s strong and diverse economy and its position as an employment hub in North San Diego County.” The Community Vision recognizes that Carlsbad is home to a highly-educated workforce whose corporate travel needs are supported by McClellan-Palomar Airport. While the draft General Plan does not identify McClellan-Palomar Airport as a key strategy unto itself, it does recognize the airport’s contributing role in achieving the Community Vision for a strong, diverse local economy.

The draft General Plan acknowledges the influence the airport has had on shaping land use, particularly the city’s research and development / industrial employment core. The draft General Plan also recognizes the need for careful land use compatibility planning within the airport influence area; thus, it discusses special airport planning considerations and includes a number of airport-specific land use, mobility, noise, and public safety policies.

C3-130: The comment states that the draft General Plan term “geographic expansion” of the airport is undefined and unclear. Please see response to comment C3-6 regarding deletion of the word “geographic” from the policy text with respect to airport expansion.

C3-131: The comment refers to future traffic conditions on Palomar Airport Road and El Camino Real and that the draft General Plan proposes no real solutions to deterioration of level of service on these streets that would occur from increases in airport passenger service. The comment also states the draft General Plan ignores the county’s failure to landscape the airport.

The draft General Plan Mobility Element describes a livable streets vision for the city, a multi-modal level of service methodology, planned City of Carlsbad street capacity improvements, and future transportation management improvements. The over-arching goal is to facilitate safe and efficient movement for all users of the street system, and not rely on automobile level of service to the exclusion of other modes of transport.

The Mobility Element anticipates future traffic conditions at build-out, based on planned land uses identified in the Land Use and Community Design Element as well as anticipated growth in the region. The future conditions take into account the approximately 289,100 airport operations forecast in the adopted 1997 McClellan-Palomar Airport Master Plan. The Mobility Element recognizes that, even with planned improvements to the city's street network at build-out, portions of Palomar Airport Road and El Camino Real will operate at levels of service E or F. While Mobility Element policies would limit vehicle capacity expansions of these segments and intersections, they do not ignore mobility concerns. Instead, policies would require addressing non-vehicle capacity building improvements (such as improvement traffic signal management), and implement transportation demand management (TDM) strategies that reduce reliance on the automobile. TDM can enhance pedestrian and bicycle facilities, but they can also support auto users through car-share implementation, carpool encouragement, flexible work hours, and other measures to reduce traffic generation during peak commute hours. See Mobility Element Policies 3-P.4 through 3\_P.9.

The comment about airport property landscaping refers to Mobility Element Policy 3-P.19, and its application to the McClellan-Palomar airport property. The comment is repeated in more detail in C3-140 below. Policy 3-P.19 calls for maintaining the city's scenic transportation corridors as identified in the Carlsbad Scenic Corridor Guidelines (Guidelines). The Guidelines establish El Camino Real as a scenic corridor, and in so doing establishes design standards and guidelines for new development within the corridor. The McClellan-Palomar airport property is partly within this scenic corridor.

With respect to the comment's allegation that the draft General Plan ignores the county's failure to install perimeter landscaping, the draft General Plan is intended to guide future development in the city and is not a vehicle for enforcing existing obligations. Please also see response to comment C3-140 below.

C3-132: The comment states the author's opinion that the draft General Plan inadequately discusses airport-related noise issues. The draft General Plan Noise Element thoroughly discusses the existing noise environment in Carlsbad and evaluates the noise impacts associated with implementation of the draft General Plan. This includes existing and future airport operations projected in the adopted 1997 McClellan-Palomar Airport Master Plan. Noise Element Figures 5-2 and 5-3 show modeled existing and future noise levels (contours) for all major streets in the city as well as the airport. Noise Element policies are intended to limit exposure of persons residing in or working in the city to excess noise levels, as well as provide guidance regarding noise-generating sources.

The McClellan-Palomar Airport Land Use Compatibility Plan (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). Additionally, compliance with the draft General Plan Noise Element goals and policies would ensure that noise from the airport does not cause a significant adverse effect on noise-sensitive land uses. For example, the draft General Plan Noise Element's Airport Noise policies encourage the development of compatible land uses within the Airport Influence Area (AIA) as depicted in the ALUCP and require disclosure actions for new development in the AIA, such as avigation easements, deed restrictions and recorded notices. Compliance with the city's draft General Plan goals and policies would reduce permanent noise impacts to less-than-significant levels.

With respect to noise averaging methods, the draft General Plan provides adequate information about how noise is defined and measured. Noise Element Section 5.2 describes noise measurement methodology, the CNEL scale, and how changes in noise and noise exposure are perceived. Figure 5-1 shows illustrative examples of noise levels from common sources, including jet takeoff at 200 feet. The city's Noise Guidelines Manual, which is referenced in the Noise Element, provides a detailed description of noise science: how noise is defined, perceived, quantified (including noise averaging methods), and mapped. It also discusses the harmful effects of exposure to noise.

Noise Element Policy 5-P.14 states that the city expects the widespread dissemination of, and pilot adherence to, the adopted procedures of the Fly Friendly program.

As stated above, the noise element accounts for noise resulting from existing and projected airport operations (up to 289,100 annual airport operations, based on the 1997 McClellan-Palomar Airport Master Plan).

C3-133: The comment states that the draft General Plan does not clearly distinguish between on-airport and off-airport regulation. Please see responses to comments C3-27 and C3-28 above regarding authority and enforcement responsibilities.

The comment also refers to airport-specific concerns about water quality and hazardous waste. Water quality is discussed in Open Space, Conservation, and Recreation Element Section 4.9, and covered in policies 4-P.56 through 4-P.64. Similarly, Public Safety Element Section 6.5 discusses airport hazards; Section 6.6 discusses hazardous materials, including potential environmental hazards due to presence of hazardous materials on specific sites. Policy 6-P.19 calls for consistency of new development with the land use compatibility policies of the ALUCP. Policies 6-P.19 through 6-P.26 address limiting exposure to, and impacts from hazardous materials. As a broad, long-range planning document, these draft General Plan policies have citywide applicability. Detailed site analyses or case-specific enforcement activities are not addressed in the General Plan context.



C3-134: Please see response to comment C3-129 above regarding draft General Plan key strategies. As the comment observes, airport operations have implications for land use, noise, safety, and pollution. The draft General Plan does not “sprinkle” airport information throughout the document; rather it addresses the various airport-related issues in their corresponding elements (noise concerns are addressed in the Noise Element, safety concerns are addressed in the Public Safety Element, etc). Presenting information in this manner provides the reader with proper context, promotes ease of use, and ensures internal consistency throughout the draft General Plan document.

C3-135: The comment requests clarity as to on-airport vs. off-airport regulatory authority of the city regarding land use compatibility. Staff believes the draft General Plan Land Use and Community Design Element (LUCD) discussion is clear that land use compatibility planning applies to properties *surrounding* the airport, rather than *on* the airport. Under Section 2.7, “Airport Land Use Compatibility”, it states: “California law requires preparation of airport land use compatibility plans for all public-use airports, to promote compatibility between airports and *the surrounding land uses* (p. 2-29)”, and “to limit noise impacts on noise sensitive land uses, the General Plan retains *areas surrounding the airport* principally for industrial and supporting commercial development... (p. 2-30).” LUCD Policy 2-P.35, states, “Require new development *located in the Airport Influence Area (AIA)* to comply with applicable land use compatibility provisions of the McClellan–Palomar Airport Land Use Compatibility Plan (ALUCP)...[*emphases added*].”

C3-136: The comment states that draft General Plan policy 2-P.37 should delete the word “geographic” from the reference to airport expansion and refers to a regulation, ordinance and permit which the author believes support deletion. Please see response to comment C3-6 above regarding deletion of the word “geographic” from the draft General Plan policy text with respect to airport expansion.

C3-137: Please see response to comment C3-6 above regarding deletion of the word “geographic” from the draft General Plan policy text with respect to airport expansion.

C3-138: The comment requests clarification as to the proper FAA classification of McClellan-Palomar Airport, what it means, and why the city hasn’t required a conditional use permit amendment when the airport classification was changed.

The comment correctly notes that the Federal Aviation Administration (FAA) National Plan of Integrated Airport Systems (NPIAS) classifies McClellan-Palomar Airport as “Primary”, but incorrectly states that it is not a commercial service airport. According to the referenced 2013-2017 NPIAS report:

“Commercial service airports are defined as public airports receiving scheduled passenger service and having 2,500 or more enplaned passengers per year. There are 499 commercial service airports which are divided into primary (378) and nonprimary (121). The 378 primary

airports have more than 10,000 annual passenger enplanements (also referred to as boardings) (p. 4).”

Appendix A of the report identifies McClellan-Palomar Airport as “Commercial Service-Primary” (p. A-20), with a forecast of 28,355 enplanements by 2017. Commercial flights began at McClellan-Palomar in 1991 and, at one time, the airport was serviced by three different airlines concurrently. Today, United Express, as the only scheduled airline operating at McClellan-Palomar Airport, flies round trip to Los Angeles.

To improve the Mobility Element description of McClellan-Palomar Airport, the fourth paragraph on P. 3-7 has been revised to read as follows:

McClellan-Palomar Airport is a class 1 commercial service airport (pursuant to its operating certificate issued by the Federal Aviation Administration). The airport serves all types of scheduled operations of large air carrier aircraft (31 or more passenger seats), as well as small air carrier aircraft (more than nine but less than 31 passenger seats). The airport currently serves smaller general aviation aircraft up to larger corporate jet aircraft, and is the only airport with an instrument landing system between Lindbergh Field (San Diego) and John Wayne (Santa Ana) airports that can accommodate the majority of instrument rated aircraft.

Whether or not CUP 172 should have been amended to support the airport’s existing classification is outside the purview of the draft General Plan.

C3-139: The comment refers to the level of service (LOS) on Palomar Airport Road and El Camino Real and states that increased passenger service at the airport would place a substantial added burden on these streets. See response to comment C3-131 above regarding traffic concerns on Palomar Airport Road and El Camino Real.

C3-140: The comment refers to the draft General Plan policy regarding scenic corridors and inquires what efforts the city will make to assure the county complies with existing and future landscape obligations at the airport. Also referenced in the comment is a 2007 letter (Exhibit 12 of comment letter) from the city’s planning director to the county’s airport director to support author’s assertion that the city does not enforce compliance of its policies and regulations on the county. The referenced letter raised a number of concerns, including lack of performance on at least one CUP condition. The lack of perimeter landscaping was not a permit condition violation; rather the issue was raised by city staff because of the slope’s prominent visibility at the El Camino Real/Palomar Airport Road crossroads, and to express the city’s desire for aesthetic improvements to this scenic corridor. Since the 2007 letter, city and county staff have met numerous times in an effort to find mutually-acceptable improvements. Options that have been explored ranged from planting of trees and shrubs to non-vegetative groundcover and artificial turf. In 2008, the county hydro-seeded the slopes with low-growing flowering groundcover, and intends to do so again in late 2014. The city remains interested in

improving the aesthetic quality of this corridor and intends to continue engaging the county in developing an acceptable long-term solution.

As stated in response to comment C3-131 above, Policy 3-P.19 calls for maintaining the city's scenic transportation corridors as identified in the Carlsbad Scenic Corridor Guidelines (Guidelines). The Guidelines establish El Camino Real as a scenic corridor, and in so doing establishes design standards and guidelines for new development within the corridor. The McClellan-Palomar airport property is partly within this scenic corridor. To the extent that the city has jurisdictional authority over the airport, or to the extent that the county agrees to voluntarily comply with city policies, standards and regulations, it is expected that future airport development would need to be found consistent with the city's General Plan policies. Please see also responses to comments C3-4, C3-27, and C3-28 above for discussion of the extent of local authority over county airport activities.

C3-141: Please see responses to comment C3-78 and C3-132 above regarding noise policies. See also response to comment C3-65 regarding noise disclosure requirements for residential properties.

C3-142: Please see responses to comments C3-3 and C3-132 above regarding noise policies. These responses also clarify that the draft General Plan and EIR analyses and policies are based on the existing 1997 McClellan-Palomar Airport Master Plan (AMP). The County of San Diego is in the process of developing a new AMP which may address future runway expansion and/or increased passenger trips; however, as described in responses to comments C3-28, C3-40 and C3-70, the AMP has not yet been prepared, and environmental review of an updated AMP is not expected to begin until Spring 2016.

C3-143: The comment questions whether Noise Element Section 5.4 should include a discussion of California Aeronautics Act noise provisions. As stated on page 3-3 of the California Airport Land Use Planning Handbook, available at the following location (<http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>):

State Aeronautics Act —Public Utilities Code (PUC) Section 21669 requires Caltrans to adopt—to the extent not prohibited by federal law—noise standards applicable to all airports operating under a state permit. California Airport Noise Regulations —the airport noise standards promulgated in accordance with PUC Section 21669 are set forth in Section 5000 et seq. of the California Code of Regulations (Title 21, Division 2.5, Chapter 6). The current version of the regulations became effective in March 1990.

In Section 5006, the regulations state that:

“The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential

areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.”

In accordance with procedures listed in Section 5020, the county board of supervisors can declare an airport to have a “noise problem.” As specified in Section 5012, no such airport shall operate “with a noise impact area based on the standard of 65 dB CNEL unless the operator has applied for or received a variance as prescribed in...” the regulations.

Footnote 4 of Table 5-2 on page 5-17 of the draft General Plan describes the allowable exposure level of 65 dBA CNEL, pursuant to the noise compatibility policies contained in the ALUCP.

C3-144: The comment recites a portion of Public Safety Element 6.1 regarding “fire, hazardous materials, and airport hazards”, and reports that three underground landfill fires and several toxic spills have occurred on airport property in the last ten years. The comment introduces Comment C3-145 and no response is required.

C3-145: The comment requests clarification of City of Carlsbad’s role related to fires and toxic spills at the airport and, specifically, what General Plan policies cover these. The County of San Diego staffs McClellan-Palomar Airport with one Airport Rescue Firefighting (ARFF) unit to provide initial on-airport incident response, and maintains one back-up ARFF unit. The City of Carlsbad Fire Department will supplement a first alarm response to an airport emergency with a battalion chief, truck, three engines, and an ambulance. Additionally, the Carlsbad Fire Department has signed automatic aid agreements with all surrounding communities when additional firefighting resources are needed.

With regards to release of toxic or hazardous materials at the airport, the County of San Diego Department of Environmental Health, Hazardous Materials Division, is responsible for the implementation of and regulation of the Unified Program for all of San Diego County, including Carlsbad. The Unified Program is the consolidation of six state-regulated environmental programs into one program under the California Environmental Protection Agency. The six programs are:

- Aboveground Petroleum Storage Act (APSA) Program
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Business Plan (HMBP) Program
- Hazardous Materials Management and Inventory Program
- Hazardous Waste and Hazardous Waste Treatment Program
- Underground Storage Tank (UST) Program

The goal of the Unified Program is to achieve consistency, consolidation and coordination in the regulation of these six programs through education, community and industry outreach, inspections and enforcement.

Additionally, the San Diego County Department of Environmental Health maintains the Hazardous Incident Response Team (HIRT) whose role is to investigate and mitigate chemically-related emergencies or complaints throughout the county. Funded through a joint powers agreement, HIRT serves unincorporated San Diego County areas, all 18 cities, two military bases, and five Indian Reservations.

With regards to potential contamination of groundwater and release of stormwater pollutants into receiving waters, the County of San Diego Department of Public Works is responsible for operating its own stormwater pollution prevention program for all county-owned facilities, including McClellan-Palomar Airport. County responsibilities include inventorying their facilities, developing and implementing pollution prevention measures, conducting regular inspections of their facilities, and issuing regular reports. The County of San Diego Airports Division is also responsible for ensuring that airport lessees comply with stormwater and water quality requirements. The San Diego Regional Water Quality Control Board has oversight and regulatory role over the County's storm water program.

Please see also response to comment C3-133 above regarding draft General Plan policies that address minimize airport, hazardous materials, and stormwater-related risks.

The comment also inquires about what CEQA comments Carlsbad has made on county airport projects related to the above concerns, but does not identify the county projects to which it relates. Accordingly, no response is possible.

C3-146: The comment requests clarity as to on-airport vs. off-airport regulatory authority of the city regarding certain safety issues. The draft General Plan Public Safety Element discussion is clear that land use compatibility planning applies to properties *surrounding* the airport, rather than *on* the airport. Section 6.2, paragraph under "McClellan-Palomar Airport Land Use Compatibility Plan" is restated below (with emphases added):

"The McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP) is prepared by the San Diego County Regional Airport Authority to protect the safety of the public from airport related hazards. The ALUCP promotes compatibility between McClellan-Palomar Airport *and the land uses that surround it* by addressing noise, overflight, safety, and airspace protection concerns. The ALUCP prevents exposure to excessive noise and safety hazards *within the airport influence area (AIA)*, provides for the orderly growth of the airport *and the area surrounding the airport*, and safeguards the general welfare of the inhabitants *within the vicinity of the airport* and the public in general [*emphases added*]."

C3-147: This concluding comment reiterates previous questions regarding regulatory jurisdiction of the city over county as owner/operator of McClellan-Palomar, and interpretation as to what constitutes airport expansion under Municipal Code 21.53.015 and Carlsbad Conditional Use Permit 172. Please see responses to comments C3-27, C3-130, C3-133, C3-136, and C3-137 above.

The comment also suggests that the city and county jointly bring a declaratory relief action to bring clarity as to regulatory rules governing the airport, and also requests that

these comments be included in the administrative record for judicial review. The comment will be included in the information presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan.

**C4: Robert Gilbert**

C4-1: The comment calling for more parks and open space in north Carlsbad is noted. The draft General Plan Open Space, Conservation and Recreation Element addresses existing and future open space and parks throughout the city, including north Carlsbad. The draft EIR analyzes the draft General Plan impacts on open space and parks in Sections 3.3, 3.9 and 3.11. Please also see master responses MR1-1 through MR1-10 and MR2-1 through MR2-6.

**C5: Merle Albin Fendrick, M.D., PhD**

C5-1: The comment states that the Buena Vista Reservoir site should be turned into a city park rather than sold to be developed with homes. The comment argues that there is a need for parks in the neighborhood. Please see master responses MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding parks within walking distance in the Northwest Quadrant.

**C6: Blanche Ramswick**

C6-1: In this comment letter, commenter references a meeting she attended and expresses surprise over some details about how parks and open space are treated under the draft General Plan. Please see master response MR1-9 regarding how certain park amenities are counted in the 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan.

C6-2: The comment refers to the city's use of school sites. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C6-3: The comment refers to Oak Park. Oak Park is classified as a Special Use Area in the draft General Plan, and as such counts towards meeting the GMP parks performance standard. Please see master response MR1-5 regarding park classifications and GMP park requirements.

C6-4: This comment states that landscaped medians are counted as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. Landscaped street medians are not considered open space.

C6-5: This comment refers to the percentage of land set aside for parks and open space. Please see master responses MR1-2 and MR1-3 for a discussion of the 40% open space "requirement" and the amount of open space provided under the draft General Plan.

C6-6: The comment summarizes that low density and high quality open space are main reasons why people moved to Carlsbad, and asks whether the draft General Plan reflects the

vision of 1986. The open space definitions and policies incorporated into the draft General Plan are virtually unchanged from the 1986 Growth Management Program and 1994 General Plan. Over the years, there has been strong public support for the city's stewardship of open space. The draft General Plan will continue to implement the successful open space and parks programs into the future.

**C7: Julie Peterson**

- C7-1: The comment raises concern about what the city counts as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. Landscaped street medians are not considered open space.
- C7-2: This comment raises concerns about the city's use of school sites and also states that the draft General Plan will be short on required open space. Please see master response MR1-6 regarding use of school sites for recreation purposes. Please see master responses MR1-2 and MR1-3 for a discussion of the 40% open space "requirement" and the amount of open space provided under the draft General Plan.
- C7-3: The comment does not support any additional building until the city delivers on the promised open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement".

**C8: Merle Albin Fendrick, M.D., PhD**

- C8-1: The comment objects to use of future Veteran's Park to count toward meeting the park needs in all four city quadrants. Please see master response MR1-7 regarding Veteran's Park.
- C8-2: This comment raises some misunderstanding about the accounting of park acreages in Carlsbad. Please see master response MR1-8 regarding open space "double-counting".

Please see master response MR1-9 regarding how certain park amenities are counted in the 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan.

Please also see master response MR1-6 regarding use of school sites for recreation purposes.

- C8-3: Implementation of the draft General Plan will ensure there will be adequate parkland to meet future needs. Please see master response MR1-5 regarding park classifications and the Growth Management Program (GMP) parks performance standard.
- C8-4: This comment urges the city not to sell publicly-owned property- such as the Buena Vista Reservoir site- to developers, but rather keep them for future park development. The comment will be included in the information presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan. Please also see master response MR2-1 regarding the need for parks in the Northwest Quadrant, and

master response MR2-4 regarding the city's recent evaluations to dispose of certain city-owned properties, including the Buena Vista Reservoir site.

C8-5: Please see response to comment C8-4 above.

**C9: Dianne McGee**

- C9-1: This comment expresses concern about the amount of open space and parks provided under the draft General Plan. Please see master response MR1-2 for a discussion of the 40% open space "requirement" and MR1-5 regarding park classifications and GMP park requirements.
- C9-2: This comment about city use of school sites is noted. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C9-3: This comment objects to counting certain habitat areas in the city's park inventory. Please see master response MR1-8 regarding open space "double-counting".
- C9-4: This comment takes issue with certain types of recreation facilities (e.g., senior center and skate park) being included in the city's park inventory. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C9-5: This comment states that the future Veteran's Park should not count toward meeting the park needs in all four city quadrants. Please see master response MR1-7 regarding Veteran's Park.
- C9-6: This comment states that the Northwest Quadrant lacks adequate parks. Please see master responses MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, and MR2-1 regarding the need for parks in the Northwest Quadrant. Draft Open Space, Conservation, and Recreation (OSCR) Element policy 4-P.24 specifically supports, where possible, considering accessibility and connectivity when locating future parks.
- C9-7: As explained in master response MR1-5, park sites have been consistently designated and will continue to be under the draft General Plan. Also, please see master responses MR1-2 and MR1-3 for a discussion of the 40% open space "requirement" and amount of open space provided under the draft General Plan.

The comment also expresses objection to the draft General Plan OSCR Element. The comment will be included in materials provided to the City Council for consideration as it determines whether to adopt the draft General Plan.

**C10: Penny Johnson**

- C10-1: This comment raises several open space and parks-related issues. Please see master response MR1-2 for a discussion of the 40% open space "requirement"; master response MR1-6 regarding use of school sites for recreation purposes; master response MR1-7



regarding Veteran's Park; and master response MR1-1, which describes how open space is categorized and counted in the draft General Plan.

**C11: Sandra Meador**

C11-1: The comments quotes from American Recreation Coalition Director Derrick Crandall. No response is required.

C11-2: The comments states that open space is being reduced to 750 acres. Contrary to the comment's assertions, implementation of the draft General Plan will not reduce open space. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan. Also, please see master response MR1-2 for a discussion of the 40% open space "requirement".

C11-3: The comment urges that parks and open space must be available as the city's population increases. Please see master responses MR1-4 and MR1-5 for a discussion of how the draft General Plan will ensure adequate open space and parks to meet future growth.

**C12: Lisa Ash**

C12-1: The comment expresses concern at how playground amenities are counted by the city. Please see master response MR1-9 regarding how certain park amenities are counted in the 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan.

C12-2: The comment refers to the city's use of school sites as park land. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C12-3: The comment refers to Oak Park. Oak Park is classified as a Special Use Area in the draft General Plan, and as such counts towards meeting the GMP parks performance standard. Please see master response MR1-5 regarding park classifications and GMP park requirements.

C12-4: The comment refers to counting a landscaped median as park land. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. Landscaped street medians are not considered open space.

C12-5: The comment refers to the percentage of land devoted to parks and open space. Please see master responses MR1-2 and MR1-3 for a discussion of the 40% open space "requirement" and the amount of open space provided under the draft General Plan.

C12-6: The comment expresses general concern regarding the definition of open space. The open space definitions and policies incorporated into the draft General Plan are virtually unchanged from the 1986 Growth Management Program and 1994 General Plan. Over the years, there has been strong public support for the city's stewardship of open space. The draft General Plan will continue to implement into the future the successful open space and parks programs.

C12-7: This comment expresses a preference for open space over development and restates the points made in the body of the letter. Please see responses to comments C12-1 through C12-6 above. A key feature of the city's GMP is the requirement that new development "pays its way", to protect current residents from the financial burden of providing the infrastructure needed to serve growth. This is accomplished through a variety of means: developer set-asides and dedications, construction of facilities, payment of impact fees and/or special tax levies on new development. With regards to school facilities, the city and local school district share maintenance responsibility of the recreation areas subject to a joint-use agreement.

**C13: George Moyer**

C13-1: The comment states that the definition of open space is up to interpretation and that the 1986 General Plan promised to preserve 40% of the city in open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement".

C13-2: The comment offers an opinion as to what open space means to him. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C13-3: The comment states that open space is a very important quality of life issue. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program.

**C14: Joan Herrera**

C14-1: The comment makes several statements about concern for what is considered open space in the draft General Plan and how playgrounds are treated in the Park Needs Assessment. Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, and MR1-9 regarding how certain park amenities are counted in the 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan.

C14-2: The comment expresses concern about what is counted as parkland and open space. Contrary to the comment's assertion, landscaped street medians are not counted as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. Also please see master response MR1-6 regarding use of school sites for recreation purposes.

C14-3: The comment expresses a common misconception regarding a requirement for 40% open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement".

C14-4: The comment asserts that the city should reassess the open space definition because it doesn't adequately reflect the 1986 Growth Management Program (GMP). The open space and parks policies in the draft General Plan are consistent with those dating back to adoption of the GMP in 1986. Please see master responses MR1-1 which describes how

open space is categorized and counted in the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C14-5: The comment states that open space should remain at 40% and expresses concern about what is counted as open space. Contrary to the comment's assertion, landscaped street medians are not counted as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan and MR1-2 for a discussion of the 40% open space "requirement". Also please see master response MR1-6 regarding use of school sites for recreation purposes.

**C15: Todd Goldstein**

C15-1: The comment expresses hope that Carlsbad does not become overly-developed like Los Angeles and its suburbs, resulting in over population and lack of open space and parks. . This is a general comment which does not raise an environmental issue regarding the draft General Plan or draft EIR and no response is required.

C15-2: The comment expresses concern about how school yards are counted as park acres. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C15-3: The comment refers to "double counting" certain lands as both hardline open space and parks. Please see master response MR1-8 regarding open space "double-counting".

C15-4: The comment voices concern about the sharing of Veterans Park between all four quadrants. Please see master response MR1-7 regarding Veteran's Park.

C15-5: The comment concludes the letter by generally reiterating the concerns outlined in C15-1 above. No response is required.

**C16: Fred Briggs**

C16-1: This is an introductory comment which discusses a community meeting about open space and expresses a concern about the proper balance of resources between open spaces and developed areas. No response is required.

C16-2: The comment expresses concern about providing 40% open space in the city and objects to counting certain types of land as open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement". The comment also expresses concern about how school yards are counted as park acres. Please see master response MR1-6 regarding use of school sites for recreation purposes. Contrary to the comment's assertion, landscaped street medians are not counted as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. In addition, the comment refers to "double counting" certain lands as both hardline preserves and parks. Please see master response MR1-8 regarding open space "double-counting".

C16-3: The comment notes that there are good opportunities for recreational enhancement along the beach frontage areas. The draft General Plan fully supports enhancing the city's coastline as a key land use strategy. For a complete discussion of the draft General Plan vision for the city's coast, please see Land Use and Community Design Element Section 2.3 (p. 2-10), Section 2.7 (pp. 2-32 through 2-34), Goal 2-G.20, and Policies 2-P.48 through 2-P.52, 2-P.79 and 2-P.80.

C16-4: The comment states there is no evidence of procurement for future parkland and recommends that actual park usage data be used as a decision-making criterion. The parks standard is population-based at 3.0 acres/ 1,000 residents in each city quadrant. Most industry-accepted level of service standards are population based, and serve as a planning tool for future park demand. Please see master response MR1-5 regarding park classifications and the Growth Management Program (GMP) parks performance standard.

Draft Open Space, Conservation, and Recreation Element Policy 4-P.19 requires the city to "develop, implement, and periodically update a Parks and Recreation Needs Assessment and Comprehensive Action Plan that identifies appropriate programming for the city's parklands, prioritizes future parkland development, reflects the needs of residents at the neighborhood and citywide level and of an increasingly diverse and aging population..." This document also serves as an important planning tool for meeting the recreation needs of current and future residents. The City Council adopted the first Parks and Recreation Needs Assessment and Action Plan in December 2013.

#### **C17: Nina Eaton**

C17-1: The comment references a community meeting regarding the city's proposed zone change that affects beachfront properties on Tierra Del Oro and Shore Drive; and the comment indicates the purpose of the letter is to reiterate objections brought up at the meeting. The comment introduces the specific comments which follow.

C17-2: The comment states that the proposed OS zone takes over 50% of the commenter's property. The existing General Plan designates the westerly portion of the property as OS (Open Space) and the remainder of the property is designated RLM (single-family residential). The existing OS land use designation is intended to apply to the beach area of the lot, which is a sensitive natural resource and is undevelopable. The existing zoning of the property is R-1 (single-family residential zone) over the entire lot. The R-1 zone implements the RLM designation, but does not implement and is inconsistent with the existing General Plan OS designation. The proposed zone change would apply the OS zone to the portion of the lot designated by the General Plan as OS. The zone change does not create additional OS on the property that isn't already designated by the General Plan. As a result of the community meeting referenced in comment C17-1, city staff analyzed the location of the existing General Plan OS boundary and determined that the eastern boundary of the OS should be refined (shifted to the west) to better follow the location of the beach. The area of the property designated OS will be west of the mean higher high water line and will not apply to developable portions of the lot.

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- C17-3: The comment states that the subject properties are privately owned, and the owners are responsible for maintenance and taxes. The OS designation/zone does not affect ownership of the property or responsibility for maintenance or taxes.
- C17-4: The comment states that the commenter's records show they own up to the mean high tide line. City records show a property boundary for the subject property that extends westward of the mean high tide line. The city's proposed open space boundary on the subject property is westward of the mean higher high water line and does not conflict with ownership of the land or any private improvements on the subject property.
- C17-5: The comment asks why the city wants to change the zoning on the commenter's property. See response to comment C17-2.
- C17-6: The comment refers to an existing lateral access easement on the beach and states that the OS zone will not enhance it. The purpose of the lateral access easements is to give the public the right to cross along certain portions of the beach that are private property, as is the case of the subject property. The proposed OS zone does not affect the easement; the easement exists regardless of the zoning. The OS designation and zone are intended to protect the beach as a natural resource; the easement is a separate matter that grants the public access to privately owned land.
- C17-7: The comment expresses a concern that the proposed OS zone will negatively affect the market value of the property. The proposed zone change to be consistent with the existing General Plan land use designation does not represent a change of land use. Per state law, zoning must be consistent with the General Plan. Because the comment does not raise an environmental issue concerning the draft General Plan and EIR, no further response is required.
- C17-8: The comment states the opinion that the purpose of the zone change is to "maintain a % of OS to balance the % of buildout." This is not the purpose of the zone change. See response to comment C17-2.
- C17-9: The comment expresses concern that the future city councils could change any commitment made now regarding how the proposed zone change may impact owner's rights. The comment is correct that the present city council cannot bind the discretion of future city councils. However, because the portion of the property that is proposed to be zoned OS is the beach, is already designated by the General Plan as OS, and is otherwise undevelopable, nothing would change with respect to owner's rights to utilize the property. Even though a residential zone is currently applied to the beach area of the property, no development can occur there because of other regulations that preclude development on the beach, such as the General Plan OS designation, the city's Local Coastal Program, and the California Coastal Act, all of which take precedence over the Zoning Ordinance. The area of the property that is developable (east of the beach area) will remain designated for residential uses by the General Plan and Zoning Ordinance and no change to development standards will occur.

C17-10: The comment states that the proposed OS zone will not enhance quality of life, will not provide for recreation, culture or education, and does not provide for public health and safety; and that the OS zone overlays their backyards. See response to comment C17-2 regarding the purpose of the proposed zone change and the location of the OS boundary.

C17-11: The comment expresses concern that the propose OS zone will impact 50% of the property. See response to comment C17-2.

**C18: Al Gelbart**

C18-1: The comment states the same objections to the city's proposed zone change as stated in Comments C17-1 through C17-11.

C18-2: The comment states that the proposed OS zone takes over 50% of the property. See response to comment C17-2.

C18-3: The comment states that the subject properties are privately owned, and the owners are responsible for maintenance and taxes. See response to comment C17-3.

C18-4: The comment states that the commenter's records show they own up to the mean high tide line. See response to comment C17-4.

C18-5: The comment asks why the city wants to change the zoning on the property. See response to comment C17-2.

C18-6: The comment refers to an existing lateral access easement on the beach and states that the OS zone will not enhance it. See response to comment C17-6.

C18-7: The comment expresses a concern that the proposed OS zone will negatively affect the market value of the property. See response to comment C17-7.

C18-8: The comment states the opinion that the purpose of the zone change is to "maintain a % of OS to balance the % of buildout." This is not the purpose of the zone change. See response to comment C17-2.

C18-9: The comment expresses concern that the propose zone change may impact owner's rights. See response to comment C17-9.

C18-10: The comment states that the proposed OS zone will not enhance quality of life, will not provide for recreation, culture or education, and does not provide for public health and safety; and that the OS zone overlays their backyards. See response to comment C17-2 regarding the purpose of the proposed zone change and the location of the OS boundary.

C18-11: The comment expresses concern that the propose OS zone will impact 50% of the property. See response to comment C17-2.

**C19: Fu-Dong Shi**

- C19-1: The comment states the draft General Plan adds residential and commercial blocks and ignores the promise of 40% open space. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.
- C19-2: The comment states a general concern that the draft General Plan does not adequately balance development and conservation. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. While the Community Vision values protecting open space and the natural environment, it also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy. One way to view that balance is in terms of land use. The largest proportion of the city is devoted to open space and recreational uses at nearly 38 percent of the city’s land area, while residential and commercial/industrial uses account for 27 percent and eight percent of the city, respectively (see draft General Plan Land Use and Community Design Element Table 2-1).
- C19-3: The comment again references the promise of 40% open space. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

**C20: Madeleine Szabo**

- C20-1: The comment is an introductory comment which asks the city to abide by the requirements to provide 3 acres of park per 1,000 residents and 40% open space. Please see master responses MR1-1 through MR1-10.
- C20-2: The comment inquires whether there is a cap on growth and open space infringement. Please see page 2-5 of the draft EIR for a description of the Growth Management Plan. Please also see master response MR1-1 through MR1-10 above for an explanation of open space and the Growth Management Plan.
- C20-3: The comment states the maximum cap on residential units in the NE quadrant may be exceeded by 327 units. As described on page 3.9-21 of the draft EIR, the draft General Plan Land Use Map identifies potential residential sites that could result in 327 dwelling units above the Growth Management dwelling unit limitation. During the city’s public hearing process to adopt the draft General Plan, these sites will be modified to reduce the northeast quadrant’s residential capacity by a minimum of 327 units, based on the Growth Management Control Point density. This process will ensure that the population growth resulting from the draft General Plan is consistent with the Growth Management Plan. In no case will the adopted General Plan have a dwelling unit capacity that exceeds the Growth Management dwelling unit caps.
- C20-4: The comment states the draft General Plan shows no new park acres will be added despite the addition of almost 23,000 residents. Please see master responses MR1-4 and MR1-5

above for an explanation of the enforcement of the minimum public facilities performance standards and compliance with the GMP facilities standards.

- C20-5: The comment states the draft General Plan includes no evaluation of the Growth Management Plan performance standard of 15% open space for each LFMZ. Please see master responses MR1-4 and MR1-5 above with respect to compliance with the GMP facilities standards.
- C20-6: The comment states that the draft EIR analysis for transportation, water supply, and wastewater is inadequate and asks what mitigation will be done, without reference to specific impacts or impact conclusions. Please see Chapter 3.13 for transportation impacts and Chapter 3.12 for adequacy of water supply and wastewater analysis. Please see page 3.12-4 of the draft EIR for information about water supply from Poseidon's Carlsbad Desalination Project. With respect to traffic conditions, Chapter 3.13 of the draft EIR describes transportation impacts. Vehicle level of service on vehicle-prioritized streets is anticipated to operate at LOS D or better, except for the segments listed on page 3.13-26, where the impact is considered significant and unavoidable. Draft General Plan policies that reduce the impact are listed on pages 3.13-29 through 3.13-30, which include 3-P.4, 3-P.6, 3-P.7, 3-P.8, 3-P.9, 3-P.10, and 3-P.15.
- C20-7: This comment states the draft General Plan overstates park acreage and disagrees with what land is counted as park land. Please see master responses MR1-6, MR1-7, MR1-8 and MR1-9 above, regarding how park acreage is counted.
- C20-8: The comment requests preservation of open space. The comment will be included in the materials presented to the City Council for its consideration in determining whether or not to adopt the draft General Plan.
- C20-9: The comment requests the new General Plan cap growth and allow 15 percent useable open space for each LFMZ. Please see response to comment C20-3 above regarding compliance with the Growth Management Plan, and master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

### **C21: Michael Kroopkin**

- C21-1: The comment asks the city not to change the "current 40% open space criteria." Please see master response MR1-2 for an explanation of the draft General Plan's compliance with open space performance standards.
- C21-2: The comment expresses concern regarding the effect of increased density on the intersection of El Camino and College. The intersection of El Camino Real and College has some congestion since the College Blvd. extension has not been completed. Once completed, congestion at this intersection should be reduced as fewer vehicles would have to use the segment of El Camino Real between Cannon Rd. and College Blvd. See draft General Plan policy 3-P.17, which describes the extension of College Boulevard from Cannon Road to El Camino Road.



**C22: Amy Sheets**

- C22-1: The comment states that the draft General Plan does not provide a standard for neighborhood parks, and that it is not adding any park space for Carlsbad's increasing population. The Carlsbad Growth Management Program includes a standard requirement for a minimum acreage of park and special use areas to be provided as population increases. For more information on the GMP Parks performance standard, please see master response MR1-5. The draft General Plan fully supports and requires compliance with the GMP, and goals and policies in the draft General Plan OSCR Element together with the city's Growth Management Plan, will ensure that adequate open space, parks and recreation areas will continue to be provided throughout the city. Furthermore, see MR 1-5 for a discussion of future parks identified by the draft General Plan OSCR Element.
- C22-2: The comment asserts that Carlsbad will have a lack of park space as the city grows. See master response MR1-5 for a discussion of current and future adequacy of park acreage. The comment's also provides a general description of the value of park space and outdoor exercise. Please see response to comment C22-3 below.
- C22-3: The comment discusses the general value of neighborhood parks that are within walking distance of home. Please see master responses MR2-1 and MR2-3. Open Space, Conservation, and Recreation Element Policy 4-P.25 encourages new parks, plazas, or alternative parks to be located in existing infill neighborhoods. Also see Mobility Element, which includes goals and policies that encourage walking and the enhancement of pedestrian facilities (please see Goal 3-G.3 and Policies 3-P.11 and 3-pp.27.)
- C22-4: The comment discusses the value of neighborhood parks that are within walking distance of home, specifically the need for more neighborhood parks in the NW Quadrant. This comment is specifically addressed in master responses MR2-1 and MR2-3. The comment also asserts that the Buena Vista reservoir would be an excellent future park location. Please see master response MR2-2 regarding the provision of parks in the Olde Carlsbad neighborhood.

**C23: Alelia Gillin**

- C23-1: The comment expresses concern regarding open space and reflects a common misconception regarding a requirement for 40% open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement". In addition, the comment states the city is using flawed means to maintain an open space percentage. Please see master responses MR1-1 through MR1-10 the performance standards and types of land included in the parks and open space land use designations.
- C23-2: This comment disagrees that the hardline preserve portion of Poinsettia Park should be counted as park acreage. Please see master response MR1-8 regarding open space "double-counting".

- C23-3: The comment voices concern about the sharing of Veterans Park acreage among all four quadrants. Please see master response MR1-7 regarding Veteran's Park. The draft General Plan describes various park classifications and uniform performance standards. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C23-4: This comment refers to use of private recreation "pocket parks" in master planned neighborhoods. Draft Open Space, Conservation, and Recreation Element Policy 4-P. 27, and existing zoning standards require that master planned neighborhoods provide recreational open space to serve the needs of their residents. Such facilities are to be privately-owned and maintained. Contrary to the comment's assertion, private recreation facilities, while they may count toward the citywide total open space inventory, do not count toward the public park standard (see master response MR1-5). In other words, "pocket parks" and other private recreational facilities are *in addition to*, and do not substitute for public park requirements.

**C24: Ed Corneio**

- C24-1: The comment expresses concern about school yards counted as park acres. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C24-2: The comment refers to "double counting" certain lands as both hardline open space and parks. Please see master response MR1-8 regarding open space "double-counting".
- C24-3: The comment voices concern about the sharing of Veterans Park between all four quadrants. Please see master response MR1-7 regarding Veteran's Park.
- C24-4: The comment calls for the city to begin a new planning process regarding connectivity and walkable neighborhood parks. The draft General Plan is the result of several years of intensive community engagement and planning, beginning with the Envision Carlsbad process in 2008. The city sought out and received valuable input from a wide cross-section of community interests, not just for-profit developers. The draft General Plan Introduction provides a good summary of the extensive community participation that went into the development of the General Plan.
- C24-5: This comment expresses concern that city leaders are unduly influenced by developers and special interest groups wanting to develop "every single inch of land" to maximize their profits. It is a well-established principle that owners have a right to reasonable use of their property. The draft General Plan attempts to lay out a reasonable, balanced path towards the future growth of Carlsbad, fulfilling the needs of the community at large while respecting reasonable private interests, consistent with the core values in the Community Vision. One way to view that balance is in terms of allowable land use, where nearly 38 percent of the city's land area is devoted to protected open space and recreational uses, while residential and commercial/industrial uses account for 27 percent and eight percent of the city, respectively (see draft General Plan Land Use and Community Design Element Table 2-1). Put another way, in the future about four out of every ten acres will remain as open space and will not be developed.

**C25: Janann Taylor**

- C25-1: The comment asks the city to help create open space and parklands that provide opportunities for all ages to participate in tranquil, natural settings for walking, contemplation and exploration that are easily accessible to homes and neighborhoods. The draft General Plan Open Space, Conservation and Recreation Element provides a comprehensive Parks Analysis (Section 4.5) that identifies existing parks and recreation areas (Table 4-4); lists anticipated future park development projects (Table 4-5); and summarizes the city's projected park needs (Table 4-7) through buildout. The goals and policies in the draft General Plan OSCR Element together with the city's Growth Management Plan, will ensure that adequate open space, parks and recreation areas will continue to be provided throughout the city. Furthermore, MR 1-5 provides a discussion of future parks identified by the draft General Plan OSCR Element.
- C25-2: The comment expresses concern about what types of lands qualify as GMP performance standard open space (15% open space) as well as GMP performance standard park acreage. Please see master responses MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, and MR1-6 regarding use of school sites for recreation purposes.
- C25-3: The comment indicates that Holiday Park is impacted by traffic noise and needs a sound wall to mitigate the negative effects. Holiday Park is currently impacted by road noise generated from the I-5 Freeway. According to Table 3.10-8 in the draft EIR, no change to noise conditions will result from the adoption of the draft General Plan, and remediation of existing conditions is beyond the scope of the draft EIR. The comment also states that choices for park areas in the NW Quadrant are limited. Please see master response MR2-1 for a discussion of park adequacy in the NW Quadrant.
- C25-4: The comment expresses concern about the quality of parks that are too small and noise due to their location adjacent to the I-5 Freeway, specifically Oak Park and Pio Pico Park. Both Oak Park and Pio Pico Park are classified as Special Use Areas in the draft General Plan and have been a part of the city's parks inventory since at least the 1986 adoption of the Citywide Facilities and Improvements Plan. Please see master response MR1-5 regarding park classifications and GMP park requirements.
- C25-5: The comment notes the small size and location of the existing Pine Avenue Park. However, the comment does not raise an environmental issue and no response is required.
- C25-6: The comment discusses the inclusion of several school yards in park acreage under joint-use agreements, noting that they are frequently locked, and serve a narrow segment of the public (namely, athletic groups). Please see master response MR1-6 regarding use of school sites for recreation purposes. For a discussion about the adequacy of park acreage in the NW Quadrant, please see master responses MR2-1 and MR2-3.

- C25-7: The comment states that Kelly and Hope Elementary Schools were dropped from the joint use program in fiscal year 2012-2013. As of August 26, 2014, both schools were added back into the joint use program, increasing the city's usable parks inventory by 2.9 acres in the Northwest Quadrant, and 2.8 acres in the Northeast Quadrant.
- C25-8: The comment states that sports fields at Chase Field do not provide a place for citizens to find tranquility and relaxation. Chase Field was designed to fulfill a community need for baseball fields. Since the comment does not raise an environmental issue, no further response is required.
- C25-9: The comment questions the rationale for counting the Senior Center and Harding Center as contributing toward citywide park acreage. The city considers community centers, including the Senior Center and Harding Center, as Special Use Areas, which are counted toward citywide park acreage used to determine compliance with the Growth Management Program (GMP) parks performance standard. Please also see master response MR1-5 regarding park classifications and GMP parks performance standard.
- C25-10: The comment asks the city to develop parks and gardens in the Northwest Quadrant and gives as examples Portland, OR; Boulder, CO; and Seattle, WA. Please see master responses MR2-1, MR2-2 and MR2-3 for a discussion of parks in the Northwest Quadrant. Hosp Grove, as well as portions of Buena Vista and Aqua Hedionda Lagoons may also serve as examples of passive recreational areas in the Northwest Quadrant of Carlsbad.
- C25-11: The comment asserts that that housing developments have been approved without plans for parks. However, all development in Carlsbad has occurred consistent with the GMP parks performance standard; please see master response MR1-5. Besides the garden at Magee House, the city operates the 1.3 acre Harold E. Smerdu Community Garden in the Northwest Quadrant.
- C25-12: This comment cites projected increases in population, commercial and hotel development in the draft General Plan and asks what additional parkland is being added. The draft General Plan provides for adequate parkland to meet future demands, and is discussed in master response MR1-6.
- C25-13: The comment expresses the hope to create open space and parklands that provide opportunities for all ages to participate in tranquil, natural settings in the Northwest Quadrant. The adequacy of park acreage in the Northwest Quadrant is specifically addressed in master responses MR2-1 and MR2-3.

**C26: Ricardo Cisternas**

- C26-1: The comment refers to development allowed under the draft General Plan. The draft EIR contains analysis of the draft General Plan and all potential environmental impacts expected to result from implementation of the various policies, programs, and projects identified. In particular, the draft EIR analyzes potential impacts on traffic (Chapter 3.13) and water (Chapter 3.12).

C26-2: The comment refers to the growth management ordinance. As described on page 3.9-21 of the draft EIR, the draft General Plan Land Use Map identifies potential residential sites that could result in 327 dwelling units above the Growth Management dwelling unit limitation. During the city's public hearing process to adopt the draft General Plan, these sites will be modified to reduce the northeast quadrant's residential capacity by a minimum of 327 units, based on the Growth Management Control Point density. This process will ensure that the population growth resulting from the draft General Plan is consistent with the Growth Management Plan. In no case will the adopted General Plan have a dwelling unit capacity that exceeds the Growth Management dwelling unit caps.

**C27: Jacqui Lucas**

C27-1: The comment expresses a general desire to have 40% open space or more. Please see master responses MR1-2 for a discussion of the 40% open space "requirement" and MR1-3 regarding the amount of open space provided under the draft General Plan. The comment also expresses general concern about continued development in Carlsbad. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. This includes not only protecting open space and the natural environment, but also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, providing safe and affordable housing, protecting and enhancing community character, and promoting a strong economy.

**C28: Jacqui Lucas**

C28-1: The comment expresses a desire for as much open space as possible, and concerns about continued development in Carlsbad's. Please see response to comment C27-1 above.

**C29: Janann Taylor**

C29-1: The comment stated appreciation for staff presentations at the May 19, 2014 Parks and Recreation Commission meeting, and to learn about the draft General Plan and policies to "revitalize older neighborhoods". No response is required.

C29-2: The comment states that many parks fulfill the need for athletic space and playgrounds, and asks that ways to increase beauty, nature and culture in neighborhood parks be included in the draft General Plan. The Open Space, Conservation, and Recreation Element calls for various types of facilities to address a range of the community's passive and active recreational needs. Policy 4-P.19 requires a Parks and Recreation Needs Assessment and Comprehensive Action Plan that identifies appropriate programming for the city's parklands, prioritizes future parkland development, and reflects the needs of residents at the neighborhood and citywide level and of an increasingly diverse and aging population. The City Council adopted the first Parks and Recreation Needs Assessment and Action Plan in December 2013. Other policies, such as 4-P.31 and 4-P.33 encourage preserving open spaces that have particular historical, cultural, and/or educational value.

C29-3: The comment states support for the Buena Vista Reservoir as a future park site, and requests a special community meeting for Olde Carlsbad to help realize the conversion of

Buena Vista Reservoir into a park. Please see master responses MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.

Staff has had several meetings with the commenter and other interested residents, including a neighborhood meeting on June 23, 2014 with about 45 Olde Carlsbad residents. The meeting covered a number of items including the need for more parks, the disposition of the Buena Vista Reservoir site and other city-owned properties, planned improvements to Cole Library, the General Plan update process, and desire for master planning Olde Carlsbad.

C29-4: The comment references an attached letter (see comment letter C-25), and states that residents clearly want more parks in Carlsbad and specifically in Olde Carlsbad and the NW Quadrant. The adequacy of park acreage in the NW Quadrant is specifically addressed in master responses MR2-1 and MR2-2.

**C30: James O'Leonard**

C30-1: The comment expresses disappointment in the amount of development that has occurred over the past 11 years, and that there is no park within walking distance of their house. . Please see master responses MR1-1 through MR1-10 for a discussion of the Growth Management Plan, open space and park land.

C30-2: The comment discusses the desirability of Carlsbad as a place to live is vital for local business recruitment, and that the city's open space is a major factor in this desirability. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program. Implementation of the draft General Plan will ensure there will be adequate open space and parkland to meet future needs. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan.

C30-3: The comment refers to "double counting" certain lands as both hardline open space and parks. Please see master response MR1-8 regarding open space "double-counting".

C30-4: The comment expresses concern about how school yards are counted as park acres. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C30-5: The comment asserts that the emphasis should be on neighborhood parks that are walkable rather than larger parks that have larger service areas (requiring longer drives for residents). The city's parks needs are met through a variety of facility types including larger community parks, smaller special use areas (including neighborhood-serving parks), and special resource areas (lagoons and beaches, for example). The draft General Plan acknowledges that these facilities will continue to serve the community's needs into the future. Open Space, Conservation, and Recreation Element policy 4-P.25 calls for locating new parks, plazas, and or alternative parks in existing infill neighborhoods-the Village and Barrio-where new residential development is contemplated. Finally, it should be noted that master-planned communities are required to provide pocket parks and

active recreational facilities unique to each development (see OSCR policy 4-P.27). Such facilities do not substitute for, but rather, can complement the city's public parks system by serving planned neighborhoods.

**C31: Karen O'Leonard**

- C31-1: The comment expresses disappointment in the amount of development that has occurred over the past 12 years and the loss of open space and small-town feel. Please see master responses MR1-1 through MR1-10 regarding the Growth Management Plan and open space issues.
- C31-2: The comment refers to "double counting" certain lands as both hardline open space and parks. Please see master response MR1-8 regarding open space "double-counting".
- C31-3: The comment expresses concern about how school yards are counted as park acres. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C31-4: The comment voices concern about the sharing of Veterans Park between all four quadrants. Please see master response MR1-7 regarding Veteran's Park.
- C31-5: The comment asks the city to save the remaining open space and reconsider how open space is treated in the draft General Plan in order to prevent the loss of Carlsbad's community character. Designation of open space and parkland under the draft General Plan is consistent with the city's open space policies that have been in place for more than 25 years. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

**C32: Natalie Shapiro**

- C32-1: The comment describes the two concerns addressed in the letter: adequate open space/parkland, and water issues regarding new development. Please see responses to comments C32-2 through C32-8 below addressing these issues.
- C32-2: The comment disagrees with counting one-fourth of Veteran's Park towards meeting the Growth Management requirement for parks in each quadrant. Please see master response MR1-7 regarding Veteran's Park.
- C32-3: This comment relates to double-counting some areas as both parkland and as hardline open space. Please see master response MR1-8 regarding open space "double-counting".
- C32-4: The comment believes that there is an inadequate amount of parkland in the Southwest Quadrant due to double-counting and using Veteran's park to satisfy park requirements in all four quadrants. Please reference master responses MR 1-7 and MR1-8 above.
- C32-5: This comment objects to features that are counted as open space or parklands and questions the 15 percent open space performance standard. Please note that public and private golf courses and HOA parks are categorized as open space, but they do not count towards meeting the Growth Management performance standards for parks. Please see

master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, and MR1-6 regarding use of school sites for recreation purposes.

C32-6: This comment refers to the goal of 40% open space at buildout. Please see master response MR1-2 for a discussion of the 40% open space “requirement” and MR1-3 regarding the amount of open space provided under the draft General Plan.

C32-7: The comment questions why open space and parklands are not being added at equal rates as population and building. As described on pages 3.11-24 through 26 of the draft EIR, the draft General Plan would ensure that new parks are developed or existing parks are improved concurrently with any development that would increase use of parks. The comment also questions if more open space areas will be added for wildlife to help mitigate for loss of lands due to fires. The draft EIR does not address impacts to wildlife due to the recent fires, or to more frequent fires due to climate change, since the draft General Plan would not cause an increase in fires and CEQA requires the city to evaluate the effect of the draft General Plan on the environment and not the effect of the environment (i.e., climate change) on wildlife.

C32-8: The comment requests an explanation of how adequate water supply will be provided for new dwelling units. Impact 3.12-4, on pages 3.12-35 to 3.12-40 of the draft EIR evaluates water supplies from CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout in 2035. In addition, development allowed under the draft General Plan will be subject to additional project-level environmental review when site-specific development applications are considered, which will include evaluation of the adequacy of water supply for the proposed development.

**C33: Brian McInerny**

C33-1: The comment expresses support for use of the Buena Vista Reservoir as a future park site. Please see master responses MR2-1 regarding the need for parks in the Northwest Quadrant, and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the City Council for its consideration in determining whether to adopt the draft General Plan.

**C34: Janann Taylor**

C34-1: The commenter appreciated hearing about development of parks and recreation in Carlsbad at the May 19 Parks and Recreation Commission, and is supportive of Carlsbad taking over maintenance responsibility of beach facilities at Tamarack and Pine. No response is required.



- C34-2: The comment describes Olde Carlsbad as a neighborhood of unique character with good walkability, combined with trees, nature and a lack of busy streets. These are important reasons why residents chose to live in Olde Carlsbad and that because of this walkability and character, it makes sense that a neighborhood park would be developed in this area. The comment adds that the only park within walking distance of Olde Carlsbad is Holiday Park which is heavily impacted by freeway noise. The comment urges consideration of these points in the draft General Plan and states the commenters desire to work with the city to develop a park in Olde Carlsbad. Please see master responses MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding parks within walking distance in the Northwest Quadrant.
- C34-3: The comment states that people choose to live in Olde Carlsbad because of the way city-owned lands are developed for civic purposes, and asks how to help the city develop city-owned lands for the highest common good that supports the natural environment. Please see master responses MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.
- C34-4: The comment states support for the Buena Vista Reservoir as a future park site. Please see response to comment C34-2 above, and master response MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C34-5: The comment asserts that a potential future park at Buena Vista Reservoir, when combined with other city owned lands around Cole Library, would have a cumulative effect that supports many of the draft General Plan elements. The comment will be included in the materials presented to the City Council for its consideration in determining whether to adopt the draft General Plan.
- C34-6: The comment states that an important element of the draft General Plan is to create educational opportunities for life-long learning. The comment also states that a potential park at Buena Vista Reservoir could include solar, wind and gardening. The draft General Plan contains several policies that support facilities and programs to promote lifelong learning, as well as goals and policies to support efforts toward energy and food independence. See Arts, History, Culture, and Education and Sustainability Elements for relevant discussions and policies on these topics.
- C34-7: The commenter wishes to work with city staff in order to make a positive impact on Olde Carlsbad. No response is required.

**C35: Janann Taylor**

- C35-1: This comment is a request to understand what the planned land uses are for the City Hall site and surrounding city-owned properties. Please see master response MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

- C35-2: Comment states that there should be a “design plan” for the Olde Carlsbad area. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan.
- C35-3: Commenter requested a meeting with staff to discuss her concerns regarding the Olde Carlsbad neighborhood. Staff has had several meetings with commenter and other interested residents, including a neighborhood meeting on June 23, 2014 with about 45 Olde Carlsbad residents. The meeting covered a number of items including the need for more parks, the disposition of the Buena Vista Reservoir site and other city-owned properties, planned improvements to Cole Library, the General Plan update process, and desire for master planning Olde Carlsbad.
- C35-4: This comment is an excerpt from the draft General Plan’s Land Use and Community Design Element describing Carlsbad Village (p. 2-31). No response is required.

**C36: Lee Shapiro**

- C36-1: The comment considers open space to be very important and does not support certain types of lands to be included in the city’s inventory of open space (“locked school yards, road medians, home-owner-only parks, senior centers, or golf courses”). Please see master responses MR1-1 through MR1-10 regarding open space, park land and Growth Management Plan performance standards for the amount of open space and park land in the city.
- C36-2: The comment opposes Veteran’s Memorial Park being counted toward the parks standard for all four city quadrants. Please see master response MR1-7.
- C36-3: The comment states that the draft General Plan “notes that it is important to have non-driving methods of transportation.” This comment relates to goals and policies in the draft General Plan Mobility element that guide the city toward a livable streets system that provides a balance of mobility options for bicyclists, pedestrians, transit users and automobiles. When implemented, the mobility policies of the draft General Plan will provide more opportunities to bike and walk, in addition to drive, to parks near homes and throughout the city.
- C36-4: The comment asks how drought and climate change play into future residential growth projections and what models were used to determine that there is enough water to support the growth. Impact 3.12-4, on pages 3.12-35 to 3.12-40 of the draft EIR evaluates water supplies from CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout in 2035. Development allowed under the draft General Plan also will be subject to additional project-level environmental review when site-specific development applications are considered, which will include evaluation of the adequacy of water supply for the draft development and climate change impacts.

The CMWD's 2010 UWMP describes that: "a provisional method that was developed by DWR where the target is based on indoor residential, CII, outdoor, and water loss components. Using the Provisional Method 4 Target Calculator provided by DWR with a CII water use in 1997 of 3,241 ac-ft gives a target of 207.1 gpcd" which was used to develop water demand. Please refer to the CMWD for an explanation of DWR's methodology which was used to develop the projections, which refers to DWR's Table 26 for an explanation of the future supply sources under different dry year scenarios. The UWMP also considers factors resulting in inconsistency of supply in section 4.8, including climate change.

C36-5: The comment expresses appreciation for the city's attention to fixing the problems stated in the letter. The Planning Commission and City Council will be informed of the comments during their consideration of the draft General Plan.

**C37: Marilyn Hendron**

C37-1: The comment expresses concern that the city is planning to sell the Buena Vista Reservoir property to a residential developer. The draft General Plan and draft EIR analyzed the Buena Vista Reservoir property under its existing designation of R-4 Residential (0-4 du/ac) designation. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site.

C37-2: The comment states support for the Buena Vista Reservoir as a future park site, specifically as a native plant garden that would be conducive for bird habitat, and adds that San Diego County is on the migratory flight path for a number of birds that would benefit. The city is committed to preserving native habitats through implementation of its Habitat Management Program (HMP), which is discussed extensively in the draft General Plan (see Open Space, Conservation, and Recreation Element Section 4.3, goal 4-G.2, and policies 4-P.8 through 4-P.18). The HMP preserve system, designed to preserve the habitats necessary for the survival of multiple threatened and endangered species, also provides natural open space for other bird species as well. To date, the city has conserved more than 5,800 acres of natural habitats inside the city, and another 280 acres outside it.

Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant.

C37-3: The comment asserts that if the Buena Vista Reservoir property is turned into a park, the community would come together to help with planting, trails and constructing seating. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

C37-4: The comment reiterates the desire for Buena Vista Reservoir to become a natural habitat park. Please see master response MR2-2 as it pertains to the need for a park at Buena Vista Reservoir.

**C38: Blythe Doane**

C38-1: The comment expresses a common misconception regarding a requirement for 40% open space, and asserts that the city is trying to redefine parking lots and medians as open space. Please see master response MR1-2 for a discussion of the 40% open space “requirement”. Contrary to the comment’s assertion, landscaped street medians are not counted as open space. Parking lots at park sites are counted as General Plan Open Space if they are located on the same parcel as the subject park. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

**C39: Brian McNery**

C39-1: The comment expresses concern that the city is planning to sell the Buena Vista Reservoir property to a residential developer. The draft General Plan and draft EIR analyzed the Buena Vista Reservoir property under its existing designation of R-4 Residential (0-4 du/ac) designation. Please see master response MR2-5 regarding the city’s recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site. Although the city has undertaken recent efforts to evaluate its various real estate holdings, the draft General Plan contains no discussion or policies regarding potential sale or lease of the Buena Vista Reservoir site, the City Hall property or adjacent city-owned land. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

C39-2: The comment asserts that the NW Quadrant falls short of General Plan goals for open space and parks, and because of this they are against adding more homes in the area. The NW Quadrant is adequately served by parks in compliance with the GMP Parks standard, please see master responses MR2-1, MR 2-2 and MR 2-3.

C39-3: The comment expresses disappointment in the amount of development that has occurred in past years and the loss of small-town feel. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. This includes not only protecting open space and the natural environment, but also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, providing safe and affordable housing, protecting and enhancing community character, and promoting a strong economy.

All development in Carlsbad has occurred in compliance with the General Plan and Growth Management Plan.

C39-4: This comment is an observation that much of the development that occurred in the Northwest Quadrant pre-dated the General Plan, and therefore not subject to the same rules as the rest of the city. Much of this part of the city developed prior to the adopted standards in the 1986 Growth Management Plan (GMP). As discussed in master response MR2-1, the Northwest Quadrant does currently, and will in the future, comply the GMP parks performance standard. As for the GMP 15 percent open space performance

standard, the GMP recognized that opportunities to acquire additional open space were limited in the already developed parts of the city (such as the area that includes Olde Carlsbad). Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

C39-5: The comment reiterates a concern that the city is planning to sell the Buena Vista Reservoir property to a residential developer. The draft General Plan does not propose selling the Buena Vista Reservoir to a developer. See response to comment C39-1 above and master response MR2-5.

**C40: Janann Taylor**

C40-1: The comment thanks staff for taking time to answer questions related to the long term benefit of developing quality open spaces versus the short term sale of real estate for housing in Olde Carlsbad. No response is required.

C40-2: The comment requests a meeting with staff to discuss a vision for Olde Carlsbad. Staff did hold a neighborhood meeting on June 23, 2014 with about 45 Olde Carlsbad residents to discuss a number of items of concern including the need for more parks, the disposition of the Buena Vista Reservoir site and other city-owned properties, planned improvements to Cole Library, the General Plan update process, and desire for master planning Olde Carlsbad.

C40-3: The comment cited a lack of discussion of the Olde Carlsbad neighborhood in the draft General Plan, stating that it would benefit from focused planning similar to that identified for the Village and Barrio. One of the major objectives of the draft General Plan is to provide policy guidance for areas where future growth is planned. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan.

C40-4: The comment states that public spaces allow humans to connect as individuals and promote health. Connectivity, pedestrian activity, creating new activity centers and promoting active, healthy lifestyles are major policy objectives throughout the draft General Plan.

C40-5: The comment repeats her request to meet with staff to discuss the various concerns raised in the letter. Please see responses to comments C40-1 through C40-4 above.

**C41: John Garcia**

C41-1: The commenter has lived in Carlsbad for 11 years and has a number of concerns about the draft General Plan. The comment also states that the draft General Plan provides less than the required amount of open space and park land. Implementation of the draft General Plan does not reduce the Growth Management performance standards for open space and parks. Please see master response MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15

percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. C41-2: The comment asserts that parks should not be double counted as part of the hardline preserve land. Please see master response MR1-8 regarding open space “double-counting”.

C41-3: The comment references a concern about counting Veteran’s Park towards meeting a share of the parks requirement in all four quadrants. Please see master response MR1-7 regarding Veteran’s Park.

C41-4: This comment states a concern about using locked school yards which are counted as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C41-5: This comment suggests that “parks” such as the Crossings Golf Course and the skate park are “general use parks” and should not be allocated to specific quadrants, but should count as park facilities for all quadrants. Please note that although golf courses are a source of recreation, they are not classified as “parks”. Special Use Facilities, such as the skate park, are used to satisfy the interests and needs of the community in which the park is located, and therefore, are allocated to specific quadrants.

C41-6: This comment asks that the city correct perceived errors in how it accounts for open space and parks, and not to sell open space for more homes. Responses to comments C41-1 through C41-5 above explain the city’s established methods for counting open space and parkland. It should also be noted that the draft General Plan does not propose to convert existing designated open space to residential uses.

**C42: Stan Katz**

C42-1: The comment asks to preserve as much open space as possible. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

C42-2: This comment references the preservecalavera.org website as a resource for presenting the case to save open space. Please see responses to comment letter B-15 from Preserve Calavera.

**C43: T.D. Rolf**

C43-1: The comment cites concern that the draft General Plan does not designate Olde Carlsbad for special planning consideration in order to preserve its unique and historical character. One of the major objectives of the draft General Plan is to provide policy guidance for areas where future growth is planned. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan.

C43-2: The comment calls for specific plans for the city-owned properties located around City Hall and Cole Library. The comment expresses opposition to any sale of these properties

to private parties, and requests that the city explore alternative utilization of the properties for public enjoyment. Please see master responses MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

**C44: David Doane**

C44-1: The comment raises concerns related to the preservation of 40 percent open space in the city, double-counting parks, the definitions of open space, and categorizing playgrounds, medians and inaccessible areas as open space. Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40 percent open space "requirement", MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-6 regarding use of school sites for recreation purposes, and MR1-8 regarding open space "double-counting".

C44-2: Please see response to comment C44-1 above. An analysis of the city's parks performance standards and a potential relationship between property values is beyond the scope of analysis of the draft EIR.

C44-3: The comment suggests that additional commercial space may not be needed in the city. Table 2.4-1 of the draft EIR shows the estimated new development under the draft General Plan. The draft General Plan has a 2035 horizon year for planning purposes; however the draft General Plan does not specify or anticipate when buildout will occur, as long-range demographic and economic trends are not possible to predict accurately. In general, new commercial development or redevelopment depends on economic factors that relate to occupancy rates and available space, which include the absorption or anticipated absorption of existing space before new space is developed.

**C45: Janann Taylor**

C45-1: The comment expresses appreciation for information provided pertaining to how to work with elected officials, city employees and the residents. No response is required.

C45-2: The comment asks that the draft General Plan be revised to include a plans/policies for a shuttle service from Olde Carlsbad to various destination points in Carlsbad. The draft General Plan includes policies that address the comment through support for a future Travel Demand Management program that envisions shuttle circulators from transit stations to major employers and destinations. See Mobility Element page 3-23 and policies 3-P.15 and 3-P.31. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

C45-3: The comment states admiration for central Portland, OR, which includes effective parking and transit options that can be used to access numerous nearby civic spaces. The draft General Plan Mobility Element takes a multi-modal, complete streets approach to moving people and goods in and through the city. Many of the element's goals and policies directly support the mobility concepts expressed in this comment.

C45-4: The comment advocates for city owned lands in Olde Carlsbad to be utilized for innovative, educational, and civic uses such as a city owned farm to table gardens. Please see master responses MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

The draft General Plan contains several policies that support facilities and programs to promote lifelong learning, as well as goals and policies to support efforts toward sustainable food. See Arts, History, Culture, and Education and Sustainability Elements for relevant discussions and policies on these topics.

C45-5: The comment asserts that Olde Carlsbad is unique and has many residents with long term roots to the area, and expresses a desire to volunteer to help city staff improve the connectedness and compatibility of Olde Carlsbad. These comments are appreciated. The draft General Plan does not include a specific planning process of the nature requested by the commenter for Olde Carlsbad. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

**C46: Kervin Krause/ Patty Segovia-Krause**

C46-1: The comment states that the commenter has lived in the city for 15 years and would specifically like to see the Buena Vista Reservoir property used as a neighborhood park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

C46-2: The commenter would like to see pedestrian and bike-friendly areas expanded into Olde Carlsbad. The draft General Plan Mobility Element Policy 3-P.20 calls for the city to comprehensively update its pedestrian, bicycle and trails master plans as necessary, to reflect changing needs, opportunities and priorities. Updates to these master plans are currently underway, and provide an excellent opportunity to address the desire expressed in this comment. More information about the updates is available on the city's website.

**C47: Martha Law-Edwards**

C47-1: This is an introductory comment, which quotes the definition of a general plan and introduces that the following comments relate to the purpose of a general plan. No response is required.

C47-2: The comment states that the commenter has lived in the city for 25 years and is not opposed to change, but that any change should reflect the goal stated in draft General Plan goal 2-G.16 "Enhance Carlsbad's character and image as a desirable residential, beach and open-space oriented community." No response is required.



- C47-3: The comment states that Olde Carlsbad should have been included in Chapter 2.7 - Special Planning Considerations due to its unique character. Please see master response MR2-4 which discusses the General Plan update process and why Olde Carlsbad was not included as a Special Planning Considerations area in the draft General Plan.
- C47-4: The comment refers to a list of “underutilized properties” and specifically to vacant land next to Cole Library which the commenter would like to see used as an expansion of the existing Community Garden near the library. Please see master responses MR2-5 which discusses “underutilized properties”, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.
- C47-5: The comment notes that there is a rumor that the Cole Library would be closed or relocated. The city has no plans to close or relocate the Cole Library, nor does the draft General Plan suggest such action in the future. Rather, draft General Plan policies support expanding library facilities and programs to keep pace with population growth, and that align with residents’ lifelong learning needs and abilities (see Arts, History, Culture, and Education Element Policies 7-P.28 through 7-P.30). On July 22, 2014, the City Council authorized a design services contract for improvements to the Cole Library.

**C48: Scott and Merri Adams**

- C48-1: The comment raises concerns about the definition of open space and using a park in one quadrant towards meeting the parks requirement in another quadrant. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan and MR1-7 regarding Veteran’s Park.

**C49: Judith Martin**

- C49-1: The comment expresses concern that the city’s commitment to open space will be threatened under the draft General Plan. Please see master response MR1-2 for a discussion of the 40% open space “requirement” and MR1-3 regarding the amount of open space provided under the draft General Plan.
- C49-2: The comment states that park and recreation areas contribute to the quality of life enjoyed by residents and makes an incorrect assumption that the amount of open space in the city would be reduced. Please refer to master response MR1-2 and MR-2 noted above.

**C50: Robert Craddick**

- C50-1: The comment requests the inclusion of more trails, bicycle safety skills and bike facilities. The draft General Plan addresses bicycle and recreation trails facilities improvements, in both the Mobility and Open Space, Conservation, and Recreation Elements. For example, Mobility Element policies 3-P.20 and 3-P.21 call for the city to update its pedestrian, bicycle, and trails master plans, and to implement improvements recommended in the updated plans. Updates to these master plans are currently underway; more information about the master plan updates is available on the city’s website.

C50-2: The comment supports habitat planning efforts such as the MSCP, stating that planning can provide for human recreation as well as habitat preservation. Staff agrees and would note that the draft General Plan Open Space, Conservation and Recreation Element, helps ensure preserving and protecting sensitive biological resources while balancing human recreational needs.

**C51: Shannon & Gloria Johnson**

C51-1: The comment expresses concern about potential development of Calavera Hills and other limited remaining outdoor spaces within Carlsbad. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan. The Lake Calavera Preserve area is dedicated open space and no development is proposed within this area other than features to support trail use. Please note that the draft General Plan proposes no substantive changes for the Calavera Hills community.

C51-2: Please see response to comment C51-1 above for an explanation of development in Calavera Hills. Please see Figure 3-1 of the draft General Plan for the street system under buildout. No extension of Canon Road beyond Sage Creek High School is planned for automobiles; instead, a bicycle/pedestrian trail would be extended to the east (see Policy 3-.17).

**C52: Becky Larson**

C52-1: The comment expresses concern about the classification of some areas as parks. Pio Pico Park and Oak Park are both classified as a Special Use Area in the draft General Plan, and as such counts towards meeting the GMP parks performance standard. Please see master response MR1-5 regarding park classifications and GMP park requirements.

C52-2: The comment expresses concern that city-owned lands in the northwest quadrant would be sold to developers rather than being used for public enjoyment, and that this would be inconsistent with the Community Vision. Please see master responses MR2-5 which discusses “underutilized properties”, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

**C53: Lisa McKethan**

C53-1: The comment expresses concern for how the draft General Plan will be implemented. Please see draft EIR Chapter 2.5 on General Plan implementation. Please also see the City of Carlsbad’s 2014—2015 Preliminary Operating Budget & Capital Improvement Program for further information.

C53-2: This comment states that residents have requested numerous times that Buena Vista Park be designated a park. Please see master responses MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding parks within walking distance in the Northwest Quadrant.

C53-3: Please see master response MR2-1, with respect to the need for parks in the northwest quadrant, and master response MR1-4, which addresses the methodology by which open space is calculated. The comment suggesting that sustainability equals no growth at some point in time will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.

**C54: Michele Leuke**

C54-1: The comment states opposition to rezoning the private picnic area in Seaport Villas to open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. As part of the General Plan update process, staff identified a number of properties with General Plan land use designations that do not align with the zoning designations or existing use. In some cases, staff has identified areas that have been set aside for open space through easement or other dedication, but are not designated as open space on the General Plan Land Use Map. The referenced “clean-up” re-designation of these properties will further protect them from future development, eliminate confusion by recognizing them as open space in the General Plan, and is consistent with long-standing General Plan policy to designate and zone them for open space use (see draft Open Space, Conservation, and Recreation Element Policy 4-P.17). This is the case with the referenced private picnic area in Seaport Villas. The General Plan Land Use Map currently designates a portion of Seaport Villas, including the picnic area, as Open Space (OS), and the zoning is proposed to be changed from Residential Density-Multiple Zone (RD-M) to Open Space (O-S) for consistency with the General Plan Land Use designation. The open space designation does not change private recreation area to public use.

C54-2: The comment does not agree with counting school yards as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C54-3: The comment requests that “open space” and “parklands” not be redefined to reduce areas free of building. The draft General Plan does not redefine open space or parkland. Designation of open space and parkland under the draft General Plan is consistent with the city’s open space policies that have been in place for more than 25 years. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C54-4: As requested, the commenter’s address has been added to the notification list of hearings for the draft General plan.

**C55: Bladimir Hernandez**

C55-1: The commenter recently moved to Carlsbad (near Holiday Park) and enjoys living in the city, but would like some enhanced community activities related to gardening, sculpture and expanding the library. While the draft General Plan does not address specific community services programming, it does contain a number of policies supporting expanding and upgrading facilities and services to meet an increasing and diversifying population. Such policies will be found in the Open Space, Conservation, Recreation

Element, the Arts, History, Culture, and Education Element, and the Sustainability Elements of the draft General Plan.

C55-2: The comment states opposition to replacing the library with residential development and indicates a preference to see a resource center for the community developed on underutilized properties (near the library). The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan. Please also see master responses MR2-5 which discusses “underutilized properties”, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

**C56: Linda Thompson**

C56-1: The comment raises concern that the draft General Plan would reduce the commitment of 40% open space. Please see master responses MR1-2 for a discussion of the 40% open space “requirement” and MR1-3 regarding the amount of open space provided under the draft General Plan.

C56-2: The comment requests more information about water supply that would serve a future increase in residential and hotel development. Impact 3.12-4, on pages 3.12-35 to 3.12-40 of the draft EIR evaluates water supplies from CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout in 2035. Development allowed under the draft General Plan also will be subject to additional project-level environmental review when site-specific development applications are considered, which will include evaluation of the adequacy of water supply for the proposed development.

C56-3: The comment highlights open space preservation in the draft General Plan, and expresses appreciation for the work the city does. No response is required.

**C57: Jo Ann V. and William K. Sweeney**

C57-1: The comment requests that the City Council maintain the original General Plan and ensure that the 40% open space mandate is enforced. Please see master responses MR1-2 for a discussion of the 40% open space “requirement” and MR1-3 regarding the amount of open space provided under the draft General Plan.

C57-2: The comment describes current drought conditions and wildfire conditions and the need to conserve water. The draft EIR describes water supply in Chapter 3.12 (Public Utilities and Infrastructure), and wildfire hazards in Chapter 3.6 (Hazardous Materials, Airport Safety, and Wildfires). As discussed in the draft EIR, impacts related to water supply and wildfire hazards would be less-than-significant.

C57-3: The comment describes the author’s personal background and reasons for locating to Carlsbad. No response is required.

- C57-4: The comment is in regard to the 5/19/14 Parks and Recreation Commission meeting and the various open space concerns expressed regarding: maintaining 40% open space, ensuring adequate parks are provided in each quadrant, opposing counting school fields as parkland, promoting healthy walkable lifestyles, planning roads to avoid gridlock, and opposing the potential sale of the Buena Vista Reservoir property. Please see master responses MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, MR1-6 regarding use of school sites for recreation purposes, and MR1-7 regarding Veteran’s Park. Please also refer to master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C57-5: Please see the 2012 Carlsbad Landscape Manual, which includes fire protection policies and standards, and response to comment B20-13 above.
- C57-6: The comment states a vision for Carlsbad that closely matches Chapter 1.2 of the draft General Plan, titled “Visions for the Future.” This vision is reflected through the goals and policies in the draft General Plan.
- C57-7: The draft EIR (Chapter 3.13) discusses existing traffic conditions in the city and analyzes the potential impact of the draft General Plan on traffic and transportation. The comment also states that the city should continue to provide for cultural events, high quality educational and community services while continuing and maintaining neighborhood revitalization. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in regard to the draft General Plan.
- C57-8: The comment suggests a more proactive stance against littering, which is addressed in the Carlsbad Municipal Code. The other general suggestions concerning the quality of life for Carlsbad will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan.
- C57-9: This comment expresses an appreciation for the Crossings Golf Course and for the many amenities Carlsbad offers. No response required. The comment also reiterates that it is imperative to maintain the 40% open space mandated as originally outlined. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

**C58: Paige DeCino**

- C58-1: The comments focus on two areas – open space and parkland. The comment expresses the concern that some hardline areas are also counted as meeting the parks performance standard, and that this in turn leads to inaccurate data for parks acreage. Please see master response MR1-8 regarding open space “double-counting”.

- C58-2: The comment disagrees with counting one-fourth of Veteran's Park towards meeting the Growth Management requirement for parks in each quadrant. Please see master response MR1-7 regarding Veteran's Park.
- C58-3: The comment states that the draft General Plan does not live up to the promised 40% open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement".
- C58-4: The comment references an earlier park standard that required 0.5 acres of the 3 acres/1000 population parks performance standard to be allocated to neighborhood parks and that neighborhood parks within one-half mile walking distance should be a standard for all quadrants. Please see master response MR2-3 regarding parks within walking distance in the Northwest Quadrant. The other quadrants are served principally by city community parks and complemented by private recreational facilities (tot lots, community pools, playgrounds, etc.) in existing master-planned neighborhoods.
- C58-5: The comment states that there are inconsistencies in the way that park facilities are allocated. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Also, please see master response MR1-7 regarding Veteran's Park.
- C58-5: The comment states that there are inconsistencies in the way that park facilities are allocated. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Also, please see master response MR1-7 regarding Veteran's Park.

**C59: Mike McMahon**

- C59-1: The comment expresses the concern that some parks are double counted as both parks and open space. Please see master response MR1-8 regarding open space "double-counting".
- C59-2: The comment indicates disagreement with counting school yards as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C59-3: The comment states that more neighborhood parks should be created and that the draft General Plan should maintain the established parks performance standard. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

**C60: Patty Haugen**

- C60-1: Contrary to the comment's assertions, the draft General Plan does not redefine open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.
- C60-2: The comment states that the city has not lived up to the Growth Management Plan and that the draft General Plan does not meet performance standards. Please see master

responses MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C60-3: The comment requests that the open space “clean-up” parcels be eliminated from the draft General Plan and then asks how much open space and parkland is located under SDG&E easements. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. As part of the General Plan update process, staff identified a number of properties with General Plan land use designations that do not align with the zoning designations or existing use. In some cases, staff has identified areas that have been set aside for open space through easement or other dedication, but are not designated as open space on the General Plan Land Use Map. The referenced “clean-up” re-designation of these properties will further protect them from future development, eliminate confusion by recognizing them as open space in the General Plan, and is consistent with long-standing General Plan policy to designate and zone them for open space use (see draft Open Space, Conservation, and Recreation Element Policy 4-P.17).

C60-4 This comment concludes the letter by stating the commenter’s opinion as to what open space is, and calls for integrity in the General Plan update process. No response required. See also responses to comments C60-1 through C60-3 above.

**C61: Jeff Lynch**

C61-1: The comment expresses a concern about continued plans to develop Carlsbad open spaces. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan.

C61-2: The comment states support for open space in Carlsbad. Please see master responses MR1-1 through MR1-10 addressing open space issues.

C61-3: The comment states the importance of controlled growth. Please refer to page 2-5 of the draft EIR for an explanation of Carlsbad’s Growth Management Plan.

**C62: Sheila and Jim Matthews/ Marilyn Hendron**

C62-1: The comment requests that the draft General Plan consider the community as a whole and also address the concerns and desires of the residents of Olde Carlsbad. Please see draft General Plan Section 1.2 for a discussion of the extensive community engagement process that led to development of the Community Vision, which set the foundation for the draft General Plan. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. While the Community Vision values protecting open space and the natural environment, it also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy.

- C62-2: The comment states that city-owned lands (such as Buena Vista Reservoir, the community garden, the Sculpture Garden, land around the Cole Library, and Arts Office) should be zoned for parkland, open space and civic uses and not sold for housing developments. Please see master responses MR2-5 which discusses “underutilized properties”, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.
- C62-3: The comment lists a number of Carlsbad Community Vision objectives to support the previous comment (C62-2). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.
- C62-4: The comment asks city decision-makers to take the time to understand and respect what the community wants before a decision is made on the draft General Plan. The draft General Plan and accompanying Climate Action Plan and Environmental Impact Report will be considered first by the Planning Commission at a publicly noticed meeting. At this meeting, the Planning Commission will consider the draft documents, a report from staff, and written and oral comments from the public, before making a recommendation to the City Council. The Planning Commission may recommend changes to the draft General Plan before it is forwarded to the City Council.

In similar fashion, the City Council will hold a public hearing to receive the Planning Commission recommendation, a report from city staff, and oral and written testimony from the public, before making any final decisions on the draft General Plan and related documents.

**C63: Joey Kratcoski**

- C63-1: The comment states that city-owned lands (such as Buena Vista Reservoir, the community garden, the Sculpture Garden, land around the Cole Library, and Arts Office) should be zoned for civic uses as intended and kept for the benefit of residents in Olde Carlsbad. Please see master responses MR2-5 which discusses “underutilized properties”, and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.
- C63-2: The comment states that keeping civic services, and using city-owned lands, at the original location (the Northwest (NW) Quadrant) is compatible with walkable streets and important to the NW Quadrant. As discussed in response to comment C63-1 above, the draft General Plan does not call for changes in use for the City Hall site or surrounding city-owned properties.
- C63-3: The comment states that coordinating these lands in the Old Carlsbad neighborhood with the Village and Barrio would be the highest and best use. Please see master response MR2-4 which discusses why Olde Carlsbad was not included as a special planning considerations area.



C63-4: The comment expresses concern about changing the zoning and intentions for these lands without transparency. Please see responses to comments C63-1 and C63-2 above.

**C64: Brian McInerney**

C64-1: Contrary to the comment's assertions, open space in the Southeast Quadrant is not being counted for open space in the Northwest Quadrant (NW). The comment may be referring to Veteran's Park (NW Quadrant) which is counted towards parkland in all four quadrants. Please see master response MR1-7 regarding Veteran's Park.

C64-2: The comment refers to the Buena Vista Reservoir property, an assumption that this property is needed to make up a shortfall of parkland in the NW Quadrant, and questions school sites that are counted as parkland. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR1-6 regarding use of school sites for recreation purposes.

C64-3: The comment asks why future development is not held in check. All new development is subject to numerous General Plan policies, zoning standards, and the city's Growth Management Plan (GMP). The GMP places an absolute cap on housing units throughout the city; requires that public facilities required to serve new development is provided by developers concurrent with the need; and that financing plans be put in place to assure that needed facilities are actually built to serve new growth. Compliance with the GMP is continually monitored through the development review process, and an annual report is issued to document how the GMP requirements are being met. If a deficiency is identified in any of the 11 monitored public facilities, then development is halted until the deficiency is resolved. In this way, development is in fact being "held in check".

The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. While the Community Vision values protecting open space and the natural environment, it also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy. One way to view that balance is in terms of land use, where nearly 38 percent of the city's land area is devoted to open space and recreational uses, while residential and commercial/industrial uses account for 27 percent and eight percent of the city, respectively (see draft General Plan Land Use and Community Design Element Table 2-1).

**C65: Mark Remas**

C65-1: The comment questions the integrity of the Growth Management Plan and identifies that open space/parkland is the critical issue for the commenter, particularly with regard to closed school grounds (Buena Vista and Kelly) that count towards the parks performance standard of 3 acres per 1000 residents. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard and MR1-6 regarding use of school sites for recreation purposes.

- C65-2: The comment expresses concern with the way that open space is counted with regard to lighted fields and preserve areas that also count as parkland. Please see master response MR1-9 regarding how certain park amenities are counted in the 2013 Parks & Recreation Department Needs Assessment and Comprehensive Action Plan and master response MR1-8 regarding open space “double-counting”.
- C65-3: The comment states that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C65-4: The comment disagrees with the approach to counting Veteran’s Park towards meeting the requirement for parks in other geographic areas. Please see master response MR1-7 regarding Veteran’s Park.
- C65-5: This comment expresses both disappointment in decisions related to the city golf course and a lack of confidence in the methodology used to determine compliance with the Growth Management Plan. The city golf is considered to be Category 3 open space for outdoor recreation in the draft General Plan, as shown in Land Use and Community Design Element Table 4-1 and Figure 4-1. However, the golf course is not counted as a park for Growth Management Plan purposes.
- C65-6: The concluding comment states that the Growth Management Plan (GMP) needs to be amended to get an accurate count of open space and parks, including in the Olde Carlsbad area. Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with both the open space and parks performance standards. Please refer to the responses above, as well as master responses MR1-4 and MR1-5.

**C66: Prudence Sweeney**

- C66-1: The comment states that the commenter has lived in the city for quite some time, that a park on Faraday (Zone 5 Park) has been promised for quite some time, that it does not appear to be a priority, and that open space does not seem to be a priority for Carlsbad. The draft General Plan (LUCD Table 4-1) identifies three future parks in the Northwest Quadrant: Business Park Recreational Facility (Zone 5 Park), Cannon Lake Park, and Veteran’s Memorial Park. Providing sufficient park facilities in all quadrants of the city is a priority. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C66-2: The comment asks if the performance standard for 15 percent open space is met in LFMZ 24 and how much open space is in the Northwest Quadrant. These are two different, but related questions. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard. The approved Zone 24 Local Facilities Management Plan documents how the GMP open space standard is met.

With respect to the second question, the draft General Plan does not tabulate total open space by city quadrant, although Table 4-1 of the draft General Plan reports designated open space citywide. Figure 4-1 shows graphically where the open space is located; a visual review of this map reveals that the amount of open space in the Northwest Quadrant is substantial, as it includes two lagoons, beaches, protected agriculture, a golf course, hillsides, canyons, and wetlands.

**C67: S. Ellisor**

C67-1: The comment expresses concern about the definition of open space and believes that privately-owned or maintained lands should not be classified as open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C67-2: The comment acknowledges the wonderful parks in Carlsbad and that they are well used and appreciated. No response is required.

C67-3: Contrary to the comment's assertions, implementation of the draft General Plan will not reduce open space. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan.

**C68: Blanche Ramswick**

C68-1: This comment addresses a number of open space and parks-related issues. Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space "requirement", MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C68-2: The comment states more homes means more transportation, air quality, and water supply issues without reference to specific impacts or impact conclusions. Please see Chapter 3.2 of the Recirculated DEIR, and Chapters 3.12 and 3.13 of the draft EIR for analysis of air quality, water supply and transportation impacts. See Chapter 3 of the final EIR for additional information added to Chapter 3.12 of the draft EIR regarding the current drought. The draft General Plan includes a number of policies addressing community design; see draft General Plan Chapter 2, for example. The comment also states that city owned properties should not be sold. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.

**C69: Connie Chavez**

C69-1: This comment provides information on the changes that the commenter has seen since moving to the city in 1992. No response is required.

- C69-2: The comment states that the Buena Vista Reservoir property should be preserved for open space because additional parks are needed to ensure that adequate parkland is provided in the Northwest Quadrant. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C69-3: The comment generally states that using the Buena Vista Reservoir property as a park would be in keeping with the vision and strategies of the draft General Plan and the core value of small town feel and beach community character. No response is required.
- C69-4: The comment disagrees with using Veterans Park towards minimum required park acres. Please see master response MR1-7 regarding Veteran's Park.

**C70: Jack L. Nelson**

- C70-1: The comment provides background on the contents of the letter. No response is required.
- C70-2: The comment relates to the draft General Plan treatment of seniors. The Carlsbad Community Vision describes the provision of parks, fields, facilities, for all ages; pedestrian needs for residents of all ages and physical abilities, and changing demographics, including planning to accommodate the needs of an increasingly aging and diverse population, and supportive services that accommodate the needs of the elderly.
- C70-3: Please see response to comment C70-4 with respect to public transit for seniors and pages 10-19 through 10-20 of the draft General Plan, which address the importance of senior housing. With respect to access, please see Policy 4-G.5 (offer a wide variety of recreational activities and park facilities designed to encourage educational benefits and active or passive participation by users of all ages and interests).
- C70-4: The comment is regarding improved transit in the city for seniors. As such, Policy 3-P.31 is amended in the Mobility Element to identify connections to public activity centers, such as senior centers, City Hall, libraries, etc. Additionally, LIFT paratransit service is provided by NCTD to offer curb-to-curb service for eligible disabled persons.
- C70-5: The comment states that there is no discussion in the draft General Plan about a need for new senior facilities in other parts of the city and questions if Item 4-G6 - that all recreational programs should operate on a financially self-supporting system - is a blanket policy or if publicly supported programs (such as programs for seniors, children, and the needy) need to be self-financing.

While the draft General Plan Open Space, Conservation, and Recreation Element (OSCR) does not specifically identify a need for additional senior facilities in the city, it does generally support addressing senior needs. For example, OSCR Goal 4-G.5 calls for offering a wide variety of recreational activities and park facilities to encourage "participation by users of all ages and interests." Also, Policy 4-P.19 requires the city to develop and implement a Parks and Recreation Needs Assessment and Comprehensive

Action Plan that “...reflects the needs of residents at the neighborhood and citywide level and of an increasingly diverse and aging population...” [emphasis added].

The first Parks and Recreation Needs Assessment and Comprehensive Action Plan was completed and accepted by the City Council in December 2013. The needs assessment makes a number of recommendations regarding future facilities planning and recreational program offerings, a number of which relate to serving the needs of Carlsbad’s seniors. For example, by 2017, the 55+ age segment will be the largest cohort in Carlsbad, at nearly 30 percent of the overall population (p. 6). While the city’s recreation programs are high quality and enjoy high participation numbers, the age segments served are not aligned with community demographics (i.e., too many programs focused on youth in comparison to aging community demographics, p.9). Among the recommendations in the Needs Assessment is for the city to consider the feasibility of a multi-use, multi-generational community recreation center, one that would cover the gamut of programming, including senior programs (p. 14).

The OSCR goal (4-G.6) for the city to operate a financially self-supporting system of recreational facilities is not new, but rather a continuation of an existing General Plan goal, reflective of the city’s overall philosophy of fiscal responsibility and cost-efficiency. The city has long operated its recreation programs under some form of a cost recovery model, balancing program demand, overall benefit to the community, and participants’ ability to pay. This goal continues that approach and is supported by the Parks and Recreation Needs Assessment and Action Plan recommendations to “Complete cost of service model to assign percentage of contribution and cost recovery goals for all program areas (p. 16).”

- C70-6: As stated on page 6-3 of the draft General Plan, the Public Safety Element is most closely tied to Core Value 8: Support quality, comprehensive education and life-long learning opportunities [including seniors], provide housing and community services for a changing population [including seniors], and maintain a high standards for citywide public safety. The goals and policies in the chapter address risks to human health for all citizens in Carlsbad, including seniors.
- C70-7: Chapter 7 of the draft General Plan states that its intent is to enhance availability and accessibility of the arts for all residents [including seniors], preservation of important historic and cultural elements that make Carlsbad unique, and educational opportunities for lifelong learning [including seniors]. The educational resource policies listed on pages 7-25 through 7-26 of the draft General Plan relate directly to schools and library facilities. Policies 7-G.6 through 7-G.11 describe educational and lifelong resources, which includes providing educational resources for all community members, including seniors.
- C70-8: Please see pages 10-19 through 10-20 of the draft General Plan, which address the importance of senior housing.
- C70-9: The Housing Element of the draft General Plan includes a section addressing the importance of senior housing on pages 10-19 thorough 10-20. Additionally, there are a

number of programs in the Housing Element that directly and indirectly benefit seniors, including: Program 1.3 (Acquisition/Rehabilitation of Rental Housing); Program 1.4 (Rehabilitation of Owner-occupied Housing); Program 3.7 (Housing Trust Fund); Program 3.8 (Section 8 Housing Choice Vouchers); Program 3.10 (Senior Housing); Program 3.11 (Housing for Persons with Disabilities); Program 3.16 (Alternative Housing); and Program 4.1 (Fair Housing Services).

C70-10: The comment expresses a general concern about better controlling growth and introduces specific comments which follow. No response is required.

C70-11: Pages 1-6 through 1-8 of the draft General Plan describe the Envision Carlsbad process. The 2009 Envision Carlsbad “Public Opinion Visioning Survey Report,” available on the Envision Carlsbad website describes the methodology in detail, including methodology used for data processing:

Prior to analysis, BW Research utilized optical mark recognition software and implemented quality control measures to scan the returned mail surveys into an electronic database and coded all the open-ended responses into categories for analysis. BW Research also examined the demographic characteristics of the 7,167 respondents who completed a survey to the known universe of residents 18 years and older using the San Diego Association of Government’s (SANDAG’s) 2008 demographic estimates for the City of Carlsbad. It is estimated that among Carlsbad’s 103,811 residents, 79,791 are 18 years and older. After examining the dimensions of zip code, gender, ethnicity, and age, the data were weighted to appropriately represent the universe of adult residents and ensure generalizability of the results (page 32).

C70-12: Please see response to comment C70-11 above regarding how data from the survey was processed.

C70-13: Please see the Envision Carlsbad Report referenced in C70-11 above for further detail and documentation of the survey information used to produce the Carlsbad Community Vision.

C70-14: The comment concludes the letter and no response is required.

**C71: Julia Peebles Peterson**

C71-1: The comment expresses that the commenter does not want city-owned properties such as Buena Vista Reservoir, the community garden, and land around Cole Library to be sold to developers. Please see master responses MR2-5 which discusses “underutilized properties” and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.

**C72: Linda Braun-Trautman**

C72-1: The commenter has been a Carlsbad resident for 11 years and states that the promise of 40% open space and 3 acres of parks per 1000 residents was an important factor in the decision to locate here and voices concern about the future of Carlsbad. Please see master response MR1-1 through MR1-10 for a discussion of the requirements for open space and park land.

C72-2: The comment states disappointment that open space has been cut to 38%, that agricultural lands are zoned for residential development, that the “Grove South” will harm village businesses, and this is not consistent with a “small town atmosphere”. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. While the Community Vision values protecting open space and the natural environment, it also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy. One way to view that balance is in terms of land use, where nearly 38 percent of the city’s land area is devoted to open space and recreational uses, while residential and commercial/industrial uses account for 27 percent and eight percent of the city, respectively (see draft General Plan Land Use and Community Design Element Table 2-1).

C72-3: The comment raises several open space and parks-related issues. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan. MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, and MR1-6 regarding use of school sites for recreation purposes.

C72-4: The comment states that the Northwest Quadrant is short on parks and that the Buena Vista Reservoir property should be a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.

C72-5: The comment summarizes the previous concerns and would like more usable parks, designated agricultural lands, open space with trails for hiking/biking, and less development. Please refer to the responses noted above.

**C73: Samuel DePrimo**

C73-1: The comment highlights concerns that the draft General Plan could jeopardize the city's ability to maintain Growth Management Program (GMP) performance standards for open space and parks. The draft General Plan proposes no changes to compliance with GMP performance standards relative to open space or parks, and in fact fully supports continued compliance with them. Please see master response MR1-4 and MR1-5 regarding compliance with GMP open space and parks performance standards.

C73-2: The comment lists a number of reasons why school fields should not be counted as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C73-3: The comment expresses concern that some land is counted as both parkland and hardline open space. Please see master response MR1-8 regarding open space "double-counting".

C73-4: The comment states that parkland is counted in non-uniform ways and specifically cites city-wide facilities including Veteran's Park, the Senior Center and the Golf Course. Please note that although golf courses are a source of recreation, they are not classified as "parks". Special Use Facilities, such as the Senior Center Complex, are used to satisfy the interests and needs of the community in which the park is located, and therefore, are allocated to specific quadrants. Please see master response MR1-7 regarding Veteran's Park.

C73-5: The comment states that given the importance of connectivity, accessibility, and reducing greenhouse gasses, there needs to be an emphasis on neighborhood parks within less than 0.5 miles of most residences. Please see master response MR2-3 regarding having parks within walking distance of residential areas.

**C74: Steve Linke**

C74-1: The comment states the Mobility Element of the draft General Plan is biased against vehicles to an alarming degree and should be revised. The Mobility Element was developed with the needs of all users in mind including automobiles, bicycles, pedestrians, and transit. The element attempts to develop a layered network of infrastructure that will deliver mobility for all users, including automobiles. As such, the street prioritization criteria was developed to ensure that streets are designated and designed for multiple modes of travel, not just the automobile (the current General Plan's Circulation Element focuses primarily on the automobile). The approach is consistent with the Envision Carlsbad guidance and state law requirements to implement complete streets, to reduce vehicle miles traveled and related greenhouse gas (GHG) emissions, and to provide a less auto-centric transportation system that increases use of alternative transportation modes.



C74-2: The comment disagrees with changing the designation of certain streets to prioritize pedestrian and bicycle travel over vehicle travel; the comment states that the newly proposed scheme inappropriately downgrades all but a handful of Carlsbad's largest "arterial" streets to "connector" or "employment oriented" street status and requires them to be re-prioritized to serve pedestrian and bike travel over vehicular travel (identical to neighborhood streets). For example, most of the major east-west corridors in the eastern portion of the city (e.g., Faraday Avenue, Poinsettia Lane, Alga Road, La Costa Avenue east of El Camino Real, and Calle Barcelona) would be re-prioritized to pedestrian/bike travel (footnotes 1A-1C), and reduction from four to two vehicle lanes and installation of features intended to impede vehicle flow on these arterial streets is intended, even if they are carrying up to 25,000 vehicles per day (footnote 2).

The Mobility Element does not require lane reductions on the referenced roadways. It does require staff to look at potential road diets (e.g. lane reductions) on roadways with less than 25,000 vehicles per day, but the decision to implement a road diet should be based on a multitude of factors such as safety, vehicle service levels, pedestrian service levels, bicycle service levels, etc.. The intent is to provide mobility for all users of the system and prioritize modes appropriately. Policy 3-P.11 has been amended to address the process applied by city staff prior to implementing a road diet.

Classifying a street as a "connector" or employment oriented" street is not a downgrade; rather, the street classification has been developed to ensure appropriate modes are provided on those streets based on information received as part of the Envision Carlsbad process.

C74-3: The comment states that other cities which have implemented a "complete streets" plan have retained vehicle priority on arterials similar to those to be re-prioritized in the city. The typologies developed for the Mobility Element were based on the information from the Envision Carlsbad process, input from city staff, and input received from the City Council at a council workshop. The street typology system is most similar in nature and reflects the recommended practice in the Institute of Transportation Engineers' *Urban Roadway Systems*. Additionally, it reflects a similar approach to the City of San Marcos Mobility Element.

The 25,000 vehicles per day standard was identified as a limit to when staff should evaluate the feasibility of a road diet, not when it should be installed. Please see the response to comment C74-2 related to requirements for city staff to consider prior to implementing a road diet.

C74-4: The Mobility Element is intended to provide for the safe and efficient movement for all users of the system. One of the major concerns that was magnified with the Poinsettia fire was that roadway connections that have not been completed (such as the final connection of Poinsettia and the College connection). These connectivity improvements will assist with evacuations in the future.

Please note that, in many cases, a single lane roundabout (on a two-lane roadway) will provide a similar intersection capacity as a four-lane roadway that is controlled with stop signs or traffic signals. This is due to the fact that vehicles have a yield condition at the entrance of a roundabout and traffic continuously moves through the intersection. Public safety issues, such as emergency evacuation corridors, will be among the factors considered prior to implementing a road diet for any arterials. As noted in the 2013 City of Carlsbad Livable Streets Assessment, a “recently implemented road diet on La Costa Avenue has been viewed as a success for reducing speeds on the roadway while not increasing emergency response travel time” (page 36).

C74-5: The list of exempt locations was identified as those roadways, which even at buildout, that are projected to operate at an unacceptable level of service. Policy 3-P.9 identifies that new development adding traffic to these exempt locations will implement transportation demand management (TDM) strategies that reduce reliance on the automobile. TDM can enhance pedestrian and bicycle facilities, but they can also support auto users through car-share implementation, carpool encouragement, flexible work hours, and other measures to reduce traffic generation during peak commute hours.

C74-6: The comment states that it is unrealistic to assume that re-prioritization of arterial routes will reduce vehicle service needs in the city. The Mobility Element is focused on providing livable streets which ensures that appropriate facilities are provided for all users of the system. In fact, all streets will continue to provide mobility for vehicles; planners and engineers will refer to the element to identify which modes should be prioritized.

Please see response to comment B8-2, which describes additional reasoning related to implementing livable streets, the safety benefits of slower streets, and automobile operations for most of the connector streets in the City of Carlsbad (although they are not prioritized, the results are presented for informational purposes). As shown, most of the facilities in Carlsbad are projected to operate at LOS A-D even without providing prioritization for the automobile, and residents will continue to be able to drive to the referenced destinations. However, the livable streets and prioritization approach will ensure that there are options for residents to use other modes of travel to get to their destinations.

C74-7: The comment agrees with the goal to convert people from driving to walking/biking, but believes it can be achieved without re-prioritizing arterial streets. Vehicle priority is maintained on all arterial streets. The re-prioritization of non-arterial streets is consistent with livable streets guidelines and the direction received in the Envision Carlsbad process. Additionally, as described in response to comment B8-2, even prioritization of connector streets toward pedestrians and bicycles will continue to provide LOS A-D on most connector facilities; ensuring adequate mobility for autos on the system.

Prioritizing for specific users of the system will ensure that the city has sufficient facilities for all users, with sufficient connectivity throughout the city for those users.

C74-8: This comment expresses concern that the city and developers no longer will be required to mitigate traffic congestion created by new development and instead may take steps that will increase congestion. Please note that mitigation is not the only process to require developers to make physical improvements – city staff will still need to ensure that adequate access and safety are provided (which would likely include some type of vehicle operations assessment). Although cities may exact improvements from developers for physical improvements, recently enacted state laws mandate changes in transportation systems to reduce GHG emissions by reducing vehicle miles traveled and focusing on alternative transportation modes rather than on attempting to reduce vehicle congestion by expanding road facilities.

C74-9: The comment refers to traffic projections for La Costa Avenue (east of El Camino Real) that were estimated in relation to two previous projects – La Costa Town Square (2009) and La Costa Avenue Road Diet (2008); as stated in the comment, the referenced studies projected the roadway to carry over 24,000 vehicles per day by 2030, which the comment states makes the street unsuitable for re-prioritization for pedestrians and bicycle travel.

The reports and traffic projections referenced in the comment estimated more vehicles per day on La Costa Avenue than is projected by the draft EIR for buildout of the draft General Plan. As noted in response to comment B8-2, with buildout of the draft General Plan, this section of La Costa Avenue is projected to carry 13,190 vehicles per day (not the 24,000 vehicles per day projected in the previous reports). The reason for this difference is as follows:

- The two prior studies used the SANDAG Series 10 traffic model or outdated traffic growth rate assumptions, whereas the draft General Plan uses Series 12 with modifications to reflect the draft General Plan.
- The previous studies use “old” regional growth rate assumptions and an outdated “funded” roadway/transit network in the assumptions. The draft General Plan is consistent with the adopted 2012 RTP, which is based on updated growth rate and network assumptions.
- It does not appear that Poinsettia Avenue connection is assumed in the previous studies (it is assumed as part of the draft General Plan modeling).
- The draft General Plan identifies La Costa Avenue (east of El Camino Real) as a pedestrian and bicycle prioritized street; and therefore, the draft General Plan traffic modeling assumes La Costa Avenue is a two-lane roadway. The SANDAG Series 10 model (used in the previous studies) assumed the street as a four-lane roadway with higher capacity and travel speeds. The SANDAG Series 12 model originally assumed four-lanes with a higher speeds and capacity, but the model was modified for the draft General Plan in order to identify the street segment as a pedestrian and bicycle prioritized street.

These key differences significantly lower the traffic volume projections on La Costa Avenue.

It should also be noted that implementing livable streets requires that the street be designed to interface the adjacent land uses appropriately and provide services for all users of those land uses. Given the many driveways that access La Costa Avenue, the “connector” street typology designation will ensure that the city can provide a street that is safe for all users of the system. As summarized in response to comment C74-2, draft General Plan policy 3-P.11 has been amended to incorporate conditions the city must consider prior to implementing a road diet, on streets such as La Costa Avenue.

C74-10: The comment states the author’s opinion that the proposed shift in transportation priorities is inconsistent with public sentiment and suggests the city conduct another survey. Many policies in the Mobility Element are designed to improve traffic flow and safety in the city. These include:

- Maintaining LOS D or better on arterial roadways (except in instances where it is infeasible to create additional capacity) (Policy 3-P.4)
- Consider innovative design and program solutions to improve mobility, efficiency, connectivity, and safety of the transportation system; including webpages with travel demand and traffic signal management information, car share programs, intelligent transportation systems, and semi- or full autonomous vehicles. (Policy 3-P.13)
- Encouraging state and regional agencies to improve regional connectivity, including expansion of I-5 (Policy 3-P.15)
- Encourage and seek partnerships to foster innovations in emerging technologies for transportation mobility (Policy 3-P.14)
- Implement new street connections, including:
  - Extension of College Blvd.
  - Completion of Poinsettia Ln.
  - Extension of Camino Junipero (Policy 3-P.17)

The policies in the Mobility Element implement Livable Streets through providing prioritization of modes to ensure appropriate mobility for all users of the system. Given that autos are a user of the system, the Element addresses connectivity, prioritization, and policies that support auto users appropriately.

It should also be noted that the Mobility Element does not require lane removal for pedestrian and bicycle facilities. It does require staff to look at the potential for road diets (e.g. lane removal) and for the city to make an informed decision on what type of roadway design provides for the users of the system and provides for the safest travel along the street.

C74-11: This comment expresses support for pedestrian and bike emphasis on local/neighborhood streets, but requests the draft General Plan be revised to prioritize vehicle and bus travel over pedestrian and bicycle travel on Connector and Employment Oriented streets. It should be noted that, as shown in response to comment B8-2, even

with the reprioritization anticipated in the Mobility Element, most of the connector and employment streets are still anticipated to operate at LOS A-D. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making its determination whether to adopt the draft General Plan as proposed.

C74-12: This comment request modification of draft General Plan policies 3-P.7 and 3-P.9 and deletion of policy 3-P.8. The identification of exempt facilities is consistent with California planning law, which requires the elements in a General Plan to be consistent with each other. Under buildout of the Land Use Element, these roadway segments are not anticipated to operate at LOS A, B, C, or D for vehicles even though they are prioritized for vehicles. Please note that Policy 3-P.8 has been amended to include a provision that the exemption would occur only after the College and Poinsettia extensions have been completed to ensure that these facilities are not exempt prior to buildout of the city's transportation system. In addition, the comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan as proposed.

Comments C74-13 through C74-28 are footnotes to individual comments in the body of the letter. Please see response references below.

C74-13: See response to comment C74-2.

C74-14: See response to comment C74-2.

C74-15: See responses to comments C74-2 and C74-9.

C74-16: See response to comment C74-2.

C74-17: See response to comment C74-3.

C74-18: See response to comment C74-3.

C74-19: See response to comment C74-3.

C74-20: See response to comment C74-3.

C74-21: See response to comment C74-4.

C74-22: See response to comment C74-5.

C74-23: See response to comment C74-5.

C74-24: See response to comment C74-6.

C74-25: See response to comment C74-6.

C74-26: See response to comment C74-8.

C74-27: See response to comment C74-9.

C74-28: See response to comment C74-10.

**C75: Barbara Segal**

C75-1: The comment relates to the personal experience of changes in the community. This comment does not address the accuracy or adequacy of information presented in the draft EIR. No further response is necessary.

C75-2: The comment is concerned that the open space promised in the Growth Management Plan is not occurring. The comment also recites from the draft General Plan the estimated amount of new development to buildout and states a concern that there will be major traffic problems as a result of this new development. For a discussion of the amount of open space provided under the draft General Plan, please see master response MR1-3. The draft General Plan Land Use and Community Design (LUCD) Element plans for future growth in the city. The Mobility Element is correlated to the LUCD Element, meaning that it identifies improvements and contains policies and programs necessary to accommodate the anticipated growth. Potential impacts to the transportation system from implementation of the draft General Plan are thoroughly analyzed in the draft EIR, Section 3.13.

C75-3: The comment states that the commenter attended several Envision Carlsbad meetings and workshops and that the number one priority voiced by residents of all ages was to maintain open spaces. Implementation of the draft General Plan will not reduce open space. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan and master response MR1-2 for a discussion of the 40% open space “requirement”.

C75-4: The comment believes that the charm and character of Carlsbad lies in having independently-owned cafes and restaurants, unique businesses that are not part of a chain, and smaller-scale development. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.

C75-5: The comment summarizes the concerns raised in the letter. Please see responses to comments C75-2 and C75-3 above addressing open space. Please see Chapter 3.1 of the draft EIR regarding aesthetics and community character and Chapter 3.13 addressing transportation impacts of the draft General Plan.

**C76: Dr. Devora Lockton**

C76-1: The comment expresses concern about increased housing and commercial building density and decreasing the open space requirement. Implementation of the draft General Plan will ensure there will be adequate open space and parkland to meet future needs.

Please see master response MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan and MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

C76-2: Contrary to the comment’s assertions, the draft General Plan does not alter the definitions of open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. It was noted that the comment includes a common misconception regarding a requirement for 40% open space. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

C76-3: The comment expresses concern that some areas are counted as both preserved lands and park lands. Please see master response MR1-8 regarding open space “double-counting”.

C76-4: The comment’s final statement asks for support of the original General Plan and to develop no more than 60% of the city. It should be noted that the current (1994) General Plan did not establish a 40 percent open space goal or standard for the city. Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

**C77: Eugene Katz**

C77-1: The comment states that previous changes to La Costa Avenue seem to be perfectly adequate and that further changes would be punitive. The Mobility Element includes a roadway typology for La Costa Avenue where the city can provide accessibility for all users of the system while ensuring that the roadway is safe for all users of the system. Please also see responses to comments C74-1 through C74-12.

**C78: Jerry Hansen**

C78-1: This is an introductory comment which provides personal background on where the commenter lives, and expresses general concern about schedule new residential development. Please see the responses to the author’s specific concerns below.

C78-2: The comment expresses support for water conservation and desalination, but is concerned that development may outstrip new resources. The draft EIR addresses water supply and conservation efforts in Chapter 3.12 (Public Utilities and Infrastructure).

C78-3: The comment states the author’s concerns relate to shrinking open space, inadequate funding for parks, and the availability of affordable water. Please see responses to comments C78-4 through C78-8 below, which address these topics.

C78-4: The comment inquires about the percentage of land that will be retained for open space and asks if the 15% open space performance standard is being maintained. Please see master responses MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, and MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

- C78-5: The comment requests information related to the parks performance standard, how it is enforced, how parks are funded, and if the term “park” includes anything other than community parks open to the proximate families. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. The draft General Plan Open Space, Conservation, and Recreation Element Section 4.5 also provides a good description of city park classifications. New parks are typically funded through developer fees and/or land dedications.
- C78-6: This comment consists of a number of questions related to planned budgets for future parks, when they will be completed, and what will be spent on building new parks in the next five years. As described in master response MR1-5, compliance with the Growth Management Program parks performance standard is monitored annually, and developed parks are added as needs are identified. The city’s 15-year Capital Improvements Program (CIP) identifies funding and scheduling of all capital improvements throughout the city, including parks. More than \$8.5 million in capital funding for parks is anticipated over the next five years. The CIP anticipates that development of Veteran’s Memorial Park will occur in the 2025-29 timeframe.
- C78-7: The comment asks what requirements are placed on developers to incorporate sustainable practices and parks in their developments. The Climate Action Plan (CAP) provides a number of measures to address sustainable practices. Please see Chapter 4 of the CAP for a discussion of GHG reductions measures, including energy efficiency and building retrofits. Also, current building codes and landscaping standards address energy efficiency and water conservation features required of new development. In addition, individual development projects are subject to site-specific environmental review under the California Environmental Quality Act and developers are required to implement mitigation measures that will avoid or reduce potential significant impacts on parks and water supply. Page 4-27 of the draft General Plan describes the city’s parkland standards (which are consistent with the Quimby Act), which require dedications or in lieu fees for community and neighborhood parkland contributions up to three acres per 1,000 population, or up to five acres per 1,000 population to match the existing ratio if it is higher than three acres per 1,000 population.
- C78-8: The comment requests information on impacts to water supply. Please see Impact 3.12-4 on pages 3.12-38 to 3.12-41 of the draft EIR, which analyzes the potential impacts of the draft General Plan on water supply and determines that impacts on water supply would not be significant. An analysis of the impact of future development on water rates is beyond the scope of the draft EIR. The final paragraph on page 3.12-2 of the draft EIR describes recycled water, and the recycled water use for new developments and is reproduced below:

“It is the policy of CMWD that recycled water shall be used within the jurisdiction wherever its use is economically justified, financially and technically feasible, and consistent with legal requirements, preservation of public health, safety, and welfare, and the environment. This policy requires CMWD to prepare



and adopt a Recycled Water Master Plan to define, encourage, and develop the use of recycled water, and to update this plan no less than every five years. The most recent Recycled Water Master Plan was published in November 2012. City policy, as established in 1990 and recently revised and approved by the CMWD Board, requires that recycled water be used on all new land use developments proposed in Carlsbad for all state-approved non-potable uses, if and when available.”

In addition, SB 221, described on page 3.12-9 of the draft EIR, requires that the legislative body of a city or county, must condition approval of subdivision maps upon proof of sufficient water supply. Furthermore, Measure O of the CAP addresses the installation of greywater and rainwater collection systems as means of reducing water usage. While it is not possible to forecast whether new developments will require draconian conservation measures to ensure sufficient water supply, all future development will be subject to site-specific environmental review under CEQA which will analyze, among other things, the potential impacts of the proposed project on water supply and the mitigation measures required to avoid or minimize any significant impacts.

C78-9: The comment inquires as to the latest versions of approved LFMP’s for various zones. In response, they are as follows: Zone 5 (11/13/90); Zone 8 (3/23/99); Zone 14 (11/14/06); Zone 15 (1/10/12); Zone 24 (7/93).

**C79: LaVonne Reiter**

C79-1: The comment requests no more building and to keep the city as it is. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.

**C80: Mary and John Krebs**

C80-1: The comment expresses concern for open space and parks, and in particular, whether the Growth Management open space performance standard was being met in commenter’s area of the city (Local Facilities Management Zone 6). Implementation of the draft General Plan will ensure there will be adequate open space and parkland to meet future needs. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan and MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

C80-2: The comment asks if the Growth Management performance standard for parks will be met in the Southeast Quadrant. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with both the open space and parks performance standards.

C80-3: The comment states disagreement with counting one-fourth of Veteran's Park towards meeting the Growth Management requirement for parks in each quadrant. Please see master response MR1-7 regarding Veteran's Park.

C80-4: The comment asks for compliance with the Growth Management Plan requirements for open space. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their determination whether to adopt the draft General Plan.

**C81: Christina Rosenthal**

C81-1: The comment states a belief that the open space and parks requirements are not being met in Zone 1 and lists a number of reasons why school fields should not be counted as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C81-2: The comment calls for more parks and open space as required by law. Implementation of the draft General Plan will ensure there will be adequate open space and parkland to meet future needs. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.

Please note that compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with both the open space and parks performance standards.

C81-3: The comment reiterates that as the city grows, more parks and open space are needed. Implementation of the goals and policies in the draft General Plan OSCR Element, together with the city's Growth Management Plan, will ensure that adequate open space, parks and recreation areas will continue to be provided throughout the city.

**C82: Dannie Mainwaring**

C82-1: This comment expresses a number of concerns related to the future direction of parks and recreation open space; the expectation for the northeast quadrant to exceed the Growth Management dwelling unit cap; and that there is no discussion explaining how parks and recreational lands will be provided for the additional residents. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Implementation of the draft General Plan will ensure that there will be adequate open space and parkland to meet future needs.

With regards to the GMP dwelling unit cap in the northeast quadrant, the draft General Plan acknowledges that the draft Land Use Map could result in more residential units than would be permitted by the dwelling unit cap for that quadrant. Land Use and Community Design (LUCD) Element Section 2.6 explains that residential designations in the Northeast Quadrant will need to be modified (reduced by a minimum of 327 dwelling units) to ensure that the dwelling unit cap is not exceeded (see LUCD Element Table 2-9). This issue is also analyzed in the draft EIR Section 3.9, which similarly explains that “during the city’s public hearing process to adopt the draft General Plan, these sites will be modified as to reduce the northeast quadrant’s residential capacity by a minimum of 327 units...to ensure that the Growth Management Control Point density is not exceeded (draft EIR, p. 3.9-17).”

C82-2: The comment voices concern about the sharing of Veterans Park between all four quadrants. Please see master response MR1-7 regarding Veteran’s Park.

C82-3: The comment describes aspects of the community vision stated in the draft General Plan and no response is required.

C82-4: The comment asks where new parks and open space will be located when new residential growth occurs in the northeast quadrant, how many parks will be put in with the Robertson Ranch development (Toll Bros.), and what the park requirements are for other agricultural and undeveloped land near College Boulevard and Cannon Road. As explained in master response M1-5, park sites have been consistently designated and will continue to be under the draft General Plan. Also, draft General Plan Open Space, Conservation and Recreation Element Figure 4-3 shows the locations of existing and future city parks throughout the city, including the northeast quadrant.

C82-5: The comment agrees with the community vision of the draft General Plan and no response is required.

C82-6: The comment asks for additional review of the draft General Plan with regard to incorporating parks and recreational space into new housing areas and specifically within the Village and Barrio to ensure that sufficient parks are provided for residents. Implementation of the goals and policies in the draft General Plan OSCR Element, together with the city’s Growth Management Plan, will ensure that adequate parks and recreation areas will continue to be provided throughout the city.

**C83: Dennis and Barbara Lambell**

C83-1: Contrary to the comment’s assertions, implementation of the draft General Plan will not redefine open space and parkland. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, and MR1-6 regarding use of school sites for recreation purposes.

**C84: Howard Krausz**

- C84-1: The comment recites from the draft General Plan Table 2-5 the estimated amount of new development to build-out, claims that the city is currently in deficit for parks, and that the draft General Plan adds no new parks to accommodate future growth. These claims are not accurate. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C84-2: The comment describes growth in Carlsbad and highlights potential impacts addressed in response to comment C84-3 below.
- C84-3: The comment highlights potential impacts from the draft General Plan, which are addressed in the draft EIR under resource topics for aesthetics, air quality, biological resources, energy, greenhouse gases, and climate change, and cumulative impacts. The draft General Plan is based on the Carlsbad Community Vision, which includes a small town feel, beach community character, and connectedness.
- C84-4: This comment raises several open space and parks-related issues. Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, MR1-6 regarding use of school sites for recreation purposes, and MR1-8 regarding open space “double-counting”.
- C84-5: The comment states that senior living units are not counted as residential units. Senior living units are counted as residential dwelling units, provided the living units are not part of an assisted living facility or otherwise defined by the city as a commercial living unit (Carlsbad Municipal Code Section 21.04.093); . Please see Chapter 10 of the draft General Plan (Housing Element), which addresses senior household needs.
- C84-6: This comment inquires as to why the draft General Plan and draft EIR do not provide a zone by zone analysis of compliance with the 15 percent Growth Management Program (GMP) performance standard. Please see master response MR1-4 regarding how the 15 percent open space performance standard is implemented and monitored.
- C84-7: Please see master response MR1-7 for an explanation of Veteran’s Memorial Park, and how it is apportioned.
- C84-8: The comment states intersections typically do not fail unless signals malfunction or accidents occur. Intersections can operate at either at an acceptable or unacceptable level of service based on the delay at the intersection. The acceptable/unacceptable threshold is usually determined by General Plan policies. The Mobility Element identifies acceptable levels of service for prioritized modes based on anticipated roadway improvements, anticipated land use, and the values of the city. As such, the thresholds identified in the Mobility Element (LOS D for prioritized modes) were developed as part of this effort.

C84-9: The comment asks why the city hasn't spent money on open space acquisition as approved by voters, an apparent reference to the 2002 passage of Proposition C. Please see master response MR1-10 for an explanation of the Proposition C authorization and city's efforts towards open space acquisition since its passage.

C84-10: The comment describes the author's perceptions regarding the effect of growth in Carlsbad and requests respect for quality of life issues. The draft General Plan is based on the Carlsbad Community Vision, which portrays broad themes and aspirations for Carlsbad's future.

**C85: Jinny Elder**

C85-1: The commenter has been a Carlsbad resident since 1984 and asks to keep open space. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan.

**C86: Kristina Anderson**

C86-1: The comment describes the personal experience of the commenter. Transportation impacts are addressed in Chapter 3.13 of the draft EIR. The commenter's opinion on the development process in Carlsbad does not relate to the adequacy or completeness of information in the draft EIR. No further response is necessary.

**C87: Mary Anne Viney**

C87-1: The comment provides background on the issues covered in the letter, which are addressed in responses to comments C87-1 to C87-9, below.

C87-2: The comment describes concerns regarding existing noise and air pollution in Carlsbad and the potential for increased impacts due to the widening of Interstate 5 and other major streets through Carlsbad. Please see Chapter 3.2 of the Recirculated DEIR, which provides an evaluation of air quality impacts, including impacts to health from air pollution. Annoyance from noise is an environmental concern, which is the reason that noise regulations are a key component of the environmental regulatory process in the United States and California. A noise measurement survey was conducted as part of the noise analysis for the draft General Plan and the results are included in the draft EIR. As indicated on pages 3.10-13 and 14 of the draft EIR, existing noise levels varied from 45 dBA  $L_{eq}$  at location M4 (located in a residential community immediately south of Avenida Encinas and east of the rail line), to 69 dBA  $L_{eq}$  at location M2 (Holiday Park, located approximately 175 feet from the centerline of I-5). The analysis presented in the Noise Section of the draft EIR evaluates the draft General Plan's effects on these existing noise levels and it was determined that impacts would be less than significant with implementation of the draft General Plan policies.

C87-3: The comment refers to Figure 5-2 of the draft General Plan and expresses concern regarding the noise exposure at several parks in Olde Carlsbad due to street noise. As indicated on pages 3.10-13 and 14 of the draft EIR, noise levels during the measurement survey within the city ranged from 45 dBA  $L_{eq}$  at location M4 (located in a residential

community immediately south of Avenida Encinas and east of the rail line), to 69 dBA  $L_{eq}$  at location M2 (Holiday Park). These are levels typical of modern urban and suburban areas. As described on page 3.10-24 of the draft EIR, the noise contours shown in the maps and the tables represent conservative traffic noise modeling methodologies because they assume no shielding from existing or proposed structures or topography and efficient propagation conditions. Actual traffic noise exposure levels at noise sensitive receptors in the project vicinity would vary (and would generally be lower) depending on a combination of factors such as variations in daily traffic volumes, shielding provided by existing and proposed structures, intervening ground properties and meteorological conditions. As further described on page 3.10-24 of the draft EIR, compliance with the draft General Plan noise policies would ensure that traffic noise would not cause a significant adverse effect at noise-sensitive land uses. The draft noise policies that would reduce potential impacts on parks and other sensitive land uses are listed on pages 3.10-27 through 29 of the draft EIR.

- C87-4: The comment expresses concerns regarding noise levels at several small parks in the city. The comment also describes the potential for permanent hearing loss due to noise levels at 85 dBA and above. Please see response to comment C87-3. With regards to 85 dBA having the potential to cause permanent hearing loss, this is applicable to an occupational type (i.e., continuous and frequent) exposure of 8 hours a day during a working career; not to periodic or temporary exposure in a public park.
- C87-5: The comment summarizes the harmful effects of noise identified in the Carlsbad Noise Guidelines Manual, and identifies areas of concern with respect to the effects of noise. As described on page 3.10-24 of the draft EIR, the noise contours shown in the maps and the tables represent conservative traffic noise modeling methodologies because they assume no shielding from existing or proposed structures or topography and efficient propagation conditions. Actual traffic noise exposure levels at noise sensitive receptors in the project vicinity would vary (and would generally be lower) depending on a combination of factors such as variations in daily traffic volumes, shielding provided by existing and proposed structures, intervening ground properties and meteorological conditions. As further described on page 3.10-24 of the draft EIR, compliance with the draft General Plan noise policies would ensure that traffic noise would not cause a significant adverse effect at noise-sensitive land uses. The draft noise policies that would reduce potential impacts on parks and other sensitive land uses are listed on pages 3.10-27 through 29 of the draft EIR.
- C87-6: The comment consists of Figure 5-2 of the draft General Plan, which is referenced in comment C87-2 above. No additional information is provided and no further response is required.
- C87-7: The comment consists of a close-up of Figure 5-2 of the draft General Plan, which is referenced in comment C87-3 above. No additional information is provided and no further response is required.

C87-8: The comment consists of Table 5-2 of the draft General Plan, which is referenced in comment C87-4 above. No additional information is provided and no further response is required.

C87-9: The comment consists of Figure 5-2 of the draft General Plan, which is referenced in comment C87-5 above. No additional information is provided and no further response is required.

**C88: Michael Schertzer**

C88-1: The comment requests a list of publically owned property within the City of Carlsbad. Please visit the City of Carlsbad's GIS system online at <http://web.carlsbadca.gov/services/departments/gis/Pages/default.aspx> for an online database of parcels in the city, including public property.

C88-2: The commenter states he was unable to determine when, where and why the Buena Vista Reservoir (BVR) site was first considered for sale or lease. Please see master response MR2-5 regarding "under-utilized" city owned properties. One of the City Council's ongoing priority efforts has been to develop and implement a real estate strategic plan that optimizes community benefit and revenue generation potential of the city's real property assets. Staff made an initial presentation to the City Council on May, 17, 2011, outlining the work program and identifying candidate properties from among the city's 131 real estate holdings for additional analysis. In August 2012, the Irving Group presented its findings and recommendations on 11 city-owned properties, including the BVR site. In September 2013, the City Council authorized staff to issue a notice of intent to sell BVR and set a public hearing for November 2013. All of the above-referenced discussions took place in open City Council sessions.

C88-3: The comment is regarding the power of the City Council and voters' access to information to influence the land use decision process. This comment does not relate to the adequacy or accuracy of analysis in the draft EIR. No further response is required.

C88-4: The comment is regarding the intent of the City of Carlsbad Charter with respect to the power of the City Council and voters' access to information to influence the land use decision process. This comment does not relate to the adequacy or accuracy of analysis in the draft EIR. No further response is required.

C88-5: The comment states that the latest city policy requires "satisfying community needs" be taken into consideration in implementing the real estate strategic plan. This comment does not relate to the adequacy or accuracy of analysis in the draft EIR. No further response is required.

C88-6: The comment is critical of the fact that the BVR site was not opened to the public for inspection prior to the City Council's decision to issue a notice of intent to sell. No response is required.

- C88-7: The comment suggests that the decision-making to sell BVR should have been more transparent, especially given its prominent location in an established residential neighborhood. The comment also correctly notes that the City Council postponed its decision to sell the property. No response is required.
- C88-8: The comment states that the voters were placed in a defensive position with regard to a potential alteration of their community (potential sale of BVR) and that instead, the needs of the community should have been addressed. No response is required.
- C88-9: The comment includes a number of statements related to how the terms “good, quality and optimum” are defined relative to “good parks”, “quality . . . park facilities” and “optimum leisure experiences”. The comment then suggests city policy allowing school playing fields to count towards the city’s park inventory should not become impediments to acquiring “good” and “quality” parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C88-10: The comment expresses support for the use of school activity fields to meet present recreational needs, but they should not be allowed to be factored into future planning decisions that could actually block permanent, city-owned park space. As discussed in MR 1-6, the city relies in part on joint use agreements with school districts to fulfill existing park needs. The draft General Plan Open Space, Conservation and Recreation Element Table 4-5 identifies city-owned park sites that will fulfill the needs of future residents; none of these sites is a school facility.
- C88-11: The comment expresses a concern that city-owned parks are still needed in the Northwest Quadrant and that the Buena Vista Reservoir property should be retained until money becomes available to develop it as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant. The comment also states that there would be no harm to the city if it simply holds the BVR site indefinitely until money becomes available to convert it to a city park. The comment will be included in the information provided to the Planning Commission and City Council for their consideration with respect to the draft General Plan.
- C88-12: The comment states that the city has a fiduciary responsibility to first inform the Carlsbad voters about publicly-owned properties that the city may be considering for sale or lease. Procedures for disposition of public property are provided through various provisions of state law, which include public notice and hearing prior to a decision to sell. Please see also response to comment C88-2.
- C88-13: The comment provides an interpretation of Section 300 of the City of Carlsbad Charter. This comment does not relate to the adequacy or accuracy of analysis in the draft EIR. No further response is required.
- C88-14: The comment discusses how voters get to exercise their maximum degree of control over land use matters without diminishing the statutory powers of the City Council, and suggests a section on the city’s website to track underutilized city properties. Please see



response to comment C88-1 above. This comment does not relate to the adequacy or accuracy of analysis in the draft EIR. No further response is required.

**C89: Michael Schertzer**

C89-1: The comment expresses the opinion that there is no mechanism for citizens to initiate any process that can lead to the addition of open space. Aside from the public's ability to speak at all city public meetings, and to initiate voter initiatives, there have been numerous opportunities during the General Plan update process to identify a need/desire for more open space in a particular area (six community-wide workshops, two-surveys, numerous community meetings with the Envision Carlsbad Citizens Committee, Planning Commission and City Council, this public review of the draft General Plan and draft EIR and the upcoming public hearing process to adopt the draft General Plan). Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan. Other opportunities for the community to identify a need for open space and parks were offered recently during the community outreach conducted for the city's parks and recreation needs assessment.

The comment states that the 1986 Growth Management Plan does not identify open space opportunities, does not show that the open space performance standard has been met, and that it appears LFMP Zone 1 may not meet the 15% open space standard. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

C89-2: The comment references the "2013 Local Facility Analysis for Open Space" and specifically quotes a statement in the draft General Plan that explains the Growth Management performance standard for open space does not apply to some LFMP zones (zones 1-10 and 16) because, in 1986, those zones were "already developed and considered to be in compliance with the open space performance standard"; the comment states that the 2013 open space analysis conducted for the draft General Plan conforms to the 1987 open space analysis that identifies LFMP zone 1 is built out and provides no opportunity for more open space; the comment observes that there has been no further analysis. . The comment does not raise an issue with respect to the draft General Plan or draft EIR and no response is required.

C89-3: The comment refers again to a 1987 analysis that concluded LFMP zone 1 was built out and provided no opportunity for more open space; the comment indicates it is assumed there was sufficient data in 1986 to make that conclusion; the comment indicates the conclusion seems inconsistent with the zone 1 acreage summary in the appendix. . The comment does not raise an issue with respect to the draft General Plan or draft EIR and no response is required.

C89-4: The comment critiques the 1987 analysis of open space for LFMP zone 1 and states that it is essential to periodically monitor conditions in all zones. The comment suggests the city could create more open space in zone 1 by purchasing private property, or could lose open space by selling city-owned property such as Buena Vista Reservoir. Please see

master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

Comment also refers to the Buena Vista Reservoir Property and that the city has not considered the site's open space, environmental, and social importance. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site.

- C89-5: The comment states that voters don't have any detailed information to develop opinions regarding land use matters and the city could sell the Buena Vista Reservoir site without citizen knowledge. The comment also refers to the importance of regular monitoring and detailed analysis so that open space opportunities can be matched with identified needs in a timely fashion. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site. Please see also response to comment C88-2.

The comment also states annual monitoring should not end because communities change and indicates the opinion that there is no mechanism that gives residents a channel to offer input. See response to comment C89-1 regarding opportunities for citizens to identify the need for more open space.

The comment states that there should be more analysis if a zone is nearly built out to identify opportunities for open space; and that when projects are considered a public facilities analysis should be conducted. As stated in the response to comment C89-1, numerous opportunities were offered for the community to identify the need for more open space; the analysis conducted for the draft General Plan found that the city's public facility performance standards are met; and development projects are reviewed to confirm compliance with the Growth Management performance standards.

The comment states the opinion that there hasn't been a "proper" summary of adequacy finding for zone 1 that identifies how compliance with the open space standard was determined, which leaves voters with no information; comment states there needs to be shared information and participation regarding land use matters. See response to comment C89-1 regarding the public participation opportunities for citizens to identify the need for more open space.

- C89-6: The comment refers to the Buena Vista Reservoir site and its classification as an "underutilized asset" in a "real property portfolio". Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site.

The comment again refers to the determination in 1986 that the open space standard for zone 1 was considered met, and indicates that changes over time should be considered. As indicated in the response to comment C89-1, there have been many opportunities for the residents of zone 1 to identify a need/desire for more open space. The draft General Plan is consistent with the city's current Growth Management open space performance

standard. The Planning Commission and City Council will be informed of these comments during their consideration of the draft General Plan.

C89-7: The comment references the Buena Vista Reservoir site and the potential that the city may sell the site; the comment also indicates this site is an opportunity to add more open space. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site. Please see also response to comment C88-2. The Planning Commission and City Council will be informed of the comment during their consideration of the draft General Plan.

C89-8: The comment concludes by reiterating previous comments that: criticize the analysis conducted in 1986/1987 related to the Growth Management open space performance standard; indicate the desire for the city to retain the Buena Vista Reservoir site as open space; and asks how the city considered alternative options for development of the site and if the city has considered doing a detailed acreage analysis of open space for zone 1. Alternative land use options were not considered for the site as part of the draft General Plan; the site is currently designated for single-family residential development; the draft General Plan does not propose to change the existing residential designation. Zone 1 is not subject to the open space performance standard and the city has not conducted a detailed acreage analysis of the zone relative to the open space standard. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.

The comment also states that the city has denied citizens of zone 1 information about what is being planned in their own neighborhood, and refers to unknown interests seeking to buy publicly owned property. The comment states this may violate Section 300 of the City of Carlsbad Charter. Section 300 of the City of Carlsbad Charter reaffirms the city's Growth Management Program with the intent of giving the City Council and voter's maximum control over land use matters. Procedures for disposition of public property are governed through various provisions of state law, or charter city enacted provisions, which would include public notice and hearing prior to a decision to sell. Please see also response to comment C88-2.

#### **C90: Charles Goodsell**

C90-1: The comment expresses concern that the city is considering selling "underutilized" city properties (such as Buena Vista Reservoir, the community garden, the Sculpture Garden, land around the Cole Library and the land next to the fire station) to developers and states a preference for setting these lands aside for city purposes. Please see master responses MR2-5 which discusses "underutilized properties", and MR2-6 regarding draft General Plan land use and zoning designations for City Hall, Cole Library, and other adjacent city-owned properties.

C90-2: The comment calls for the city to put resources into the in-fill area of Old Carlsbad and connect these lands with a creative vision to support the Village and Barrio. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan.

C90-3: This comment petitions the City Council to revitalize Olde Carlsbad neighborhoods with civic-minded projects and additional parklands and describes the commenter's vision for the area. Please see master response MR2-4 regarding the community outreach process and development of the draft General Plan.

C90-4: The comment states that the requests listed in the previous comments are aligned with the core values expressed in the community vision and that the city-owned lands in Olde Carlsbad should be developed for the true highest and best use. See response to comments C90-1 through 90-3 above. The Planning Commission and City Council will be informed of the comment during their consideration of the draft General Plan.

**C91: Sharon Sova**

C91-1: Comment states that the commenter attended the May 19, 2014 Parks and Recreation Committee meeting and heard concerns regarding park space designated in the Northwest Quadrant. No response is required.

C91-2: The comment states concern that there will not be adequate park space for new residents in the Northwest Quadrant. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard. Also, please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Implementation of the draft General Plan will ensure there will be adequate parkland to meet future needs.

C91-3: The comment cites a lack of park space within walking distance of commenter's neighborhood. Please see master response MR2-3 regarding parks within walking distance in the Northwest Quadrant.

C91-4: The comment states that the Buena Vista Reservoir property has historic value and should be preserved as park space. Please refer to master responses MR2-1 and MR2-2 noted above. Buena Vista Reservoir property has not been identified as a needed park facility in the Northwest quadrant.

C91-5: The comment lists a number of core values for Carlsbad and reiterates the request to conserve and protect the Buena Vista Reservoir property. The Planning Commission and City Council will be informed of the comment during their consideration of the draft General Plan.

**C92: Ulrike von Mehta**

C92-1: The comment expresses the concern that the city is contemplating changing zoning laws in order to sell open space to developers. The city is not proposing any zone change in order to sell open space lands. It is assumed that the comment is referring the city's recent evaluation of certain city-owned properties. Please see master response MR2-5.

**C93: Whitnie Rasmussen**

C93-1: The comment expresses concern that the city is considering selling "underutilized" city properties (such as Buena Vista Reservoir, the community garden, the Sculpture Garden, land around the Cole Library and the land next to the fire station) to developers and states a preference for setting these lands aside for parks and open space. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site; see master response MR2-2 regarding the provisions of parks in Olde Carlsbad.

C93-2: The comment states why the commenter chose to live in Carlsbad and no response is required.

C93-3: The comment references a quote attributed to Robert F. Kennedy and no response is required.

**C94: Amy Davis and Mark Wiehl**

C94-1: The comment expresses concern about parks and open space and asks if the requirement for three acres of parkland per 1000 residents is being met. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C94-2: The comment expresses concern that some park areas are also considered to be hardline open space. Please see master response MR1-8 regarding open space "double-counting".

C94-3: Please see master response MR1-6 regarding use of school sites for recreation purposes.

**C95: Betsy Lieberman**

C95-1: The comment refers to the June 17, 2014 City Council meeting and states that the commenter is in agreement with the numerous residents who spoke in opposition to the sale of the Buena Vista Reservoir property. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.

**C96: Bruce Grouse**

C96-1: The comment refers to Table 4-1 Existing Open Space and states concern that the amount of open space has been reduced to 38%. Please see master response MR1-2 for a discussion of the 40% open space "requirement" and MR1-3 regarding the amount of open space provided under the draft General Plan. With respect to the percentage of open space categorized as outdoor recreation, the draft General Plan does not specify a minimum amount to be so designated, except to the extent that the 3 acres of parkland per 1,000 residents per quadrant is met. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

- C96-2: This comment states a disappointment with the Growth Management performance standard for parks and suggests using criteria related to proximity and accessibility. The draft General Plan parks standard does not include locational criteria, except that the standard applies on a quadrant basis. However, the draft General Plan Open Space, Conservation, and Recreation (OSCR) Element has policies to consider accessibility and locational criteria when locating new parks (see OSCR Policies 4-P.24 and 4-P.25). Also, please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C96-3: The comment states that adequate parkland is not being provided in the Northeast Quadrant and states a concern about counting one-fourth of Veterans Park towards meeting the Growth Management requirement for parks in each quadrant. Please see master response MR1-7 regarding Veteran's Park.
- C96-4: The comment suggests using Buena Vista Reservoir as parkland in the Northwest Quadrant. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C96-5: The comment refers to "double counting" certain lands as both open space and parks. Please see master response MR1-8 regarding open space "double-counting".
- C96-6: Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C96-7: The comment states that hardline open space areas are not available for recreation and therefore, should be excluded from park acres. Please see master response MR1-8 regarding open space "double-counting".
- C96-8: The comment states that citywide facilities, such as the Senior Center and Skate Park should not be allocated as park acres of the quadrant where they are located. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.
- C96-9: The comment reiterates that a standard should be established for neighborhood parks to include local, walkable parks in every neighborhood. Please see response to comment C96-2 above.
- C96-10: The comment reiterates that the Growth Management parks performance standard of 3 acres per 1,000 residents is outdated and should be re-evaluated. See response to comment C96-2.
- C96-11: City staff agrees with the comment that open space, parks and outdoor recreation areas are an important quality of life issue. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program.

**C97: Christine Bevilacqua**

C97-1: The comment refers to the Carlsbad Energy Center Power Project, which is being developed by Carlsbad Energy Center, LLC. The California Energy Commission is the lead agency for the Carlsbad Energy Center Power Project under CEQA, which is an entirely separate project from the draft General Plan and Climate Action Plan (CAP). The City of Carlsbad does not have the authority to approve or deny the Carlsbad Energy Center Power Project. Therefore, the Carlsbad Energy Center Power Project is beyond the scope of the draft EIR.

C97-2: The comment asks for reasons to stay in Carlsbad and encourage others to stay or move to Carlsbad. Please see the Carlsbad Community Vision on page 1-7 of the draft General Plan, which reflects the community's aspirations for Carlsbad's future.

C97-3: The comment expresses a preference for specific types of retail. Pages 2-48 through 2-49 of the draft General Plan provide policies directly related to the Village.

C97-4: Please see response to comment C97-3 above.

C97-5: Please see draft General Plan Goal 9-G.6 (Support the creation of community gardens throughout the community), and related sustainable food policies on page 9-24 of the draft General Plan.

C97-6: Please see Measures A and B of the CAP to promote the installation of residential, commercial, and industrial photo-voltaic systems.

C97-7: The comment refers to dog defecation. Please see the Carlsbad Municipal Code, which addresses this issue.

C97-8: The comment relates to abandoned houses. Please see the Carlsbad Municipal Code, which addresses this issue.

C97-9: Please see Measure L of the CAP, which promotes an increase in zero emission vehicle travel.

C97-10: Please see response to comment C97-6 above.

C97-11: Chapter 9 of the draft General Plan (Sustainability) addresses sustainability with numerous policies.

**C98: De'Ann Weimer**

C98-1: The comment introduces two specific concerns which are addressed below. No further response is required.

C98-2: As an Aviara Premier Homeowners Association board member, the commenter states her knowledge and experience with trails use and maintenance in the Aviara Master Plan community. According to the comment, the HOA-maintained public trails are becoming

more heavily used because of their lack of connectivity to a larger trail system. Draft General Plan Open Space, Conservation, and Recreation Element Policy 4-P.39 calls for the city to comprehensively update its Trails Master Plan. That effort is currently underway, and provides an excellent opportunity to address the concern expressed in this comment.

- C98-3: The comment states that the community expects more open space, and suggests provision of trailheads and parking on the east side of Ambrosia Lane. Please see response to comment C98-2 above regarding the Trails Master Plan update.

The comment also contends that there is a 29 acre shortfall of parkland and open space in the Southwest Quadrant. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard and MR1-7 regarding Veteran's Park.

- C98-4: This comment states that urbanization over the past 14 years has resulted in the disappearance of wildlife previously observed in the commenter's neighborhood. The comment also states that more open space is needed in that quadrant and disagrees with allocating a portion of the proposed Veteran's Park to the Southwest Quadrant. . Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-3 regarding the amount of open space provided under the draft General Plan, and MR1-7 regarding Veteran's Park. The request for additional open space in the comment will be included in the information presented to the Planning Commission and City Council for their consideration regarding the draft General Plan.

- C98-5: The comment argues it is inappropriate to count rezoned "cleanup parcels" in Aviara (monuments, landscape along sidewalks and SDGE power-line easements) towards meeting the 15% open space requirements. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. As part of the General Plan update process, staff identified a number of properties with General Plan land use designations that do not align with the zoning designations or existing use. In some cases, staff has identified areas that have been set aside for open space through easement or other dedication, but are not designated as open space on the General Plan Land Use Map. The referenced "clean-up" re-designation of these properties will further protect them from future development, eliminate confusion by recognizing them as open space in the General Plan, and is consistent with long-standing General Plan policy to designate and zone them for open space use (see draft Open Space, Conservation, and Recreation Element Policy 4-P.17).

- C98-6: The comment believes that it would be in the community's best interest to exclude the rezoned "cleanup" parcels from the overall open space calculation as well as the 15% LFMZ calculation. See response to comment C98-5 above and master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

- C98-7: This comment states that native open space that is contiguous to park space should not be counted as parkland (i.e. no double counting). Please see master response MR1-8 regarding open space "double-counting".



- C98-8: The comment expresses that it would be in the community's best interest to expand the trail system to connect with existing trails. Please see response to comment C98-2 above.
- C98-9: The comment suggests that the draft General Plan should be revised to address congestion where there is public access to open space, such as along Ambrosia Lane. This concern is addressed by draft General Plan OSCR Element Policy 4-P.41: "Locate multi-use trails and associated amenities and passive recreational features to minimize impacts to sensitive habitats and other sensitive surrounding land uses, such as residences."
- C98-10: The comment asks to clearly identify land being designated as open space that is under/a part of SDG&E's power line easements. Draft General Plan OSCR Element Figure 4-1 identifies all designated open space; underlying property ownerships are not identified, however.
- C98-11: The comment expresses the opinion that the city should pay \$4.8 million to complete the construction of Poinsettia Lane to ensure the safety of residents. In most cases it is the city's practice that private development pays for the construction of roads, and this is the case for the completion of Poinsettia Lane. Consistent with this practice, the Zone 21 LFMP identifies private development as the funding source for completion of Poinsettia Lane. In addition, the City Council cannot authorize the spending of more than \$1 million of general fund money for property acquisition or improvements without prior approval from voters. To date, there is no voter approval to exceed the General Fund spending cap to complete Poinsettia Lane. However, the comment will be included in the information presented to the Planning Commission and City Council for their consideration regarding the draft General Plan.

**C99: Don Christiansen**

- C99-1: The comment references the erroneous claim that the city is required to retain a minimum of 40 percent open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement".
- C99-2: The comment states that the draft General Plan defers to the Climate Action Plan (CAP) to implement programs. The draft General Plan and CAP have been prepared concurrently, and the CAP includes actions to carry out the draft General Plan's goal and policies consistent with the Community Vision articulated during Envision Carlsbad.

With reference to Property Assessed Clean Energy (PACE) programs, Measure A of the CAP describes three PACE programs that the City of Carlsbad currently participates in. The commenter's preference for inclusion of community choice aggregation will be included in the materials presented to the Planning Commission and City Council for their consideration. The CAP contains measures which, taken collectively, are intended to reach the city's GHG emission targets, and does not at this time include community choice aggregation.

**C100: Elizabeth Kruidenier**

C100-1: The commenter attended the June 17, 2014 City Council meeting regarding Olde Carlsbad and is in agreement with the request from residents to designate Buena Vista Reservoir as a neighborhood park. The comment also refers to the Growth Management performance standards for parks and open space. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan, and MR1-4 and MR1-5 regarding the Growth Management Program (GMP) open space and parks performance standards.

C100-2: The comment expresses concern about the amount of development that has occurred in Carlsbad over the past 20 years. Staff would agree that Carlsbad has experienced a good deal of growth under the current (1994) General Plan, and in a manner consistent with the city's Growth Management Program (GMP).

C100-3: Please see master response MR1-7 regarding Veteran's Park and MR1-6 regarding use of school sites for recreation purposes. Contrary to the comment's assertion, there is not a shortage of parkland. Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with both the open space and parks performance standards. Please refer to the master responses to comments noted above.

C100-4: The comment suggests that the city is not in compliance with the performance standards for parks and open space. Please refer to the master responses noted above.

C100-5: This comment suggests that the city should purchase more land from willing sellers with the funds set aside from selling land previously used for agriculture. The comment appears to confuse the agricultural mitigation fee program with Proposition C. Please see master response MR1-10 for an explanation of the Proposition C authorization and city's efforts towards open space acquisition since its passage.

C100-6: The comment states that a contributing factor to the steady rise in the occurrence of mental illness and suicide in this country is now believed to come from heightened levels of stress, that perhaps nature was meant to play a greater role, and requests that the city ensure that at least the minimum amount of promised open space is provided. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program and that the draft General Plan ensures continued compliance with Growth Management performance standards for open space and parks. Please refer to the master responses noted above.

**C101: Evan Dwin**

C101-1: The comment expresses concern about the draft General Plan with respect to protecting and preserving open space and ensuring that sufficient land for community recreation is provided as new development occurs in order to maintain the quality of life that residents have enjoyed. Please see master response MR1-3 regarding the amount of open space

provided under the draft General Plan and MR1-4 and MR1-5 for a discussion of how the draft General Plan will ensure adequate open space and parks to meet future growth.

C101-2: Please see master response MR1-2 for a discussion of the 40% open space “requirement”.

C101-3: The comment references potential new development under the draft General Plan land use plan, and that this would result in a lessening of the city’s commitment to open space. It should be noted that most of the new development will occur in areas already designated for such uses, and that none of it comes at the expense of reducing designated open space or parkland.

C101-4: The comment raises concerns that the draft General Plan defines school playgrounds and athletic fields as parkland. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard and MR1-6 regarding use of school sites for recreation purposes.

C101-5: Contrary to the comment’s assertions, the draft General Plan does not reduce the requirements for open space and parkland. Please refer to the master responses noted above.

C101-6: This comment summarizes the previous comments. Please refer to the master responses noted above. The goals and policies in the draft General Plan OSCR Element reflect a continued commitment to the high value that the community places on open space and parkland.

**C102: Glenn Garbeil**

C102-1: This comment states that the residents of Carlsbad voted to approve the Growth Management Plan in 1986. No response is required.

C102-2: The comment states concern about the amount of parks and open space in the city; counting one-fourth of Veterans Park towards meeting the Growth Management requirement for parks in each quadrant; and counting school yards as parks. Contrary to the comment’s assertions, implementation of the draft General Plan will not reduce the amount of parks or open space required by the Growth Management Plan. Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, MR1-6 regarding use of school sites for recreation purposes, and MR1-7 regarding Veteran’s Park.

C102-3: The comment states that the entire character of the city has changed, noting that the quiet and open space that once defined Carlsbad have become rare commodities. At the time the current General Plan was adopted in 1994, the amount of then protected open space totaled approximately 6,049 acres (1994 General Plan Open Space & Conservation

Element, Table 2). While much growth has occurred in the past 20 years, today there are 9,473 acres in protected open space (draft General Plan Open Space, Conservation, and Recreation Element Table 4-1).

C102-4: The comment urges the city to protect the open space areas that make the city great. Please refer to master responses noted above.

**C103: Howard Coffey**

C103-1: Please see response to comment B8-2 related to safety of the streets. The intent of livable streets is to provide safe and appropriate facilities for all users of the system. The element focuses on that by identifying priority modes on facilities to maximize the connectivity of the system. Also, response to comment B8-2 summarizes auto level of service for connector streets (although autos are not prioritized), demonstrating that most of those facilities will continue to provide sufficient vehicle capacity to serve that mode efficiently. Also, as noted in response to comment C74-10, many policies and improvements are directed at improving the movement of traffic in the city.

The comment also relates to reduced livability of the city and the value of its homes. The comment will be included in the information presented to the Planning Commission and City Council for their consideration regarding the draft General Plan.

**C104: Jackie Peacock**

C104-1: Please refer to the Intergovernmental Panel on Climate Change's Fifth Assessment Report "The Physical Science Basis" at <http://www.ipcc.ch/report/ar5/wg1/>. The "NIPCC" does not produce peer-reviewed scientific research.

C104-2: Please see response to comment C104-1 above, Appendix A of the CAP for Climate Change Informational Resources, and Appendix C for the references used to prepare the CAP.

C104-3: Please see page 1-5 of the CAP for an explanation of Executive Order S-3-05 and AB 32, which is California law. The Scoping Plan provides guidance to meet AB 32 targets. In 2010, CARB released an "Updated Economic Analysis of California's Climate Change Scoping Plan," available at: [http://www.arb.ca.gov/cc/scopingplan/economics-sp/updated-analysis/updated\\_sp\\_analysis.pdf](http://www.arb.ca.gov/cc/scopingplan/economics-sp/updated-analysis/updated_sp_analysis.pdf).

C104-4: On August 22, 2014 the City of Carlsbad hosted a Community Workshop on the CAP, which was publicized on the city website, and the draft General Plan email list. Feedback from the workshop was used to guide the preparation of the CAP. City staff collected and reviewed comments on the CAP following the workshop. The commenting period on the draft General Plan, draft EIR, and CAP presented another opportunity to comment on the development of the CAP, and this final EIR contains the responses to those comments. The CAP will be presented to the Planning Commission at a noticed public hearing later this year, along with the draft General Plan and EIR. The Planning Commission will receive public testimony on the documents, along with the staff report

and recommendations. The Planning Commission will make a recommendation on the draft documents to the City Council, who will then conduct their own public hearing to consider the Planning Commission and staff recommendations, and to consider public comments. The City Council is the decision-maker on whether to adopt the CAP, General Plan, and EIR.

C104-5: “Future need” refers to the resources required to support future generations. Please see response to comment C104-8 below regarding cost-benefit analyses.

C104-6: Please refer to Chapter 3 of the CAP, which describes research showing the relationship between GHG emissions and draft General Plan policies and actions. Automobile travel is not mutually exclusive from pedestrian and bicycle travel; please see Table 3-1 which describes the city’s livable street typologies, and priority by transportation mode.

C104-7: Chapter 4 of the CAP describes the costs and benefits of GHG reduction measures. Numerous opportunities for cost savings are described, including lower energy bills.

C104-8: The draft EIR does not contain a cost-benefit analysis, which is not required by CEQA. Similarly, the draft General Plan does not contain, nor is required to contain a cost-benefit analysis.

C104-9: The CaliforniaFIRST Program (the Program) is a Property Assessed Clean Energy (PACE) finance program for non-residential properties. The Program allows property owners to finance the installation of energy and water improvements on commercial, industrial or multi-family (over 5 units) buildings and pay the amount back as a line item on their property tax bill. The CaliforniaFIRST Program is a program of the California Statewide Communities Development Authority ([CSCDA](#)), a joint powers authority co-sponsored by the California State Association of Counties and the League of California Cities, and is administered by [Renewable Funding](#).<sup>4</sup> City funds are not used to finance this program.

C104-10: Please see response to comment C104-1 above for an explanation of the physical basis of climate change.

C104-11: The comment requests further information on grants through the Integrated Regional Water Management’s (IRWM) program. Please see the Department of Water Resource’s IWMP grant website at: <http://www.water.ca.gov/irwm/grants/index.cfm>. An analysis of administrative costs for these grants is beyond the scope of analysis of the draft EIR.

C104-12: Please refer to page 1-8 of the draft General Plan for an explanation of how the core values of the Carlsbad Community Vision were developed. Chapter 4 of the CAP describes costs and benefits associated with improving energy efficiency of buildings.

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<sup>4</sup> CaliforniaFIRST. 2014. “CaliforniaFIRST: Energy Saving Financing.” Available: <https://californiafirst.org/>. Accessed: September 9, 2014.

C104-13: Please see response to comment C104-1 above for an explanation of the scientific evidence that the use of fossil fuels is the primary contributor to GHG emissions. The draft General Plan supports energy security, but does not address ways to improve the resiliency of national energy infrastructure.

C104-14: The Carlsbad Community Vision articulates the importance to the community of promoting active lifestyle and community health. Residents in communities with more imbalanced food environments, with other factors held constant, do have higher rates of obesity. This does not constitute support of a particular type of business.

C104-15: Page 3.14-87 of the draft EIR describes the Agricultural Conversion Mitigation Fee Grant Program, and its funding sources. An analysis of opportunity costs of the leasing of underutilized city-owned land to farmers is beyond the scope of the draft EIR.

**C105: Jennifer Jacobs**

C105-1: The comment observes that many changes have occurred in Carlsbad over the years and expresses concern for the future of the city. No response is required.

C105-2: City staff agrees with the comment that the community values open space as habitat for wildlife habitat and for its recreational value. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program. The comment states that there are not enough parks. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C105-3: The comment expresses a concern about the amount of open space in the city, the amount of parkland in each quadrant, and about “double counting” of open space, counting school yards and hardline areas as parks. Please note that although golf courses are a source of recreation, they are not classified as parks and the park acreages numbers and ratios do not include land dedicated to golf courses.

Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, MR1-2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard, MR1-6 regarding use of school sites for recreation purposes, MR1-7 regarding Veteran’s Park, and MR1-8 regarding open space “double-counting”.

C105-4: This comment urges the city to use its reserve funds to purchase open space, as provided with the passage of Proposition C. In Carlsbad, open space is acquired and protected by various means: through General Plan land use and zoning designations, private land owner dedications (typically in exchange for the right to develop other parts of their land), through partnerships with other government agencies and non-profit organizations. Outright purchases of land from willing sellers using city general funds is

another means to acquiring open space. The draft General Plan fully supports acquisition of open space through these various means (see Open Space, Conservation and Recreation Element Policies 4-P.16 and 4-P.17). Also, please see master response MR1-10 for an explanation of the purpose and intent of Proposition C.

The comment also urges the city to stop focusing on its tourist economy and prioritize residents' needs. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values in the Community Vision. While the Community Vision values protecting open space and the natural environment, it also recognizes other core values as key to maintaining a high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy. One way to view that balance is in terms of land use, where nearly 38 percent of the city's land area is devoted to open space and recreational uses, while residential and commercial/industrial uses account for 27 percent and eight percent of the city, respectively (see draft General Plan Land Use and Community Design Element Table 2-1).

C105-5: The comment urges revisions to the draft General Plan to reflect an accurate picture of open space. The draft General Plan does provide an accurate and consistent accounting of open space in the city. Compliance with GMP facilities standards is closely monitored through the development master planning process and an annual reporting program. The most recent Growth Management Plan Monitoring Report (for FY 2013-2014) concluded that the city is currently in compliance with both the open space and parks performance standards. Please also refer to the master responses noted above.

**C106: Julie Decker**

C106-1: The comment states a concern about traffic planning, development and insufficient open space and parks and requests details for these topics. For detailed information on the topics of concern, the commenter is encouraged to review the draft General Plan and draft Environmental Impact Report. As well, there are numerous background working papers that were prepared for the General Plan update program that provide a wealth of information related to the commenter's areas of interest. These documents are available on the city's website at: [www.carlsbadca.gov/envision](http://www.carlsbadca.gov/envision).

**C107: Kasey Cinciarelli**

C107-1: Please see master response MR1-5, which describes the requirement that new development provide the public facilities necessary to serve that development.

C107-2: The comment states that the draft General Plan needs to specify the exact location of where future parks will be located to serve residents, workers and tourists. The draft General Plan is a program level document that provides policies that guide future development. The exact location of parks is determined through the city's parks planning process that is guided by General Plan policies.

C107-3: The comment states that the city's northwest quadrant is underserved by parks and that a city-owned site referred to as Buena Vista Reservoir should be listed as a future park. See master response MR2-1.

The comment also states that it is an error to count Veteran's Memorial Park toward meeting the park standard in each of the city's four quadrants. See master response MR1-7.

The comment refers to walkable parks in the northwest quadrants. See master response MR2-3.

C107-4: The comment states that Veteran's Memorial Park is planned as an "adventure park" that would be considered a "special use area" that serves tourists, and therefore should not be counted in the city's parks inventory. Master responses MR1-5 and MR1-7, above, explain that Veteran's Memorial Park is planned as a community park and that community parks and special use areas are counted toward satisfying the city's park standard.

C107-5: Please see master response MR1-5, which provides standards for parks, and describes Community Parks and Special Use Areas that count towards satisfying the parks performance standard. The comment suggests to change the standard. See also master response MR2-3 regarding a separate neighborhood parks standard.

C107-6: Please see master responses MR1-1 through MR1-10 for an explanation of how the city is meeting open space and parks needs.

C107-7: The comment states power line easements in the northeast quadrant are shown as aesthetic and cultural resources. The comment appears to reference a stretch of utility easement in the Tamarack Point neighborhood parallel to and east of El Camino Real. That portion of the utility easement has been designated as Category 4 open space due to its predominantly aesthetic qualities rather than for significant biological or natural open space qualities. Please also see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C107-8: The comments suggest that the city consider the feasibility of a city-run bus system and to provide electric bikes. Policies 3-P.31, 3-P.32, 3-P.33, 3-P.16, 3-P.15, 3-P.14, and 3-P.13 discuss coordination with regional agencies to improve the transit system or seeking partnerships/consider innovative design for innovation (such as a more robust electric energy transportation systems).

C107-9: The comment suggests siting a new green waste composting facility on Cannon Road. The City of Carlsbad currently offers residents subsidized compost bins through the Solana Center for Environmental Innovation. With respect to the Otay Landfill, located in Chula Vista, the landfill contains a methane gas capture project, which was expanded in August 2013. The methane capture project is used to generate renewable energy, which is sold under long-term contracts.



- C107-10: The comment stating that shopping and services need to be closer to new and existing neighborhoods. Please see Chapter 2 of the draft General Plan, which includes numerous goals and policies to promote development to include shopping as a pedestrian-oriented focus for the surrounding neighborhood, such as 2-G.7.
- C107-11: Page 1-31 of the draft General Plan describes that new residential development is located proximate to the “Palomar Airport Road corridor, *as well as the Village, the Barrio, other commercial and office areas, and the two Coaster Stations* for easy access to regional jobs and services (emphasis added).” Therefore, it is not accurate to state that new development is solely proximate to Palomar Airport Road.
- C107-12: The comment states that it is not appropriate to allow residential development on land that is currently designated for industrial development; and that by not allowing such, the city could reduce the number of proposed residential units in the northeast quadrant. The draft General Plan and draft EIR evaluated various properties throughout the city, including the northeast quadrant, for the potential to accommodate future residential development. Some of the properties evaluated are currently designated for planned industrial use. Due to the dwelling unit limitations of the Growth Management Plan (see master response MR3-1), not all of the proposed residential sites can be approved. The comment will be considered by the Planning Commission and City Council when they evaluate each sites appropriateness for residential development.
- C107-13: The comment quotes page 1-32 of the draft General Plan and no response is required.
- C107-14: Please see master responses MR1-1 through MR1-10 addressing open space.
- C107-15: The comment states support for CALGREEN Tiers 1 and 2 and LEED. The draft CAP includes a number of measures addressing building energy efficiency, and proposes a residential and commercial energy conservation ordinance to reduce building energy use.
- C107-16: Please refer to Chapter 3.14 of the draft EIR for an evaluation of agricultural resources in the city.
- C107-17: Please refer to Chapter 3.14 of the draft EIR for an evaluation of agricultural resources in the city.
- C107-18: Please refer to Chapter 3.14 of the draft EIR for an evaluation of agricultural resources in the city. The comment prefers for the city to create a CSA. This comment will be included in the information presented to the Planning Commission and City Council for their consideration concerning the draft General Plan.
- C107-19: The comment refers to the use of the word “balance” in Chapter 8 and Chapter 9. Chapter 8 addresses Economy, Business Diversity, and Tourism, and Chapter 9 addresses Sustainability. The term balance is used in different senses to address the goals articulated in each chapter.

C107-20: The comment requests that the draft General Plan show locations of future parks for industrial zone workers. OSCR Element Figure 4-3 shows all planned future parks in the city. The comment also states that commercial living units (“retirement communities”) should count toward the GMP dwelling unit limits. LUCD Element Section 2.6 explains why commercial living units are not considered dwelling units for purposes of GMP dwelling unit limits (p. 2-24 and 2-25). The comment also requests that the draft General Plan also show areas of Oceanside that are within the Carlsbad Unified School District boundaries. Figure 7-1 of the draft General Plan shows School Districts and facilities within the City of Carlsbad. Since the draft General Plan’s scope is limited to Carlsbad’s planning area (its corporate boundaries), it does not show facilities beyond the city’s planning area.

C107-21: The comment suggests development of parking on city-owned lands and the city provide bike rental facilities at the I-5 and SR-78 interchanges.

Regarding bike facilities at freeway interchanges, draft General Plan policy 3-P.18 supports pedestrian and bicycle facilities at freeway interchanges.

Regarding parking on city-owned lands, the city has developed public parking on city owned lands in the Village area and at city-hall; also, the draft General Plan includes policies that address the issue of parking demand (policies 3-P.34 to 3-P.37). The comment will be included in the material presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan.

C107-22: The comment refers to the need to reduce the number of residential sites evaluated in the draft General Plan and draft EIR. This is correct and is reflected in the draft General Plan and draft EIR. See master response MR3-1. As noted in Tables 2-5 and 2-9 of the draft General Plan, the draft Land Use Map will be modified at time of adoption to ensure compliance with the city’s Growth Management Program.

The comment refers to Hidden Canyon Park and states that it is three acres in size and should not be counted as a community park because it does not contain structures for lectures and meetings, etc. In response, per the existing and draft General Plan, the park provides community park facilities - active recreation (e.g. children’s play areas) and passive recreation (e.g. picnic areas and trails) – and provides a special use area (dog park). While the draft General Plan identifies “structures for lectures, meetings, skills, instructions, etc.” as facilities that should be included in a community park, these facilities are not required through a development standard or a General Plan policy and are identified in the draft General Plan as an overall guideline for what the city would like to see in their community parks. Regarding the park size, the park is 22 acres in area; a portion of the park contains picnic and play areas, restroom facilities, and parking; another portion contains a dog park; and another portion of the park is part of the city’s Habitat Management Plan preserve area that provides passive nature trails. The habitat preserve area, dog park and play/picnic areas are all part of the total park property (see master response MR1-8).

The comment states that the habitat preserve area should be deleted from the parks calculation. See master response MR1-8. The comment also states that the dog park is a special use area that should be deleted from the parks calculation. Per the existing and draft General Plan, dog parks are considered special use areas. Per the city's park standard, community parks and special use areas are counted toward satisfying the standard (see master response MR1-5). The draft EIR evaluated Hidden Canyon Park as an existing 22 acre community park/special use area that contains a habitat preserve area.

C107-23: The comment refers to the scale of the roads on maps in the draft General Plan and draft EIR. The scale of the roads is based on readability, and to show different types of streets.

C107-24: Please refer to Impact 3.11-4 which addresses the fire and police protection, and finds a less than significant impact. The impact discussion addresses whether the draft General Plan would result in adverse physical or other environmental impacts associated with the provision or need for construction of new or physically altered police and fire facilities in order to maintain acceptable service ratios.

The city's Fire Operations Division is comprised of a Division Chief, three Shift Battalion Chiefs leading A, B, and C Platoons, a Training Battalion Chief who supervises training and safety, and an EMS Manager who oversees the medical portion of emergency responses. Twenty-five personnel make up each of three shifts who are housed within six fire stations located throughout the city.

The City of Carlsbad maintains a fleet of emergency vehicles that respond to emergency incidents. In addition to the front-line apparatus noted below, the city has reserve apparatus which can immediately be placed in service in the event additional staffing is needed or when front-line apparatus experience mechanical issues.

- 5 fire engines (2 reserve)
- 1 ladder truck
- 2 brush engines
- 3 paramedic ambulances (2 reserve)
- 3 chief command vehicles (1 reserve)
- 1 Urban Search and Rescue Unit

Please also see responses to comments B20-1 through B20-8 which provide more information about fire operational standards and incident response statistics. Please also see draft EIR Appendix E which graphically shows fire station five-minute response times throughout the city.

The comment refers to draft General Plan policy 6-P.30, which requires coordination between circulation improvements and location of fire stations to ensure adequate levels of fire/emergency service and response times; the comment states that the service must be adequate in all areas of the city without boundary drop agreements. The city's standard for fire and emergency services (per the Citywide Facilities and Improvements Plan) is that no more than 1,500 dwelling units be located outside a five-minute response time; draft General Plan Appendix E provides exhibits that show existing and future five-minute response times from each fire station. The exhibits demonstrate that at buildout of the draft General Plan, all areas of the city will comply with the city's standard for fire and emergency services (without boundary drop agreements). Boundary drop agreements enhance fire and emergency services in the city; however, such agreements are not depended on to meet the city's standard for adequate fire and emergency services.

C107-25: Please refer to Table 3.11-9 of the draft EIR, which shows current enrollment, and the capacity of each school.

C107-26: Please see master response MR1-1, which describes what the city counts as open space. The state campgrounds are included on the city's open space map.

C107-27: The comment refers to the existing and future trails shown on draft General Plan Figure 4-4, which incorrectly shows "existing" trails within the Buena Vista Creek Ecological Reserve area; Figure 4-4 will be revised to show trails in this area as "future" trails.

C107-28: The comment states that "Quarry Creek shows up in Appendices but not in lists". It is assumed that the comment is referring to draft Housing Element Appendix B, which identifies the Quarry Creek property as part of the inventory of sites that can accommodate lower and moderate income housing during the Housing Element period. Within the Housing Element there are various tables that list information related to the number of housing units that can be accommodated at the various income levels. Some of the tables (e.g., Tables 10-24, 10-26 and 10-27) identify residential projects by name; these are projects that are recently constructed, under construction or are approved for development (e.g., a site development plan for an apartment project). Quarry Creek does not show up by name in these lists because, while there is an approved master plan, the specific residential development projects within the master plan area have not been approved yet. The Quarry Creek Master Plan area is vacant land that will accommodate future housing and it is included in the overall housing sites inventory shown in Tables 10-29 and 10-30. Housing Element Appendix B provides a detailed list of the sites that comprise the housing sites inventory; Quarry Creek is mentioned by name in that list.

This comment applies to the format of information within the draft Housing Element, and does not affect the EIR.

C107-29: Please see master response MR-1 for an explanation of how the city meets its open space standards.

**C108: Kip McBane**

- C108-1: The comment provides an introduction to the letter and no response is required.
- C108-2: The comment states that there should be more analysis of the effects of reduced access to recreational amenities in the northwest quadrant, due to closure of school grounds and lack of comprehensive planning in Zone 1, which result in unknown impacts of growth on livability and environment and faulty application of Growth Management standards. The draft General Plan does not reduce access to recreational amenities and the location and provision of parks have been planned in compliance with the city's standards and policies. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant; and see master response MR1-6 regarding use of school sites for recreation purposes.
- C108-3: Please see master responses MR1 and MR2 above regarding open space and Old Carlsbad.
- C108-4: Chapter 3.12 of the draft EIR evaluates transportation impacts of buildout of the draft General Plan based on SANDAG's traffic model, which incorporates the effect of the proposed widening of the I-5 through Carlsbad.
- C108-5: The comment states that the city has failed to comprehensively address the incremental development of infill projects on level of services and quality of life. The city's Growth Management Program has performance standards for 11 public facilities (city administrative facilities, parks, open space, fire, schools libraries, wastewater treatment, drainage, circulation, sewer collection and water distribution) and the draft General Plan requires that future development comply with these standards. The draft General Plan and draft EIR evaluated impacts from future development on a programmatic basis; future individual projects will require project-level analysis at the time they are proposed.
- C108-6: The comment states that the city has failed to analyze the impact on Olde Carlsbad of moving its resident based park allocation to industrial areas. The draft General Plan is consistent with the city's Growth Management park standard. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard; and Please see master response MR2-2 regarding the provisions of parks in Olde Carlsbad.
- C108-7: The comment states that effective residents are not being counted in population totals. See Table 2.4-2 of the draft EIR, which shows estimated total development, including population and jobs, with the city to buildout, which is based on California Department of Finance, SANDAG, and City of Carlsbad estimates. The table includes a row for jobs which accounts for workers in the city. The evaluation of the environmental impacts is based on the buildout shown in the table.
- C108-8: Chapter 3.9 of the draft EIR analyzes impacts to land use, housing and population. The buildout analysis in the draft EIR reflects the GMP, and does not transfer more residences

to less land area, or reflect any intensification of land use not captured by buildout analysis.

C108-9: The comment requests a fiscal analysis of the Carlsbad Municipal Water District, a subsidiary district of the City of Carlsbad. This is beyond the scope of the analysis in the draft EIR. Chapter 3.12 of the draft EIR (Public Utilities and Infrastructure) contains an evaluation of the effect of increased demand on water provision.

C108-10: The comment states that Figure 3.9-1 (Existing Land Use, i.e. land use under the current General Plan) and Figure 2.2-1 of the draft EIR (draft General Plan land use, which is identical to Figure 2-1 of the draft General Plan) shows an inconsistency. A main purpose of the draft General Plan is to provide a graphic representation of the land use themes and policies in the draft General Plan. Since it reflects an updated vision for the city, the proposed land use map contains multiple differences between the existing Land Use map. The analysis in the draft EIR analyzes the effect of changing the proposed land use designations by resource topic. Chapter 3.9 analyzes land use impacts in particular, and Chapter 5 analyzes cumulative impacts.

C108-11: Please refer to response to comment C108-10 above.

C108-12: Please refer to response to comment C108-10 above.

**C109: Mary Anne Viney**

C109-1: The comment quotes the Parks and Recreation Element from July 2003 and no response is required.

C109-2: The comment quotes the Parks and Recreation Element from July 2003 and no response is required.

C109-3: The comment quotes Proposition E and no response is required.

C109-4: Please see master response MR2-1 addressing the need for more parks in the northwest quadrant, master response MR1-1 for a description of open space categories, and master response MR1-8 addressing the open space inventory. The acreage of Hosp Grove Trailheads is listed on page 4-25 of the draft General Plan as 7.6 acres.

C109-5: Please see master response MR1-6 addressing the recreational value of public school sites.

C109-6: The comment identifies five parks the commenter considers to have unacceptable noise levels, and should therefore not be counted towards park standards. Please see master response MR1-1 for the criteria used to categorize and measure open space. Noise exposure is not a criteria used to measure open space. Table 3.10-8 of the draft EIR summarizes existing and future noise conditions with the draft General Plan. Impact 3.10-1 finds that development under the draft General Plan would not expose persons to or generate noise levels in excess of the standards established in the draft General Plan Noise Element.

C109-7: The comment suggests that Pio Pico and Oak Parks should not be counted towards the park inventory. Both parks meet the standards set forth in the city's Growth Management Plan. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C109-8: The comment states that community gardens should not count in the parks inventory. The draft General Plan Open Space, Conservation, and Recreation Element describes community gardens as special use facilities within city parks; as such, it is appropriate to include them in the parks inventory. Please see also master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

**C110: Mary Anne Viney**

C110-1: The comment identifies two issue areas with quoted paragraphs from the 2003 Parks and Recreation Element (*Quimby Act-Parks Not to be Built on Environmentally Constrained Lands and Quality Parks*) and a third issue area from Proposition E (*Proposition E Guaranteeing Good Park Facilities*). No response is required.

C110-2: The comment states that the minimum park requirements are not met in the Northwest Quadrant and is concerned about "double-counting" environmentally constrained land as parkland. Please see master response MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard; see master response MR1-8 regarding open space "double-counting"; and see master response MR2-1 regarding the need for parks in the Northwest Quadrant.

C110-3: The comment states that school yards should not be counted as parks. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C110-4: The comment expresses a concern that a number of parks in the Northwest Quadrant are significantly impacted by existing noise and air pollution. All existing parks in the city were subject to an assessment of potential environmental impacts of the draft General Plan as required by CEQA. However, unless the draft General Plan proposes changes to the existing parks, the correction of remediation or mitigation of existing problems is beyond the scope of the draft EIR.

C110-5: The comment states that Pio Pico and Oak Parks should not count towards the park inventory. Oak and Pio Pico Parks are classified as a Special Use Areas in the draft General Plan, and as such count towards meeting the GMP parks performance standard. These parks were identified in the original Community Facilities and Improvements Plan and have been part of the city's parks inventory since 1986. Please see master response MR1-5 regarding park classifications and GMP park requirements.

C110-6: The comment is that community gardens should not count in the city's parks inventory, but rather be placed in the agriculture open space category. Under the draft General Plan, community gardens are classified as Special Use Areas which provide services to neighborhoods and communities. Additionally, the draft General Plan states that special

use facilities, such as community gardens, may be located within the city's community parks, based on specific community demand (see draft Open Space, Conservation, and Recreation Element p. 4-21). Community gardens were identified by the community as one of the top five facility and amenity priorities in the December 2013 Parks and Recreation Department Needs Assessment and Comprehensive Action Plan. Therefore, it is appropriate that community gardens be included in the city's parks inventory.

**C111: Mary Millet**

C111-1: Please see master responses MR1-2 for a discussion of the 40% open space "requirement", and MR1-3 regarding the amount of open space provided under the draft General Plan.

C111-2: Please see master responses MR1-1 which describes how open space is categorized and counted in the draft General Plan, and MR1-6 regarding use of school sites for recreation purposes.

C111-3: The comment expresses concerns about overall growth in Carlsbad. Please see Chapter 3.2 of the Recirculated DEIR for air quality impacts, and draft EIR Chapter 3.12 for transportation impacts and Chapter 3.12 for an evaluation of the adequacy of water supplies.

**C112: Richard Somerville**

C112-1: The comment states that the commenter has been a resident for 35 years and expresses concern that the area has gone from rural to urban. Staff concurs that the city has experienced significant growth over the years. Please see master response MR1-3 regarding the amount of open space provided under the draft General Plan and MR1-4 and MR1-5 for a discussion of how the draft General Plan will ensure adequate open space and parks to meet future growth.

C112-2: The comment states that the [preservecalavera.org](http://preservecalavera.org) website reflects the views of the commenter. The comment also expresses concern that school yards are considered to be open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. Also please see master response MR1-5 regarding park classifications and GMP park requirements and MR1-6 regarding use of school sites for recreation purposes.

**C113: Rob Mayers**

C113-1: Please see master responses MR1-2 for a discussion of the 40% open space "requirement", MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard, and MR1-5 regarding park classifications and Growth Management Program (GMP) parks performance standard.

C113-2: The draft EIR documents expected service levels on the city's arterial system. Response to comment B8-2 references expected congestion levels for automobiles on most of the city's connector street system for informational purposes. Additionally, response to



- comment C74-10 discusses additional roadway improvements and policies to improve auto mobility within the city.
- C113-3: The comment states that the draft General Plan may have a number of impacts, including: increased traffic, degradation of fresh water and clean air, native vegetation and animals, scenic views, decreased open space and outdoor recreation, noise and light pollution and increased demand for city and other services, without reference to a particular impact discussion or page in the draft EIR. The draft EIR, in compliance with California Environmental Quality Act (CEQA) requirements, analyzes all topics listed in the respective chapter of the draft EIR, with the exception of light pollution, a topic not required to be analyzed under CEQA. Please see master responses MR1-1 through MR1-4 with respect to open space.
- C113-4: The comment asks how much [growth management performance standard] open space is in the Southeast Quadrant, stating that the performance standard was ignored in the draft EIR. In fact, the draft EIR did address the draft General Plan's impact on open space. Please see master response MR1-4 regarding the Growth Management Program (GMP) 15 percent open space performance standard.
- C113-5: The comment asks why roads and parking lots within parks are counted as open space. The acreage of a park site is determined by the size of the entire parcel(s) dedicated for use as parkland, regardless of specific site characteristics: areas designed for active and passive recreation use, buffers, habitat, easements, and non-recreational elements (accessory buildings, parking areas, etc.).
- C113-6: The comment asks why locked school yards are counted as open space. Please see master response MR1-6 regarding use of school sites for recreation purposes.
- C113-7: The comment asks if HMP preserve areas are counted as open space and as parks. Please see master response MR1-8 regarding open space "double-counting".
- C113-8: The comment asks if there are enough police and fire stations to support the population growth according to national firefighter's association and ISO standards. The city is not aware of any standards that stipulate how many stations a particular police or fire department or municipality should have. The city has a performance standard for fire protection service, which is no more than 1,500 dwelling units outside of a five minute response time (current and projected future fire protection service in the city complies with this standard). The city focuses on the ability to deliver police and fire service, which is affected by several factors, such as population, road networks, terrain, and geography (square mileage). These factors, as well as a variety of data, including calls for service per capita, response time, unallocated officer time, crime rates, and expectations from the community are used to help determine the number and locations of stations and number of personnel. The city continuously monitors police and fire department performance and changes in the community, in combination with predictive analytics and thresholds to determine the need for additional resources, apparatus, and stations.

C113-9: The comment asks why the city hasn't spent money on open space acquisition as approved by voters, an apparent reference to the 2002 passage of Proposition C. Please see master response MR1-10 for an explanation of the Proposition C authorization and city's efforts towards open space acquisition since its passage.

C113-10: Please see response to comment C113-3 above.

**C114: Scott Morgan**

C114-1: The comment expresses opposition to a number of changes in the draft General Plan with regard to open space. Contrary to the comment's assertions, there will not be a loss of 750 acres of parkland. Please see master responses MR1-3 regarding the amount of open space provided under the draft General Plan, MR1-2 for a discussion of the 40% open space "requirement" and MR1-4 and MR1-5 for a discussion of how the draft General Plan will ensure adequate open space and parks to meet future growth.

C114-2: City staff agrees with the comment that open space is a very important quality of life issue. The goals and policies in the draft General Plan OSCR Element reflect the high value that the community places on having a robust open space program. The community also recognizes other core values as key to maintaining high quality of life in Carlsbad, including access to recreation, ensuring good mobility, protecting and enhancing community character, and promoting a strong economy. The draft General Plan attempts to lay out a balanced, sustainable path towards the future growth of Carlsbad, consistent with the core values articulated in the Community Vision (see draft General Plan Section 1.2).

C114-3: This comment questions some of the criteria the city uses to designate open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan. The comment also argues that re-zoned "clean-up" parcels are not open space and should be excluded from the open space calculation. As part of the General Plan update process, staff identified a number of properties with General Plan land use designations that do not align with the zoning designations or existing use. In some cases, staff have identified areas that have been set aside for open space through easement or other dedication, but are not designated as open space on the General Plan Land Use Map. The referenced "clean-up" re-designation of these properties will further protect them from future development, eliminate confusion by recognizing them as open space in the General Plan, and is consistent with long-standing General Plan policy to designate and zone them for open space use (see draft Open Space, Conservation, and Recreation Element Policy 4-P.17).

C114-4: The comment states that school property should not be counted towards meeting parks requirements. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C114-5: The comment objects to designating certain "unusable" lands as open space and including these lands in the calculations of open space. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C114-6: The comment states that the original plan needs no amendment. As stated in master responses MR1-4 and MR1-5, there will be no changes to the Growth Management performance standards for open space and parks. The manner in which open space and parkland are counted in the draft General Plan, is consistent with policies and practices dating back more than 25 years.

**C115: Thomas Mark Powers**

C115-1: The comment does not reference the draft General Plan, draft EIR, or CAP, and no response is required.

C115-2: The comment references the erroneous claim that the city is required to retain a minimum of 40 percent open space. Please see master response MR1-2 for a discussion of the 40 percent open space “requirement”.

C115-3: The comment provides two quotations and no response is required.

C115-4: The comment provides personal background, and a request to be selected as councilman, and no response is required.

C115-5: The comment reproduces the article “Buddied Up” by Matt Potter, published March 23, 2006, and no response is required.

C115-6: The comment reproduces the article “La Costa’s Merv Adelson Admits Mob Times” by Don Bauder, published January 31, 2013, and no response is required.

C115-7: The comment reproduces the article “Mob Scene” by Matt Potter, published November 18, 1999, and no response is required.

C115-8: The comment reproduces the article “Story Behind the Story” by Don Bauder, published September 10, 2008, and no response is required.

C115-9: The comment reproduces the article “Larry Agran’s Irvine Idiots” by R. Scott Moxley, published January 23, 2014, and no response is required.

C115-10: The comment reproduces the article “Orange County Great Park CEO Mike Ellzey Faces Charges of Fraud, Embezzlement” by Michael L. Guisti, published January 4, 2011, and no response is required.

C115-11: The comment reproduces the article “Orange County Great Park CEO Unmasked” by Tim King and Roger Butow, published December 16, 2010, and no response is required.

**C116: Thomas Mark Powers**

C116-1: The comment states the personal background of the commenter and no response is required.

C116-2: The comment states that draft General Plan is misguided and flawed, and no response is required.

C116-3: The comment provides a reference to La Costa and no response is required.

C116-4: The comment describes the Carlsbad Desalination Project. The Carlsbad Desalination Project is located in Carlsbad, but is not a city project. The project's developer is a private company called Poseidon Resources. Please refer to environmental documentation for the Carlsbad Desalination Project for further detail. This comment does not address the accuracy or adequacy of information presented in the draft EIR.

C116-5: The comment does not raise an environmental issue concerning the draft General Plan and no response is required.

C116-6: The comment is a statement of purpose for the Cultural Arts Manager for the City of Carlsbad and no response is required.

C116-7: The commenter provides resume and no response is required.

C116-8: The comment is a letter of recommendation for the California Arts Council and no response is required.

C116-9: The comment is a letter about California's state of the arts and no response is required.

C116-10: The comment is an explanation of the Open Eyes Project and no response is required.

**C117: Wesley Marx**

C117-1: The comment requests information on walkability. Walkability is defined in the Glossary on page xiv of the draft General Plan as "a characteristic of an area in which destinations are in close proximity and well-connected by streets and paths that provide a good pedestrian environment." The definition does not apply a specific numeric criterion to different age groups. Pages 3.13-30 to 3.13-31 of the draft EIR describe pedestrian levels of service and impacts from the draft General Plan.

C117-2: The comment refers to Policy 2-P.50, which states "work with the California Parks Department to enhance recreation, public access, and activity in the Carlsbad Boulevard coastal corridor....The principal objectives are to... [address] threats to the campground from bluff erosion and sea level rise." The draft update to the Carlsbad Local Coastal Program, which is currently in preparation, contains a number of policies addressing coastal erosion. Future development allowed under the draft General Plan will be subject to site-specific environmental review which would include consistency with applicable plans for managed retreat.

C117-3: Please see Impact 3.11-4 of the draft EIR, which addresses the physical or environmental impact associated with provisions of or need for construction of new or physically altered police facilities in order to maintain acceptable service standards.

Impact 3.6-7 on pages 3.6-37 and 38 of the draft EIR addresses the risk of wildland fires, and Figure 3.6-4 shows the draft General Plan structure fire/wildfire threat. Impact 3.11-4 on pages 3.11-32 to 3.11-34 of the draft EIR addresses the adequacy of fire facilities to maintain acceptable service standards. Please also see Appendix F of the draft EIR, which demonstrates coverage of the entire city within 5-minute response time, under both existing and draft General Plan buildout.

C117-4: According to the Urban Land Institute Publication *Growing Cooler*, increased population around high quality transit will reduce vehicle use and associated vehicle miles of travel. This information is also summarized in the California Air Pollution Control Officers Association (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures*.

C117-5: When designing roundabouts, an appropriate design vehicle is chosen to design the roundabout to (similar to curb radii at intersections or the width of a roadway). For roundabouts, it is typical to use a design vehicle that constitutes an expected heavy vehicle (e.g. truck) using the roundabout or a specific fire truck. The city's fire department has, and will continue to review any proposed roundabout to ensure that adequate fire accessibility will be provided.

C117-6: The identity street classification for Carlsbad Boulevard is not anticipated to shift traffic to Garfield and Ocean. This is primarily due to the fact that both of these streets do not provide the same level of connectivity that Carlsbad Boulevard provides (they are shorter streets) and their classification as a village street provides similar attributes to Carlsbad Boulevard.

C117-7: The comment requests clarification of what areas are counted as open space, and if specific areas along the coastline are included. Please see master response MR1-1 for a discussion of what falls into one of four categories counted as open space. Areas designated as residential, commercial, or public rights-of-way with landscaped medians do not count as open space.

C117-8: This comment questions if eelgrass and native cordgrass should be included in the draft EIR analysis. In general, the draft General Plan policies address protection of biological resources (which would include sensitive vegetation communities and special status species within the City of Carlsbad boundary), habitat and open space conservation, the lagoons and beaches, and water quality. The environmental analysis is provided at the program level to analyze program-level impacts as a result of long-term land use changes under the draft General Plan; however, applicable future projects proposed under the draft General Plan will be subject to subsequent project-level environmental review, which would address project-specific biological impacts.

Regarding the light-footed clapper rail, the Carlsbad HMP includes the light-footed clapper rail as a covered species. As such, this species is addressed with the following conservation goals:

1. Conserve saltmarsh habitat at Buena Vista, Agua Hedionda, and Batiquitos Lagoons consistent with the city's wetlands policy.

2. Conserve freshwater marsh used by rails during the fall and winter.
3. Assure no net loss of saltmarsh or freshwater marsh habitats within the city.

The city's HMP also includes the following management tasks:

1. Manage and preserve areas to control non-native plants, maintain hydrology and water quality, control predators, and restrict physical disturbances.
2. Where opportunities arise, restore and enhance habitat in preserve areas.
3. Restrict human activity near nesting habitat during the breeding season
4. Where appropriate introduce clapper rails into suitable unoccupied habitat
5. Pursue experimental cordgrass reintroduction at Batiquitos Lagoon.

Finally, because the species is a covered species, there are conditions for coverage. These conditions include providing area specific management directives for known or potential nesting areas at the lagoons and upstream freshwater marsh areas including specific measures to address water quality and protect against detrimental edge effects from adjacent development, recreational impacts and other direct and indirect impacts. Hence the breeding habitat, including cordgrass, is included in the preservation and conservation analysis of the light-footed clapper rail.

C117-9: The comment references Table 4-2 of the draft General Plan, which shows HMP conservation targets and gain. The information provided is based on the 2004 Habitat Management Plan for Natural Communities in the City of Carlsbad, and the 2013 Annual Report for the Habitat Management Plan, which therefore does not take into account the 2014 wildfires.

C117-10: The comment references North Carlsbad Beaches on page 4-20 of the draft General Plan, and says "signed public access adjacent to 3021 Ocean Street and across from Carlsbad Inn." It is unclear if this refers to an existing condition, or a request for an additional signage. There is currently a sign stating "Public Beach Access" at the corner of Ocean Street and Grand Avenue, adjacent to the 3021 Ocean Street. The June 2013 Village Master Plan and Design Manual provides guidance on signage within the Village area. This comment does not address the accuracy or adequacy of information presented in the draft EIR.

C117-11: The comment refers to page 4-21 of the draft General Plan and questions why gated and locked school yards are counted towards park credit. Please see master response MR1-6 regarding use of school sites for recreation purposes.

C117-12: The comment relates to the loss of natural sand supply due to dams, harbors and sea walls, beach erosion and the need for sand replenishment efforts in the San Diego Region. The draft Local Coastal Program (LCP) will contain policies related to sand replenishment. The draft update to the LCP, which is currently being prepared will contain policies related to sand replenishment and coastal erosion.

C117-13: The comment refers to FEMA's California Coastal Analysis and Mapping Project/Open Pacific Coast Study, and requests information on when the project will be completed.

FEMA's website for the project (<http://www.r9map.org/Pages/ProjectDetailsPage.aspx?choLoco=37&choProj=359>) does not provide an end date or completion schedule. The city was recently awarded a grant from the California Ocean Protection Council to analyze the potential impacts of sea level rise and identify measures to address those impacts. Areas vulnerable to various sea-level rise scenarios will be mapped as part of this effort. This work is anticipated to be initiated in spring/summer 2015 and will be incorporated in a comprehensive update to the city's Local Coastal Program.

C117-14: The comment requests clarification on seawalls in relation to Policy 6-P.5. This policy does not specify the types of protective structures to which it applies, but there could instances where it might apply to seawalls. The city's current Local Coastal Program (LCP) includes provisions permitting shoreline structures including seawalls, "...when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply (LCP Mello II segment Policy 4-1, p.72)."

The update to the Local Coastal Program (LCP), which is currently being prepared, will contain policies related to seawalls and other revetments. Additionally, the city was recently awarded a grant from the California Ocean Protection Council to analyze the potential impacts of sea level rise and identify measures to address those impacts. This work is anticipated to be initiated in spring/summer 2015 and will be incorporated in a comprehensive update to the city's Local Coastal Program.

C117-15: The comment requests analysis of the impacts of ocean acidification (as an effect of global climate change, caused by oceanic uptake of atmospheric CO<sub>2</sub>) on an existing Carlsbad aquaculture facility. This is beyond the scope of analysis of the draft EIR, which is intended to analyze environmental impacts that may result from the draft General Plan, not to examine the effects of the environment on the project.

C117-16: Please see response to comment C177-15 above.

C117-17: The comment requests further explanation of rainwater collection systems. Please see Measure O on pages 4-21 to 4-22 of the Climate Action Plan (CAP) for a more detailed explanation of rainwater collection systems.

C117-18: Please see response to comment C117-8 above.

C117-19: Please see response to comment C117-12 above.

C117-20: Please see response to comment C117-14 above.

C117-21: The comment suggests adding a description of Carlsbad Aquafarms and the Hubbs-SeaWorld fish hatchery to Agua Hedionda lagoon. Please see Chapter 3 of this final EIR for an update to page 3.8-3 of the draft EIR to reflect this information.

C117-22: The comment suggests adding ocean acidification to the glossary. This term does not appear within the draft EIR, and therefore will not be added into the glossary.

**C118: Don and Jeane Holmes**

C118-1: Contrary to the comment's assertions, implementation of the draft General Plan will not reduce or reclassify open space areas. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

**C119: Leslie Ramirez**

C119-1: The comment indicates that the commenter heard the city is considering selling "underutilized" city space and asks that the city not sell Buena Vista reservoir, the community garden, sculpture garden, Cole library or the land next to the fire station. Please see master response MR2-5 regarding the city's recent evaluations of certain city-owned properties, including the Buena Vista Reservoir site.

C119-2: The comment states that the commenter has lived in Olde Carlsbad for 14 years and describes the qualities of Carlsbad that her family enjoys. The comment is appreciated. No response required.

**C120: Fred Briggs**

C120-1: The comment reproduces the vision statement on page 1-10 of the draft General Plan, and no response is required.

C120-2: The comment reproduces a portion of the "Beach Uses and Improvements" section on page 1-14 of the draft General Plan, and no response is required.

C120-3: The comment reproduces a portion of the draft General Plan purpose on page 1-28 of the draft General Plan, and no response is required.

C120-4: The comment reproduces a portion of the "Tailored Tourism Strategy" on page 1-16 of the draft General Plan, and no response is required.

C120-5: The comment highlights the importance of the beach, beachfront access and public use facilities. As described in Chapter 4 of the draft General Plan, an important component of the draft General Plan is the enhancement and maintenance of the city's beach community character and connectedness.

The draft General Plan provides a comprehensive and long-range plan for development within the city, including along the beach and beachfront access. A number of draft General Plan policies related to the beach and beachfront access, including those within Chapter 4: goals 4-G.4, 4-G.5, 4-G.6, 4-G.7, 4-G.8 and policies 4-P.2, 4-P.36, 4-P.37, 4-P.38. These goals and policies address ways to improve access to the beach. As well, Land Use and Community Design Element Policies 2-P.48 through 2-P.52 specifically address improvements along the south Carlsbad Boulevard Corridor and working with the state Parks Department to improve beach access and recreation. Policy 2-P.79 envisions



redevelopment of the Encina Power Station site to a mix of visitor-commercial and community-accessible recreation open space.

For beach access within the Village, policy 2-P.65 describes that the Village Master Plan and Design Manual is the guide for land use planning and design in the Village. The Village Master Plan and Design was most recently revised in June of 2013, and contains a number of goals and objectives addressing beach access and improvements. It should be noted that preparation of a new master plan for the Village and Barrio areas is currently underway. A major theme that has emerged from the recently-conducted charrette was the need for improved coastal access.

C120-6: The comment argues that when residents reaffirmed through the Envision Carlsbad process the value placed on open space, they had usable open space in mind. Therefore, the draft General Plan definition of Open Space may be too self-serving in a bureaucratic sense. Please see master response MR1-1 which describes how open space is categorized and counted in the draft General Plan.

C120-7: The comment argues that boulevard medians, locked school yards and protected areas should not be counted towards meeting the open space acreage. Landscaped street medians are not counted towards open space. Please see master responses MR1-6 regarding use of school sites for recreation purposes and MR1-8 regarding open space “double-counting”.

**C121: Steve Jess/Carlsbad Golf Center**

C121-1: The comment refers to a notice from the city proposing to change the land use and zoning designations on property located at 2711 Haymar Drive, and requested to discuss the proposal. As part of the General Plan update process, the land use and or zoning designation on various properties are proposed to be changed in order to ensure the land use and zoning designations are consistent. For the subject property, the zoning (currently single-family residential with 10,000 square foot min. lot size) is proposed to be changed to implement current General Plan open space designation and the current medium density residential designation. The draft EIR evaluated the site as currently designated by the General Plan (OS and RM) and zoning changed to OS and RDM. City staff met with the commenter to discuss the proposal.

C121-2: As a result, the commenter submitted a list of questions that are responded to as follows:

C121-3: The commenter was informed of the city’s appeal procedure. This comment pertains to city process and does not pertain to the EIR.

C121-4: Regarding the reason for designating the property with two zones, there are two maps that regulate the use of land in the city. The first is the General Plan Land Use Map, which identifies the intended location and types of land uses allowed throughout the city. The second map is the Zoning Map, which by state law is required to be consistent with and implement the General Plan Land Use Map.

For the subject property, the General Plan Land Use Map currently identifies an area designated as open space (generally where a floodway is located); the land use map designates the area surrounding the open space/floodway area for medium density residential use (4-8 dwelling units per acre).

The Zoning Map is currently inconsistent with and does not implement the land use map; the current zoning on the property is R-1-10,000 (single-family residential use with a 10,000 square foot minimum lot size), which is not consistent with the General Plan Land Use Map designation of open space over the floodway area and also does not adequately implement the medium density residential land use designation surrounding the floodway (10,000 square foot minimum lots hinders the ability to achieve the medium density range of 4-8 dwellings per acre).

The purpose of the proposed zone change is to ensure the zoning is consistent with and implements the General Plan Land Use map. The proposed open space zoning will only be applied where the General Plan Land Use map currently designates open space; the remaining area of the site is proposed to be zoned RD-M, which allows for a range of dwelling types to ensure the ability to achieve a medium density of 4-8 dwellings per acre.

The draft EIR evaluated the site as currently designated by the General Plan (OS and RM) and zoning changed to OS and RDM.

C121-5: The comment asks why OS and RDM zoning were proposed and why not commercial zoning, since the site is used as golf driving range. The open space designation is intended to reflect the area that is impacted by a floodway; the floodway, essentially, is undevelopable – very limited improvements are allowed, such as those associated with the driving range, all of which were authorized through approval of a special use permit (SUP 02-02). Except for limited minor improvements, no other development is safe to allow within the floodway and therefore the city designates such areas as "open space". The "open space" designation does not preclude all development; recreation uses, such as golf courses and driving ranges, are permitted in the "open space" zone with a conditional use permit, which the driving range currently has (CUP 92-04).

The medium density residential designation has been applicable to the property since at least 1976. The open space area was established on the General Plan Land Use Map in 1994 when the General Plan was last comprehensively updated (at that time, the Zoning Map was not amended to reflect the open space established on the General Plan Land Use Map).

The golf driving range is a conditionally allowed use in residential and open space zones, therefore, there is no need to establish a commercial designation on the property.

The existing use is consistent with the General Plan designations evaluated by the draft EIR.

C121-6: Regarding how the boundaries of the two zoning designations were determined, the proposed zoning matches the boundaries of the open space and residential designations

- currently shown on the General Plan Land Use Map. As mentioned above, the open space designation is intended to represent the area impacted by the existing floodway that crosses the property. The proposed zoning is consistent with the General Plan, as evaluated by the draft EIR.
- C121-7: Regarding the acreage in each zone, the area proposed to be zoned as open space is approximately 6.4 acres (matching the existing General Plan open space designation) and the remaining residential area is approximately 4.34 acres, which is consistent with the General Plan land use map evaluated by the draft EIR.
- C121-8: Regarding the SDG&E easement over a portion of the property designated for residential use, pursuant to city policy, the area within major transmission easements shall not be included in the calculation to determine the number of dwelling units allowed on the property; the easement will impact where dwellings and other improvements can be constructed. Future development must comply with city regulations and policies that will ensure the SDG&E easement does not negatively impact and is not negatively impacted by future uses on the site.
- C121-9: Regarding slopes on the property, while slopes may impact site design and the potential number of dwellings allowed on the site, the location of slopes on the property will not preclude residential development. Future development must comply with city regulations and policies (e.g., Hillside Development Ordinance and Grading Ordinance) regarding hillside development will ensure slopes do not negatively impact and are not negatively impacted by future uses on the site.
- C121-10: The comment refers to the land owner's analysis of the site 11 years ago and the conclusion that residential development would be nearly impossible. The residential designation on the property pre-dates any analysis conducted 11 years ago. If the owner proposes to develop the land with another land use, city staff will review the proposal and consider any technical analysis that may indicate residential is not preferable or feasible. At this time the draft General Plan maintains the existing planned uses of open space and residential, as evaluated by the draft EIR.
- C121-11: Regarding the concern that the property is landlocked, the site is not landlocked; Haymar Drive provides access along the entire northern boundary of the site. The creek may represent a challenge to designing circulation for a project on the site, but it does not cause the site to be landlocked.
- C121-12: Regarding the concern that the floodplain affects access to the portion of the site designated for residential use, the floodway and floodplain will impact site design, including access and location of structures. Any development on the site must be designed in compliance with all applicable regulations pertaining to flood hazard areas to ensure that the flood hazard area does not negatively impact and is not negatively impacted by future uses on the site. The current General Plan open space designation and proposed open space zone across the floodway will ensure no development occurs in this area.

C121-13: Regarding the effect of the proposed zone change on the current use, long-term use and conditional use permit (CUP), the proposed zoning will not invalidate the existing CUP (golf courses and driving ranges are permitted in the OS and RDM zone), and the proposed zoning does not impact current ability to expand or modify the use; or the current ability to obtain a beer/wine license.

C121-14: Regarding the definition of the proposed zones, Carlsbad Municipal Code (CMC) identifies the intent and purpose of each zone.

CMC Chapter 21.24 identifies the purpose of the RDM zone is to:

- Implement the residential medium density (RM), residential medium-high density (RMH) and residential high density (RH) land use designations; and
- Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter.

CMC Chapter 21.33 identifies the purpose of the OS zone is to:

- Provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community;
- Protect and encourage said uses wherever feasible;
- Be used in conjunction with publicly owned property utilized as parks, open space, recreation areas, civic centers and other public facilities of a similar nature;
- Designate high priority resource areas at time of development that, when combined would create a logical and comprehensive open space system for the community;
- Implement the goals and objectives of the General Plan.
- Protect areas set-aside and preserved as natural habitat and the biological resources located in the areas in conformance with the city's Habitat Management Plan.

C121-15: Regarding the concern that the open space designation will negatively impact the ability to continue operating or to sell the driving range: golf courses and driving ranges are permitted in the Open Space Zone with a conditional use permit; the proposed zoning will not impact the ability to continue operating the driving range or the ability to sell the land as it is being used.

C121-16: The comment asks if the open space portion would have to be remediated in order to develop the residential portion. The open space designation is intended to represent the land impacted by a floodway. Any future development of the site will be evaluated to ensure the development is safe from the flood hazard and that the development does not negatively impact the floodway or other environmental resource (such as a wetland). Any

needed improvements to the floodway/wetland will be determined during review of a development application.

C121-17: The comment asks if the open space zone would enable them to “bank” open space credits. The open space zone does not mean the property can be used as a habitat mitigation bank. The California Department of Fish and Wildlife (CDFW) regulates the creation of mitigation banks. The commenter has been referred to CDFW for more information.

C121-18: The comment asks if Haymar Dr. is planned to extend further east. No. The city's current circulation plan and draft Mobility Element do not include extension of Haymar Drive. The draft EIR did not evaluate an extension of Haymar Drive to the east.

C121-19: Regarding the concern about the effect of the zone change on the property value, the proposed zone change to be consistent with the existing General Plan land use designations does not represent a change of land use. Per state law, when there is a conflict between the General Plan and Zoning, the General Plan is the prevailing document. Property values are not evaluated as part of the draft General Plan and draft EIR.

C121-20: The comment asks what the city can do to help with existing flood related problems on the site and how the zone change might help or hurt that. The proposed zone change does not help or hurt the current flooding/sediment problem. The commenter has been referred to the city's Utilities Department to inquire about assistance in identifying options to address the problem. The draft General Plan, as evaluated by the draft EIR, proposes no change that will impact the existing flood hazard area on the site. The property is subject to all existing standards and policies regarding flood hazard areas.

**C122: Alex Ning**

C122-1: The comment acknowledges the commenter received from the city a notice of a proposed General Plan land use designation change from the existing RH Residential High (15-23 dwelling units per acre) to a proposed R-4 Residential (0-4 dwelling units per acre). The comment states opposition to the proposed designation change because it will impact development potential and property value. Based on staff's evaluation of the property, it has been determined that a single-family residential land use designation is most appropriate, based on the existing use on the property and character of surrounding properties.

The purpose of the city's proposal is to resolve an inconsistency between (1) the land use and the zoning designations, and (2) the land use designation and the existing use of the property. The current land use designation is RH Residential High (15-23 dwelling units per acre), which is intended for multi-family development. The current zoning is R-1-15,000, One Family Zone with a minimum lot size of 15,000 square feet, which is large lot single family zoning and does not implement the RH land use designation. Due to the property being developed with a single family house, and being along Adams Street adjacent to other single family homes, the city's proposal is to change the land use

designation to a lower density designation so it is compatible with the zoning, the existing use of the property and the nearby single family area along Adams Street.

C122-2: The comment reiterates the commenter's opposition to the proposed designation change because it may impact development potential and property value. See response to comment C122-1 above. The comment also notes that the lot is large and refers to a plan to develop a 6-unit multifamily condominium on the side of the property that has frontage along Cove Drive. According to city records, there are no development entitlement applications on file or entitlement approvals for this property. Several years ago there was a preliminary review application submitted for review by the Planning Division, and staff commented that, due to the majority of the site being encumbered by slopes of 40% or greater, development of the site would be doubtful, or at least very difficult.

**C123: Ben Costantino**

C123-1: The comment references the city's proposed zone change for a portion of the commenter's property from the existing R-1 One Family Zone to O-S Open Space zone and states that it will adversely impact all affected properties. The subject property is located in the Terramar neighborhood and fronts on the beach. The city's General Plan Land Use Map currently designates the westerly portions of the Terramar beachfront lots as OS; the intent of this OS designation is to protect the beach area as open space. The current zoning of the property, however, is not consistent with the General Plan OS designation. The intent of the proposed zone change is to ensure consistency between the General Plan and zoning, and to ensure the beach is protected as open space. The boundary of the existing General Plan OS designation is also proposed to be shifted westward to better reflect the boundaries of the beach. Also see response to comment C155-2.

C123-2: The comment states that the commenter's records show the western extent of the property to be the mean high tide line, and that the intent of the use of these properties should be obvious (for residential use). City records show a property boundary for the subject property that extends westward of the mean high tide line. The city's proposed open space boundary on the subject property is westward of the mean higher high water line and does not conflict with any private improvements on the subject property.

C123-3: The comment suggests that the city's motives for the proposal are unclear and that there may be other motives that are being covertly considered. Please see response to comment C123-1 above, and C133-1 and C133-3 below.

C123-4: The comment requests that the city leave the designations as they currently exist. The comment will be included in the material presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan.

**C124: Bill Odom**

C124-1: The commenter, as owner of the subject property, acknowledges receiving from the city a notice of a proposed General Plan land use designation change from the existing RH Residential High (15-23 dwelling units per acre) to a proposed R-4 Residential (0-4 dwelling units per acre). The comment is noted.

C124-2: The comment states that the properties affected by the proposed designation change are currently developed with single family homes, and requests that the land use designation be changed to properly reflect this existing condition. Staff agrees with the comment; the purpose of the city's proposal is to remove the RH designation, which allows for multi-family residential uses between 15-23 dwelling units per acre, and is inconsistent with the existing zoning (R-1 One Family Zone) and the existing development pattern (single family homes). The proposed R-4 Residential designation allows for single-family residential uses between 0-4 dwelling units per acre, and is consistent with the R-1 zone and existing development pattern.

**C125: Bob Ladwig**

C125-1: The commenter acknowledges receiving from the city a notice of a proposed General Plan land use designation change from the existing RMH Residential Medium-High (8-15 dwelling units per acre) to a proposed R-8 Residential (4-8 dwelling units per acre). The comment expresses a concern that the density range reduction (in dwelling units per acre) will negatively impact the future development potential of the parcel. After considering the property owner's concern regarding the proposed land use designation change, the city has chosen to revise the proposal, which will leave the density range as it currently is (8-15 dwelling units per acre). *Note that the name of the RMH land use designation is proposed to change to R-15, but the density range will stay the same.* As a result of retaining the existing RMH (R-15) designation, it is necessary to change the zoning because the current zone (R-1 One Family Zoning) does not implement the RMH land use designation. The zoning on the property is proposed to be changed from R-1 to RD-M Residential Density-Multiple zone, which will implement the existing General Plan land use designation.

C125-2: The comment describes the subject portion of Laguna Drive as an area which will slowly convert into more intense residential uses consistent with the RMH (R-15) designation, and that nearby existing land use designations across the street and along both sides of Laguna Drive are developed consistent with the RMH designation. Staff agrees that the properties along this section of Laguna Drive are primarily developed with multiple-family housing, and that the existing RMH designation is a good fit for the existing neighborhood character in this area. See response to comment C125-1.

C125-3: The comment requests that the city retain the existing land use designation of RMH and its density range of 8-15 dwelling units per acre. See response to comment C125-1.

**C126: Bradley Brunon**

C126-1: The commenter acknowledges receiving from the city a notice of proposed zone change for a portion of their property from the existing R-1 One Family Zone to O-S Open Space zone, and asks for information about the definition of open space and a description of what part of their property is proposed to be zoned open space. The General Plan (existing and draft) defines “open space” as any area of land or water that is devoted to an open space use and designated on the city’s Land Use Map as open space, or dedicated in fee title or easement for open space purposes. Also see response to comment C133-3.

C126-2: The comment expresses a concern that there is a substantial increase in the open space designation, and if so, would this impact a person who wants to construct a larger house? The proposal does not increase the area of the property that is designated for open space. The existing General Plan designates the westerly portion of the property as open space; the proposal will shift this open space boundary further westward to the Mean Higher High Water Line elevation (slightly reducing the open space designation), which ensures the open space only applies to the beach area of the property. The zoning map will be amended to match the land use map. Because the developable portions of the property will remain designated/zoned for residential use, the proposed changes will have no impact on any future plans to improve the property.

**C127: Carole Meredith**

C127-1: The commenter writes in reference to the city’s proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposal. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing land use designation or zoning on the subject property.

**C128: Carrie Timko**

C128-1: The commenter identifies their position as a representative of the Aviara Master Association, acknowledges receiving from the city a notice of proposed land use designation change from RLM to OS, and asks for clarification about the proposal. See response to comment C128-3 below.

C128-2: The comment states the commenter could not find information about how the proposal will affect the association’s maintenance responsibility for the property. Please see response to comment C128-3 below.

C128-3: The comment asks for confirmation that the association’s maintenance responsibilities will not change under the proposal, and states that if so, then the association will oppose the proposed land use designation change. The proposed land use designation change from RLM (residential; 0-4 dwelling units per acre) to OS (Open Space) will not affect how the property is currently used, which is for purposes of community green space, landscape buffering and trail uses. The property also appears to have both irrigated landscaping that is maintained by the association as well as natural areas. All of these



uses fall within the parameters of the OS designation; and the OS designation will not affect how the landscaping is maintained. In addition, the subject property has an easement dedicating it for open space purposes, and it is used for open space purposes, but the land use map currently designates it for residential uses (RLM). The city's intention is to resolve this by changing the land use designation to OS, which would be consistent with the current use and open space easement on the property.

**C129: Crystal Gillotti**

C129-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses concern about the proposal. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

C129-2: The comment expresses a variety of questions and concerns that include whether the proposal will have an effect on property values, taxes and property rights. See response to comment C129-1.

C129-3: The comment reiterates a concern that the proposal will allow for increased development of condominiums and apartments in the area. See response to comment C129-1.

**C130: Daniel Burke**

C130-1: The commenter acknowledges receiving from the city a notice of a proposal to change the land use designation for their property from RMH/O (Medium-High Density Residential/Office) to O (Office), and to change the zoning designation from R-P-Q (Residential-Professional) to O (Office). The comment states objection to the proposal based on the following concerns: (1) a desire to develop the property with a mixed use building with office and residential uses, (2) the property's close proximity to the village and transit supports mixed use development, and (3) properties in the area that are used strictly for office uses have a high vacancy rate, thus limiting their financial viability. After considering property owner concerns regarding the proposed designation changes, the city has chosen to withdraw the proposal and no change is proposed to the subject property.

**C131: David Spencer**

C131-1: The commenter acknowledges receiving from the city a notice of proposed changes to the land use and zoning designations. The comment expresses concerns about how the proposed designation changes will affect the existing uses of the property, specifically the portion of the site that currently contains an RV storage lot and whether it will still be allowed under the proposed Open Space designations.

For this property, the purpose of the city's proposal is to resolve inconsistencies (1) between the land use and the zoning designations, and (2) between the existing designations and the existing development/site constraints. A major powerline easement is located along the southern portion of the property. Major powerline easements are

considered undevelopable pursuant to the city's existing and draft General Plan and the Carlsbad Municipal Code (Section 21.53.230). The area within the easement is currently designated by the General Plan as Open Space, except for the most westerly portion of the easement that is designated RLM (single-family residential) and has a residential zone (RD-M). Because the major powerline easement is undevelopable, this area is proposed to be designated/zoned as Open Space. A zone change from RD-M to Open Space is also proposed on the other portions of the powerline easement that are currently designated by the General Plan as Open Space. Parking lots are allowed in the Open Space zone, so there will be no conflict for the existing RV lot.

C131-2: The comment asks for clarification of whether the proposed land use designation change from RM to R-8 is a density decrease, and if so, what the impact of these changes would be. The city is proposing to modify the names of its residential land use designations; the proposed "R-8" designation is a name change, not a designation change; it is the same as the existing "RM" designation. The existing RM density range of 4-8 dwelling units per acre will remain the same under the R-8 designation, therefore there will be no change to allowed density on the property.

**C132: David Swagerty**

C132-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses concern about the proposal. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

C132-2: The comment expresses opposition to the proposed zone change due to concerns that it will be incompatible with the existing lower density character of twin-homes and single family homes in the area and will result in increased residential densities and apartment construction that could cause negative neighborhood impacts. See response to comment C132-1.

C132-3: The commenter writes about their life in Carlsbad. No response is required.

C132-4: The comment reiterates concerns about the proposed zone change. See response to comment C132-1.

**C133: Dean Goetz**

C133-1: The comment references the proposed zone change for a portion of the commenter's property from the existing R-1 One Family Zone to O-S Open Space zone, and asks what property is being newly designated as open space. As the property already contains a land use designation of RLM and OS, the city's proposal is not adding a new open space designation; the boundaries of the existing OS designation are proposed to be adjusted and the zoning changed to be consistent with the OS land use designation. The property in question has an open space easement recorded on the property as a result of a previous

subdivision, and the boundaries of this easement were used to determine the adjusted boundary of the OS land use designation and zone.

C133-2: The comment asks if the subject portion of property is shown on the deed and whether it applies to the beach or back yard. The subject portion of property to be designated/zoned open space is described by the existing open space easement and strictly applies only to the beach portion of the property.

C133-3: The comment asks why the city is making this proposal now. The city has proposed this action now because, as a part of the broader General Plan update project, staff has undergone a general mapping review for both the land use and zoning maps for the purpose of identifying and resolving situations where properties have inconsistent land use and zoning designations.

In the case of the subject property, the current General Plan Land Use Map designates the western/beach portion of the property as open space and the eastern portion for residential use. The reason the beach area is designated as OS is that General Plan policy requires significant natural resources, including beaches, to be designated as OS. The Zoning Ordinance implements the residential land use designation on the property by zoning it R-1 – One Family Residential; however, the R-1 zone is currently applied to the entire property, including the western/beach portion that is designated by the General Plan as OS. The land use and zoning designations are in conflict with each other (residential zoning does not implement the open space land use designation); state law and city policy require zoning to be consistent with and to implement the General Plan. This is the reason the proposed zoning change was initiated for the property and neighboring ones in the Terramar area, to ensure that the zoning and land use designations applicable to the subject property are consistent, and to clearly convey on both the General Plan Land Use Map and Zoning Map that the beach area cannot be developed with a residential or other use.

C133-4: The comment asks why the proposed change is necessary as there will never be any structures built on the beach. Although staff agrees that the beach is considered to be undevelopable (see response to comment C155-2), the city is pursuing the proposed change to make its land use and zoning designations consistent with each other (see response to comment C133-3).

**C134: Eric Hepfer**

C134-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C135: James Clark**

C135-1: The commenter writes in reference to a proposed zone change from the existing R-1-10,000-Q One Family Zone to the RD-M Residential Density-Multiple Zone, and states objections to the proposed change. The commenter's property is located in a subdivision where the land use and zoning designations do not follow property boundaries. The existing designations of the subdivision area, of which the subject property is a part of, are as follows: a portion of the subdivision is RM (land use) and RD-M (zoning), and a portion is RLM (land use) and R-1-10,000-Q (zoning). No new designations are proposed for this subdivision that do not already exist, but the proposal would shift the designation boundaries so that they better follow property boundaries and are consistent with respect to existing lot sizes (R-1-10,000 requires a minimum lot size of 10,000 square feet; RD-M requires a minimum lot size of 6,000 square feet). Adjusting the boundaries will resolve situations of certain properties containing multiple designations as well as some smaller lots being designated for larger lot zoning. The proposed designation/zone boundary adjustment will ensure that the designations/zones are consistent with existing development.

C135-2: The comment expresses a concern that under the proposed RD-M zone, if the house was lost to a catastrophic event, the RD-M zone would require the property to be rebuilt as multi-family. This is incorrect as single family homes are permitted uses in the RD-M zone.

C135-3: The comment correctly identifies that the proposed land use change from RLM (0-4 dwelling units per acre) to R-8 (4-8 dwelling units per acre) makes sense based on the size of their lot, and agrees with the proposed change. No response is required.

C135-4: The comment expresses a concern that the city is proposing to re-designate the commenter's community from a single family area to a multi-family area. See response to comment C135-1.

**C136: Jason Iuculano**

C136-1: The commenter writes in reference to a proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses concern about the proposal. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

C136-2: The comment notes that the commenter never received a notice of the proposed zone change. Staff informed the commenter that the notice was sent to the property owner of record according to the San Diego County Assessor Records, and added the commenter to a list for future notices.

C136-3: The comment expresses concerns regarding the proposed zone. See response to comment C136-1.

**C137: Jenny Racine**

C137-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C138: John Biondolillo**

C138-1: The commenter writes in reference to a proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

C138-2: The comment reiterates opposition to the proposed zone change. See response to comment C138-1.

**C139: John Ireland**

C139-1: The commenter writes in reference to a proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C140: John Minan**

C140-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposal. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning as part of the draft General Plan.

**C141: Kevin Moriarty**

C141-1: The comment states the commenter is the operator for ActivCare at Bressi Ranch facility, and acknowledges receiving a notice from the city of a proposed General Plan Land Use designation change for their property. The comment asserts that the proposed R-23 land use designation is not accurate because the facility is not a residential use. However, the use is a residential care facility, which is a use that is only permitted in residential zones subject to approval of a conditional use permit. The proposed residential designation is the appropriate designation to reflect the current use of the property.

C141-2: The comment states that the commenter understands the city's rationale for the proposed change and are in agreement with it as long as it does not create new requirements or put

the use out of compliance with city regulations. The proposed R-23 designation will not create any new requirements or cause the existing use to be nonconforming to city regulations. See response to comment C141-1.

**C142: Kieran Purcell**

C142-1: The commenter identifies their position as a representative of the Aviara Premier Collection Association, acknowledges receiving from the city a notice of proposed land use designation change from RM to OS for property owned by the association, and asks for clarification about the proposal. Please see response to comment C142-3.

C142-2: The commenter states they cannot find information about how the proposal will affect the association's maintenance responsibility for the property. Please see response to comment C142-3.

C142-3: The comment asks for confirmation that the association's maintenance responsibilities will not change under the proposal, and states that if so, then the association will oppose the proposed land use designation change. The proposed land use designation change from RM (residential; 4-8 dwelling units per acre) to OS (Open Space) will not affect how the property is currently used, which is for community green space, landscape buffering and as roadway setbacks. These properties also appear to be planted with irrigated landscaping that is maintained by the association. All of these uses fall within the parameters of the OS designation; and the OS designation will not affect how the landscaping is maintained. In addition, the subject property has an easement dedicating it for open space purposes, and it is used for open space purposes, but the land use map currently designates it for residential uses (RM). The city's intention is to resolve this by changing the land use designation to OS, which would be consistent with the current use and open space easement on the property.

**C143: Kurt Hoy**

C143-1: The comment references a portion of the Carlsbad Community Vision, and asserts that higher density residential uses are not a core value of the community. The commenter appears concerned that the city is proposing to increase residential densities for their property (as the comments were received in response to a notice proposing a zone change on their property); however, there is no change proposed to the density range allowed by the land use designation of the subject property as part of the draft General Plan. The existing zoning designation for the subject property is R-3 Multiple-Family Residential, which the city is proposing to change to RD-M Residential Density-Multiple because the R-3 Zone is redundant with and allows similar development/uses as the RD-M zone.

C143-2: The comment suggests installing sidewalks where they don't exist and undergrounding power lines as a means of improving the city. No response is required. The draft General Plan Mobility Element addresses the need to provide sidewalks as a key component of a multi-modal transportation system; however, identifying where and when such sidewalks are constructed are addressed through the city's Pedestrian Master Plan and Capital

Improvement Plan. The undergrounding of power lines is addressed as private and public development occurs.

C143-3: The comment expresses concerns about higher density and related parking and trash issues; that the commenter wants his neighborhood to stay the way it is. See response to comment C143-1. Any future development must comply with city standards for parking and trash service.

C143-4: The comment reiterates the suggestion of installing sidewalks where they don't exist and undergrounding power lines as a means of improving the city. See response to comment C143-2.

**C144: Lydia Swize**

C144-1: The comment refers to a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone, and city's position that the proposed zone change is a cleanup issue for the purpose of consolidation of zoning designations. No response is required.

C144-2: The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

C144-3: The comment asks that the objections be made known to the Planning Commission and City Council. The commenter's letter will be included in the draft General Plan staff report to the Planning Commission and City Council.

**C145: Marguerite Hunt**

C145-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C146: Markus Spiegelberg**

C146-1: The commenter acknowledges receiving notices from the city of proposed General Plan Land Use designation changes from RLM to OS, and expresses support for the proposal. No response is required.

C146-2: The comment asks if it is possible to designate the properties as OS (HCP) to note their location in the Villages of La Costa Habitat Conservation Plan. Although Carlsbad acknowledges the importance of the HCP to its open space preserve system, OS (HCP) doesn't exist as a designation in the General Plan; the OS designation is used to designate and preserve area of natural resources (plant and animal habitat, nature preserves, beaches and bluffs, wetland and riparian areas, canyons and hillsides, and water features such as lagoons and streams).

**C147: Maureen Bodow**

C147-1: The comment references the proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C148: Paul Turro**

C148-1: The commenter acknowledges receiving exhibits showing a revised open space boundary and expresses the comment that it appears the lot lines are shifted to the north when viewed on the aerial imagery. The city's geographic information system (GIS), which is utilized for all mapping, obtains aerial imagery and parcel boundaries from two different sources. Also, aerial imagery is captured at slightly different angles for different properties. The result is that when the parcel boundaries are overlaid on aerial imagery, the lot lines do not always match up precisely with the image.

C148-2: The comment states that the proposed open space boundary includes a portion of the stairway and lower deck, and requests the open space boundary not include these improvements, and that there be clear descriptive wording that states private improvements are not included in the open space designation.

The proposed open space boundary follows the mean higher high water (MHHW) line, and is generally west of all private improvements. However, there are a few properties, including the commenter's property, where it appears that a small portion of their stairway (the lowest portion that meets the sand) is located inside the open space boundary (west of the MHHW line). While this is the case, stairways and patios are allowed uses in the Open Space Zone and there is no conflict with city zoning regulations for these improvements. For consistency, it is important to use the same data source (MHHW line) to determine the open space boundary for all beachfront properties in the subject neighborhood - Terramar (except for the southern three parcels which have open space easements that extend east of the MHHW line).

**C149: Rebecca Williams**

C149-1: The comment references the proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C150: Rick Shellnutt**

C150-1: The commenter writes in reference to a proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposed zone change. After considering property owner concerns



regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning.

**C151: Robin Gartman**

C151-1: The comment references the proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C152: Scott Trafford**

C152-1: The commenter acknowledges receiving from the city a notice of proposed changes to the General Plan Land Use designation affecting their property. They state objections to the proposed changes based on a preference to keep the designations the same as they were when they bought the property.

The subject property is the Forum shopping center. The General Plan currently designates the property with a combination district of R/O/RMH that is comprised of: (1) Regional Commercial, (2) Office and (3) Residential 8-15 dwelling units per acre. Currently the zoning is P-C Planned Community and the property is part of the Green Valley Master Plan. The master plan controls types of uses that can be allowed for this property, and this would not change with the city's proposal. The Green Valley Master Plan identifies this property as a community retail center consistent with the proposed R designation, which is how the property is currently used. Also see response to comment B2-1 regarding the purpose of combination districts.

**C153: Tina Newkirk**

C153-1: The commenter writes in reference to a city proposal to change the land use designation of her property from RH/RM to RLM, and requests to keep her existing designations.

For the property in question, the purpose of the city's proposal is to resolve an inconsistency between (1) the land use and the zoning designations, and (2) the land use designation and the existing use of the property. The existing land use designations are RH Residential High (15-23 dwelling units per acre) over the northern corner of the property and RM Residential Medium (4-8 dwelling units per acre) over the remainder of the property. The existing zoning over the entire property is R-1-15,000, One Family Residential Zone with a minimum lot size of 15,000 square feet, which equates to 2.9 dwelling units per acre and is intended for large lot single family development, and does not implement the RH/RM land use designation. Based on the large lot single family character of the neighborhood (subject property is developed with a single family house and is located adjacent to other single family homes on large lots), the city's proposal is to change the land use designation to a lower density designation (RLM Residential Low-Medium 0-4 dwelling units per acre), which is consistent with the zoning, the existing use of the property and the nearby single family area.

**C154: Steven Handelman**

C154-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C155: Ted Quirk**

C155-1: The commenter references the proposed zone change for a portion of their property from the existing R-3 Multiple Family Zone to O-S Open Space zone, and asks why the city believes the zone change for a portion of the property is necessary.

In the case of the subject property, the current General Plan designates the western/beach portion of the property as open space (OS) and the eastern portion as residential (RH – Residential High 15-23 dwelling units per acre). The reason the beach area is designated as OS is that General Plan policy requires significant natural resources, including beaches, to be designated as OS. The Zoning Ordinance implements the RH land use designation on the property by zoning it R-3 – Residential High Density; however, the R-3 zone is currently applied to the entire property, including the western/beach portion that is designated by the General Plan as OS. The land use and zoning designations are in conflict with each other (residential zoning does not implement the open space land use designation); state law and city policy require zoning to be consistent with and to implement the General Plan. This is the reason the proposed zoning change was initiated for the property and neighboring ones on Ocean St., to ensure that the zoning and land use designations applicable to the subject property are consistent, and to clearly convey on both the General Plan Land Use Map and Zoning Map that the beach area cannot be developed with a residential or other use.

C155-2: The comment asks what additional restrictions are placed on the property and what rights are lost if a portion is zoned OS. No rights to private property are lost as zoning does not affect or change the ownership of property. Because the portion of the property that is proposed to be zoned OS is the beach and is otherwise undevelopable, nothing would change with respect to restrictions on development of structures. Even though a residential zone is currently applied to the beach area of the property, no development can occur there because of other regulations that preclude development on the beach, such as the General Plan OS designation, the city's Local Coastal Program, and the California Coastal Act, all of which take precedence over the Zoning Ordinance. The area of the property that is developable (east of the beach area) will remain designated for residential uses by the General Plan and Zoning Ordinance and no change to development standards will occur.

C155-3: The comment asks what rights the city or the public will acquire if a portion is zoned OS. None, as zoning does not affect or change the ownership of property.

C155-4: The comment asks by what authority the city can rezone a portion of a parcel. State law delegates land use authority to local jurisdictions, and allows the legislative body of each jurisdiction to divide land within its boundary into zones of the number, shape and area it deems best suited to carry out the purposes of state law that pertains to zoning. General Plan policy states that when uncertainty as to the precise boundary of a land use designation exists, the boundary can be interpreted in several manners. This includes where land use designation boundaries appear to reflect a topographic feature or natural resources, then the land use designation boundary is interpreted to follow such features. These types of features typically do not coincide with a precise property boundary, and therefore, necessitates more than one land use designation on a single property. As zoning implements the General Plan, a single parcel can contain multiple zoning designations, as well. On the subject property, the beach is a natural resource and the current General Plan OS land use designation and proposed OS zoning are intended to reflect that feature.

C155-5: The comment states that based on information provided by the city, it is not possible to tell precisely where the boundary will be drawn for the proposed OS zoning. The boundaries of the zoning map, as well as the General Plan land use map, are not drawn at the level of detail as would be found in a surveyed boundary or a legal description. Furthermore, it is the intent of the General Plan land use map to show the general outlines of various land use designations rather than to be precise legal boundaries. Staff provided to the commenter an aerial map zoomed in to the subject property and showing the location of the existing General Plan OS boundary. This open space area clearly follows the beach, and this is what the city intends to use for the proposed OS zone. The portion of the property west of the line would be zoned OS, and the area east of this line would remain zoned R-3 consistent with the existing General Plan land use designation boundaries. It is not the city's intention to apply the OS land use designation or OS zone to any developable portion of the property where the house or other improvements are located. Although the designation boundaries on the land use and zoning maps are not at a survey or legal description level of detail, the General Plan (existing and draft) contains policy language detailing how to interpret the boundaries (summarized in response to comment C155-4).

C155-6: The comment states opposition to the proposed zone change. For the reasons listed above in response to comments C155-1 thru C155-5, staff will recommend the zone change to the Planning Commission and City Council. However, the comment will be included in the material presented to the Planning Commission and City Council for their consideration of the draft General Plan.

C155-7: The commenter states they have not received a response to their questions (above). Subsequent to receipt of the commenter's second email, staff did respond specifically to all of the questions, and the responses are summarized in response to comments C155-1 thru C155-5.

C155-8: The comment states that the property to be rezoned needs to be specifically identified and it is not clear that a single parcel can have multiple zones. The proposed land use and

zoning maps clearly show the OS land use designation and zone applying only to the beach portion of the property. See response to comments C155-4 and C155-5 regarding multiple designations/zones on one property and the interpretation of mapped boundaries.

C155-9: The comment reiterates objection to the proposed zone change. For the reasons listed above in response to comments C155-1 thru C155-5, staff will recommend the zone change to the Planning Commission and City Council. However, the comment will be included in the material presented to the Planning Commission and City Council for their consideration of the draft General Plan.

**C156: Tim Johnson**

C156-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses opposition to the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning in this area.

**C157: Kathryn Hall**

C157-1: The comment references the proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposed zone change. After considering property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning.

C157-2: The comment expresses opposition to the proposed zone change. See response to comment C157-1.

**C158: Denise Hendricks**

C158-1: The commenter acknowledges receiving from the city a notice of proposed changes to the land use and zoning designations. The comment asks for clarification as to whether the subject property is the RV lot owned by the Seaport Villas condominium association, and asks how the city can change (the land use and zoning designations to Open Space) and how the city will compensate the community (for the impact of removing the residential designations and replacing with Open Space). The subject portion of property is 100% constrained by a major powerline easement, and therefore is already considered undevelopable; there is no impact from a diminished development potential. Also see response to comments C131-1.

**C159: Jeffrey Neichin**

C159-1: The commenter acknowledges receiving from the city a notice of proposed zone change from the existing R-2 Two Family Zone to the RD-M Residential Density-Multiple Zone. The comment expresses a concern about the proposed zone change. After considering

property owner concerns regarding the proposed zone change, the city has chosen to withdraw the proposal, and no change is proposed to the existing R-2 zoning.

**C160: Yehuda Krampfner**

C160-1: The commenter writes in reference to a proposed zone change from the existing R-1-10,000-Q One Family Zone to the RD-M Residential Density-Multiple Zone, and expresses a misconception that the city is proposing to re-designate their community from a single family area to a multi-family area. See response to comment C135-1.

**C161: Chad Phillips**

C161-1: The comment expresses concern about all of the developments going on in North Olde Carlsbad and about the potential sale of city owned Buena Vista Reservoir to a developer. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C161-2: The commenter believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C162: Giovanna Spinosi Phillips**

C162-1: The comment is a repeat of comment letter C161, please see response to comment C161-1.

C162-2: The comment is a repeat of comment letter C161, please see response to comment C162-1.

**C163: Emy Reilly**

C163-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. In addition, the comment states that Buena Vista Elementary School field is locked up and not open for public use. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. Please see master response MR1-6 regarding use of school sites for recreation purposes. The city has a joint-use agreement with CUSD for Buena Vista

Elementary School that allows the fields to be available to the public for evenings and weekends. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C164: Michael Barone**

C164-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, and would like to see the property preserved as a park or open space, and believes that there is enough homes and density in the area. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C165: Connie Chavez**

C165-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. In addition, the comment states that Buena Vista Elementary School field cannot be utilized. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. Please see master response MR1-6 regarding use of school sites for recreation purposes. The city has a joint-use agreement with CUSD for Buena Vista Elementary School that allows the fields to be available to the public for evenings and weekends. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C166: Robert Dentino**

C166-1: The comment references an update to a neighborhood poll showing most in the area against selling Buena Vista Reservoir. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C167: Mark Cunningham**

C167-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, and requests that that the Buena Vista Reservoir be considered for use as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C168: Robert Gilbert**

C168-1: The comment requests that that the Buena Vista Reservoir be considered for use as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C169: Rick Lantz**

C169-1: The comment expresses concern about all of the developments going on in North Olde Carlsbad and about the potential sale of city owned Buena Vista Reservoir to a developer. The comment also requests that that the Buena Vista Reservoir be considered for use as a park. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C169-2: This comment, as a follow-on to C169-1, provides a reference from the Carlsbad Growth Management Plan, and asks to city to protect the Carlsbad's excellent quality of life by using the Buena Vista Reservoir. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. The draft General Plan and EIR are also consistent with the Growth Management Plan. Please see response to comment C169-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C170: Manuel Contreras**

C170-1: The comment requests the city to save the Buena Vista Reservoir and believes high density housing on the property would not be a good use of the land. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C170-2: The comment expresses concerns the drought, water costs and traffic. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level. See Chapter 3.12 for impacts to public utilities and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review. Water cost is not analyzed as part of the draft General Plan and EIR, and as such, no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C170-3: The comment requests the city to save the Buena Vista Reservoir and other open spaces, and requests that that the Buena Vista Reservoir be considered for use as a park. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. The amount of open space will not be reduced by the draft General Plan, please see master responses MR1-1 thru MR1-4. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C171: Stephanie OBrien**

C171-1: The comment opposes selling the Buena Vista Reservoir property to developers and expresses general concerns about water supply, congestion and compromise of rural feel. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level. See Chapter 3.12 for impacts to public utilities and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

Please see draft EIR Chapter 3.1 for impacts to aesthetics. All development in Carlsbad has occurred in compliance with the General Plan and Growth Management Plan. There are no proposed land use changes in the Olde Carlsbad area that would increase the density or intensity of development already allowed by the existing General Plan. The comment will be included in the materials presented to the Planning Commission and



City Council for consideration in making their decisions with respect to the draft General Plan.

**C172: Susan Berson**

C172-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. The comment also states that there are no parks within walking distance. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. Please see master response MR 2-3 regarding parks within walking distance. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C173: Larry Peifer**

C173-1: The comment requests that that the Buena Vista lagoon be preserved as a park, and votes against development. Buena Vista Lagoon is designated in the existing and draft General Plan as open space. No development or land use changers are proposed by the draft General Plan for the lagoon. If this comment is in regards to the Buena Vista Reservoir, please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C174: Lisa Ash**

C174-1: The comment expresses concern about housing at the Buena Vista Reservoir property, believes that more parks are needed in Olde Carlsbad and that a park is more appropriate for the Buena Vista Reservoir property. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C175: Kathy Taylor**

C175-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and

City Council for consideration in making their decisions with respect to the draft General Plan.

**C176: Duv Macgurn**

C176-1: The comment expresses concern about all of the developments going on in North Olde Carlsbad and requests that the Buena Vista Reservoir be considered for use as a park. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C177: Joan Suffriedini**

C177-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, and believes that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir, and please see master response MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C178: Summer Johnson**

C178-1: The comment states that northern Highland Drive community of Carlsbad has not parks that are readily accessible. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C178-2: The comment states that Buena Vista Elementary School field is locked up and not open for public use. Please see master response MR1-6 regarding use of school sites for recreation purposes. The city has a joint-use agreement with CUSD for Buena Vista Elementary School that allows the fields to be available to the public for evenings and weekends. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C178-3: The commenter believes that more parks are needed in Olde Carlsbad and requests that the Buena Vista Reservoir be considered for use as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the

materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C179: Gerardeen Santiago**

C179-1: The comment expresses a concern about the potential sale of city owned Buena Vista Reservoir to a developer and a potential loss of privacy, and asks the city council to consider the following suggestion: to allow property owner's adjacent to the Buena Vista Reservoir buy the portion of that property that abuts each of their individual properties. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment about privacy is not a comment about the draft General Plan and EIR, and as such, no response is required. The suggestion provided by the commenter is not a comment about the draft General Plan and EIR, and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C180: Michele Lin**

C180-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, and believes that the Buena Vista Reservoir property is a good example of property that should be used as a park and that using it as such would preserve the unique characteristics of Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir, and please see master response MR2-2 regarding the provisions of parks in Olde Carlsbad. All approved development projects were found to be consistent with the General Plan and Growth Management Program. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C181: Nancy Chartier**

C181-1: The comment requests that that the Buena Vista Reservoir be kept as open land or used as a park, and asked that new developments be required to preserve some of the old trees rather than clear cutting. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Carlsbad's Habitat Management Plan contains policies that require preservation of certain types of trees. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C182: Penny Johnson**

C182-1: The comment expresses disappointment about the quality of parks along Pio Pico and believes that more parks are needed in the North West Quadrant. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, the comment

will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

C182-2: The comment expresses the belief that the Buena Vista Reservoir property is a good example of property that should be used as a park, and does not think that Veteran's Park is close and available to NW citizens. Please see master response MR2-2 regarding the provisions of parks in Olde Carlsbad and master response MR1-7 regarding Veteran's Park. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C183: Ziv Ran**

C183-1: The comment expresses disappointment about the quality of parks along Pio Pico, believes that more parks are needed in the North West Quadrant and the belief that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, master response MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**C184: Sidney Smith**

C184-1: The comment lists a variety of statements and reasons why Buena Vista Reservoir should be converted to a park or usable open space. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

## **D. Received after close of comment period for Draft EIR Comments and Responses**

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This section provides each letter received after close of comment period for the Draft EIR in response to the DEIR, with specific comments identified with a comment code in the margin. Following the letters, responses to the comments are provided.

**From:** Allen Sweet [mailto:allen.sweet@sbcglobal.net]

**Sent:** Friday, July 11, 2014 10:29 AM

**To:** Jennifer Jesser

**Subject:** Re: General plan comments

D1-1

Let me give you a couple of comments from my daughter relative to biking.

D1-2

For one thing she and fellow bikers do not like lane sharing - so called sharows. They do not give the bikers adequate safety. Better than sharing a lane is put the bikers one street over from the busy street on what is otherwise a less busy or residential street. Yes - we need bike lanes and paths, but separate them from the cars. This concept would also solve my concern of taking so many important streets in Carlsbad by giving the bikers priority and reducing cars to a lessor role.

D1-3

A lot of places have put a bike lane between parked cars and the car driving lane. The bike lane should be outboard and then the parked cars. The parked cars act as a safety barrier for the bikers and the bikers only need to be concerned for parking cars.

Allen Sweet

**From:** Evelyn Montalbano [mailto:pemont@sbcglobal.net]  
**Sent:** Thursday, September 04, 2014 10:53 AM  
**To:** David de Cordova  
**Cc:** Jennifer Jesser  
**Subject:** Re: General Plan Update

D2-1 I, and other residents on La Costa Avenue, attended the video presentation given by the City of Carlsbad at the Schulman Auditorium last week. At this presentation, the Council Members held a Q&A session. Our question was about The La Costa Avenue Improvement Plan.

We had been told by the Transportation Department that further improvements would be made. As you know, presently, there is an interim restriping plan in effect which has created one lane of traffic westbound on La Costa Avenue ("LCA") from Nuevo/Viejo Castilla Way to Fairways Lane. The further improvements we thought were going to be implemented are: roundabouts, landscaped segmented, center medians and an eastbound one lane of traffic.

Well, to our surprise at the presentation the Council said, "we feel we are happy with the status quo on La Costa Avenue".

D2-2 Remember, after the motorcycle accident litigation, the Judge mandated that LCA be made safe. The City went into overdrive and held extensive public community meetings to decide what should be done to improve the safe driving conditions on La Costa Avenue for all drivers [not just for the homeowners with driveways adjacent to LCA], a secondary arterial road. The professional traffic consultants put forth an array of solutions.

So far, what has been done is the equivalent of a \$50 bucket of paint. The City of Carlsbad does think they have "Design Immunity". However, a game changer has been thrown into the mix: The La Costa Avenue Town Square

D2-3 The Transportation Department has said that the traffic will not increase on LCA because people will shop in their own backyards. Well, this remains to be seen. Not everyone lives in the Town Square's backyard -- but that's their story and they're sticking to it. They do not want roundabouts for LCA and yet they have successfully constructed one downtown to much applause.



D2-3 | We all know that perception is everything. It really does look like generating traffic for the Town Square was made primary and the safety on LCA was secondary. We do worry about another accident on LCA and uncontrolled traffic. More condominiums and townhomes have been built on both sides of LCA.

D2-4 | **Here is the most egregious point:** The motorcycle accident occurred when a car exiting a private driveway was making a left-hand turn and T-boned the motorcyclist. This very issue screams for the implementation of segmented, center medians. These medians, being landscaped, would beautify the area. Yes, La Costa Avenue is a secondary arterial road. Nevertheless, private adjacent driveways and numerous condominiums and townhomes line both sides of the road.

At the very least, we need more traffic mitigation measures. **Landscaped, segmented center medians would not disturb the traffic flow to the La Costa Town Square.** Eliminating those Evel Knievel left-hand turns, would have a major impact on the safety of all drivers on La Costa Avenue. The number of these drivers will increase with the La Costa Town Square -- no matter how you spin it.

D2-5 | The funds -- approximately \$1.1 million for La Costa Avenue traffic improvements -- are in the Capital Improvements Budget ("CIB"). These funds have nothing to do with the La Costa Town Square. They were designated before its existence. No, a \$50 bucket of paint is not enough. In light of all the circumstances listed above, is it really wise to ignore the Judge's mandate? Will all of the revenue from the La Costa Town Square be worth taking such a huge risk? Risk assessment is vital here; perhaps it would be wise to have a bit more cover.

Evelyn Montalbano



**From:** Ian Pierson [<mailto:ianpierson@hotmail.com>]  
**Sent:** Saturday, July 26, 2014 11:51 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir

Hi,

D3-1 | We would like to again express our desire that the BVR be converted to an open space or park. My daughter is six years old and would love a place to play and run around (we don't have a lawn in order to conserve water) as well as a place to ride her bike - the neighborhood has limited sidewalks and many of them are blocked by telephone poles (which is another issue...). An open space would not only benefit the current residents of the neighborhood, but also those moving in to the many new developments already in progress.

Thank you,  
Ian Pierson  
Jenny Ferrero

D3-2 | > Subject: Buena Vista Reservoir  
> From: [ianpierson@hotmail.com](mailto:ianpierson@hotmail.com)  
> Date: Tue, 25 Feb 2014 10:22:36 -0800  
> To: [council@carlsbadca.gov](mailto:council@carlsbadca.gov)  
>  
> Hello,  
> My wife, daughter, and I live at 2399 Spruce Street and we were recently made aware of a proposal to sell the Buena Vista Reservoir to be developed into a residential subdivision. We feel that converting that land to a subdivision would not only have a negative impact on the neighborhood - increased traffic, increased noise, changed character - but would be a missed opportunity to improve the neighborhood. Converting the land to a park or open space would benefit not only the people living in this neighborhood, but everyone in Carlsbad as well.  
>  
> We would like to strongly encourage you to not convert the Buena Vista Reservoir to a subdivision, but to instead use it for a purpose that will benefit and improve the neighborhood and Carlsbad in general.  
>  
> Thank you,  
> Ian Pierson  
> Jenny Ferrero

**From:** Jo Ann Sweeney [mailto:j.ocean92008@yahoo.com]  
**Sent:** Monday, August 11, 2014 11:58 AM  
**To:** Jennifer Jesser  
**Subject:** General Plan, Open Spaces, and Proposed Developments El Camino Real

August 11, 2014

To: Mayor Matt Hall , City Council Members: Mark Packard, Michael Shumacker, Keith Blackburn, Lorraine Wood and Planning Commissioners: Ms. Jennifer Jesser, et al

Re: General Plan update, concern about "Open Space" issue and planned developments off of El Camino Real – input from resident of Carlsbad

D4-1

I have been a Carlsbad resident since 1997. I consider it a pleasure to live in such a beautifully gorgeous and well-maintained city. I have lived in many other places: the Lehigh Valley Area in Pa., Washington DC., Northern Virginia, the Sacramento, Ca. Area, and the Bay Area of Northern California. I love the beauty of Carlsbad.

I continue to be a proponent of the 40% open space for the Carlsbad General Plan. I have attended city council meetings and listened intently to what the citizens of Carlsbad want – 40% open space as initially decided in 1986. I attended your July 15, 2014 workshop on open spaces and parks. That workshop clarified many issues for me, however as the last remaining undeveloped land is being developed, it is still important to continue to enforce the 40% open space protocol. Many residents of Carlsbad expressed at city council meetings, that they also want the 40% open space protocol followed. Imagine, if the remainder of the undeveloped area looked like Aviara Parkway leading onto College Blvd. Although there is a multitude of residential buildings, one also sees The Crossing Golf course in the distance and still some open, natural land, without the distraction of needless commercial mini malls. Aviara Parkway is not as congested with traffic as the El Camino Real leading to Encinitas. El Camino Real has an over abundance of many small shopping centers south of Palomar Airport Road. There is traffic gridlock even during nonpeak hours. This is not the vision I see for the last remaining undeveloped area of Carlsbad along El Camino Real north of Palomar Airport Road.

D4-2

I am for a balanced approach with slow and judicious building for the final build-out of the properties around El Camino Real, College Blvd., land around the new Sage Creek High School, and land behind and above Rancho Carlsbad and Sunny Creek Plaza. I am very concerned about road congestion/gridlock, air pollution from increased traffic, and high density housing that will have a significant impact on water reserves, public safety- police, fire and medical responders and city services. Development in this area should be proceeded cautiously and slowly to keep up with the concerns about our valuable resources and services. I would anticipate that there would be a building moratorium if the severe drought conditions continue. I implore the Carlsbad City Council members to not change any of the zoning in these areas. Please maintain the zoning for the Sunny Creek Plaza area at the intersection of El Camino Real and

D4-2 | College Blvd. as either open space or, if necessary, only allow for low density housing. The current golf course at Rancho Carlsbad should continue to be zoned as open space. This would be within the original intent of the plan to allow this land to remain rural in nature. The current Rancho Carlsbad Golf Course allows an affordable alternative to many seniors and young adults to enjoy recreation on the only par 3 golf course in Carlsbad. Most of the other golf courses are too expensive and difficult for aging seniors to play and young adults to learn to play golf at an affordable cost.

D4-3 | I have reread the City Council's Priority Projects dated 5/13/14. The Executive Summary for the City Council's annual planning workshop 1/22/13 focused on "continuing to strive for excellence and balancing an excellent quality of life with a thriving local economy." Under priority for balancing land use policies with a changing community...." The city adapts land use policies to address population and demographic trends. This will ensure that the city maintains its high standards and balances a thriving community with the need for tranquil, natural spaces."

D4-4 | The devastating fire in May 2014 was a wake-up call to us all as we are in the third year of a drought. I am concerned that with increased building, especially shopping center/retail centers and additional proposed high density housing, there will be increased water use, an explosion of roadway grid lock during peak traffic hours, and a drain on our necessary public services. Due to increased traffic, there will be increased cost for road maintenance, increased costs and slower response times for fire and police protection, accidents, and medical emergency calls. Lastly, due to the increased fire hazard, it is imperative that all new building standards call for underground utilities instead of overhead wires that have been and are a definite fire hazard.

D4-5 | Since I am for a well balanced, well planned, and judicious growth of the city of Carlsbad, I am also in favor of the revitalization of parts of Carlsbad (especially the Barrio and the downtown village area). The residents of these areas have waited a long time for revitalization. I strongly advocate that the Buena Vista Reservoir Area be made into a park.

D4-6 | Allow Carlsbad to be the unique city by the sea. Continue with the vision to create and maintain the small downtown feel that so many residents crave, allow for varied employment opportunities for all ages and affordable housing for all workers to have the opportunity to participate in the Carlsbad life style in a safe and thriving community while maintaining open, tranquil spaces. I moved to Carlsbad seventeen years ago because of Carlsbad's reputation for excellent schools, planned growth, and it's enjoyable quality of life. It is possible to have slow and balanced growth of our city, yet maintaining some of the natural, open terrain and still have a thriving community.

Sincerely,  
JoAnn V. Sweeney  
5342 Forecastle Court  
Carlsbad, Ca. 92008

**From:** Madeleine Szabo [<mailto:mbszabo@snet.net>]

**Sent:** Tuesday, July 22, 2014 4:01 PM

**To:** Andrea Dykes

**Subject:** Development

**D5-1** | My husband and I retired to Carlsbad two years ago because of the unique beauty of this city. The vistas and open space beckoned us to an area with little to moderate traffic and with comfortable living standards. Now we find the City Council is changing the complexion of this city by approving many more units.

What happened to the 1986 goal to keep 40% undeveloped in Carlsbad? In light of the water shortage, of the detrimental strain on our resources, of increased traffic and pollution, the Carlsbad Council must eliminate the plans for adding 23,000 residents, 7.5m sq ft of commercial buildings, and 2,600 hotel rooms in the revised General Plan.

**D5-2** | Carlsbad is unique. It has a quality of life that is unparalleled by the surrounding towns. Carlsbad should not be compared to surrounding towns, nor should it emulate them. Just because San Marcos or Escondido or any other towns have less open space does not mean we have to have less open space and be complacent about more development.

What happened to the goal of 40% open space at build out? I want to know how development projects like Dos Colinas and the hundreds of multi-family units planned in the immediate vicinity got approved? (the area near Rancho Carlsbad golf course off of El Camino Real and College Boulevard extension). The gorgeous vistas and natural habitat will be gone forever. Please keep in mind, once open space is gone, it can never return.

**D5-3** | I look forward to hearing from you and to receiving a solid leadership plan for keeping Carlsbad as it is today: a unique beachside community replete with exquisite vistas, little congestion, and ample resources (water, police, firemen, parks, etc.) for the existing residents.

Respectfully submitted,

Madeleine Szabo  
5338 Forecastle Court  
Carlsbad, CA 92008  
760-814-2550

Madeleine Szabo  
5338 Forecastle Court  
Carlsbad, CA 92008  
760-814-2550

To the members of the:  
CITY COUNCIL  
ACM ✓✓ CA \_\_\_ CC \_\_\_  
Date 8/25/14 City Manager ✓  
CC: CED Director

July 30, 2014

D6-1 Dear City of Carlsbad Mayor, Council Members, and Planning Commission,

I am writing to oppose planned commercialization along El Camino Real north of Palomar Airport Road: specifically the designations of the Sunny Creek Plaza and the Robertson Ranch project. I also would like to point out flaws in the assessments of the City of Carlsbad Planning Commission and Council. These two designated land spaces should remain open space (The City of Carlsbad should buy them to retain much desired open conservation land) or zoned as low-density housing.

D6-2 After speaking with Jennifer Jesser, Senior Planner, Carlsbad Planning Division, and with Carlsbad Mayor Matt Hall, I learned that the planned commercialization along El Camino Real north of Palomar Airport Road is based on two documents: the City of Carlsbad SHOPPING CENTER POLICIES GPA 00-04 and the SHOPPING CENTER REDESIGNATIONS GPA 01-06 (all quoted statements below are citations from these documents).

The recommended action put forth by these "Shopping Center Policies" presents some contradictory conclusions. Bottom line, the "special design guidelines", when properly followed, do not indicate a need for new shopping centers along the "scenic corridor" of the El Camino Real area of the NE and NW quadrants.

**Executive Summary:**

D6-3 • **The Planning Commission in 2001 deleted the policies of where "to locate shopping centers recommended by the original staff", asserting that those policies "would have prohibited new sites for local shopping centers from being located on El Camino Real". However, the Planning Commission did acknowledge that the area along El Camino Real north of Palomar Airport Road is a "designated scenic corridor", which is why the "original staff "prohibited new sites for local shopping centers from being located on El Camino Real."**

D6-4 • **The scenic quality of El Camino Real in the area between Lisa Road and Cannon Road, designated as Robertson Ranch, and between Jackspar and College Boulevard, designated as Sunny Creek Plaza, will be detrimentally affected. Commercial or retail development is incompatible with the designation even if the shopping center follows strict design guidelines. The build-out in this area cannot possibly preserve the scenic quality due to increased: parking lots, traffic, congestion, litter, blacktop, LED lighting, lighting poles, electrical poles, water usage, wastewater runoff, noise, crime, etc.**

D6-5 • **The stated objectives of the "Shopping Center Policies" guard against "creating undue overlaps in trade areas, while providing desirable diversity without over-commercialization, consistent with the prime concept and image of the community as a**

**desirable residential, open space community**". With the planned shopping centers along this scenic route, there are overlaps; there is over-commercialization.

There is no "need" for more local shopping centers in the NE and NW quadrants of El Camino Real as defined in the guidelines:

**Details:**

1. Within close proximity (within 5-10 minutes driving time), there are an abundance of shopping centers: The Islands on Faraday; Bressi Ranch; Lowes on Palomar; Staples/Starbucks at Palomar Airport and Loker Ave.; Westfield Plaza; Vons, Sprouts off El Camino; Vons on Tamarack; Walmart, Kohl's, Albertsons, and College Plaza Shopping Center on College Blvd; Vista shopping on Park Center Drive; the Carlsbad Outlet Center; Costco; and all the shopping along Vista Way in Oceanside. All these shopping options are "within the acceptable travel times for patrons to travel to stores to meet their shopping needs".

Therefore, the need does not exist for additional shopping centers, especially not at the expense of negatively impacting the "scenic corridor" and the natural environment. **The City of Carlsbad should not eliminate one of the last minimally congested areas to live in beautiful Carlsbad.**

D6-6

2. Consistent with the guidelines set forth by the "Shopping Center Policies GPA 00-04", more shopping centers along the El Camino Real NW and NE quadrant "conflict with adjoining residential areas" because of many factors including "Controlling lights, signage, and hours of operation .....that will "adversely impact surrounding uses" (Resolution No. 2001-46 of the General Plan).

D6-7

3. "STATE CEQA GUIDELINES, Chapter 3, Article 5, Section 15063 requires that the City conduct an Environmental Impact Assessment to determine if a project may have a significant effect on the environment. The Environmental Impact Assessment appears in the following pages in the form of a checklist. This checklist identifies any physical, biological and human factors that might be impacted by the proposed project and provides the City with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR)."

In compliance with the State Guidelines, the two local shopping centers of concern, Robertson Ranch and Sunny Creek Plaza, were reviewed and a Negative Declaration (no impact on the environment) was issued.

D6-8

It is self-evident that the impact on the environment and on the quality of life for the surrounding residents is potentially significant. The Negative Declaration lacks any meaningful environmental analysis. There will be significant impact. Contrary to the Negative Declaration, commercial or retail development of the open land at these two sites will result in:

- a. **GEOLOGIC PROBLEMS.** Danger of exposing people to potential impacts involving: a) Fault rupture, b) Seismic ground shaking, c) Seismic ground failure, including liquefaction, d) Erosion, changes in topography or unstable soil, e) Detrimental conditions from excavation, grading, or fill.

The surrounding area of the two proposed shopping centers have (or will be developed with) housing units on newly formed hillsides that will be impacted by seismic ground shaking from new building projects. The habitat of the surrounding area will also be negatively impacted by excavation and changes in topography, specifically large amounts of blacktop and concrete.

- b. **WATER.** Due to the many creeks in the surrounding area, due to grease runoff from proposed restaurants or grocery stores, due to disruption of water flow, the shopping centers would result in: a) Changes in absorption rates, drainage patterns, or the b) Exposure of people or property to water related hazards, c) Changes in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability, d) Altered direction or rate of flow of groundwater, e) Impacts to groundwater quality, f) Substantial reduction in the amount of groundwater otherwise available for public water supplies.
- c. **TRANSPORTATION/CIRCULATION.** The two proposed shopping centers will result in increased vehicle trips and traffic congestion.
- d. **BIOLOGICAL RESOURCES.** Further development of Robertson Ranch and Sunny Creek by adding unnecessary shopping centers would significantly impact the habitats of plants, fish, insects, animals, and birds and displace the wildlife.
- e. **NOISE.** The proposal would result in:
  - i. Increases in existing noise levels
  - ii. Exposure of people to severe noise levels.

**Summary of Elements of Impact:**

The proposed shopping centers at Robertson Ranch and Sunny Creek Plaza will result in:

- 1. Increases in existing noise levels.
- 2. Impact on traffic and circulation and air quality from more cars entering and leaving and parking in the shopping center.
- 3. Displacement of the local wildlife that currently exists on the open lands.
- 4. Increased need for police surveillance, for road maintenance, and for fire protection.
- 5. Increased need for utilities:
  - a. Power or natural gas
  - b. Communications systems
  - c. Local or regional water treatment or distribution facilities
  - d. Sewer or septic tanks
  - e. Storm water drainage
  - f. Solid waste disposal
  - g. Local water supplies

6. Negative impact on aesthetics:
  - a. Creates light or glare that does not exist now
  - b. Affects scenic vista
7. Disruption of Cultural Resources: Residents in the area have identified numerous archeological resources on the open land (Indian artifacts, fossils, rare plants, and the like).
8. Degradation of quality of the environment by substantially threatening to eliminate a plant or animal community and disrupting the surrounding natural habitat with increased traffic, congestion, and pollution, especially with glaring lights, disrupted land, and increased cars stopping and going through the area.

D6-9

9. Financial impact on the City from the attendant need to widen the road and install more traffic lights to manage the traffic flow and to adhere to the guidelines: roads and traffic management that will "assure safe, and functional access to the center" and will be "readily accessed from principal travel routes and have several entrances." (p. 16).

D6-10

10. It is important to note that Carlsbad is already oversaturated with office buildings and retail spaces that do not lease. With Best Buy and other major players closing storefronts, it is surprising that Carlsbad would continue with open space commercial or retail zoning. Take serious note of the issues with Westfield Camino Real. Revenue is great; however, not at the expense of our quality of life and the problems (homeless, gang hangout, etc) when a center is abandoned or leasing is difficult. No one wins.

D6-11

11. A Council Member told me recently that with the large number of residents moving into this area to the planned developments, we need more shopping centers to keep them from being on the road longer. People will drive to wherever they like to shop, oftentimes out of their immediate neighborhood. Since there are already numerous shopping facilities within a 5-10 minute drive, the local shopping center will not serve any purpose than to add more cars stopping and going along this section of El Camino Real. Residents from the surrounding area and cars passing through would then be pulling into the shopping center and causing more congestion.

The only reason there will be more on the road in this area is because of the more housing being developed. Adding a shopping center as well serves only to add cars stopping and going.

D6-12

12. A Council Member told me that modernization of the traffic lights is planned. The problem is not how efficiently the traffic lights operate; the problem is volume of cars. More housing and shopping store development results in more cars and more congestion. Managing the flow of cars with maximum efficiency does not mitigate the fact that more cars need more traffic lights and that longer wait times at traffic lights will result. The stop and go traffic creates more air pollution and more inconvenience for residents.



D6-13

**The Commercial Development Survey Report** that is included in GPA 00-04 summarizes the desire of Carlsbad residents for no more development:

“When matched in these trade-offs, the values underlying a less intensive development policy were selected by Carlsbad residents to a much greater degree than were those which would lead to more development. The reduction of traffic congestion prevailed in 87.5% of these matched pair trade-offs. **The preservation of open space along El Camino Real prevailed 79.5% of the time, and the minimization of visual and noise pollution prevailed at a 79.3% rate”.**

**Conclusions:**

D6-14

For the numerous reasons stated above, **the City of Carlsbad should abide by “the original staff recommendation {that} contained a policy that would have prohibited new sites for local shopping centers from being located along El Camino Real....{in order} to preserve the scenic quality of this designated scenic corridor.”** (Policy C.2.6, page 32 of Exhibit “W”).

In light of the many shopping options that currently exist for the residents in the NE and NW quadrants of El Camino Real within a 5-10 minute driving distance, there is no justification for more “local shopping centers” that “conflict with or adversely affect any of the 14 environmental factors (i.e., Land Use and Planning, Population and Housing) as listed in this Environmental Impact Assessment Form and expanded on below”. (Rev. 03/28/96 p. 39, SHOPPING CENTER POLICIES, GPA 00-04).

In Carlsbad, there is already a plethora of residential options to meet the desire of residents who want a shopping center that is within walking distance or closer driving distance than 5 minutes. May it be noted and upheld that the scenic corridor along El Camino Real in the NE and NW quadrants is one of the very last sections of Carlsbad to be commercialized. In its overall General Plan, Carlsbad should provide different residential communities: one of which has open spaces and scenic vistas with minimal traffic and congestion for those residents who do not care about being able to walk or drive less than 5 minutes to a store.

The outcome of more development is a drain on resources, increased traffic and congestion, potential for more buildings to be empty and not leased, and damage to the natural habitat and surrounding natural environment. Remember, once this open space at Robertson Ranch and Sunny Creek is gone, it is gone forever.

I thank you in advance for your loyalty to the goal of maintaining the unique quality of life and scenic beauty of Carlsbad. As I am sure you agree, Carlsbad does not need nor desire more commercialization and development. I look forward to your response.



Respectfully submitted,

*Madeleine Szabo*  
Madeleine Szabo

P.S. If anyone is interested in reviewing the two "CITY OF CARLSBAD – AGENDA BILL"s regarding General Plan Amendment GPA 01-06., Shopping Center Policies, please let me know and I will email them to you in a separate email:

1) SHOPPING CENTER POLICIES GPA 00-04 (continued)  
AB# 16, 128, MTG: 3/27/01 243 pages.

2) SHOPPING CENTER REDESIGNATIONS GPA 01-06  
AB# 16, 672, MTG: 3/5/0201-06 129 pages.

**CONCUR:**

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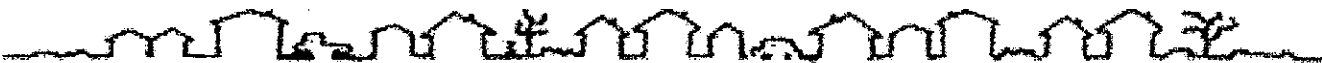


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Telephone 760 931 8776





Madeleine Szabo  
5338 Forecastle Court  
Carlsbad, CA 92008  
760-814-2550

August 19, 2014

D7-1 City of Carlsbad Council and Mayor:

I am writing on behalf of "Friends of Carlsbad Scenic Corridor, a grassroots neighborhood organization whose goal is to preserve, protect, and enhance the natural environment and beauty of NE/NW El Camino Real, formerly designated as a "scenic corridor".

D7-2 We implore you to support:

1. Keeping the Rancho Carlsbad Golf Course zoned as Open Space. Thank you for your continuing support not to change the zoning designation for this property.

D7-3 Please support:

2. Rezoning Sunny Creek as Low-density housing or Open Space.

\* Background: It is now zoned for Commercial, but the Council requested the City staff to recommend designating that property as commercial/high-density housing.

\* The traffic and congestion will be severely impacted. El Camino Real in this area was always designated a "scenic corridor" in the General Plan. Developing it with commercial/high-density housing defiles the beauty and scenic habitat along the NE section of El Camino Real.

D7-4 Please uphold:

3. The integrity of our zoning standards.

\* Council Members, please refrain from excessively awarding zoning variances to developers, a practice that undermines the zoning laws and provides a precedent for all developers to request similar variances in order to maximize their financial gain.

\* A recent example: the developer of the Encinas Creek Apartments requested, and was awarded, variances to build more housing units over and above the maximum within the designated zoning standard. Now, future developers will request similar variances for their financial benefit, at the expense of disrupting the environment and character of Carlsbad, for which zoning regulations are originally established.

D7-5 Please support:

4. Properly and accurately designating all residential units that house "permanent" residents.

\* Designate Professional Care Facilities and 2nd Dwelling Units as residential (they are not temporary housing; they contain residents like any other housing unit does).

- Not counting such units as residential results in more development of residential units in a zone; thus, generating higher density housing, more traffic, increased congestion, increased noise, increased use of utilities, more pollution, increased demand for City services, and other negative impacts from increased development.

D7-6

Together we will make a difference and keep the NE/NW part of El Camino Real a "scenic corridor" with minimal traffic, congestion, car pollution, noise, glaring lights, and we will ensure that our water shortage problem is not exacerbated. Most importantly, we will preserve our unique and beautiful vistas and keep the character of Carlsbad. That should be your legacy.

Respectfully submitted,

Madeleine Szabo

cc: Friends of Carlsbad Scenic Corridor

From: Michael Kroopkin  
Date:08/08/2014 2:32 PM (GMT-08:00)  
To: [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)  
Subject: Fwd: Important! The traffic is coming. The scenic hills will soon be gone...

D8-1

Dear Mayor Matt,

I am writing to you because I have great concerns over the plans coming forth for El Camino Real. Commercial buildings, High Density housing, elimination of open areas and so on. I am a great supporter of Carlsbad. I see you at many functions whether in my Volunteer police uniform or not. I know that you overheard me talking about how great our city is while eating Chinese. I live in Evans Point, just off ECR and the traffic all ready is very heavy. Yesterday and the day before I left me home at 4:00 and traffic going North was backed up from Jackspar all the way past College to Faraday. This is not a once in a while situation. The plans for Robertson Ranch and the addition of other commercial and high density projects will be a detriment to our city and certainly a negative to the residents that live nearby. I am truly hoping you will reconsider and guide our city in the right direction. Attached is a letter I received from a neighbor that sheds some serious concerns for our future. Please revisit these projects and work to keep the open feeling of this fantastic city.

Thank you  
Michael J. Kroopkin  
2322 Masters Rd  
Carlsbad, Ca. 92008  
760-931-6786

D8-2

Please join us to strategize on how we can hold back the bulldozers....

Next Wednesday, August 13th, at 6pm, we will meet at the end of Forecastle Court cul-de-sac (in front of Tiffany David's house: #5353). Bring a chair and a beverage. Our presence outside will be more visible and more approachable to attract people who are interested but not comfortable going to a house meeting.

I spoke a long time yesterday to Jennifer Jesser, the senior planner on the revised General Plan. There IS something we can do now.

We can write emails/letters and/or call the Council Members and Mayor. We need to redirect the Council's bias towards developing open land and causing more traffic and congestion. There is two things we can do now:



1) The Sunny Creek Plaza lot across from Camino Hills on El Camino is currently being redesignated **from** an "all commercial" lot **to** a part commercial and HIGH-density housing. The Council Members have directed the planning staff to recommend high-density housing in addition to retail stores on this lot. The only way to change the designation is to prevail upon the Council Members to redirect the staff to look at designating the property for LOW-density housing or for OPEN SPACE.

2) Currently the golf course at Rancho Carlsbad, which is privately owned, is designated "open space." We must show support to the Council to keep the golf course land designated "open space" in order to keep the property owner from developing it (which he will be inclined to do to make more money off of the land). They are looking to change the "open space" designation in order to develop the land. It is important to express our support of the Council to keep Rancho Carlsbad golf course zoned as open space.

Similar to the "open space" designation of the Rancho Carlsbad golf course property, the Sunny Creek lot next to it should also remain open space (or, if it has to be developed, then it should be developed with only low-density housing, not high-density as the Council is proposing). The future of scenic El Camino near us is already bleak. Traffic will be significantly greater with the planned development of all the other land surrounding Rancho Carlsbad.

If the open lot on El Camino across from Camino Hills is built with stores and high-density housing, can you imagine the congestion? There will be another traffic light and a turn lane, many more cars stopping and going (polluting the air while idling at a red light), high-intensity lighting, more electrical towers, more blacktop, increased water usage, increased noise, and the propensity for increased crime and for increased litter. The relative tranquility of this section of El Camino Real will be gone forever. The increase in cars and increase in pedestrians crossing at the street walk will make turning onto El Camino at least twice as long.

Please write an email/letter today. We have to stop the madness. There are enough developments in Carlsbad to provide different residential choices. Why does every part of Carlsbad have to be developed and crawling with people .....and cars? At the expense of the beautiful scenery.

**Contact:**

City Council: [council@carlsbadca.gov](mailto:council@carlsbadca.gov) 760-434-2830

Mayor Matt Hall [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)

Copy the assistant, Andrea Dykes, who will make sure the Council Members get your letter:

D8-2

I look forward to seeing you next Wednesday, August 13th, at 6pm (cul de sac in front of 5353 Forecastle Court).

Please invite your neighbors.

Best,  
*Madeleine*  
760-814-2550

FYI - UPDATE:

Open space area that currently exists behind the equestrian lot and RV parking lot along the College Blvd. extension/El Camino Real:

Five apartment buildings plus a community building were approved in 2004. That lot is zoned Residential Density-Multiple (RD-M). However, in **April 3, 2013**, an amendment was submitted to the Council and approved that gave the developer exceptions to the development standards under RD-M (see below). The elimination of any development restrictions as required in the zoning designation was given because the developers said they would build more affordable housing. From the City staff document given to the Council:

"since the project is an "affordable housing" project, less restrictive development standards than specified in the underlying zone or elsewhere may be allowed, provided that the project is in conformity with the General Plan and adopted policies and goals of the City, and it would have no detrimental effect on public health, safety and welfare".

Some of the "exceptions" given to the developer are:

- increasing the number of units {increasing congestion}
- increasing the building height {there goes the scenic vista of the hillside behind}
- decreasing the width of the garages {for density purposes}

The project is 56 units above the Growth Management dwelling unit allowance. However, in the Planning document submitted to the Council, it is stated:



D8-2

"Staff has reviewed the request for the Tentative Map, Planned Development Permit, and Site Development Plan Amendment and the City Planner has determined that the project, the addition of 47 apartment units to an 80 unit apartment project creates no new or significant adverse environmental impacts above what was identified in the original CEQA document (EIR 02-02 for Cantarini/Holly Springs), therefore a Negative Declaration has been prepared".

No public comment was given.

Ask yourself, how does an exception to the rules and code get approved so easily? The exceptions clearly are in favor of the developers (to increase their revenue stream), and defy the statement: "in conformity with the General Plan and adopted policies and goals of the City, and it would have no detrimental effect on public health, safety and welfare." They say "no new or significant adverse environmental impacts" from more development?

Hope to see you Wednesday night!

**From:** Mike Barnes [<mailto:mbarnes4@roadrunner.com>]

**Sent:** Wednesday, June 25, 2014 2:27 PM

**To:** Envision

**Subject:** General Plan comment

To Whom It May Concern:

D9-1

I haven't had the time to go through the entire plan but have previously made comments I want to reiterate.

I live on Gull Ct, off the intersection of Aviara Parkway and Poinsettia. Perhaps you'll consider my concern "nimbyism" but I am very concerned with traffic already and even more so based on proposed growth along the Palomar Airport Road corridor.

As you may know, Poinsettia Lane to I-5 and Aviara Parkway between Poinsettia Lane and Palomar Airport have become a common alternate route for non residents traveling to work in the business district along Palomar Airport.

And sadly, it's not only the ever increasing volume of cars, but also the speed they drive in their hurry to get to and from work.

I have lived here since 2002 and definitely notice a significant increase in traffic. In fact, during the week if we want or need to head towards the beach or freeway after work, it has become increasingly difficult to get onto the freeway, specifically going south, due to the heavier traffic.

So, my concern and hope is that as part of the future vision, the city will consider how to maintain and perhaps even improve the quality of life of residents to navigate around the city without having to plan around traffic due to non residents and business.

Thank you,  
Mike Barnes  
1313 Gull Court

**From:** Osman Khawar [<mailto:okhawarmd@palmedinc.com>]

**Sent:** Sunday, July 20, 2014 7:59 PM

**To:** Council Internet Email

**Subject:** Parks and Open space.

D10-1

I am a concerned Carlsbad resident.

I live in Carlsbad with my wife and two young children and purchased my home here because of all the open space and parks available.

I am disappointed with the current development plans and ask you to reconsider all of your actions. Open space is a vital commodity and the reason I came here. At the recent city council meeting I was disappointed with the people I supported and voted for not acted as they said they would at election time.

I am NOT interested in a compact, commercialized, retail-ized Carlsbad.

Please re-consider.

More PARKS.

Osman Khawar.

Osman Khawar MD MPH FASN  
President, Palomar Medical Group.  
President, San Diego Institute of Medical Research.

(O) 760 745 1551

(F) 760 745 5016



**From:** Patricia Parsons [<mailto:pat@parsons.org>]  
**Sent:** Tuesday, August 12, 2014 9:11 AM  
**To:** Council Internet Email  
**Subject:** Preserving Open Space in NE Quadrant of Carlsbad

D11-1 | I am writing to express my support of:

- (1) Keeping the Rancho Carlsbad Golf Course zoned as open space.
- (2) Rezoning Sunny Creek as Low-density housing. It is now zoned for Commercial, but the Council requested the City staff to recommend designating that property as commercial/high-density housing.

D11-2 | We cannot let this happen. The traffic and congestion will be negatively affected. El Camino Real in this area was always designated a "scenic

D11-3 | corridor" in the General Plan. Developing it with commercial/high-density housing defiles the beauty and scenic habitat along the NE section of El Camino Real.

Respectfully submitted,

Patricia Parsons

**From:** penny [<mailto:pennyofcbad@roadrunner.com>]

**Sent:** Friday, July 11, 2014 6:40 PM

**To:** Council Internet Email

**Subject:** general plan commitment

D12-1

City Council Members. Please honor the commitment made in the 1986 general plan ...40% open space!! Veteran's Park does not satisfy all 4 quadrants at the same time. We need NEIGHBORHOOD parks that families can walk to, bike to or are a short drive. The BV reservoir fits the bill for what the NW quadrant needs AND is entitled to. It is insulting to your constituents that the dirt piles behind the Pio

D12-2

Pico Shell station and the Pio Pico park are considered parks that are useable for us. The noise and pollution from being right next to the freeway makes these "parks" a health hazard ..they should be

D12-3

condemned. I challenge you to use these 2 parks in the city brochures that promote our wonderful open space lifestyle in Carlsbad. And you and your families should be in the pictures relaxing in the dirt next to the freeway chain link fence. A plan was agreed to in 1986.....integrity would demand you uphold that plan !!

Penny Johnson 1360 Hillview CT, 92008 760 729 4689

**From:** Richard Bethel [<mailto:rbbethel@sbcglobal.net>]

**Sent:** Monday, September 15, 2014 2:00 PM

**To:** Council Internet Email

**Subject:** OUR WONDERFUL CITY II

D13-1

I neglected to include some open space compliments on my prior e-mail.

We just took a nature walk as part of the Agua Hedionda Lagoon Foundation where we are members.

The lagoons in our city and our neighbors are one of the areas we receive the most compliments from flower field visitors and tourists we meet in town on our walks. The visitors are so impressed with our city's commitment to open space and beautiful spots of nature. WE also recommend the drive on El Camino Real to see more open space.

They also love the U Pick strawberry stand on Cannon and we certainly hope it doesn't go the way of an upscale mall which is NOT needed in our town.

We hope the city keeps the movement alive to maintain our lagoons and the wildlife who live there. they are a true treasure!!!

Thanks for listening!  
Ric and Bonnie Bethel

**From:** robert gilbert [<mailto:beckola750@yahoo.com>]

**Sent:** Thursday, July 10, 2014 12:22 PM

**To:** Council Internet Email

**Subject:** No Parks in North Carlsbad Planning?

D14-1 | I hope you will consider a neighborhood park in North Carlsbad. RJ Gilbert 1339 BV  
Way

**From:** Wesley Marx [<mailto:wmarx33@sbcglobal.net>]

**Sent:** Monday, July 14, 2014 2:17 PM

**To:** Council Internet Email

**Subject:** Coouncil open space haearing 7/15 9 am

D15-1

We support the goal of at least 40% open space in the General Plan update.

We are concerned that the amount cited in the draft plan is overstated -- for example, counting closed/gated school yards as parks.

Judith and Wesley Marx, 2995 Ocean St., Carlsbad, CA

From: whitnie rasmussen [[mailto:whitnie\\_8@hotmail.com](mailto:whitnie_8@hotmail.com)]  
Sent: Friday, July 11, 2014 5:59 AM  
To: Council Internet Email  
Subject: Old Carlsbad

Hello, Carlsbad City Council.

D16-1

Just a quick note stressing that my family and I would like to see more parks in Old Carlsbad. As of now, the existing parks: Pine, McGee and Cannon and the 101 are all we have. All three are run down and need attention. We have no track, as Valley's track is closed during school hours.

I'm requesting as a denizen of Old Carlsbad, and mother of two young children, that you preserve the land next to the fire station, Buena Vista Reserve, Art and Cultural building and community garden as public parks.

I'd also like to see the existing Old Carlsbad public-use areas given TLC: The library, Monroe Pool, Pine Park and McGee Park.

D16-2

Many young families have bought in Old Carlsbad so we can live a high-quality of life (similar to cities like Boulder, Colorado), easily walking to our parks, library, pool, museums, stores and beach. It feels as if there is a focus to take this from us and move it to South Carlsbad. I'm requesting these services stay where they are and are managed better.

Not all of Carlsbad wants enormous parks and pools, such as Alga Norte. Old Carlsbad residents do not want Old Carlsbad to become like South Carlsbad. We must truly consider that they are two different areas.

This is our chance to do something brave and thoughtful for our city, not just develop it like the rest of Southern California.

Thank you for listening,

Whitnie Rasmussen

SEP 15 2014

Planning Division

9-10-2014

Jennifer Jesser

Senior Planner

Community and Economic Development Department

Planning Division

1635 Faraday Ave.

Carlsbad, Ca 92008

Hi Jennifer,

D17-1 I had sent you an email a few weeks ago regarding a possible multi family housing area on RSF –La Costa area. I live in the La costa oaks area of Carlsbad behind the new La Costa Towne Center. There is also new homes being built on the other side of our neighborhood off of RSF and Camino Junipero. We are surrounded by construction, noise, mess, more noise, construction traffic, traffic, noise. The idea

D17-2 of putting a multi family housing area across from the La costa Towne square is just not reasonable or acceptable. We have lived in this area for 10 years. We

D17-3 have been lucky to have a wonderful, calm, quiet life here building our homes and yards to enjoy our fabulous California lifestyle. Now myself and neighbors are having to live in such a mess. I have totally lost LOST my ocean view from my backyard as have my neighbors who paid higher premiums for their homes for this reason. I feel that we just cannot stand another housing area that will bring

D17-4 so much more congestion and the idea of low income housing is not appropriate

D17-5 for the area that has been built here. This is the 92009 area where people move to because it is 92009. Low income congestive housing does not belong in this area. We have paid a lot of money in Carlsbad to live here, we do not want to look at our property values going down, which they will talk to any realtor, after we have pour so much money, heart , soul into building this great life. We also take



pride in our neighborhoods and have low low crime, great schools, great people. I don't want to sound stereotypical but low income means potential higher crime, lower property values. I have forwarded your information to many neighbors to also get information on this and to give their opinions. If there is anything else I can contribute to or get information on I would appreciate if you could let me know. I have been in contact with Van lynch also regarding the center. Thank you for your help and consideration.

Cindy Molin

7698 Sitio Algodon

Carlsbad, Ca 92009



**From:** Ian Pierson [<mailto:ianpierson@hotmail.com>]  
**Sent:** Wednesday, October 01, 2014 10:48 AM  
**To:** Matthew Hall; Mark Packard; Keith Blackburn; Michael Schumacher; Manager Internet Email; Lorraine Wood; Council Internet Email  
**Subject:** Buena Vista Reservoir

Hi,

D18-1

We would like to reiterate our request that Carlsbad not sell the Buena Vista Reservoir land, but instead convert it to a neighborhood park.

Thank you,  
Ian Pierson  
Jenny Ferrero

---

**From:** [ianpierson@hotmail.com](mailto:ianpierson@hotmail.com)  
**To:** [council@carlsbadca.gov](mailto:council@carlsbadca.gov)  
**Subject:** Buena Vista Reservoir  
**Date:** Sat, 26 Jul 2014 11:50:37 -0700

Hi,

We would like to again express our desire that the BVR be converted to an open space or park. My daughter is six years old and would love a place to play and run around (we don't have a lawn in order to conserve water) as well as a place to ride her bike - the neighborhood has limited sidewalks and many of them are blocked by telephone poles (which is another issue...). An open space would not only benefit the current residents of the neighborhood, but also those moving in to the many new developments already in progress.

Thank you,  
Ian Pierson  
Jenny Ferrero

> Subject: Buena Vista Reservoir  
> From: [ianpierson@hotmail.com](mailto:ianpierson@hotmail.com)  
> Date: Tue, 25 Feb 2014 10:22:36 -0800  
> To: [council@carlsbadca.gov](mailto:council@carlsbadca.gov)

>

> Hello,

> My wife, daughter, and I live at 2399 Spruce Street and we were recently made aware of a proposal to sell the Buena Vista Reservoir to be developed into a residential subdivision. We feel that converting that land to a subdivision would not only have a negative impact on the neighborhood - increased traffic, increased noise, changed character - but would be a missed opportunity to improve the neighborhood. Converting the land to a park or open space would benefit not only the people living in this neighborhood, but everyone in Carlsbad as well.

>

> We would like to strongly encourage you to not convert the Buena Vista Reservoir to a subdivision, but to instead use it for a purpose that will benefit and improve the neighborhood and Carlsbad in general.

>

> Thank you,  
> Ian Pierson  
> Jenny Ferrero

From: [chickensbythesea@yahoo.com](mailto:chickensbythesea@yahoo.com) [mailto:[chickensbythesea@yahoo.com](mailto:chickensbythesea@yahoo.com)]  
Sent: Thursday, October 02, 2014 7:46 AM  
To: Manager Internet Email  
Subject: Buena Vista reservoir

Hello,

D19-1

I have to ask what is the benefit of selling the property? Who is in favor of that?

The benefit of the park is for ALL residents and establishes a trend away from maximizing profits by continuing to build and build. Carlsbad is an affluent city and the income we receive from, Car Country Carlsbad, the new upcoming mall, Carlsbad company stores, all the large business companies off Palomar Airport Road, the Resorts in town, and Legoland is abundant, and more than almost any other city, our size, in California. When is enough enough? There is no downside to increasing open space and parks, NONE what so ever.

Thank you for being open to the request of the residents who live in this area,

Jennifer Bradley

**From:** Clay Antonel [[mailto:enigma\\_92107@yahoo.com](mailto:enigma_92107@yahoo.com)]  
**Sent:** Thursday, October 09, 2014 6:53 PM  
**To:** Don Neu  
**Subject:** Objection to Carlsbad zoning changes

To the Carlsbad Planning Board:

D20-1

My name is Clay Antonel. I am a home owner at and reside in the Terraces at Sunny Creek community. I chose to live in Carlsbad because it was semi-rural, quiet and lightly populated. I have recently been informed that zoning near my home has been changed. The zoning changes will apparently increase population density and alter the peaceful nature of our community. I STRONGLY object to any and all zoning changes which will increase the population density and the negative aspects of that density: crime, noise and traffic. I purchased my home with certain zoning rules in place and believe that those zoning rules should not and must not be changed. I do believe that the land owners should be able to develop their land. However, they should follow the rules and receive no special consideration.

Thank you, Clay Antonel  
15457 Wolverine Terrace  
Carlsbad, CA 92010

From: Peggy Sanchez [<mailto:sanchezpeggy@yahoo.com>]  
Sent: Wednesday, October 08, 2014 6:55 PM  
To: Don Neu  
Subject: Proposed apartment buildings at College/ El Camino

Dear Don,

D21-1

We are long term Carlsbad residents and now we are EXTREMELY concern on the proposed land use of the vacant land next to where our house located at Sunny Creek.

We want to trust the city for doing the right thing for its residents. But building a high density apartment building next to our house will increase traffic and noise dramatically. Please consider zoning the area for low to Mid density housing.

Please don't make our corner the low point of Carlsbad, having an existing apartment building and trailer park is enough!

We care about our house and our city. Please care about us! We live here. I'm not sure if you are but please consider existing homeowners.

Thank you.

Peggy and Henry Sanchez

Sent from my iPad

**From:** Ron Bedford [<mailto:ronbedford@gmail.com>]

**Sent:** Wednesday, October 08, 2014 5:09 PM

**To:** Don Neu

**Subject:** NO TO HIGH DENSITY APARTMENTS ADJACENT TO THE TERRACES AT SUNNY CREEK

Mr. Neu

D22-1

As a resident of the Terraces at Sunny Creek I highly object to the proposal of high density apartments being built the vacant land adjacent to our community. HIGH DENSITY apartments will increase noise, traffic and crime rates. I love Carlsbad as a low density community where I live. I love it as a bedroom community.

PLEASE if you have to rezone the area rezone it to LOW DENSITY for houses or MID DENSITY for townhomes.

Please do NOT let High Density apartment go on the 17 vacant acres. It will adversely affect the community of Carlsbad.

Warmest Regards,

Ron Bedford  
2435 Badger Lane  
Carlsbad, CA 92010

--

Ron Bedford, MSN, NP-C

**From:** HKHabermann [<mailto:hkhhabermann@gmail.com>]

**Sent:** Friday, October 10, 2014 10:33 AM

**To:** Don Neu

**Cc:** Harry Habermann; Lora Zaroff

**Subject:** Property Zoning near SunnyCreek

D23-1

Dear Sir - I'm a homeowner near the vacant lot located at El Camino Real and College in Carlsbad for which I understand plans are underway for development.

As an original owner of my property (5419 Foxtail Loop), we were promised by the builder that the adjacent vacant lot (17 acres) would be used for a small shopping center consisting of small neighborhood stores, etc.

D23-2

My understanding, now, is that the current property owner of such lot plans to use only 7 acres for shopping and 10 acres for "high density housing" consisting of approximately 230 apartment units.

Such a change would obviously negatively impact my property value, along with that of the other homeowners' and create significant related congestion in the area if this zoning/development change is approved - i.e., to "high density" housing plus only 7 acres of shopping.

Accordingly, I implore the City of Carlsbad to refrain from such zoning changes and respect the original stated intentions provided to the homeowners and/or at a minimum at least lower the density to "low density" for houses and not to approve any revised zoning request for apartments - we already have apartments directly behind our subdivision at present.

Thank you for your consideration of this matter.

--

**Harry**

**From:** Manny De Luna [<mailto:mdexcellence33@yahoo.com>]

**Sent:** Friday, October 10, 2014 11:48 AM

**To:** Don Neu

**Subject:** high density apartments

D24-1

good day,sir.i am aresident at terraces at sunny creek.i am writing to let you know that if you are going to approve residences near our homes,i prefer lower density homes and more townhomes.thank you.have a great day.

**From:** [giljsoto@cs.com](mailto:giljsoto@cs.com) [mailto:giljsoto@cs.com]

**Sent:** Friday, October 10, 2014 12:21 PM

**To:** Don Neu

**Subject:** development of 17 acres across the street from Sunny Creek Development

Hello Mr. Neu,

D25-1

I am a homeowner in the subdivision call Sunny Creek which across the street from the 17 acres that is up for a proposed zone change to increase it's density.

I am adamantly opposed to any increase in density. When we first bought here we were told a shopping center was to be built there. Those plans have fallen thru and now the new owner wants to put bunch of apartments there which is what we were told in the first place. This kind of change would most certainly adversely affect our home values. Please do not cave in to a group of investors that are only looking to make this development more profitable for them and then leaving us homeowners to suffer economically.

Thank You for your time

Gil Soto  
5604 Foxtail Loop  
Carlsbad, Ca. 92010



**From:** Corey Funk  
**Sent:** Friday, October 10, 2014 3:17 PM  
**To:** Madeleine Szabo  
**Cc:** Don Neu; David de Cordova; Kathy Dodson  
**Subject:** RE: Request and Two Questions

Hello Madeleine,

D26-1

My apologies in not getting back to you sooner. There will not be an underline-strikeout document of the general plan currently in effect (adopted in 1994). As a point of clarification from your email, the last time Carlsbad comprehensively updated the GP was in 1994 (rather than 1986). Even though much of the 1994 GP will be kept unchanged, the document is outdated (such as descriptive information, formatting, document organization, etc.) and the volume of changes are too many for an underline-strikeout version. To help you compare the differences between the 1994 GP and the proposed Draft GP, the please visit the link below and review the Existing and Proposed General Plan Comparison Table document (this document will also be in the upcoming staff report).

<http://www.carlsbadca.gov/services/depts/planning/update/documents.asp>

The 1994 General Plan did not establish a 40 percent open space goal or standard for the city, nor did the Growth Management Plan, and the draft General Plan does not propose to reduce the amount of open space as compared to the 1994 General Plan.

The city's Growth Management Plan has a requirement that the city maintain 3 acres of park space per 1,000 population, but these park acres do not include beaches. The beaches are counted as open space however because they are designated in the GP land use map as open space. Schools are not counted toward the park acreage requirement except for where the city has a joint use agreement with the school for the play fields. In that case, only those play fields (not the whole school property) count toward the park acreage requirement. For more detailed information about how the city categorizes open space and parks, please see pages 4-5 thru 4-9 of the Draft GP Open Space, Conservation, and Recreation Element, and also see staff's presentation for the July 15, 2014 City Council Special Meeting at the link below:

<http://www.carlsbadca.gov/cityhall/clerk/meetings/council/info.asp>

Sincerely,



Corey Funk, AICP  
Associate Planner  
Community and Economic Development Department  
Planning Division  
City of Carlsbad  
1635 Faraday Ave.

Carlsbad, CA 92008  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

760-602-4645 | 760-602-8559 fax | [corey.funk@carlsbadca.gov](mailto:corey.funk@carlsbadca.gov)

[Facebook](#) | [Twitter](#) | [You Tube](#) | [Flickr](#) | [Pinterest](#) | [Enews](#)

**From:** Madeleine Szabo [<mailto:mbszabo@snet.net>]  
**Sent:** Friday, October 03, 2014 10:13 AM  
**To:** Corey Funk  
**Cc:** Don Neu; David de Cordova  
**Subject:** Re: Request and Two Questions

Dear Corey,

D26-2 | Thank you for your prompt response to my inquiries. Regarding the revised General Plan, you state that the Feb. 2014 draft will be modified -  
- <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=23289>  
and <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=23306>

D26-3 | Is there a an "underline-strikeout document" version of the original General Plan of 1986  
D26-4 | that shows the evolution of changes to the original General Plan of 1986? What  
happened to the goal of maintaining "40% Open Space". I also question why the  
beaches were ever included since they cannot be factored into the goal of 3 acres of  
Open Space per 1,000 residents as the beaches are not near development projects  
(this is the reasoning used by Oceanside as explained to me by an Oceanside Planning  
staff member). By the way, I was told by a Senior Planner in Encinitas that Encinitas  
maintains a goal of 15 acres per 1,000 residents (which is 5 times the open space goal  
of Carlsbad). He also told me that Encinitas does not include schools in their open  
D26-5 | space/parks calculations.

Thank you again for your responsiveness.  
Regards,  
Madeleine Szabo

bcc: Friends of Carlsbad Scenic Corridor  
Preserve Calavera  
Friends of Sunny Creek

**From:** Corey Funk <[Corey.Funk@carlsbadca.gov](mailto:Corey.Funk@carlsbadca.gov)>  
**To:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>; Don Neu  
<[Don.Neu@carlsbadca.gov](mailto:Don.Neu@carlsbadca.gov)>  
**Cc:** David de Cordova <[David.deCordova@carlsbadca.gov](mailto:David.deCordova@carlsbadca.gov)>

**Sent:** Thursday, October 2, 2014 6:00 PM  
**Subject:** RE: Request and Two Questions

Hello Madeleine,

D26-6

Staff is still preparing the revisions to the draft general plan, so they are not available now. The revisions will take the form of an underline-strikeout document that will be a manageable size and will only show our revisions to the draft GP, we are not preparing new revised complete GP document. To see what changes we propose, you would compare the upcoming underline-strikeout document with the draft GP is already on the web. The current draft GP (Feb. 2014 version) is available now on the web, so the only item you will need to familiarize yourself with will be the underline-strikeout document. This will be available for public review when it gets distributed to the Planning Commission. We don't know yet which day it will be available, but expect it to be 5-10 days prior to the hearing on Nov. 5<sup>th</sup>.

As for your other questions:

- Beaches are currently designated as open space on the current and proposed GP land use maps, and they are already included in calculations to determine the percentage of open space in the city.
- According to Carlsbad Municipal Code, changes to an ordinance text, such as the zoning ordinance text regarding professional care facilities, may only be initiated by the either the (1) City Council, (2) Planning Commission, or (3) City Planner. Staff then carries out the work preparing analysis and a staff recommendation, and the City Council is the final decision maker. For a citizen who wishes to change an ordinance, they would need to make a case for the change to either the (1) City Council, (2) Planning Commission, or (3) City Planner.

Sincerely,



Corey Funk, AICP  
Associate Planner  
Community and Economic Development Department  
Planning Division

City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, CA 92008  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

760-602-4645 | 760-602-8559 fax | [corey.funk@carlsbadca.gov](mailto:corey.funk@carlsbadca.gov)

[Facebook](#) | [Twitter](#) | [You Tube](#) | [Flickr](#) | [Pinterest](#) | [Enews](#)

**From:** Madeleine Szabo [<mailto:mbszabo@snet.net>]  
**Sent:** Wednesday, October 01, 2014 2:36 PM  
**To:** Don Neu  
**Cc:** Corey Funk  
**Subject:** Fw: Request and Two Questions

Dear Don,

D26-7

I understand that Jennifer Jesser is out of the office on vacation for two weeks. Corey Funk was kind enough to respond to my request for the latest copy of the revised General Plan (the one on the Carlsbad website is from February 2014), which will be discussed on November 5th. He left me a voice message saying to wait until it is published in the Staff Report the Friday before the public hearing, October 31st. This does not give us enough time to review the mammoth document before the public hearing.

On behalf of The Friends of Carlsbad Scenic Corridor and other neighborhood organizations, I am requesting that the most current draft of the revised General Plan be made available immediately. Concerned citizens will then have time to thoroughly review the document now, ask questions of the staff, and check if any inconsistencies or concerns were corrected in the Staff Report to be published on October 31st.

Also, in Ms. Jesser's absence, please respond to the other two questions I inquired in my below email to her.

Thank you for your support.

Kind regards,  
Madeleine Szabo

bcc: Friends of Carlsbad Scenic Corridor  
Preserve Calavera  
Friends of Sunny Creek

----- Forwarded Message -----

**From:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>

**To:** "[jennifer.jesser@carlsbadca.gov](mailto:jennifer.jesser@carlsbadca.gov)" <[jennifer.jesser@carlsbadca.gov](mailto:jennifer.jesser@carlsbadca.gov)>

**Sent:** Tuesday, September 30, 2014 9:07 AM

**Subject:** Request and Two Questions

Dear Jennifer,

**D26-8** On behalf of neighboring HOAs and the Friends of Carlsbad Scenic Corridor, I am requesting a copy of the draft of the revised General Plan that will be discussed at the November 5th public hearing. Can I access it on the DMS system? If so, where?

**D26-9** I also heard that you count beaches as Open Space? If this is true, then should not you increase the percentage of Open Space required for the City of Carlsbad since beaches were not included in the 40% goal per the first General Plan?

**D26-10** How does one change an ordinance? (for example, the ordinance for not counting Professional Care Facility residents).

Thank you for your support.

Regards,  
Madeleine Szabo

**From:** Jim & Antje Hjerpe <[jahjerpe@sbcglobal.net](mailto:jahjerpe@sbcglobal.net)>  
**Date:** October 13, 2014 at 9:25:38 AM PDT  
**To:** "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>  
**Subject:** 17 acre Parcel at the corner of El Camino Real and College Blvd.  
**Reply-To:** Jim & Antje Hjerpe <[jahjerpe@sbcglobal.net](mailto:jahjerpe@sbcglobal.net)>

October 13, 2014

Planning Department of Carlsbad,

D27-1

We decided to retire in Southern California 11 years ago and felt very fortunate finding a new development with homes being slated along a creek backing up to open land and horse ranches. Coming from a "green" area relocating to an area with only cacti and palm trees didn't quite appeal to us, and finding "The Terraces at Sunny Creek" seemed the perfect solution at the time. Since the nearest grocery store in any direction is on the average 9 miles away, we were pleased to learn that the adjacent open space of land was slated to have a small shopping center. Two years later the developer "Four Square" purchased the property and presented our HOA with a nicely laid out plan of a small shopping center similar to the one currently in South Carlsbad on El Camino and La Costa Ave. It was to be the perfect addition, which unfortunately never happened. The property was sold to Walmart for a reason we can only imagine, but thankfully a super store never materialized. Now that Four Square owns the small parcel again, they are proposing a zone change and the plan to our understanding, is to build high density commercial and adding high density apartments to the mix. Our question is why more housing? A large Senior community is planned for the property behind the parcel, homes are being built near the El Camino across the street from the approximately 17 acres of open space and it seems there is plenty of housing being crammed into a tiny section of north Carlsbad. We can't allow a developer who doesn't even reside here, to change the original Plan and rezone it to make a larger profit. Even though Robertson's Ranch is a much larger development, it doesn't seem right they get permission for a shopping center and we don't even though promised many years ago. Also, there will be enough housing on their property so it seems that this parcel doesn't need to accommodate for more.

Our concerns are:

D27-2

1. The current traffic on El Camino has significantly increased over the past few years and it is impossible to get anywhere in less than ½ hour to do any grocery shopping, pharmaceutical, gas or bank included. The more housing we add, the worse this will become, and it will worsen considerably once the Robert's Ranch is completed and add additional congestion.

As it stands, once College Ave is open, the traffic will be even worse for our development and for the Sunny Creek apartments

D27-3

2. I don't recall the exact number of tentative Senior condos/ homes on the acreage behind the 17 acre lot, but seem to recall that it was quite high. Where will those Seniors shop, go out for a cup of coffee or a meal in a nice setting and walking distance? Driving 9 miles north or south impacting the traffic even further?

D27-4

3. I am sure there are many more arguments against such a high density rezoning in an area already maxed out with housing, both affordable and regular, and I hope that the City leadership will consider the results, as not to change the zoning to residential. We would appreciate a small shopping center as promised.

Thank you for your attention and consideration  
Jim&Antje Hjerpe  
5482 Wolverine Terrace  
Carlsbad, Ca. 92010  
[jahjerpe@sbcglobal.net](mailto:jahjerpe@sbcglobal.net)  
760-931-5971

**From:** Dona Wilcox <[dewilcox99@yahoo.com](mailto:dewilcox99@yahoo.com)>

**Date:** October 12, 2014 at 10:25:27 PM PDT

**To:** "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>

**Subject:** High Density Housing

**Reply-To:** Dona Wilcox <[dewilcox99@yahoo.com](mailto:dewilcox99@yahoo.com)>

D28-1

Re: Corner of El Camino Real and College

PLEASE lower the density to Low for houses or, at the very least, Medium with townhomes, not apartments.

We've worked hard to enjoy the quality of life that our neighborhood offers. 230 apartments would infringe upon that greatly. Aside from the obvious, that being noise, our property values, and even more traffic, there is also the issue of safety. During the wildfires earlier this year I was on my way home when some areas began evacuating. My neighborhood was not under an evacuation order, yet it was extremely difficult for me to get home. The last block of my trip home (on El Camino Real from Faraday to College) took 23 min. I walk this block regularly in just under 10 min. Had we been ordered to evacuate AND 230 apartments along with the houses that are currently being built across the street on El Camino Real, well...in an urgent situation, many would be trapped.

It's disappointing that we will not be getting the shopping center we expected...please lower the density and do not devalue us further by adding 230 apartments. Thank you for your consideration.

Sincerely, Dona Wilcox 5583 Foxtail Loop 92010

**From:** Lora Zaroff <[lorazaroff@hotmail.com](mailto:lorazaroff@hotmail.com)>

**Date:** October 13, 2014 at 4:13:04 PM PDT

**To:** "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>, "[council@carlsbadca.gov](mailto:council@carlsbadca.gov)" <[council@carlsbadca.gov](mailto:council@carlsbadca.gov)>

**Subject:** Lot 11

Dear Mr. Neu, Mayor Hall and the City Council of Carlsbad,

**D29-1** | As a long time Carlsbad resident, I am opposed to rezoning Lot 11 to high density housing on much of the 17 acres currently available. High density housing on that lot will increase the traffic in an area that is already very congested. Even with the creation of the new road, the amount of development already approved along that corridor will drastically increase noise and traffic. By adding high density housing, the area will become unbearable during peak commuting hours. In addition, apartments generally have more people coming and going, which will only add to the congestion and lower property values to the homes nearby (all the homeowners nearby bought their homes with the constant promise of a local shopping center, not a Walmart or high density apartments).

**D29-2** | I ask that you reconsider and at least lower it to half low density houses and half medium density townhomes. Putting up shopping, in addition to the high-density housing is overcrowding the space and it will become an eyesore quickly.

**D29-3** | I was hoping that the new Mayor and City Council would continue Bud Lewis' legacy and keep Carlsbad desirable with more open space, but if you plan to put high density housing and a shopping plaza in Lot 11, plus Dos Colinas, Holly Springs, Cantarini Ranch, and Encinas Apts., you are just going to create overcrowding and make this a less desirable area asthetically and logistically.

Signed a very disappointed angry resident,

Lora Zaroff  
Terraces at Sunny Creek  
5430 Foxtail Loop  
Carlsbad, CA 92010



**From:** Najoo Panthaky <[panthan1@yahoo.com](mailto:panthan1@yahoo.com)>

**Date:** October 13, 2014 at 6:27:24 PM PDT

**To:** "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>, "[council@carlsbadca.gov](mailto:council@carlsbadca.gov)" <[council@carlsbadca.gov](mailto:council@carlsbadca.gov)>

**Subject:** LOT 11

**Reply-To:** Najoo Panthaky <[panthan1@yahoo.com](mailto:panthan1@yahoo.com)>

Dear Mr. Neu, Mayor Hall, and the City Council of Carlsbad,

D30-1

My husband and I own a property located at 5528 Foxtail Loop (Terraces at Sunny Creek), Carlsbad. We oppose the rezoning of Lot 11 to high density housing on most of the 17 acres currently available. High density housing, as proposed, will increase the traffic in an area that is already very congested during peak hours. Even with an additional lane, the amount of development already approved along that area, will increase noise and traffic. By adding high density housing, the area will become unbearable during peak office hours. Also, apartments tend to create more traffic, and this congestion will have a negative impact on the property value of home owners of Terraces at Sunny Creek. We bought our property with an understanding that there will be a local shopping center (not Walmart or high density apartments) on this vacant lot.

We respectfully ask that you reconsider it to develop half area for medium density townhomes and half area for shopping area.

We hope the council will not disappoint the residents of Terraces at Sunny Creek, and would follow Bud Lewis' legacy and keep Carlsbad desirable with more open space and not turn this area into an eyesore.

Sincerely,

Najoo and Rohinton Panthaky

**From:** jose feliciano [<mailto:manuletf@yahoo.com>]  
**Sent:** Monday, October 13, 2014 10:02 PM  
**To:** Don Neu  
**Subject:** Terraces of Sunnycreek

Carlsbad City Planner

Dear Sir/Madame,

D31-1

I am a resident of Terraces of Sunnycreek which is a neighborhood located along the corner of El Camino Real and College Blvd. I am concerned of the news that plans for the vacant lot adjacent to my community has been changed multiple times and it is now planned for high density housing. My biggest concern is the impact this will make on increasing traffic, noise and decreasing the value of the properties in my community.

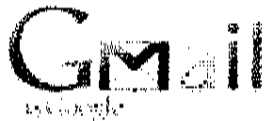
You and your department has been given the goals to improve and maintain the integrity of the communities in your jurisdiction. **I strongly oppose to high density housing that is planned to be built on the vacant lot on the corner of El Camino Real and College Blvd.** Please use your best judgement regarding this matter as this will affect hundreds of families.

Thank you for your concern,

Jose M. Feliciano III  
Carlsbad Resident

10/14/2014

Gmail - Open Space adjustment



## Open Space adjustment

Chuck Rogers <therogersteam@gmail.com>  
To: cfunck@ci.carlsbad.ca.us

Tue, Oct 14, 2014 at 10:50 AM

Hello Cory Funk:

Re: APN #s 1563500100 and 156500200

D32-1

Thank you for spending so much time with me the other day when I visited your office. I appreciate the individual focus and attention you gave me. Also very impressed with your knowledge of the area and of this particular situation concerning the two subjects APNs. We discussed the proposed OS destinations and boundaries that impact both lots. I am requesting the authorities to move the OS boundary for APN # 1563500200 approximatley 30 feet to the west so that it runs along the easement line granted by the previous owner Mr. Tallman. This easement is recorded.

D32-2

Concerning the OS line on APN # 1563500100, I am requesting the line be moved an additional 20 feet toward the hillside to southerly direction. Please have the OS boundary follow the same line as the current OS boundary or for just 100 feet along Jefferson. Starting at the access road off Jefferson and proceed for 100 Feet in a westerly direction. If this is done we would put erosion barrier of railroad ties to hold all the soils in place.

D32-3

I hope what I am describing is clear. I simply am asking that the boundaries be moved a "bit" in order to free my residence land (APN 200) from OS designation. As for the other lot (APN 100) I hope to have a way to clear the land of serious fire hazard foliage that has accumulated over the years. This fire hazard is a direct threat to my home for my home is directly in the path of a wind driven fire rushing uphill!! If I can use this area as a collection area for the foliage chipping equipment to keep the land clean for repeated clearing efforts.

We are currently watering the dying trees so as to reduce the fire hazard to our home at the top of the hillside. The drought is affecting the Olive grove trees!!

Thank you for your time and assistance in bring this to the attention to those who make these decisions.

Best regards,

2-1235

10/14/2014

Gmail - Open Space adjustment

Charles Rogers, owner of APN 1563500200.

--  
**Chuck Rogers, Broker, GRI**

*Realty Consultants & Associates*  
1930 S.Coast Hwy. #103  
Oceanside, CA 92054  
760-803-8004 cell  
760-433-3258 office  
760-520-7557 efax  
therogersteam@gmail.com  
California BRE # 01828012 Brokerage  
California BRE # 01182180 Broker/Agent

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City of Carlsbad

OCT 16 2014

Planning Division

October 10, 2014

Jennifer Jesser, Senior Planner  
City of Carlsbad, Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

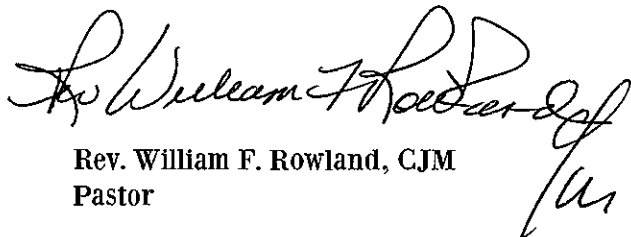
Dear Ms. Jesser,

D33-1

I am writing this letter on behalf of the St. Patrick Catholic Church, located at 3821 Adams St., in regards to the ongoing General Plan Update for the City of Carlsbad. St. Patrick's Catholic Community retains ownership of three parcels within the City of Carlsbad as part of our campus housing our worship facilities as well as our K-8 private school. The current Draft General Plan Update has identified two of our three parcels as "VC - Visitor Commercial" (APN 205-270-09-00 & 205-270-44-00) and the third parcel as "R-4 - Residential" (APN 205-270-12-00). We respectfully request that our third parcel (205-270-12-00) currently designated as "R-4 - Residential" be designated as "VC - Visitor Commercial" in order to provide a consistent land use designation for all three parcels within our ownership. This will allow us to better plan for and provide for the needs of our campus and the Carlsbad community with which we serve. Attached is a site survey identifying our three parcels for your reference.

We greatly appreciate your help in this matter and please feel free to contact me with any questions.

Sincerely,



Rev. William F. Rowland, CJM  
Pastor

Enc.

**From:** Jacqueline Gunther [<mailto:jacquelinegunther@yahoo.com>]  
**Sent:** Friday, October 17, 2014 1:50 PM  
**To:** Don Neu  
**Subject:** Sunny Creek Development

Hi,

D34-1

I am a homeowner in the Terraces at Sunny Creek. I am out of town and not available to attend the meeting on Nov. 5th but I wanted to submit in writing, my concerns on the plans to add 230 new high density apartments to our community. We were promised a shopping center when we purchased our home and this affected the value of the property positively. Adding High Density housing to the area when we already have a low income, high density community there in addition to the apartments in our gated community is unfair to the us homeowners, and to other middle income persons in that it overdevelops low income housing all in one area. A development that is mid density would diversify the options available in our community and create a nice blended feel rather than over pack our area with almost all high density housing, high traffic, and without a responsible balance probably lead to higher crime and lower home values. All these negative impacts would spread out around the surrounding areas, including the new school, not just the Terraces.

Please develop our area responsibly, and think of the city, it's residents at all income levels and the community in giving us low or mid density housing in the area.

Sincerely,  
Jacqueline Gunther  
5548 Foxtail Loop

From: Alan Young <[ayoung88@yahoo.com](mailto:ayoung88@yahoo.com)>  
Date: October 22, 2014 at 6:12:27 PM PDT  
To: "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>  
Subject: Empty lot next to Sunny creek housing area  
Reply-To: Alan Young <[ayoung88@yahoo.com](mailto:ayoung88@yahoo.com)>  
Hi,

D35-1

I am currently an resident and an owner in Sunny Creek development. I understand that Carlsbad city is prepared to put 10 acres of high density housing in the empty lot next to our development. I write to put in my objection to this plan. I do not want some high density housing to be developed in that empty lot. It will drive our property value down which just development. I would prefer mid density housing development like townhomes or better yet low density housing development. Definitely no apartments.

Thanks,

Alan Young  
5410 Foxtail Loop, carlsbad, CA 92010

**From:** Anna Hofmeister [<mailto:cacthof4@att.net>]  
**Sent:** Monday, October 20, 2014 5:55 PM  
**To:** Don Neu  
**Subject:** Empty Lot El Camino/College

Don-

D36-1

It has come to our attention that high density housing is set to be placed on the corner of El Camino Real and College. This is the worst case scenario for the residents that live in Terraces at Sunny Creek, which we do. We were promised when we bought our house 9 years ago that a shopping center was going to be placed in the vacant lot. The value of our home will drop horribly if apartments are placed in that lot. We already have apartments on Sunny Creek which generate enough traffic, noise, and trash in the neighborhood. Our community is gated and has a very safe feel but if more apartments are built our concern is that the safe feel will be lost.

D36-2

Our first choice for the lot would be for a shopping center to be built just like we were promised so many years ago. Our second choice would be single family residences. The more owners we have living in the area the more pride will be established in the neighborhood. Please do not allow apartments to be built in the lot. It is a huge concern of ours and I assume would be yours as well if you lived here.

Thank you for your time,

Curtis and Anna Hofmeister



**From:** Brian Ramseier <[brian@pakwest.com](mailto:brian@pakwest.com)>  
**Date:** October 22, 2014 at 2:19:21 PM PDT  
**To:** "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>  
**Subject:** Low Density Apartments of El camino and College

Don,

D37-1

We moved into our home in Sunny Creek 11 years ago. We were told we would have a grocery store and shopping center put in right after we bought. The land has been abandoned and now they are talking about low income apartments being put in. We already have that and do not need anymore. I truly hope that Carlsbad will live up to their high standards and do what was originally zoned for and do not put anymore low income low density Apartment housing in. Thank you for your time and consideration.

Brian Ramseier  
Packaging Consultant  
Pak West Paper & Packaging  
Pacific Flexible Solutions  
4042 West Garry Avenue  
Santa Ana, CA 92704  
Mobile: 760 250-4480  
Email: [brian@pakwest.com](mailto:brian@pakwest.com)

**From:** Connie Bunnell [<mailto:vasbun@att.net>]  
**Sent:** Thursday, September 04, 2014 3:16 PM  
**To:** Corey Funk  
**Subject:** Proposed zoning 925 buena place Carlsbad

Hello Mr. Funk,

D38-1

Thank you for your timely response after the phone conversation with Connie. Unfortunately it was not the news we were hoping to hear.

Consider this letter our formal objection to the proposed re-zoning of our property at 925 Buena Pl. From its current R-3 to R-1. We purchased this R-3 property with the intent to expand it in the future. That is still our plan. The value of this property is based in no small part on it's multi-unit potential. Our city's (desire to clean up some lines on a map is costing my family stuff and money)

Connie

**From:** Charvel, Delia [<mailto:delia.charvel@nordsonasymtek.com>]  
**Sent:** Monday, November 03, 2014 12:24 PM  
**To:** Don Neu  
**Cc:** 'djcharvel@gmail.com'; GC  
**Subject:** Concern on building - Corner of College Blvd and Camino Real

Hello Mr. Neu,

D39-1

I am writing to express my concern regarding the plan to build high density apartments in the empty lot on the corner of college blvd and camino real.

As a resident of the Sunny Creek community, we had been told something else would be built in that empty lot which was one of the factors in making our decision to buy.

I hope you take our concern into account and do not approve the build of the high density apartments.

Thanks

*Delia and Gerardo Charvel*  
**Residents of Sunny Creek Community**

**From:** Ginger Dill <[gingail@aol.com](mailto:gingail@aol.com)>  
**Date:** October 26, 2014 at 7:23:06 AM PDT  
**To:** [don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)  
**Subject:** Planned housing at El Camino Real & College Blvd

Mr. Neu-

D40-1

We are homeowners in the Terraces at Sunny Creek development. We understand that the current proposed use for the empty lot on the corner of El Camino Real and College is slated for "high density" housing. We would like to voice our opinion that we are against high density housing in this space. This will drop our property values, make our community less desirable to potential home buyers and increase traffic in this area. We understand this land needs to be developed, however we would prefer to see this land developed as "low-density" housing or possibly "mid-density" with more retail space made.

Thank you for your time and service.

Sincerely,

Ginger & Eric Dill  
2416 Badger Lane

**From:** Hemanshu Tyagi <[heman4iphone@gmail.com](mailto:heman4iphone@gmail.com)>  
**Date:** October 19, 2014 at 1:01:50 PM PDT  
**To:** [don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)  
**Subject:** El Camino Real/College Blvd land concern

Hi

D41-1

We are a new house owner in Carlsbad - Terraces at Sunny Creek . We picked Carlsbad because of the beautiful and open surroundings. We have heard that the city plans to build high density/low income apartments next to the open land on El Camino Real/College Blvd. According to the information there are close to 230 units of apartments planned. The traffic on El Camino Real is already a concern. Adding all these apartments will :

1. Worsen the El Camino Real Traffic
2. Make our neighborhood extremely crowded

D41-2

We as residents of Carlsbad disapprove of the plan . Please consider building an park where kids can go enjoy some productive time with their families. In the worst case the number of high density apartments should not be this high . Condo or town homes will be a better alternative

Thanks for your time

**From:** Janann Taylor [<mailto:jananntaylor@me.com>]  
**Sent:** Tuesday, November 04, 2014 3:28 PM  
**To:** Don Neu  
**Cc:** Cannon Janell; Debbie Fountain; Michele Masterson  
**Subject:** Before and after photos for our Community Place and Spirit

Dear Mr. Neu and Planning Commissioners:

D42-1

Thank you for the service that you offer the residents of Carlsbad, of ages and backgrounds, as you purposefully study and analyze what is the best for the quality of life and functionality of design for the City. As you evaluate Land Use in the General Plan Update, please support the zoning the City-owned Lands in Olde Carlsbad for Open Space so that these lands will be safeguarded for civic use, not residential, commercial or office space. Specifically, the Cole Agricultural Land which extends from the Cole Library eastward; the Carey Estate property which is on Elmwood and Laguna where the Cultural Arts Office, Sculpture Garden, and Community Garden are located now; and the Buena Vista Reservoir site. There is another property next to Fire Station #1 that is also owned by the City of Carlsbad. The Open Space designation includes five elements which are defined here from City documents:

**Land Use Element**

1. Open Space for Preservation of Natural Resources
2. Open Space for Managed Production of Resources
3. Open Space for Outdoor Recreation
4. Open Space for Aesthetic, Cultural and Educational Purposes
5. Open Space for Public Health and Safety.

Using the Cole Agricultural Land for expanded library, cultural arts, education and a beautifully landscaped space for people to feel connected to place and community would be a wonderful focal point for the City of Carlsbad. I believe that organizations and the citizens could partner with the City to create a unique and world renown site that will benefit the economic resources of the city. Revitalizing our community to utilize the historic base of Carlsbad and connect to the Village/Barrio area is prudent as Carlsbad builds its future. Recent studies of city development demonstrate that having quality public spaces make cities work to the advantage of all- they promote healthy lifestyles, walkability, social connectedness and sustainability.

Below are some artistic renderings of workable possibilities that can help you to envision the use of these properties. The City has talented Staff that could work with citizens to plan and partner to use these lands for the highest and best use. First we must designate the land for public use- as the General Plan will be our roadmap for the next decades. Let's safeguard these lands now so that they will be available for following generations.

Janell Cannon walked the streets of Olde Carlsbad from Park Drive to Buena Vista and ended up at the Cole Library. These possibilities are from her imagination. As she is out of town for this Planning Commission meeting, November 5, I respectfully submit them for your consideration.

Janell wrote-The drawings are not that epic—they were quick superimposed sketches that were supposed to make the original photo magically fade into an ideal vision.

This is the Buena Vista Reservoir park—

Before



After

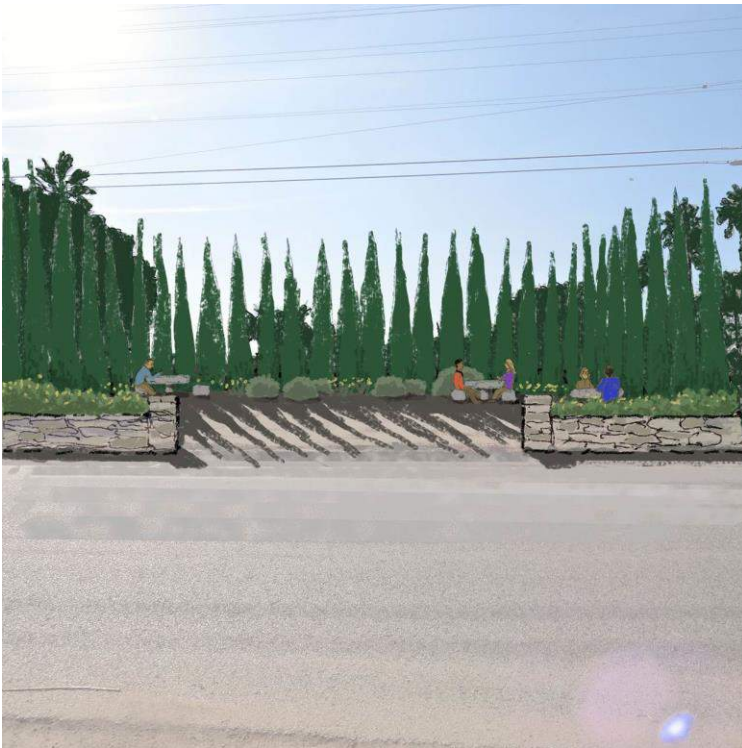


The little pocket park by the arts office—

Before



After





The garden next to the library

Before



After



—J

*Janann Taylor*

1351 Pine Avenue

Carlsbad, CA 92008

760.213.5318

*The life given us by nature is short, but the memory of a life well spent is eternal.*

*-Cicero*

**From:** Jayce Fitch [<mailto:jayce.fitch@gmail.com>]  
**Sent:** Thursday, November 06, 2014 6:09 AM  
**To:** Don Neu  
**Subject:** Low Density Housing

Hi Don,

D43-1

I'm a homeowner in The Terraces of Sunny Creek in Carlsbad. I understand the empty lot next door to us has stirred up some controversy. I intended on attending the Planning meeting last night, November 5th, but I did not know where the meeting was being held and the address was not posted on our gate like I thought it was going to be.

I would like to make it clear that I, along with all of the other residents in our community, would like the lot to be developed in a Low Density Capacity.

Please let me know if there is anything else I can do to help my voice be heard and prevent this lot being developed as high density.

Thank you,

Jayce Fitch

**From:** Jim & Kay Hawkins [<mailto:jimandkayca@yahoo.com>]

**Sent:** Monday, October 20, 2014 4:45 PM

**To:** Don Neu

**Subject:** The lot next to Sunny Creek

D44-1

My name is James Hawkins and I live in the Sunny Creek development. We have been asked to email you if we oppose the high-density development next door. I oppose the development because I know it would result in much more noise, traffic, and pollution.

**From:** Jo Ann Sweeney [<mailto:j.ocean92008@yahoo.com>]  
**Sent:** Monday, October 20, 2014 9:18 AM  
**To:** Council Internet Email  
**Subject:** Open Space, Planned and Balanced Growth!!

October 20, 2014

Carlsbad Mayor Matt Hall

City Councilmen- Matt Packard, Keith Blackburn, Lorraine Woods, and Michael Schumacher

D45-1

I am a seventeen year resident of Carlsbad, Ca. I implore you all.... do not increase the zoning density of Sunny Creek Plaza to high density. There is already traffic grid lock on El Camino Real and College Blvd. Increasing this area to high density will only further impact road grid lock, cause grave environmental concerns with increased noise and air pollution, and additional road issues. I am gravely concerned about adequate resources such as water, police and fire capability with increased density to this area of

D45-2

Carlsbad. Some of the existing rural flavor of Carlsbad, as now evident along El Camino Real, can still be maintained with a continual plan for balanced and conscientious growth. Since Carlsbad is almost built-out, it is imperative to continue with the original plan for BALANCE AND PLANNED GROWTH WITH OPEN SPACES/PARKS. Please listen to the voice of the residents of Carlsbad.

D45-3

For the same reasons listed above, I request you to maintain the current Rancho Carlsbad Golf Course as open space. I am a proponent of balanced, planned growth with paramount consideration to ensuring adequate resources to support the balanced, planned growth. There needs to be consideration for both the citizens of the area and the environment. Open Space was one of Bud Lewis' top priorities. A memorial to his name and memory would be to continue his vision for Carlsbad.

D45-4

Additionally, I also implore you... do not sell the land of Buena Vista Reservoir to developers.. The downtown village area needs this area as a park/open space...not additional houses. What a fitting memorial to Bud Lewis, former mayor and outstanding citizen/leader/resident of Carlsbad if the Buena Vista Reservoir Park would be called the Bud Lewis Memorial Park? Again continue the original planned growth agenda for Carlsbad and continue with the vision for open space.

Sincerely,

JoAnn Sweeney

5342 Forecastle Court

Carlsbad, Ca. 92008

Phone # (760) 438-1176

**From:** Joy <[joy@adicio.com](mailto:joy@adicio.com)>

**Date:** November 9, 2014 at 12:37:35 PM PST

**To:** <[van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov)>, <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>, <[velynA@msn.com](mailto:velynA@msn.com)>, <[hap@haplaw.us](mailto:hap@haplaw.us)>, <[martymontgomery@gmail.com](mailto:martymontgomery@gmail.com)>, <[vscul@roadrunner.com](mailto:vscul@roadrunner.com)>, <[jeffsegall@roadrunner.com](mailto:jeffsegall@roadrunner.com)>, <[siekmann1@att.net](mailto:siekmann1@att.net)>

**Subject:** Sunny Creek Development Proposal - What is the benefit to residents?

D46-1

We are just starting to see a recovery in property values, this will significantly lower the value of our homes.

Please consider the following alternative: the project site be rezoned for low-medium residential uses including a park that is needed for the surrounding communities. High-end single-family homes with a well-architected park would provide the property owner with a reasonable return on his investment, and would meet the City's goal of maintaining architectural and visual consistency with existing adjacent properties.

Joy, Mike, Keiko, Takehisa Hanawa  
5573 Coyote Court  
Carlsbad, CA 92010  
760-666-2864

Donald Pesce  
5244 Don Miguel Drive  
Carlsbad, CA 92010  
760-438-4323

D46-2

**SUMMARY OF THE PROJECT SUBMITTED BY THE DEVELOPER:**

Residential: 141 Townhomes

Retail: Five (5) buildings (3 restaurants, 1 grocery store, 1 large store or strip of smaller stores in one building)

Parking: 749 parking spaces

As neighbors in the area of Sunny Creek, our number one mission is to preserve the scenic beauty of El Camino Real hillsides and preserve our tranquil and high quality of life in this area. We want to implore the planning staff to scale down the development, scale down the zoning, in order to maintain the scenic beauty and curtail the increased traffic, congestion, pollution, noise, and disruptions to neighboring residents.

The main issue of concern about this developer's submittal is density (their submittal even exceeds the high-density inclusion in the Revised General Plan). The City should suppress density, protect existing zoning standards, scale down zoning, and most importantly protect the housing values of existing homeowners and existing developers.

We can take advantage of the City's general policy to share suggestions/recommendations from surrounding neighbors and/or other residents with developers for their consideration and knowledge of the community concerns. The city also gives consideration to these suggestions/recommendations in its review of development applications. It is critical that we speak up now and be involved in this process.

Issues of the neighbors in the vicinity of Sunny Creek:

Building three restaurants does not comply with providing the City's policy of "neighborhood-serving stores" nor are they needed due to the disruptions to the peace and tranquility of this area:

1. Restaurants are mostly frequented by those outside of the neighborhood bringing in excess outside traffic,
2. There are already an abundance of restaurant choices and grocery stores nearby:
  - a. 1 mile to The Islands at Faraday and Van Allen Way
  - b. 1 mile to the new East Village at Robertson Ranch
  - c. 2 miles down to Lowes Plaza
  - d. 3 miles to Bressi Ranch
  - e. 3 miles to Vons/Rite Aid on Tamarack
  - e. 3.5 miles to Westfield Camino Real Mall
  - f. 3.5 miles to College Blvd. near Walmart

Per City Policy: objectives are established to guard against "**creating undue overlaps in trade areas**, while providing desirable diversity **without overcommercialization**, consistent with the prime concept and image of the community as a **desirable residential, open space community**". (SHOPPING CENTER POLICIES GPA 00-04 and the SHOPPING CENTER REDESIGNATIONS GPA 01-06)

**IMPORTANT SUMMARY POINTS:**

The need does not exist for additional shopping centers, especially not at the expense of negatively impacting the "scenic corridor" and the residential environment.

The City of Carlsbad should not eliminate one of the last minimally congested areas to live in beautiful Carlsbad.

The guidelines set forth by the aforementioned the Carlsbad Shopping Center policies clearly state that more shopping centers along the El Camino Real NW and NE quadrant "conflict with adjoining residential areas" because of many factors including "Controlling lights, signage, and hours of operation .....that will "adversely impact surrounding uses" (Resolution No. 200146 of the General Plan).

The proposal would result in:

GEOLOGIC PROBLEMS/ENVIRONMENTAL IMPACTS:.



The surrounding area of the proposed shopping center will be impacted by seismic ground shaking from new building projects. The habitat of the surrounding area will also be negatively impacted by excavation and changes in topography, specifically by large amounts of blacktop and concrete.

#### WATER PROBLEMS:

Due to the many creeks in the surrounding area, due to grease runoff from proposed restaurants and grocery stores, due to disruption of water flow, the shopping centers would result in: a) Changes in absorption rates, drainage patterns, or the b) Exposure of people or property to water related hazards, c) Changes in the quality and quantity of ground waters.

#### TRANSPORTATION/CIRCULATION PROBLEMS.

The proposed Sunny Creek shopping center will result in increased vehicle trips, increase of cars entering and leaving the Plaza, traffic congestion, idling cars waiting at lights and waiting to park, resulting in impact on air quality and on noise.

**BIOLOGICAL RESOURCES:** Displacement of the local wildlife that currently exists on the open lands.

**NOISE:** increases in existing noise levels; Exposure of people to severe noise levels.

**DRAIN ON CITY SERVICES:** Increased need for police surveillance, for road maintenance, and for fire protection.

**INCREASED NEED** for utilities, power or natural gas, communications systems, local or regional water treatment or distribution facilities, sewer or septic tanks, storm water drainage, solid waste disposal, local water supplies.

**NEGATIVE IMPACT ON AESTHETICS:** the scenic corridor of natural scenic vistas will be gone and replaced with concrete, macadam, and rooftops. The proposed project creates light and glare that does not exist now.

Northeast Carlsbad is over-saturated with commercial uses and dense residential housing. Placing a neighborhood retail center on the Sunny Creek open space serves no land planning purpose. There are ample shopping choices within proximity of three miles or five minutes travelling time (especially with the planned East Village at Robertson Ranch).

As an alternative, we propose that the project site be rezoned for low-medium residential uses including a park that is needed for the surrounding communities. High-end single-family homes with a well-architected park would provide the property owner with a reasonable return on his investment, and would meet the City's goal of maintaining architectural and visual consistency with existing adjacent properties.

Parking lot noise - characterized by car door slams, car alarms, vehicle start-ups and tire squealing - can be especially annoying, as it tends to be high-intensity noise which punctuates the ambient sound environment. One must also keep in mind that the stores/restaurants at Sunny Creek will keep very late hours, not closing until 10 or 11 o'clock in the evening. Some stores may even stay open 24 hours a day. Noise in the evening, particularly after 10 p.m., is especially disturbing to residents. It interrupts conversations; it disrupts quiet interior activities, such as watching television; and it makes sleep



difficult. It is unclear how (or whether) these intrusive noise impacts can be mitigated to acceptable levels.

Noise from delivery trucks is another serious concern. Retail deliveries, especially those for grocery stores, often occur late at night or very early in the morning, well prior to the opening of the business day. Such deliveries are made with semi-tractor trailers and other large vehicles, which generate significant amounts of noise (e.g., noise from diesel engines, noise from "back up" beepers, and noise from roll-up bay doors). The disruptive, high-intensity nature of this noise, combined with the inevitable increase of noise on El Camino Real from at least 2,000 additional cars traveling on ECR at build-out, plus the very late or very early hour at which it is emitted, will operate to wake residents in the surrounding area from their sleep and create general annoyance.

Finally, there are the stationary noise sources internal to the commercial project. These consist primarily of refrigeration and exhaust systems installed on the roofs of the commercial buildings. Not only is this equipment noisy, it operates continuously (albeit on cycles) throughout the day and night. As with the truck deliveries and late night parking lot noise, the loud whirring from these mechanical systems will create noise just when everything else has quieted down and people are trying to sleep.

Light and glare from the project is a tremendous concern: namely in the form of car headlights, store lights and signs, and parking lot light standards. These will significantly affect those homes nearest the proposed commercial center. As with the project's noise impacts, these light and glare impacts are most disruptive during the nighttime hours, when residents quiet their own interior lights and prepare for bed. It is doubtful that Sunny Creek Plaza can soften the light and glare impacts sufficiently to mitigate these impacts to Sunny Creek residents.

Given the overwhelming number of shopping options and housing units within a 3-mile radius of Sunny Creek, and given the weak demand for this project from neighboring residents due to the potential traffic, noise, and lighting impacts - both direct and cumulative, increased housing and commercial land use on the open Sunny Creek land can hardly be justified.

For the numerous reasons stated above, the City of Carlsbad should abide by "the original staff recommendation {that} contained a policy that would have prohibited new sites for local shopping centers from being located along El Camino Real...{in order} to preserve the scenic quality of this designated scenic corridor." (Policy C.2.6, page 32 of Exhibit '1.11").

**From:** Patricia Parsons [<mailto:pat@parsons.org>]  
**Sent:** Saturday, November 22, 2014 10:23 AM  
**To:** Van Lynch  
**Cc:** Don Neu  
**Subject:** CONCERNED RESIDENTS

Mr. Lynch,

D47-1 | We would like to share our concern regarding the Sunny Creek preliminary proposal from the developer of Sunny Creek, the 17-acre open lot on El Camino across from the new 26-home development going up at the end of Camino Hills. This email is to express our objections to any possible General Plan amendments to high-density housing which would bring increased congestion, noise, traffic pollution, and a drain on City services.

Let's keep Carlsbad a tranquil residential community .

Regards,

Pat & Terry Parsons  
5333 Forecastle Court  
Carlsbad, CA 92008

It is critical that as many people as possible email him with objections to possible General Plan amendments and high-density housing which will bring increased congestion, noise, traffic, pollution, drain on City services, etc. to a tranquil residential community.

Begin forwarded message:

**Date:** November 19, 2014 at 11:05:01 AM PST  
**From:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>  
**Reply-To:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>  
**Subject:** Fw: ALERT  
**To:** Alex Szabo <[alex@topsailgroup.com](mailto:alex@topsailgroup.com)>

D47-2 | This morning, I spoke to Van Lynch, the City Planner, about the Sunny Creek preliminary proposal from the developer of Sunny Creek (again, it's the 17-acre open lot on El Camino across from the new 26-home development going up at the end of Camino Hills).

Van has submitted to his management a draft of the review which essentially is telling the developer to apply for an "amendment to the General Plan" since the density is higher. He also told me that the developer has to consult the neighbors about their proposal. Additionally, in support of the developer, Van said that the City must build more housing; therefore, this is a likely area to put it.

It is critical that as many people as possible email him with objections to possible General Plan amendments and high-density housing which will bring increased congestion, noise, traffic, pollution, drain on City services, etc. to a tranquil residential community.

If City Planning thinks we, the residents in this area, don't care and are apathetic, they will continue to meet Carlsbad's perceived "housing requirements" right here in our "backyard".

Van said he received only three emails. Please write to him asap and copy the Planning Director: [van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov) don.neu@carlsbadca.gov  
Please also request that the developer contact us for neighborhood input.

Thanks,  
Madeleine

bcc: Friends of Carlsbad Scenic Corridor  
Friends of Sunny Creek

----- Forwarded Message -----

**From:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>

**To:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>

**Sent:** Sunday, November 9, 2014 11:09 AM

**Subject:** Fw: ALERT

----- Forwarded Message -----

**From:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>

**To:** Alex Szabo <[alex@topsailgroup.com](mailto:alex@topsailgroup.com)>

**Sent:** Sunday, November 9, 2014 8:38 AM

**Subject:** ALERT

D47-3

The developer submitted his plan for Sunny Creek Plaza on October 22nd (see attached). The City Staff has to respond within 30 days. We must act now. Unlike the other developments in this area (like Robertson Ranch and Encinas Creek Apartments) which are already finalized, we have a good chance of influencing the fate of the Sunny Creek open space. I know the below is lengthy, but please read. Incorporate some or all of the points in an email to City officials listed at the end of this report.

SUMMARY OF THE PROJECT SUBMITTED BY THE DEVELOPER:

*Residential:* 141 Townhomes

*Retail:* 60,000 sq. ft. of five (5) buildings: 3 restaurants, 1 grocery store, 1 large store or strip of smaller stores.

*Parking:* 749 parking spaces

As neighbors in the area of Sunny Creek, our number one mission is to preserve the scenic beauty of El Camino Real hillsides and preserve our tranquil and high quality of life in this area. We want to implore the planning staff to scale down the

development, **scale down the zoning**, in order to maintain the scenic beauty and curtail the increased traffic, congestion, pollution, noise, and disruptions to neighboring residents.

The issues of concern about this developer's submittal include comments on density (their submittal even exceeds the high-density inclusion in the Revised General Plan!). The City should suppress density, protect existing zoning standards, scale down zoning, and most importantly protect the housing values of existing homeowners and existing developers.

It is the general policy of the city to share suggestions/recommendations from surrounding neighbors and/or other residents with developers for their consideration and knowledge of the community concerns. The city also gives consideration to these suggestions/recommendations in its review of development applications. We must speak up and be involved in this process!

Issues of the neighbors in the vicinity of Sunny Creek:

Building three restaurants does not comply with providing "neighborhood-serving stores" (as per City policy) nor are they needed:

1. Restaurants are mostly frequented by those outside of the neighborhood,
2. There are already an abundance of restaurant choices and grocery stores nearby:
  - a. 1 mile to The Islands at Faraday and Van Allen Way
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  - e. 3 miles to Vons/Rite Aid on Tamarack
  - e. 3.5 miles to Westfield Camino Real Mall
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#### **IMPORTANT SUMMARY POINTS:**

1. The need does not exist for additional shopping centers, especially not at the expense of negatively impacting the "scenic corridor" and the residential environment.
2. The City of Carlsbad should not eliminate one of the last minimally congested areas to live in beautiful Carlsbad.

3. The guidelines set forth by the aforementioned Shopping Center policies, clearly state that more shopping centers along the El Camino Real NW and NE quadrant "conflict with adjoining residential areas" because of many factors including "Controlling lights, signage, and hours of operation .....that will "adversely impact surrounding uses" (Resolution No. 200146 of the General Plan).

The proposal would result in:

1. GEOLOGIC PROBLEMS/ENVIRONMENTAL IMPACTS:.

The surrounding area of the proposed shopping center will be impacted by seismic ground shaking from new building projects. The habitat of the surrounding area will also be negatively impacted by excavation and changes in topography, specifically by large amounts of blacktop and concrete.

2. WATER PROBLEMS:

Due to the many creeks in the surrounding area, due to grease runoff from proposed restaurants and grocery stores, due to disruption of water flow, the shopping centers would result in: a) Changes in absorption rates, drainage patterns, or the b) Exposure of people or property to water related hazards, c) Changes in the quality and quantity of ground waters.

3. TRANSPORTATION/CIRCULATION PROBLEMS.

The proposed Sunny Creek shopping center will result in increased vehicle trips, increase of cars entering and leaving the Plaza, traffic congestion, idling cars waiting at lights and waiting to park, resulting in impact on air quality and on noise.

4. BIOLOGICAL RESOURCES: Displacement of the local wildlife that currently exists on the open lands.

5. NOISE: increases in existing noise levels; Exposure of people to severe noise levels.

6. Drain on City Services: Increased need for police surveillance, for road maintenance, and for fire protection.

7. Increased need for utilities, power or natural gas, communications systems, local or regional water treatment or distribution facilities, sewer or septic tanks, storm water drainage, solid waste disposal, local water supplies.

8. Negative impact on aesthetics: the scenic corridor of natural scenic vistas will be gone and replaced with concrete, macadam, and rooftops. The proposed project creates light and glare that does not exist now.



Northeast Carlsbad is over-saturated with commercial uses and dense residential housing. Placing a neighborhood retail center on the Sunny Creek open space serves no land planning purpose. There are ample shopping choices within proximity of three miles or five minutes travelling time (especially with the planned East Village at Robertson Ranch). As an alternative, we would propose that the project site be rezoned for low-medium residential uses including a park that is needed for the surrounding communities. High-end single-family homes with a well-architected park would provide the property owner with a reasonable return on his investment, and would meet the City's goal of maintaining architectural and visual consistency with existing adjacent properties.

The proposed commercial project will almost certainly make traffic on ECR worse. The road noise from the project's additional cars will directly impact current residents at:  
Sunny Creek

Tabata development under construction across the street

Camino Hills

Eagle Canyon

Evans Point

Rancho Carlsbad

Future Planned Developments at Cantarini Ranch and Holly Ranch

Noise from within the commercial center itself will add significant burden to current residents.

Parking lot noise - characterized by car door slams, car alarms, vehicle start-ups and tire squealing - can be especially annoying, as it tends to be high-intensity noise which punctuates the ambient sound environment. One must also keep in mind that the stores/restaurants at Sunny Creek will keep very late hours, not closing until 10 or 11 o'clock in the evening. Some stores may even stay open 24 hours a day. Noise in the evening, particularly after 10 p.m., is especially disturbing to residents. It interrupts conversations; it disrupts quiet interior activities, such as watching television; and it makes sleep difficult. It is unclear how (or whether) these intrusive noise impacts can be mitigated to acceptable levels.

Noise from delivery trucks is another serious concern. Retail deliveries, especially those for grocery stores, often occur late at night or very early in the morning, well prior to the opening of the business day. Such deliveries are made with semi-tractor trailers and other large vehicles, which generate significant amounts of noise (e.g., noise from diesel engines, noise from "back up" beepers, and noise from roll-up bay doors). The disruptive, high-intensity nature of this noise, combined with the inevitable increase of noise on El Camino Real from at least 2,000 additional cars traveling on ECR at build-out, the very late or very early hour at which it is emitted, will operate to wake residents in the surrounding area from their sleep and create general annoyance.

Finally, there are the stationary noise sources internal to the commercial project. These consist primarily of refrigeration and exhaust systems installed on the roofs of the commercial buildings. Not only is this equipment noisy, it operates continuously (albeit

on cycles) throughout the day and night. As with the truck deliveries and late night parking lot noise, the loud whirring from these mechanical systems will create noise just when everything else has quieted down and people are trying to sleep.

Light and glare from the project is a tremendous concern: namely in the form of car headlights, store lights and signs, and parking lot light standards. These will significantly affect those homes nearest the proposed commercial center. As with the project's noise impacts, these light and glare impacts are most disruptive during the nighttime hours, when residents quiet their own interior lights and prepare for bed. It is doubtful that Sunny Creek Plaza can soften the light and glare impacts sufficiently to mitigate these impacts to Sunny Creek residents.

Given the overwhelming number of shopping options and housing units within a 3-mile radius of Sunny Creek, and given the weak demand for this project from neighboring residents due to the potential traffic, noise, and lighting impacts - both direct and cumulative, increased housing and commercial land use on the open Sunny Creek land can hardly be justified.

For the numerous reasons stated above, the City of Carlsbad should abide by "the original staff recommendation {that} contained a policy that would have prohibited new sites for local shopping centers from being located along El Camino Real,...{in order) to preserve the scenic quality of this designated scenic corridor." (Policy C.2.6, page 32 of Exhibit '1.11/").

NOTE TO CONCERNED RESIDENTS.....  
*PLEASE EMAIL A LETTER TO:*

City Planner for Sunny Creek, Van Lynch, tel: 760-602-4641  
Director of Planning, Don Neu  
Planning Commissioner Velyn Anderson  
Planning Commissioner Arthur Neil Black  
Planning Commissioner Stephen "Hap" L'Heureux  
Planning Commissioner Marty Montgomery  
Planning Commissioner Victoria Scully  
Planning Commission Jeff Segall  
Planning Commissioner Kerry Siekmann

*Madeleine*

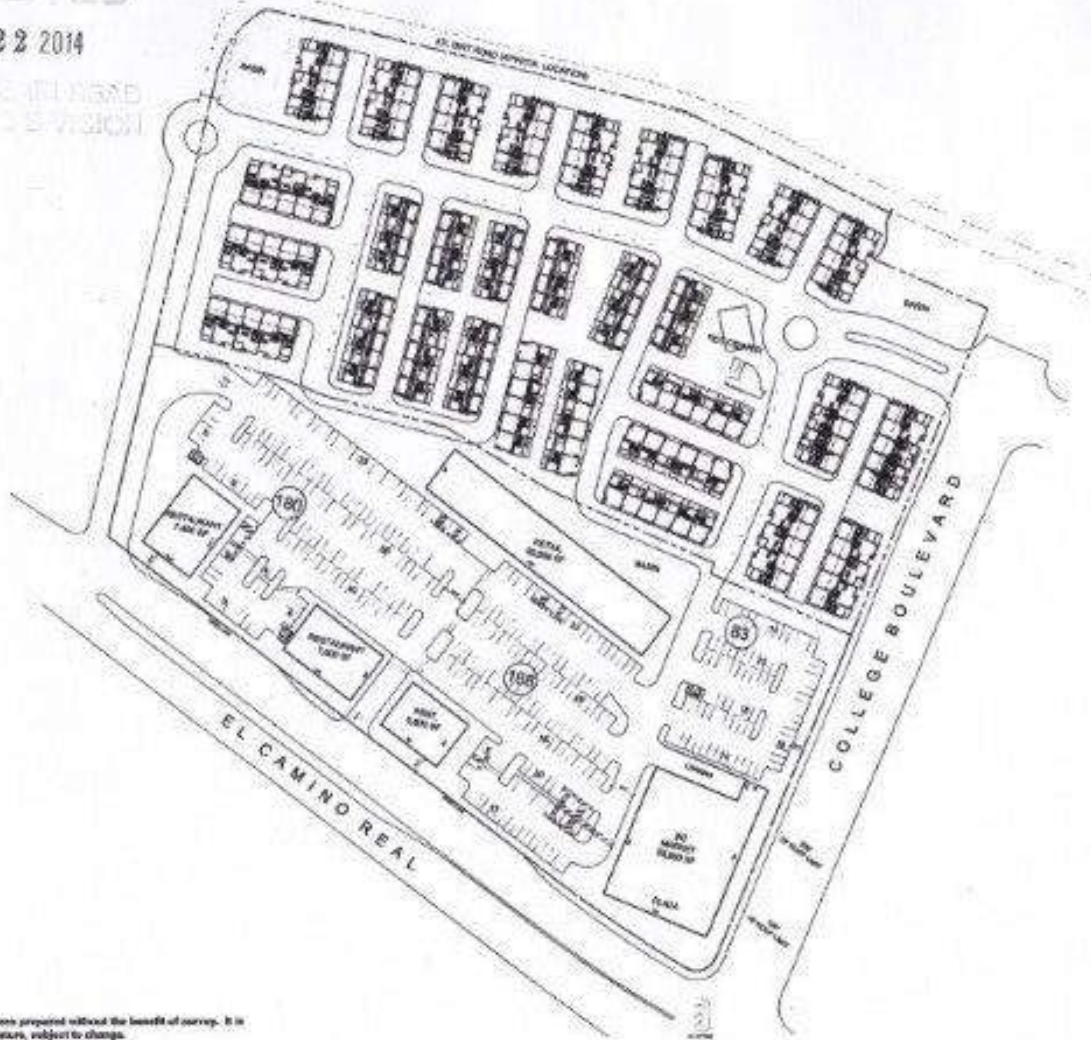
D47-4 | Attached: Proposed Sunny Creek Project



RECEIVED

OCT 22 2014

CITY OF CHULUARD  
PLANNING DIVISION



This plan has been prepared without the benefit of survey. It is conceptual in nature, subject to change.

**SUNNY CREEK MIXED USE DEVELOPMENT**  
**SUNNY CREEK INVESTORS, LLC.**

**SITE PLAN**

CHULUARD, CA  
1000 1/2 1000



<b>PROJECT INFORMATION</b>		
<i>LAND AREA</i>		
RETAIL	328,518 SF	7.64 AC
RESIDENTIAL	429,606 SF	9.86 AC
TOTAL	758,124 SF	17.40 AC
<u>RETAIL:</u>		
LAND AREA:	328,518 SF	7.54 AC
TOTAL BLDG. AREA:	60,000 SF	
RETAIL:	20,000 SF	
MARKET:	20,000 SF	
RESTAURANTS (3):	20,000 SF	
LAND/BLDG. RATIO:	4.47/1 (18.3)	
PARKING PROVIDED:	431 STALLS	
PARKING REQUIRED:	400 STALLS	
PARKING RATIO:	7.2/1000 SF	
<u>RESIDENTIAL</u>		
AREA	9.86 AC	
AREA (NET)	8.68 AC	
BASIN/SLOPE	0.94 AC	
REC CENTER	0.24 AC	
2-STORY TOWNHOMES:	71	
3-STORY TOWNHOMES:	70	
TOTAL TOWNHOMES:	141	
DENSITY (NET):	16.2 DU/AC DU=DWELLING UNIT	
PARKING PROVIDED:	318 SPACES	
GARAGE	282 SPACES	
GUEST	36 SPACES	
<i>TOTAL PARKING SPACES:</i>	749 SPACES	

LAND/BLDG. RATIO: 4.47/1 (18.3) incorrectly stated;  
Should be 5.47: 328,518/60,000

TOTAL Dwelling Units (DU): 141  
Sunny Creek Zoning: currently zoned as Medium Density Residential; Commercial (4-8 dwelling units per acre).\*  
Revised General Plan wants to change zoning to Medium-High Density (RMH) (8-15 dwelling units per acre).\*\* This submitted project is High Density: 16.2 DU per acre.



Project Proposal is in violation of the Current General Plan and the Revised General Plan.

*Revised General Plan on Sunny Creek Plaza:* “Foster development of this site as a mixed-use neighborhood center, with a local shopping center along El Camino Real that provides amenities for the surrounding neighborhoods, which include residential uses at a density of 8 to 15 dwelling units per acre to the north and west of the shopping center. Residential and commercial uses should be integrated in a walkable setting.”

*Form of Comparison:* The new approved Encinas Creek Apartment Homes planned for behind this Sunny Creek project is 5 apartment buildings, totaling 127 units on about 44 acres (this proposed project is 141 units on 17 acres plus 5 commercial buildings).

Sources:

**\*Current Zoning:** Envision Carlsbad, Land Use Concepts

<http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=23336>

**\*\*Revised General Plan:** <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=26337>

*Revised General Plan about Sunny Creek Plaza:* “Foster development of this site as a mixed-use neighborhood center, with a local shopping center along El Camino Real that provides amenities for the surrounding neighborhoods, which include residential uses at a density of 8 to 15 dwelling units per acre to the north and west of the shopping center. Residential and commercial uses should be integrated in a walkable setting.”

**From:** Madeleine Szabo [<mailto:mbszabo@snet.net>]  
**Sent:** Thursday, October 30, 2014 5:29 AM  
**To:** Velyn Anderson; Neil Black; Hap L'Heureux; [martymontgomery@gmail.com](mailto:martymontgomery@gmail.com); [vscul@roadrunner.com](mailto:vscul@roadrunner.com); Jeff Segall; Kerry Siekmann  
**Cc:** Don Neu; Jennifer Jesser; David de Cordova; Debbie Fountain  
**Subject:** IMPORTANT from Carlsbad Residents

Dear Planning Commissioner,

D48-1 | I was strongly advised to email you the below letter with the important attachment. Please read and comply.

With gratitude,  
Madeleine Szabo  
Carlsbad, CA

bcc: Friends of Carlsbad Scenic Corridor  
Friends of Sunny Creek  
Friends of Aviara  
Preserve Calavera

----- Forwarded Message -----

**From:** Madeleine Szabo <[mbszabo@snet.net](mailto:mbszabo@snet.net)>  
**To:** Debbie Fountain <[Debbie.Fountain@carlsbadca.gov](mailto:Debbie.Fountain@carlsbadca.gov)>  
**Cc:** Kathy Dodson <[Kathy.Dodson@carlsbadca.gov](mailto:Kathy.Dodson@carlsbadca.gov)>; "[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)" <[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)>; "[matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)" <[matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)>  
**Sent:** Wednesday, October 29, 2014 10:08 AM  
**Subject:** City Hall Meeting on October 28 with Debbie Fountain

Debbie Fountain  
Housing and Neighborhood Services Director  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, Ca. 92008-1949

Dear Debbie,

D48-2 | Thank you for your valuable time to meet with me and Michael Kroopkin yesterday. We especially appreciate the opportunity you gave us on behalf of many Carlsbad residents to share our concerns regarding the Revised General Plan's proclivity for overdevelopment and for depreciating the value of Carlsbad through excess commercialization and high-density housing.

D48-3 | Please note attached the Summary of Concerns and detailed Questions/Comments/Suggestions in the Revised General Plan Comparison document. It is my understanding that you will share this document and our discussion yesterday with the appropriate city planners and consultants as you encourage them on our behalf to re-evaluate the revisions to the General Plan.

D48-4

As I mentioned, we love Carlsbad. We want to preserve the quality of life in Carlsbad and its scenic beauty. We implore the City Planners to use our zoning laws to hold back high-density growth because it will choke City traffic, strain City services, and mar the beautiful landscape.

Kind regards,  
Madeleine Szabo  
Carlsbad, CA  
760-814-2550

bcc: Friends of Carlsbad Scenic Corridor  
Friends of Sunny Creek  
Friends of Aviara  
Preserve Calavera

Attachment:

### Summary of Concerns:

October, 2014

D48-5

We love Carlsbad. We love the current design and valued living standards of Carlsbad. We do not want to see Carlsbad change. We understand and appreciate the herculean task of revising the 1994 General Plan, but we want to make sure that the defining attributes of the Carlsbad Community Vision are upheld. We are most concerned about **high-density** housing, retail, and commercial, which conflicts with the predetermined character of the “small town beach community feel.” Carlsbad should continue to have choices of

D48-6

housing areas along El Camino that are free of traffic, congestion, and noise associated with high-density housing and shopping centers. Those choices are diminished by modifications to zoning and approvals to developers/landowners who want to maximize their financial rewards.

D48-7

Currently, the NE quadrant of El Camino Real is in danger of overdevelopment with the current approved development projects that are in the process of being built. We implore the Carlsbad Planning Department to protect our existing **zoning** standards and not allow developers to negatively impact the scenic beauty with requested modifications.

D48-8

Our number one mission is to preserve the scenic beauty of El Camino Real hillsides along the NE quadrant between Faraday and Tamarack. We appreciate the efforts by the planning staff to enforce mitigation that minimizes impacts to the environment and surrounding communities.

D48-9 | However, we want to implore the planning staff to scale down the development, **scale down the zoning**, in order to maintain the scenic beauty and curtail increased traffic, congestion, pollution, noise, and disruptions to neighboring residents.

D48-10 | By suppressing density, by protecting existing zoning standards, by scaling down zoning, you are protecting the housing values of existing homeowners and existing developers.

D48-11 | Don't give up on Carlsbad's high standards, revered as a beautiful "small community beach feel" with an esteemed quality of life.

*Friends of Carlsbad Scenic Corridor*

cc: Friends of Carlsbad Scenic Corridor  
Friends of Sunny Creek  
Friends of Aviara  
Preserve Calavera

Note below: Questions/Comments/Suggestions on General Plan Comparison document

## **REVISED GENERAL PLAN VERSUS 1994 GENERAL PLAN**

CONCERNS/QUESTIONS/SUGGESTIONS (highlighted in red):

D48-12 | Page 2:

2-G.1 "Maintain a land use program with amount, design and arrangement of varied uses that serve to protect and enhance the character and image of the city as expressed in the Carlsbad Community Vision, and balance development with preservation and enhancement of open space".

**QUESTION: Has the General Plan been adhering to "protect and enhance the character and image of the city as expressed in the Carlsbad Community Vision" with increased density, traffic, pollution, congestion, noise, lights, use of City utilities and City services along the NE/NW quadrants of El Camino Real with the approved developments (not yet built) and the proposed development in the Revised General Plan?**

D48-13

NEW GP:

**Eliminates following words from original GP:** “preserves and enhances the environment, character and image of itself as a desirable residential, beach and open space oriented community.”

NEW WORDS: “balance development with preservation and enhancement of open space”.

**COMMENT:** Leaves too much room for overdevelopment and counterbalance on the side of development not “preservation and enhancement of open space.”

**SUGGESTION:** LEAVE ORIGINAL WORDS IN THE REVISED GP

D48-14

2-G.2

NEW WORDS: “Promote a diversity of compatible land uses throughout the city, to enable people to live close to job locations, adequate and convenient commercial services, and public support systems such as transits, parks, schools, and utilities.”

**COMMENT:** Eliminates open less-congested and less dense areas where some people want to live regardless of close proximity to jobs, shopping, etc., which bring a higher level of traffic and pollution. Not all people necessarily want to “live close to job locations.... and commercial services”.

**QUESTION:** Why eliminate all choice of living styles for all types of people as long as the quality of life adheres to the Carlsbad Community Vision standards? Allow people a choice of in areas to live that are free of traffic and congestion and don’t mind driving 3 miles or 5 minutes to shopping.

**SUGGESTION:** ELIMINATE THE NEW WORDS IN 2-G2

D48-15

Page 3

2-G.5 (same wording except “Protect” instead of “preserve”) “Protect the neighborhood atmosphere and identity of existing residential areas”.

**SUGGESTION:** SAY BOTH WORDS “PROTECT” AND “PRESERVE”: “Protect and preserve the neighborhood....”

D48-16

NEW WORDS: 2-G.6 “Allow a range of mixed-use centers in strategic locations that maximize access to commercial services from transit and residential areas.”

COMMENT: Concern: Emphasis NOT on protecting scenic beauty but on “access to commercial services”

SUGGESTION: ELIMINATE THE NEW WORDS ABOVE IN 2-G6

D48-17

NEW WORDS

2-G.7 “Ensure that neighborhood serving shopping and mixed-use centers include shopping as a pedestrian-oriented focus for the surrounding neighborhood, are physically integrated with the surroundings, and contain neighborhood-serving stores and small offices. Where appropriate, include in the centers high and medium density housing surrounding the retail core or integrated in mixed-use buildings.”

COMMENT: Emphasis on densely populated business, commercial, and residential silos, not providing open spacious residential areas. People are not going to walk to stores and carry packages home. Unreasonable expectation.

SUGGESTION: ELIMINATE THE NEW WORDS IN 2-G7

D48-18

Page 5 “Goals - Community Character, Design, and Connectedness”

NEW:

2-G.16 “Enhance Carlsbad’s character and image as a desirable residential, beach and open-space oriented community.”

OLD:

“[Goal - Overall Land Use Pattern]”

A.1 “A City which preserves and enhances the environment, character and image of itself as a desirable residential, beach and open space oriented community.”

COMMENT: Concern with the original words make it more a directive for Carlsbad, in all neighborhoods, to “preserve and enhance the environment, character, and image”; whereas, the NEW WORDING talks only about how Carlsbad is known as a WHOLE, about its “image” to outsiders. There is a difference.

SUGGESTION: KEEP THE OLD WORDS IN A-1

**D48-19** NEW: WORDS ADDED:

2-G.17 “Ensure that the scale and character of new development is appropriate to the setting and intended use. Promote development that is scaled and sited to respect the natural terrain, where hills, public realm, parks, open space, trees, and distant vistas, rather than buildings, dominate the overall landscape, while developing the Village, Barrio, and commercial and industrial areas as concentrated urban-scaled nodes.”

**COMMENT:** Talks about development of the Village and the Barrio as urban-scaled nodes, but yet it says new development should respect “the natural terrain” etc.

**SUGGESTION:** Should add the words: “particularly necessary to respect the open scenic vistas along El Camino Real and limit the height of buildings and density of housing developments.”

**D48-20** NEW WORDS:

2-P.8 “Do not permit residential development to exceed the applicable Growth Management Control Point (GMCP) density unless the following findings are made:

“The project qualifies for and will receive an allocation of “excess” dwelling units, pursuant to City Council Policy No. 43” **The NE quadrant has over 300 “excess dwelling units” after build-out. These NEW WORDS allow all quadrants to be further developed.**

**SUGGESTION:** Do not qualify “2-P.8” with the words “unless the following findings are made”. Add the words: “The project does not impact traffic, congestion, and noise for the surrounding neighbors and complies with City’s preservation of the scenic corridor.”

OLD WORDS:



D48-21

C.12 “Require new master planned developments and residential specific plans of over 100 acres {these words taken out of NEW GP} to provide usable acres to be designated for community facilities such as daycare, worship, youth and senior citizen activities. The exact amount of land will be determined by a future amendment to the Planned Community Zone.”

COMMENT: By eliminating the words “for developments.... over 100 acres”, there is a requirement for all developments to provide community facilities”. That should be a choice of the developer and surrounding neighborhoods.

SUGGESTION: PUT THE ORIGINAL WORDS “OF OVER 100 ACRES” BACK INTO THE REVISED GENERAL PLAN.

D48-22

NEW WORDS:

2-P.12 “Encourage residential uses mixed in conjunction with commercial development on sites with Local Shopping Center, General Commercial, Regional Commercial, and Village designations, provided that “excess” dwelling units are available, pursuant to City Council Policy No. 43, and the findings stated in 2-P.8 are made.”

2-P.13 “**Encourage medium to higher density residential uses located in close proximity to commercial services, employment opportunities and major transportation corridors.**” NEW WORDS that “encourage medium to higher density” housing.

SUGGESTION: ELIMINATE 2.P-13, AS IT DOES NOT ADHERE TO THE CARLSBAD COMMUNITY VISION

D48-23

Page 13

2-P.17 “Ensure that all residential areas have convenient access **within a 3-mile/5-minute radius** to daily goods and services by locating local shopping centers centrally within their primary trade areas, as defined in Table 2-4. Such trade areas should minimize gaps between or overlaps with the trade areas of other local shopping centers.”

QUESTION: What is “Table 2-4” and what are the “overlaps with the trade areas of other local shopping centers”? Sunny Creek has close proximity to Bressi Ranch, Lowes, Westfield Plaza, Costco, Vons on Tamarack, Vons and Sprouts on El Camino... What happened to the Local Shopping Center guideline of 5-minute driving standard? With all the shopping in close

D48-23

proximity to the NE/NW part of El Camino Real, there is not a need for another shopping center at Sunny Creek.

SUGGESTION: QUALIFY 2-P.17 WITH THE WORDS “within a 3-mile/5-minute radius” AS INDICATED IN RED ABOVE.

Page 14

D48-24

OLD WORDS:

EXISTING LAND USE ELEMENT

Goals, Objectives and Policies

C.2 “Utilize the following guidelines to determine the appropriate spatial distribution of new sites for local shopping centers and to assign associated zoning. In some instances it may not be possible to implement all of these guidelines fully and some degree of flexibility in their application may be required.

1. New master plans and residential specific plans and other large development proposals shall evaluate whether there is a **need** to include a local shopping center within the development, consistent with these guidelines.”

NEW WORDS: “New master plans and residential specific plans and other large development proposals shall evaluate whether there is a need to include a local shopping center within the development.”

CONCERN: VERY GENERAL; doesn’t define what the “need” is.

SUGGESTION: KEEP THE OLD WORDS IN C-2; eliminate the new words; do not change the old version.

D48-25

NEW GP took out the following words from original GP: “Regional centers draw customers from outside the City and generate interregional traffic.”

CONCERN:

OLD WORDS: “Utilize the following guidelines to determine the appropriate spatial distribution of new sites for local shopping centers and to assign associated zoning. In some instances it may not be possible to implement all of these guidelines fully and some degree of flexibility in their application may be required.”

D48-25

NEW WORDS take out the “consistent with these guidelines” because the guidelines state, “New sites for local shopping centers should not be located along El Camino Real, so as to **minimize** the commercialization of this scenic roadway.” {#6, Page 35, from the Land Use Element (amended March 28, 2013), which is basically concerned with how and where people will live, work, play and shop in Carlsbad.

Page 34

D48-26

“PROPOSED LAND USE AND COMMUNITY DESIGN ELEMENT Policies – **Sunny Creek Commercial**”

ALL NEW WORDS:

2-P.82 “Foster development of this site as a mixed-use neighborhood center, with a local shopping center along El Camino Real that provides amenities for the surrounding neighborhoods, which include residential uses at a density of 8 to 15 dwelling units per acre to the north and west of the shopping center. Residential and commercial uses should be integrated in a walkable setting.”

QUESTION: Why so many multi-use properties in the NE and NW quadrants along El Camino?

COMMENT: Environmental and residential tranquility will be dramatically affected by more housing and by the proposed commercial project. Increased traffic along El Camino Real as well as noise from within the commercial center itself will negatively affect the “environmental and residential tranquility”. See more comments at end of this document: [Additional COMMENTS on NE Quadrant along ECR](#)

SUGGESTION: ELIMINATE IN THE REVISED GENERAL PLAN THE STATEMENT IN 2-P.82 Replace with: “Foster development of this site as low density housing area with a park to serve the residents in surrounding communities.”

Page 3

D48-27

NEW WORDS

2-G.7 Ensure that neighborhood serving shopping and mixed-use centers include shopping as a pedestrian-oriented focus for the surrounding neighborhood, are physically integrated with the surroundings, and contain

D48-27

neighborhood-serving stores and small offices. Where appropriate, include in the centers high and medium density housing surrounding the retail core or integrated in mixed-use buildings.

COMMENT: How would Sunny Creek Plaza be a “pedestrian-oriented focus” and “integrate with the surroundings”?

SUGGESTION: Include the words “within 3 mile radius or 5-minute driving time” after “include shopping”. Delete words “pedestrian-oriented focus”. People will not walk to shopping and carry home bags. The relative convenience of shopping centers close to resident housing are outweighed by problems inherent in shopping centers of increased traffic, cars pulling in and out of parking lots, increased pollution, glaring lights, noise till late at night, increased crime, impacts on city services, etc.

D48-28

“Policies - Palomar Corridor”

2-P.85 “Allow small pockets of **higher density residential at the edges of the corridor**, as shown on the Land Use Map, to enable residents to live closer to jobs, with opportunities for enhanced bicycle and pedestrian paths that link residential and employment uses. Ensure that residential uses incorporate noise attenuation criteria in accordance with the Airport Land Use Compatibility Plan”.

SUGGESTION: ELIMINATE THE WORDS “higher density residential at the edges of the corridor” as it conflicts with the overall character of Carlsbad.

D48-29

Page 39 “PROPOSED MOBILITY ELEMENT

Policies - Street Typology and Multimodal Levels of Service”

NEW:

“3-P.3 Apply and update the city’s multi-modal level of service (MMLOS) methodology and guidelines that reflect the core values of the Carlsbad Community Vision related to transportation and connectivity. Utilize the MMLOS methodology to evaluate impacts of individual development projects and amendments to the General Plan on the city’s transportation system

3-P.4 Implement the city’s MMLOS methodology by evaluating level of service (LOS) for prioritized modes. Maintain LOS D or better only for the prioritized modes of travel by street typology as outlined in Table 3-1 and Figure 3-1.”

D48-29

**QUESTION:** What does this mean? What are the “prioritized modes of travel by street typology”? Where are the Table 3-1 and Figure 3-1?

D48-30

3-P.7 “Develop and maintain a list of LOS exempt intersections and streets approved by the City Council. For LOS exempt intersections and streets, the city will not implement motor vehicle capacity improvements to maintain the LOS standard outlined in Policy 3-P.4 if such improvements are beyond what is identified as appropriate at build out of the General Plan; however, other non-vehicle capacity-building improvements may be required to improve mobility, to the extent feasible, and/or to implement the livable streets goals and policies of this Mobility Element.

To be considered LOS exempt, an intersection or street must be identified as built-out by the City Council because: a. acquiring the rights of way is not feasible; or

b. The proposed improvements would significantly impact the environment in an unacceptable way and mitigation would not contribute to the nine core values of the Carlsbad Community Vision; or

c. The proposed improvements would result in unacceptable impacts to other community values or General Plan policies; or

d. The proposed improvements would require more than three through travel lanes in each direction.

3-P.8 Allow the **following streets** to be LOS exempt facilities from the LOS standard identified in Policy 3-P.4, subject to the requirements described in Policy 3-P.7: “

**QUESTION:** On the list of “following streets”, why is there no mention of the increased traffic along El Camino between College Blvd. and Tamarack due to the planned development and mitigation for all projects along El Camino Real?

**SUGGESTION:** Designate El Camino Real as a priority bikeway and limit development that will add to congestion along the above-mentioned section of El Camino.

D48-31

Page 41

Policies - Street Typology and Multimodal Levels of Service

NEW WORDS

3-P.9 “Require new development that adds traffic to LOS-exempt locations (consistent with 3-P.7) to implement transportation demand management

D48-31 strategies that reduce the reliance on the automobile and assist in achieving the city's livable streets vision."

**QUESTION:** How will they "reduce the reliance on the automobile" without encroaching on residents quality of life and civil liberties?

**SUGGESTION:** ELIMINATE 3-P.9

D48-32 3-P.10 "Update the Citywide Facilities and Improvements Plan to ensure consistency with the General Plan. This includes updating the circulation LOS standards methodologies to reflect a more balanced/multi-modal approach."

**QUESTION:** What does "updating the circulation LOS standards methodologies," mean?

D48-33 **CANNON ROAD – SDG&E PROPERTY EAST OF 5, STRAWBERRY FIELDS, OPEN SPACE**

Page 29

2-P.68 "Enhance the walkability and pedestrian orientation of the Village, including along Carlsbad Village Drive, to enhance the small, beach town atmosphere and improve access to and utilization of transit."

**QUESTION:** How does developing the Caruso Development land east of 5 on Cannon "enhance the small, beach town atmosphere", when a mall there will bring thousands of people who will park there, walk to the beach, cause bottlenecks of traffic, disrupt the scenic vistas, and urbanize Carlsbad?

**COMMENT:** That area should have the same criteria for protecting and preserving the "small, beach town atmosphere" as the Village.

Page 62

D48-34

Policies – Agricultural Resources

4-P.43 "Allow and encourage farming operations in the Cannon Road Open Space, Farming, and Public Use Zone (such as the strawberry fields) as long as they are economically viable for the landowner."

**QUESTION:** How will the City "allow and encourage"?

D48-34

COMMENT: “economically viable for the landowner” is too subjective a statement. Needs boundaries. Define “economically viable for the landowner”.

Page 59 Policies – Parks and Recreation

D48-35

NEW

4-P.29 “Consider the following during the development/re-development of parkland: expanding minimum buffers around sensitive resources; utilizing natural plant species in park projects; incorporating plant species that provide food such as seeds, nuts and berries for wildlife and bird species; protecting and buffering drinking water sources such as small ponds and wetland areas; and limiting turf grass use of recreational areas. Use the Carlsbad Landscape Manual in landscape refurbishment and new park development projects.”

OLD

**“Developing specific sites to minimize impacts to biological resources {not included in NEW GP};** visual impacts of the development of park sites; expanding minimum buffers around sensitive resources; utilizing natural plant species in park projects; incorporating plant species which provide food such as seeds, nuts and berries for wildlife and bird species; protecting and buffering drinking water sources such as small ponds and wetland areas; and, limiting turf grass use to recreational areas.”

SUGGESTION: Include the above bolded words in the Revised General Plan. Carlsbad needs to continue to follow the Carlsbad Community Vision to “minimize impacts to biological resources.”

Page 64

D48-36

4-P.53 Provide, whenever possible, incentives for carpooling, flex-time shortened work weeks, and telecommunications and other means of reducing vehicular miles traveled.

QUESTION: How will the City government “provide incentives”?

SUGGESTION: Add the words: “Except when incentives interfere with the goals of Carlsbad Community Vision”, such as increasing housing development under the guise that the residents of new housing will work closer to home.

D48-37

2-P.9 Incentivize development of lower-income affordable housing by allowing residential development above the GMCP and maximum densities permitted by the General Plan, subject to the findings specified in 2-P.8, above, and an evaluation of the following: (a) the proposal's compatibility with adjacent land uses, and (b) the project site's proximity to a minimum of one of the following: freeway or major street; commercial center; employment opportunities; city park or open space; or commuter rail or transit center.

**Additional Questions:**

D48-38

1. What happened to GPA 00-04 in March 2001, the City Council established goals, policies, and concepts that should be used to determine where and how new Local Shopping Centers should be developed in Carlsbad:

"The concept of trade areas for shopping centers and their definition in terms of travel times from home to shopping (five- minutes travel times were favored)".

"Basic coverage" meant that all areas of the City would be within a five-minute travel-time of at least one center"

D48-39

2. Why is there NO mention of upholding the City's preservation of quality of life by reducing impacts on traffic, environmental impact, congestion, noise, glaring lights, strain on City services?

D48-40

3. What happened to "3.1 Aesthetics  
Environmental Setting

This section of the General Plan provides an evaluation of potential impacts to Carlsbad's aesthetic character as a result of the General Plan

The El Camino Real roadway corridor is also considered a scenic roadway - areas adjacent to the roadway provide rolling hillsides and diverse views."

Why is this statement from the General Plan not included in the Revised General Plan?



D48-41 4. What is the status of the following property with respect to zoning change?  
Rancho Carlsbad golf course

D48-42 5. Kathy Dodson's words (email to M. Szabo: Oct. 14, 2014, 4:52pm):

"As part of an update on the General Plan last fall, staff brought forward these additional properties for council consideration, council did not 'request to change' the designations." Planning Staff told me the Council requested the change. Why does the Council want increased density, other than to allow the landowner and developer to make more money? Density permanently impacts the natural environment and special attributes of Carlsbad. The residents, through countless letters, do not want density of housing and commercial there.

D48-43 Kathy's statement:

"Our General Plan consultants and staff have been analyzing all properties where there are potential zoning changes, along with updating the many other components of the General Plan. As you know, Carlsbad is governed by a voter approved growth management plan, and the final recommendations on the General Plan will keep overall growth within these limits".

COMMENT: The high-density housing developments to achieve the housing cap as defined by the Growth Management Plan does not adhere to the Carlsbad Community Vision in controlling traffic, congestion, noise, and "Carlsbad's defining attributes—its small town feel..."

#### QUESTIONS:

D48-44 1. How do the "consultants and staff" justify adding "overall growth" at the expense of impacting the quality of life of Carlsbad residents?

D48-45 2. How are the "consultants and staff... analyzing all properties where there are potential zoning changes" per Kathy's words? What are their methodology, criteria, and priorities they wish to fulfill?

D48-46 Feb. 2014 Proposed General Plan

What happened to the following in the Revised General Plan?

Chapter 21.40: Scenic Preservation Overlay Zone

D48-46

The purpose of the city's Scenic Preservation Overlay Zone is to supplement the underlying zoning by providing additional regulations for development within designated areas **to preserve or enhance outstanding views, flora and geology, or other unique natural attributes and historical and cultural resources.** {The development on Sunny Creek Plaza is in direct violation to this previous statement}. This chapter establishes criteria by which standards may be applied. Adopted standards may address, but are not limited to signs, utilities, landscaping, architectural treatment, setbacks, side yards, height, bulk, and building spacing. Currently, this overlay zone is applied to the El Camino Real corridor.

### **El Camino Real Corridor Development Standards**

The El Camino Real Corridor Development Standards were adopted in 1984 to further the goals of the then-existing Land Use and Scenic Highways Elements of the Carlsbad General Plan to preserve unique city resources as they relate to highways. The standards provide a general design concept for the entire length of the El Camino Real right-of-way, and establish development restrictions for private properties fronting the roadway. The design concept is an easily identifiable homogenous corridor that capitalizes on the distinct design characteristics of five distinct subareas. The standards include design guidelines emphasizing retention of natural topography; right-of-way standards for landscaping, street lighting, signage, and furniture; and private frontage standards for design theme, medians, sidewalks, signage, building height and setback, grading, street furniture and lighting, roofing, and land use.

D48-47

### **Impact Analysis SIGNIFICANCE CRITERIA**

For the purposes of this Program EIR, a significant adverse impact would occur if the proposed General Plan would:

D48-47

NE ECR, especially Sunny Creek Plaza land, would be impacted in each of these criteria:

- ❖ Have a substantial adverse effect on a scenic vista; Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?
- ❖ Would the project substantially degrade the existing visual character or quality of the site and its surroundings?
- ❖ Would the project create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area?

## IMPACTS

D48-48

Impact 3.1-1 Implementation of the proposed Carlsbad General Plan will not have

a substantial adverse effect on a scenic vista. (Less than Significant)

Scenic vistas in Carlsbad consist of the scenic corridors and views to and from the coastline, open spaces, and hillsides. The proposed General Plan will continue to regulate development in these areas, and contains policies to ensure that opportunities to enjoy scenic views are either preserved or enhanced. Thus, substantial adverse effects are not expected to occur.”

**COMMENT:** The developments in the El Camino Real scenic corridor in the NE/NW quadrants do not “preserve or enhance” the scenic views along El Camino.

**QUESTIONS:** Why would the Revised General Plan exacerbate the development of this area by increasing the housing density of Sunny Creek? The already approved residential/Commercial/retail developments throughout this 3-mile stretch of El Camino (Robertson Ranch, Dos Colinas, Encinas Creek Apartments, Cantarini Ranch, and Holly Springs) will generate

D48-48

disruptive traffic, congestion, noise, pollution, why is more density and commercial space at Sunny Creek incorporated in the Revised General Plan?

D48-49

Following quoted passages from the Proposed General Plan of Feb. 2014:

1. "The proposed General Plan introduces land use changes throughout the city. In the majority of cases, the land use change sites are located in or near already developed areas and coincide with areas designated for development under the existing General Plan. By focusing development in infill areas, the proposed General Plan relieves pressure to develop in open space and agricultural areas while filling visual gaps in existing neighborhoods. This allows for the preservation of open space views and the enhancement of urban views."

"Along the city's scenic corridors, the proposed General Plan's land use changes are **minimal**, occurring in areas where some development has already taken place."

COMMENT: Additional changes, specifically in rezoning the Sunny Creek Plaza land, do not represent a "minimal" change in land use along the El Camino Real "scenic corridor", per the statement above.

QUESTION: How can the Revised General Plan incorporate this conflicting policy?}

D48-50

2. "Proposed policies require that development be located away from visible ridges, and that larger buildings minimize their visual appearance from scenic corridors and other vistas."

QUESTION: Why is this not being followed?

### Additional Thoughts

D48-51

❖ Page 95

7-P.27 "Continue efforts to locate an institute of higher education or a research organization that capitalizes on the cluster of high technology and bio-technology uses, and the community's skilled workforce. Explore tie-ins

D48-51 with institutions in the region such as the University of California San Diego and the dozen plus medical and technology institutes in the region.”

**QUESTIONS:**

D48-52 1. Why bring in so many more people to Carlsbad when there are not enough jobs for the people who are already here? According to the Employment Development Department of the State of California in September 2014 – for San Diego-Carlsbad-San Marcos, the current unemployment rate is Carlsbad is 5.9%. Between August 2014 and September 2014, total nonfarm employment declined from 1,348,300 to 1,345,500, a loss of 2,800 jobs. The most significant job growth came from government (up 4,600). Local government (up 4,300) accounted for more than 90 percent of the job growth in this sector, primarily from seasonal growth in local government education. State government added 400 jobs, while federal government declined by 100 jobs.

The reason unemployment rate declined from August at 6.2% to September is the growth in jobs in the government sector, NOT THE PUBLIC SECTOR.

D48-53 2. How does an “institute of higher education or a research organization” benefit the residents of Carlsbad when Carlsbad already has 37 bio-tech firms?

D48-54 3. Why should Carlsbad taxpayers pay for it?

D48-55 4. If an effort to minimize driving (the reasoning behind putting in more local shopping centers) is a priority in Carlsbad, then why would we want to encourage students from higher ed institutions in the surrounding communities to drive to a “satellite” campus in Carlsbad, putting more cars on the road?

[Additional COMMENTS on NE Quadrant along ECR:](#)

D48-56

Northeast Carlsbad is over-saturated with commercial uses and dense residential housing. Placing a neighborhood retail center on the Sunny Creek open space serves no land planning purpose. There are ample shopping choices within proximity of three miles or five minutes travelling time (especially with the planned East Village at Robertson Ranch). As an alternative, we would propose that the project site be rezoned for low-medium residential uses including a park that is needed for the surrounding communities. High-end single-family homes with a well-architected park would provide the property owner with a reasonable return on his investment, and would meet the City's goal of maintaining architectural and visual consistency with existing adjacent properties.

D48-57

The proposed commercial project will almost certainly make traffic on ECR worse. The road noise from the project's additional cars will directly impact existing residents at Sunny Creek, the new Tabata development across the street, Camino Hills, Eagle Canyon, Evans Point, and Rancho Carlsbad. Noise from within the commercial center itself will add significant burden to existing residents. Parking lot noise - characterized by car door slams, car alarms, vehicle start-ups and tire squealing - can be especially annoying, as it tends to be high-intensity noise which punctuates the ambient sound environment. One must also keep in mind that the stores/possible restaurants at Sunny Creek will keep very late hours, not closing until 10 or 11 o'clock in the evening. Some stores may even stay open 24 hours a day. Noise in the evening, particularly after 10 p.m., is especially disturbing to residents. It interrupts conversations; it disrupts quiet interior activities, such as watching television; and it makes sleep difficult. It is unclear how (or whether) these intrusive noise impacts can be mitigated to acceptable levels.

D48-58

Noise from delivery trucks is another serious concern. Retail deliveries, especially those for grocery stores, often occur late at night or very early in the morning, well prior to the opening of the business day. Such deliveries are made with semi-tractor trailers and other large vehicles, which generate

D48-58

significant amounts of noise (e.g., noise from diesel engines, noise from “back up” beepers, and noise from roll-up bay doors). The disruptive, high-intensity nature of this noise, combined with the inevitable increase of noise on El Camino Real from at least 2,000 additional cars traveling on ECR at build-out, the very late or very early hour at which it is emitted, will operate to wake residents in the surrounding area from their sleep and create general annoyance.

D48-59

Finally, there are the stationary noise sources internal to the commercial project. These consist primarily of refrigeration and exhaust systems installed on the roofs of the commercial buildings. Not only is this equipment noisy, it operates continuously (albeit on cycles) throughout the day and night. As with the truck deliveries and late night parking lot noise, the loud whirring from these mechanical systems will create noise just when everything else has quieted down and people are trying to sleep.

D48-60

Light and glare from the project is a tremendous concern: namely in the form of car headlights, store lights and signs, and parking lot light standards. These will significantly affect those homes nearest the proposed commercial center. As with the project’s noise impacts, these light and glare impacts are most disruptive during the nighttime hours, when residents quiet their own interior lights and prepare for bed. It is doubtful that Sunny Creek Plaza can soften the light and glare impacts sufficiently to mitigate these impacts to Sunny Creek residents.

D48-61

Given the overwhelming number of existing commercial uses and housing units within a 3-mile radius of Sunny Creek, and given the weak demand for this project from neighboring residents due to the potential traffic, noise, and lighting impacts - both direct and cumulative, increased housing and commercial land use on the open Sunny Creek land can hardly be justified.

**From:** Madhusudan Gujral [<mailto:mgujral2000@hotmail.com>]  
**Sent:** Wednesday, November 05, 2014 2:05 PM  
**To:** Don Neu; [dan.neu@carlsbadca.gov](mailto:dan.neu@carlsbadca.gov)  
**Subject:** Sunny creek Zoning Change

Good afternoon Don.

D49-1 I would like to register strong displeasure at city's planning department for considering the zoning changes in sunny creek area off of the El Camino Real. In addition, as a resident living in that area I am opposed to the high density apartments being planned in creek area.

best,  
--Madhu



From: [malarks@yahoo.com](mailto:malarks@yahoo.com) [<mailto:malarks@yahoo.com>]  
Sent: Monday, November 03, 2014 3:22 PM  
To: Don Neu  
Subject: Development adjacent to the Terraces at Sunny Creek

To Don Neu--Carlsbad City Planner,

D50-1

As a homeowner in the Terraces at Sunny Creek community, I strongly encourage you to reevaluate the plan for high density housing for the vacant land adjacent to our neighborhood. Instead, please lower the density of the housing development to LOW DENSITY single family homes.

D50-2

A plan for high density housing in the form of 230 apartment units will undoubtedly raise traffic and noise levels, and raise the potential for disturbances or even crime activity. Our community is home to many families with young children, and safety is of the utmost importance--many of us purchased homes in this community for its quiet location. At this time, the plan to add high density housing acreage is strongly unwanted. Please consider a low density housing plan as the preferred course of action instead.

I am extremely appreciative of your time and careful consideration of the impact of this land development on the quality of life for our existing community.

Thank you,  
Megan Goodwin  
Homeowner, Terraces at Sunny Creek

**From:** Michael Kroopkin <[mikek26@me.com](mailto:mikek26@me.com)>  
**Date:** August 19, 2014 at 4:44:25 PM PDT  
**Subject:** Congestion on El Camino Real  
**To:** [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)

Dear Mayor Hall,

D51-1

I have owned my home in Carlsbad for 17 years and have seen some wonderful growth over those years. My concern is the present congestion and the future of El Camino Real. I understand the project at Cannon Rd. and ECR is approved and going forward. That will bring an

D51-2

additional 1200 to 1800 cars on ECR! I also understand new development, even "High Density"

D51-3

construction is under consideration just South of the small golf course. Just the other day I heard the owner of the golf course is asking for a change of zoning to sell the property for more

D51-4

building. Frankly the list goes on and on. The open space we enjoy today will be gone. The congestion will become 10 times worse and the pollution of all those vehicles stopping and starting will be a disaster for the area. Today, without all this new development, there are times when traffic is backed up from Cannon Rd, all the way to Faraday, what will the future hold? I know it has been suggested the timing of the lights could help BUT it will not. There is just too much traffic; unless you want to compare it to the "5". We really need to control the amount of development in this area, keep as much open space as possible and let all your present residents continue to enjoy this wonderful city. I really question how many on the planning commission and the Board live "on this side of town". For I believe if they did they would agree with me. I am a huge supporter of Carlsbad, work as a volunteer police officer, and have volunteered in many ways throughout the area. Please consider the impact all this additional construction and density the it would create, and don't do it! Thank you, Michael J. Kroopkin 2322 Masters Rd.

760-931-6786

**From:** Michael Kroopkin <[mikek26@me.com](mailto:mikek26@me.com)>  
**Date:** October 7, 2014 at 9:25:39 AM PDT  
**Subject:** Congestion on ECR  
**To:** [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)

Good morning Matt,

D52-1

We have met a few times and I know you are busy with the election coming up but my neighbor Frank Whitton thinks you are great and tells me you are all ways ready to listen. So here goes. I am very concerned about the congestion on El Camino Real. Yesterday at 5:20 going North bound traffic was backed up from Cannon almost all the way to Faraday. At the light at Cannon and College East bound toward ECR also backed up. At Faraday going North bound also backed up. In other words traffic is a mess. I know it is a busy time of day, but I have seen this same situation during other hours. Resetting the stop lights will not cure the situation. The bottom line is we have a lot of traffic on ECR and it is only going to get worse once the housing project at Cannon and ECR is complete, adding another 2000 cars to the mix. I am sure much of this you are aware of BUT it appears that others want MORE building on ECR, High density, more shopping, etc. Talking about making a bad situation worse!!! You are the leader of our wonderful city, please do not let that happen. Yes, I am a concerned citizen, yes I am a volunteer senior police officer , yes I care about our city and yes I understand the desire for some just to make more money without concern for those of us that live here. You are the leader and I am counting on you to continue to maintain this wonderful city with open space and concern for all its citizens.

Sincerely,

Michael Kroopkin  
2322 Masters Rd.  
Carlsbad, Ca 92008  
760-931-6786

**From:** Michael Kroopkin <[mikek26@me.com](mailto:mikek26@me.com)>  
**Date:** October 13, 2014 at 11:32:40 AM PDT  
**Subject:** few thoughts  
**To:** [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)

D53-1

Good morning, I just had an opportunity to review part of the revised General Plan. One item keeps popping up which is of great concern to me. That is the issue of building medium and high density within Carlsbad. Before moving here I was an active Realtor for 40 years. I think I have a good handle on many parts of the GP BUT Carlsbad does not need High Density building! Just look at the development off Dove and ECR, there is no way you can tell me that enhances our wonderful city. This is a great city, do not let those only thinking about making more money influence the decisions of this city. I kept reading about building shopping areas, basically walking distance to housing. This is 2014, people do not walk to shopping and then carry their packages home. Lets wake up! I love this city and am very concerned about the impact of higher population, over abundance of shopping centers, Traffic, Traffic and more traffic and as I mentioned earlier, High density housing. Please share this with all parties of concern. MY concern is simple, keep this wonderful city, wonderful for all it's citizens.

D53-2

D53-3

Michael J. Kroopkin  
2322 Masters Rd  
760-931-6786

**From:** Michael Kroopkin <[mikek26@me.com](mailto:mikek26@me.com)>

**Subject:** rezoning

**Date:** October 14, 2014 at 2:39:37 PM PDT

**To:** [matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)

D54-1

FYI, I spoke this morning to Chris DeCerbo, Principal Planner for Sunny Creek Plaza open land on El Camino next to College Blvd. extension. His telephone number is 760-602-4611.

Chris DeCerbo told me they have had meetings with prospective developers who directed them to institute a Land Use change in the revised General Plan. The Land Use change for Sunny Creek reclassifies Sunny Creek Plaza as an area for high density housing to address the "need" for higher density in the City of Carlsbad. They will approve at least 140 townhomes on 4 acres and 60,000 sq. feet of commercial building on 8 acres.

I am waiting for a call from David DeCordova, the Senior Planner for the Revised General Plan. More information to follow.

**IF THIS IS TRUE THE ANSWER MUST BE NO, NO WAY!!!!!!**

**From:** Michael Kroopkin <[mikek26@me.com](mailto:mikek26@me.com)>

**Date:** November 9, 2014 at 12:14:54 PM PST

**To:** [van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov), [velynA@msn.com](mailto:velynA@msn.com), [neil\\_black7@yahoo.com](mailto:neil_black7@yahoo.com), [hap@haplaw.us](mailto:hap@haplaw.us), [martymontgomery@gmail.com](mailto:martymontgomery@gmail.com), [vscul@roadrunner.com](mailto:vscul@roadrunner.com), [jeffsegall@roadrunner.com](mailto:jeffsegall@roadrunner.com), [siekmann1@att.net](mailto:siekmann1@att.net)

**Subject:** Fwd: Special ALERT

D55-1

The developer submitted his plan for Sunny Creek Plaza on October 22nd (see attached). The City Staff has to respond within 30 days. We must act now....before it is too late. Unlike the other developments in this area (i.e. Robertson Ranch and Encinas Creek Apartments) that are already finalized, we have a good chance of influencing the fate of the Sunny Creek open space.

I know the below is lengthy, but please read. Incorporate some or all of the points in an email to City officials listed at the end of this report.

**SUMMARY OF THE PROJECT SUBMITTED BY THE DEVELOPER:**

Residential: 141 Townhomes

Retail: Five (5) buildings (3 restaurants, 1 grocery store, 1 large store or strip of smaller stores in one building)

Parking: 749 parking spaces

As neighbors in the area of Sunny Creek, our number one mission is to preserve the scenic beauty of El Camino Real hillsides and preserve our tranquil and high quality of life in this area. We want to implore the planning staff to scale down the development, scale down the zoning, in order to maintain the scenic beauty and curtail the increased traffic, congestion, pollution, noise, and disruptions to neighboring residents.

D55-2

The main issue of concern about this developer's submittal is density (their submittal even exceeds the high-density inclusion in the Revised General Plan). The City should suppress density, protect existing zoning standards, scale down zoning, and most importantly protect the housing values of existing homeowners and existing developers.

We can take advantage of the City's general policy to share suggestions/recommendations from surrounding neighbors and/or other residents with developers for their consideration and knowledge of the community concerns. The city also gives consideration to these suggestions/recommendations in its review of development applications. It is critical that we speak up now and be involved in this process.

D55-3

Issues of the neighbors in the vicinity of Sunny Creek:

Building three restaurants does not comply with providing the City's policy of "neighborhood-serving stores" nor are they needed due to the disruptions to the peace and tranquility of this area:

1. Restaurants are mostly frequented by those outside of the neighborhood bringing in excess outside traffic,
2. There are already an abundance of restaurant choices and grocery stores nearby:
  - a. 1 mile to The Islands at Faraday and Van Allen Way

- b. 1 mile to the new East Village at Robertson Ranch
- c. 2 miles down to Lowes Plaza
- d. 3 miles to Bressi Ranch
- e. 3 miles to Vons/Rite Aid on Tamarack
- e. 3.5 miles to Westfield Camino Real Mall
- f. 3.5 miles to College Blvd. near Walmart

Per City Policy: objectives are established to guard against "**creating undue overlaps in trade areas**, while providing desirable diversity **without overcommercialization**, consistent with the prime concept and image of the community as a **desirable residential, open space community**". (SHOPPING CENTER POLICIES GPA 00-04 and the SHOPPING CENTER REDESIGNATIONS GPA 01-06)

**IMPORTANT SUMMARY POINTS:**

The need does not exist for additional shopping centers, especially not at the expense of negatively impacting the "scenic corridor" and the residential environment.

The City of Carlsbad should not eliminate one of the last minimally congested areas to live in beautiful Carlsbad.

The guidelines set forth by the aforementioned the Carlsbad Shopping Center policies clearly state that more shopping centers along the El Camino Real NW and NE quadrant "conflict with adjoining residential areas" because of many factors including "Controlling lights, signage, and hours of operation .....that will "adversely impact surrounding uses" (Resolution No. 200146 of the General Plan).

**D55-4**

The proposal would result in:

**GEOLOGIC PROBLEMS/ENVIRONMENTAL IMPACTS:.**

The surrounding area of the proposed shopping center will be impacted by seismic ground shaking from new building projects. The habitat of the surrounding area will also be negatively impacted by excavation and changes in topography, specifically by large amounts of blacktop and concrete.

**WATER PROBLEMS:**

Due to the many creeks in the surrounding area, due to grease runoff from proposed restaurants and grocery stores, due to disruption of water flow, the shopping centers would result in: a) Changes in absorption rates, drainage patterns, or the b) Exposure of people or property to water related hazards, c) Changes in the quality and quantity of ground waters.

**TRANSPORTATION/CIRCULATION PROBLEMS.**

The proposed Sunny Creek shopping center will result in increased vehicle trips, increase of cars entering and leaving the Plaza, traffic congestion, idling cars waiting at lights and waiting to park, resulting in impact on air quality and on noise.

**BIOLOGICAL RESOURCES:** Displacement of the local wildlife that currently exists on the open lands.

NOISE: increases in existing noise levels; Exposure of people to severe noise levels.

DRAIN ON CITY SERVICES: Increased need for police surveillance, for road maintenance, and for fire protection.

INCREASED NEED for utilities, power or natural gas, communications systems, local or regional water treatment or distribution facilities, sewer or septic tanks, storm water drainage, solid waste disposal, local water supplies.

NEGATIVE IMPACT ON AESTHETICS: the scenic corridor of natural scenic vistas will be gone and replaced with concrete, macadam, and rooftops. The proposed project creates light and glare that does not exist now.

Northeast Carlsbad is over-saturated with commercial uses and dense residential housing. Placing a neighborhood retail center on the Sunny Creek open space serves no land planning purpose. There are ample shopping choices within proximity of three miles or five minutes travelling time (especially with the planned East Village at Robertson Ranch).

As an alternative, we propose that the project site be rezoned for low-medium residential uses including a park that is needed for the surrounding communities. High-end single-family homes with a well-architected park would provide the property owner with a reasonable return on his investment, and would meet the City's goal of maintaining architectural and visual consistency with existing adjacent properties.

Parking lot noise - characterized by car door slams, car alarms, vehicle start-ups and tire squealing - can be especially annoying, as it tends to be high-intensity noise which punctuates the ambient sound environment. One must also keep in mind that the stores/restaurants at Sunny Creek will keep very late hours, not closing until 10 or 11 o'clock in the evening. Some stores may even stay open 24 hours a day. Noise in the evening, particularly after 10 p.m., is especially disturbing to residents. It interrupts conversations; it disrupts quiet interior activities, such as watching television; and it makes sleep difficult. It is unclear how (or whether) these intrusive noise impacts can be mitigated to acceptable levels.

Noise from delivery trucks is another serious concern. Retail deliveries, especially those for grocery stores, often occur late at night or very early in the morning, well prior to the opening of the business day. Such deliveries are made with semi-tractor trailers and other large vehicles, which generate significant amounts of noise (e.g., noise from diesel engines, noise from "back up" beepers, and noise from roll-up bay doors). The disruptive, high-intensity nature of this noise, combined with the inevitable increase of noise on El Camino Real from at least 2,000 additional cars traveling on ECR at build-out, plus the very late or very early hour at which it is emitted, will operate to wake residents in the surrounding area from their sleep and create general annoyance.

Finally, there are the stationary noise sources internal to the commercial project. These consist primarily of refrigeration and exhaust systems installed on the roofs of the commercial buildings. Not only is this equipment noisy, it operates continuously (albeit on cycles) throughout the day and night. As with the truck deliveries and late night parking lot noise, the loud whirring from these mechanical systems will create noise just when everything else has quieted down and people are trying to sleep.



Light and glare from the project is a tremendous concern: namely in the form of car headlights, store lights and signs, and parking lot light standards. These will significantly affect those homes nearest the proposed commercial center. As with the project's noise impacts, these light and glare impacts are most disruptive during the nighttime hours, when residents quiet their own interior lights and prepare for bed. It is doubtful that Sunny Creek Plaza can soften the light and glare impacts sufficiently to mitigate these impacts to Sunny Creek residents.

D55-5

Given the overwhelming number of shopping options and housing units within a 3-mile radius of Sunny Creek, and given the weak demand for this project from neighboring residents due to the potential traffic, noise, and lighting impacts - both direct and cumulative, increased housing and commercial land use on the open Sunny Creek land can hardly be justified.

For the numerous reasons stated above, the City of Carlsbad should abide by "the original staff recommendation {that} contained a policy that would have prohibited new sites for local shopping centers from being located along El Camino Real...{in order} to preserve the scenic quality of this designated scenic corridor." (Policy C.2.6, page 32 of Exhibit '1.11").

*Thank you for helping to preserve and protect the tranquility of our beautiful neighborhood.*

Attached: Proposed Sunny Creek Project

bcc: Friends of Carlsbad Scenic Corridor

Friends of Sunny Creek

**From:** Michele Cullen [<mailto:michelecullen@hotmail.com>]

**Sent:** Thursday, October 23, 2014 4:37 PM

**To:** Don Neu

**Subject:** Sunny Creek Area - High Density proposed housing

D56-1

Mr. Neu - My husband and I are homeowners in the Sunny Creek area where we are raising a family. The proposed high density housing for the vacant lot right near our development is cause for concern - we already have low income housing outside our gates and have experienced several problems with our gates being vandalized, etc., which we end up paying for with our homeowner dues. To now have potentially more high density, overcrowded housing adjacent to our neighborhood is not why we moved to Carlsbad. As you know, in Carlsbad, housing costs are high, as well as property taxes. To bring in high density housing would only serve to increase congestion, traffic and possibly crime, and decrease our property values. Homeowners and their desires need to be considered. I strongly urge the City of Carlsbad to rethink this property - there is already traffic and congestion on El Camino Real, especially in the mornings and from 5-6 p.m. and adding ANY type of housing will only make it worse. We moved to Carlsbad as there are still parks, open lots, etc., and it is not an overdeveloped area. Please consider how you would feel if you lived in our neighborhood. I appreciate your time and efforts on behalf of homeowners at the Terraces at Sunny Creek.

Thank you,  
Michele & Steve Cullen

**From:** Patricia Mehan [<mailto:whatatrip@roadrunner.com>]

**Sent:** Wednesday, October 08, 2014 9:33 AM

**To:** Don Neu

**Subject:** Lot 11- "The Walmart Property"

Hi Don,

D57-1

I spoke at the city council meeting a couple of weeks ago about the zoning change for the property at College and ECR. I want to repeat what I said at the council and say I am against changing the zoning change being proposed from all commercial to partial commercial with high density housing.

The only way I would agree to a zoning change is to put a pocket park in the commercial zoned land since we have no parks in our vicinity.

Yours truly,

Patricia Mehan  
5403 Foxtail Loop  
Carlsbad

**From:** priscilla gess <[priscillagess@gmail.com](mailto:priscillagess@gmail.com)>  
**Date:** November 1, 2014 at 10:53:30 PM PDT  
**To:** [Don.Neu@Carlsbadca.gov](mailto:Don.Neu@Carlsbadca.gov)  
**Subject:** Sunny Creek proposed changes

City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Mr. Don Neu,

D58-1 | We are writing you questioning the importance of and the logic behind the necessity for the City planning staff to change the zoning designation from Commercial to Commercial/High Density Housing in Sunny Creek. We are homeowners in the Sunny Creek Terraces subdivision and are dismayed over the proposed changes.

We are questioning and asking you to question:

- D58-2 | 1. How might the variance alter the essential character of the area?
- D58-3 | 2. **Is the purpose of the variance based exclusively upon a desire to make more money out of the property?**
- D58-4 | 3. How might the conditions of the variance apply to another property within the same zoning classification?
- D58-5 | 4. Will the proposed variance be detrimental to other property or improvements in the neighborhood in which the property is located?
5. Will the proposed variance substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood?

D58-6 | The change of zoning from Commercial to Commercial/High Density Housing appears to be economy related for the developer and not economically good for the community. The zoning change will drastically increase traffic, noise pollution, and lower property values.

D58-7 | We are also dismayed over the not counting Assisted Living, Retirement homes and 2<sup>nd</sup> dwelling units as residential units as Assisted Living, Retirement homes and 2<sup>nd</sup> dwelling residents all use roadways, water, electricity, trash and sewer services, along with fire and police protection.

D58-8 | We disapprove of the proposed changes. This just does not fit with the current existing family residence area built years ago. We want to preserve our neighborhood with minimal traffic, car pollution, noise and glaring lights and keep our property values from decreasing exponentially.

Sincerely,  
Robert and Priscilla Gess  
5550 Coyote Ct  
Carlsbad CA 92010

From: Samuel Sunil Patterm [<mailto:pattems@gmail.com>]

Sent: Wednesday, November 05, 2014 6:44 AM

To: Don Neu

Subject: High Density homes by College & El Camino Real -- Sunny Creek Terraces

Dear Mr. Don

D59-1

Greetings. I am a resident of Carlsbad in Sunny Creek Terraces. I would like to express my concern of the construction of high density homes in the vacant plot by the El Camino and College Blvd intersection.

El Camino Real is already over burdened by traffic during the peak hours. Adding 230 apartment units would add at least 400 cars to enter El Camino Real during the morning peak hours. In addition to it, many school children who either drive or get dropped by parents will be adding to the traffic, causing serious bottlenecks.

D59-2

Needless to mention Carlsbad schools are over crowded and there is a possibility of existing children getting a compromised quality of education.

D59-3

Please consider lowering the high density apartments proposal to low or mid density by allowing town homes.

Thank you for your consideration

Regards

Sam & Rebacca

Residents of Sunny Creek Terraces

--

Samuel Sunil Patterm  
5459 Foxtail Loop  
Carlsbad CA 92010

**From:** Jo Ann Sweeney [<mailto:j.ocean92008@yahoo.com>]

**Sent:** Wednesday, November 19, 2014 9:19 AM

**To:** Velyn Anderson; Neil Black; Hap L'Heureux; [martymontgomery@gmail.com](mailto:martymontgomery@gmail.com); [vscul@roadrunner.com](mailto:vscul@roadrunner.com); Jeff Segall; Kerry Siekmann; Jennifer Jesser

**Subject:** Increased Density Along El Camino Real

November 18, 2014

Dear Carlsbad Director of Planning, City Planner, and Planning Commissioners:

D60-1

We have been residents of Carlsbad, Ca. for seventeen years. We have enjoyed our life here, the beauty of Carlsbad and originally bought our home in Carlsbad because of Carlsbad's planned growth and open space visions. We are now concerned about the increased planned developments, both commercial and residential, along the El Camino Real corridor. This was to remain a scenic corridor. Please maintain this vision. Drive along El Camino Real and you will now witness the road grid lock, increased pollution and the problems already occurring because of increased density. Please do not allow for further increased higher density housing at the Sunny Creek Plaza property. We are especially concerned about water resources, fire, police resources and the problems that increased high density housing and more shopping areas will bring to this area. There is already a plethora of shopping centers and restaurants within a five mile radius.

D60-2

D60-3

D60-4

The existing Rancho Carlsbad Golf Course should remain as open space and/or for recreational use. There is already a planned shopping center at Cannon Road where the Robinson Ranch development is under way. How much more traffic can the El Camino Real corridor tolerate? How much more pollution do we want in this area? How will our limited water resource be allocated if continual high density building is allowed? Since this is the last area of Carlsbad to be developed, it needs to be done in a careful and thoughtful manner. Please consider the needs and wishes of the tax paying residents of Carlsbad. The devastating May fires were a wake-up call for Carlsbad residents. Consider our available resources when you make your decisions. We implore you to scale down the proposed developments, reduce congestion, reduce pollution, reduce road grid lock, and reduce noise in the El Camino Real corridor. Consider the drain on our city services if you allow for higher density housing and shopping centers in this area.

Continual and careful planning will allow Carlsbad to remain a beautiful, safe, and environmentally friendly place to live.

Respectfully,

JoAnn V. Sweeney  
William K. Sweeney  
5342 Forecastle Court  
Carlsbad, Ca. 92008

**From:** Jerry Hansen [<mailto:ljhansen77@gmail.com>]

**Sent:** Wednesday, November 19, 2014 1:09 PM

**To:** Van Lynch

**Cc:** Don Neu

**Subject:** Sunny Creek Proposal

Hi, Van

D61-1

We'd like to go on record with our neighbors as being opposed to amendments to the General Plan to add more higher density development in our area. Since we're in a drought season and area, adding more and more development will further strain the scarce supply and will change the character of the city as described in the current General Plan.

Thanks for listening,

Jerry & Ana Hansen  
5349 Forecastle Ct.

L. Jerry Hansen  
Attorney at Law  
Estate Planning & Elder Law  
2244 Faraday Ave #144  
Carlsbad, CA 92008  
Web: HansenElderLaw.com  
(760) 458-3640

**From:** Lisa McKethan <lisalee2828@cox.net>  
**Sent:** Tuesday, June 24, 2014 7:46 PM  
**To:** Council Internet Email  
**Subject:** BV Reservoir

>  
> Greetings Mr. Blackburn,  
>

D62-1 > When I attended and spoke at the most recent council meeting I got the impression that you are empathetic to the concerns of residents in Olde Carlsbad. I have been attending meetings since becoming aware of the possible sale of BVR and been told repeatedly that my quadrant meets the park/open spaces standards. City staff held a meeting last night and again stated that according to policy that we meet the standard set in 1984. Staff also recommended that I attend more meetings, maybe even attend 'citizen's academy'.

>  
> I have been a resident since 1960 and have participated in civic events, volunteered and enjoyed our quaint village for all these many years. Will attending more meetings help me understand this pretzel logic that is used to defend this policy? This policy adds in school playgrounds as park space. We all know that we no longer can access school grounds. My question to you is, can we agree that this policy is outdated and flawed and come up with another way to calculate parks for the NW quadrant?

>  
D62-3 > I am curious about how many homes and multi-unit dwellings have been added to Olde Carlsbad since 1984? We have not had any parks added since then that I'm aware of .... The park adjacent to the Twins Inns and railroad tracks was reduced when the Neiman's complex went in. Holiday Park is a lovely park but has become so noisy because of constant freeway noise, that it is impossible to enjoy. The 'park spaces' adjacent to Pio Pico and hwy 5 exceed noise levels and do not meet clean air standards.

>  
> I want to help maintain the Carlsbad that I treasure. Adding an 'adventure park' in the south does not address the needs of my neighborhood. As well, adding a 'multi generational facility' in the south does not meet the needs of the barrio residents who have been waiting for their facility for years. 'Activating the waterfront' does not sound like beach access for surfers, swimmers and Carlsbad families. I look forward to meeting with you and discussing this further. Thank you for your time and attention to this matter.

>  
> Kindly,  
> Lisa Mckethan  
> 1343 Forest Ave  
> 760.803.9933  
>  
> Sent from my iPad



**From:** Gerardeen Santiago <gerardeen@hotmail.com>  
**Sent:** Thursday, July 10, 2014 5:05 PM  
**To:** dandd2@peoplepc.com  
**Cc:** Council Internet Email  
**Subject:** FW: SOS for Parks and Open Space: City Council Workshop 9 AM Tues July 15

Dear Diane,

D63-1 My husband and I live at 2890 Highland Drive, on property abutting the Buena Vista Reservoir. Because of work commitments, we are unable to participate in this workshop but would like to formally voice a request for the City to consider. We emailed the City Council a couple of months ago stating our concern and would like to ensure due consideration moving forward.

Would it be possible to give residents directly adjacent to the reservoir the option to purchase a small extension to their property (eg, a 20-30 ft deep extension of land) in order to maintain our privacy? We purchased our property in 2000 primarily because of the privacy afforded by the backyard and are very concerned that we may lose this privacy in the not-too-distant future.

Many thanks,

Gerardeen M. Santiago, PhD  
2890 Highland Drive, Carlsbad 92008  
760-500-1137

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Subject: Fwd: SOS for Parks and Open Space: City Council Workshop 9 AM Tues July 15  
From: maryanneviney@dslextreme.com  
Date: Thu, 10 Jul 2014 07:59:19 -0700  
To: maryanneviney@dslextreme.com

Dear Olde Carlsbad Residents

D63-2 The City of Carlsbad has scheduled a **special workshop** to discuss parks and open space **9:00 AM on Tuesday, July 15.**

THIS IS A GREAT OPPORTUNITY TO voice your opinion and request the City create a neighborhood park at the **Buena Vista Reservoir**. It can be done! The City of Carlsbad has excess reserve funds of over \$ 70 million. For more information, see forwarded message below.

Best regards,  
Mary Anne Viney  
Begin forwarded message:

**From:** "diane nygaard" <dandd2@peoplepc.com>  
**Subject:** SOS for Parks and Open Space: City Council Workshop 9 AM Tues July 15

**Date:** July 10, 2014 at 7:20:54 AM PDT  
**To:** "Diane Nygaard" <[dandd2@peoplepc.com](mailto:dandd2@peoplepc.com)>

Hi SOS for Open Space Supporters

**D63-3** The proposed General Plan for Carlsbad ignores the 1986 promise of 40% open space city wide and the mandate for a minimum of 15% open space in each Local Facility Management Zone- open space in your neighborhood where it affects your quality of life, property values and the health and wellbeing of your family.

**D63-4** The City Council has scheduled a **special workshop** to discuss parks and open space:

**When : 9am on Tues July 15**

**Where : Carlsbad City Hall, 1200 CBV Dr.**

Staff will say how great the new General Plan(GP) is- and every quadrant will have more than enough parks. But their numbers are based on smoke and mirrors.

**The City Council needs to hear from all of us !**

They will give direction to staff that will either fix the General Plan- or allow it to go forward as is- with less than 40% open space, double counting of some park acres, counting school yards as parks and no commitment to neighborhood parks.

**What Can You DO ?**

1. Attend and speak at this workshop if you can.  
We know that is hard for many- they didn't schedule it for 9 am to make it easy.
2. Uncomfortable speaking- come and show your support by your presence.
3. Send an email with your concerns – to [council@carlsbadca.gov](mailto:council@carlsbadca.gov)  
(if you have submitted comments about this for the GP- don't assume they have gotten them- send them again)

**D63-5** The standard for parks has not been updated since 1986. The world has changed since 1986 and it is time for the park and open space standards to reflect those changes, be consistent with the community values of today, and assure that every neighborhood, and every child has access to a park and open space.

**D63-6** We want to see real parks – not fenced school yards that are behind locked gates.

**D63-7** We want to see a commitment to neighborhood parks- ones people can walk and bike to .

**D63-8** We want to see an equitable distribution of parks- not one park counted in all 4 quadrants. (Veteran's)

D63-9

We want to see parks people can use – no double counting of hard lined open space as parks.

D63-10

We want to see at least 40% open space – that was promised since 1986.

D63-11

We want to see parks and open space that are balanced with development=

Not 0 parks while they add 23,000 residents ,7.5 m sqft of commercial and 2,600 hotel rooms.

**Together we can fix the General Plan – and make sure the Carlsbad of the future does not compromise parks and open space !**

Diane  
Preserve Calavera

**From:** Kim Berkshire <kimqberkshire@roadrunner.com>  
**Sent:** Friday, September 12, 2014 2:24 PM  
**To:** Council Internet Email  
**Subject:** sale of buena vista reservoir

D64-1

Hello,

I have a very simple argument regarding the sale of Buena Vista Reservoir. The drought is way worse than anyone wants to admit.

How are these homes going to afford water?

Thanks,

Kim Berkshire

Carlsbad resident since January 2000

760 994-0134

**From:** Lindsey Cohn <Lindsey@gurze.net>  
**Sent:** Monday, October 20, 2014 11:16 AM  
**To:** Council Internet Email  
**Subject:** Buena Vista Reservoir

Dear Carlsbad City Council,

D65  
-1

I am out of town for the month of October, but it has been brought to my attention that there is a possibility of a community park for the northwest quadrant at the Buena Vista Reservoir. As a 27 year resident of this area of Carlsbad, I am strongly supportive of open space in the Olde Carlsbad area and I urge you to save the Buena Vista Reservoir area for public use as a park. We desperately need it!! And we have enough density in our area~

Thank you, Lindsey Cohn

**Lindsey Cohn**  
3420 Woodland Way  
Carlsbad, CA 92008

**From:** Sandra Meador <meador.s409@gmail.com>  
**Sent:** Monday, October 20, 2014 1:55 PM  
**To:** Council Internet Email  
**Subject:** Reservoir

D66  
-1 The Northwestern quadrant needs more open space.

D66  
-2 Please use the Buena Vista Reservoir land for a park.

Thank you.

Sandra Meador

\$098 Harbor Drive  
Carlsbad 92008

**From:** Steven Borso <sdborso@gmail.com>  
**Sent:** Tuesday, October 21, 2014 8:07 AM  
**To:** Council Internet Email

Dear Carlsbad City Council,

D67  
-1

I am unable to attend the city council meeting on Tuesday, October 21st, at 6:00 pm, but I would like to express my support for saving the Buena Vista Reservoir for a community park space which is sorely lacking in the NW quadrant of Old Carlsbad. Selling this property to developers is not, in my opinion, a wise use of this land which could be better used to serve the public needs with a park or open space.

Thank you for your time in governing our wonderful city and for your consideration of my views.

Steven Borso

**From:** Ziv Ran <ziv.ran@gmail.com>  
**Sent:** Friday, July 11, 2014 8:18 AM  
**To:** Council Internet Email  
**Subject:** Parks Needed

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

D68-1 "The City Council has scheduled a **special workshop** to discuss parks and open space:

**When : 9am on Tues July 15**

**Where : Carlsbad City Hall, 1200 CBV Dr. "**

Dear Carlsbad City Council:

It's unfathomable and unfortunate you've chosen a time for this workshop when most of us potential park users are at work and unable to attend. Here are some thoughts from a local resident:

D68-2 We want to see real parks – not fenced school yards that are behind locked gates.

D68-3 We want to see a commitment to neighborhood parks- ones people can walk a short distance and bike to . I don't live in a quadrant. I live in a neighborhood, namely the one just north of City Hall. I need some park space within a 5-10 min walk, and not right next to the Freeway. Now, I have none. At the very least, TURN BV RESERVOIR TO A PARK !!

D68-4 We want to see an equitable distribution of parks- not one park counted in all 4 quadrants. (Veteran's)

D68-5 We want to see parks people can use – no double counting of hard lined open space as parks.

D68-6 We want to see at least 40% open space – that was promised since 1986.

D68-7 We want to see parks and open space that are balanced with development NOT 0 parks while they add 23,000 residents ,7.5 m sqft of commercial and 2,600 hotel rooms.

Sincerely,  
Ziv Ran  
Forest Ave.



**From:** Pru Sweeney <pvsweeney1@msn.com>  
**Sent:** Friday, July 11, 2014 11:28 AM  
**To:** Council Internet Email

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

D69  
-1 | As a resident of Carlsbad, I plan to be at your meeting on Tuesday. First, why so early? Are you trying to avoid a crowd of people who are concerned about parks, but have to work? I am concerned about the way Carlsbad has added 23,000 more residents, 2,600 more hotel rooms, but no additional parks in every quadrant of the city. I don't consider school playgrounds that are locked when school is out to be parks for the use of all of us. When could we use them? I shall be very interested in hearing your report. Prudence Sweeney 2349 Longfellow Rd. Carlsbad

D69  
-2

December 19, 2014

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

**Re: San Diego Coastkeeper's Comments on Carlsbad General Plan**

*Sent via email*

Dear Ms. Jesser:

D70-1

Thank you for the opportunity to comment on the Carlsbad General Plan Update. This letter is submitted on behalf of San Diego Coastkeeper, a non-profit whose mission is to protect and restore swimmable, fishable and drinkable water in San Diego County. We have a few concerns regarding the City's Draft General Plan and its associated Draft Environmental Impact Report. Our concerns are as follows:

D70-2

Significance Criteria: The General Plan's Impact Analysis (3.12-25) states that a significant impact would occur with full implementation of the proposed General Plan if it would... "have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements." While recognizing the plan could create an additional demand for water, it fails to include any substantive detailed analysis and expected impacts, and instead summarily concludes that implementation of the UWMP and SDCWA's plans will make these impacts less than significant. Given the assumptions upon which this Plan and the 2010 CWMD UWMP are based, Coastkeeper believes the impacts would, in fact, be significant.

D70-3

The water supply and demand tables (p. 3.12-37) show water supplies for single and multiple dry years as being equal to or greater than projected supplies for normal years. The charts project the city as having the greatest water supply during the third year of a multiple dry year cycle. We understand that the increase is expected to come from increased SDCWA purchases.<sup>1</sup> We seriously question whether such additional sources will be available, and request further justification and explanation of where additional sources will originate. Further, even if such sources are somehow available, we are concerned that the impacts of diverting or obtaining additional water, especially during dry years, are not adequately addressed. If the impacts of diverting more water are addressed in SDCWA reports, please provide a reference to that analysis. If no analysis exists, one should be provided, and alternatives such as potable reuse and aggressive conservation measures should be considered.

D70-4

The General Plan bases the "no significant impact" finding on assumptions based on the 2010 CWMD UWMP that are now out of date and/or no longer appropriate. Assumptions in 2010 UWMP state that in multiple dry years, MWD will be allocating supplies. Given nature of drought, with climate change's potential to lead to more frequent and intense droughts, the assumptions should be changed. As we have seen in this year, allocations from the State Water Project are a fraction of normal year (5% allocations in 2014 to initial projected

<sup>1</sup> Carlsbad Urban Water Management Plan 7-2

allocations for 2015 of 10%). Thus, assumptions that MWD will be allocating supplies that might not exist are not proper. As new studies mention the possibility of a mega-drought and the expected impacts on water supplies due to climate change, it is important for Carlsbad to plan for all scenarios, including worst-case zero allocation scenarios. The impacts of a plan that increase water use but that have no water available must be assessed in more detail than what is present in the draft General Plan. As it currently stands, significant impacts will result from implementation of the General Plan as they relate to water supplies and availability.

D70-5

To help mitigate for these issues, Coastkeeper urges Carlsbad to consider potable reuse projects and stress aggressive conservation measures to surpass the SBx7-7 requirements of 20% reductions. It is possible, and perhaps necessary, for residents to reduce their use to below 50 gallons per capita per day (see the U-T San Diego Nov 3, 2014 article on how little water we could use as a community<sup>2</sup>). The Carlsbad UWMP states “SDCWA could take steps to increase development of transfers or seawater desalination” (p. 4-7 of CWMD 2010 UWMP). Coastkeeper urges Carlsbad, in order to have a Plan that moves forward with ample water supplies to account for the growth expected under this plan, to not rely solely on SDCWA supplies but to independently and aggressively seek conservation measures and investigate in or participate in potable reuse projects of all scales.

D70-6

Further, p. 3.12-30 is very speculative as to what “could” happen, but what we actually see happening today is reduced allocations from the State Water Project, in what is perhaps worst drought we have seen in recent history. And surprisingly, p. 3.12-3 mentions the lifting of drought restrictions from several years ago. However, mandatory drought and water use restrictions have been issued Countywide, and the State Water Board has issued Emergency Drought Regulations to deal with the serious water supply issues facing our state and our region. These new measures should remain as permanent conservation measures to help ensure adequate water supplies will be present to meet requirements of growth that will result from General Plan Update. Due to the serious nature of our water supplies and the expected growth that will result from the General Plan, the impacts of this Plan will be significant.

D70-7

Ground and Surface Water: Page 3.12-28 of the DEIR states “Improvements may include the need to utilize local groundwater and surface water supplies.” There have also been reports that the city initiated litigation asserting its right to use percolating groundwater.<sup>3</sup> Neither the DEIR nor the City’s Urban Water Management Plan (UWMP) address the impacts associated with using local ground or surface water. Again, if that analysis was done in connection with the UWMP, please provide a reference to that analysis. If no analysis has been conducted, one should be conducted in connection with the General Plan update, and alternatives should be considered.

D70-8

Furthermore, rights to groundwater have not been secured and may not be. Groundwater availability and feasibility to meet the reduced water supplies and growth expected from implementation of this General Plan is too speculative at this time.

D70-9

Sea Level Rise: The EIR briefly notes the threat sea level rise presents to the coastal city. However, few details are given regarding mitigation measures or adaptation strategies. We

<sup>2</sup> U-T San Diego: <http://www.utsandiego.com/news/2014/oct/31/environment-water-conservation-home/>

<sup>3</sup> “The City of Carlsbad in a Fight for Water,” *San Diego Reader*, Dec. 2013

are concerned that the City is will not be adequately prepared for the rise in sea level that is likely to occur as the climate changes. Statewide guidance documents recommend that cities make specific plans to prepare for a rise of 10-17 inches by 2050 and 78-176 inches by 2100.<sup>4</sup> We encourage the City to review statewide sea level rise guidance documents and prepare more detailed plans.

D70-10

Goals and Policies: The Plan summarily concludes that “through compliance with existing and future regulations, and implementation of the proposed General Plan policies, impacts would be less than significant.” (p. 3.12-31.) However, the policies throughout the plan do not go far enough to ensure future water supplies are present and that implementation of the General Plan would not have a significant impact. Many policies and goals merely “encourage” actions rather than “require” them. And instead of having policies and goals “strive” to accomplish the sought measures, they should require measurable milestones and goals toward reducing reliance on imported water via conservation and recycling, instead of continuing to rely on more energy-intense water sources such as imported water and desalination. In particular, measures that “consider” changes for golf courses should instead require those changes. And instead of “promoting gray water and rainwater collection”, the City should require such measure to ensure impacts will be mitigated.

D70-11

In closing, and based upon the above, Coastkeeper believes the impacts of the General Plan are not “less than significant” as the Plan concludes.

Thank you for the opportunity to comment on the Carlsbad General Plan. Please feel free to contact me with any questions or for additional feedback. We look forward to working with the City of Carlsbad toward development of a General Plan that adequately consider impacts on and to our water resources.

Sincerely,



Matt O'Malley  
Waterkeeper, Legal & Policy Director

Kathryn Kriozere  
Legal Fellow

<sup>4</sup> State of CA Sea Level Rise Guidance Document, October 2010 (Updated March 2013) Developed by the California Climate Action Team (CO-CAT)



**SIERRA  
CLUB**  
FOUNDED 1892

**San Diego Chapter**

*Serving the Environment in San Diego and Imperial Counties*

January 9, 2014

*Sent via E-mail*

**D71-1** Dear Honorable Mayor, City Council Members and City Manager,

The San Diego chapter of the Sierra Club would like to thank you for the opportunity to comment on the City of Carlsbad's Draft Climate Action Plan (CAP). The purpose of this letter is to summarize and clarify our previous verbal and written comments to Staff and Council over the last few months since the Draft was released.

**D71-2** **CAP goals that are measurable and enforceable**

We understand that the CAP includes a spectrum of actions ranging from educational and incentive-based to enforceable regulations. However, history shows us that relying solely on voluntary mechanisms is insufficient, and that the CAP must include measurable and enforceable mechanisms in order to provide certainty and evidence the City will meet its Greenhouse Gas (GHG) targets. In order to achieve the target reductions in Carlsbad's CAP, the goals for both 2020 and 2035 need legally binding mandates for reductions, not just guidelines. More details need to be provided on the specific measures and what will happen if the reductions are not on track to meet the 2020 and 2035 targets.

**D71-3** **Improvements in monitoring**

Progress reports and calculations of emissions should occur more frequently than what is in the draft CAP which currently only calls for "periodic monitoring". At a minimum, the CAP should call for annual progress reports and updated emissions calculation every 3 to 5 years. These progress reports and calculations of emissions should be presented at public meetings and community stakeholders should be involved. The CAP by its nature needs to incorporate many assumptions that may change over time. Unless monitoring is done on a frequent basis, there is no way to see if the assumptions are still valid and to make corrections if necessary to keep the CAP on track to meet the targets.

For example, the rate of solar installations and the increase of Vehicle Miles Traveled (VMT) by high efficiency vehicles should be tracked and reported at least every twelve months and policy adjustments made if they are not on pace to meet the targets as set forth in the plan

**D71-4** **Concern with the elimination of all pass through vehicle trips from the GHG computation.**

We understand that this is the way that future CAPs in San Diego County will be written. This system of eliminating the emissions from pass through trips only works if every jurisdiction has a CAP that accounts for all vehicle emissions in their plans. Several CAPs have already been written in the County without this methodology and as a result some trips will not be counted until all Cities change their CAPs

D71-4

to the new methodology. Due to this gap, the City should make even greater reductions to help offset this error due to uncounted trips. The CAP needs to have specific measurable actions to reduce auto mode share for all trips within their city. These are the trips that the City has full control over and which are likeliest the shortest in length, so they are also the easiest to use alternative transportation.

**Goals for reducing VMT's**

D71-5

The Draft plan relies on Traffic Demand Management Plans, which are voluntary and not binding plans, to reduce VMT's. Instead the Draft CAP should include numerical requirements for the use of mass transit, walking, and biking and strategic investment in key areas. We note the following San Diego targets:

- Increase commuter ridership on mass transit to 12% in 2020 and 25% in 2035
- Increase commuter biking to 6% in 2020 and 18% in 2035 in high-quality transit areas.
- Increase commuter walking to 3% in 2020 and 7% in 2035 in high quality transit areas.
- Support SANOAG in achieving target of reducing per capita emissions from passenger cars and light duty trucks by 7% in 2020 and 13% by 2035.

These reductions may not be enough. We support these steps to support climate stabilization: adopt a clear set of climate-stabilizing targets and, assuming reasonable car efficiency for the target years, identify the needed VMT reductions. The mode splits can then be derived. The references we provided in our June 20, 2014 letter provide guidance.

D71-6

**Set a goal, with target date, for 100% renewable energy**

Increased renewable energy is essential to achieving dramatic greenhouse gas emission reductions. It also provides the benefits of cleaner air, consumer savings, and local economic development, especially when clean energy measures such as rooftop solar and energy efficiency upgrades are installed. Carlsbad should join other cities in California that have already included 100% renewable energy targets in their CAP, including San Diego, Hayward, and Palo Alto. The City of San Diego included the goal to "Achieve 100% renewable energy on the city-wide electrical grid by 2035" in its draft CAP. By adding a goal that it is accountable to, San Diego is committing itself to implement the best clean energy tools possible. We believe that Carlsbad should set the same goal to demonstrate its commitment to combating climate change and to ensure that its residents and businesses receive all the public health and economic benefits associated with the clean energy revolution that is underway.

D71-7

**Community Choice Aggregation (a.k.a. Community Choice Energy)**

In California and a number of other states, cities and counties may establish nonprofit electricity providers in order to purchase power on behalf of their populations. It is called Community Choice Aggregation (CCA). Under CCA the incumbent utility continues to own and maintain the grid. Community Choice providers, such as the two already operating in California, offer their customers

D71-7

much more clean energy than the monopoly utility. In Sonoma County ([www.sonomacleanpower.org](http://www.sonomacleanpower.org)) customers from the participating cities can choose 33% or 100% clean energy plans. In Marin County ([www.mcecleanenergy.com](http://www.mcecleanenergy.com)) customers can choose 50% or 100% plans. In both places the rates for residential and business customers are beating PG&E outright in most customer classes. With respect to reducing greenhouse gas emissions, the Cities of San Diego and Chula Vista estimated GHG reductions for all the local actions they could take in the energy, transportation, water, and waste sectors and found that CCA would by far accomplish the most. For all the aforementioned benefits, the City of San Diego is overseeing a feasibility study of CCA and lists it as an action item in its draft CAP. Also, Chula Vista recently approved a set of recommendations from its CAP task force that include CCA as an action item. We ask that the City of Carlsbad include the following action item in its CAP: "Present to City Council for consideration a Community Choice Aggregation program that increases renewable energy supply on the electrical grid."

D71-8

**Need for more aggressive rooftop solar implementation**

The draft CAP talks about evaluating the requirement for solar PV in new construction. The CAP needs to go further than that and set actual hard requirements: All new construction projects (residential and commercial) over a certain size should be required to install solar photovoltaic systems. This needs to be a mandated requirement, following the programs already in place in the Cities of Lancaster and Sebastopol.

The CAP should also call for expedited implementation of the State's latest edition of the "California Solar Permitting Guide". As the cost for Solar systems have declined, permitting costs have become a greater percentage of cost. An expedited permitting process would mean applicants for solar PV systems up to 10 kilowatts that fit certain criteria could use an online application process and expect over-the-counter or rapid approval by the local permitting agency.

D71-9

**Energy Efficiency actions need to have better definition**

Measures F and G in the Draft CAP state "Encourage commercial and city facility efficiency retrofits [commissioning, or improving existing and new building operations,] with the goal of a 40 percent energy reduction in 30 percent of commercial square footage citywide and in city facilities by 2035." This goal is both unclear of where it applies (which 30 percent of commercial square footage does it apply). And it is uncertain if it is a mandate or a target. A better and clearer mandate would be to follow the one proposed by the City of San Diego for city facilities: "Reduce energy consumption at municipal facilities by 15% by 2020 and an additional 25% by 2035". This would apply to all facilities, not just 30% of existing facilities, and could be averaged over the whole city.

D71-10

**GHG reduction targets need to be set beyond S-3-05 to achieve what is necessary**

This plan is written to meet greenhouse gas reduction goals that, when passed in 2005 and 2006 (Executive Order S-3-05 and AB 32, respectively) were based on the best available science understanding the impacts of climate change at that time. However, scientists now state that an even



D71-10

more aggressive stance toward reducing emissions is needed based on the observed effects of climate change, updated predictions and modeling, and the lack of political action on climate change on a global scale. Therefore, although the CAP only needs to meet state required reductions, it is in the best interest of the City of Carlsbad to take a more aggressive stance, reduce emissions beyond what is legally required, and prepare for adaptation to climate change. Climate change is already impacting San Diego, and strong reductions locally will prepare our city and region best for inevitable impacts, more strict policy measures, and inevitable hardship. S-3-05 is a useful reference. However it is no longer useful as a target set that will stabilize the climate. GHG reduction targets need to be set higher to achieve what is necessary for climate stabilization. Sierra Club experts have concluded that 80% below 1990 emissions by 2030 is the currently correct, science-based, climate-stabilization-supporting target.

D71-11

**Unbundle the cost of Parking**

Include a requirement to implement a pilot demonstration project to unbundle the cost of parking at a city facility or at Sage Creek High School. If the demonstration project is successful, then unbundle the cost of the parking at all City buildings with parking lots greater than a certain size. Our letter of June 20, 2014 provides a detailed description. The system to perform the unbundling needs to be developed and demonstrated. It needs to be enforced by changes in the City's off-street parking ordinance. These details need to be incorporated into the CAP. We note that as enforceable and feasible mitigation, the target year for these changes needs to be as soon as possible, not 2035.

D71-12

**Pre-wiring and pre-plumbing for Solar, EV, greywater in new construction**

Require all new construction (residential and commercial) to install conduit for future photovoltaics and electric vehicle (EV) charge stations, and to install plumbing for future solar water heating and grey water piping systems. These systems are much easier to install on new homes, and much harder to retrofit later.

D71-13

**Home Energy Ratings** - The City of San Diego had proposed mandatory energy retrofits at the time of sale, but later reduced that to self-disclosure of energy and water usage. A better approach is to have a 3<sup>rd</sup> party energy audit and a Home Energy Rating applied, such as that developed by the Center for Sustainable Energy. The energy audit and home energy rating (which only take a few hours to complete) should be required at the time of sale. An energy efficient home adds value for the seller and the buyer should be able to know what they are getting into. Many energy efficient measures are not visible (e.g. duct sealing, insulation, envelop sealing, high efficiency windows and appliances). By having the audit performed by a 3<sup>rd</sup> party, it ensures impartiality and completeness. The Carlsbad CAP should require that a 3<sup>rd</sup> party energy audit be performed and a Home Energy Rating applied for every home that is sold.

D71-14

**Bike and Pedestrian Infrastructure** – The draft CAP does not have specific measures related to Bike and Pedestrian Infrastructure. Instead, it simply references the existing sections of the Carlsbad Bicycle Master Plan and the General Plan. The CAP should have specific requirements to implement bicycle and pedestrian improvements concurrent with street re-surfacing projects, including lane diets, green bike



**D71-14** | lanes, buffered bike lanes, and traffic circles. The City should also adopt a vision for Carlsbad Blvd/Coast Highway similar to the Oceanside Cost Highway Vision and Strategic Plan.

**D71-15** | **Electric Vehicle Charging Stations** – The Draft CAP talks about developing a “community-wide charging station siting plan” but there are no numerical targets. The CAP should have requirements for City and private projects to reserve spaces for electric vehicles with charging stations, including numerical targets. For example, the City of San Diego’s draft CAP has the following requirement: Install and leverage installation of a network of 6,000 charging stations by 2020 and 30,000 by 2035, sufficient to support electric vehicles use equivalent to 4% of total miles driven by 2020 and 25% by 2035.

**D71-16** | **Zero emissions fleet vehicles** - The current goal for the city fleet (25 % of all city-related VMT by 2035) is not aggressive enough. The San Diego draft CAP increases the number of zero emissions vehicles in the municipal fleet to 50% by 2020 and 90% by 2035. Similar numerical targets need to be added to the Carlsbad CAP.

**D71-17** | **Fuel-Efficient Vehicle Purchase Incentives** - The city should establish public/private partnerships between it, its employees, and car manufacturers to incentivize fuel-efficient vehicle purchases.

**D71-18** | **Zero Waste** - Establish zero waste goal by a specific date (e.g., 2035). Add kitchen scraps to curbside waste collection program.

**D71-19** | **Make explicit the side benefits of this CAP** – By requiring enforceable changes, new jobs will be created in the city and region. With the proper emphasis on local action to reduce climate change through investments in local renewable energy, energy efficient buildings, sustainable transportation infrastructure, and automated systems to unbundle the cost of parking, the CAP can support local, skilled jobs. For example, the Political Economy Research Institute at the University of Massachusetts estimates that every \$1 million invested in solar creates 14 jobs, every \$1 million invested in building retrofits creates 17 jobs, and every \$1 million invested in mass transit or freight rail creates 22 jobs. On the other hand, \$1 million invested in natural gas would create only about 5 jobs.

**D71-20** | **Property Assessed Clean Energy Programs** – Expand the Property-Assessed Clean Energy (PACE) financing programs to further support residential and commercial energy and water efficiency, renewable energy, EV chargers, etc. Develop broad public information campaigns especially for those that are buying a home or those that are applying for a building permit.

**D71-21** | **Need for Climate Adaptation Plan** – Adaptation plans are written to minimize the actual or expected effects of climate change (e.g., increased intensity of wildfires, droughts, sea level rise), while the CAP includes actions to reduce the creation of greenhouse gases. Some cities are including a Climate Adaptation Plan in their CAP, others are writing a separate Climate Adaptation Plan. Since Carlsbad’s CAP does not include an Adaptation Plan, then it should state in the CAP that there will be a separate plan and when it will be completed.

D71-22

**Capital Investment and Maintenance Planning** – The City should develop a plan for how it will fund the capital projects included in the CAP as well as ongoing maintenance and monitoring of the CAP (periodic reporting, engaging stakeholder groups, etc.)

D71-23

**Advocacy at SANDAG**

The City should set formal policies that are carried out by its representative on SANDAG, to support the reductions in the CAP. These policies should include:

- equitable funding for local government programs on alternative transportation.
- every city required to have a CAP to get discretionary transportation funding (same requirement is used for affordable housing).
- support for regional policies to address the GHG associated with pass through trips.
- encourage SANDAG to reprioritize transit projects over highway projects to the maximum extent legally feasible, including reallocation of TransNet funds as needed.

If you have any questions or require additional information, please contact Mayela Manasjan with the Sierra Club My Generation campaign in Carlsbad. She can be reached at [mayelaphoto@yahoo.com](mailto:mayelaphoto@yahoo.com) or 858-449-4229.

Sincerely,



Nick Ervin

Chair, Conservation Committee, San Diego Chapter of the Sierra Club

cc: David de Cordova, City of Carlsbad  
Jennifer Jesser, City of Carlsbad

## Received After Close of Comment Period Responses

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### D1: Allen Sweet

D1-1: The commenter asserts that bikers sharing lanes with autos, known as “sharrows”, are not safe for bicyclists, and that a better solution is for bikers to ride on less busy streets and to have bike paths that are separated from autos.

Both the Carlsbad Bicycle Master Plan and the draft Mobility Element plan for and encourage the use of bicycle facilities that are separated from autos. The Carlsbad Bicycle Master Plan identifies approximately 6.5 miles of new Class I (separated) bike paths. The draft Mobility Element policy 3-P.13 encourages the use of separated bicycle infrastructure, and policy 3-P.17 proposes implementation of new bicycle and pedestrian pathways that are separated from auto traffic. The shared lane marking (sharrow) is outlined in the California Manual on Uniform Traffic Control Devices for use on roadways without a marked bike lane that may be too narrow for a motor vehicle and bicycle to travel side by side. It can also be used on roadways with parallel parking to help define the lateral position of a bike on a shared roadway to reduce open door conflicts. The shared lane marking is intended to increase safety. Safety studies prepared by the Federal Highway Administration indicated that sharrows are acceptable for use in a variety of situations. Although the draft Mobility Element is designed to implement a livable streets vision that plans equitably for all users of public street system, including pedestrians and bicyclists, it does not include policies that specifically address or plan for the use of sharrows.

D1-2: The commenter expresses a general concern about designating important streets (in the Mobility Element) as prioritized for bicycles instead of autos. The Mobility Element attempts to provide for all users of the system, including bicycles, pedestrians, transit, and vehicles. As such, vehicles are provided for on all roadways within the city and are prioritized on all arterials in the city. The street typologies developed for the Mobility Element were based on the information from the Envision Carlsbad process, input from city staff, and input received from City Council at a council workshop process. It is most similar in nature and reflects the recommended practice in the Institute of Transportation Engineers’ *Urban Roadway Systems*.

D1-3: The commenter reiterates a preference for bike paths that are separated from auto lanes. Please see response to comment D1-1 above.

### D2: Evelyn Montalbano

D2-1: This comment letter is in regards to recent restriping of La Costa Avenue east of El Camino Real and the need for future additional safety improvements along this stretch of La Costa Avenue. Please see response letter from City Manager dated 9/30/14, below.

**D3: Ian Pierson and Jenny Fererro**

- D3-1: This commenter voices a desire for the Buena Vista Reservoir property to be converted to open space or a park for the neighborhood, as was expressed in a previous email dated February 25, 2014. Please see master response MR2-2 and MR2-5 in final EIR Chapter 2 regarding the Buena Vista reservoir site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D3-2: This comment, which consists of the commenter's February 25, 2014 email to the City Council regarding Buena Vista Reservoir, encourages the City Council to use the property as a park or open space rather than sell the property for development as a subdivision. Please see master responses MR2-2 and MR2-5 in final EIR Chapter 2 regarding the Buena Vista reservoir site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D4: JoAnn Sweeney**

- D4-1: The commenter, who has been a resident since 1997, is a proponent of the 40% open space standard and is concerned that the last remaining undeveloped land is being developed. Please see master responses MR1-2 and MR1-3 for a discussion of the 40% open space "requirement" and the amount of open space provided under the draft General Plan.
- D4-2: The commenter expresses concern for the future development of properties generally located east of the intersection of College Boulevard and Cannon (Rancho Carlsbad Golf Course, Sunny Creek Plaza, and land around Sage Creek High School) that could result in traffic, air quality, public safety, water supply and public service impacts from high density housing. See Chapter 3.2 Recirculated DEIR for impacts to air quality, and see draft EIR Chapter 3.11 for analysis of impacts to public facilities and services, Chapter 3.12 for impacts to public utilities and infrastructure, and Chapter 3.13 for impacts to transportation.
- The commenter requests that there be no changes to the existing zone designations of these areas. Please see staff recommendations in the Planning Commission staff report regarding draft land use changes in this area.
- D4-3: This comment references the executive summary of the City Council 2012 Planning Workshop, which focuses on a number of quality of life policies, and no response is required.
- D4-4: The commenter states a concern that there will be additional impacts to traffic and public services, and increased fire hazards as a result of increased commercial and high-density residential construction. The commenter also suggests that new building standards should require undergrounding of all utilities to reduce the fire hazard of overhead wires. These potential impacts are analyzed in the draft EIR. See sections 3.11 for analysis of

impacts to public facilities and services, 3.12 for impacts to public utilities and infrastructure, and 3.13 for impacts to transportation.

- D4-5: This comment supports revitalization of the Barrio and downtown Village area, and advocates for using the Buena Vista Reservoir property as a park. The draft General Plan identifies the Village and Barrio for special planning considerations and has specific policies for these areas. A new master plan for the Village and Barrio is currently in development. Please see master responses MR2-2 and MR2-5 in final EIR Chapter 2 regarding the Buena Vista reservoir site.
- D4-6: The commenter expresses a desire to maintain the vision for a small downtown feel; to provide a variety of housing and employment opportunities; to maintain open space thorough slow and balanced growth. Each element in the draft General Plan contains a discussion of its relationship to the Community Vision’s core values. The Land Use and Community Design Element is particularly intended to support the core value to maintain a small town feel, beach community character and connectedness. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D5: Madeline Szabo**

- D5-1: The commenter has been a resident for two years and states a concern about meeting the 40% open space goal and asks that the Council eliminate plans for adding more residents, commercial development and hotel rooms because of water shortages, a strain on resources, and increased traffic and pollution. Please see master responses MR1-2 and MR1-3 in final EIR Chapter 2 for a discussion of the 40% open space “requirement” and the amount of open space provided under the draft General Plan. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D5-2: The commenter asks how development projects can be approved in areas such as Dos Colinas and the vicinity, particularly in light of the requirement for 40% open space at build out. Please see master responses MR1-1, MR1-2 and MR1-3 in final EIR Chapter 2 for a discussion of the city’s open space policies.
- D5-3: This comment requests a response and a commitment for maintaining Carlsbad as it is today. Comments, and responses will be forwarded to the Planning Commission and City Council for their consideration.

**D6: Madeleine Szabo**

- D6-1: The commenter states her opposition to additional commercial development along El Camino Real north of Palomar Airport Road, specifically at locations known as Sunny Creek Commercial and Robertson Ranch, and states that these sites should remain as open space or zoned as low density housing. The commenter also suggests that the city should buy these sites to preserve them as open conservation land.

- Although these two sites are currently undeveloped, they are not designated as open space in the existing General Plan. Please see staff recommendations in the Planning Commission staff report regarding proposed land use changes in this area. The Planning Commission and City Council will be informed of commenter's opposition to future development of these sites and recommendation to purchase for open space.
- D6-2: The commenter references two previous General Plan amendments (GPA 00-04 and GPA 01-06), and asserts that these amendments do not indicate a need for new shopping centers along the subject portion of El Camino Real. Previous actions by the City Council designated these sites for commercial land uses, and the draft General Plan does not modify these designations, except for a proposed modification of the Sunny Creek commercial property to allow for residential uses in addition to local commercial. The Envision Carlsbad Working Paper 2 includes a study shows that residents must shop in adjacent jurisdictions for certain needs, such as grocery, gas and dining. The local commercial land use designation is intended to include these types of local serving commercial uses.
- D6-3: The commenter asserts that in 2001 staff recommended against additional shopping centers along the subject portion of El Camino Real due to this being a designated scenic corridor; however, that the Planning Commission did not concur with this recommendation. Previous actions by the City Council designated these sites for commercial land uses, and the draft General Plan does not modify these designations, except for a proposed modification of the Sunny Creek commercial property to allow for residential uses in addition to local commercial.
- D6-4: The commenter states that even if a shopping center project follows strict design guidelines, it will not preserve the scenic quality of the area, which will be detrimentally affected. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial at Robertson Ranch and commercial/residential at Sunny Creek Commercial) and found that the adoption of the draft General Plan is not anticipated to have significant adverse impacts on scenic resources. Future development allowed under the draft General Plan will be subject to site-specific environmental review, including analysis of the potential impacts on aesthetics and visual resources.
- D6-5: The commenter references city "Shopping Center Policies" that guard against creating undue overlaps in trade areas, and provides a list of nearby existing shopping centers, as reasoning that there is no need for more shopping centers in the subject portion of El Camino Real. Please see response to comment D6-2 above. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D6-6: The commenter references city "Shopping Center Policies", and asserts that more shopping centers in the subject portion of El Camino Real would adversely impact adjoining areas. Please see response to comment D6-2 above.

- D6-7: The commenter references language from the CEQA Guidelines and states that the city must conduct an environmental impact assessment to determine if environmental factors might be impacted, and that these two commercial sites were reviewed with a negative declaration. The Robertson Ranch commercial project was analyzed in the Robertson Ranch Master Plan EIR that was previously certified by the City Council. The Sunny Creek Commercial site was analyzed at a programmatic level in the draft EIR, and will also undergo site specific CEQA review when development is proposed on the property, which to date has not occurred.
- D6-8: The commenter claims that shopping center development in the subject portion of El Camino Real will result in significant impacts under CEQA and lists a variety of potential impacts. As a program EIR, the draft EIR focuses on the overall effects associated with the adoption and implementation of the draft General Plan. Individual development projects will continue to require project level environmental assessment. Please see Section 1.2 of the draft EIR for a discussion of the purposes and applicability of the program-level EIR. Please also see response to comment D6-7.
- D6-9: The comment expresses a concern about the financial impact on the city resulting from installation of infrastructure, such as road widening and traffic lights, which would be needed to accommodate future development along El Camino Real. The city's Growth Management Plan requires infrastructure to be provided concurrent with development, and that a financing plan be prepared for this infrastructure. Generally speaking, private development pays for the infrastructure needed to serve their projects in order that existing residents do not bear the financial burden of new development. Please see response to comment D6-7.
- D6-10: The commenter asserts that the Carlsbad market for office and retail space is oversaturated and states that tax revenue from retail space should not occur at the expense of quality of life. The Envision Carlsbad Working Paper 2 includes a study showing that the city leaks retail dollars to adjacent jurisdictions for certain commercial uses, such as grocery stores, gas stations and limited-service eating places; the implication being that there is an unmet need in Carlsbad for these types of retail establishments. The Local Commercial land use designation is intended to include these types of local serving commercial uses for current and future residents.
- D6-11: The commenter expresses a disagreement with the concept that more shopping centers are needed in Carlsbad so residents won't have to drive as far for commercial services. See response to comment D6-10 above. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D6-12: The commenter states a belief that a future traffic light modernization planned by the city will not effectively resolve the additional traffic created by future shopping center developments. The draft General Plan Mobility Element describes a variety of means to reduce peak traffic generation, including street infrastructure improvements, better traffic signal management, and implementation of transportation demand management

strategies to reduce reliance on the automobile. Please see section 3.13 of the draft EIR for the draft General Plan for an evaluation of potential impacts on traffic.

- D6-13: The commenter references a Commercial Development Survey Report included in GPA 00-04, and states that it showed Carlsbad residents prefer, along El Camino Real, preservation of open space, minimization of visual and noise pollution, and reduction of traffic consumption. Please see response to comment D6-2 above. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D6-14: The commenter petitions the City Council to prohibit the development of additional shopping centers along El Camino Real for reasons stated previously, and summarized in this comment. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. Also, please see responses above addressing the comments reiterated in D6-14.

**D7: Madeleine Szabo**

- D7-1: The commenter states she is writing on behalf of “Friends of Carlsbad Scenic Corridor”, whose goal is to preserve, protect and enhance the natural environment and beauty of NE/NW El Camino Real. No response is required.
- D7-2: The commenter implores the City Council to keep the Rancho Carlsbad Golf Course property zoned open space. The property is designated Open Space in the current General Plan, and no change to this designation is proposed as part of the draft General Plan. The city proposing to change the zoning from Limited Control (L-C) to Open Space (O-S) in order to make the zoning designation consistent with the existing General Plan designation.
- D7-3: The commenter implores the City Council to rezone the Sunny Creek Commercial property to open space or low density housing, due to concerns about aesthetics impacts and increased traffic congestion that will occur if the property is developed either for commercial (as currently designated) or commercial and high density housing (as proposed).

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, including commercial and high density land uses for the Sunny Creek Commercial property, and found that the draft General Plan is not expected to have significant adverse impacts on scenic resources (Section 3.1), and that the traffic level of service for El Camino Real north of Palomar Airport Road is projected to be LOS C (not a significant adverse impact, see Section 3.13). As a program EIR, the document focuses on the overall effects associated with the adoption and implementation of the draft General Plan. Individual development projects will continue to require project level environmental assessment. Also see Section 1.2 of the draft EIR.



The draft General Plan Land Use and Community Design (LUCD) Element plans for future growth in the city. The Mobility Element is correlated to the LUCD Element, meaning that it identifies improvements and contains policies and programs necessary to accommodate the anticipated growth. Potential impacts to the transportation system from implementation of the draft General Plan are thoroughly analyzed in the draft EIR, Section 3.13.

- D7-4: The commenter requests that the City Council refrain from excessively rewarding zoning variances. Encinas Creek Apartment Homes received zoning standards modifications (not variances) in return for providing additional affordable housing, a process that is outlined in the zoning ordinance. This project was fully compliant with city's zoning ordinance and General Plan policies, and the reports and findings for documenting the project's approval are available for review at the city and through its Document Management System.
- D7-5: The commenter asserts that professional care facilities and Second Dwelling Units (SDUs) should be designated as residential, rather than temporary housing, because they house permanent occupants and their construction results in development impacts.

State law mandates that SDUs not be counted against residential growth caps, such as exists in Carlsbad's Growth Management Plan, and mandates that SDUs not be counted in calculations of residential density (ie. SDUs may exceed the permitted density for a lot). Carlsbad's practice in implementing the GMP and residential density calculations are fully consistent with the requirements of state law. Development of new SDUs would typically be considered exempt from CEQA under Sections 15303 or 15332.

City policy considers professional care facilities to be commercial living units because they are institutional housing/group quarters, and therefore different than conventional housing. This city policy has been upheld by courts in recent legal action related to the Dos Colinas project. Construction of new professional care facilities are subject to CEQA, and any development impacts would be addressed through the CEQA review process, similar to a residential project. For more information about commercial living units and SDUs, please see sections 2.4 and 2.6 of the Land Use and Community Design Element.

- D7-6: The commenter reiterates a desire to keep the NE/NW part of El Camino Real a "scenic corridor" with minimal impacts from development. The draft General Plan includes policies to minimize development impacts on the visual quality of major transportation corridors, intersections and scenic vistas (see policies 2-P.41, 2-P.43, and 3-P.19). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D8: Michael Kroopkin**

- D8-1: The commenter lists several areas of concern including traffic congestion, commercial development, high density housing and elimination of open space and asks the City

Council to reconsider adding more commercial development and high density housing. The draft EIR analyzed the potential impacts of the draft General Plan, including the concerns raised in the comment. For example, impacts on land use and open space is discussed in Section 3.9, and impacts on traffic is analyzed in Section 3.13 of the draft EIR.

- D8-2: This comment consists of a neighborhood letter that the commenter received. The neighborhood letter identifies two specific sites of concern: the commercial-designated property at El Camino Real and College Blvd (“Sunny Creek Plaza”), and Rancho Carlsbad golf course. With regards to the Sunny Creek site, the City Council, on 11/5/13, directed staff to analyze, as part of the draft General Plan, a potential land use change of the approximately 17.6 acre property from Local Commercial to a combination of High density Residential (R-23) and Local Commercial. That analysis was incorporated into the draft General Plan and is reflected in the draft EIR. The staff recommendation regarding the site will be included in the report to the Planning Commission.

Regarding the Rancho Carlsbad golf course, no change in land use is proposed in the draft General Plan. Its current and proposed land use designation is Open Space. The city proposing to change the zoning from Limited Control (L-C) to Open Space (O-S) in order to make the zoning designation consistent with the existing General Plan designation.

With regards to concerns about potential impacts associated with the proposed land use change at the Sunny Creek site, please see response to comment D8-1 above.

Lastly, the neighborhood letter refers to previous planning approvals for nearby properties. As the comment does not address the draft General Plan or the draft EIR, no response is necessary.

**D9: Mike Barnes**

- D9-1: The commenter identifies that he is reiterating comments that he has made previously related to traffic along Palomar Airport Road. Please refer to section 3.13 of the draft EIR which analyzes the potential impacts of the draft General Plan on traffic.

**D10: Osman Khawar**

- D10-1: The commenter, states that one of the reasons he moved to Carlsbad is because of open space. The commenter expresses disappointment with the current development plans and the city’s elected officials in this. Please see master responses MR1-1 through MR1-10 in final EIR Chapter 2 for a discussion of the city’s open space and parks policies. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D11: Patricia Parsons**

- D11-1: The commenter expresses support for keeping Rancho Carlsbad Golf Course as Open Space and re-zoning Sunny Creek from its current commercial designation to low density housing, rather than to commercial/high density housing as proposed. Please see staff recommendations in the Planning Commission staff report regarding proposed land use changes in this area.
- D11-2: This comment expresses a concern that traffic and congestion would be negatively affected as a result of the proposed land use designations. Please see response to comment D7-3 above and section 3.13 of the draft EIR.
- D11-3: The commenter believes that developing Sunny Creek with commercial/high density housing is inconsistent with the El Camino Real Scenic Corridor will detract from this scenic corridor. Please see responses to comment D7-3 and D7-6 above.

**D12: Penny Johnson**

- D12-1: This comment expresses concerns related to Veteran's park and the "requirement for 40% open space. Please see master response MR1-2 for a discussion of the 40% open space "requirement" and MR1-7 regarding Veteran's Park.
- D12-2: The commenter believes that the Buena Vista Reservoir property is needed as a neighborhood park within walking and biking distance of the residents of Olde Carlsbad. Please see master responses MR2-2 and MR2-3 in final EIR Chapter 2 regarding parks in the northwest quadrant.
- D12-3: This comment expresses disappointment with the quality of the two parks Pio Pico. Please see master response MR1-5 in final EIR Chapter 2 regarding the Growth Management Program (GMP) parks performance standard.

**D13: Richard Bethel**

- D13-1: The commenter states that the open space around the lagoons, flower fields and strawberry fields are valued by residents and tourists alike, and furthermore, that an upscale mall is not needed (on Cannon) and that the u-pick strawberry stand should be maintained. The draft General Plan is a long-range policy document that addresses land use, but does not contain or propose any specific development project that might occur on a particular site. As this comment does not address the draft General Plan itself or the accuracy of information provided in the draft EIR, no further response is necessary.

**D14: Robert Gilbert**

- D14-1: The commenter requests that the city consider a neighborhood park in North Carlsbad. Please see master responses MR2-1 in final EIR Chapter 2 regarding parks in the northwest quadrant. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan.

**D15: Judith and Wesley Marx**

D15-1: The commenter supports the goal of 40% open space in the city and has concerns that the amount stated in the draft General Plan is overstated, particularly with regard to counting school athletic fields. Please see master response MR1-2 in final EIR Chapter 2 for a discussion of the 40% open space “requirement”, MR1-3 regarding the amount of open space provided under the draft General Plan, and MR1-6 regarding use of school sites for recreation purposes.

**D16: Whitnie Rasmussen**

D16-1: These comments are in regard to Olde Carlsbad and state that the commenter would like to see more parks, asks for preservation of public lands (vacant land next to Fire Station, Buena Vista Reservoir property, etc.) as public parks, and requests care be given to existing parks, the Monroe Pool and the Cole Library. Please see master responses MR2-1 MR2-2, MR2-3, MR2-5, and MR2-6 regarding parks in Olde Carlsbad and the status of the city-owned properties around City Hall.

D16-2 The commenter states a preference for parks, libraries, stores and beaches within easy walking distance and does not want to see the area developed with enormous parks and pools (such as Alga Norte Park). Please see response to comment D16-1 above. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan.

**D17: Cindy Molin**

D17-1: The commenter states she lives in the La Costa Oaks area of Carlsbad and that she is surrounded by construction noise, mess and traffic due to the La Costa Towne Square project currently under construction. As the comment does not address the adequacy or accuracy of information provided in the draft EIR, no further response is required.

D17-2: The commenter states that including a multi-family housing area at La Costa Town Square is not reasonable or acceptable. This comment is in reference to a proposal in the draft General Plan to change the land use designation of property within the La Costa Town Square project from Office (O) to R-23 Residential. The commenter states their opinion about multi-family housing at this site. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan. As the comment does not address the adequacy or accuracy of information provided in the draft EIR, no further response is required.

D17-3: The commenter states they have been lucky to enjoy their lifestyle over the last 10 years, but now they are living in a mess and have lost their ocean view (due to the La Costa Town Square project). Please see response to comment D17-1 above.

D17-4: The commenter states another housing area (at La Costa Town Square) will bring much more congestion. The draft General Plan Land Use and Community Design (LUCD) Element plans for future growth in the city, including the proposed land use designation change from O to R-23 at La Costa Town Square. The Mobility Element is correlated to

the LUCD Element, meaning that it identifies improvements and contains policies and programs necessary to accommodate the anticipated growth. Potential impacts to the transportation system from implementation of the draft General Plan are analyzed in the draft EIR, Section 3.13. The potential noise and traffic impacts associated with future development allowed under the draft General Plan will be subject to environmental review when site-specific proposals are submitted.

D17-5: The commenter states an opinion that development of low income housing doesn't belong in their area because people paid a lot of money to live there and it will potentially lower property values. Property values are not evaluated as part of the draft General Plan and EIR. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration of the draft General Plan.

**D18: Ian Pierson**

D18-1: The comment expresses a desire that Carlsbad not sell the Buena Vista Reservoir land to a residential developer, but rather that the land be converted into a park or open space for the benefit of the area. Please see master responses MR2-1 and MR 2-2 regarding the need for parks in the Northwest Quadrant, and master response MR2-5 regarding the city's recent evaluations to dispose of certain city-owned properties, including the Buena Vista Reservoir site.

**D19: Jennifer Bradley**

D19-1: The comment expresses a concern that Carlsbad doesn't need the income from selling the Buena Vista Reservoir and states that a park would be a benefit for all residents. Please see master responses MR2-1 and MR 2-2 regarding the need for parks in the Northwest Quadrant, and master response MR2-5 regarding the city's recent evaluations to dispose of certain city-owned properties, including the Buena Vista Reservoir site.

**D20: Clay Antonel**

D20-1: The comment expresses concerns about, and states an objection to, any zoning changes that will increase density in the area near his residence in the Terraces at Sunny Creek due to concerns about increases in crime, noise and traffic. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. Two additional Sunny Creek properties have proposed land use changes as part of the draft General Plan from RLM Residential 0-4 du/ac. to R-15 Residential 8-15 du/ac., and if approved, would result in increased densities. However, staff is recommending against approval of these two land use changes because the density range proposed on both of the properties does not meet Housing Element objectives, and one of the properties is impacted by flood hazards that restricts development potential. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D21: Peggy Sanchez**

D21-1: The comment expresses a concern about a proposal to change the land use to allow high density apartments on the vacant property adjacent to the Terraces at Sunny Creek, and requests that if the zoning must be changed, that it be changed to low or mid-density residential uses instead. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D22: Ron Bedford**

D22-1: The comment expresses an objection to high density apartments being proposed on the 17 acre vacant property adjacent to the Terraces at Sunny Creek, and requests that if the zoning must be changed, that it be changed to low or mid-density residential uses instead. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D23: Harry Habermann**

D23-1: The comment explains that as a homeowner on Foxtail Loop, they were promised by the builder that the adjacent vacant 17 acre lot would be used for a shopping center. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D23-2: The comment states their understanding that the property owner now intends to use a portion of the property for high density housing, and expresses concerns that this change would negatively impact property values and would add congestion, and requests that the City Council respect the original intentions for the property or at minimum change it to low density housing instead of high density housing. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D24: Manny De Luna**

D24-1: The comment explains that as a resident of the Terraces at Sunny Creek, if housing is going to be approved nearby, their preference is for lower density and townhomes. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site, and also see response to comment D20-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D25: Gil Soto**

D25-1: The comment explains that as a resident of Sunny Creek, they were told that the vacant 17 acre site across the street would be a shopping center, and expresses opposition to a proposed change to allow high density apartments on the property instead due to impacts on property values. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D26: Madeleine Szabo**

D26-1: This comment includes staff's response to an earlier question as part of an email chain. No response is required.

D26-2: The comment requests that staff provide an "underline-strikeout document" version of the current General Plan. While there is no such document, the commenter was directed to the city's website, on which is posted an element-by-element comparison table of existing and draft General Plan goals and policies.

D26-3: The comment asks what happened to the goal of maintaining "40% Open Space"? For information about the percentage of open space in Carlsbad, please see master responses MR1-2 and MR1-3.

D26-4: The comment questions the logic of including beaches in the goal of 3 acres of open space per 1,000 residents as beaches are not near development projects, and provides comparative information from other jurisdictions. No city policy, ordinance or other requirement includes as a goal 3 acres of open space per 1,000 residents. Beaches qualify as Category 1 open space and as such are designated as OS on the land use map. For more information about what is counted as open space, please see master responses MR1-1 thru MR1-4.

The comment may be referring to city's Growth Management Plan (GMP), which requires the city to maintain 3 acres of park or special use area per 1,000 population. Beaches are not counted toward this park acreage requirement. For more information about the GMP park requirement, please see master response MR1-5.

D26-5: The comment states that Encinitas does not include schools in their open space/parks calculations. Please see master response MR1-6 regarding use of school sites for recreation purposes.

D26-6: This comment includes staff's response to an earlier question as part of an email chain. No response is required.

D26-7: This comment makes a request related to the time when the draft General Plan staff report will be made available. The staff report will be made available prior to the first

- Planning Commission hearing; the commenter will be notified when the report is available. Also see comment D26-6.
- D26-8: The comment requests a copy of the revised draft General Plan. The draft General Plan will not be revised. The final EIR and staff report to the Planning Commission and City Council will include recommendations to revise the draft General Plan. The final EIR and staff report will be made available for public review prior to the first public hearing. Also see comment D26-6.
- D26-9: The comment asks if beaches count as open space, and if so, should the percentage be compared to what was included in the previous General Plan. Beaches qualify as Category 1 open space and count toward the city's overall percentage of open space. Beaches are designated OS on the land use maps of both the 1994 General Plan and the draft General Plan. For more information about what qualifies as open space, and how the overall percentage of open space is calculated, please see master responses MR1-1 thru MR1-4. See also response to comment D26-4 above.
- D26-10: The comment asks how one can change an ordinance. Per Carlsbad Municipal Code Chapter 21.52, amendments to the Zoning Ordinance, General Plan and Local Coastal Program may be initiated by an application of the property owner, resolution of the Planning Commission or City Council, and by the City Planner. Also see comment D26-6.

**D27: Jim Hjerpe**

- D27-1: The comment explains that they live in the Terraces at Sunny Creek and need to drive nine miles for commercial services, and that they would like to see the vacant 17 acre parcel developed as a shopping center as originally promised. The comment questions why more housing would be added to this part of Carlsbad, and states it already has plenty. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The proposal would leave a portion of the site designated as L, which would allow for the construction of commercial services that would serve the Sunny Creek area. The draft General Plan, including the proposal a combination of R-23 and L on the Sunny Creek Commercial site, would not cause the Proposition E dwelling unit caps to be exceeded (see draft EIR section 3.9). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D27-2: The comment expresses a concern that traffic on El Camino Real has increased in recent years and it will only get worse for the Terraces at Sunny Creek after Robertson Ranch is constructed and College Ave. is open. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D27-3: The comment expresses a concern that future residents of a nearby future senior condo project east behind the 17 acre lot will not have anywhere nearby to go for commercial



services. The proposal would leave a portion of the site designated as L, which would allow for the construction of commercial services that would serve the Sunny Creek area. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D27-4: The comment reiterates concerns about adding high density housing in an area already maxed out with housing, and reiterates the request for a shopping center as originally promised. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. In approximately the last 10 years, several nearby projects have been approved in the Sunny Creek area that have not yet been constructed. All of these projects were found to be consistent with the General Plan and Growth Management Plan. The draft General Plan, including the proposal for R-23 and L on the Sunny Creek Commercial site, would not cause the Proposition E dwelling unit caps to be exceeded (see draft EIR section 3.9). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D28: Dona Wilcox**

D28-1: The comment expresses disappointment about not getting a shopping center at the corner of El Camino Real and College as expected, and concerns that high density housing at this site would cause negative impacts such as noise, traffic and lower property values. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site.

The comment also explains that traffic was severely impacted during the recent wildfires and expresses a concern that the addition of 230 apartments would make this much worse if these areas were told to evacuate. The draft General Plan Mobility Element is intended to provide for the safe and efficient movement for all users of the system. One of the concerns that arose with the Poinsettia fire was that roadway connections that have not been completed (such as the final connection of Poinsettia and the College connection). These connectivity improvements will assist with evacuations in the future. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D29: Lora Zaroff**

D29-1: The comment states opposition to rezoning a portion of the 17 acre site referred to as Lot 11 for high density housing due to concerns about increased traffic, lower property values and noise. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D29-2: The comment requests that the City Council reconsider the request for high density housing and change it to low and medium density housing instead. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D29-3: The comment expresses a concern that adding high density housing at Lot 11 in addition to the projects that are already approved in Sunny Creek will lower the desirability of the area and cause overcrowding. In approximately the last 10 years, several nearby projects have been approved in the Sunny Creek area that have not yet been constructed. All of these projects were found to be consistent with the General Plan and Growth Management Plan. The draft General Plan, including the proposal for R-23 and L on the Sunny Creek Commercial site, would not cause the Proposition E dwelling unit caps to be exceeded (see draft EIR section 3.9). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D30: Najoo Panthaky**

D30-1: The comment explains that they bought their property in the Terraces at Sunny Creek with the understanding that Lot 11 would be a local shopping center, and expresses opposition to rezoning a portion of Lot 11 for high density housing due to concerns about traffic, noise and lower property values. The comment also requests that the City Council reconsider the request for high density housing and change the proposal to half medium density townhomes and half for a shopping center. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D31: Jose Feliciano III**

D31-1: The comment states that they are a resident of the Terraces at Sunny Creek and they are opposed to high density housing on the vacant lot at the corner of El Camino Real and College Blvd due to concerns about traffic, noise and lower property values. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D32: Chuck Rodgers**

D32-1: The comment requests that the proposed OS boundary on APN 1563500200 be moved 30 feet to the west so that it is entirely off of the parcel and follows the easement line granted to Mr. Rodgers on the adjacent property APN 1563500100.

One of the mapping “clean-up” tasks for the General Plan update includes fixing designation boundaries where they do not align with the feature they are intended to follow (such as property lines, existing development, topographic features, easements, etc.). These two APNs are part of a larger area designated both RLM and OS where the OS boundary on the Land Use map does not follow the physical features it is intended to follow with reasonable accuracy. This OS boundary originated from the 1994 General Plan and was intended to designate a large steep slope over multiple property boundaries which contains habitat.

On the draft General Plan Land Use Map, the OS boundary is proposed to be moved to represent the top and/or bottom of the slope (where applicable) using a combination of the following GIS information: (1) topographic contour lines, (2) location of 40% slopes, and (3) aerial imagery to determine the location of natural vs. developed areas. The 1994 General Plan designated a portion of APN 1563500200 as OS, and the above information shows the top of slope beginning on the rear yard portion of the property.

D32-2: The comment requests that the proposed OS boundary on APN 1563500100 be moved 20 feet toward the hillside in the southerly direction. The comment also requests to move the OS boundary to the current OS boundary or for 100 feet along Jefferson. This second request does not clearly describe where the OS line should be, and therefore it is not possible to respond to this portion of the comment. Please see response to comment D32-1. The above analysis determined that the RLM portion of the property should include the access road and the adjacent flatter area that does not appear to have natural vegetation in the northern corner of the property. Future refinement of the OS boundary may be possible with preparation of a detailed constraints analysis.

D32-3: The comment explains that they would like their residence land free from the OS designation (APN 1563500200), and that they hope to clear fire hazard foliage on APN 1563500100. Please see responses to comments D32-1 and D32-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

### **D33: St. Patrick’s Catholic Church**

D33-1: The comment indicates that two of their three parcels are identified in the draft General Plan for a land use change to VC (Visitor Commercial), while their third parcel is proposed to be designated R-4 Residential 0-4 du/ac (as currently designated). The comment requests that this third parcel be changed to VC as well so that all of the church’s parcels have a consistent designation to allow the church to better plan for the future needs of the campus. The church campus was identified for a land use change as part of the effort to fix properties with inconsistent land use and zoning designations. The campus currently has two land use designations: Residential Low Medium 0-4 du/ac (RLM) and Private School (P), but the zoning is Commercial Tourist with a Q Overlay (C-T-Q) and One Family Zone (R-1). The C-T-Q zone does not implement either the RLM or P land use designations. The proposal would correct this by changing the land use designation to VC and the zoning designation to C-T, which implements the VC designation. The third parcel was not originally identified for a land use change because

there is no inconsistency between its two designations (land use is RLM and the zoning is R-1), and as such, a land use change is not necessary. Furthermore, because churches are allowed in either the R-1 or C-T zones with approval of a conditional use permit (CUP), and because a CUP would allow consistent application of development standards over the entire campus, future development of the site is not restricted if the third parcel remains R-4/R-1.

**D34: Jacqueline Gunther**

D34-1: The comment states they are a homeowner at the Terraces at Sunny Creek, and expresses concerns about the proposal to add high density housing to their area due to traffic, crime and lower property values. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site.

The comment also states a concern that this proposal would overdevelop low income housing in an area where it already exists, and references the affordable apartments adjacent to the Terraces at Sunny Creek. These apartments were constructed for that project's compliance with the city's Inclusionary Housing Ordinance, and this ordinance would apply equally to the Sunny Creek Commercial site as it would any residential project. Because it applies to all projects equally, it does not concentrate low income households in a single area. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D35: Alan Young**

D35-1: The comment notes that they are an owner and resident in Sunny Creek, and they object to high density apartments on the empty lot next to their development (the Sunny Creek Commercial property). The comment expresses concerns that the proposal will lower property values, and stated a preference for mid or low density housing instead. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D36: Anna Hofmeister**

D36-1: The comment notes that they were promised a shopping center when they bought their house in the Terraces at Sunny Creek, and expressed a concern that apartments would lower their property values and increase traffic, noise and trash. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

Landfill capacity was analyzed in Chapter 3.12 of the draft EIR, which found that buildout of the draft General Plan would result in less than significant impacts to landfill facilities at a programmatic level. Future development allowed under the draft General Plan will

be subject to site-specific environmental review, including analysis of the potential impacts landfill facilities.

D36-2: The comment states that their first choice for the lot would be a shopping center as promised years ago, and their second choice would be for single family housing, and expressed an objection to apartments. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D37: Brian Ramseier**

D37-1: The comment notes that they were promised a shopping center when they bought their house in Sunny Creek, and expressed a concern about apartments at this location. The comment also stated that the property should be developed with what it was originally zoned for. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D38: Connie Bunnell**

D38-1: The comment objects to the city's proposed rezoning of the property at 925 Buena Pl. from R-3 to R-1, and explains they purchased the property with the intent to expand it in the future with multiple units, and losing this opportunity will negatively affect the value of the property.

The General Plan designates the subject property for single family residential uses (RLM Residential Low-Medium Density 0-4 dwelling units per acre), and the zoning designates it for multifamily residential uses (R-3 Multiple-Family Residential Zone). This property is one of many that are included in the draft General Plan in order to resolve mapping inconsistencies such as this, where the General Plan and zoning designations are inconsistent with each other. Staff's proposal is to change the zoning to R-1 One-Family Residential Zone so that it is consistent with the existing RLM/R-4 land use designation. The reason for this proposal that the General Plan designation takes precedence over the zoning designation, and the zoning designation is supposed to implement the General Plan designation, and also because the single family designations will be compatible with the existing use of the property as well as the existing uses along the remainder of Buena Place, which also is zoned R-1 and developed with single family residences.

Property values are not evaluated as part of the draft General Plan and EIR, and no response is required for these comments. The comments will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D39: Delia Charvel**

D39-1: The comment expresses general concern about the proposal for high density apartments on the empty lot at the corner of College and El Camino Real. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D40: Ginger Dill**

D40-1: The comment notes that they are homeowners in the Terraces at Sunny Creek, and object to high density housing on the empty lot on the Corner of El Camino Real and College due to concerns about lower property values, lower desirability for the area, and increased traffic. The comment also expresses a preference for low or mid density housing with more retail space on the property.

Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial/residential uses at the Sunny Creek Commercial site). See Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D41: Hemanshu Tyagi**

D41-1: The commenter notes that they are homeowners in the Terraces at Sunny Creek, and expresses a concern that high density low income apartments at the corner of El Camino Real and College will increase traffic and make the neighborhood crowded. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. All development in Carlsbad has occurred consistent with the policies and requirements of the General Plan and the Growth Management Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial/residential uses at the Sunny Creek Commercial site). See Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

D41-2: The comment disapproves of the proposal for high density housing on the subject property, and suggest that a park or condos be constructed on the property instead of apartments. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The existing designation of the site is for commercial uses, and the draft General Plan analyzed the site for commercial and residential uses. The draft General Plan Open Space and Recreation Element and Chapter 3.11 of the draft EIR did not identify the Sunny Creek Commercial site as

necessary to meet the park facility needs of the community. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D42: Janann Taylor**

D42-1: The comment requests that the Planning Commission support a change of zoning to Open Space for various city owned lands in Olde Carlsbad, and provides a description of the potential benefits of such a change and photo renderings what these properties could look like as open space. Regarding city owned lands around City Hall, open space in Olde Carlsbad, and the Buena Vista Reservoir; please see master responses MR2-1, MR2-2, MR2-4 and MR2-6. The comments will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D43: Jayce Fitch**

D43-1: The commenter notes that they are homeowners in the Terraces at Sunny Creek, and expresses opposition to high density housing being developed on the empty lot next door (Sunny Creek Commercial site), and a preference for low density housing on the property instead. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D44: James Hawkins**

D44-1: The commenter notes that they live in Sunny Creek and are opposed to high density development in the vacant lot due to concerns about noise, traffic and pollution. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft General Plan provides goals and policies for future development, but does not authorize any specific development project. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial/residential uses at the Sunny Creek Commercial site). See Chapter 3.2 of the Recirculated DEIR for impacts to air quality, and draft EIR Chapter 3.10 for impacts to noise, and Chapter 3.13 for impacts to transportation. Individual future development projects allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D45: JoAnne Sweeney**

D45-1: The comment expresses concerns about the proposal to allow for high density on Sunny Creek Plaza due to concerns about impacts to traffic, noise, air pollution, water, police and fire capability. Please see master response MR3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The draft General Plan provides goals

and policies for future development, but does not authorize any specific development project. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.2 of the Recirculated DEIR for impacts to air quality, and draft EIR Chapter 3.10 for impacts to noise, Chapter 3.11 for impacts to public facilities and services, Chapter 3.12 for impacts to public utilities, and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

D45-2: The comment expresses concerns about the proposal to allow for high density on Sunny Creek Plaza due concerns about impacts to rural flavor in this area of Carlsbad, and the desire for balanced and conscientious growth. Please see draft EIR Chapter 3.1 for impacts to aesthetics. All development in Carlsbad has occurred in compliance with the General Plan and Growth Management Plan. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D45-3: The comment requests that the city maintain the Rancho Carlsbad Golf Course as open space. Staff concurs with this comment. The current and proposed land use designation for Rancho Carlsbad Golf Course is Open Space. The city proposing to change the zoning from Limited Control (L-C) to Open Space (O-S) in order to make the zoning designation consistent with the existing General Plan designation.

D45-4: The comment implores the city not to sell the Buena Vista Reservoir to developers because the downtown village area needs a park/open space. Please see master response MR2-1, MR 2-2, MR 2-5 and MR 2-5.

**D46: Joy Hanawa**

D46-1: The comment expresses concerns about the proposal to allow for high density housing on the Sunny Creek Plaza due to concerns about property values, and proposes an alternative for the site of low-medium residential uses and a park instead of commercial/high density residential development. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The draft General Plan Open Space and Recreation Element and Chapter 3.11 of the draft EIR did not identify the Sunny Creek Commercial site as necessary to meet the park facility needs of the community. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D46-2: The comment is a repeat of comment D55, please see responses to comments D55-1 thru D55-5.

**D47: Patricia Parsons**

D47-1: The comment expresses concern about the Sunny Creek preliminary proposal for the 17 acre open lot on El Camino Real, and expresses objection to any possible General Plan



amendments to high density housing for the property due to concerns about congestion, noise, pollution and a drain on city services. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.2 of the Recirculated DEIR for impacts to air quality, and draft EIR Chapter 3.10 for impacts to noise, Chapter 3.11 for impacts to public facilities and services, and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

D47-2: The comment reiterates comments from D62-1 and asks concerned citizens to email the city about the project. See response to comment D62-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D47-3: The comment is a repeat of comment D55, please see responses to comments D55-1 thru D55-5. An additional comment states that the project will make traffic worse on ECR, and road noise will impact a list of nearby residential developments. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.10 for impacts to noise, and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

D47-4: The comment includes a site plan and project information for the Sunny Creek Plaza preliminary review application. Project information in this attachment was provided by the commenter and was not independently verified for accuracy by city staff. Staff provided preliminary review comments to the developer on Nov. 20, 2014, which are on file at the Planning Division offices and available to the public (reference Sunny Creek Commercial PRE 14-36).

**D48: Madeleine Szabo**

D48-1: The comment requests that the Planning Commission read and comply with a referenced letter and attachment. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-2: The comment thanks a city staff member for meeting with the commenter and the opportunity to share the commenter's concerns about the draft General Plan's proclivity for overdevelopment, excess commercialization and high density housing. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

- D48-3: The comment references an attachment to the email that summarizes the commenter's concerns, questions and suggestions; and asks that the attachment be shared with city planners. The referenced attachment has been reviewed by city planning staff and responses to the attachment are provided below starting with response D48-5.
- D48-4: The comment states a desire to preserve Carlsbad's quality of life and scenic beauty and requests that the city hold back high density growth due to traffic, strain on city services and scenic impacts. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level; future development projects will be subject to site-specific, project-level environmental review pursuant to CEQA Guideline section 15168. Please see draft EIR Section 3.1 for analysis of impacts on scenic resources, Section 3.11 for analysis of impacts to public facilities and services, and Section 3.13 for analysis of transportation impacts. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-5: The comment expresses the commenter's love for Carlsbad's current design and standard of living and that the commenter does not want Carlsbad to change. The comment states that the General Plan should uphold the Carlsbad Community Vision, and that high density housing, retail and commercial conflict with the community value of "small town beach community feel".

As described in Chapter 1 of the draft General Plan, the draft plan is based on strategies to achieve the nine core values of the Carlsbad Community Vision; also, each element of the draft General Plan describes how that element relates to one or more of the values of the Carlsbad Community Vision. The comment references one of the nine core values of the community's vision; no single community value has more weight than another, and in some instances the values represent competing desires. For example, the value of a small town feel and beach community character may at times conflict with the value for a strong and diverse economy and the value for community design that promotes a greater mix of uses in closer proximity to one another to reduce distances to destinations. The draft General Plan aims to find common ground between competing community values, as well as maintain compliance with local, state and federal laws.

- D48-6: The comment states that there should continue to be housing choices along El Camino Real that are free of traffic, congestion and noise from high density housing and shopping centers; and that those choices are diminished by modifications to zoning standards. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level; future development projects will be subject to site-specific, project-level environmental review pursuant to CEQA Guideline section 15168. Please see draft EIR Section 3.9 for analysis of impacts related to land use, housing, and population, Section 3.10 for analysis of impacts related to noise, and Section 3.13 for analysis of transportation impacts. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

- D48-7: The comment states that the northeast quadrant of El Camino Real is in danger of overdevelopment and requests that no changes be made that will negatively impact the scenic beauty. Buildout of the draft plan will comply with the city's Growth Management Plan and all city standards for public facilities; see master responses MR1-3 and MR1-5 related to open space and parks standards, and see draft EIR sections 3.8, 3.9, 3.11, 3.12, and 3.13 for analysis of impacts related to other public facilities and Growth Management, and section 3.1 for analysis of impacts related to aesthetics. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-8: The comment states the commenter's priority to preserve the scenic beauty of El Camino Real between Faraday and Tamarack. No response required.
- D48-9: The comment requests that that the city "scale down" development to maintain the scenic beauty and curtail increased traffic, congestion, pollution, noise and disruptions to neighbors. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level; future development projects will be subject to site-specific, project-level environmental review pursuant to CEQA Guideline section 15168. Please see draft EIR Section 3.1 for analysis of impacts on scenic resources, Section 3.2 for impacts to air quality, 3.10 for analysis of impacts related to noise, and Section 3.13 for analysis of transportation impacts. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-10: The comment states that suppressing density and scaling down zoning will protect housing values. Property values are not evaluated as part of the draft General Plan and EIR, and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-11: The comment asks the city to not give up on Carlsbad's high quality of life as a small beach community. No response required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-12: The comment references draft General Plan Land Use and Community Design (LUCD) Element goal 2-G.1, which is to maintain land uses that enhance the character of the city as expressed in the Carlsbad Community Vision and balance development with preservation and enhancement of open space. The comment asks if the draft General Plan achieves this goal with increased density, traffic, pollution, congestion, noise, lights, use of city utilities and services along north El Camino Real. See response to comment D48-5 related to the Carlsbad Community Vision and response to comments D48-4, D48-7 and D48-9 related to analysis of impacts related to density, traffic, pollution, congestion, noise, lights, use of city utilities and services.

D48-13: The comment states that the draft General Plan eliminates the following existing General Plan text: “preserves and enhances the environment, character and image of itself as a desirable residential, beach and open space community.” The comment states that the draft General Plan replaces the existing text with the following: “balance development with preservation and enhancement of open space.” The comment requests that the existing text be included in the draft General Plan.

The draft General Plan does not eliminate/replace the existing General Plan text referenced in the comment. While not verbatim, the existing General Plan text is included in the draft General Plan as LUCD Element goal:

*2-G.16: Enhance Carlsbad’s character and image as a residential, beach and open space oriented community.*

D48-14: The comment references draft General Plan LUCD Element goal 2-G.2, which is to promote a diversity of land uses to enable people to live close to jobs, commercial services, transit, parks, schools and utilities. The comment states that this will result in elimination of less congested and less dense areas where people may want to live regardless of proximity to jobs, shopping, etc., which bring traffic and pollution. The comment states that not all people want to live close to jobs, etc. The comment asks why the city should eliminate all choice of living styles for all types of people as long as the quality of life adheres to the community’s vision. The comment states that people should be allowed the choice to live in areas free of traffic and congestion and don’t mind driving 3 miles or 5 minutes to shopping. The comment suggests deleting draft goal 2-G.2. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

The comment is correct, not all people want to live close to jobs and there should be a choice of living styles. The draft General Plan and LUCD Element goal 2-G.2 do not eliminate choice of living styles; rather, it establishes a land use plan to meet the housing, employment and service needs of all residents. The draft General Plan promotes a choice of living styles and provides opportunities for development of a variety of housing types to meet a variety of housing needs and preferences; there are areas designated for low density housing, medium density housing and high density housing; these areas will offer a diversity of housing choices to meet the needs of a broad spectrum of people – those of varying income levels, single person households, families with children, couples with no children, empty nesters, seniors, and those who prefer a single family detach home and those who prefer a condo or apartment in areas where they can walk to many services. The draft General Plan is not intended to only plan for the needs of one segment of the community, but rather, for the many housing, employment and service needs of the entire community.

Providing a wide variety of housing choices, including housing close to jobs, schools, parks, shopping, etc., achieves the values of the Carlsbad Community Vision, which include a future where there is a greater mix of uses, density is linked to public

transportation, and services are available closer to existing neighborhoods. See draft EIR sections 3.2 and 3.13 for analysis of the draft General Plan related to air quality and traffic.

D48-15: The comment suggests adding the word “preserve” to draft General Plan LUCD Element goal 2-G.5, which is to “protect the neighborhood atmosphere and identity of existing residential areas.” Adding the word “preserve” is redundant with “protect” and does not add value to the policy. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-16: The comment states the draft General Plan LUCD Element goal 2-G.6 emphasizes access to commercial services and does not emphasize protection of scenic beauty. The comment suggests deleting goal 2-G.6. The comment is correct that goal 2-G.6 does not emphasize protection of scenic beauty because that is not the purpose of the goal; the purpose of the goal is to “allow a range of mixed-use centers in strategic locations that maximize access to commercial services from transit and residential areas.” As stated in response to comment D48-5, the draft General Plan aims to find common ground between competing community values. Goal 2-G.6 is intended to guide the city toward achieving the Carlsbad Community Vision of “a future in which there is a greater mix of uses, density is linked to public transportation, services are available closer to existing neighborhoods...” The draft General Plan also provides goals and policies to ensure development is designed appropriately with respect to natural terrain and scenic vistas (e.g., draft General Plan goal 2-G.18 and policy 2-P.43). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-17: The comment references draft General Plan LUCD Element goal 2-G.7, which is to “ensure that neighborhood serving shopping and mixed-use centers include shopping as a pedestrian-oriented focus for the surrounding neighborhood, are physically integrated with the surroundings, and contain neighborhood-serving stores and small offices. Where appropriate, include in the centers high and medium density housing surrounding the retail core or integrated in mixed-use buildings.” The comment states that this goal places emphasis on densely populated business, commercial and residential silos, not providing open and spacious residential areas; the comment also states that it is unreasonable to expect people to walk to stores and carry packages home. See response to comments D48-5, D48-14 and D48-16. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-18: The comment refers to draft General Plan LUCD Element goal:

2-G.16 Enhance Carlsbad’s character and image as a desirable residential, beach and open-space oriented community.

The comment compares draft goal 2-G.16 to existing General Plan goal:

A.1 A city which preserves and enhances the environment, character and image of itself as a desirable residential, beach and open space oriented community.

The comment expresses concern that the wording of draft goal 2-G.16 applies to Carlsbad's image as a whole to outsiders and is not a goal for all neighborhoods to preserve and enhance the environment, character and image. The intent of draft Goal 2-G.16 is to recognize that Carlsbad is known to those within and outside the city as a desirable residential, beach and open space oriented community and the goal is to enhance and improve upon that image and character. Goals and policies regarding the protection of the environment can be found in the draft Open Space, Conservation and Recreation Element, such as goals 4.G.1 and 4-G.2 and policies 4-P.8 to 4-P.18. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-19: The comment refers to draft General Plan LUCD Element goal 2-G.17, which is to “ensure that the scale and character of new development is appropriate to the setting and intended use. Promote development that is scaled and sited to respect the natural terrain, where hills, public realm, parks, open space, trees, and distant vistas, rather than buildings, dominate the overall landscape, while developing the Village, Barrio, and commercial and industrial areas as concentrated urban-scaled nodes.”

The comment states that the goal refers to the Village and Barrio as urban-scaled nodes but also says new development should respect natural terrain. The comment suggests adding the words “particularly necessary to respect the open scenic vistas along El Camino Real and limit the height of buildings and density of housing developments.”

Draft goal 2-G.17 applies to all areas of the city, including along El Camino Real, and clarifies that the Village, Barrio and industrial areas are where development is to be more concentrated at an urban-scale. In regard to the comment and concern about vistas, building height and density along El Camino Real, draft Mobility Element policy 3-P.19 requires maintenance of scenic transportation corridors as identified in the Carlsbad Scenic Corridor Guidelines; the guidelines designate El Camino Real as a scenic corridor and identify guidelines for right-of-way treatment and landscaping of property adjacent to the right-of way. In addition, the existing El Camino Real Development Standards, which are intended to enhance the appearance of the El Camino Real roadway area, place emphasis on retaining the natural topography adjacent to the roadway; and for properties fronting the roadway, the standards restrict building height, and establish minimum building setback standards from the right-of-way. The General Plan regulates the allowed density along the corridor.

D48-20: The comment refers to draft General Plan policy 2-P.8, which specifies findings that must be made for the city to allow residential development to occur at a density above the Growth Management Control Point density; one of the findings is that the project must qualify for an allocation of excess dwelling units per City Council Policy No. 43. The

comment states that the northeast quadrant “has over 300 excess dwelling units after buildout” and that policy 2-P.8 allows for all quadrants to be further developed.

Regarding the number of dwelling units in the northeast quadrant, it is assumed that the commenter refers to language in the draft General Plan (Tables 2-5 and 2-9 of the draft Land Use and Community Design Element) that states the city cannot approve all of the proposed residential sites in the northeast quadrant and must deny some of the proposed residential land use designation changes to ensure compliance with the Growth Management dwelling unit limits. Please see master response MR3-1 for an explanation of this issue. The comment is correct that policy 2-P.8 allows for further residential development and does so consistent with the city’s Growth Management Program; the policy ensures that residential development only occurs if such development is consistent with the city’s Growth Management dwelling limits and that adequate public facilities are provided concurrent with the development.

D48-21: The comment refers to an existing General Plan Land Use Element policy (C.12) that requires new master and specific planned developments over 100 acres to provide community facilities (e.g., daycare, worship, youth and senior activities, etc.). The comment states that the draft General Plan eliminated the words “...over 100 acres” and states that the words should be put back and the provisions of community facilities should be the choice of the developer and surrounding neighborhoods.

The existing General Plan has two policies that require the provision of community facilities; one that applies to new master plans and residential specific plans over 100 acres and a second that applies to “new and, as appropriate, existing master plans and residential specific plans.” The existing policy that applies to residential master/specific plans over 100 acres is not proposed as part of the draft General Plan because the city is nearing buildout and it is not likely that there will be new master or specific plans over 100 acres in the future. The other existing policy that applies to new and existing master/specific plans (with no size limitation) is proposed as draft General Plan policy 2-P.14.

The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-22: The comment refers to draft General Plan LUCD Element policies 2-P.12 and 2-P.13, which encourage residential uses, including medium to higher density residential uses, mixed in conjunction with or in close proximity to commercial development. The comment suggest deleting these policies because they encourage medium to higher density housing and are not consistent with the Carlsbad Community Vision. Please see response to comments D48-5, D48-14 and D48-16. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-23: The comment refers to draft General Plan LUCD Element policy 2-P.17, which is to “ensure that residential areas have convenient access to daily goods and services by locating local shopping centers centrally within their primary trade areas, as defined in Table 2-4. Such trade areas should minimize gaps between or overlaps with the trade areas of other local shopping centers.”

The comment suggests adding text to state convenient access is within a 3-mile/5 minute radius. It is not necessary to add such text; the policy refers to Table 2-4 of the draft General Plan LUCD Element, which specifies that the primary trade area for a local shopping center is within a 5-10 drive time or within 1.5 miles. The trade area criteria in Table 2-4 was established when the Local Shopping Center land use designation was created, and was based on a commercial land use study conducted during the city’s drafting of the land use designation. The draft General Plan does not propose to change the commercial trade area criteria in Table 2-4.

The comment asks what is Table 2-4 and what are the “overlaps with the trade areas of other local shopping centers?” Table 2-4 is part of the draft General Plan LUCD Element and identifies the characteristics of commercial land uses; overlaps of trade areas means that the trade area driving time/miles radius, as specified in Table 2-4, of one shopping center crosses or overlaps the driving time/miles radius of another shopping center.

The comment states that the Sunny Creek commercial site is in close proximity to other shopping centers (Bressi Ranch, Lowes, Westfield, Costco, Vons Tamarack, Vons El Camino) and asks what happened to the local shopping center guideline of a 5-minute driving standard? The comment also states there is not a need for another shopping center at Sunny Creek. Of the shopping centers listed, one is a community shopping center (Lowes), two are regional shopping centers (Westfield and Costco) and four are designated as local shopping centers (Sunny Creek, Bressi and the two Vons centers), all of which were evaluated per the trade area criteria in Table 2-4 (including the drive time/distance criteria) at the time the sites were designated as community, regional and local shopping centers (note the drive time/distance criteria only applies to centers that serve the same type of trade area – local neighborhood, community, regional, visitor). The draft General Plan does not propose to change the location or affect the trade area of any of the commercial sites referenced in the comment. A portion of the Sunny Creek commercial site is proposed to be designated for residential use; however, the site will retain a Local Shopping Center designation to serve the daily shopping needs of the surrounding local neighborhood.

The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-24: The comment references the following existing General Plan policy for commercial land uses:



C.2 Utilize the following guidelines to determine the appropriate spatial distribution of new sites for local shopping centers and to assign associated zoning. In some instances it may not be possible to implement all of these guidelines fully and some degree of flexibility in their application may be required.

1. New master plans and residential specific plans and other large development proposals shall evaluate whether there is a **need** to include a local shopping center within the development, consistent with these guidelines.

The comment compares the existing policy referenced above to draft General Plan policy 2-P.18:

2-P.18 New master plans and residential specific plans and other large development proposals shall evaluate whether there is a need to include a local shopping center within the development.

The comment states that the new policy does not define what the “need” is and suggests that policy 2-P.18 be eliminated. Staff does not recommend deleting the policy. “Need” for a shopping center is determined by city decision-makers based on the shopping center policies and guidelines (Table 2-4) of the General Plan. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-25: The comment states that the draft General Plan does not include text that is part of the existing General Plan: “Regional centers draw customers from outside the city and general interregional traffic.” It is not clear what the concern of this part of the comment is; it is not directly related to the rest of the comment that pertains to guidelines for local shopping centers. However, the referenced text is part of the description of the Regional Commercial land use designation; the text is not included as part of the written description of Regional Commercial in the draft General Plan because it is redundant with draft General Plan Table 2-4, which identifies that the primary trade area of the Regional Commercial designation is “regional” (i.e. Regional Commercial shopping centers serve a regional customer base from within and outside Carlsbad).

The comment also refers to the first paragraph of existing General Plan policy C.2 for commercial land uses (see response to comment D48-24 for the text of existing policy C.2). The comment expresses concern that the draft General Plan does not include the words “consistent with these guidelines” because guideline #6 on page 35 of the existing General Plan states “new sites for local shopping centers should not be located along El Camino Real so as to minimize the commercialization of this scenic roadway.”

The existing General Plan designates the location of eight local shopping centers, two of which are not developed, along El Camino Real (from the city’s northern and southern city boundaries). The draft General Plan does not propose any new local shopping center sites. The draft General Plan does not include portions of existing commercial land use policy C.2, which pertains to the spatial distribution of local shopping centers; as noted above, the reason the draft General Plan does not include the part of existing policy C.2

regarding no new local shopping center sites along El Camino Real is because the trade area criteria in draft General Plan Table 2-4 controls/minimizes the number of local shopping center sites along El Camino Real and elsewhere in the city. Currently, the number and location of local shopping centers along El Camino Real are sufficient to serve the trade areas identified in draft General Plan Table 2-4; however, if one of those sites were developed/redeveloped in the future with a use other than a local shopping center, the city should have to option to identify a new local shopping center site to ensure all neighborhoods in the area are adequately served with daily goods and services.

D48-26: The comment refers to draft General Plan policy 2-P.82, which encourages the Sunny Creek Commercial site be developed as a mixed-use neighborhood center. The comment asks “why so many multi-use properties in the NE and NW quadrants along El Camino Real?” It is not clear which properties the comment is referring to. On the Sunny Creek Commercial site, the draft General Plan encourages a combination of residential and commercial uses as a means to achieve values of the Carlsbad Community Vision, which include a future where there is a greater mix of uses, density is linked to public transportation, and services are available closer to existing neighborhoods (see response to comments D48-5, D48-14 and D48-16).

The comment also states that environmental and residential tranquility will be dramatically affected by more housing and commercial projects; traffic and noise are specifically referenced as having a negative impact on environmental and residential tranquility. See draft EIR Section 3.9 for analysis of impacts related to land use, housing, and population, Section 3.10 for analysis of impacts related to noise, and Section 3.13 for analysis of transportation impacts. The comment also references comments made at the end of the comment letter, which are responded to beginning to response to comment D48-56.

The comment suggests that draft General Plan policy 2-P.82 be replaced with: “Foster development of this site as a low density housing area with a park to serve the residents in surrounding communities”. The site referred to in policy 2-P.82 is the Sunny Creek Commercial site, which is currently designated by the General Plan as a future local shopping center. The draft General Plan proposes that a portion of the site be designated for multi-family residential and a portion of the site be retained for a local shopping center. Staff does not support changing the designation to low density housing and park uses; such uses would not assist the city in meeting the objectives of the draft Housing Element and would not support the values of the Carlsbad Community Vision that envision services located close to housing.

D48-27: The comment refers to draft General Plan policy 2-G.7, which is to ensure that neighborhood serving shopping and mixed-use centers include shopping as a pedestrian-oriented focus for the surrounding neighborhood, are physically integrated with the surroundings, and where appropriate, include high and medium density housing.

The comment asks how the Sunny Creek Commercial site would be a pedestrian oriented focus and integrated with the surroundings. When the site is developed, the shopping

areas will be located and designed in a manner that is easily accessible and attractive to pedestrians, particularly surrounding neighborhoods (e.g. pedestrian access directly to surrounding residential neighborhoods); also the shopping center will be located and designed in a manner that integrates with the surroundings (i.e., direct and easy access from surrounding neighborhoods, architectural compatibility, etc.).

The comment suggests adding the words “within 3 mile radius or 5-minute driving time” after “include shopping” in draft General Plan policy 2-G.7. This suggestion is not appropriate in the context of the policy. The suggested words apply to the location of a local shopping center; however, the policy applies to the physical design of a local shopping center, not the location of the center itself.

The comment also suggests deleting the words “pedestrian-oriented focus” from draft General Plan policy 2-G.7, because people will not walk to shopping and carry home bags. The comment states that the convenience to shopping centers close to residences is outweighed by problems inherent in shopping centers increased traffic, cars pulling in and out of parking lots, pollution, lights, noise, crime and impacts on city services. See response to comments D48-5, D48-14 and D48-16. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-28: The comment refers to draft General Plan policy 2-P.85 for the Palomar Corridor:

2-P.85 Allow small pockets of higher density residential at the edges of the corridor, as shown on the Land Use Map, to enable residents to live closer to jobs, with opportunities for enhanced bicycle and pedestrian paths that link residential and employment uses. Ensure that residential uses incorporate noise attenuation criteria in accordance with the Airport Land Use Compatibility Plan.

The comment suggests eliminating the words “higher density residential at the edges of the corridor.” Staff does not recommend approval of the proposed residential sites within the Palomar Corridor and, therefore, this policy is recommended to be deleted entirely.

D48-29: The comment refers to draft General Plan Mobility Element policies 3-P.3 and 3-P.4, which require a multi-modal level of service (MMLOS) methodology be utilized and implemented by evaluating level of service for prioritized modes as identified in Table 3-1 and Figure 3-1 of the draft General Plan.

The comment asks what these policies mean, what are prioritized modes of travel by street typology and where are Table 3-1 and Figure 3-1? The draft General Plan Mobility Element describes what is meant by prioritized modes and MMLOS methodology (beginning on page 3-8 to 3-18), and Table 3-1 and Figure 3-1 are part of the draft Mobility Element (pages 3-11 to 3-15).

D48-30: The comment refers to draft General Plan Mobility Element policies 3-P.7 and 3-P.8, which specify that certain streets and intersections are considered exempt from level of service (LOS) standards. The policies identify certain criteria that must be met to be

considered LOS exempt and identify certain street segments that are proposed to be LOS exempt.

The comment asks why the list of streets that are LOS exempt in draft policy 3-P.8 does not mention increased traffic along El Camino Real between College Blvd. and Tamarack due to future planned development and mitigation for all projects along El Camino Real. The draft EIR (pages 3.13-26 to 1.13-30) does evaluate the impact of future traffic volumes on vehicle prioritized streets, including those listed in draft Mobility Element policy 3-P.8. The future traffic volumes include all proposed land uses per the draft General Plan. As shown in draft EIR Table 3.13.10, at buildout of the draft General Plan, vehicle level of service on vehicle-prioritized streets is anticipated to operate at LOS D or better, except for the streets listed in draft Mobility Element policy 3-P.8, which are anticipated to operate below LOS D.

The comment suggests that El Camino Real be prioritized for bicycle mode of travel and to limit development that will add congestion along the street. El Camino Real currently and is planned in the future to operate as an arterial street, which are the primary street facilities that move vehicles through the city; therefore, it is appropriate to continue to prioritize vehicle mode of travel along El Camino Real. In addition, bicycle and pedestrian modes of travel are identified in the draft Mobility Element as non-prioritized travel modes on arterial streets (including El Camino Real). Bicycles and pedestrians will be accommodated along El Camino Real and other vehicle prioritized streets, but bicycle and pedestrian service levels will not be prioritized above vehicle service levels.

Regarding the suggestion to limit development along El Camino Real, draft EIR Chapter 3.13 evaluated the transportation impacts of the draft General Plan, including all proposed future land uses. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-31: The comment refers to draft Mobility Element policy 3-P.9, which requires new development that adds traffic to LOS exempt streets to implement transportation demand management (TDM) strategies to reduce the reliance on the automobile. The comment asks how TDM strategies reduce reliance on the automobile without encroaching on quality of life and civil liberties. The comment suggests eliminating draft Mobility Element policy 3-P.9.

TDM consists of programs and policies to reduce the demand for the single occupant automobile. Common techniques include carpool programs, flexible work hours, telecommute provisions, shuttle services to nearby transit stations, employee transit subsidies (e.g. employers subsidize bus or rail tickets), installation of bicycle facilities (lockers, racks, lanes, showers at employment areas, etc.), or other measures that would reduce the demand to drive. TDM increases the number of travel mode options and increases the ability for residents and employees to make choices regarding how they travel through the city. TDM enhances quality of life by providing residents with more mobility options. Providing increased mobility options does not encroach on civil

liberties. The comment does not state how quality of life and civil liberties are encroached upon by TDM; no further response is possible.

The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-32: The comment refers to draft Mobility Element policy 3-P.10, which requires the Citywide Facilities and Improvements Plan (CFIP) to be updated for consistency with the General Plan; this includes updating the CFIP circulation LOS standard methodology to reflect a multi-modal approach. The comment asks what it means to update the circulation LOS standards methodology.

As part of the city's Growth Management Plan, the CFIP identifies performance standards for 11 public facilities, including circulation facilities. The current circulation standard is as follows:

“No road segment or intersection in the Local Facility Management Zone (LFMZ) nor any road segment or intersection out of the zone which is impacted by development in the zone shall be projected to exceed a [vehicle] service level C during off-peak hours, nor [vehicle] service level D during peak hours. Impacted means where 20% or more of the traffic generated by the local facility management zone will use the road segment or intersection.”

The current CFIP circulation performance standard was established based on the automobile-focused circulation plan of the existing General Plan. The proposed draft Mobility Element establishes a new livable streets plan for mobility within the city; the livable streets plan focuses on creating a street network that provides for the mobility needs of pedestrians, bicyclists, transit users, and automobiles – a multi-modal street network.

To measure the performance/success of the street network's ability to serve multiple modes of travel, it is necessary to establish a multi-modal performance standard that will guide the implementation of a successful livable streets network. This network, as identified in the draft Mobility Element, prioritizes transportation modes (pedestrian, bicycle, transit, and vehicle) by street typology and accessibility to users of the system.

D48-33: The comment refers to draft General Plan policy 2-P.68, which is to “enhance the walkability and pedestrian orientation of the Village, including along Carlsbad Village Drive, to enhance the small, beach town atmosphere and improve access to and utilization of transit.” The comment asks how developing the Caruso land east of I-5 on Cannon Road “enhance the small, beach town atmosphere”, when a mall there will bring thousands of people who will park there, walk to the beach, cause bottlenecks of traffic, disrupt scenic vistas, and urbanize Carlsbad? The comment suggests that the area (I-5 and Cannon Road) should have the same criteria for protecting the “small, beach town atmosphere” as the Village.

The property referenced in the comment (east side of I-5 north of Cannon Road) is currently designated by the existing General Plan for visitor-serving commercial use. The draft General Plan does not propose any change to the current planned land use on the site. Regarding the suggestion to require that development of the property enhance the small, beach town atmosphere, “small town feel, beach community character and connectedness” is one of nine core community values identified in the Carlsbad Community Vision, and as described in response to comment D48-5, no single community value has more weight than another, and in some instances the values represent competing desires. For example, the value of a small town feel and beach community character may at times conflict with the value for a strong and diverse economy. The Village is an area of the city that represents the city’s small town feel and beach community character and where there are prime opportunities to enhance this element of the community’s character; draft policy 2-P.68 recognizes this opportunity in the Village.

D48-34: The comment refers to draft General Plan policy 4-P.43, which is to “allow and encourage farming operations in the Cannon Road Open Space, Farming, and Public Use Zone...” The comment asks how the city will allow and encourage. By implementing the provisions of the Cannon Road Open Space, Farming, and Public Use Zone (part of the Zoning Ordinance), the city allows and encourages open space and farming uses (the zone has been approved by the City Council and is pending approval by the Coastal Commission. The comment states that the term “economically viable for the land owner” is too subjective. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-35: The comment references draft General Plan policy 4-P.29, which identifies issues to consider during development and re-development of park land. The comment states that policy omits language (“developing specific sites to minimize impacts to biological resources”) from the existing General Plan that the commenter would like to add to policy 4-P.29. The existing General Plan policy that the comment refers to is policy C.19 of the Parks and Recreation Element, which identifies issues to consider during development of park master plans. Draft General Plan policy 4-P.29 is an updated version of existing policy C.19; draft policy 4-P.29 accomplishes the same objectives as C.19 and reduces redundancy. In combination with the city’s HMP, policy 4-P.29 does not diminish any existing requirement to protect biological resources. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

D48-36: The comment references draft General Plan policy 4-P.53, which is to provide incentives to reduce vehicle miles travels as a means to reduce air quality impacts. The city asks how the city will provide incentives and suggests adding language to indicate that the provision of incentives shall not interfere with the goals of the community’s vision. The provision of incentives that encourage reduced vehicle trips is a discretionary policy decision and is not defined by the General Plan. However, one example of how incentives may be provided is through implementation of a transportation demand management

(TDM) ordinance. See response to comment D48-31 regarding TDM. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

- D48-37: The comment consists of a reference to draft General Plan policy 2-P.9, which is to incentivize development of lower-income affordable housing. No response required.
- D48-38: The comment asks what happened to GPA 00-04 (March 2001) that established policies for local shopping centers; the comment specifically refers to shopping center trade area travel times. Draft General Plan Table 2-4 identifies the primary trade area travel time, radius and population for commercial land uses (consistent with Table 3 of the existing General Plan Land Use Element, as established by GPA 00-04).
- D48-39: The comment asks why there is no mention of preserving quality of life by reducing traffic impacts, environmental impacts, congestion, noise, light, and strain on city services. Throughout the draft General Plan are policies that aim to improve mobility and manage traffic impacts (Mobility Element), protect the environment (Land Use and Community Design Element, Open Space, Conservation, and Recreation Element; Sustainability Element), minimize noise impacts (Noise Element), minimize impacts from development, including lighting impacts (Land Use and Community Design Element), and ensure adequate public facilities are provided to serve the community (Land Use and Community Design Element; Mobility Element; Open Space, Conservation and Recreation Element; Public Safety Element; Arts, History, Culture and Education Element).
- D48-40: The comment refers to Chapter 3.1 Aesthetics of the draft EIR, which identifies that El Camino Real is a scenic roadway. The comment asks why the statement regarding El Camino Real is not in the draft General Plan. The draft EIR references information from various sources. Draft General Plan policy 3-P.19 requires that scenic corridors be maintained as identified in the Carlsbad Scenic Corridor Guidelines. The guidelines is the document that provides specific discussion about El Camino Real and its attributes as a scenic corridor.
- D48-41: The comment asks what is the status of the Rancho Carlsbad Golf Course with respect to a zone change. Consistent with the existing General Plan land use designation of the property, the draft General Plan designates the property as open space; concurrent with the proposed draft General Plan, a zone change is proposed for the property to change the existing L-C (Limited Control) zone to O-S (Open Space), which implements the open space land use designation.
- D48-42: The comment asks why the City Council wants to increase density on properties; and states that density permanently impacts the natural environment. To clarify, the draft General Plan identifies various properties throughout the city where increase residential density is being considered. Consideration of these density increases are the result of a community process that developed a preferred land use plan identifying sites where such residential development may be preferred; the City Council considered the preferred land

use plan and directed staff to utilize it in the drafting of the General Plan. In addition, various property owners submitted requests for density increases to be considered for their properties as part of the General Plan update. Staff presented a report to the City Council regarding these property owner requests, and the City Council directed staff to include the requests during the environmental review of the draft General Plan. No approval has been granted for any of the density increases evaluated by the draft General Plan. The Planning Commission and City Council will consider all land use changes proposed by the General Plan, including the environmental impact analysis, and determine which, if any, of the changes are desirable.

Regarding impacts to the environment resulting from residential density, the draft EIR evaluated full buildout of the draft General Plan, including all residential density increases proposed; all environmental impacts are identified and discussed in the draft EIR.

D48-43: The comment states that high-density residential development does not adhere to the community's vision. See response to comment D48-5 related to the Carlsbad Community Vision and response to comments D48-4, D48-7 and D48-9 related to analysis of impacts related to density, traffic, pollution, congestion, noise, lights, use of city utilities and services.

D48-44: The comment asks how adding growth is justified at the expense of quality of life. See response to comment D48-5 related to the Carlsbad Community Vision.

D48-45: The comment asks how the proposed land use/zone changes are being evaluated and what the priorities are. The land use/zone changes have been evaluated in regard to environmental impacts (see the draft EIR); also, other examples of how staff has evaluated the changes include evaluating: compliance with the city's Growth Management Program, objectives of the community's vision, compatibility with surrounding land uses, appropriateness of the site for the use, city and state housing objectives (including the city's regional housing needs assessment – RHNA), and all other applicable city standards and other laws. The primary objectives of the residential site evaluation are to implement the community vision (see response to comment D48-5), ensure compliance with the city's growth management program, and ensure compliance with city and state housing objectives, including the RHNA, and ensure compliance with all other applicable standards and laws. Also see Section 1.5 of the draft General Plan for a summary of the key strategies of the draft General Plan.

D48-46: The question asks why the draft General Plan does not include Chapter 21.40 – Scenic Preservation Overlay Zone. Chapter 21.40 is a chapter of the city's Zoning Ordinance, which is a separate document that implements the policies of the General Plan. The draft General Plan does not propose a change to Chapter 21.40, it remains in effect. The comment also refers to the El Camino Real Corridor Development Standards, which is also a separate document that provides specific standards for development along El Camino Real; the draft General Plan does not propose a change to the corridor standards.



- D48-47: The comment refers to the draft EIR significance criteria for aesthetic impacts, and states that the Sunny Creek site and El Camino Real would be impacted by the criteria. At a programmatic level, the draft EIR did not identify any significant aesthetic impacts resulting from the draft General Plan. Any future development project, such as on the Sunny Creek site, will be subject to additional CEQA analysis to determine what the project-specific impacts may be.
- D48-48: The comment refers to draft EIR Impact 3.1, which pertains to impacts on a scenic vista, for which the draft EIR concludes the draft General Plan will have a less than significant impact. The comment states that development along El Camino Real does not preserve or enhance scenic views; and the comment asks why the draft General Plan exacerbates development in the area with increased housing density on Sunny Creek; the comment also refers to previously approved projects that will generate traffic, congestion, noise, and pollution. At a programmatic level, the draft EIR did not identify any significant aesthetic impacts resulting from the draft General Plan. Any future development project, such as on the Sunny Creek site, will be subject to additional CEQA analysis to determine what the project-specific impacts may be. The draft EIR included previously approved projects in the growth assumptions utilized for the environmental analysis, including traffic impacts, noise impacts and air quality impacts.
- D48-49: The comment references text from the draft EIR (page 3.1-9) analysis of impacts to scenic vistas. The referenced text states that “Along the city’s scenic corridors, the proposed General Plan’s land use changes are minimal, occurring in areas where some development has already taken place.” The comment disagrees that the proposed land use change on the Sunny Creek site represents a minimal change. The reference to “minimal” land use changes in the draft EIR is in the context of overall citywide change in land use; not in the context of a site-specific change. As individual development projects are proposed in the future, they will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168.
- D48-50: The comment references text from the draft EIR (page 3.1-9) analysis of impacts to scenic vistas. The referenced text states that proposed policies require development be located away from visible ridges, and larger buildings minimize their visual appearance from scenic corridors and vistas. The comment asks why this is not being followed. Development projects approved by the city are and will continue to be evaluated for consistency with the goals and policies of the General Plan. Because the comment does not identify how the policies are not being followed, no further response is possible.
- D48-51: The comment consists of a reference to draft General Plan policy 7-P.27, which is to continue efforts to locate an institute of higher education that capitalizes on the city’s high-tech and bio-tech industries and the city’s skilled workforce. No response required.
- D48-52: The comment asks, in regard to draft policy 7-P.27, why the city should bring so many more people to Carlsbad when there aren’t enough jobs for the people who are already here. The draft General Plan is a long-range planning document that provides policies to guide the city into the future. Please see the draft General Plan Land Use and

- Community Design Element, which identifies where future commercial, office and industrial uses may develop (i.e., a land use plan for future uses that create future jobs); also see the draft General Plan Economy, Business Diversity, and Tourism Element, which provides policies to support existing and future business growth (i.e. job growth).
- D48-53: The comment asks, in reference to draft policy 7-P.27, how an institute of higher education or a research organization benefits the residents of Carlsbad when the city already has 37 bio-tech firms. Institutes of higher learning support existing industries in Carlsbad, as well as the creation of new high quality jobs. As stated in the draft General Plan Economy, Business Diversity, and Tourism Element, a goal (8.G-6) of the draft General Plan is to “establish a strong talent pipeline that can serve the needs of local businesses in the short and long term, as well as serve regionally important industry clusters.”
- D48-54: The comment asks, in reference to draft policy 7-P.27, why the Carlsbad taxpayers should pay for it. The draft General Plan does not identify the funding to establish an institute of higher education and does not state that the City of Carlsbad or city taxpayers shall pay for it. Policies within the draft Arts, History, Culture and Education Element and the Economy, Business Diversity, and Tourism Element promote forming partnerships with other organizations, such as universities.
- D48-55: The comment asks that if an objective of the draft General Plan is to reduce vehicle trips, then why would we want students from surrounding communities driving to a satellite campus in Carlsbad. The draft General Plan identifies goals and policies to accommodate future growth and development and reduce vehicle trips by providing multi-modal options for mobility in the city and by managing traffic/vehicle use through TDM strategies (see response to comment D48-31).
- D48-56: The comment expresses opposition to a retail center on the Sunny Creek site. See response to comments D6-1 and D6-2. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.
- D48-57: The comment states that a commercial development on the Sunny Creek site will result in traffic and noise impacts. At a programmatic level, the draft EIR did not identify any significant traffic or noise impacts resulting from the draft General Plan. The potential impacts of any future development project, such as on the Sunny Creek site, on traffic and noise will be subject to additional CEQA analysis to determine what the project-specific impacts may be.
- D48-58: The comment expresses additional concerns regarding noise from a commercial development on the Sunny Creek site. The potential noise impacts of any future commercial development project on the Sunny Creek site will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168. See response to comment D48-57.

D48-59: The comment expresses additional concerns regarding noise from a commercial development on the Sunny Creek site. See response to comment D48-58.

D48-60: The comment expresses concerns regarding light and glare from a commercial development on the Sunny Creek site. The potential impacts on light and glare of any future commercial development project on the Sunny Creek site will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168. See response to comment D48-57.

D48-61: The comment expresses reasons why it is not appropriate to allow commercial development on the Sunny Creek site. See response to comments D6-1 and D6-2. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the proposed General Plan.

**D49: Madhusudan Gujral**

D49-1: The commenter states opposition to high density apartments being proposed in the Sunny Creek area. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D50: Megan Goodwin**

D50-1: The commenter notes that they are homeowners in the Terraces at Sunny Creek, encourages the city to reevaluate the plan for high density housing on the adjacent vacant land (Sunny Creek Commercial site) for lower density single family homes. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D50-2: The comment expresses a concern that high density housing on the subject property will increase traffic, noise and crime activity. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.10 for impacts to noise, Chapter 3.11 for impacts to public facilities and services, and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D51: Michael Kroopkin**

D51-1: The comment expresses general concerns about traffic congestion on El Camino Real and the additional traffic impact of the project at Cannon and ECR. This project is assumed to be the Robertson Ranch West Village, which is currently under construction. Traffic impacts for this project were analyzed in environmental documents for that project. The

draft EIR evaluated full buildout of the land use map at a programmatic level, which included the Robertson Ranch West Village project, and does not anticipate significant traffic impacts for this area of El Camino Real. For the section of El Camino Real between north city limits and Palomar Airport Road, the future traffic level of service is projected to be LOS C, which is not a significant impact (see draft EIR Chapter 3.13, Table 3.13-10). These traffic projections also included the combination L and R-23 proposal for the Sunny Creek Commercial site in its future assumptions. Note that the EIR is a Program EIR and focuses on the overall effects associated with the adoption and implementation of the draft General Plan. Individual development projects will continue to require project-level environmental assessment. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D51-2: The comment expresses concerns about high density development under consideration just south of the small golf course. This comment is assumed to be referencing the proposal in the draft General Plan for a land use change at the Sunny Creek Commercial site. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D51-3: The comment expresses concerns about the request by the golf course owner for change of zoning to sell the property for more building. The property is designated Open Space in the current General Plan, and no change to this designation is proposed as part of the draft General Plan. The city proposing to change the zoning from Limited Control (L-C) to Open Space (O-S) in order to make the zoning designation consistent with the existing General Plan designation. The golf course owner has objected to the city's proposal to change the zoning to Open Space, please see responses to comments B3-1 thru B3-9.

D51-4: The comment expresses concerns that the open space that exists today will be gone and congestion will increase significantly, and requests that the additional density and construction not be allowed. The comment may have concerns with lands that are currently vacant but are designated in the draft General Plan for future residential, commercial or land uses other than open space. No lands designated for Open Space in the current General Plan are proposed for land use changes in the draft General Plan, and the amount of open space will not be reduced in the draft General Plan. Regarding the comment about increased traffic congestion, please see response to comment 51-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The commenter states a belief that a future traffic light modernization planned by the city will not effectively resolve the additional traffic created by future shopping center developments. The draft General Plan Mobility Element describes a variety of means to reduce peak traffic generation, including street infrastructure improvements, better traffic signal management, and implementation of transportation demand management

strategies to reduce reliance on the automobile. Please see section 3.13 of the draft EIR for an evaluation of potential impacts on traffic.

**D52: Michael Kroopkin**

D52-1: The comment expresses general concerns about traffic congestion on El Camino Real, and states that it will become worse after the housing project at Cannon and ECR is complete. This project is assumed to be the Robertson Ranch West Village, which is currently under construction. See response to comment D51-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The commenter states a belief that a future traffic light modernization planned by the city will not effectively resolve the additional traffic created by future shopping center developments. The draft General Plan Mobility Element describes a variety of means to reduce peak traffic generation, including street infrastructure improvements, better traffic signal management, and implementation of transportation demand management strategies to reduce reliance on the automobile. Please see section 3.13 of the draft EIR for an evaluation of potential impacts on traffic.

**D53: Michael Kroopkin**

D53-1: The comment expresses general concerns and objections to medium and high density housing within Carlsbad. State law requires each general plan to have a housing element that plans for housing at a variety of densities that can accommodate a variety of income levels. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D53-2: The comment disagrees with the concept of building shopping near housing, stating that people would rather drive than walk to shopping. According to Envision Carlsbad Working Paper 2, future demographic shifts are expected to show growth in age groups that exhibit a growing preference for multifamily housing in close proximity to urban amenities, services and retail opportunities. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D53-3: The comment states there is an overabundance of commercial development and expresses general concern with higher population, traffic and high density housing. The Envision Carlsbad Working Paper 2 includes a study showing that the city leaks retail dollars to adjacent jurisdictions for certain commercial uses, such as grocery stores, gas stations and limited-service eating places; the implication being that there is an unmet need in Carlsbad for these types of retail establishments. Additionally, the Carlsbad Community Vision indicates a desire for increased specialty retail and dining opportunities. Also see response to comments D51-1 and D53-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D54: Michael Kroopkin**

D54-1: The comment expresses an objection to the proposal in the draft General Plan for a land use change to allow high density housing at Sunny Creek Plaza. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D55: Michael Kroopkin**

D55-1: The comment notes a developer has submitted a plan for Sunny Creek Plaza, and provides a summary of the proposal, and requests that the development be scaled down in order to preserve the scenic beauty of the El Camino Real hillsides and the quality of live in the area. The proposal referenced by the comment is a preliminary review application, for which city staff reviewed and commented on the proposal. To date, no applications for development have been received by the city. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D55-2: The comment expresses concern about the project's residential density, stating that it exceeds the high-density inclusion in the draft General Plan, and requests the city to suppress density. The draft General Plan proposes to change a portion of the Sunny Creek Commercial property to the Residential R-23 land use designation, which allows residential uses between 15 – 23 dwelling units per acre. The referenced preliminary review application showed residential uses at 16.2 dwelling units per acre, which is within the R-23 density range. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D55-3: The comment expresses an opinion that restaurants do not comply with the city's policy of "neighborhood-serving stores" and that there are an abundance of nearby restaurant and grocery choices nearby. The comment also references Carlsbad Shopping Center policies and previous related General Plan amendments that guard against creating undue overlaps in trade areas, avoid over-commercialization, and do not negatively impact the residential environment and scenic corridor. Please see responses to comments D6-2, D6-3, D6-5, D6-6, D6-10, D6-11 and D6-13. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D55-4: The comment claims that shopping center development at Sunny Creek Plaza would result in a variety of environmental impacts. Please see responses to comments D6-7 and D6-8.

The comment also proposes an alternative for the site of low-medium residential uses and a park instead of commercial/high density residential development. The draft General Plan Open Space and Recreation Element and Chapter 3.11 of the draft EIR did not

identify the Sunny Creek Commercial site as necessary to meet the park facility needs of the community. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D55-5: The comment reiterates earlier comments and requests that the city prohibit new sites for local shopping centers on El Camino Real. Please see responses to comments D55-3 and D55-4. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D56: Michele Cullen**

D56-1: The commenter notes that they are homeowners in the Terraces at Sunny Creek, and expresses concerns about the proposal for high density housing on the vacant lot next their development (Sunny Creek Commercial site) related to traffic, crime, lower property values and over-development. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. All development in Carlsbad has occurred consistent with the policies and requirements of the General Plan and the Growth Management Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.11 for impacts to public facilities and services and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D57: Patricia Mehan**

D57-1: The comment states opposition to changing a portion of the zoning for the Walmart property from commercial to high density residential, and that the only acceptable change would be for a pocket park on the commercial land. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft General Plan Open Space and Recreation Element and Chapter 3.11 of the draft EIR did not identify the Sunny Creek Commercial site as necessary to meet the park facility needs of the community. However, nothing in the commercial or residential land use designation would prevent an integrated pocket park being built on the site of a future development project.

**D58: Priscilla Gess**

D58-1: The comment expresses dismay at the proposal to change a portion of the Sunny Creek Commercial site from commercial to high density housing, and questions the reasoning of the proposal. Please see master response MR 3-2 regarding the land use change

proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- D58-2: The comment asks how the variance might alter the character of the area. As a point of clarification, the proposal does not include a request for a variance. What has been requested by the property owner is consideration of an amendment to the General Plan land use map in order to change the land use designation. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.2 for impacts to aesthetics. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

- D58-3: The comment asks whether the proposal is based on a desire to make more money out of the property. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- D58-4: The comment asks whether the proposal would apply to other properties with similar zoning classifications. This proposal only applies to the Sunny Creek Commercial site, and was made at the request of the property owner. Other properties with similar land use and zoning designations would need to apply for designation changes for their respective properties in order to do what is proposed at the Sunny Creek Commercial site.

- D58-5: The comment asks if the proposal would be detrimental to other property in the neighborhood, if it would endanger public safety or substantially diminish property values in the neighborhood. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial/residential uses at the Sunny Creek Commercial site). See Chapter 3.11 for impacts to public facilities and services. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

- D58-6: The comment expresses concerns about changing a portion of the Sunny Creek Commercial property from commercial to high density residential due to concerns about traffic, noise, and lowered property values. The comment also expresses an opinion that the proposed change only provides economic benefit for the developer while is an economic detriment for the community. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.



The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.10 for impacts to noise and Chapter 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

- D58-7: The comment states concerns that assisted living facilities second dwelling units are not considered residential units as their occupants use roadways, water, electricity, trash, sewer, fire and police services.

State law mandates that SDUs not be counted against residential growth caps, such as exists in Carlsbad's Growth Management Plan, and mandates that SDUs not be counted in calculations of residential density (ie. SDUs may exceed the permitted density for a lot). Carlsbad's practice in implementing the GMP and residential density calculations are fully consistent with the requirements of state law. Development of new SDUs would typically be considered exempt from CEQA under CEQA Guidelines Sections 15303 or 15332.

City policy considers professional care facilities to be commercial living units because they are institutional housing/group quarters, and therefore different than conventional housing. This city policy has been upheld by courts in recent legal action related to the Dos Colinas project. Construction of new professional care facilities are subject to CEQA, and any development impacts would be addressed through the CEQA review process, similar to a residential project. For more information about commercial living units and SDUs, please see sections 2.4 and 2.6 of the Land Use and Community Design Element.

- D58-8: The comment reiterates opposition to changing a portion of the Sunny Creek Commercial property from commercial to high density residential due to concerns about traffic, car pollution, noise, light and lowered property values. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft General Plan provides goals and policies for future development, but does not authorize any specific development project. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.2 of the Recirculated DEIR for impacts to air quality, and draft EIR Chapter 3.1 for impacts to aesthetics, Chapter 3.10 for impacts to noise, and 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D59: Samuel Sunil Pattem**

D59-1: The commenter notes that they are residents of Sunny Creek Terraces, and expresses concerns with the proposal for high density housing on the vacant lot at the intersection of El Camino Real and College related to increases in traffic. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See 3.13 for impacts to transportation. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

D59-2: The comment states that Carlsbad schools are overcrowded, which could lead to compromised education. Chapter 3.11 of the draft EIR analyzed impacts of the draft General Plan on school facilities and found the impacts to be less than significant. Future development allowed under the draft General Plan will be subject to site-specific environmental review, including analysis of the potential impacts school facilities. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

D59-3: The comment requests the city to lower the density (of the Sunny Creek Commercial site) to low or middle density by allowing townhomes. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D60: JoAnn Sweeney**

D60-1: The commenter expresses concerns about high density housing at the Sunny Creek Plaza property, and concerns about commercial and residential developments planned along El Camino Real. The concerns are related to traffic, pollution, water resources, fire and police resources, and that El Camino Real is a scenic corridor. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site.

The draft General Plan provides goals and policies for future development, but does not authorize any specific development project. The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, (which includes commercial uses at Robertson Ranch and commercial/residential uses at the Sunny Creek Commercial site). See Chapter 3.2 of the Recirculated DEIR for impacts to air quality, and draft EIR Chapter 3.1 for impacts to aesthetics, Chapter 3.10 for impacts to noise, Chapter 3.11 for impacts to public facilities and services, and 3.13 for impacts to transportation. Future

development allowed under the draft General Plan will be subject to additional site-specific environmental review.

- D60-2: The commenter states an opinion that there are already a plethora of shopping centers and restaurants within a five miles radius. Previous actions by the city council designated these sites for commercial land uses, and the draft General Plan does not modify these designations, except for a proposed modification of the Sunny Creek commercial property to allow for residential uses in addition to local commercial. The Envision Carlsbad Working Paper 2 includes a study shows that residents must shop in adjacent jurisdictions for certain needs, such as grocery, gas and dining. The local commercial land use designation is intended to include these types of local serving commercial uses. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D60-3: The comment requests that the city maintain the Rancho Carlsbad Golf Course as open space. Staff concurs with this comment. The current and proposed land use designation for Rancho Carlsbad Golf Course is Open Space. The city proposing to change the zoning from Limited Control (L-C) to Open Space (O-S) in order to make the zoning designation consistent with the existing General Plan designation.
- D60-4: The comment expresses general concerns about potential overdevelopment of the El Camino Real corridor. See response to comment D60-1. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. All development in Carlsbad has occurred consistent with the policies and requirements of the General Plan and the Growth Management Plan.

**D61: Jerry Hansen**

- D61-1: The commenter expressions opposition to amendments proposed in the draft General Plan to add higher density development in in the Sunny Creek proposal due to concerns about water supply and general concerns that the character of the city will change. Please see master response MR 3-2 regarding the land use change proposed for the Sunny Creek Commercial site. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

The draft EIR analyzed full buildout of the proposed land use map at a programmatic level, which includes commercial/residential uses at the Sunny Creek Commercial site. See Chapter 3.1 for impacts to aesthetics and Chapter 3.12 for impacts to public utilities and infrastructure. Future development allowed under the draft General Plan will be subject to additional site-specific environmental review.

**D62: Lisa McKethan**

- D62-1: The comment provides introductory statements. The comment is not a comment about the draft General Plan and EIR, and as such, no response is required.
- D62-2: The comment expresses disagreement with city practice to count school playgrounds as park acreage. Please see master response MR1-6 regarding use of school sites for recreation purposes. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D62-3: The comment states that residential development in Olde Carlsbad has been occurring since 1984 without any additional park acreage added, states that existing parks in the area are not satisfactory and that future park plans of the city do not address the needs of Olde Carlsbad neighborhood. All development in Olde Carlsbad has occurred consistent with the General Plan and Growth Management Plan (GMP), and the GMP Parks standard applies to the four quadrants of the city, not to sub areas of the city. Please see master response MR1-5 about the GMP Parks performance standard. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding neighborhood parks. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D63: Gerardeen Santiago**

- D63-1: The comment is a repeat of Comment C179-1, please see response to comment C179-1.
- D63-2: The comment notes time of a city workshop about parks and open space. The comment is not a comment about the draft General Plan and EIR, and as such, no response is required.
- D63-3: The comment states that draft General Plan ignores the 1986 promise of 40% open space and 15% open space in each Local Facility Management Zone. Please see master responses MR1-3 regarding the percentage of citywide open space and MR1-4 regarding the GMP performance standard open space.
- D63-4: The comment notes the time and location of a city council workshop on parks and open space. This comment is not a comment about the draft General Plan and EIR, and as such, no response is required.
- D63-5: The comment states that parks standard is outdated requests that it be updated. This comment raises a policy question rather than an environmental issue, and as such, no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- D63-6: The comment expresses disagreement with city practice to count school playgrounds as park acreage. Please see master response MR1-6 regarding use of school sites for recreation purposes. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D63-7: The comment expresses a desire for neighborhood parks. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding neighborhood parks. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D63-8: This comment states that Veteran's Park should not be counted toward all four quadrants. Please see master response MR1-7 regarding Veteran's Park. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D63-9: The comment states that there should be no double counting of hard line open space as parks. Please see master response MR1-8 which explains that open space is not "double-counted."
- D63-10: The comment states a desire to see at least 40% open space as promised since 1986. Please see master response MR1-3 regarding the percentage of citywide open space.
- D63-11: The comment expresses a concern that the city proposes to add 23,000 residents, 7.5 million square feet of commercial, and 2,600 hotel rooms without adding additional park acreage. Carlsbad's GMP requires the city to add park acreage as it continues to grow and add resident population; however, hotels do not add residents and therefore are not tracked in relation to the GMP Parks performance standard. Please see master responses MR1-5 and MR1-7 and the Parks and Recreation Master Plan. Also, please see Section 3.11 Public Facilities and Services in the draft EIR for a discussion about impacts of the draft General Plan on park facilities at buildout.

**D64: Kim Berkshire**

- D64-1: The comment expresses a concern regarding drought and water in reference to possible use of Buena Vista Reservoir for a housing development. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Water availability is analyzed for buildout of the draft General Plan in Section 3.12 of the draft EIR. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D65: Lindsey Cohn**

D65-1: The comment expresses the belief that more parks are needed in Olde Carlsbad, that the Buena Vista Reservoir property is a good example of property that should be used as a park, and believes that there is enough density in the area. All approved development projects were found to be consistent with the General Plan and Growth Management Plan. The Buena Vista Reservoir property is designated RLM in the existing General Plan and no change is proposed in the draft General Plan. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D66: Sandra Meador**

D66-1: The comment states that the North West Quadrant needs more open space. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and master responses MR1-1 thru MR1-4 regarding open space.

D66-2: The comment requests that that the Buena Vista Reservoir be considered for use as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D67: Steven Borso**

D67-1: The comment expresses concern about the potential sale of city owned Buena Vista Reservoir to a developer, believes that more parks are needed in Olde Carlsbad and that the Buena Vista Reservoir property is a good example of property that should be used as a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant and MR2-2 regarding the provisions of parks in Olde Carlsbad. Please see master response MR2-5 regarding the possible disposition of Buena Vista Reservoir. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D68: Ziv Ran**

D68-1: The comment notes the time and location of a City Council workshop on parks and open space. This comment is not a comment about the draft General Plan and EIR, and as such, no response is required.

D68-2: The comment expresses disagreement with city practice to count school playgrounds as park acreage. Please see master response MR1-6 regarding use of school sites for recreation purposes. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- D68-3: The comment expresses a desire for neighborhood parks and requests that the Buena Vista Reservoir be turned into a park. Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding neighborhood parks. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D68-4: This comment states that Veteran's Park should not be counted toward all four quadrants. Please see master response MR1-7 regarding Veteran's Park. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.
- D68-5: The comment states that there should be no double counting of hard line open space as parks. Please see master response MR1-8 which explains that open space is not "double-counted."
- D68-6: The comment states a desire to see at least 40% open space as promised since 1986. Please see master response MR1-3 regarding the percentage of citywide open space.
- D68-7: The comment expresses a concern that the city proposes to add 23,000 residents, 7.5 million square feet of commercial, and 2,600 hotel rooms without adding additional park acreage. Carlsbad's GMP requires the city to add park acreage as it continues to grow and add resident population; however, hotels do not add residents and therefore are not tracked in relation to the GMP Parks performance standard. Please see master response MR1-5 and MR1-7. Also, please see Section 3.11 Public Facilities and Services in the draft EIR for a discussion about impacts of the draft General Plan on park facilities at buildout.

**D69: Pru Sweeney**

- D69-1: The comment expresses a concern that the city proposes to add 23,000 residents and 2,600 hotel rooms without adding additional parks in every quadrant of the city. Carlsbad's GMP requires the city to add park acreage as it continues to grow and add resident population; however, hotels do not add residents and therefore are not tracked in relation to the GMP Parks performance standard. Please see master responses MR1-5 and MR1-7. Also, please see Section 3.11 Public Facilities and Services in the draft EIR for a discussion about impacts of the draft General Plan on park facilities at buildout.
- D69-2: The comment expresses disagreement with city practice to count school playgrounds as park acreage. Please see master response MR1-6 regarding use of school sites for recreation purposes. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**D70: Coastkeeper**

- D70-1: The comment introduces the commenter and states that the commenter's concerns are stated in the letter; no further response is required.

D70-2: The comment states that there is an inadequate detailed analysis of water supply for the draft General Plan. Impact 3.12-4, on pages 3.12-35 to 3.12-40 of the draft EIR evaluates water supplies from CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year (drought conditions) supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout in 2035.

The analysis of the adequacy of water supply in the draft EIR is based on the best available and applicable references, namely CMWD's 2010 Urban Water Management Plan and CMWD's 2012 Recycled Water Master Plan. These documents evaluate the long-term demand for water supply and recycled water, respectively. The analysis in the draft EIR is reflective of the growth contemplated under buildout of the draft General Plan, and contains a quantitative assessment of existing and future water supply and demand in the analysis of Impact 3.12-2 on page 3.12-29 through 3.12-33 of the draft EIR.

As described on page 3.12-30 of the draft EIR, the draft General Plan would require an update to the CMWD Recycled Water Master Plan. A discussion of specific future impacts and associated mitigation measures for each water supply project is beyond the scope of the draft EIR; however, future water supply projects can be expected to include both construction-related and operation-related impacts. Any future water projects in the city would be required to conduct environmental review pursuant to CEQA prior to approval. In addition, future development projects will be subject to site-specific environmental review which includes consideration of whether a proposed project will require new or expanded water facilities, the construction of which would result in significant environmental impacts. (CEQA Guidelines, Appendix G, §XVII (b)).

The comment states that given the assumptions upon which the draft General Plan and 2010 CMWD UWMP are based, the impacts would be significant; however the comment does not identify the referenced assumptions that cause the analysis of water supply to be insufficient, no further response is possible.

D70-3: The comment refers to the water supply and demand tables on page 3.12-37 of the draft EIR and states the information shows the city having the greatest water supply during the third year of a multiple dry year cycle and that the increase is expected to come from increased SDCWA purchases; the comment expresses uncertainty that such sources will be available and asks for further justification of where additional sources will originate and the impacts of diverting water. As stated on page 3.12-36 of the draft EIR, purchasing water from the SDCWA is only one source of future water supply identified by CMWD; other sources include use of groundwater and increasing recycled water usage. According to the CMWD UWMP, ground water volumes would provide 1,000 afy of water. These water sources were identified and evaluated as part of the CMWD 2010 Urban Water Management Plan, which was previously approved by the city.

The CMWD Water Master Plan (2011) indicates that the supply recycled water is projected to be 6,500 AFY (5.8 MGD) by the year 2020, which is an increase of



approximately 85 percent over the supply of recycled water in 2010 (3,517 AFY). Recycled water use will increase as the distribution system is expanded into future development areas and from conversion of existing potable water customers to the recycled water system.

Below is a copy of CMWD Water Master Plan Table 4-10, which summarizes the types of water shortage events that could affect CMWD, the assets currently available to the district to address the shortage event, and the consequences of each event to the district with existing assets.

**CMWD Water Master Plan Table 4-10: Summary of Potential Shortage Events and Consequences**

<i>Event</i>	<i>Frequency</i>	<i>Duration</i>	<i>Existing Response Assets</i>	<i>Consequence</i>
<b>1) Drought</b> (or other prolonged reduction in imported water supplies)	Unknown (Imported delivery reliability is dependent on State, Metropolitan, and Water Authority actions)	1 year and longer	a) State, Metropolitan, and Water Authority response capabilities b) CMWD drought response ordinance and rate structure c) Water Authority Carry-Over Storage Project (San Vicente Reservoir expansion) (upon completion in 2013)	<b>Significant</b> (Cutbacks to CMWD customers at same level as Water Authority cutbacks to CMWD)
<b>2) ESP Event</b> (Earthquake-induced or other failure of the San Diego Aqueduct pipelines)	Low (on the order of one event per 100 years)	2 months (per ESP design criteria, based on aqueduct repair time estimates)	a) Water Authority ESP facilities and Twin Oaks WTP b) CMWD Treated Water Storage, including Maerkle Reservoir c) CMWD interties w/ OMWD, VWD, and the City of Oceanside d) CMWD Water Shortage	<b>Moderate to Significant</b> (No Water Authority deliveries for 5-7 days; thereafter deliveries at minimum 75% level of service)
<b>3) Treated Water Shutdown of Second Aqueduct</b> (planned event)	Biannually (approximately)	10 days (Dec. – Mar. window)	a) CMWD Treated Water Storage, including Maerkle Reservoir b) CMWD interties w/ OMWD, VWD, and the City of Oceanside c) Water Authority raw water	<b>Minor<sup>(1)</sup> to Moderate</b> (Possible drawdown of District storage to below preferred)
<b>4) Treated Water Shutdown of Both Aqueducts</b> (planned event)	Rare – Assume one per five years	10 days (Dec. – Mar. window)	a) CMWD Treated Water Storage, including Maerkle Reservoir b) CMWD interties w/ OMWD, VWD, and the City of Oceanside c) Water Authority raw water	<b>Minor<sup>(1)</sup> to Moderate</b> (Possible drawdown of District storage to below preferred)

<sup>(1)</sup> The consequence to the District of a treated water aqueduct shutdown depends significantly on the ability of the Water Authority's Twin Oaks WTP to operate during the shutdown. With current facilities, the plant can be operated during a Pipeline 4 shutdown from Metropolitan only if the pipeline north of Twin Oaks is not drained for maintenance or inspection. If Pipeline 4 is drained, the WTP cannot operate, and the consequence of the shutdown to the District is increased. This consequence would be alleviated if the Water Authority implements its previously planned project to install an isolation valve in Pipeline 4 north of the plant. The isolation valve would allow for full plant operations during any type of Pipeline 4 shutdown north of the plant. The Water Authority's ongoing Water Facilities Master Plan effort is evaluating project options and may include an isolation valve in its recommended CIP list.

The information in the table above indicates that CMWD is well positioned to respond to and manage interruptions and shortages of imported water supplies. Over the past decade, the Water Authority, on behalf of CMWD and the other Water Authority member agencies, has made significant investments in regional supply reliability through the ESP, the Twin Oaks WTP, the Aqueduct Protection Program, the Carry-Over Storage Project, and other projects, and these benefit CMWD as reflected in the table. CMWD also benefits from its interconnections with its neighboring agencies, especially the OMWD with that agency's access to raw water storage and treatment at the Olivenhain Reservoir and WTP, and the City of Oceanside with its Weese WTP coupled with access to Second Aqueduct raw water supplies.

CMWD also benefits considerably from its treated water storage resources, in particular Maerkle Reservoir. These resources provide CMWD the capability to sustain water deliveries to its customers for ten days to several weeks depending on demand conditions and initial reservoir levels. The supply reliability benefits provided by CMWD's treated water storage are considerable, and warrant commensurate investments to maintain the integrity, water quality, and operability, and availability of these resources.

The CMWD Water Master Plan recognizes the potential for water supply shortage/supply uncertainty due to drought and other events, as indicated in the table above. Drought, in particular in California, periodically leads to water supply shortages and the need for local water agencies to implement water use restrictions and rationing to reduce water demands. The CMWD Water Master Plan addresses the importance of water supply planning and the need to evaluate local supply development and demand management measures to help ensure the continued ability to provide a reliable and fiscally sound water supply to its customers.

As indicated above, in preparation for periods of water supply shortage, the CMWD Water Master Plan has identified ways to reduce demand on imported water and increase water supply from other sources (groundwater and recycled water). Also, the CMWD Drought Response Plan establishes water waste prohibitions that are in effect at all times (such as, but not limited to, washing down impervious surfaces and allowing runoff from inefficient landscape irrigation); the Drought Response Plan also establishes four levels of drought response actions to be implemented in times of declared water shortage with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies (level 1 measures are voluntary; levels 2 through 4 involve mandatory conservation measures). Examples of level 1 measures include increased public education on the need to reduce water use; restricting landscape irrigation to before 10 am and after 6 pm; and repair of water leaks within five days. Examples of level 2 through 4 measures include level 1 measures, as well as: increased restrictions/prohibitions on the use of landscape irrigation; restrict/prohibit use of ornamental fountains, lakes or ponds; prohibit vehicle washing except at commercial carwashes that re-circulate water; require repair of water leaks within 72, 48 or 24 hours; prohibit new potable water service; prohibit annexations into the service area; installation of flow restricting devices; and establish a water allocation for property served by CMWD.

D70-4: The comment states that the findings of the draft EIR are based on assumptions in the 2010 CMWD UWMP, which is out of date; the comment states that because climate change could cause more frequent and intense droughts, the assumptions in the UWMP should be changed; the CMWD may be relying on water supplies that may not be available due to climate change. The comment states that the draft General Plan relies on water that is not available and such impacts should be evaluated in more detail.

Reduced water supplies due to drought are considered in the analysis of the UWMP. The UWMP is the best available reference for projected and planned water supply. The comment offers no other source of information which the city could consider and does not offer any facts, data or other support for its assertion that future potential drought will be more severe than evaluated in the UWMP; updating the UWMP is not within the scope of this EIR.

Impact 3.12-4, on pages 3.12-35 to 3.12-40 evaluates water supplies from the CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout (the future development accounted for under the draft General Plan) in 2035; therefore, the UWMP states that under drought conditions, there is expected to be enough water supplies.

The analysis of the adequacy of water supply in the draft EIR is based on the best available and applicable references, namely CMWD's 2010 Urban Water Management Plan and CMWD's 2012 Recycled Water Master Plan. These documents evaluate the long-term demand for water supply and recycled water, respectively. The analysis in the draft EIR is reflective of the growth contemplated under buildout of the draft General Plan, and contains a quantitative assessment of existing and future water supply and demand in the analysis of Impact 3.12-2 on page 3.12-29 through 3.12-33 of the draft EIR.

As described on page 3.12-30 of the draft EIR, the draft General Plan would require an update to the CMWD Recycled Water Master Plan. A discussion of specific future impacts and associated mitigation measures for each water supply project is beyond the scope of the draft EIR; however, future water supply projects can be expected to include both construction-related and operation-related impacts. Any future water projects in the city would be required to conduct environmental review pursuant to CEQA prior to approval. Furthermore, future development projects allowed under the draft General Plan would be subject to subsequent environmental review pursuant to CEQA Guidelines section 15168, which would include consideration of whether future projects would result in an increase in demand for water that would require the construction of new or expanded water supply facilities.

The comment states that the draft General Plan relies on water supplies that will not be available, but provides no evidences to support the comment, no further response is possible.

D70-5: The comment suggests potential mitigation for the impacts expressed in comments D70-2, D70-3 and D70-4. The suggested mitigation includes potable reuse projects, aggressive conservation to surpass SB X7-7 20% reduction requirements, require residents to reduce their use below 50 gallons per capita per day, and do not rely solely on SDCWA supplies. As stated on page 3.12-36 of the draft EIR, the CMWD does not rely solely on SDCWA supplies – other water supply sources include use of groundwater and increased use of recycled water (potable reuse). In addition, draft General Plan policies 9-P.3 to 9-P.7 identify policies to conserve, recycle (potable reuse) and increase water supply, including “undertake measures to increase the use of recycled water...”, “promote the use of on-site gray water and rainwater collection...”, and “investigate the feasibility of developing full-functioning groundwater systems...to reduce the city’s reliance on imported water.” Regarding SB X7-7, the city’s objective is to comply with the requirements of the law. The comment will be included in the final EIR for consideration by the Planning Commission and City Council.

D70-6: The comment refers to information regarding current drought conditions and the Emergency Drought Regulations issued by the State Water Board; the comment suggests these new measures should remain as permanent conservation measures to ensure adequate water supplies for growth resulting from the draft General Plan.

Pages 3.12-3 and 3.12-4 of the draft EIR has been revised in Chapter 3 of this final EIR to provide updated information on the current drought. In July 2014, the San Diego County Water Authority declared implementation of stage 2 (supply enhancement) of the water authority’s drought response plan. In August 2014, the CMWD declared a drought alert that requires mandatory conservation measures; in addition, as a result of the governor’s April 2015 order, the CMWD is considering new measures to further reduce water usage. The comment provides no evidence to justify the need to require the drought conservation measures remain as permanent measures; however, the draft General Plan does promote water conservation and recycling (policies 9-P.3 to 9-P.7, and the CMWD UWMP includes increased use of recycled water).

Reduced water supplies due to drought are considered in the analysis of the UWMP. Impact 3.12-4, on pages 3.12-35 to 3.12-40 evaluates water supplies from the CMWD and OMWD, including current and projected water supplies, normal year and single dry year supply and demand comparison, and multiple dry year supply and demand comparison. Under multiple dry year scenarios for CMWD and OMWD, supplies are demonstrated to be available for ultimate buildout (the future development accounted for under the draft General Plan) in 2035; therefore, the UWMP states that under drought conditions, there is expected to be enough water supplies.

D70-7: The comment refers to a statement in the draft EIR that indicates the use of groundwater and surface water may be needed to provide adequate water supply; the comment states the draft EIR and UWMP do not address the impact associated with using ground or surface water and that such analysis should be conducted.

The environmental impact of using ground or surface water is not within the scope of this EIR and is not required as part of the Urban Water Management Plan (preparation and adoption of urban water management plans is exempt from CEQA pursuant to CEQA Guidelines Section 15282 and California Water Code Section 10652). Projects to implement the UWMP are subject to CEQA (per California Water Code Section 10652); therefore, the environmental impacts of using groundwater and/or surface water would be evaluated at the time such a project is proposed. For example, the CMWD Water Master Plan (October 2012) includes two groundwater projects (construction of well water supply facilities and construction of new facilities to produce, treat and deliver groundwater to CMWD from the Mission Basin of the San Luis Rey River); an EIR was prepared and adopted for the Water and Recycled Water Master Plans, which evaluated the impact of the Water Master Plan on groundwater quality, groundwater supplies, aquifer volume, and the local groundwater table; the EIR concluded a less than significant impact. Although the Water Master Plan identifies two groundwater projects, CMWD currently does not use any local groundwater or surface water supplies.

D70-8: The comment states that rights to ground water have not been secured and may not be and that the availability of groundwater to meet the water demands of the draft General Plan is speculative.

CMWD currently has groundwater rights to extract groundwater from the San Luis Rey River basin and the California Department of Water Resources does not identify this groundwater basin as being in overdraft (CMWD Water Master Plan 2011). As stated on page 3.12-4 of the draft EIR, prior to 1957 the Carlsbad Mutual Water Company supplied local surface water from Lake Calavera and groundwater from the Mission Basin to the City of Carlsbad. In August 1957, the water rights and other assets of the Carlsbad Mutual Water Company were purchased by the City of Carlsbad. In May 1983, through an agreement, these local surface water and groundwater rights were transferred to CMWD by the City of Carlsbad. This included rights to Mission Basin of the San Luis Rey River Valley of five cubic feet per second (cfs) (to 2,382 acre-feet) of groundwater, pre-1914 appropriative rights, and an additional 750 acre-feet per year, up to five cfs, that was permitted in 1938.

See response to comment D70-4 regarding adequacy of water supplies.

D70-9: The comment encourages the city to review sea level rise guidance documents and prepare more detailed plans regarding mitigation measures and adaptation strategies. The draft General Plan and draft EIR do not identify/evaluate which properties will be impacted by future sea level rise because such impact analysis is not required by CEQA. CEQA is concerned with analyzing the impacts of the proposed project on the existing environment and *not* with the impacts of the future environmental conditions on existing development. However, the city was recently awarded a grant from the California Ocean Protection Council to analyze the potential impacts of sea level rise and identify measures to address those impacts. This work is anticipated to be initiated in spring/summer 2015 and will be incorporated in a comprehensive update to the city's Local Coastal Program. Please also see responses to comments B15-77, B15-81, B15-103, and C117-13.

D70-10: The comment refers to the draft General Plan goals and policies listed on page 3.12-33 of the draft EIR, which reduce the impact related to the need for construction of new or expansion of existing water or wastewater treatment facilities; the comment suggests that the goals and policies be revised to “require”, rather than “strive”, “encourage”, etc., measures that reduce the impact. The draft General Plan and EIR have been revised as requested in the comment – goal 9-G.4 and policies 2-P.34 and 9-P.4 have been revised. The comment specifically requests that policy 9-P.6 be revised to require the use of on-site gray water and rainwater collection systems, rather than “promote” the use of such systems through education, expedited permitting, fee exemption, etc.; however, city staff does not support the requested change to this policy. Policy 9-P.6 applies broadly and there may be certain types of projects where installing such systems is infeasible (i.e. site constraints, small lots, small projects such as single family homes, residential additions, etc.). The comment will be included in the final EIR for consideration by the Planning Commission and City Council.

D70-11: The comment states the impacts of the draft General Plan are not “less than significant” as the draft EIR concludes. See response to comments D70-1 through D70-10. The commenter has been added to the project contact list and will be notified of future meetings and opportunities to provide input on the draft General Plan and EIR.

#### **D71: Sierra Club**

D71-1: The comment is an introductory paragraph explaining that the purpose of the letter is to summarize and clarify previous verbal and written comments concerning the draft CAP. No further response is necessary.

D71-2: The comment states that the CAP must include specific, measurable and enforceable mechanisms in order to provide certainty and evidence that the city will meet its greenhouse gas (GHG) targets for both 2020 and 2035, and must include details of what will happen if reductions are not on track to meet the goals.

CAP goals are measurable and enforceable and not merely guidelines. Each measure has a quantified reduction target and year. Federal and state mandates are enforced through their respective programs, and General Plan policies are fully enforceable by the city through various implementing programs and through the development review process, which includes verification that proposed development complies with the policies of the General Plan. Among other mechanisms, CAP measures are enforced through adoption of residential and commercial energy conservation ordinances (RECO, CECO), and a TDM ordinances.

Additionally, a number of revisions have been made to the draft CAP, including:

Strengthened RECO, CECO (A-3, B-1) to “adopt” ordinances rather than “evaluate feasibility”, and “require” vs. “promote”.

Clarified that implementation would occur through the city’s Capital Improvements Program, fleet Vehicle Replacement Fund, Infrastructure Replacement Funding, annual

operations budgeting, by placing conditions on development, and through available grant sources.

Clarified implementation timeframes and accelerated some actions.

Added/expanded sections on CAP Chapter 5 administration, monitoring, and reporting, and updating.

Added Appendix E which identifies additional site-specific mitigation measures which may be adopted during project-level environmental review as needed to ensure individual development projects achieve targeted GHG emission reductions.

Please see also responses to comments B10-23, B10-37, B16-11, B16-33, B16-34, B22-11, and B22-28.

D71-3: The comment states that progress reports and emissions calculations should occur more frequently than described in the draft CAP. Chapter 5 has been revised to specify that the city will annually monitor and report on CAP implementation activities to the City Council at a public meeting. Emissions inventories would be updated in conjunction with the first annual report, and then every three years thereafter. Please see also responses to comments B10-37, B16-33, B16-34, and B16-39.

D71-4: The comment expresses concern with the CAPs exclusion of pass-through trips from the GHG inventory, and suggests that the city should make greater reductions to make up for trips not counted by other jurisdictions' CAPs. Please see response to comment B16-10 regarding the city's methodology in calculating vehicle miles traveled-related GHG. Trips that begin and/or end in the city are counted (50%) in citywide VMT totals. Staff proposes no change to methodology as it is consistent with ICLEI, SANDAG, and CARB recommendations, and with the methodology used by other cities in the region, such as Escondido (Escondido CAP p. 3-15), San Marcos (San Marcos CAP p. 2-4), and Chula Vista (Chula Vista 2012 Revised GHG Inventory, p. 7), which also omit pass-through VMT from their CAPs. Accepting this recommendation would not resolve any existing inconsistency in how some other cities account for pass through trips and would result in Carlsbad's using an outdated methodology.

The comment also states that the city's CAP needs to have specific measurable actions to reduce auto mode share of travel. Measure K of the CAP specifically targets transportation demand, particularly that created by single-occupant vehicle use. Measure L aims to increase the amount of low and zero emission vehicle miles traveled. Also, the draft General Plan identifies a number of policies and programs to encourage other modes of mobility including bicycling, walking, and transit use. Please see responses to comments B16-11, B16-16, B16-18, B16-19, B22-32, and B16-43

D71-5: The comment asserts that the CAP relies on voluntary, non-binding traffic demand management plans, and suggests certain numeric targets to increase biking, walking and transit use. This is incorrect. Draft CAP calls for preparation of citywide TDM plan (K-1), which would be enforceable through a TDM ordinance (K-2) on nonresidential

development. Measure K goal is to increase non-single occupant mode use from 22% to 32%, to be achieved through 40% alternative mode use in new non-residential development, and 30% in existing non-residential uses. The CAP also quantifies the amount of GHG reduction expected through implementation of draft General Plan policies aimed at improving biking, walking and transit use (see CAP Section 3.6). Please also see response to comment D71-4 above.

In late 2014, city initiated preparation of a multi-modal infrastructure plan to improve accessibility to transit and para-transit with a focus on first-mile, last-mile solutions. Transportation improvements Section 3.6 of CAP has been modified to include discussion of the infrastructure plan.

The comment also references the Sierra Club's June 20, 2014 letter. Please see responses to comments B22-1 through B22-41.

D71-6: The comment recommends that the city set a goal, with a target date to achieve 100% renewable energy. While the CAP does not have a 100% renewable energy goal, GHG reductions from renewable energy are a significant part of the CAP (see Measures A, B, J, and M). As structured, the CAP demonstrates it can meet its emissions reduction targets without the need to incorporate a 100% renewable energy goal. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.

D71-7: The comment recommends that the CAP include an action item to present to City Council for consideration a community choice aggregation (CCA) program that increases renewable energy supply on the electrical grid. The comment notes that there are two CCAs operational in the state (Marin and Sonoma counties) that offer renewable energy plans to electricity customers as an alternative to purchasing power from the local investor-owned utilities (IOU). The comment also notes that the cities of San Diego and Chula Vista are considering feasibility of a CCA.

As the comment correctly points out, the CAP does not include a measure to form a CCA as a means to increase availability of renewable energy. As structured, the CAP demonstrates it can meet its emissions reduction targets without the need to establish a CCA for Carlsbad. The state Renewables Portfolio Standard (RPS) requires IOUs (including SDG&E) to obtain a minimum of 33% of their electricity from renewable sources by 2020. The CAP conservatively estimates that emission reductions achieved by the RPS will continue at this level beyond 2020 to 2035. SDG&E announced last year that it will have achieved the 33% goal by the end of 2014, six years ahead of the state deadline. Furthermore, Governor Brown recently proposed expanding the RPS to achieve 50% renewable energy by 2030. These two developments indicate that 1) reductions assumed by the draft CAP from the RPS are being realized sooner than expected, 2) and that it is reasonable to expect such reductions to be equal to or greater than assumed for the future.



As pointed out in the comment, there are potential benefits to consumers in forming a CCA. There are also potential risks to local governments, including challenges related to energy procurement, cost competitiveness, and meeting regulatory requirements. The County of San Diego undertook a feasibility study in 2005 that concluded at that time there would be little benefit to its constituents. The City of Chua Vista considered CCA from 2003 to 2006, before deciding against moving forward.<sup>1</sup>

However, recognizing renewed interest in the region for expanding renewable power options, as evidenced by more recent actions by the County of San Diego, and cities of San Diego and Chula Vista, the draft General Plan Sustainability Element has been revised to propose the following policy under the Sustainable Energy subheading:

“Support a regional approach to study the feasibility of establishing Community Choice Aggregation (CCA) or another program that increases the renewable energy supply on the electrical grid.”

D71-8: The comment requests that CAP measures for rooftop solar be mandatory, and that permitting requirements be streamlined. Action A-3 and B-2 have been revised to “adopt” a PV ordinance (rather than “evaluate the feasibility of”). The CAP goal is to install an additional 9.1 MW PV by 2035. Action A-1 proposes to suspend PV permitting fees for one year coupled with a promotional campaign to encourage more rooftop solar.

Also, the city has significantly streamlined the rooftop solar permitting process. In most cases, permits for small rooftop solar systems are issued the same day or day following application. The average fee for permit and inspection is \$150. Additionally, city staff are currently working on a PV permit streamlining ordinance to ensure compliance with AB 2188, which is anticipated to be presented to City Council before end of 2015.

Please see also responses to comments B10-23, B16-22, and B16-23.

D71-9: The comment requests that the energy efficiency actions in Measures F and G be clarified. Measures F and G include a mix of promotion and mandatory actions. Regarding city facilities, Actions F-1 and G-2 are directory (“undertake” and “commission”). For private uses, the Commercial Energy Conservation Ordinance would require retrofits under certain conditions (e.g., renovations valued greater than \$50,000).

Measures F and G have been revised to clarify that retrofit targets are to achieve the “equivalent” of 40% energy reduction in 30% of square footage citywide. The measures have also been revised to identify that city Infrastructure Replacement Fund would be used for energy retrofits of city facilities.

Please see also responses to comments B16-11, B16-24, and B16-25.

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<sup>1</sup> SANDAG, Report to Regional Energy Working Group, “About Community Choice Aggregation”, 7/26/12.

D71-10: The comment states that the greenhouse gas emissions targets established in the CAP need to be set beyond AB32 and S-3-05 goals. The comment suggests that a target of 80% below 1990 emissions by 2020 is the target necessary to achieve climate stabilization. The 2020 reduction goal established legislatively in AB32, and the goals set forth in the Governor's Executive Order S-3-05, form the basis for the GHG reduction targets in the draft CAP. Absent legislation of new goals from the state, the targets established in this CAP are both appropriate and achievable. It is beyond the scope of the draft EIR and the CAP to address perceived insufficiencies in state law. However, the request in this comment to establish reduction targets in excess of those established by the State of California will be included in the materials presented to the City Council for consideration with respect to the draft General Plan and the CAP.

Please see also responses to comments B21-1, B21-10, and B22-4 through B22-10.

D71-11: The comment suggests that the CAP include a pilot project to unbundle the cost of parking at a city facility or at Sage Creek High School. The CAP does not propose such a pilot project. However, the Mobility Element describes a range of techniques to "right-size" parking including unbundling the cost of parking (p. 3-25, 3-26) and is described in Parking Facilities and Policies on pages 3-20 to 3-22 of the CAP. This strategy, as well as others, will be considered when the city updates its parking ordinances as part of Mobility Element implementation. The suggestion to carry out a demonstration project at a city facility will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP. The recommendation for the city to implement such a pilot project at Sage Creek High School is infeasible because school parking lots are within the jurisdiction and control of the school district and not the city.

Please see also responses to comments B22-9, B22-11, B22-19, B22-28, B22-29, B22-36, and B22-38.

D71-12: The comment recommends that the CAP require of all new residential and commercial construction to install conduit for future photo-voltaics (PV) and electric vehicle (EV) charging stations. The comment also recommends requirements to install plumbing for solar water heating and grey water piping systems. The Carlsbad building code currently requires PV pre-wiring in new single-family homes. CAP measures A and B would take the further step of requiring new residential and non-residential construction to incorporate PV in their projects to offset a portion of their energy requirements. Action J-2 would require new residential and commercial construction to include solar water heating or heat pumps, or alternative energy use for water heating needs. Action L-6 would require installing EV chargers or pre-wiring for them in new residential construction and major renovations. Finally, Measure O encourages installation of greywater and rainwater collection systems, but does not require pre-plumbing for it. Potential site constraints (e.g., small lots) may make it infeasible to require greywater systems as a blanket requirement. The recommendation regarding greywater systems will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP.

D71-13: The comment recommends that the CAP require an energy audit and Home Energy Rating be conducted by a third party every time a home is sold. The CAP does not include this measure; however, Measures D and E would require energy retrofit requirements for existing structures undergoing remodeling over \$50,000 in valuation. It is worth noting that under AB1103, non-residential building owners are required to disclose their building's energy use to prospective buyer, lessees, and lenders, as well as to the California Energy Commission.

D71-14: The comment states that the CAP does not have specific measures related to bike and pedestrian infrastructure. In fact, the CAP is quite explicit about future bikeway and pedestrian improvements, which are detailed on pp. 3-16 through 3-19. The CAP has been revised to clarify how bike and pedestrian improvements are funded and installed, including through conditions on new development, the city's capital improvements program, department operating budgets, and as part street rehabilitation projects and "road diets".

The comment also recommends that the city adopt a vision for Carlsbad Boulevard. Draft General Plan policy 2-P.51 (a) through (j) describes a set of design principles for future improvements to the Carlsbad Boulevard Coastal Corridor with an emphasis on creating great public spaces, and improving multi-modal connectivity including bikeways, pedestrian trails, and traffic calming features.

Please see also responses to comments B16-17, B16-18, B16-33, B22-9, and B22-28.

D71-15: The comment recommends that the CAP have numerical targets for EV charging stations, similar to the City of San Diego's draft CAP. Measure L of Carlsbad's draft CAP aims to improve the number of vehicle miles traveled by zero-emission vehicles (ZEV), and establishes a target emissions reduction of 54,158 MTCO<sub>2e</sub> by 2035. Action L-2 in Carlsbad's draft CAP calls for developing a community-wide charging station siting plan, which will include an evaluation of how many charging stations are needed and where they should be appropriately located. Action L-4 calls for offering dedicated ZEV parking with charging stations, and L-5 calls for adopting ZEV parking requirements for new developments.

D71-16: The comment suggests that the CAP goal to increase the city's municipal fleet ZEV miles-traveled to 25% of all city trips is not aggressive enough, and instead calls on the city to target 50% by 2020 and 90% by 2035. No change to the CAP target is proposed, as staff believes the CAP target to be reasonable and sufficient to meet its emissions reduction goals. The comment to increase fleet ZEV miles traveled targets will be included in the materials presented to the City Council for its consideration with respect to the proposed CAP.

D71-17: The comment recommends that the city should establish public/private partnerships between it, its employees, and car manufacturers to incentivize fuel-efficient vehicle purchases. Measure L includes actions to encourage greater ZEV use for the entire community which would include city employees. Additional inducement exclusive to city

employees is unnecessary to meet overall emission reduction goals. This comment will be included in the materials presented to the Planning Commission and City Council for their consideration with respect to the proposed CAP. Please see also response to comment B22-32.

D71-18: The comment recommends that the city establish a zero-waste goal by 2035, and include kitchen scraps in the city's curbside waste collection program. As structured, the CAP demonstrates it can meet its emissions reduction targets without the need to incorporate a zero-waste goal. The comment will be included in the materials presented to the City Council for its consideration with respect to the draft General Plan and CAP. However, Sustainability Element Policy 9-P.9 calls for adoption of a construction and demolition waste recycling ordinance to divert 100 % of Portland cement and asphalt debris and an average of 50% of all of non-hazardous construction/demolition-related debris.

Please see also responses to comments B16-46 and B21-8.

D71-19: The comment suggests that the CAP explain the economic benefits of making investments in local renewable energy, energy efficient buildings, sustainable transportation infrastructure, and automated systems to unbundle the cost of parking. The CAP was prepared to meet CEQA requirements (GL 15183.5(b)). While the CAP does provide some qualitative descriptions of relative public and private costs and benefits to each proposed measure, performing a detailed economic benefits analysis of energy efficiency, renewable energy investments, etc. is beyond the scope of the CAP.

D71-20: The comment recommends that the city expand the Property-Assessed Clean Energy (PACE) programs currently offered, and that it develop broad public information campaigns to promote the programs. The comment is unclear as to how PACE would be expanded. The city has made available to homeowners and commercial property owners three PACE programs: California First, California HERO, and Figtree. These programs are administered and marketed by third parties, and the city supports some of those efforts by providing information about PACE on the city's web page, through email blasts, media releases, and so forth. Additionally, CAP Chapter 5 was revised to include an education and outreach component that the city will undertake as part of CAP implementation. Please see also response to comment B16-48.

D71-21: The comment requests that the CAP address climate adaptation in addition to mitigation, or prepare separate climate adaptation plan. The CAP was prepared to meet CEQA requirements regarding the reduction of GHG emissions (GL 15183.5(b)). Issues concerning the city's vulnerability and potential adaptation strategies to the effects of climate change will be addressed through an update to the San Diego County Multi-jurisdictional Hazard Mitigation Plan (HazMit Plan), currently underway by the County as lead agency and with Carlsbad as a participating agency. The HazMit Plan update will evaluate impacts climate change will have on the natural hazards facing the region, which include fire threat, flooding, coastal storms, and erosion. Additionally, following adoption of the draft General Plan, the city will address adaptation to the effects of sea-level rise as part of a comprehensive update to its Local Coastal Program (LCP). The city will utilize

the Coastal Commission's draft Sea-level Rise Policy Guidance in preparing the LCP update.

Please see also responses to comments B16-35, B22-17, and B22-18.

D71-22: The comment recommends that the city develop a plan for how it will fund the capital projects included in the CAP as well as ongoing maintenance and monitoring of the CAP. Chapter 5 of the CAP was revised to address funding, administration, monitoring, reporting and updating of the CAP. Where appropriate, individual measures in Chapters 3 and 4 were revised to identify funding sources.

Please see also responses to comments B16-11, B16-33, B16-34, B16-39, D71-2, and D71-3.

D71-23: The comment suggests that the city council establish various formal policies that support greenhouse gas emissions reductions, to be advocated at the regional level by the city's representative to SANDAG. Advocacy to regional and state authorities is not appropriate for the CAP. Instead, advocacy is more appropriately addressed through General Plan policy and/or as part of the city council legislative platform-setting process. It is worth noting however, that a number of Mobility Element policies in the draft General Plan encourage SANDAG and other regional partners to improve regional connectivity, non-automotive mobility, and transit (3-P.15, 3-P.16, 3-P.18, 3-P.30, 3-P.31, 3-P.32, 3-P.33, 3-P.39, 3-P.40).

Please see also responses to comments B22-28, B22-29, B22-30, and B22-33 through B22-37.

## **E. Recirculated Portions of the Draft EIR Comments and Responses**

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This section provides responses to recirculated portions of the Draft EIR, with specific comments identified with a comment code in the margin. Following the letters, responses to the comments are provided.

**From:** Rich Van Every [<mailto:richvanevery@me.com>]  
**Sent:** Friday, April 03, 2015 12:39 PM  
**To:** Jennifer Jesser  
**Subject:** Concerned Citizen - Open Space is priority for future generations

Dear Jennifer...

**E1-1** What roll does experiencing nature play in our lives? A huge one right? Sure we have the ocean...and we have the inland hills...both very key for our well being and why we live in Carlsbad.

**E1-2** The development in Carlsbad is maxed out. Please do whatever possible to implement the reduced development alternative. Take a stand for NATURE...its enough already...

We love this land for the LAND...and for the space and not crazy traffic and houses everywhere. I use the Calavera trails nearly everyday behind my house...This is a very important issue for me and my family. Let me know if you have ideas on how I can get more involved to see that greed and corruption from developers does comes to an end here in Carlsbad.

Praying you give a damn....

In gratitude,

Rich Van Every

<http://www.richvanevery.com>

[www.lightworkscreative.tv](http://www.lightworkscreative.tv)

Demo Reel 2012 - <http://vimeo.com/60813762>

From: cisternas [mailto:cisternas@mac.com]  
Sent: Friday, April 03, 2015 9:29 AM  
To: Jennifer Jesser  
Subject: Concerns on EIR of Development plan.

Dear Jennifer

E2-1 I read the executive summary of the EIR for the new City of Carlsbad General Plan and I would like to make a few comments.

I am seriously concerned about the following entries in the table on impacts of the new development plan:

"3.2-2 Development under the proposed General Plan would violate air quality standards or contribute substantially to an existing or projected air quality violation."

"3.13-1 The proposed General Plan would exceed an applicable plan, ordinance, or policy establishing measures of effectiveness of the circulation system, taking into account all modes of transportation including mass transit and non- motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit as defined below:..... etc."

E2-2 The development plan calls for an increase of nearly 8,000 new homes raising the population of Carlsbad by more than 23,000 new inhabitants. These people will naturally need to travel and will add to the local traffic causing the impact mentioned above. Clearly, the enormous increase in commercial space (more than 33%) will also add to the traffic problems and related air quality problems.

My questions are: how much of a variation over the previous general plan are these build out targets? Is all this development strictly necessary? Is there a net benefit to the City of Carlsbad and its citizens

E2-3 besides an increase on the revenues generated by the larger tax base? Can this extra revenue alone justify the impacts on air quality and living conditions? It seems troubling to me that the report states in

E2-4 its introduction the following: "as well as analyzes the "No Project" alternative" and later only mentions the "No project" alternative in passing in the Impacts section: "setting aside the No Project alternative" giving it no further consideration. There does not seem to be any active comparison between the

E2-5 environmental and life quality consequences of not carrying out any development.

E2-6 I have lived in Carlsbad for over 13 years and in this time I have seen quite a bit of growth throughout town. While the growth has been sometimes welcome and sometimes not, it was all in the understanding that the 1994 General Plan would eventually bring all the growth to a conclusion helping maintain the quality of life of the residents which was the primary reason I moved here. The revision of the General Plan with its emphasis on additional growth in spite of the environmental consequences and the impacts on services (schools, fire, police), makes me concerned about the seriousness of the stewardship of the City. What is there to prevent the city council from further revising the General Plan in a few more years raising the growth targets even further? How much thought is there to whether the existing infrastructure and services will be able to keep up with all this extra development?

E2-7 I am also concerned about the potential hazards caused by traffic congestion in the event of a mandatory evacuation caused by a wildfire (wildfires being one of the recurrent and inevitable natural



E2-8

hazards in this region). If added traffic congestion is predicted to impact major urban corridors like El Camino and Palomar Airport Rd. in the EIR, how is that going to be managed in the event of a mandatory evacuation? What thought has the City given to the safety of the citizens in the event of such a catastrophe? Along the same lines, I do not see any discussion on additional safety or mitigation measures intended to address the effects of a wildfire in our community. After the fires we experienced here in 2014, it would seem to me that this issue should be a very high priority in any future development plan for Carlsbad.

I would appreciate your comments.

Sincerely,

Ricardo Cisternas  
5051 Millay Ct.  
Carlsbad, CA 92008  
cisternas@me.com

David de Cordova, Principal Planner  
Jennifer Jesser, Senior Planner  
1635 Faraday Avenue,  
Carlsbad, CA 92009

April 27, 2015

Dear Jennifer and David:

E3-1

I am pleased that you have shared with Carlsbad residents the opportunity to provide input to the updates of the General Plan.

E3-2

I appreciate mention of Cumulative Changes to Land Use in **Chapter 3** that the City has goals and policies to have “mature trees and expansive open space to dominate much of the city’s landscape”. However, with respect to Cumulative Changes and Impact, I believe that there are “significant changes to the small beach town feel”, when the main thoroughfares are wide suggesting that people rely on motor vehicles with carbon emissions to connect from one neighborhood to another.

E3-3

I trust that Planning will make conscious decisions to find ways of having safe and pleasant biking and walking. For example, in years past, I enjoyed biking along El Camino Real and the Coast Highway. Now, however with the bike lanes so close to vehicles traveling 45-60 miles per hour, it is difficult to find a safe route.

E3-4

In the same section, there is mention of connectedness. Please note that most of the Zones and Quadrants in Carlsbad have clear guidelines for the amenities of gathering places, community services and other recreational areas. It is vital in Olde Carlsbad to make special effort to continually improve this core original neighborhood area of the City.



Is there some way that the fees paid by the developers of in-fill property can support common areas where people can commune with other residents and nature for children to play?

E3-5

I am thankful that you have made efforts to address the water, noise, light and habitat disturbance for biological resources of humans, birds and "other biological species".

E3-6

In section 5.3 we know that air quality/ pollution is unavoidable and significant. Daily we are impacted by carbon emissions and noise of the Interstate 5, State 78, El Camino Real, Palomar Airport Road and La Costa Avenue. Hence, the wisdom of planning and leaders must be to constantly make choices to improve the quality of social and environmental concerns. Perhaps by limiting the tractor-trailer trucks in the Village and Olde Carlsbad would help to improve/reduce the respiratory issues, mental anxiety and stress and hearing loss for residents, specifically at Holiday Park.

E3-7

Could the City work with CALTrans to build a **sound wall** or at the least grow plants along the freeway to absorb some of the carbon and noise? I suggest that we think positively about the actions that the City can make to be recognized as a world leader in these areas, as opposed to accepting the status quo.

E3-8

For Transportation in 5.3, building bigger roads creates even more traffic. The LOS may be improved slightly for a short period of time. However, the trends are that the more large roads we build, the more people depend on driving more trips.

I believe that we should invest in more transportation alternatives. By accepting that more traffic is inevitable and unavoidable is not the highest and best standard of the industry. I trust that you have traffic engineers that have studied other world-class cities. City planners and leaders need to use their creativity, resources and engineering knowledge to develop alternate solutions.



The resources must be used to deter sprawl and conserve fuel and sustainability. Create alternatives.

E3-9 Increased building uses resources and may negatively impact the quality of life for the established residents.

E3-10 I have read through the Impacts Summary and Environmentally Superior Alternative. There is significant discussion of Housing (RHNA). I greatly appreciate that we have professionals working to follow guidelines and provide balanced regulations for all aspects of our future. It is important to provide housing options, work options and ensure parking and transportation for the retail portions of our city. I would like to see the Village developed as a center that residents, visitors and workers find favorable.

E3-11 Thank you for your efforts to develop an excellent environment for Carlsbad residents. I hope that these comments will be helpful and lead to positive and effective advancements for the City of Carlsbad.

Sincerely,

Janann Taylor

April 29, 2015

Jennifer Jesser  
1635 Faraday Avenue  
Carlsbad, CA 92008

RECEIVED

APR 29 2015

CITY OF CARLSBAD  
PLANNING DIVISION

RE: Envision Carlsbad – Recirculated Portions of Draft EIR

Dear Jennifer:

I have reviewed the recirculated portions of the Draft EIR for Envision Carlsbad and have the following comments:

E4-1 | Policy 3-P.28 – The last sentence of this policy requires new residential development to demonstrate that a safe route to school and transit is provided to nearby schools and transit centers within a half mile walking distance. ***How will this be implemented? Developers, particularly infill developers have no control of pedestrian routes or transit locations within a half mile of their development. Would a bus stop be considered a transit center? This is an admirable policy, but seems very vague and could be difficult to implement.***

E4-2 | Action K-2 – This action addressed minimum trip generation. The second sentence states the City will set performance requirements for alternative mode based use based on project type. ***Has the City started on this process? Will the public & development community have an opportunity to provide input on this performance requirement?***

E4-3 | MM AQ-2 - This policy requires all future development projects to prepare an air quality technical report that analyzes all phases of project construction and operations. ***What level of project will be subjected to this requirement? It is obvious that this requirement would be applicable to a large tract map or commercial center. How would it apply to a small four unit infill project?***

E4-4 | MMAQ-7 – This policy requires all project applicants to prepare a health risk assessment based on project level information. ***Again what level of project will be required to provide this assessment? What about changing uses in an existing building such as locating a church in an industrial building or a small infill project? The cost of hiring a consultant to prepare a risk assessment as well as an air quality report required by MM AQ-2 could add substantial costs to a small infill project.***

# HowesWeiler & Associates

LAND USE PLANNING AND CONSULTATION

E4-5

These are all admirable goals and policies, but are very vague and could be create significant costs for small infill projects, which will by much of the future development in Carlsbad, with very minimal benefit. The City needs to more clearly define exactly what is meant by these goals and polices and how they will be implemented. I appreciate the opportunity to comment on the recirculated portions of the Envision Carlsbad Program EIR. If you have any questions about my comments please feel free to contact me,

Sincerely,



Mike Howes

*Send via email and Hand Delivered*

May 4, 2015

Don Neu, City Planner  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

SUBJECT: EIR 13-02/GPA 07-02/ZCA 07-01/LCPA 07-02  
Comment on Recirculated Sections of the EIR for the Citywide General Plan Amendment  
for the City of Carlsbad

Dear Mr. Neu:

E5-1

We have reviewed the recirculated sections of the Environmental Impact Report pertaining to Air Quality and Project Alternatives. It seems that there are no specific impacts to our properties caused by these revisions, however, we will analyze these sections more carefully as to how they may impact our properties between now and the Planning Commission public hearing and we reserve our right to comment at that time,

E5-2

Also, I would like to reiterate our past written communication with your staff that we are withdrawing our request for any land use designation changes on our property. Our Lots 4, 5, 7 and 8 of the Carlsbad Oaks North Business Park (APN's: 209-120-03, 04, 06, 07) are currently designated as Planned Industrial (PI) and we would like to request that they remain that way.

Sincerely,

KILROY REALTY, L.P.,  
A Delaware Limited Partnership

By: KILROY REALTY CORPORATION  
A Maryland Corporation,  
General Partner



Robert C. Little  
Senior Vice President  
Development & Construction Services

cc: Jennifer Jesser

Jennifer

E6-1 I have reviewed the portion of the draft program EIR and have a few comments specifically about the Reduced Density Alternative that is proposed to scale back future development for vacant, underutilized and mixed-use sites by 40% including the units proposed and reviewed as part of "Envision Carlsbad". Up until now, landowners have relied on proposed units shown on undeveloped properties in the Local Facilities Master Plan for each zone. The units shown have always been a starting point for the development process and any approval is based on a comparison of what the zone plan anticipates for development and what is actually approved based on environmental constraints. For a land owner of un-mapped property to now face a potential reduction of up to 40% in density is a sever burden and will significantly impact future development. I don't think the City will also reduce a developers share of the required public improvements by 40%.

E6-2 What appears to me is a staff recommendation to make up for City mistakes in awarding approved projects with units from the excess dwelling unit bank with units that really were not placed into the bank based on existing City policy – i.e. units do not go into the bank until the project where the units came from are actually constructed. To penalize new projects or long time land owners at this point in Carlsbad development is certainly not in tune with "doing what is right for Carlsbad" which has been the City policy to-date.

I strongly object to the Reduced Density Alternative discussed in the DEIR.

Bob

Robert C. Ladwig  
President  
Ladwig Design Group, Inc.  
2234 Faraday Avenue  
Carlsbad, CA 92008  
Ph: (760) 438-3182 Fax: (760) 438-0173



# Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

May 4, 2015

Direct Dial: 805.851.7409  
Email: mstaples@jdtplaw.com  
Reply to: Irvine Office  
File No: 5863.99937

**VIA EMAIL (Jennifer.Jesser@carlsbadca.gov)**

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

**Re: Mandana Cal Co.'s Comments on General Plan Update – Recirculated  
Program Environmental Impact Report**

Dear Ms. Jesser:

E7-1

Thank you for the opportunity to comment on the Recirculated Portions of the Draft Program Environmental Impact Report (“Recirculated PEIR”) for the Carlsbad General Plan Update (“GP Update”). This letter is submitted on behalf of Mandana Cal Co. (“Mandana”), the owner of approximately 195 acres of land in the Mandana Focus Area 6 of the Northeast Quadrant of the City of Carlsbad (“City”), shown on the attached map. As discussed below, the Recirculated PEIR’s analysis and discussion of the new “Reduced Density Alternative” is inconsistent with the City’s proposed GP Update policies and other longstanding City policies regarding the allocation of dwelling units under the Growth Management dwelling unit limitations, and does not comply with the requirements of California Environmental Quality Act (Pub. Res. Code § 21000, et seq. (“CEQA”)) and the CEQA Guidelines (14 Cal. Code Regs. § 15000, et seq.). Therefore, Mandana respectfully requests that the Reduced Density Alternative be rejected.

E7-2

**1. The Reduced Density Alternative Unfairly Benefits Properties Seeking New Residential Density Allocations at the Expense of Properties With Existing Residential Allocations.**

The Reduced Density Alternative’s purpose is to come up with an environmentally superior alternative that allows the same categories of future development as the proposed GP Update, but reduces the land use densities and intensities for developable vacant, underutilized, and mixed-use sites by 40%. The Reduced Density Alternative is an “across the board” reduction in the number of residential dwelling units for: (1) future development projects seeking new and increased allocations of residential units from the Excess Dwelling Unit Bank; (2) development projects that have been permitted but not yet built; and (3) undeveloped properties with existing residential unit allocations, such as Mandana’s. The Reduced Density

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Alternative results in **3,152 fewer residential units** as compared to the proposed GP Update. (See, Recirculated PEIR, Exec. Summary, p. ES-6, and Table 4.2-3a, p. 4-15.) ***This is more than all of the units in the City's current Excess Dwelling Unit Bank Balance of 2,084 units.*** (See, attached Summary of Excess Dwelling Units as of March 31, 2015.) ***This means that, under the Reduced Density Alternative, there are no Excess Dwelling Units available to allocate to the properties that are requesting new allocations of residential units.***

E7-3

Nevertheless, the Reduced Density Alternative simply reduces those newly proposed residential units by 40%, treating them the same as properties having long-established residential unit allocations. (See, Recirculated PEIR, Table ES-1, p. ES-4, and Table 4.2-10, p. 4-29.) The reduction may be even greater than 40% in the Northeast Quadrant. Table 4.2-6 says (in a footnote) that the residential capacity within the Northeast Quadrant must be reduced by at least 327 dwelling units to accommodate the newly proposed unit allocations and ensure the Growth Management dwelling unit cap for that quadrant is not exceeded. (See, Recirculated PEIR, p. 4-27.)

E7-4

***To come up with the new units for properties that currently have none, the Reduced Density Alternative takes residential units away from properties having existing unit allocations, such as Mandana, and gives them to City-selected properties that have no residential allocations, such as the WalMart site, Bentley-Wing Parcel 4 site, and the Kelley parcel, all in the Northeast Quadrant. This is particularly unfair to Mandana, whose allocation has been established for the 35 years that Mandana has owned the property.***

E7-5

The Reduced Density Alternative would not just “increase competition for the best available vacant sites”. (Recirculated PEIR, p. 4-35 to 4-38.) In the past, the City has deviated from its policies and credited excess units into the Excess Dwelling Unit Bank at the project approval stage, rather than waiting for the project where the units came from to actually be constructed before depositing the excess units. This allowed other City-favored projects to move forward prematurely. Now, the Reduced Density Alternative would completely eliminate the City's longstanding policies for allocating new dwelling units from the Excess Dwelling Unit Bank, and instead transfer units from properties with long-held allocations to other properties without adequate units. ***Such fundamental changes in the City's Growth Management Program policies must be analyzed as a new project before the City approves any new allocations of residential dwelling units as part of the GP Update.***

All requests for new and increased residential dwelling units should be denied unless and until a new program for allocating units apart from the Excess Dwelling Unit Bank program is established by way of noticed public hearings with community input.

E7-6

2. **The Reduced Density Alternative Adversely Impacts the City's Infrastructure and Mitigation Programs.**

Under the Reduced Density Alternative, the residential capacity for the Northeast Quadrant would be 1,244 fewer units. (Recirculated PEIR, Table 4.2-6, p. 4-27.) ***Although the***

***Reduced Density Alternative results in significantly less private development, the capacity and sizing of future public infrastructure required by the GP Update has not changed.*** Several of the GP Update policies require and rely on new development to ensure adequate public facilities:

- Policy 2-G.22 “Ensure that adequate public facilities and services are provided in a timely manner to preserve the quality of life of residents.”
- Policy 2-P.56 “Require compliance with Growth Management Plan public facility performance standards, as specified in the Citywide Facilities and Improvements Plan, to ensure that adequate public facilities are provided prior to or concurrent with development.”
- Policy 2-P.57 “Coordinate future development with the Capital Improvement Program (CIP) to ensure adequate funding for needed facilities and services; and prioritize the funding of CIP projects to provide facilities and services to infill areas, in transit priority or planned smart growth areas, and areas where existing deficiencies exist.”
- Policy 3-P.5 “Require developers to construct or pay their fair share toward improvements for all travel modes consistent with this Mobility Element, the Growth Management Plan, and specific impacts associated with their development.”

According to the Recirculated PEIR, these policies have been put into place to reduce or mitigate the impacts of the new development that would be permitted under the GP Update. (See, for example, Impacts 3.9-2, 3.9-3.)

During the initial review for the Recirculated PEIR, the City was alerted to issues related to the inability of the City to meet its proposed General Plan policies and goals for the construction of public facilities (see, for example, Comment letter from Bentley-Wing dated June 16, 2014). Those comments noted that the number of units proposed in the original GP Update would create a funding gap. The Reduced Density Alternative does not modify the public facilities required by the GP Update to reduce their size or capacity in line with reduced demand, or otherwise respond to those comments. Instead, ***the Reduced Density Alternative would further reduce the number of units in the City by 3,152 units, thereby creating an even larger funding gap for the construction of public infrastructure and improvements required by the GP Update.***

E7-7

Because the City’s infrastructure fees are imposed on new development, the Reduced Density Alternative’s significant decrease in allowable future residential, commercial office, industrial and hotel development would have a corresponding negative impact on projected infrastructure funding. ***Alternatively, in order to fund the GP Update’s public infrastructure programs, the fee amounts may need to be significantly raised on future development to a level that adversely affects the availability of relatively affordable residential and commercial development.*** The City’s failure to analyze the potential adverse impacts that the Reduced Density Alternative would have on the City’s ability to carry out the GP Update’s required

public facilities improvements violates CEQA. In the absence of any such analysis, the GP Update's public infrastructure plans and policies are exposed as little more than "paper facilities" completely incapable of mitigating the environmental impacts identified in the PEIR.

E7-8

We urge the City to reject the Reduced Density Alternative, and to reject plans to change its longstanding policies on allocating residential units that Mandana and other landowners have relied upon.

Very truly yours,



Michele A. Staples

E7-9

Attachments:

Map of Focus Area 6  
Summary of Excess Dwelling Units as of March 31, 2015

cc: Kathy Dodson, Assistant City Manager ([kathy.dodson@carlsbadca.gov](mailto:kathy.dodson@carlsbadca.gov)) \*  
Gary Barberio, Assistant Manager ([gary.barberio@carlsbadca.gov](mailto:gary.barberio@carlsbadca.gov)) \*  
Celia A. Brewer, City Attorney ([Celia.Brewer@carlsbadca.gov](mailto:Celia.Brewer@carlsbadca.gov))\*  
Chuck McBride, Director of Finance ([Chuck.McBride@carlsbadca.gov](mailto:Chuck.McBride@carlsbadca.gov))\*  
Aaron Beanan, Senior Accountant ([Aaron.Beanan@carlsbadca.gov](mailto:Aaron.Beanan@carlsbadca.gov))\*  
Pat Thomas, Public Works Director ([Pat.Thomas@carlsbadca.gov](mailto:Pat.Thomas@carlsbadca.gov))\*  
Don Neu, City Planner ([don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov))\*  
David De Cordova, Principal Planner ([david.decordova@carlsbadca.gov](mailto:david.decordova@carlsbadca.gov))\*  
Glen Van Peski, Community and Economic Development Director  
([Glen.VanPeski@carlsbadca.gov](mailto:Glen.VanPeski@carlsbadca.gov))\*  
Jeremy Riddle, Associate Engineer ([Jeremy.Riddle@carlsbadca.gov](mailto:Jeremy.Riddle@carlsbadca.gov))\*  
Shannon Werneke, Associate Planner ([Shannon.Werneke@carlsbadca.gov](mailto:Shannon.Werneke@carlsbadca.gov)) \*

\*via email, with Attachments

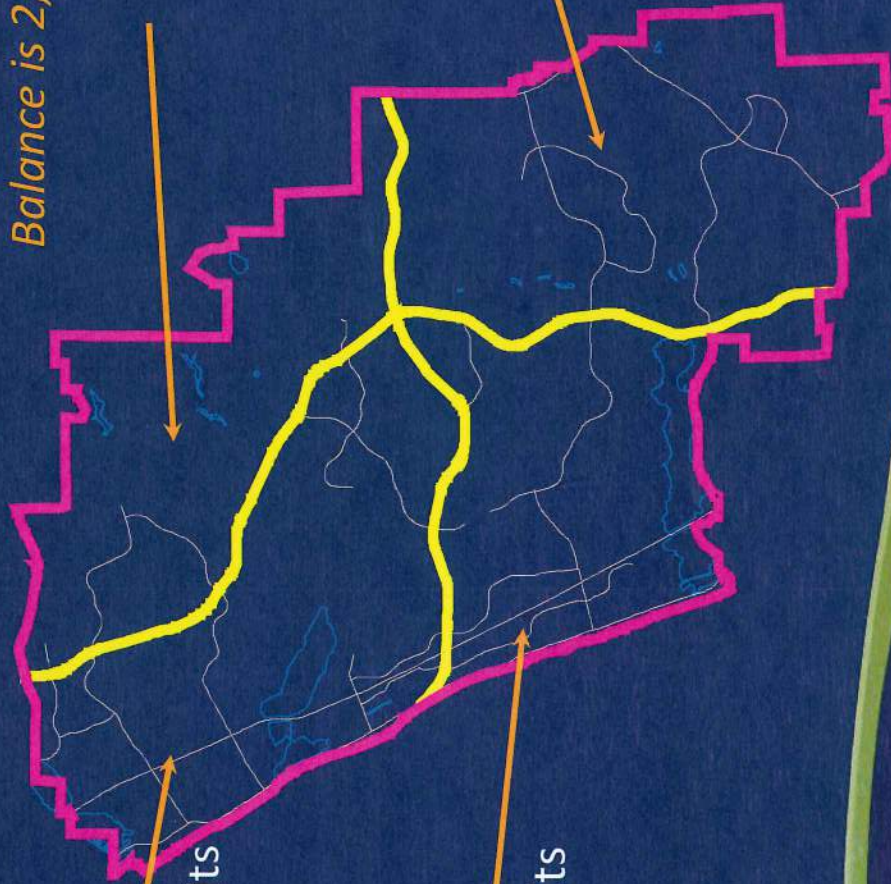
# Excess Dwelling Unit Bank Summary

March 31, 2015

Bank balance reduced to 2,800

City Council Action 12/17/2002

Citywide Excess Dwelling Unit Bank  
Balance is 2,084 as of March 31, 2015



## NORTHWEST

Excess Dwelling Units

Deposited = 85

Withdrawn = 738

Since 01/01/2003

## SOUTHWEST

Excess Dwelling Units

Deposited = 48

Withdrawn = 63

Since 01/01/2003

## NORTHEAST

Excess Dwelling Units

Deposited = 519

Withdrawn = 581

Since 01/01/2003

## SOUTHEAST

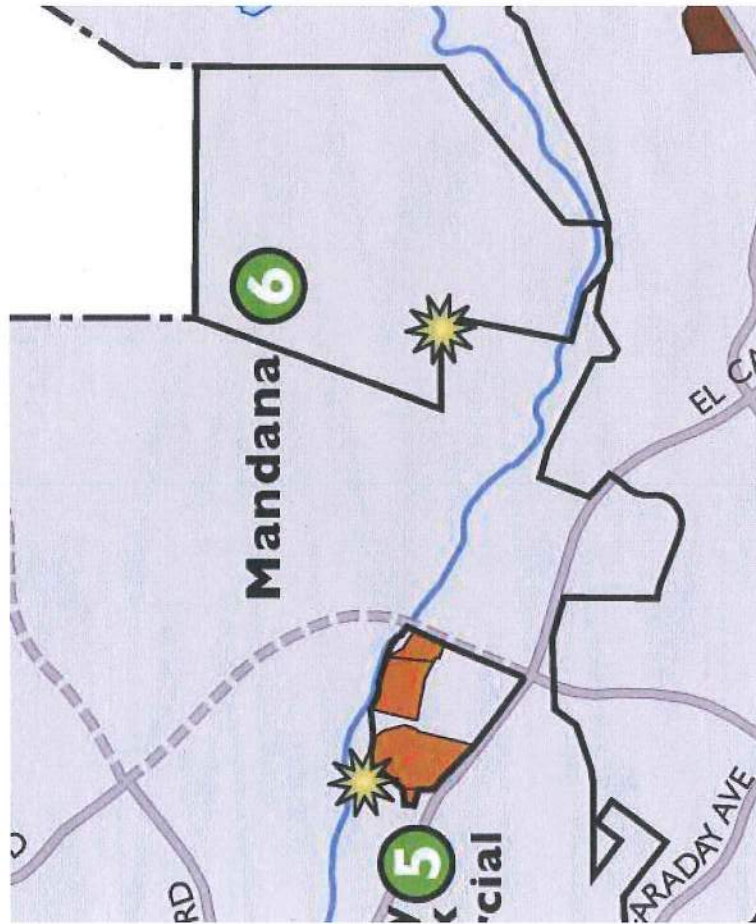
Excess Dwelling Units

Deposited = 55

Withdrawn = 41

Since 01/01/2003

# Draft Preferred Plan - Focus Area 6



E8-1

The undersigned represents the interests of the Kato Family Limited Partnership, who controls approximately 73 acres in zone 15 of the Sunny Creek area of northeast Carlsbad. We are aware that an enabling ordinance is currently being reviewed for possible enactment.

We have also been advised and aware that some landowners have applied for a General Plan Amendment. Over the years, we have participated in the Envision Carlsbad process and have attended workshops and reviewed the direction proposed by Envision Carlsbad plan for future growth in the city of Carlsbad. Nowhere within this plan was there a suggestion or mention of certain proposed development within the Zone 15 area to add further development to this area. Therefore, at that time we made no objection to anything within the Zone 15 area plan because there was, in essence, nothing to object to. Indeed we were advised by personnel of the City of Carlsbad that since there were no proposed changes to the Zone 15 area, there was nothing to render an objection to. The status quo at that time did not foresee or envision any changes within the cap on the total number of dwelling units within the northeast quadrant of the city of Carlsbad.

From the ideas flowing out of Envision Carlsbad, the General Plan was to be revised. However, it would come as a surprise to the thousands of Carlsbad's citizens who participated in Envision Carlsbad, and the thousands of hours of work that were entailed in compiling results of this survey of the citizens of Carlsbad that this entire process has been hijacked, for lack of a better term, for the benefit of some parties who are now, at a late stage, suggesting major changes to the Zone 15 area by way of a general plan amendment.

E8-2

To render a bit of the background of our present objection, on or about April 15, 2014, the City Council of Carlsbad voted to bypass Policy 33 which provided for a process and procedure for guidelines regarding bonds and the formation of Community Facilities Districts and assessment districts used to finance public improvements. On or about June 24, 2014 the City Council adopted resolution 2014-159 which recognized a pre-existing agreement dated September 10, 2013 and approved a reimbursement agreement between the City of Carlsbad and Bent-West, LLC for an assessment district formation. They allowed Bent-West to bypass temporarily the initial Policy 33 approval steps. We raise a question here as to whether or not the initial bypass of Policy 33 is still valid in view of the multiple changes in the reimbursement proposals.

On February 17, 2015, the landowners in the Zone 15 were invited to attend a workshop concerning varying approaches to financing public improvements in the Local Facilities Management Plan for Zone 15. This was the first time that many landowners, including the undersigned, became aware that various plans and decisions have been made concerning, not only the financing of public improvements, but other plans to develop as well.

E8-3

It is unknown by this objecting party whether or not increase in density proposed by Wal-Mart stores, Inc. was under consideration at the time that the city Council voted to bypass Policy 33. But it is in fact known that on October 22, 2014, Wal-Mart Stores did apply for a Preliminary Review Application requested a preliminary review of a plan for an 114 additional dwelling units with a proposed density of



16.2 dwelling units per acre. Of course, this has a huge and dramatic impact upon the Excess Dwelling Unit Bank.

E8-4

Therefore, it is with great surprise, that we learned through other parties, including Robert Ladwig Of the Ladwig Design Group, that David de Cordova of the City of Carlsbad planning department that densities for undeveloped properties might be reduced by a factor of 40% because of the proposed General Plan Amendment. I am sure that everyone is aware that the value of undeveloped property is based upon the price of each lot. As such, this represents such a significant evaluation so as to amount to a taking of the property.

Therefore, we object to any General Plan Amendment to increase any density or to increase the amount of available to dwelling units to favor one particular party to the detriment of owners of undeveloped land within the Zone 15 Area.



**From:** Cepeda, Connery  
**Sent:** Monday, May 04, 2015 3:59 PM  
**To:** Jennifer Jesser  
**Cc:** Armstrong, Jacob  
**Subject:** RE: Notice of Availability of Recirculated Portions of Draft EIR

Jennifer,

E9-1

Caltrans's understanding of the Carlsbad GPU Recirculated DEIR is that even with the addition of the Reduced Density Alternative, the identified "significant and unavoidable" impacts and mitigation measures for Transportation remain the same from the previous DEIR, and therefore the previous Caltrans comments dated June 20, 2014 in response to the DEIR still apply (**attached** again for reference).

Again, Caltrans looks forward to continuing coordination with City staff on Envision Carlsbad.

Very sincerely,

**Connery Cepeda, AICP**

*Associate Transportation Planner*

Caltrans District 11, Planning Division

Ph: 619-688-6003

[connery.cepeda@dot.ca.gov](mailto:connery.cepeda@dot.ca.gov)

May 4, 2015

[Delivered by Hand Delivery to Carlsbad Planning Division at the Faraday Center and to the City Clerk on May 4, 2015 with Request to Distribute to the Addressees Below]

Ray & Ellen Bender  
1015 Camino del Arroyo Dr.  
San Marcos, CA 92078  
Email: [benderbocan@aol.com](mailto:benderbocan@aol.com)  
Phone: 760 752-1716

Palomar Airport Blogs: [Carlsbad.Patch.com](http://Carlsbad.Patch.com)

[Complete articles list at: <http://patch.com/users/raymond-bender-79afd24d>]

Mayor & Council Member Matt Hall  
Mayor Pro Tem and Council Member Keith Blackburn  
Council Members Mark Packard, Michael Schumacher, and Lorraine Wood

Carlsbad Planning Commissioners: Velyn Anderson, Arthur Neil Black, Stephen "Hap" L'Heureux, Marty Montgomery, Victoria Scully, Jeff Segall, and Kerry Siekmann

City Manager (Uncertain of Acting City Manager in light of April 2015 resignation of former City Manager Steven Sarkozy)

Attn: Jennifer Jessor, Senior Planner & Project Manager for 2015-2035 General Plan EIR  
City Planner: Don Neu  
City Clerk: Sherry Freisinger

1200 Carlsbad Village  
Carlsbad, CA 92008

E10-1

Re: **Comments on the March 2015 Recirculated 2015-2035 General Plan EIR**

“The first responsibility of a leader is to define reality. The last is to say thank you. In between, the leader is a servant.” —Max De Pree

This letter comments on the recirculated General Plan Environmental Impact Report (GP-EIR) released in March 2015 for review. On June 19, 2014, we commented on the initial Carlsbad draft General Plan (GP) EIR. The earlier comments listed the qualifications of Raymond Bender to comment on the Carlsbad 2015-2035 General Plan and related EIR.

Please include our comments in the administrative record that the City would produce in any action resulting from the City’s General Plan adoption and/or certification of the GP-EIR.

## Executive Summary

- E10-2** 1. **The recirculated GP EIR improperly requests comments only on (a) Carlsbad’s modified air quality analysis in Chapter 3 and (b) modified Analysis of Alternatives in Chapter 4.** To comply with CEQA, an EIR must address “new information” arising during EIR processing. In 2014, the FAA began using its Next Generation aircraft guidance system. This system increases and shifts aircraft noise over airport neighborhoods by concentrating aircraft flight paths to allow more direct and frequent landings. Next-Gen community complaints have been loud and clear and joined by elected representatives where the system has been implemented. County announced at a recent PAAC meeting that it would start the system at Palomar in 2017. A legally compliant GP EIR must address this topic.
- E10-3** 2. **The recirculated GP EIR fails to comply with California Environmental Quality Act (CEQA) requirements for at least four reasons:**
- a. ***The EIR Improperly Excludes Environmental Analysis for 2020, 2025, and 2030.*** Carlsbad analyzes only the long term (2035) project impacts. Most Carlsbad residents will be gone by 2035. CEQA, its guidelines, and case law require a discussion of short and medium term environmental project impacts.
- E10-4** b. **The EIR fails to commit Carlsbad to an effective mitigation program.** Mitigation measures amount to no more than “pie in the sky” promises unless an EIR requires full disclosure of mitigation measures and enforcement methods. **Carlsbad’s 1994 General Plan in Appendix B** created an extensive mitigation reporting system. The 2015-2035 GP does not and fails to explain what penalties will be enforced if a project sponsor ignores mitigation measures.
- E10-5** c. **The EIR fails to provide meaningful analysis of McClellan-Palomar (Palomar) development and operational impacts, especially of the noise, air quality, and safety impacts that will result from (i) Next Gen navigation at Palomar in 2017 and (ii) the county’s April 2015 announced-intent to lengthen and relocate the Palomar runway to serve larger aircraft.**
- E10-6** d. **The EIR fails to explain why its current air quality methodology accurately discloses the existing air quality environmental baseline or accurate future air quality changes. The methodology mimics that used in the Carlsbad 1994 GP EIR and the actual Carlsbad emissions between 1994 and now exceed Carlsbad projections greatly.**
- E10-7** 3. **On a positive note, revised 2015-2035 GP EIR Chapter 4 adds a *Reduced Density* alternative that the EIR shows in Table 4.2-14 on page 4-34 ranks as superior environmentally to the initial GP recommendations. Though the GP EIR raises questions about Carlsbad’s ability to meet state-mandated low and moderate housing goals, the comments below show that the Reduced Density alternative can meet the state mandate.**

## Discussion

E10-8

### Preface: Prior June 19, 2014 Comments

On 6/19/14, we noted the initial Carlsbad draft General Plan (GP) EIR:

- Did not properly reflect McClellan-Palomar (Palomar) on-Airport environmental impacts, especially related to the risks of large aircraft operating next to the Palomar methane-emitting landfill as discussed in the county 2013 SCS report entitled “*Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California*”. We provided Carlsbad a copy.
- Improperly described the existing environmental regulatory setting as to Palomar projects as set forth in Carlsbad Municipal Code § 21.53.015 and Carlsbad Conditional Use Permit (CUP) 172 including a Carlsbad 2015-2035 General Plan administrative attempt to redefine the term “expansion” in MC § 21.453.015 to include only “geographic expansions.”
- Violated CEQA, in part, by including an air quality analysis method contrary to CEQA, CEQA guidelines, and CEQA case law.
- Provided no reasonable alternatives to mitigate the EIR-admitted serious erosions of traffic levels.
- Improperly analyzed off-Palomar noise impacts.

Based on Carlsbad’s statements in its March 2015 recirculated EIR, we understand that Carlsbad in its final EIR will reply to all of our June 19, 2014 comments. However, our position is that Carlsbad was obligated to address all the issues above in its recirculated EIR because the draft EIR had fatal flaws beyond the air quality analysis and addition of an additional project alternative.

E10-9

### 1. Carlsbad has improperly limited the scope of new comments related to the recirculated draft EIR.

The March 2015 Recirculated EIR Introduction says:

*“The city has revised portions of the draft EIR to address comments concerning Chapter 3.2, Air Quality and Chapter 4.0, Alternatives. ... The other environmental issues raised in public comments on the draft EIR will be addressed in the written responses to comments and other revisions that will be included in the final EIR.*

*This Recirculated Portions of the Draft EIR was prepared in accordance with Section 15088.5 of the CEQA Guidelines, which states that “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public*

*notice is given of the availability of the draft EIR for public review.” Significant new information includes “a new significant environmental impact [that] would result from the project or from a new mitigation measure proposed to be implemented” or “a feasible project alternative or mitigation measure [that is] considerably different from others previously analyzed [that] would clearly lessen the environmental impacts of the project. ...”*

*CEQA Guidelines Section 15088.5 describes the procedures for recirculation of portions of an EIR; subsection (f)(2) provides that, when an EIR is revised ... and the lead agency is recirculating only the revised chapters or portions of an EIR, the lead agency may request that reviewers limit their comments to the revised . . . portions of the recirculated EIR.*

***THE CITY OF CARLSBAD REQUESTS THAT REVIEWERS LIMIT THEIR COMMENTS TO THE PORTIONS OF THE DRAFT EIR THAT ARE REVISED AND RECIRCULATED IN THIS DOCUMENT. COMMENTS RECEIVED ON THE PREVIOUSLY CIRCULATED DRAFT EIR WILL BE RESPONDED TO IN THE FINAL EIR AND NEED NOT BE RE- SUBMITTED.” (Pages 1-1 to 1-2)***

The above quoted “public comment limitation” does not comply with CEQA because the recirculated EIR does not analyze a major issue disclosed by County Director of Airports, Peter Drinkwater, at the February 2015 Palomar Airport Advisory Committee (PAAC) meeting. He advises that Palomar will begin implementing the FAA Next Gen satellite system in 2017. That system will drastically affect Palomar flight patterns and noise over the houses of Carlsbad residents. The FAA has implemented Next Gen in other cities, which has brought a howl of protests from the public and politicians.<sup>1</sup> Recall that:

- CEQA PRC § 21166 provides in part: *“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:*
  - \* \* \* (c) *New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”*
- To assure a supplemental EIR is not necessary, the recirculated EIR needs to contain sufficient information related to the severe impacts of Next Gen.
- CEQA PRC § 21157 provides in relevant part:

<sup>1</sup> See Charlie Rose segment on CBS This Morning describing Next Gen flight change noise consequences [http://www.cbs.com/shows/cbs\\_this\\_morning/video/Suh7xWS5Jm0FMH0wUZ6KkQy\\_OLFWBQ\\_l/faa-s-new-flight-paths-spark-noise-complaints/](http://www.cbs.com/shows/cbs_this_morning/video/Suh7xWS5Jm0FMH0wUZ6KkQy_OLFWBQ_l/faa-s-new-flight-paths-spark-noise-complaints/) See also Palomar Airport: Next Gen, 112 *“The FAA’s Next Gen satellite system will alter Palomar flight paths. Real estate agents should alert Carlsbad home sellers and buyers,”* by Raymond Bender, February 2, 2015 [www.CarlsbadPatch.com](http://www.CarlsbadPatch.com). See also web site <http://www.savecarlsbad.com>.

(a) A master environmental impact report may be prepared for any one of the following projects: (1) A general plan ... .

(b) When a lead agency prepares a master environmental impact report, the document shall include all of the following:

(1) A detailed statement as required by Section 21100.

(2) **A description of anticipated subsequent projects that would be within the scope of the master environmental impact report, that contains sufficient information with regard to the kind, size, intensity, and location of the subsequent projects, including, but not limited to, all of the following:**

(A) The specific type of project anticipated to be undertaken.

(B) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and, with regard to a public works facility, its anticipated capacity and service area.

(C) The anticipated location and alternative locations for any development projects.

(D) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.

(3) A description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the master environmental impact report. This description shall not be construed as a limitation on the impacts which may be considered in a focused environmental impact report. **(Emphasis added.)**

\* \* \*

- CEQA PRC § 21100 provides:

(a) All lead agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project which they propose to carry out or approve that may have a significant effect on the environment....

(b) The environmental impact report shall include a detailed statement setting forth all of the following:

(1) All significant effects on the environment of the proposed project.

(2) In a separate section:

(A) Any significant effect on the environment that cannot be avoided if the project is implemented.

(B) Any significant effect on the environment that would be irreversible if the project is implemented.

(3) Mitigation measures proposed to minimize significant effects on the

*environment, including, ... .*

*(4) Alternatives to the proposed project.*

*(5) The growth-inducing impact of the proposed project.*

*(c) The report shall also contain a statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.*

\* \* \*

E10-10

- For at least three years prior to Carlsbad’s preparation of its draft 2015-2035 Carlsbad General Plan Update, Carlsbad has been on notice of proposed significant Palomar Airport changes. Official documents putting Carlsbad on notice of such changes prior to the time of the 2015-2035 GP EIR include (1) the July 2012 FAA California Pacific Airlines NEPA analysis related to the environmental impacts a new air carrier would have at Palomar and surrounding communities; (2) the \$700,000+ County Palomar Runway Feasibility Study which explains the county’s desire to extend the sole Palomar runway from about 4900 feet to 5800 feet (about the length of the John Wayne airport runway in Orange County); and (3) the Palomar Airport Master Plan, which has been under preparation for 12 months including three public workshops to date to which Carlsbad representatives and the public were invited, the third workshop held on April 30, 2015.

E10-11

- Although county operates the airport, Carlsbad and county have reserved to Carlsbad various planning and zoning functions as set forth in Carlsbad Municipal Code § 21.53.015 (referring to Carlsbad voter approval of county Palomar Airport expansion) and Conditional Use Permit 172, which defines conditions related to county Palomar Airport development and operation. Accordingly, Carlsbad may not simply claim in the EIR that the environmental impacts of Palomar Airport operations are beyond its control because the noted restrictions require Carlsbad to exercise its jurisdiction over Palomar Airport runway extensions. Recall that Table 1 to CUP 172 – which defines airport projects that county may undertake as a matter of right (subject to CUP Conditions 1 – 11) – does not allow county to undertake runway projects without Carlsbad approval. The Carlsbad council in 1979/1980 deleted from the CUP 172 Table 1 projects the county-requested reference to “runways.” (Compare the County-Palomar-requested-CUP 172 Table against the CUP 172 Table that Carlsbad adopted.)

E10-12

- Carlsbad can easily obtain from county drawings showing how the Next Gen flight patterns will change. Carlsbad’s refusal to include this information in the EIR places the validity of buyer airport deed restrictions in doubt when it is clear that Carlsbad and county are concealing information very relevant to Carlsbad buyers from them.

E10-13

- Moreover, California Government Code § 65302 sets forth the mandatory



General Plan elements that Carlsbad must meet. GC § 65302(f) provides in relevant part that a GP must include:

*(f) (1) A noise element that shall identify and appraise noise problems in the community. **The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:***

\* \* \*

*(D) **Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.***

*(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.*

*(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.*

*(4) **The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards. (Emphasis added.)***

E10-14

For these reasons, the GP EIR recirculation does not comply with CEQA. Recall that an EIR must discuss issues of reasonable controversy to the public. The nationwide reaction to NEXT GEN airport implementation shows the importance of the issue.

E10-15

2. **General Format Comment.** Carlsbad could simplify the comment process if it printed draft documents with margin line numbering. Comments and Carlsbad comment replies could then easily reference questionable language. Clarity would improve.

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E10-16

3. Comments on Revised Recirculated 2015-2035 General Plan EIR (a) Executive Summary, (b) Chapter 3, §3.2 air quality discussion, and (c) Chapter 4 Analysis of Alternatives

Page & ¶	Carlsbad Concept and/or Language	Comment
<b>Comments on GP EIR Executive Summary (pp. ES-1 to ES-110)</b>		
E10-17	ES-4, Tables ES-1 & ES-2 New Development to Buildout	<ul style="list-style-type: none"> <li>• These tables were accurate before the reduced density alternative was added;</li> <li>• New tables should be added to show buildout with 40% reduction.</li> </ul>
E10-18	ES-7, ¶1 “Although there are no clear-cut areas of controversy...”	<ul style="list-style-type: none"> <li>• Not accurate. When you have (1) buildout in an air quality non-attainment area, (2) a large % increase in carbon and particulate emissions, (3) adverse health effects tied to such emissions, (4) the ability to reduce these effects by 40% or more with the reduced density alternative, and (5) other unidentified mitigation measures that Carlsbad and project sponsors should be undertaking – you have controversy.</li> <li>• C does not provide the RAQS numbers or state whether a conflict remains if C adopts the reduced density alternative. Nor does C explain what happens with the GP if C is unable to change the RAQS growth projections. Nor does C – as a mitigation measure – commit to notifying and involving the public in any C effort to change the RAQS projections.</li> </ul>
E10-19	¶2 Carlsbad (C)-identified conflict between GP & Regional Air Quality Strategy (RAQS)	
E10-20	ES-7 to ES-8	<ul style="list-style-type: none"> <li>• The discussion is 99% related to mobile sources and 1% related to stationary sources (presumably when construction occurs).</li> <li>• Does Carlsbad not have substantial emissions from stationary facilities including but not limited to waste treatment plants, desalinization, landfills, industrial sites, and Palomar Airport? If so, where is the ES discussion?</li> <li>• As to the mobile sources, where is the discussion related to train and aircraft emissions? Please recall that in the 2012 FAA CPA NEPA air assessment (which Carlsbad reviewed and commented on) related to proposed new air carrier operations at Palomar, the addition of Embraer 170 aircraft by themselves nearly triggered the relevant air quality threshold further assessment limits. [And the FAA assessment assumed flights substantially less than CPA</li> </ul>
E10-21	• Air Quality: Mobile sources v. stationary sources	
E10-22		



		<p>identified in its marketing materials to Carlsbad and county.] Moreover, as the county announced at it's April 2015 Palomar Airport Advisory Committee meeting, a new air carrier is starting operations at Palomar in May 2015 that expects to soon serve several of the routes (such as Las Vegas and Phoenix) that California Pacific Airlines planned to serve.</p>
E10-23	ES-8 to ES-9	<p>Transportation</p> <ul style="list-style-type: none"> <li>• The analysis is insufficient to allow decision makers to distinguish between the full buildout and 40% reduced density new GP alternative that C just added.</li> <li>• Doesn't a C council member voting on which GP alternative to accept want to know whether full buildout means gridlock traffic LOS D and whether reduced density buildout means LOS C traveling at X mph?</li> <li>• Doesn't the public need to know what emergency vehicle response level it may expect with full v. reduced density?</li> <li>• How can Carlsbad council members select the best General Plan alternative without all the relevant facts?</li> </ul>
E10-24	ES-9 to ES-10	<p><b>Environmentally Superior Alternative</b></p> <ul style="list-style-type: none"> <li>• General comment re: whole report. The GP EIR language is not consistent regarding number of alternatives. Three issues cause inconsistencies. First, the Reduced Density alternative language has been added. Second, the "No Project" Alternative seems to be excluded as a true alternative. (Our perception.) [Our view: CEQA requires the "No Project" alternative to be considered as a full-fledged alternative because there may be times when no project is better (as many have argued as to the California Bullet Train).] Third, the GP EIR is confusing (at least to us) as to the total number of alternatives. See Table 4.2-5 on p. 4-23, which talks about the proposed GP, Alt 1, Alt 2, Alt 3, No Project, and Reduced Alt. The Table could be characterized as presenting one recommendation + 5 alternatives or a total of 6 alternatives with a recommendation to adopt Alternative 1. Decide whether the EIR should refer to 3, 4, 5, or 6 alternatives and assure consistency throughout the EIR.</li> <li>• The added Reduced Density alternative refers to less residential but not to less commercial and industrial. An inadvertent omission we assume.</li> <li>• Page <b>ES-10</b> says Reduced Density may not be feasible because: <i>Objection 1</i> it hinders C meeting its low/moderate income housing State allotment obligation and <i>Objection 2</i> may conflict with core C values.</li> <li>• C's <i>Objection 1</i> (housing allotment) incompletely describes</li> </ul>
E10-25		
E10-26		
E10-27		

the issue:

- (i) C fails to note that increasing C’s population ups the future C Housing allotment; so reduced density benefits C by reducing future RHNA allotment increases;
- (ii) C’s increase in commercial (+1.2 million SF) and industrial (+2.7 million SF) – even under the reduced density alt – provides C substantial opportunity to create mixed uses within such developments thereby meeting RHNA obligations; and (iii) as GP Chapter 10 (Housing) notes, C has multiple tools to create and fund RHNA housing requirements – apart from private developer increased densities.
- (iii) Request: Accordingly, in the final GP provide a better discussion of how C can meet its RHNA obligations instead of attempting to simply rely mainly on housing developer subsidies (which simply ask middle income home buyers to pay more for a house in offset the cost of the same unit sold to an RHNA candidate).
- C’s *Objection 2* (compliance with C core values) is incompletely discussed:
  - *Diverse economy/employment hub*:
    - (i) C’s emphasis on biotech and light industrial employs mainly highly paid workers so reducing such development does not hinder RHNA goals;
    - (ii) As to lower paid sectors – such as hotels – creative solutions should be explored such as single workers living on site [a modified form of the historical “company town model.” Positive benefits would include (a) the private sector providing such workers a” living wage” including a housing subsidy, (b) reducing employees absent from work, (c) providing a “day care” center which may be attractive to hotel guests who can’t take the kids everywhere, and (D) reducing air quality and traffic pollution. In short, C needs to be more creative in satisfying its RHNA obligations.
  - *Connectivity* (biking, etc). As noted above, C retains the ability to create mixed uses and hence enhance mobility even with reduced densities.
  - *Sustainability*. C’s explanation as to why sustainability could suffer on pp. 4-37 to 4-38 from

E10-28

E10-29

E10-30

E10-31

E10-32

E10-33

E10-34

E10-35

E10-36

E10-37

		<p>reduced density (RD) is factually unsupported. For instance, reduced density complies with increasing water restrictions – as evidenced by Governor Brown’s recent mandate to water agencies to require a 25% reduction in water use. Hence, RD increases, not reduces, sustainability.</p> <ul style="list-style-type: none"> <li>○ <i>Community Services.</i> At p. 4-38, C says that reducing non-residential intensities reduces goods and services within the community. True. But C citizens required C to adopt a growth management initiative. That initiative takes priority. Otherwise, there will never be enough stores. Moreover, visit the new Carlsbad commercial center on Rancho Santa Fe and La Costa Ave opened in early 2015. As large as the development is, it has few valuable services other than the market. How many banks and credit unions and fast food places do you need? [What Carlsbad residents likely needed was a gas station and upscale restaurants but none were provided.] Moreover, C fails to note that the Reduced Density alternative would reduce traffic into Carlsbad. For instance, many San Marcos residents now go to the Lowe’s that relocated from SM to Carlsbad last year.</li> <li>○ <i>Neighborhood revitalization.</i> C says that reduced densities could impede Village, Barrio, and coastline development. Yet most of what C forecasts for the next 20 years could have been done in the last 30 years but was not. In other words market forces, not C restrictions prevented development. The underdevelopment seems more the result of Carlsbad failing to develop public facilities rather than private disinterest. For instance, intensive recreational coastal uses likely require parking structures (sensitively built to comply with Coastal Act limits such as by undergrounding).</li> </ul>
<p><b>ES-11 to ES-109</b></p>	<ul style="list-style-type: none"> <li>● <b>Table ES-3 Summary of Significant Impacts</b></li> </ul>	<ul style="list-style-type: none"> <li>● <b>§3.2-1 Air Quality Mitigation Measures (p. ES-19).</b> <ul style="list-style-type: none"> <li>○ C says it will request air quality agencies to conform their growth projections to the GP. C does not say what further mitigation C will undertake if the agencies use lower numbers than C.</li> <li>○ C does not say that it can or will impose all C air quality mitigation measures on county’s Palomar operations. Nor does C say what enforcement action it will take against county if county fails to comply.</li> </ul> </li> </ul>

E10-38

E10-39

E10-40

E10-41

E10-42

- C's periodic statements that C will require CLUP mitigation measures is misleading because **those measures apply only off-airport property, not on-airport property.**
- C needs to expressly state what mitigation measures it will enforce against county at Palomar airport.
- **§3.2-2 Land Use & Community Design Elements**
  - Policy 3-P.11 says C will evaluate a "road diet" apparently to reduce traffic lanes for bicycles. The State continues to promote HOV roadway lanes when substantial evidence suggests that HOVs contribute to rather than reduce pollution; HOVs result in more frequent and intense bumper to bumper traffic idling emissions into the air because 5 lanes (including the HOV lane) of equal use keep traffic moving more efficiently than 1 HOV lane and 4 regular lanes. We request the C "evaluation" of possibly converting vehicle lanes to bicycle lanes analyze the respective air quality impacts by considering traffic flows before and after such conversions. In other words, C's evaluation needs to prove that eliminating traffic lanes to serve bicycles will NOT slow motor vehicle traffic which will result in increased vehicle emissions greater than any air quality reductions resulting from bicycle use.
  - At page ES-36, C says: "*MM-AQ-6: If required, new stationary sources such as diesel generators shall obtain appropriate permits from the SDAPCD.*" What happens if SDAPCD allows the stationary source to operate because the operator has purchased "emission credits" outside Carlsbad and possibly outside SD county? Can the operator contribute to an air quality fund to reduce future emissions as a condition of obtaining the permit? If so, can/should Carlsbad be getting SDAPCD assurances that monies contributed to a fund from Carlsbad operators is spent on projects in Carlsbad? What policies can C include in the GP EIR to promote this goal? (Such as supporting legislation to direct emission credit funds?)
- 3.2-4 C says in column 1 that GP "development ... will not expose sensitive receptors to substantial pollutant concentrations." That statement is inconsistent with the column 3 statement that the environmental impact will be "significant and unavoidable." [By definition, concentrations of air quality non-attainment pollutants are

E10-43

		<p>significant.]</p> <ul style="list-style-type: none"> <li>○ To fully inform the public and the council members of the serious health impacts of such pollutants, the GP and GP EIR should provide links explaining in more detail pollution health care risks</li> <li>● Impact 3.2-5 (p. ES-38) says “<i>development under the proposed General Plan will not create objectionable odors affecting a substantial number of people.</i>” <ul style="list-style-type: none"> <li>○ The GP anticipates development of millions of square feet of commercial, and industrial facilities.</li> <li>○ Where does the GP analyze the odor impacts of increasing the population? How will odor at the large stationary plants within Carlsbad such as the desalinization and Hyperion plant be affected by increased production? Please cite the GP EIR pages where these possible odor changes are analyzed.</li> </ul> </li> </ul>
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**END OF EXECUTIVE SUMMARY COMMENTS**

E10-44

	<p><b>Preliminary Comments to Carlsbad GP EIR Chapter 3, Section 3.2 Air Quality Analysis (Pages 3.2-1 to 3.2-46)</b></p> <ul style="list-style-type: none"> <li>● The analysis does not comply with the 2013 California Supreme Court decision in <i>Neighbors for Smart Rail v. Exposition Metro Line Construction Authority</i>, 57 Cal. 4<sup>th</sup> 439). <ul style="list-style-type: none"> <li>○ Simple Explanation: EIRs ID significant adverse project impacts so people can know how their lives will change. The information allows voters to decide whether they will support or oppose politicians who approve projects and whether to move into or out of Carlsbad. <ul style="list-style-type: none"> <li>▪ C’s air quality analysis tells us how bad pollution will be in 2035, not how bad pollution will be in 2020, 2025, or 2030.</li> <li>▪ In 2010, one out of 10 people moved the year before. [MelissaData, “<i>How Many People Move Each Year – and Who Are They?</i>” by David Bancroft Avrick].</li> <li>▪ The Supreme Court in <i>Neighbors for Smart Rail</i> held that EIR preparers could use future baselines (such as the GP EIR 2035) so long as the EIR informed readers of near term and medium term impacts.</li> <li>▪ The 2015-2035 GP EIR tells the public little about short or medium term impacts. Most current Carlsbad residents will be gone in 2035 – the only year for which the GP EIR identifies impacts.</li> <li>▪ Attachment 1 at the end of these letter comments quotes relevant <i>Neighbors for Smart Rail</i> language and provides a more complete analysis.</li> </ul> </li> </ul> </li> </ul>
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E10-45

- The 2015-2035 GP EIR does not clearly require the reporting, monitoring, or enforcement of mitigation measures that may be imposed on project sponsors.
  - Collectively CEQA PRC §§ 21081(a)(1) and 21081.6(a)(1) & (b) and CEQA Guideline §§ 15091(d) require imposed-mitigation measures to be verifiable.
  - We did not see in the GP EIR a consistent Carlsbad commitment to impose, enforce, and report migration measures on project sponsors. In contrast, the 1994 Carlsbad GP had such requirements.
  - **See the 53-page Appendix B of the Carlsbad 1994 General Plan EIR that expressly referred to PRC 21081.6 compliance and listed the Carlsbad monitoring agency responsible for various compliance items as well as the monitoring timeframe. But even that document failed to explain what penalties apply to project sponsors who fail to live up to their mitigation obligations.**

We expect to file public record requests with Carlsbad to determine how consistently and aggressively C imposed and enforced its General Plan mitigation measures, particularly as to Palomar Airport.

E10-46

3.2-2	Pollutants and Health Effects	<ul style="list-style-type: none"> <li>• The text incompletely defines the air pollutant abbreviations.</li> </ul>
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E10-47

E10-48

3.2-7 & 3.2-11	Table PM levels	<ul style="list-style-type: none"> <li>• Are Table 3.2-2 levels consistent with Table 3.2-4 footnotes?</li> <li>• We request Carlsbad state how (1) the air quality pollutant emissions have changed since its 1994 General Plan Update and (2) why the changes are so drastic if – as Carlsbad says in its 2015-2035 GP EIR – that the Carlsbad mitigation policies substantially reduce such pollutants.</li> <li>• Our comparison of the 1994 and 2015 Carlsbad General Plan EIRs shows the data below. If we have misread the old and/or new tables, please revise the tables to more clearly state C’s findings.</li> </ul>
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E10-49

		<ul style="list-style-type: none"> <li>• <b>Carbon monoxide (CO).</b> C said the 1990 level was 72,000 and forecast 93,000 for 2010. Yet the 2008 emissions were 149,000. C expects 84,000 more by 2035. [Compare Table 5.3-5 at page 5.3-6 of the Carlsbad Final Master EIR for the General Plan Update of March 1994 with the Carlsbad Recirculated GP EIR of 2015, Table 3.2-7 at page 3.2-18 and Table 3.2-10 at page 3.2-28.]</li> </ul> <p>So the 2035 total estimate is 233,000 (149,000 + 84,000). Hence, Carlsbad projects will grow carbon monoxide from 72,000 to 233,000 from 1990 to 2035. More than a 200% increase. Likely more than 300% given C’s accuracy rate.</p>
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E10-50

As the 2015 GP EIR notes, excess CO exposure causes dizziness, fatigue, and impairment of central nervous system functions. (page 3.2-3 of 2015 recirculated GP EIR.)

- **Particulate matter (PMs).** The Carlsbad 1994 GP EIR accuracy for lung-clogging teeny particles was even poorer. The 1990 existing were 1,800; 2010-projected 4,500; 2008 actual 28,000; and 2035 will add 11,000 more. So the 1994 PMs of 1,800 skyrocket to 33,000 in 2035. (See tables noted above.) Likely even higher unless Carlsbad’s mitigation measures improve or growth is limited.

As the 2015 GP EIR notes, PMs can “*penetrate the human respiratory system’s natural defenses and damage the respiratory tract. ... and can increase the number and severity of asthma attacks, cause or aggravate bronchitis ... and reduce the body’s ability to fight infections. ...*”

The obvious question: If C’s mitigation measures work so well, how can the CO & PM increases be so bad? Shouldn’t Carlsbad choose its Reduced Growth alternative just added in the recirculated GP EIR?

E10-51

- We found Tables 3.2-7 (“Table 7”) (page 3.2-18) and Table 3.2-10 (“Table 10”) (page 3.2-28) confusing at best and inconsistent at worst for these reasons (numbers rounded):
  - Table 7 says that 2008 CO emissions were 150,000 daily. Yet Table 10 says that the 2035 CO emissions without the proposed GP were 71,000 daily.
    - What does 71,000 without the project mean and where does the GP EIR define it? Does it mean no building from 2015 to 2035? Something else?
    - Without the project, how do the CO emissions drop from 149,000 to 71,000 – especially since the I-5 and I-78 and Palomar Airport will increasingly produce CO emissions with or without the GP project?
  - Table 7 refers to 2008 PM emissions as 28,000



daily. Table 10 refers to 2035 PM emissions as 28,000 with no GP projects.

- How are there no PM increases from 2008 to 2015?
- How are there no PM increases to 2035 even without the GP projects when I-5, SR-78, and Palomar Airport emissions will increase greatly during the 20-year planning horizon?

- The page 3.2-27 discussion of Table 7 is confusing. It refers to “resulting net new operational emissions from buildout.”
- For clarity, list the total expected daily CO and PM emissions in 2035 with buildout (including the existing emissions) so that the public can compare emission levels to health thresholds of concern.

- The foregoing CARLSBAD numbers suggest fundamental defects in C’s EIR air quality methodology. Possible defects include:

- Failure to properly account for mobile and/or stationary sources. For instance, the EIR makes no attempt to describe emissions within Carlsbad traceable to the I-5 and SR-78 freeways. That failure is surprising since the State within the last 2 two years completed its EIR for I-5 modifications including those to start in Carlsbad within 18 months. And Carlsbad commented on that State EIR. The I-5 and SR-78 air quality discussion at p. 3.2-44 does not cure this deficiency because the later discussion discloses only vehicle miles traveled, not the associated air quality impacts. Nor does the EIR provide any range of air quality data related to Palomar Airport emissions – especially odd since county announced at its Palomar Airport Master Plan Workshop on April 30 Palomar expansion alternatives supportive of building facilities to accommodate a substantial increase in FAA-rated C and D aircraft.

- It is true that the GP projects will continue to cause air quality limits exceeding significance level. But that does not justify Carlsbad omitting the relevant data. To state the point simply, Carlsbad residents are entitled to know how C development will elevate their cancer and other

E10-52

E10-53

E10-54

E10-55

E10-56			<p>health risks.</p> <ul style="list-style-type: none"> <li>○ If C estimates the new cumulative air quality emissions correctly, then by definition, C’s failure to note the correct unmitigated historical pollutant levels confirms that C’s mitigation measures are inadequate.</li> <li>○ Given the above-noted severe inaccuracies in the 1997 MP predictions, C needs to explain why its 2015 GP predictions are credible.</li> </ul>
E10-57	<p><b>3.2-17 to 3.2-19</b></p>	<p>Methodology &amp; Assumptions</p>	<ul style="list-style-type: none"> <li>• C uses 2008 traffic trip baseline data. The data is at least 7 years old, older if compiled from earlier years. The data was taken two years into the post 2006 economic collapse. From 1995 to 2005, construction in Carlsbad boomed, then cratered. In the last 2 years, Carlsbad approved significant residential tracts and hotel development. Therefore, the 2008 traffic data likely materially undercounts C 2014 traffic – as anyone who drives the busier Carlsbad streets know.</li> <li>• Regardless of whether the materially more accurate 2014 missing data helps or hurts the C analysis, the 2008 baseline is outdated.</li> <li>• Clarify what air pollution data is being used to show the emissions from the I-5 and SR-78 in Carlsbad in order to determine the environmental base line that is changing. Substantial data – at least as to the I-5 – should be available from the recent State I-5 Improvement Project EIR. Those emissions are beyond Carlsbad’s control. But they are relevant to pinpointing the health effects of total emissions within Carlsbad including the 2015-2035 GP projects. Whether the Council approves the General Plan project or the recently added Reduced Density alternative depends in part on how bad the air quality will be.</li> </ul>
E10-58	<p><b>3.2-18 &amp; 3.2-19</b></p>	<p>Summary of Impacts</p>	<ul style="list-style-type: none"> <li>• C states the GP impacts may conflict with the SD RAQS growth projections. What are the RAQS projections and where did they come from?</li> <li>• Impact 3.2-1 says: “Development under the proposed General Plan will not conflict with or obstruct the implementation of the applicable air quality plan. <i>(Significant and Unavoidable).</i>” The heading is inconsistent with the noted parenthetical and also with the following text on p. 3.2-20, last paragraph.</li> <li>• On page 3.2-23 at the end of the Impact 3.2-1 discussion, C says: “<i>Although the city will recommend that SDAPCD can and should update the RAQS to include the proposed General Plan’s growth projections, implementation of the</i></li> </ul>
E10-59			
E10-60			
E10-61			
E10-62			

E10-63

E10-64

E10-65

E10-66

		<p><i>proposed mitigation is within SDAPCD’s jurisdiction and control and the city cannot guarantee the timing and implementation of the proposed mitigation. ...”</i></p> <ul style="list-style-type: none"> <li>○ What happens to C General Plan projects if RAQS does not update its projections to the Carlsbad-desired level? For instance (analogously) what if the Governor’s water restrictions cause state agencies to reduce population level estimates and water availability?</li> <li>○ Is C saying that only the SDAPCD can impose project mitigation conditions? Or is C saying that it can impose certain mitigation conditions but defers to the SDAPCD? If Carlsbad says it cannot impose air quality mitigation conditions, state why. Consider the following example, which suggests that Carlsbad can impose air quality mitigation conditions regardless of what the SDAPCD does. <ul style="list-style-type: none"> <li>▪ The 2015-2035 GP says that about 7.5 million square feet of development will occur. No doubt many acres of trees and other vegetation will have to be removed to accommodate building.</li> <li>▪ Apart from its aesthetic landscaping requirements, does C impose landscaping requirements to mitigate air pollution damage caused by tree removal? Does C allow/require compensation payments to maintain green areas to mitigate for project air quality impacts?</li> </ul> </li> <li>● Bottom Line: ID in the GP and GP EIR the air quality mitigation measures that Carlsbad will impose and enforce to minimize air quality impacts.</li> </ul>
<p>3.2-23 to 3.2-26</p>	<p>Impact 3.2-2</p>	<ul style="list-style-type: none"> <li>● C says the Encina Power Station is the only existing and the C Energy Center Project (CECP) the only planned stationary sources in the city. How is the desalinization plant classified? Does the plant have capacity increases planned either via new construction or new equipment? What about Palomar Airport and the 2012 County Feasibility Report planned 900-foot runway extension?</li> <li>● C says <i>“it is assumed that EPS would be decommissioned and the CECP would replace that stationary source. As a result, there is no net change in stationary source emissions as a result of the proposed General Plan.”</i> That statement is wrong. C plans 7.5 million square feet of development within the GP area. Those undeveloped areas now need little</li> </ul>



			power. The developments will require substantial power. Even if the existing power station had sufficient capacity to provide that power, the CEQA baseline rests on the existing level of service, not the level the existing plant could produce in 2035.
E10-67	3.2-27	Mobile Emissions	<ul style="list-style-type: none"> <li>• Page 3.2-27 refers to mobile emissions calculations and references the URBEMIS 2007 model and refers the reader to Appendix B. <ul style="list-style-type: none"> <li>○ We understand mobile emissions to include emissions from all moving sources including vehicles, trains, and planes. We did not see in Appendix B a list of trip totals for all these sources.</li> <li>○ Recall that the 2012 FAA CPA NEPA analysis noted that a new air carrier at Palomar -- by itself -- could add carbon monoxide emissions almost triggering an air quality threshold. See FAA CPA NEPA Table 4-2 at page 4-8.</li> <li>○ We recognize that county, not Carlsbad, operates the airport. But we also understand CEQA to require a complete disclosure of the environmental setting and reasonably anticipated growth impacts.</li> <li>○ By spending more than \$1,000,000 on consultant and county staff time on the 2012 County Palomar Runway Feasibility Study, county has announced its intent to lengthen the Palomar runway substantially. County's on-airport building program over the last 10 years including adding a customs facility confirms its intent to add more flights. Moreover, county at the April 30, 2015 Palomar Airport Master Plan proposed 2 Palomar runway and facility improvement expansion alternatives that would lengthen the runway by 900 feet and that would relocate the runway northward to widen the Palomar Airport footprint and increase aircraft separation to allow the routine handling of FAA-rated C &amp; D aircraft.</li> <li>○ The GP EIR should contain data reasonably reflecting Palomar's operational and construction contributions to air quality and traffic problems. Carlsbad continues to ignore these issues as if (a) Palomar Airport were not in the middle of Carlsbad, (b) Carlsbad had no obligation to monitor and enforce Carlsbad Conditional Use Permit 172 that restricts certain airport development and operations without Carlsbad approval, and (c) Carlsbad voters have no role in Palomar development during the</li> </ul> </li> </ul>
E10-68			
E10-69			
E10-70			

			<p>Carlsbad General Plan 2015-2035 timeframe pursuant to Carlsbad Municipal Code § 21.53.015.</p> <ul style="list-style-type: none"> <li>○ Ignoring Palomar impacts is inconsistent with Government Code General Plan preparation requirements and with the concept that the City of Carlsbad will grow over the next 20 years – especially since Carlsbad predicts substantial growth related to its tourist sector that is designed to attract travelers from outside the city.</li> </ul>
E10-71	3.2-28	Table 3.2-10	<ul style="list-style-type: none"> <li>• As noted above, C needs to define certain Table 3.2-10 terms; add data to show total emissions for the short, medium, and long term; and explain apparent inconsistencies with Table 3.2-7.</li> </ul>
E10-72	3.2-29 to 3.2-46	General Plan Policies to Reduce Project Impacts	<ul style="list-style-type: none"> <li>• C lists many policies to reduce project impacts. A good first step.</li> <li>• But where are the reporting and enforcement methods specified including penalties? The 2015-2035 General Plan measures are “a hope and a prayer” not an enforced reduction.</li> <li>• To minimize environmental impacts analyzed, project sponsors often underestimate project traffic. Alternatively, a project’s success may surprise even the sponsor. But in either case, project “traffic” and related impacts that were never analyzed grow and remain unmitigated unless and until a new discretionary governmental action triggers a new analysis.</li> <li>• C can handle the foregoing concerns in its GP in one of two ways. <ul style="list-style-type: none"> <li>○ Impose added GP mitigation measures on assessed projects that trigger automatically but only if the project approved exceeds activity levels analyzed in the initial CEQA document. OR</li> <li>○ Approve projects subject to stated activity levels and further future environmental analysis.</li> </ul> </li> </ul>
E10-73			
E10-74	3.2-40	Impact 3.2-3	<ul style="list-style-type: none"> <li>• Likely a typo here. The Impact heading (reference to NOT) is inconsistent with the heading parenthetical and following text.</li> <li>• The next to last paragraph on page 3.2-40 contains data NOT supported by the referenced Table 3.2-9. There appears to be a miscite.</li> </ul>
E10-75			
E10-76	3.2-42 to 3.2-	Impact 3.2-4	<ul style="list-style-type: none"> <li>• Likely a typo here. The Impact heading (reference to NOT) is inconsistent with the heading parenthetical and following</li> </ul>

E10-77

E10-78

text.

- Page 32-43 discusses stationary sources but makes no reference to Palomar Airport Development. The county at the April 30, 2015 Palomar Airport Master Plan Workshop 3 announced several Palomar Airport expansion alternatives including the relocation and extension of the runway north of its existing location. Palomar Airport has multiple stationary sources associated with aircraft operation. Carlsbad has made no effort to show that Table 3.2-9 or any other table accounts for such stationary source emissions.
- In 2008, the EPA prepared a “White Paper” entitled “Monitoring the Air for Lead Near the McClellan-Palomar Airport and Gillespie Field. We understand that the County APCD conducted a subsequent follow-up study entitled “Lead Gradient Study at McClellan-Pallomar Airport.” We did not see in Carlsbad’s toxic air quality discussion any discussion of these and later studies. This failure constitutes a material GP air quality discussion deficiency.
- The Palomar “lead gradient” issue apparently arises from the continued use of leaded fuel by small planes. Palomar in 2014 had about 135,000 small plane operations. Such flights fly over much of Carlsbad including schools not distant from the airport. Please address this issue. We understand that Carlsbad resident Mr. Graham Thorley raised these issues in his meeting with Mayor Hall several months ago.
- At page 3.2-46, Carlsbad refers to “Mitigation measures MMAQ-2 through MMAQ-6” as reducing pollution concentrations to sensitive receptors. Yet the listed mitigation measures do not discuss what measures will be taken at Palomar Airport to eliminate leaded fuel used by small aircraft. Please remember that Carlsbad’s CEQA obligation is to properly count and disclose project air quality impacts even if the ability to control such impacts rests with another agency.

**END OF AIR QUALITY COMMENTS**

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**COMMENTS ON RECIRCULATED 2015-2035 GP EIR CHAPTER 4  
ANALYSIS OF ALTERNATIVES (PAGES 4-1 TO 4-40)**

E10-79

4-1 to  
4-2

**Background &  
Description of  
Alternatives**

- As noted above, the listing of project alternatives needs to be clarified. The reference to alternatives needs to be made consistent throughout the EIR.

E10-80

4-19  
to 4-  
20

**Air Quality**

- Table 4.2-4 provides a *“Comparison of Change in VMT [Vehicle Miles Traveled] and Population Under the Alternatives.”*
  - The table and footnote discussion do not discuss whether the term “Population” refers to trips only by Carlsbad residents or also by visitor populations. If Carlsbad adds 4 million + square feet of commercial and industrial development, Carlsbad will attract a substantial visitor population.
  - For instance, on April 5, 2014 the Union Tribune reported:

*“A developer planning an upscale ‘destination’ mall in Carlsbad has held more than 100 community meetings over the past 19 months gathering input, but so far hasn’t submitted a proposal to the city or otherwise revealed exactly what the project would include. Excitement is growing nonetheless — the mall would be built by Caruso Affiliated, the company behind the wildly popular The Grove mall in Los Angeles and The Americana in Glendale.”*

- Please clarify whether Table 4.2-4 includes vehicle miles traveled by both Carlsbad residents and non-Carlsbad residents to patronize businesses within the City. Provide the cites to pages in the Dyett & Bhatia, 2012 and Fehr & Peers 2012 studies showing the inclusion or exclusion. [We recognize that table footnote 2 excludes traffic simply passing through Carlsbad.]
- If Table 4.2-4 does not include the visitor VMT, please add or – if excluded – explain why such VMTs are irrelevant to assessing the environmental air quality baseline and changes to the baseline.
- Explain why – as Table 4.2-4 footnote 2 states – that the VMT excludes the impact of Carlsbad pass-through traffic. Carlsbad air quality depends on all traffic passing through Carlsbad. To exclude the present and future changes to such

E10-81

E10-82



E10-83

		levels paints a false picture of actual Carlsbad air quality.
4-22 to 4-23	<b>Energy, Greenhouse Gases and Climate Change</b>	<ul style="list-style-type: none"> <li>• Page 4-23 states: “<i>This alternative [the Reduced Density alternative] may understate VMT to some degree, however, as lower densities and intensities of land uses may force drivers to travel greater distances for jobs, services, and so forth.</i>” <ul style="list-style-type: none"> <li>○ It is correct that fewer Carlsbad facilities cause drivers to exit Carlsbad for services.</li> <li>○ But it is also true that fewer Carlsbad facilities avoid the influx of drivers into Carlsbad from other cities. As an example, the recently built Lowe’s center attracts many San Marcos residents who would avoid Carlsbad if the Lowe’s had not been relocated from SM to Carlsbad. The same may be said of the huge new mall under study for the Canon Street area as noted above.</li> <li>○ Accordingly, either the above quoted statement should be deleted or modified to reflect a balanced analysis.</li> </ul> </li> </ul>

E10-84

4-24	<b>Hazardous Materials</b>	<ul style="list-style-type: none"> <li>• The hazardous material discussion continues to ignore the methane emitting Palomar Airport landfills and the impact of larger aircraft using Palomar as County itself noted in its 2013 report entitled “<i>Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California</i>” dated October 15, 2013 and prepared for County by SCS Engineers. County has never publicly circulated this report, which was obtained by a public records request.</li> <li>• Ignoring the report and related hazardous material issues is especially egregious given the county’s April 30, 2015 Palomar Airport Master Plan Workshop at which county made clear it intended to expand Palomar facilities to handle larger aircraft.</li> </ul>
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E10-85

4-25	<b>Airport Safety &amp; Wildfires</b>	<ul style="list-style-type: none"> <li>• The two short paragraphs on page 4-24, labeled “Airport Safety and Wildfires” are mislabeled. <ul style="list-style-type: none"> <li>○ The noted “ALUCP” (Airport Land Use Compatibility Plan) regulates development outside the airport, not on the airport. Accordingly, the Carlsbad 2015-2035 says nothing about on-airport safety. To the contrary, Carlsbad ignores the county 2013 SCS study noted above, that shows an aircraft crash could have severe safety and environmental consequences including further underground landfill</li> </ul> </li> </ul>
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E10-86

fires.

- Also, C oddly ignores the 2010 San Diego Regional Airport Authority “Regional Airport Strategic Plan” that sets forth Palomar Airport development alternatives. How does Carlsbad write a State-mandated 20 year plan requiring serious discussion of transportation circulation including airports and ignore a major recent regional planning study related to Palomar Airport in the middle of Carlsbad?

E10-87

- The draft report states:
  - *“Although the lower amount of new construction under the Reduced Density Alternative would expose fewer people to hazards, both the Reduced Density Alternative, and the proposed General Plan would result in an increase in the construction of structure with improved fire safety. Alternative 1 would result in the greatest increase in the construction of structures with improved fire safety, followed by Alternative 2, Alternative 3, the No Project, and Reduced Density alternatives. Therefore, the Reduced Density and No project alternatives would result in more structures with outdated fire safety systems, with Alternative 3, Alternative 2 and Alternative 1, respectively, having a lesser impact.”*
  - The quoted analysis is strange and strained for three reasons. First, it ignores the fact that the City under its police powers can require truly outdated older structures to be retrofitted to meet fire safety requirements. Second, the analysis implies without evidence that new structures will be built to replace old structures – as opposed to new structures being built on the empty land throughout Carlsbad. In fact, the GP report frequently says that development will occur on “in-fill” sites. Third, the analysis does not examine whether fires occur more on vacant land or within buildings. If fires occur more frequently within buildings, then the Reduced Density alternative results in more vacant land and hence fewer fires. The Carlsbad

		analysis is simply incomplete.
E10-88	4-26 to 4-29 <b>Land Use, Housing, and Population</b>	<ul style="list-style-type: none"> <li>• Tables 4.2-6 through 4.10 focus on future Carlsbad population and dwelling unit changes – admittedly crucial information.</li> <li>• But the General Plan proposes new development of <b>2.1 million commercial</b> square feet, <b>780,000 office</b> square feet, and <b>4.6 million industrial</b> square feet. Where is the analysis of the environmental impacts of the visitor population that will work in and use the developments within these areas?</li> </ul>
E10-89	4-29 to 4-30 <b>Noise</b>	<ul style="list-style-type: none"> <li>• These GP pages discuss GP alternatives only in the context of CNEL (Community Noise Equivalent Levels). <ul style="list-style-type: none"> <li>○ California statutory and case law requires Carlsbad to identify noise problems generally. See Health and Safety Code Division 28 “Noise Control Act”, §§ 46000 et seq and <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland</i> (2001), 111 Cal.Rptr.2d 598.</li> <li>○ Carlsbad citizens have complained and continue to complain about Single Noise Events, namely individual aircraft flights over their houses. Carlsbad resident Mr. Graham Thorley has met several times with Carlsbad Mayor Matt Hall since December 2014 to express his and his neighbor concerns about such Palomar aircraft noise problems.</li> <li>○ This comment letter has several times previously noted the noise problems that the FAA NEXT GEN satellite guided navigation will cause to Carlsbad residents starting in 2017.</li> <li>○ Moreover, in April 2015, a new Palomar Air Carrier (BIZ Airlines) has announced its intent to have regularly scheduled commercial flights at Palomar before 7 a.m. five days a week.</li> <li>○ The GP failure to discuss these issues fails to comply with the above noted law as well as the general CEQA principles that EIRs must address those items in which the community has expressed substantial concerns.</li> </ul> </li> </ul>
E10-90	4-31 to 4-33 <b>Vehicle Miles Traveled</b>	<ul style="list-style-type: none"> <li>• Respectfully, pages 4-31 to 4-33 are not in English. <ul style="list-style-type: none"> <li>○ Rewrite these pages to say simply what the total VMT annually means and how it was calculated.</li> <li>○ For instance – if true – the language might say</li> </ul> </li> </ul>

		<p>something as follows: “Four types of drivers use Carlsbad roads: (1) residents and non-residents going to and from work; (2) resident and non-resident shoppers; (3) residents and non-residents using Carlsbad amenities such as schools, beaches, golf courses, and attractions; and (4) non-residents crossing Carlsbad to reach other cities. The total Vehicle Miles Travelled (VMT) in 2014 was X. These VMT included miles traveled by drivers in categories _____ above. Table 1234 shows the estimated VMT that such drivers will travel in 2020, 2025, 2030, and 2035. The VMT was calculated using the San Diego Association of Government (SANDAG) transportation model. That model estimates the VMT by using the following factors: M, N, O, P, Q, and R.</p>
<p>E10-91</p>	<p>4-35 to 4-38</p> <p><b>Environmentally Superior Alternative</b></p>	<ul style="list-style-type: none"> <li>• The Carlsbad Recirculated General Plan Chapter 4 Analysis of Alternatives rightfully added a Reduced Density alternative – as many in the community requested.</li> <li>• However, the language at pages 4-35 to 4-38 strongly suggests that staff is recommending rejection of the Reduced Density alternative, mainly due to concerns about Carlsbad’s obligation to meet low and moderate housing needs.</li> <li>• Pages 7 to 9 of this comment letter have already explained why pages 4-35 to 4-38 do not support Carlsbad’s suggestion that the City Council may have to reject the Reduced Density Alternative because that alternative (1) does not allow Carlsbad to meet its state-imposed low and moderate housing goals and (2) does not fully achieve Carlsbad purposes and objectives.</li> <li>• If the Council is inclined to reject the Reduced Density alternative, then staff should present to the Council a detailed explanation showing why state allotted housing obligations cannot be met with a Reduced Density alternative. General Plan Chapter 10, Housing, presents a very good discussion of basic factors affecting Carlsbad housing demand and production. But Chapter 10 leaves many unanswered questions such as: <ul style="list-style-type: none"> <li>○ What alternative housing construction could satisfy low and moderate housing needs other than buyers in new housing tracts subsidizing lower income housing? For instance: <ul style="list-style-type: none"> <li>▪ Within the last two years, high housing costs have prompted great interest in</li> </ul> </li> </ul> </li> </ul>
<p>E10-92</p>		



E10-93

		<p>building housing units with less than 600 square feet.</p> <ul style="list-style-type: none"> <li>▪ Manufactured housing (upgraded mobile home like units that can be assembled on site from 2 or 3 preassembled modules) is available in various parts of the country.</li> <li>▪ As noted above, Carlsbad could encourage hotel and other large commercial unit developers to incorporate some employee housing on site.</li> <li>▪ Alternatively, Carlsbad might require commercial and industrial developers to contribute to a Carlsbad housing fund used to build the small and premanufactured units noted above.</li> </ul> <ul style="list-style-type: none"> <li>○ How do other cities satisfy the state low/moderate income requirements and would such solutions work in Carlsbad?</li> </ul> <ul style="list-style-type: none"> <li>• Finally, as to Reduced Density compliance with Carlsbad Planning Goals, Table 4.2-14 on page 4-34 already notes that the Reduced Density alternative is the superior alternative. Moreover, not all Planning Goals are created or weighted equally. Carlsbad residents long ago instructed the Council and City Manager to limit growth. Accordingly, the goals related to preserving the Carlsbad community feel and minimizing noise, traffic, and pollution and maximizing aesthetics trump business development.</li> </ul>
<p><b>END OF ALTERNATIVE ANALYSIS COMMENTS</b></p>		

E10-94

**ATTACHMENT 1 TO BENDER COMMENTS ON CARLSBAD  
 RECIRCULATION OF ITS 2015-2035 GENERAL PLAN EIR SUMMARY OF  
 WHY RECIRCULATED GP EIR DOES NOT COMPLY WITH 2013  
 CALIFORNIA SUPREME COURT DECISION IN *NEIGHBORS FOR SMART  
 RAIL V. EXPOSITION METRO LINE CONSTRUCTION AUTHORITY* (2013) 57  
 CAL. 4<sup>TH</sup> 439 [“Neighbors”]**

In *Neighbors*, the Metro Line (“Metro”) wanted to extend a light-rail transit line from Culver City to Santa Monica. Metro prepared an EIR in 2007 analyzing the environmental impacts of the line construction in 2030. Overall, impacts were beneficial because light rail passengers would reduce vehicle traffic.

Neighbors sued claiming “by exclusively employing an analytic baseline of conditions in the year 2030 to assess likely impacts on traffic congestion and air quality, the EIR fails to disclose the effects the project will have on existing environmental conditions in the project area.” (*Neighbors*, 57 Cal. 4<sup>th</sup> 439, 445)

The court said:

“We agree with *Neighbors* on its first claim ... . While an agency has the discretion under some circumstances to omit environmental analysis of impacts on existing conditions and instead use only a baseline of projected future conditions, existing conditions “will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (*Cal. Code Regs.*, tit. 14, § 15125, subd. (a).) **A departure from this norm can be justified by substantial evidence that an analysis based on existing conditions would tend to be misleading or without informational value to EIR users. Here, however, the Expo Authority fails to demonstrate the existence of such evidence in the administrative record.”** (**Emphasis added.**) (at 446).

E10-95

We and most Carlsbad residents want to know how badly GP projects will degrade air, traffic, and noise in the next 10 years, not after we may well be gone. The GP EIR does not tell us that. If Carlsbad disagrees, please in your final GP EIR cite the specific pages where the relevant data sits.

Moreover, in *Neighbors*, everyone concluded that the light rail transit project would benefit not harm the environment by converting vehicle use to less environmentally impactful train use. In contrast, the GP EIR projects promise increasingly severe adverse environmental impacts.

E10-96

Significant quotes from the *Neighbors* decision supporting the above conclusion include:

- Justice Baxter (who partially dissented from the majority Supreme Court *Neighbor’s* decision) therefore errs in citing *Communities for a Better Environment* for the proposition that an agency's future baseline choice is valid if it is "a realistic measure of the physical conditions without the proposed project . . . ." In *Communities for a Better Environment*, we held an agency's discretionary decision on "exactly how the *existing* physical conditions without the project can most realistically be measured" is reviewed for substantial evidence supporting the measurement method. (48 Cal.4th at p. 328, italics added.) We did not hold or imply agencies enjoy equivalent discretion under CEQA and the CEQA Guidelines to *omit* all analysis of the project's impacts on existing conditions and measure impacts only against conditions projected to prevail 20 or 30 years in the future, so long as their projections are realistic.” [57 Cal.4th 450]
- **‘Even when a project is intended and expected to improve conditions in the long term--20 or 30 years after an EIR is prepared--decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement.**



These costs include not only the impacts involved in constructing the project but also those the project will create during its initial years of operation. Though we might rationally choose to endure short- or medium-term hardship for a long-term, permanent benefit, deciding to make that trade-off requires some knowledge about the severity and duration of the near-term hardship. **An EIR stating that in 20 or 30 years the project will improve the environment, but neglecting, without justification, to provide any evaluation of the project's impacts in the meantime, does not "giv[e] due consideration to both the short-term and long-term effects" of the project (Cal. Code Regs., tit. 14, § 15126.2, subd. (a)) and does not serve CEQA's informational purpose well.** The omission of an existing conditions analysis must be justified, even if the project is designed to alleviate adverse environmental conditions over the long term.

- **In addition, existing environmental conditions have the advantage that they can generally be directly measured and need not be projected through a predictive model. However sophisticated and well-designed a model is, its product carries the inherent uncertainty of every long-term prediction, uncertainty that tends to increase with the period of projection.** For example, if future population in the project area is projected using an annual growth multiplier, a small error in that multiplier will itself be multiplied and compounded as the projection is pushed further into the future. The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal.” [57 Cal. 4<sup>th</sup> 455] **Emphasis added.**
- [7] Contrary to Justice Baxter's claim, our holding here does not impose any "wasteful" or "additional" substantive requirement on agencies. ... We hold only that agencies normally must do what Guidelines section 15125(a) expressly requires -- compare the project's impacts to existing environmental conditions, as that term is broadly understood, to determine their significance. **The question we would have an agency ask in choosing a baseline is not, "Would an existing conditions analysis add information to a future conditions analysis?" It is, "Do we have a reason to omit the existing conditions analysis and substitute one based on future conditions?"** Of course, where an agency concludes an analysis of impacts on future conditions is also needed in any portion of the EIR, it may include such an analysis. But any duplication of effort therein involved is not a product of this decision. [57 Cal. 4th 457] **Emphasis added.**

We look forward to your response to these comments.

Ray & Ellen Bender

**From:** Graham Thorley [<mailto:graham.thorley@sbcglobal.net>]

**Sent:** Tuesday, May 05, 2015 2:12 PM

**To:** Jennifer Jesser

**Subject:** Recirculation Comments

E11-1

In reviewing the revised Recirculation documentation, there seems to be no mention that McClellan-Palomar Airport is in violation of EPA Federal Lead Laws and its impact on

E11-2

Carlsbad's air quality. Also, the April 30, 2015 McClellan-Palomar Airport Workshop #3 announcement that there is going to be a major change in the airports operation and that change will impact Carlsbad's Air Quality dramatically. As such, there needs to be revisions in a number of the assumptions in your reports to reflect the upcoming Paradigm shift in airport operations. Additionally, based on the County reports, not only will there be more aircraft pollution from larger and larger planes, but also 10,000,000 or more annual ground transportation traffic required to support the new 3,000,000 or more passengers projected to be flying in and out of McClellan-Palomar.

Thank you. If you have any question please do not hesitate to contact me. Or you can review <http://www.savecarlsbad.com/> for the latest information.

Graham R. Thorley



# DELANO & DELANO

May 4, 2015

VIA E-MAIL & U.S. MAIL

Jennifer Jesser, Senior Planner  
Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

Re: Recirculated Portions of Draft Program Environmental Impact Report

Dear City of Carlsbad:

E12-1

This letter is submitted on behalf of North County Advocates in connection with the recirculated portions of the Draft Program Environmental Impact Report (“Draft EIR”), Draft General Plan (“Draft GP”) and Draft Climate Action Plan (“Draft CAP”).

E12-2

My June 16, 2014 comment letter noted several inadequacies with the Draft GP, Draft CAP and Draft EIR. I have not received any responses to my comment letter or to the several other comments submitted to the City. And while the recirculated sections recognize the prior analysis failed to adequately address one aspect of air quality analysis, they fail to address the many other inadequacies identified in numerous comments. Accordingly, the recirculated analysis is incomplete.

E12-3

Additionally, as my prior comments noted, CEQA requires that an EIR “produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 51. “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404. Unfortunately, the alternatives analysis continues to do no more than set up a straw man. See Draft EIR, Chapter 4. It fails to consider a realistic reduced development or smart growth alternative, one that actually reduces impacts while meeting some or all of the Project goals. See *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4<sup>th</sup> 1059, 1090 (alternative analyzed in EIR for general plan “did not serve the purpose that a reduced development alternative should have served” when “it would meet almost none of the project’s objectives”) (emphasis in original). “Alternatives 1, 2 and 3 have higher residential capacity than the proposed General Plan,” which translates into more significant impacts. Draft EIR at 4-26.



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Meanwhile, the No Project Alternative and the Reduced Density Alternative have considerably lower residential density, which results in failing to meet key Project objectives. The City must present and consider an alternative(s) that actually provides for true reductions in Project impacts while meeting important objectives, including compliance with requirements for an adequate Housing Element under State law.

E12-4

Furthermore, on April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 ....” A copy of the governor’s announcement is enclosed. The Draft CAP discusses targets of 1990 levels by 2020 and 80 percent below 1990 levels by 2050, but it does not address compliance with Executive Order B-30-15. *See* Draft CAP at 3-1. The Draft EIR likewise fails to address the City’s compliance with these levels. *See* Draft EIR Chapter 3.4.

E12-5

The EIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

Thank you for your consideration of these concerns. If you have a question or need additional information, please contact me.

Sincerely,



Everett DeLano

E12-6

Enc.





Office of Governor  
**Edmund G. Brown Jr.**

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## Top Story

### Governor Brown Establishes Most Ambitious Greenhouse Gas Reduction Target in North America

4-29-2015

#### *New California Goal Aims to Reduce Emissions 40 Percent Below 1990 Levels by 2030*

SACRAMENTO - Governor Edmund G. Brown Jr. today issued an executive order to establish a California greenhouse gas reduction target of 40 percent below 1990 levels by 2030 - the most aggressive benchmark enacted by any government in North America to reduce dangerous carbon emissions over the next decade and a half.

"With this order, California sets a very high bar for itself and other states and nations, but it's one that must be reached - for this generation and generations to come," said Governor Brown.

This executive action sets the stage for the important work being done on climate change by the Legislature.

The Governor's executive order aligns California's greenhouse gas reduction targets with those of leading international governments ahead of the United Nations Climate Change Conference in Paris later this year. The 28-nation European Union, for instance, set the same target for 2030 just last October.

California is on track to meet or exceed the current target of reducing greenhouse gas emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent under 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius - the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

#### World Leaders React

##### United Nations Framework Convention on Climate Change Executive Secretary Christiana Figueres:

"California and Governor Brown have clearly understood, internalised and articulated the science of climate change and today have aligned the state to the growing global understanding of the step changes and strategies needed over the coming years and decades. Resolving climate change requires a swift peaking of emissions and a deep decarbonisation of the global economy by the second half of the century. California's announcement is a realisation and a determination that will gladly resonate with other inspiring actions within the United States and around the globe. It is yet another reason for optimism in advance of the UN climate conference in Paris in December."

World Bank Group President Jim Yong Kim: "Four consecutive years of exceptional drought has brought home the harsh reality of rising global temperatures to the communities and businesses of California. There can be no substitute for aggressive national targets to reduce harmful greenhouse emissions, but the decision today by Governor Brown to set a 40 percent reduction target for 2030 is an example of climate leadership that others must follow."

Premier of Ontario, Canada Kathleen Wynne: "I applaud Governor Brown's continued leadership on climate change. This shows the important role that sub-national governments can play in shaping a strong global agreement on climate change later this year in Paris."

## Latest News



**Governor Brown Issues Proclamation Declaring Asian Pacific Islander Heritage Month** 05-04-2015



**Governor Brown to Attend Peace Officers' Memorial and CHP Memorial Ceremonies Next Week** 05-01-2015



**Governor Brown Announces Appointments** 05-01-2015



Join the Call for Action on  
**Climate Change**

Climate Change Consensus Statement

Governor's Office Press Release

IF CALLED  
**CONSERVE**



Register  
to **VOTE**

Save Our  
**WATER**



State of California  
**DROUGHT PORTAL**

Former New York Mayor Michael Bloomberg: "California's 2030 goal to reduce carbon emissions is not only bold, it's necessary - for the economy and our future."

NextGen Climate Founder Tom Steyer: "When it comes to climate change, California has emerged as a global leader - proving that we don't have to choose between a healthy environment and a strong economy. Today Governor Brown took that leadership to the next level. By setting an ambitious and achievable target to reduce emissions of climate-altering pollutants 40 percent by 2030, Governor Brown is setting a course that will build upon the hundreds of thousands of good paying advanced energy jobs in California, improve the health and wellbeing of Californians and continue our global leadership to solve the greatest challenge of our generation."

Princeton University Professor Michael Oppenheimer: "Governor Brown's ground-breaking commitment not only shows that solving the climate problem goes hand-in-hand with economic growth and technology leadership, but points the way toward a climate solution for other states and the world."

### Climate Adaptation

The executive order also specifically addresses the need for climate adaptation and directs state government to:

- Incorporate climate change impacts into the state's Five-Year Infrastructure Plan;
- Update the Safeguarding California Plan - the state climate adaption strategy - to identify how climate change will affect California infrastructure and industry and what actions the state can take to reduce the risks posed by climate change;
- Factor climate change into state agencies' planning and investment decisions; and
- Implement measures under existing agency and departmental authority to reduce greenhouse gas emissions.

### California's Response to Climate Change

In his inaugural address earlier this year, Governor Brown announced that within the next 15 years, California will increase from one-third to 50 percent our electricity derived from renewable sources; reduce today's petroleum use in cars and trucks by up to 50 percent; double the efficiency savings from existing buildings and make heating fuels cleaner; reduce the release of methane, black carbon and other potent pollutants across industries; and manage farm and rangelands, forests and wetlands so they can store carbon.

Since taking office, Governor Brown has signed accords to fight climate change with leaders from Mexico, China, Canada, Japan, Israel and Peru. The Governor also issued a groundbreaking call to action with hundreds of world-renowned researchers and scientists - called the consensus statement - which translates key scientific climate findings from disparate fields into one unified document. The impacts of climate change are already being felt in California and will disproportionately impact the state's most vulnerable populations.

The text of the executive order is below:

#### EXECUTIVE ORDER B-30-15

**WHEREAS** climate change poses an ever-growing threat to the well-being, public health, natural resources, economy, and the environment of California, including loss of snowpack, drought, sea level rise, more frequent and intense wildfires, heat waves, more severe smog, and harm to natural and working lands, and these effects are already being felt in the state; and

**WHEREAS** the Intergovernmental Panel on Climate Change concluded in its Fifth Assessment Report, issued in 2014, that "warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia" and that "continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems;" and

**WHEREAS** projections of climate change show that, even under the best-case scenario for global emission reductions, additional climate change impacts are inevitable, and these impacts pose tremendous risks to the state's people, agriculture, economy, infrastructure and the environment; and

**WHEREAS** climate change will disproportionately affect the state's most vulnerable citizens; and

**WHEREAS** building on decades of successful actions to reduce pollution and increase energy efficiency the California Global Warming Solutions Act of 2006 placed California at the forefront of global and national efforts to reduce the threat of climate change; and

**WHEREAS** the Intergovernmental Panel on Climate Change has identified limiting global warming to 2 degrees Celsius or less by 2050 as necessary to avoid potentially catastrophic climate change impacts, and remaining below this threshold requires accelerated reductions of greenhouse gas emissions; and

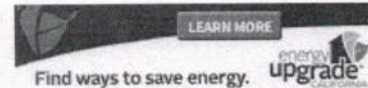
**WHEREAS** California has established greenhouse gas emission reduction targets to reduce greenhouse gas emissions to 1990 levels by 2020 and further reduce such emissions to 80 percent below 1990 levels by 2050; and

**WHEREAS** setting an interim target of emission reductions for 2030 is necessary to guide regulatory policy and investments in California in the midterm, and put California on the most cost-effective path for long term emission reductions; and

**WHEREAS** all agencies with jurisdiction over sources of greenhouse gas emissions will need to continue to develop and implement emissions reduction programs to reach the state's 2050 target and attain a level of emissions necessary to avoid dangerous climate change; and

**WHEREAS** taking climate change into account in planning and decision making will help the state make more informed decisions and avoid high costs in the future.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance



with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately

**IT IS HEREBY ORDERED THAT:**

1. A new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 is established in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.
  2. All state agencies with jurisdiction over sources of greenhouse gas emissions shall implement measures, pursuant to statutory authority, to achieve reductions of greenhouse gas emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.
  3. The California Air Resources Board shall update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.
  4. The California Natural Resources Agency shall update every three years the state's climate adaptation strategy, Safeguarding California, and ensure that its provisions are fully implemented. The Safeguarding California plan will:
    - Identify vulnerabilities to climate change by sector and regions, including, at a minimum, the following sectors: water, energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, and ocean and coastal resources;
    - Outline primary risks to residents, property, communities and natural systems from these vulnerabilities, and identify priority actions needed to reduce these risks; and
    - Identify a lead agency or group of agencies to lead adaptation efforts in each sector.
  5. Each sector lead will be responsible to:
    - Prepare an implementation plan by September 2015 to outline the actions that will be taken as identified in Safeguarding California, and
    - Report back to the California Natural Resources Agency by June 2016 on actions taken.
  6. State agencies shall take climate change into account in their planning and investment decisions, and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives.
  7. State agencies' planning and investment shall be guided by the following principles
    - Priority should be given to actions that both build climate preparedness and reduce greenhouse gas emissions;
    - Where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts;
    - Actions should protect the state's most vulnerable populations; and
    - Natural infrastructure solutions should be prioritized.
  8. The state's Five-Year Infrastructure Plan will take current and future climate change impacts into account in all infrastructure projects
  9. The Governor's Office of Planning and Research will establish a technical, advisory group to help state agencies incorporate climate change impacts into planning and investment decisions.
  10. The state will continue its rigorous climate change research program focused on understanding the impacts of climate change and how best to prepare and adapt to such impacts.
- This Executive Order is not intended to create, and does not, create any rights or benefits, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of April 2015.

\_\_\_\_\_  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

1 2 3 4 5 6

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## **Recirculated Portions of the Draft EIR Responses**

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### **E1: Rich Van Every**

E1-1: The comment makes a statement that nature plays a key role in our lives. The comment does not raise an environmental issue concerning the draft General Plan or EIR and no response is required.

E1-2: The comment states that development in Carlsbad is maxed out, that trails and open space are very important issues and requests that the reduced development alternative be implemented.

All development in Carlsbad has occurred in compliance with the General Plan and Growth Management Plan. The comment and its support for the Reduced Density Alternative will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

### **E2: Ricardo Cisternos**

E2-1: The comment makes an introductory statement of general concern about, and provides text for, Impacts 3.2-2 and 3.13-1. The comment does not raise an environmental issue concerning the draft General Plan and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

E2-2: The comment states that the development plan calls for an increase of nearly 8,000 new homes and 23,000 new inhabitants, plus 33% more commercial space and asks how much of a variation over the previous general plan are these build out targets for the proposed general plan. The comment also states that this increased development will add to traffic and air quality problems.

Note that the current General Plan has remaining unbuilt capacity above today's existing levels of development. The estimated new development referenced in the comment that is proposed by the draft General Plan (7,880 dwelling units, 22,906 population and 2,132,200 sq. ft. of commercial space) is calculated from today's existing levels of development and is not all new capacity added to the buildout capacity of the current General Plan. To compare the variation in the buildout numbers of the current and draft general plans, please see as follows: the draft General Plan has an estimated buildout capacity of 52,320 dwelling units and 131,152 population, which is an increase from the buildout capacity of the current General Plan of 50,499 dwelling units and 126,587 population. Both the current General Plan and draft General Plan buildout estimates are within the citywide Growth Management Plan dwelling unit cap of 54,599.

The increase in commercial space is a result of two sources. The first are proposed land use changes in the draft General Plan for three sites to be changed to commercial designations (from non-commercial designations), which contribute an estimated 266,000 sq. ft. and 1,163 hotel rooms of new commercial and hotel uses not included in the current General Plan. The remaining increases in commercial space are assumed to be new development and redevelopment on land already designated for commercial uses in the current general plan (this increase in commercial space could occur whether or not the draft General Plan is adopted, and does not result from newly designated commercial land).

The draft General Plan Land Use and Community Design (LUCD) Element plans for future growth in the city. The Mobility Element is correlated to the LUCD Element, meaning that it identifies improvements and contains policies and programs necessary to accommodate the anticipated growth. Potential impacts to the transportation system from implementation of the draft General Plan are thoroughly analyzed in the draft EIR, Section 3.13. Potential impacts to air quality from implementation of the draft General Plan are thoroughly analyzed in the recirculated draft EIR, see Section 3.2.

E2-3: The comment questions if all this development is necessary.

The process to update the general plan began with intensive public outreach that included the identification of a community vision and core values, and the draft General Plan was designed to implement the vision and core values. The new sites that are proposed for commercial land use designations (see response to comment E2-2) are directly related to items identified in the public outreach process. The city developed land use alternatives to implement the vision and core values through land use. Through the visioning process, the community expressed its desire for more waterfront activities—places where people can eat, shop and passively connect with the ocean while taking in the views of the sand, water and sunset. Concept B – Active Waterfront focuses on creating an active waterfront, identifying opportunities to create waterfront activities along the coast. The Power Plant site (Northwest Coastal/Focus Area 1) and several sites along the coast in Ponto/Southern Waterfront (Focus Area 9) show commercial uses to accommodate a cluster of active uses such as restaurants, gathering spaces, shops and cafes (page 5-12 of the Land Use Concepts Report).

The draft General Plan also identifies new housing sites that are necessary to achieve Carlsbad's share of the Regional Housing Needs Assessment (RHNA) and other housing objectives described in the draft General Plan Housing Element.

E2-4: The comment asks if this increased development will provide a net benefit to the city and its citizens aside from an increase in revenues generated by the larger tax base, and whether the extra revenue alone can justify the impacts to air quality and living conditions.

See response to comment E2-3. The draft General Plan also provides the benefit of implementing the community vision and core values. The draft EIR does not contain a

cost-benefit analysis, which is not required by CEQA. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E2-5: The comment expresses a concern that the “No Project” alternative is not seriously considered, and that there does not seem to be an active comparison between environmental and quality of life consequences of not carrying out any development.

The California Environmental Quality Act (CEQA) mandates consideration and analysis of alternatives to the proposed General Plan. According to CEQA Guidelines, the range of alternatives “shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant impacts” (CEQA Guidelines Section 15126.6 (d) (2)). The discussion must also include an evaluation of the No Project Alternative to allow decision-makers to compare the impacts of approving the proposed General Plan against the impacts of not approving it. In an EIR for a proposed revision of an existing General Plan, CEQA requires the No Project alternative to assume the continuation of the existing General Plan and to project what development would reasonably be expected to occur in the foreseeable future, based on current plans and consistent with available infrastructure and community services. (CEQA Guidelines § 15126.6(e).) The discussion in recirculated draft EIR Chapter 4 meets these requirements by evaluating the “No Project” alternative which assumes continuation of the current general plan that allows for continued development in Carlsbad. Keeping the current General Plan, rather than adopting the draft General Plan, would not halt development in Carlsbad because the current General Plan has remaining unbuilt capacity above today’s existing levels of development (see response to comment E2-2). The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E2-6: The comment states that they moved to Carlsbad for its managed approach to growth, and expresses concerns that the potential future growth may exceed infrastructure and services. The comment also expresses a concern that the City Council could in the future revise the general plan and raise the growth targets.

The city’s Growth Management Plan requires all necessary public facilities to be provided concurrent with development, and is monitored to ensure the performance standards are being met. Please refer to page 2-5 of the draft EIR for an explanation of Carlsbad’s Growth Management Plan. All development in Carlsbad has occurred in compliance with the General Plan and Growth Management Plan. The Growth Management Plan includes dwelling unit caps that were established by a voter mandate, and the City Council cannot approve a general plan that exceeds the growth caps without a vote by the citizens of Carlsbad. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.



- E2-7: The comment expresses a concern about the potential hazards caused by traffic congestion in the event of a mandatory evacuation caused by a wildfire.

The draft General Plan Mobility Element is intended to provide for the safe and efficient movement for all users of the system. One of the concerns that arose with the Poinsettia fire was roadway connections that have not been completed (such as the final connection of Poinsettia and the College connection). These connectivity improvements will assist with evacuations in the future. Please also see the discussion of the effect of the draft General Plan on emergency response plans, emergency evacuation plans and emergency access in Section 3.6 (Hazardous Materials, Airport Safety, and Wildfires) and Section 3.13 (Transportation) of the Draft EIR. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E2-8: The comment states that there is no discussion on additional safety or mitigation measures intended to address the effects of wildfire in our community in response to the fires we experienced in 2014.

The draft EIR describes wildfire hazards in Chapter 3.6 (Hazardous Materials, Airport Safety, and Wildfires). As discussed in the draft EIR, impacts related to wildfire hazards would be less-than-significant, and none of the policies in the draft General Plan would increase the risk of wildfire in Carlsbad. The draft General Plan Public Safety Element provides discussion and policies regarding wildfires, fire safety and emergency preparedness. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

### **E3: Janann Taylor**

- E3-1: The comment provides an introductory statement of appreciation for the opportunity to provide input on the updates to the general plan.

The comment does not raise an environmental issue concerning the draft General Plan and no response is required.

- E3-2: The comment expresses a concern that the wide main thoroughfares that require people to rely on motor vehicles with carbon emissions creates a significant change to small beach town feel.

The draft General Plan does not propose the widening of any road in Carlsbad. The Mobility Element is focused on providing livable streets which ensures that appropriate facilities are provided for all users of the system. Proposed Mobility Element Policy 3-P.11 would apply to existing four-lane streets carrying or projected to carry 25,000 average daily traffic volumes or less and would require an evaluation of such streets to determine whether a “road diet” (i.e., reduced lanes) should be implemented to promote biking, walking, safer street crossing and attractive streetscapes. Proposed Mobility Element Policies 3-P.6 and 3-P.9 require the implementation of transportation demand management strategies to reduce reliance on the automobile. Potential impacts to air

quality and the transportation system from implementation of the draft General Plan are analyzed in the draft EIR, Sections 3.2 and 3.13, respectively. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-3: The comment expresses a concern about finding ways for creating safe a pleasant biking and walking, as bike lanes along roads such as El Camino Real and Coast Highway are not safe with vehicles traveling 45-60 mph.

Please see response to comment E3-2. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-4: The comment states that other areas of Carlsbad have guidelines for gathering places, community services and other recreational needs, and states that it is vital to make a special effort to continually improve Olde Carlsbad. The comment also asks if there is a way for developer fees for in-fill properties to support common areas for residents.

Please see master response MR2-1 regarding the need for parks in the Northwest Quadrant, MR2-2 regarding the provisions of parks in Olde Carlsbad, and MR2-3 regarding neighborhood parks. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

Page 4-27 of the draft General Plan describes the city's parkland standards (consistent with the Quimby Act), which require dedications or in lieu fees for community and neighborhood parkland contributions. This comment will be forwarded to the Parks and Recreation Department for their consideration with regard to the utilization of park in lieu fees.

- E3-5: The comment expresses appreciation for efforts to address the water, noise, light and habitat disturbance for biological resources of humans, birds and "other biological species".

The comment does not raise an environmental issue concerning the draft General Plan and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-6: The comment suggests that traffic from tractor-trailor trucks and Olde Carlsbad be limited to help reduce pollution in the area as well as related health issues.

Potential impacts to air quality and the transportation system from implementation of the draft General Plan are analyzed in the recirculated draft EIR Chapter 3.2 (air quality) and draft EIR Chapter 3.13 (transportation).

Carlsbad Municipal Code Section 10.32.070 provides certain limitations on freight vehicles in the business district, and Section 10.32.091 limits truck travel to certain designated truck routes. In the Village and Olde Carlsbad areas, designated truck routes include Carlsbad Blvd., Carlsbad Village Drive, Tamarack Avenue and Interstate 5 Freeway. The movement of goods in Carlsbad typically occurs on the rail line, freeway and via designated truck routes within the city. This connectivity assures that goods can be moved safely and efficiently in the city. Further limitations on truck routes could impede goods movement within this part of the city. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-7: The comment asks the city to work with Caltrans to build a sound wall or grow plants along the freeway to absorb some of the carbon and noise.

Carlsbad has reviewed and commented on the I-5 Freeway widening EIR and Public Works Plan/Transportation Resource Enhancement Program prepared by Caltrans and SANDAG; however, the city is not the lead agency over improvements to the I-5 Freeway; to inquire about these projects, please contact Caltrans staff. For more information, please visit the link below:

<http://www.keepsandiegomoving.com/north-coast-corridor/ncchome.aspx>

- E3-8: The comment expresses a concern that building bigger roads creates even more traffic in the long run, and expresses support for more investment in transportation alternatives that deter sprawl, conserve fuel and sustainability.

Please see response to comment E3-2. This comment supports the premise of the draft Mobility Element, which seeks to enhance walking, bicycling, and public transportation systems options within Carlsbad, and improve mobility through increased connectivity and intelligent transportation management. Rather than widening arterial streets such as Palomar Airport Road and El Camino Real, the draft Mobility Element requires implementation transportation demand management (e.g. promote travel by modes other than the single-occupant vehicle), transportation system management (e.g. signal timing coordination and improved transit service) and livable streets techniques to better manage the transportation system as a whole. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-9: The comment makes a general statement that increased building uses resources and may negatively impact the quality of life for the established residents.

The impacts of future development allowed under the draft General Plan on quality of life is assessed throughout the Draft EIR in terms of potential adverse changes in the physical environment (e.g., air quality, water quality, noise, traffic, etc.) The draft General Plan enhances quality of life by implementing the community vision and core values. The comment does not raise a specific environmental issue concerning the Draft EIR or the draft General Plan and no response is required. The comment will be included in the

materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-10: The comment expresses support for the Village as a center that residents, visitors and workers find favorable.

The comment does not raise an environmental issue concerning the draft General Plan and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E3-11: The comment provides a general concluding statement thanking the city for its efforts to develop an excellent environment for Carlsbad residents.

The comment does not raise an environmental issue concerning the draft General Plan and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**E4: Mike Howes**

- E4-1: The comment requests explanation for how proposed Mobility Element Policy 3-P.28 would be implemented, particularly for developers of infill projects.

Mobility Element Policy 3-P.28, along with 3-P.23, require developers to improve pedestrian and bicycle connectivity consistent with the city's pedestrian and bicycle master plans; the policies also require implementing a program for safe routes to schools and transit. These policies do not reflect a new requirement, but express the existing requirement to implement the city's existing pedestrian and bicycle master plans. Regarding safe routes to schools, the city will identify potential safe routes and any gaps in the infrastructure, and establish methods of funding for projects that would complete the necessary improvements. Residential development projects near affected schools and transit stations may be required to participate in the funding of the infrastructure improvements.

- E4-2: The comment asks whether the work to establish the performance requirements referenced in Action K-2 has begun and if there will be an opportunity for the public and development community to provide input.

The draft CAP proposes GHG reduction measures that describe goals, the amount of reduction in 2035, and actions to meet the target levels. The actions are categorized as short-term (one to two years), mid-term (two to five years), or long-term (longer than five years), based on when they will be implemented following adoption of the CAP. Action K-2, which commits the city to adopting a TDM ordinance, is identified as a mid-term (two to five years) measure, and as such, the process for its implementation has not begun. When the city does implement Action K-2, there will be opportunity for the

public and development community to provide input, which is the city's practice when an ordinance, policy or program such as that proposed by Action K-2 is being developed.

- E4-3: The comment asks whether proposed mitigation measure MM AQ-2 will apply equally to small and large scale development projects.

Mitigation measure MM AQ-2 only applies to projects that are subject to CEQA, cannot be exempted and are undergoing environmental review. If a project may have potential impacts on the environment, it would be subject to environmental review and MM AQ-2. Certain projects that are smaller in scale may qualify for an exemption from CEQA and therefore would not be subject to environmental review and MM AQ-2.

- E4-4: The comment asks whether proposed mitigation measure MM AQ-7 will apply equally to small and large scale development projects, and states that the analysis required by measures MM AQ-2 and AQ-7 could add substantial costs to small infill projects.

Mitigation measure MM AQ-7 only applies to projects that are subject to CEQA, cannot be exempted and are undergoing environmental review. If a project may have potential impacts on the environment, it would be subject to environmental review and MM AQ-7. In addition, MM AQ-7 also includes specific criteria that would limit the applicability of the measure: such as whether a project would locate sensitive receptors in close proximity to existing pollution sources, or locate a new pollution source in close proximity to existing sensitive receptors, or the location of toxic air contaminants, etc.

With respect to the possibility that these mitigation measures could add substantial costs to small infill projects, development costs are not analyzed as part of the draft General Plan and EIR, and as such, no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

- E4-5: The comment questions the value of these requirements for small infill projects in light of the possibility that they could create significant costs, and requests that the city more clearly define how these policies will be implemented.

The draft EIR does not contain a cost-benefit analysis, which is not required by CEQA. Similarly, the draft General Plan does not contain, nor is required to contain a cost-benefit analysis. Development costs are not analyzed as part of the draft General Plan and EIR, and as such, no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

As for the request that additional definition be provided for these measures, please see responses E4-1 to E4-4 above.

**E5: Kilroy Realty Corp.**

E5-1: The comment notes that after review of the recirculated draft EIR, there appears to be no impacts to properties owned by Kilroy Realty Corp. After a more detailed review, the Kilroy Realty Corp. reserves the right to comment at future public hearings.

The comment does not raise an environmental issue concerning the draft General Plan and no response is required. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

E5-2: The comment reiterates a previous request to withdraw a previously proposed land use change. The property owner's preference is to retain the currently designated Planned Industrial (PI) designation. The property owner's request will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**E6: ROBERT LADWIG**

E6-1: The comment states that the reduced density alternative would result in a severe burden and impact future development on undeveloped properties. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. The comment does not raise an environmental issue concerning the draft General Plan and no further response is required.

E6-2: The comment describes the commenter's perception that the reduced density alternative is a staff recommendation that penalizes new development and long-time land owners; the comment states objection to the reduced density alternative. To clarify, the reduced density alternative is not a staff recommendation; the alternative was included in the Recirculated Draft EIR to comply with CEQA requirements regarding the evaluation of alternatives that can avoid or substantially lessen the significant impacts of a proposed project. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. The comment does not raise an environmental issue concerning the Draft EIR or the draft General Plan and no further response is required.

**E7: MICHELE STAPLES**

E7-1: The comment introduces the letter and requests the reduced density alternative evaluated in the recirculated draft EIR be rejected. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

E7-2: The comment explains the commenter's understanding of the reduced density alternative and that the alternative would result in no excess dwelling units available for properties

- that are requesting new allocations from the excess dwelling unit bank (EDUB). To clarify, under the reduced density alternative, there would be a reduction in the number of units needed to be allocated from the EDUB to grant density increases per the proposed General Plan. The current EDUB balance will remain available; however, fewer units would be withdrawn from the EDUB under the reduced density alternative. The comment does not raise an environmental issue concerning the Draft EIR or the draft General Plan and no further response is required.
- E7-3: The comment states that the reduced density alternative treats the newly proposed residential sites the same as properties with long-established residential unit allocations and refers to a footnote in Table 4.2-6 regarding residential capacity in the northeast quadrant. It is true, the reduced density alternative reduces density by 40 percent on the newly proposed residential sites, as well as sites with existing residential land use designations. Regarding residential capacity in the northeast quadrant, see master responses MR3-1 and MR3-2.
- E7-4: The comment observes that the reduced density alternative takes density potential away from sites with existing residential designations and gives the density to sites that currently do not have a residential designation; the comment states that this is unfair. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. The comment does not raise an environmental issue concerning the Draft EIR or the draft General Plan and no further response is required.
- E7-5: The comment indicates that the reduced density alternative would conflict with the city's EDUB policies by taking units away from existing residential sites and giving them to other sites. The city's EDUB policy pertains to withdrawals from the EDUB; the reduced density alternative does not conflict with implementation of the policy. Allocations from the EDUB are subject to the City Council's discretion. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan. The comment does not raise an environmental issue concerning the Draft EIR or the draft General Plan and no further response is required.
- E7-6: The comment states that the reduced density alternative adversely impacts the city's infrastructure and mitigations programs because it will make it more difficult to fund such improvements (less development to pay for the improvements). The existing and proposed General Plan policies that require adequate public facilities to be constructed concurrent with development remain under the reduced density alternative; less intense development may present a greater challenge in regard to funding the facilities, however, the EIR is not required to analyze the funding requirements associated with General Plan policies. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

E7-7: The comment states that the reduced density alternative would have a negative impact on infrastructure funding and fees may need to be significantly increased to pay for the facilities; the comment states that the EIR should evaluate the city's ability to carry out the public facility improvements required by the General Plan. See response E7-6.

E7-8: The comment requests that the city reject the reduced density alternative. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**E8: WARREN KATO**

E8-1: The comment states that the commenter is aware that an "enabling ordinance" is being reviewed and that some land owners have applied for a General Plan amendment. The comment describes the commenter's participation in the Envision Carlsbad process and that there was no mention of proposed development within Zone 15; therefore, the commenter did object during the Envision Carlsbad process. The draft General Plan and EIR evaluated land use changes on four properties within Zone 15; all of which were identified during the Envision Carlsbad process. Three of the land use changes were included on the land use alternatives reviewed by the community at public workshops; the fourth land use change is the result of City Council direction at a public hearing to consider the preferred land use plan for the draft General Plan. The comment does not state what objection the commenter has. No further response is possible.

E8-2: The comment provides background information regarding the formation of facility and assessment districts to finance public improvements; the comment questions why a property owner was allowed to bypass a city policy. This comment does not pertain to the adequacy of the draft General Plan or the Draft EIR and no further response is required. The commenter is encouraged to contact the City of Carlsbad Finance Department regarding this topic.

E8-3: The comment references a preliminary application and its impact on the city's excess dwelling unit bank. The city is aware of the potential demand for units from the excess dwelling unit bank. Also see master responses to comments MR3-1 and MR3-2.

E8-4: The comment refers to the reduced density alternative evaluated in the recirculated draft EIR; the comment expresses concern about how the alternative would impact property values. The comment also objects to any General Plan amendment to increase residential density to favor one particular party to the detriment of owners of undeveloped land. The comment will be included in the materials presented to the Planning Commission and City Council for consideration in making their decisions with respect to the draft General Plan.

**E9: CALTRANS**

E9-1: The comment states understanding that the recirculated draft EIR does not change identified impacts related to transportation, and therefore the commenter's previous comments dated June 20, 2014 still apply. The comment is correct, the Recirculated



DEIR does not change identified impacts related to transportation. See responses to comment letter A8 (responses to the commenter's June 20, 2014 comment letter).

**E10: Ray & Ellen Bender**

- E10-1: The comment provides an introduction to the letter; no response is required.
- E10-2: The comment states that the EIR should address the county's plans to implement a new navigation system. See response to comment C3-3. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-3: The comment states that the EIR does not identify short and medium term environmental impacts. See response to comment E10-44.
- E10-4: The comment states that the EIR does not provide a mitigation reporting system, as provided in Appendix B to the 1994 General Plan EIR. Appendix B is the mitigation monitoring/reporting program for the 1994 General Plan. If the City Council decides to adopt the draft General Plan, CEQA Guidelines Section 15097 requires that the city adopt a program to monitor and report on implementation of the mitigation measures identified in the final EIR. The mitigation monitoring/reporting program is considered a separate document and is not part of the draft or final EIR. The city will provide the Planning Commission and City Council with a mitigation monitoring/reporting program in compliance with CEQA requirements prior to the public hearing at which they consider whether or not to certify the final EIR and to approve the draft General Plan.
- E10-5: The comment states the EIR fails to provide meaningful analysis of McClellan-Palomar Airport development and operation; particularly in regard to noise, air quality, and safety impacts that will result from Next Gen navigation and the county's intent to extend the runway. See response to comments C3-3 and C3-44. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-6: The comment states that the EIR does not explain why the air quality methodology is accurate, and the comment observes that today's air emissions exceed the estimates made in 1994 for future air emissions. The accuracy or inaccuracy of the forecasts made by the 1994 General Plan EIR does not affect the accuracy of the information used for air quality analysis in the Recirculated DEIR. The methodology used to conduct the air quality analysis is described on pages 3.2-17 and 3.2-18 of the Recirculated DEIR. The methodology is believed to be accurate because it is based on the best available information today and the analysis was conducted with a good faith effort to disclose all available information and to make a reasonable forecast of future impacts based on the available information. Future development projects allowed under the draft General Plan will provide an on-going opportunity for the City to update information regarding air quality throughout the build-out period because future development projects will require project-specific air quality analysis pursuant to CEQA; each future project-specific air quality analysis will identify air quality conditions that exist at the time the development

is proposed, the potential impacts of the proposed development and appropriate mitigation measures, in addition to the mitigation identified by the General Plan EIR, will be required as necessary.

- E10-7: The comment states that the Reduced Density alternative can meet state-mandated low and moderate income housing goals, for reasons stated later in the letter. Please see responses to comments E10-27 through E10-31, and E10-92.
- E10-8: The comment refers to prior (June 2014) comments on the EIR and states that the Recirculated DEIR should have addressed the referenced comments. Three of the five referenced prior comments are related to the McClellan-Palomar Airport; responses to those prior comments are provided in responses to comment letter C3; responses to those comments did not result in significant new information that required recirculation of the EIR per CEQA Guidelines Section 15088.5. Two of the referenced prior comments relate to air quality analysis and lack of an alternative that reduces significant impacts; the Recirculated DEIR provides a revised air quality analysis and a new reduced density alternative that would reduce a number of the significant impacts of the draft General Plan.
- E10-9: The comment states that the public comment notice for the Recirculated DEIR does not comply with CEQA because the Recirculated DEIR does not analyze the county's plan to implement a new "Next Gen" navigation system at the McClellan-Palomar airport in 2017. See response to comment C3-3. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-10: The comment states that the city has been notified of proposed significant McClellan-Palomar Airport changes. See response to comment C3-3. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-11: The comment states that the city cannot claim that the impacts of the McClellan-Palomar airport are beyond its control because the city's zoning ordinance and conditional use permit (CUP 172) for the airport required the city to exercise jurisdiction over airport runway extensions. See responses to comment C3-3, C3-27 and C3-28. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-12: The comment states that the city could easily obtain from county drawings how the Next Gen flight patterns will change and that city and county officials are concealing relevant information from buyers. See response to comment C3-3. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.
- E10-13: The comment provides reference to the California Government Code requirements for a general plan noise element. See response to comments C3-3, C3-10 and C3-29. The

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comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.

E10-14: The comment states that, for the reasons expressed on comments E10-9 through E10-13, the Recirculated DEIR does not comply with CEQA the EIR should discuss the Next Gen system at the McClellan-Palomar Airport because it is a matter of national controversy. See response to comments E10-9 through E10-13. The comment does not raise an environmental issue concerning matters addressed in the Recirculated DEIR, so no further response is warranted.

E10-15: The comment offers a suggestion regarding the type of paper on which the city should print draft documents to simplify the comment process. No response required.

E10-16: The comment is the heading for the next section of the comment letter. No response required.

E10-17: The comment refers to Tables ES-1 and ES-2 (buildout data for the draft General Plan) in the EIR Executive Summary, and suggests that new tables be add to show buildout with the reduced density alternative. Information regarding the reduced density alternative is provided in Chapter 4 (Analysis of Alternatives) of the Recirculated DEIR; the EIR Executive Summary Chapter provides a narrative description of each alternative, including the reduced density alternative, and detailed buildout information of the proposed draft General Plan, as it is the proposed project that the EIR evaluates.

E10-18: The comment refers to page ES-7 of the Recirculated DEIR and disagrees that “there are no clear-cut areas of controversy.” The comment also states there is controversy regarding issues addressed in the revised analysis of air quality impacts provided in the Recirculated DEIR. While this statement regarding the clarity of areas of controversy does not change the environmental analysis, the language has been deleted from the final EIR.

E10-19: The comment refers to page ES-7 of the Recirculated DEIR and states that the city: a) does not provide the RAQS numbers; b) does not indicate if conflict would remain if reduced density alternative were adopted; c) does not explain what happens if RAQS are not changed to reflect the proposed General Plan; and d) does not commit to notifying the public regarding effort to change the RAQS.

The RAQS (San Diego County Regional Air Quality Strategy) is described in Chapter 3.2 of the draft EIR and Recirculated DEIR; the RAQS is a plan prepared by the County of San Diego Air Pollution Control District (SDAPCD) for the region to attain compliance with federal and state air quality standards. The RAQS can be viewed on the SDAPCD website: [www.sdapcd.org/planning/plan](http://www.sdapcd.org/planning/plan).

The existing RAQS is based on the information contained in plans for future development in the region, including the city’s current General Plan, in regard to future growth projections. The reduced density alternative, described in Chapter 4 of the Recirculated DEIR, would reduce development densities and intensities by 40 percent,

which is less than that allowed by the current General Plan; therefore, the reduced density alternative would not conflict with the RAQS. As stated in Chapter 4 of the Recirculated DEIR, the reduced density alternative would avoid or substantially lessen the significant impacts on air quality.

As stated in Impact 3.2-1 of the Recirculated DEIR, until the RAQS is updated with growth projections consistent with the proposed General Plan, the proposed plan would conflict with the RAQS. The RAQS is updated on a triennial basis by the SDAPCD. As stated on page 3.2-23 of the Recirculated DEIR, although the city will request that SDAPCD revise the RAQS to include the proposed General Plan's growth projections, the city cannot guarantee such revision will occur prior to implementation of the proposed General Plan. That is the reason a "significant and unavoidable" impact is shown for Impact 3.2-1.

Because the RAQS is prepared and updated by the SDAPCD, not the city, and the SDAPCD is responsible for any public notification and involvement regarding revisions to the RAQS.

E10-20: The comment states that on pages ES-7 to ES-8 the discussion is "99% related to mobile sources and 1% related to stationary sources." No response required.

E10-21: The comment asks if there are substantial emissions from stationary sources. As shown in Table 3.2-10 of the Recirculated DEIR, the proposed General Plan does not result in significant emissions from stationary sources (no net change in emissions).

E10-22: The comment asks why there is no discussion about emissions from trains and aircraft in the Executive Summary. The EIR discussion regarding emissions from mobile and stationary sources focusses on whether the air emissions from future development allowed under the draft General Plan will exceed regulatory thresholds and result in a significant environmental impact. The draft General Plan does not propose any changes in the existing environment which would increase air emissions due to airport or railroad operations.

E10-23: The comment states that the transportation analysis is insufficient to allow decision makers to distinguish between full buildout of the proposed General Plan and the reduced density alternative; the comment indicates a need to compare (between proposed General Plan and reduced density alternative) traffic LOS and emergency vehicle response level. The discussion of alternatives in the EIR need not be exhaustive, and the impact of alternatives may be discussed in less detail than the significant effects of the proposed project (CEQA Guidelines Section 15126.6). In addition, CEQA Guidelines permit analysis of alternatives at a less detailed level for general plans and other program EIRs than that which is required for project EIRs. However, the Recirculated DEIR does provide information regarding traffic impact related to the reduced density alternative. Page 4-32 of the Recirculated DEIR states that the reduced density alternative, in comparison to the proposed General Plan, would have less severe impacts on street segment LOS, but that there would still remain significant and unavoidable impacts;

impact to LOS on freeways would also be incrementally less severe, but not enough to reduce impacts below significant. In regard to emergency vehicle response levels, draft EIR Impact 3.11-4 identifies that the proposed General Plan will not result in a significant impact to the need for police and fire facilities, and draft EIR Appendix C shows that the proposed plan will not significantly impact the city's standard for fire service response times. CEQA does not require an EIR to analyze the project alternatives at the same level of detail as the proposed project. The information provided in the Draft EIR and Recirculated DEIR provides sufficient information to the public and the city's decision-makers to determine that the Reduced Density Alternative would allow 40 percent less development than the proposed General Plan and thus would substantially lessen the potential impacts.

E10-24: The comment states that throughout the EIR text reference to the number of alternatives is not consistent and recommends a different approach to naming and numbering the alternatives evaluated. To be clear, there are five alternatives to the proposed General Plan considered in the recirculated Chapter 4 Analysis of Alternatives: 1) Alternative 1 – Centers; 2) Alternative 2 – Active Waterfront; Alternative 3 – Core Focus; 4) Reduced Density; and 5) No Project. The comment does not identify specific inconsistencies. City staff has identified two sections of text in Chapter 4 of the Recirculated DEIR that will be revised to clarify the references to alternatives. City staff is not aware of any other inconsistency regarding reference to alternatives. The comment also states that the “no project” alternative should be included as a full-fledged alternative, but appears that it is not. As described in Chapter 4 of the draft EIR and Recirculated DEIR, the “no project” alternative is clearly described as the continuation of the existing General Plan, and is included as an alternative in all of the alternative analysis provided in this chapter.

E10-25: The comment states that the reduced density alternative does not refer to less commercial and industrial development. That is not correct; Table 4.2-3a of the Recirculated DEIR shows that, for the reduced density alternative, the amount of future residential and non-residential (i.e. commercial, office, industrial, and hotels) development is 40 percent less compared to the proposed General Plan.

E10-26: The comment describes the reasons, as stated on page ES-10 of the Recirculated DEIR, why the reduced density alternative may not be feasible. No response required.

E10-27: The comment states that the recirculated Chapter 4 Analysis of Alternatives incompletely describes how the Reduced Density alternative hinders state housing regional share requirements. The comment claims that reducing densities benefits Carlsbad by reducing future housing share allocations, while increasing population (density?) increases future allocations. The reasoning in the comment is not entirely accurate. First, for a given region, population growth is influenced by a number of factors, not simply housing capacity. According to SANDAG, two-thirds of the region's projected population growth by 2050 will be due to natural increase in the region (births minus deaths), with the remainder due to net migration (international and domestic). International migration is expected to remain constant, while domestic migration fluctuates each year, usually based on local economic conditions. The growth in population will drive job growth and

housing demand within the region (SANDAG, “Draft San Diego Forward, Appendix J, Regional Growth Forecast”, pp. 1-2; Available at: <http://www.sdfoward.com/pdfs/DraftAppendixJ-RegionalGrowthForecast.pdf>). Planning to meet regional housing needs, therefore, is a response to projected population growth, not a driver of it.

Second, the draft EIR evaluated the proposed General Plan’s impact on population growth and concluded that it would not induce substantial population growth, but would be consistent with the region as a whole. Furthermore, future housing units at 2035 are projected to be below the city’s Growth Management Plan housing limit (DEIR, p. 3.9-22; see also Proposed General Plan Housing Element Table 10-2: Population Growth, p. 10-12).

Third, the Regional Housing Needs Allocation (RHNA) process distributes projected housing need to all 19 jurisdictions in the region according to a methodology developed by SANDAG, and in accordance with state law. The allocation methodology considers a whole host of factors (“Draft San Diego Forward, Appendix L, Regional Housing Needs Assessment Plan”, pp. 19-21; Available at: <http://www.sdfoward.com/pdfs/DraftAppendixL-RegionalHousingNeedsAssessmentPlan.pdf>), among them the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. Importantly, SANDAG may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but must consider the potential for increased residential development under alternative zoning ordinances and land use restrictions (see Government Code Section 65584.04(d)(2)(B)). Therefore, simply reducing planned densities (“downzoning”) would not relieve Carlsbad of its obligation to accommodate its present or future share of regional housing need.

Finally, the comment asserts that the Reduced Density alternative will reduce future RHNA allocation increases. As described in the preceding paragraph, this is not necessarily the case. Further, the recirculated Analysis of Alternatives raises concerns with its inability to meet the city’s current RHNA obligations, as well as yet-to-be-determined future allocations.

E10-28: The comment asserts that the Reduced Density alternative would provide substantial opportunity to create mixed uses within commercial and industrial uses. While mixed-use opportunities would still be available under the Reduced Density alternative, imposing tighter limits on a site’s development envelope (through reduced density, lesser lot coverage or floor area limits, etc.) would constrain, rather than promote compact mixed-use development. In addition, Housing Element law limits a city’s reliance on mixed use developments to satisfy its very low and low income needs. At least 50 percent of the very low and low income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted. (An exception to this limit would be for mixed-use sites that allow all 100 percent

- residential development and require at least 50 percent of floor area to be for residential use; see Government Code Section 65583.2(h).)
- E10-29: The comment requests that the final General Plan provide a better discussion of how Carlsbad can meet its RHNA obligations other than by simply relying on developer subsidies. Contrary to the comment's characterization of Carlsbad's housing plan, the proposed General Plan Housing Element describes a comprehensive approach to meeting the community's housing needs. The Housing Element addresses preservation of existing housing stock, creating new housing opportunities to fulfill a range of needs, and ensuring fair and equal access to housing opportunities. Please see draft Housing Element, particularly Section 3.7 Goals, Policies and Programs for a complete description of the city's approach to housing planning.
- E10-30: This comment criticizes the discussion of the Reduced Density alternative's ability to achieve Community Vision Core value for business diversity. The argument is that since the Reduced Density alternative would reduce potential bio-tech and other light industrial uses that employ mainly high paid workers, the city should still be able to meet its RHNA goals (presumably for lower income households). The comment does not take into account the considerable number of future lower paying service and hospitality jobs that would exist under the Reduced Density alternative. For example, in 2010, there were 6,044 jobs in the professional, scientific and technical services fields, compared to 9,791 manufacturing, 4,969 food services, and 3,633 hotel and lodging jobs (City of Carlsbad, Working Paper #2, Table 3-1, p.14). Land uses under the Reduced Density alternative would support lower-wage jobs as well as the high-wage jobs referenced in the comment. Furthermore, reducing the amount of industrial development potential would not reduce the city's current RHNA allocation (see response to comment E10-27 above regarding the RHNA allocation process).
- E10-31: This comment provides further suggestions on how to accommodate housing for lower wage workers. Please see response to comment E10-29. These suggestions will be included in the materials presented to the Planning Commission and City Council for their consideration with respect to the draft General Plan.
- E10-32: This comment states that the Reduced Density alternative retains the ability to create mixed uses, and therefore can enhance mobility. As discussed in the recirculated Analysis of Alternatives, compact development, by definition, requires that a certain level of development intensity be achieved in order to increase mobility options (such as through use of transit, walking, and biking). Reducing density/intensity makes it more difficult to create compact development. See also response to comment E10-28 above.
- E10-33: The comment states that the recirculated Analysis of Alternatives conclusion that the Reduced Density alternative may not fully achieve the sustainability core value is not factually supported. The analysis is a qualitative assessment of the relative benefits that each alternative could bring to achieving the Community Vision. For supporting evidence, this analysis refers to information in Working Paper #1 (City of Carlsbad, <http://www.carlsbadca.gov/civicax/filebank/blobload.aspx?BlobID=23346>), which supports the statements that key principles of sustainable development include having a

mix of land uses, taking advantage of compact building design, creating a range of housing choices, creating walkable neighborhoods, providing a variety of transportation choices, strengthening and directing development toward existing communities. The working paper draws on a number of authoritative sources for its data and conclusions, including the Environmental Protection Agency, U.S. Geological Survey, California's Sustainable Building Task Force, World Business Council on Sustainable Development, and others. For example, reducing residential densities would constrain the ability to provide certain types of housing such as apartments. Reducing non-residential development intensities inhibits the ability to direct development into existing urban areas, which in turn, makes transit options unattractive if not infeasible.

With respect to water use, per capita water consumption is lower in more compact, denser communities than in less densely developed ones (State Water Resources Control Board, [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/conservation\\_reporting\\_info.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/conservation_reporting_info.shtml)). It should be noted that the comment's citation of recent Governor's Executive Order for mandatory 25% reduction in water use to respond to the current drought applies to existing water customers, but does not call for curbs on future development.

E10-34: The comment disagrees with the Reduced Density alternative analysis with respect to the core value for community services, and questions how much commercial is needed to serve Carlsbad residents. Such is largely a question of supply and demand and market conditions, and as pointed out in the analysis, Carlsbad experiences "leakage" for certain goods and services (p. 4-37). This means that residents must travel to other communities to fulfill some of their needs for such things as groceries, furnishings, and gas stations. While the Reduced Density alternative could result in some avoided trips from outside Carlsbad for goods and services, the point of this part of the analysis was on the alternative's impact on services to Carlsbad residents.

E10-35: The comment states that much of the proposed General Plan forecasted development for the coastal parts of the city could have occurred in the past 30 years, but did not due to market forces. It is fair to state that market conditions play a large part in the development of any community; however, land use planning also plays a vital role. For example, the Encina Power Station (EPS) has dominated the coastal landscape for decades, and through careful planning there is opportunity in the future to repurpose the land for visitor-serving and recreational uses, when the existing EPS is eventually retired. Also, lack of services along the coast is partly attributable to land stewardship and jurisdiction. The proposed General Plan calls for fostering partnership with the state of California (which owns and maintains much of Carlsbad's coastline) to improve access and public services along the coast.

E10-36: The comment refers to air quality mitigation measure MM AQ-1, which requires the city to request that SDAPCD revise the RAQS to include growth projections consistent with the proposed General Plan. The comment states that the city does not say what it will do if SDAPCD uses lower numbers. As stated on page 3.2-23 of the Recirculated DEIR,



although the city will request that SDAPCD revise the RAQS to include the proposed General Plan's growth projections, the city cannot guarantee such revision will occur. That is the reason a "significant and unavoidable" impact is shown for Impact 3.2-1.

E10-37: The comment asks if the city will impose the air quality mitigation measures on the McClellan-Palomar airport. The air quality mitigation measures in Chapter 3.2 of the Recirculated DEIR are applicable to future development allowed under the proposed General Plan. The General Plan does not identify or plan for future development of the airport. See response to comment C3-3 and C3-44.

E10-38: The comment states that it is misleading when the city indicates that it "will require CLUP mitigation measures" because those measures are off-airport property. It is assumed that the comment is referring to the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP); and it is not clear what is misleading in the EIR regarding the ALUCP. The draft EIR and Recirculated DEIR reference the ALUCP and indicate that future development within the airport's influence area will be required to be consistent with the provisions of the ALUCP. The draft EIR and Recirculated DEIR do not propose any "mitigation measures" related to the airport.

E10-39: The comment states that the city needs to state what mitigation measures it will enforce against the airport. The draft EIR is intended to analyze and mitigate significant impacts on the environment which may occur as a result of the draft General Plan. The draft General Plan does not propose any changes related to the airport and therefore no mitigation measures related to the airport are required as part of the draft General Plan EIR.

E10-40: The comment asserts that HOV roadway lanes may contribute to rather than reduce air pollution and requests that, when evaluating "road diets" pursuant to General Plan Policy 3-P.11, the City consider traffic flows before and after converting vehicle lanes to bicycle lanes to determine whether eliminating vehicle lanes will result in an overall increase or decrease in air quality impacts. Policy 3-P.11 provides for the evaluation of "road diets" on existing four-lane streets that carry 25,000 ADT or less. Such streets are appropriate for evaluation because they are functioning at a high level of service and the conversion of vehicle lanes to bicycle lanes ordinarily would not be expected to result in an unacceptable level of service that would cause adverse air quality impacts. The city will consider the information and questions stated in the comment when it evaluates "road diets" pursuant to General Plan Policy 3-P.11.

E10-41: This comment refers to air quality mitigation measure MM-AQ-6, which requires stationary sources to obtain permits from SDAPCD; the comment asks various questions related to the measure but does not question the adequacy of the EIR analysis. In response to the questions: The SDAPCD is the permitting agency for stationary sources, and will require a permit to construct and a permit to operate future proposed stationary sources. As part of that permit process, the SDAPCD will evaluate the emissions associated with those proposed sources and ensure that they comply with air pollution control laws. The SDAPCD governs emissions within the San Diego Air Basin, not just in

the City of Carlsbad, and the SDAPCD thresholds are reflective of that. It is unclear what type of “emission credits” the commenter is referring to; however, the decision to purchase those emission credits – as well as whether or not a fund could be set up in Carlsbad for this purpose – are outside the scope of EIR analysis.

E10-42: The comment claims that the wording of Impact 3.2-1 in the Recirculated DEIR is not consistent with the revised significance finding. In the Recirculated DEIR, the significance finding was changed from “less than significant” to “significant and unavoidable” for Impacts 3.2-1, 3.2-3 and 3.2-4; however, unintentionally, the descriptions of the impacts were not changed to reflect the change in impact significance. The impact descriptions for Impacts 3.2-1, 3.2-3 and 3.2-4 will be revised in the final EIR.

The comment also suggests adding links to more detailed information about pollution health risks. Section 6.0, Bibliography of the Recirculated DEIR provides reference to sources of data utilized for the EIR analysis on pages 6-1 through 6-3, including reference to multiple sources of information on health risks associated with air pollution.

E10-43: The comment questions how odor impacts from increased population and increased production at the desalinization and Hyperion plant were analyzed (Note: there is no “Hyperion plant” operating in Carlsbad. Perhaps commenter intended to reference the Encina Water Pollution Control Facility). Page 3.2-47 of the Recirculated DEIR recognizes that there are land uses that may emit odors; however, future development allowed under the proposed General Plan will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168 and will be required to meet local, state and federal regulations related to odor control, which will ensure odor impacts are less than significant.

E10-44: The comments states that the analysis of air quality impacts in Section 3.2 of the Recirculated DEIR does not comply with the 2013 California Supreme Court decision in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, 57 Cal. 4th 439, which held that EIR preparers could compare the potential impacts of proposed projects against future baseline conditions so long as the EIR informed readers of near term and medium term impacts. The Supreme Court’s decision in *Neighbors for Smart Rail* addressed the question whether an EIR for a proposed light rail development project could analyze the project’s impacts against only a future baseline (i.e., conditions that would exist in 2030) or instead was required to follow CEQA’s general rule to evaluate a project’s impacts against the conditions that exist at the time an EIR is prepared. The *Neighbors for Smart Rail* decision does not apply to the EIR for the draft General Plan for two reasons. First, the General Plan EIR does not use a future baseline, but instead evaluates the potential impacts of the draft General Plan against existing conditions. For air quality impacts, the Recirculated DEIR evaluated the potential impacts of development allowed under the draft General Plan against the thresholds for current emissions established by the SDAPCD. Second, the EIR is a program EIR for an update of the city’s General Plan, not a project EIR for a development project as in the *Neighbors for Smart Rail* case. The General Plan establishes goals and policies that are intended to guide future development in the city, but does not propose or authorize any specific

development projects. The EIR identifies the maximum amount of future development allowed under the draft General Plan and evaluates the potential impacts of the total amount of development allowed (i.e., build-out). Unlike a development project with a long operational life, which can have short- and mid-term impacts, the draft General Plan will have short- or mid-term impacts only to the extent that individual development projects are proposed for approval and implementation in the short- and mid-term. All future development projects allowed under the General Plan will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168 when they are proposed for implementation. Therefore, information regarding the short-term and mid-term impacts that may occur from development allowed under the General Plan will be provided in the next tier of environmental review, as individual development projects are proposed over the course of the planning period and undergo site-specific environmental review.

- E10-45: The comment states that the draft EIR does not require a mitigation monitoring or reporting program. Please see response to comment E10-4. CEQA does not empower a city to impose penalties for failing to comply with a mitigation monitoring and reporting program. (See CEQA Guidelines § 15040.) Instead, the mitigation monitoring and reporting program is implemented in conjunction with the city's general discretionary powers including, for example, its power to enforce land use and zoning regulations and discretionary permits and entitlements.
- E10-46: The comment refers to page 3.2-2 of the Recirculated DEIR and the text under the topic "Pollutants and Health Effects"; the comment states that the air pollutant abbreviations are not defined completely. Sulfur dioxide (SO<sub>2</sub>) is defined with the referenced text and all other pollutant abbreviations are defined previously on pages 3.2-2 and 3.2-1. Also, each air pollutant is defined and described in more detail on pages 3.2-3 through 3.2-5 of the Recirculated DEIR.
- E10-47: The comment asks if the Recirculated DEIR Table 3.2-2 levels are consistent with Table 3.2-4 footnotes. Each table presents different data. Table 3.2-2 displays the ambient air quality data measurements at air quality monitoring stations throughout the region for years 2010 to 2013 which measures whether ambient concentration of criteria air pollutants meets the federal and state standards; Table 3.2-4 displays federal and state ambient air quality standards, with footnotes that explain the standards. The air quality monitoring stations are operated by the SDAPCD and it is assumed that the levels reported in Table 3.2-2 are consistent with the footnotes in Table 3.2-4.
- E10-48: The comment requests that the city state how air pollution emissions have changed since the 1994 General Plan update. Table 5.3-5 of the 1994 General Plan EIR disclosed then existing (1990) and projected (2010) level of emissions from criteria pollutants at the time that EIR was prepared; Table 3.2-7 of the Recirculated DEIR discloses the existing (2008) and projected (2035) level of criteria pollutant emissions now. The 1994 General Plan EIR and the Draft EIR/Recirculated Draft EIR represent good faith efforts on the part of the City to find out and disclose all that it reasonably could about criteria pollutant

emissions and to make a reasonable forecast of future conditions based on available information.

The comment also asks why the differences between the 1994 and current analyses are so drastic if the Draft EIR says the proposed mitigation policies and measures will substantially reduce pollutant emissions. Both the 1994 forecast of future emission levels and the estimates reported in the Recirculated DEIR are based on mathematical models which rely on a variety of assumptions and inputs, such as emission sources (e.g., how many cars, trucks, buses, etc. are operating at a given time), pollution factors (how much pollution does each type of vehicle emit), projections of future emissions sources (how do the number and mix of vehicles on the road change over time), assumptions about future pollution factors (how much more fuel-efficient and “cleaner” will vehicles become in the future), and so forth. Refinements to models that occur over time, as well as methodology differences between models themselves could also plausibly explain the difference between the predicted 2010 air pollution levels and the 2008 modeled estimate. The air quality model used for the present analysis (URBEMIS) did not exist at the time of the 1994 General Plan; therefore the 1994 analysis was based on a different model, making direct comparisons between the two data outputs problematic. Given the limited information at hand, it is not possible to know whether the differences in pollution estimates is the result of variances in input assumptions, differences between modeling methodologies, ineffective mitigation policies, or some other cause. Nor is such explanation necessary in order to provide a good faith disclosure of the proposed General Plan potential air quality impacts.

The information regarding emissions in 2035 identifies the anticipated emissions from future development allowed under the draft General Plan without the emission reductions which are expected to result from implementation of the goals and policies of the draft General Plan and the other mitigation measures identified in the Recirculated DEIR. The analysis of criteria pollutant emissions in Impact 3.2-2 of the Recirculated DEIR compares emissions from the total amount of future development allowed under the proposed General Plan through year 2035 (i.e., General Plan build-out) to existing conditions (i.e., baseline) and controlling for changes in emissions factors to determine the net operational emissions associated with the proposed General Plan. Impacts from operational emissions were considered to be significant if they exceeded any applicable air quality standard. The applicable air quality standards for the San Diego air basin are established by the San Diego Air Pollution Control District (SDAPCD). The SDAPCD has adopted screening-level thresholds to evaluate whether emissions from individual development projects could cause a significant impact on air quality, but has not adopted thresholds to evaluate the significance of emissions at the plan level. Accordingly, the Recirculated DEIR uses the SDAPCD’s project-level thresholds to evaluate the significance of criteria pollutant emissions. (See Recirculated Draft EIR, § 3.2, Table 3.2-5, p. 3.2-16.) The Recirculated DEIR’s use of project-level thresholds to evaluate plan-level emissions results in a conservative analysis of air quality impacts because the potential impacts of build-out under the proposed General Plan will not occur all at one time. Instead, future development will occur on a project-by-project basis over time to

year 2035, in various locations throughout the City, and will be subject to site-specific project-level environmental review and mitigation.

Contrary to the comment, the Recirculated DEIR does not claim that the air quality mitigation measures “substantially” reduce the emission of air pollutants resulting from the proposed General Plan. Pages 3.2-39, 3.2-41, and 3.2-46 of the Recirculated DEIR state that after mitigation air quality impacts would be reduced, but the impact is still considered significant and unavoidable.

E10-49: The comment refers to the existing (1990) and projected (2010) levels of CO emissions reported in 1994 and compares in to the CO levels reported in the Recirculated DEIR. For the reasons stated in response to comment E10-48 above, drawing such a comparison is neither appropriate nor necessary to inform the public about the proposed General Plan impacts on air quality.

The arithmetic in the comment is a misreading of the data contained in Tables 3.2-7 and 3.2-10 of the Recirculated DEIR. The approximately 84,000 lbs/day of CO cited in the comment is the estimate of future (2035) total CO emissions, not the incremental increase; therefore it should not be added to the existing (2008) estimate of approximately 149,000 lbs/day CO as was done in the comment. Put another way, the air actually gets cleaner in the future with respect to CO. The aggregate CO emissions in 2035 will be lower than aggregate CO emissions in 2008 by about 65,000 lbs/day (84,000 lbs/day – 149,000 lbs/day). This is largely due to modeling assumptions that predict more fuel-efficient, cleaner burning vehicles, more zero-emission vehicles in the fleet mix, use of low-carbon intensity fuels, improvements in pollution control technology, and so forth.

Because changes in future emissions factors would otherwise mask the effect of the proposed General Plan’s contribution to future air emissions, it is more appropriate to focus on net new emissions. Table 3.2-10 shows the net new emissions attributable to future development under the proposed General Plan, after controlling for changes in emissions factors over time. For CO, the net new future (2035) emissions is estimated at 13,509 lbs/day. The 1994 General Plan EIR also estimated net emissions changes (Table 5.3-5). For CO, the 1994 plan predicted a net increase of 21,653 lbs/day. While it is problematic to make direct comparisons between the two estimates for reasons explained in the response above, it is instructive to point out that the difference between the 1994 and 2008 net estimates is not nearly on the order of magnitude suggested in the comment.

The comment also notes that the Recirculated DEIR identified the adverse health effects that may result from excess CO exposures. No further response is required.

E10-50: The comment refers to the existing (1990) and projected (2010) levels of PM emissions reported in the 1994 EIR and compares them to the PM levels for 2008 and 2035 discussed in the Recirculated Draft EIR. The comment also notes that the Recirculated Draft EIR identified the adverse health effects that may result PM emissions. Finally, the comment also asks how CO and PM increases can be so bad if mitigation measures work

so well. For reasons described in response to comment E10-48 above, the comment draws an inappropriate conclusion from the cursory comparison of PM estimates. And for similar reasons explained in response to comment E10-49 above, the comment uses incorrect arithmetic to make its point. Rather than the “skyrocket” increase claimed in the comment, a look at the net new PM emissions predicted in the 1994 analysis (2,714 lbs/day; Table 5.3-5) compared to the net new emissions estimated for the proposed General Plan (4,172 lbs/day PM10; Table 3.2-10) reveals a much smaller difference.

The comment also poses a rhetorical question as to whether the City should choose the Reduced Density Alternative. The City Council will consider this question at the time it considers whether to certify the EIR and to approve the draft General Plan and no further response is required.

E10-51: The comment says the information in Recirculated DEIR Tables 3.2-7 and 3.2-10 regarding CO and PM emissions is confusing and asks whether there will be increases in emissions between 2008 and 2035. Table 3.2-7 shows the estimated daily operational emissions of criteria pollutants from mobile, area and stationary sources under existing conditions (2008). For a given level of land use activity, some criteria pollutants (such as CO) would decrease over time due to changes in emissions factors such as more fuel-efficient, cleaner burning vehicles, more zero-emission vehicles in the fleet mix, use of low-carbon intensity fuels, improvements in pollution control technology, and so forth. Others (such as PM) would remain fairly constant. Because changes in future emissions factors would otherwise mask the effect of the proposed General Plan’s contribution to future air emissions, it is appropriate to focus on net new emissions. Table 3.2-10 shows the net new emissions attributable to future development under the proposed General Plan, after controlling for changes in emissions factors over time. The upper portion of the table (“Estimated Emissions without Proposed General Plan (2035)”) shows future emissions with development levels held constant from existing (2008) conditions. The middle portion of the table (“Estimated Emissions with Proposed General Plan (2035)”) shows future emissions with existing and new development at 2035. The lower portion of the table (“Total Net New Emissions”) is the difference between the two estimates, and represents the incremental contribution of future development under the proposed General Plan. The anticipated increases in CO and PM emissions attributable to the proposed General Plan are provided in Table 3.2-10.

E10-52: The comment states that the discussion on page 3.2-27 regarding Table 3.2-7 is confusing – it refers to “resulting net new operational emissions from buildout”. It is assumed that the comment meant to refer to the discussion of Table 3.2-10, as the discussion on page 3.2-27 does not pertain to Table 3.2-7. In regard to Table 3.2-10, the emissions reflected in the table are those that result from net increase in land uses and vehicle trips at buildout (i.e. land uses that are established between 2008 and 2035 will result in operational emissions and vehicle trips – “net new operational emissions”). See also response to comment E10-51 above.

E10-53: The comment requests that the EIR indicate the total CO and PM emissions in 2035, including existing emissions. Please see the section of Table 3.2-10 titled, “Estimated

Emissions with Proposed General Plan (2035)”. Total future CO emissions are estimated at 84,263 lbs/day, total future PM10 is 22,671 lbs/day, and total future PM2.5 is 10,863 lbs/day.

E10-54: The comment indicates that the Recirculated DEIR does not describe emissions from I-5, SR-78 and the airport. As stated in response to comment C3-3, the draft EIR evaluates the impacts of the draft General Plan, and the draft EIR is not required to evaluate or mitigate the impacts of existing airport operations. As such, the draft EIR does not evaluate the air quality impacts associated with operation of the existing airport, except to the extent that such emissions constitute a part of the existing conditions in the SDAPCD air basin.

In regard to I-5 and SR 78 air quality impacts, as stated in response to comment C3-109, Recirculated DEIR evaluates existing and future traffic operations on I-5 and SR 78 associated with trips that result from implementation of the proposed General Plan; in other words, pass-through traffic (trips without an end point in Carlsbad) was not included in the mobile emissions estimates provided in Tables 3.2-7 and 3.2-10 of the Recirculated DEIR. However, all traffic on I-5 and SR 78 was considered in the evaluation of potential exposure of sensitive receptors to substantial pollutant concentrations (Recirculated DEIR Impact 3.2-4, pp. 3.2-42 through 3.2-46). Please see Chapter 3.2 of the Recirculated DEIR for the description of the air quality analysis methodology and assumptions (p. 3.2-17 and 3.2-27).

E10-55: The comment states that residents are entitled to know how future development will elevate cancer and other health risks. Please see Recirculated DEIR Impact 3.2-4 (pages 3.2-42 through 3.2-46), which provides an expanded discussion/analysis of health risks associated with air quality impacts, including cancer risks associated with emissions from stationary sources and mobile sources such as the I-5 and SR-78 freeways; the impact is found to be significant and unavoidable. Mitigation is identified that will reduce the impact; however, in the absence of site-specific information required to perform a health risk assessment, it is not possible at this time to quantify that the mitigation will reduce exposure to pollutant concentrations to a level below significant.

E10-56: The comment states that the city failed to note correct unmitigated historical pollutant levels, which indicates the city’s mitigation is inadequate. The comment does not identify how the mitigation is inadequate except to make reference to unmitigated historical pollutant levels. The Recirculated DEIR identifies existing air quality conditions and makes reasonable forecasts that conclude significant impacts to air quality, and mitigation is identified to reduce the impacts. Also see responses to comments E10-6 and E10-48.

E10-57: The comment requests that the city explain why the air quality forecasts made by the Recirculated DEIR are credible. See responses to comments E10-6 and E10-48.

E10-58: The comment states that the 2008 traffic trip baseline data is outdated. The 2008 traffic data represents the most current data available (SANDAG traffic model) at the time the

notice of preparation of the Draft EIR was published and the traffic impact analysis was conducted for the EIR.

E10-59: The comment asks what air pollution data is used for emissions from I-5 and SR-78. See response to comment E10-54.

E10-60: The comment asks what are the RAQS projections and where did they come from. The RAQS (San Diego County Regional Air Quality Strategy) is described on page 3.2-12 of the Recirculated DEIR; the RAQS is prepared by the County of San Diego Air Pollution Control District (SDAPCD) and is a plan for the region to attain compliance with federal and state air quality standards. The RAQS can be viewed on the SDAPCD website: [www.sdapcd.org/planning/plan](http://www.sdapcd.org/planning/plan).

E10-61: The comment notes that the wording of the heading for Impact 3.2-1 in the Recirculated DEIR is not consistent with the revised significance finding. In the Recirculated DEIR, the significance finding was changed from “less than significant” to “significant and unavoidable” for Impacts 3.2-1, 3.2-3 and 3.2-4; however, the headings for each of the impacts inadvertently were not changed to reflect the change in impact significance. The headings for Impacts 3.2-1, 3.2-3 and 3.2-4 will be revised in the final EIR.

E10-62 & 63: The comment references Impact 3.2-1, which includes, as a mitigation measure, that the city will recommend that the SDAPCD update the RAQS to incorporate the proposed General Plan growth projections. The comment asks what happens to General Plan projects if the RAQS are not updated per the mitigation. The comment appears to misunderstand the relationship between the RAQS and the growth projections in the draft General Plan. The RAQS is a regional strategy prepared by the SDAPCD to achieve air quality goals based on growth allowed under regional and local land use plans. The SDAPCD updates the RAQS every three years to take into account, among other things, updated growth projections. If the RAQS are not updated to incorporate the increased growth projections for the draft General Plan, the impact to consistency with the RAQS (Impact 3.2-1) will remain significant and unavoidable.

E10-64: The comment asks, in regard to Impact 3.2-1, if the SDAPCD is the only entity that can impose project mitigation, or if the city can impose mitigation but defers to SDAPCD. The comment appears to misunderstand the relationship between the RAQS and the draft General Plan. The RAQS is a regional strategy prepared by the SDAPCD to achieve air quality goals based on growth allowed under regional and local land use plans. The SDAPCD updates the RAQS every three years to take into account, among other things, updated growth projections. The mitigation for Impact 3.2-1 is for the city to request that SDAPCD revise the RAQS to include the growth projections of the proposed General Plan. . Although the SDAPCD has jurisdiction and control over updating the RAQS, which is the mitigation measure recommended for Impact 3.2-1, the city has the authority to impose the mitigation measures identified in the Recirculated DEIR for Impact 3.2-2, Impact 3.2-3 and Impact 3.2-4.



The comment also asks if the city imposes landscape requirements to mitigate air pollution caused by tree removal and if the city requires payment to maintain green areas to mitigate air quality impacts. For Impact 3.2-2, the EIR requires mitigation measures that use vegetation to mitigate construction impacts and the planting of trees in parking lots to mitigate operational impacts. The city does not require a fee for landscape maintenance to mitigate air quality impacts.

E10-65: The comment asks that the General Plan and EIR identify the air quality mitigation measures that the city will impose to minimize air quality impacts. The EIR does identify the air quality impact mitigation measures for Impact 3.2-2, Impact 3.2-3 and Impact 3.2-4 on Recirculated DEIR pages 3.2-22, 3.2-37 to 3.2-39, and 3.2-46.

E10-66: The comment asks if the Encina Power Station is the only existing and the Carlsbad Energy Center Project is the only planned stationary source in the city. The comment also asks how the desal plant is classified, if the plant has capacity increases planned, and how expansion of the airport runway is classified. The Recirculated DEIR indicates that “the Encina Power Station (EPS) is the only existing and the replacement Carlsbad Energy Center Project (CECP) the only anticipated large stationary source in the City.” The CECP is proposed as a 632-megawatt power station, and is therefore construed as a “large” stationary source. There are no other known proposals at this time for new “large” stationary sources in the City of Carlsbad.

For purposes of the air quality analysis, it is assumed that the approved CECP project would replace the existing EPS, and thus not represent a new stationary source of emissions. It is true that implementation of the proposed General Plan will result in future new development that will require power. Power produced by the EPS/CECP is fed into the broader electrical grid, as is power produced by other sources outside Carlsbad. The electrical grid supplies power from a variety of sources to customers both inside and outside Carlsbad. For purposes of the air quality analysis, only the pollution source within Carlsbad (EPS/CECP) is considered.

The desalination plant is not an energy provider nor is it a large stationary source; rather, it is a large energy user. Additionally, as stated in response to comment C3-3, the draft EIR evaluates the impacts of the draft General Plan, and the draft EIR is not required to evaluate or mitigate the impacts of existing airport operations. As such, the draft EIR does not evaluate the air quality impacts associated with operation of the existing airport. In addition, future proposed airport operations are not anticipated to include new large stationary sources.

E10-67: The comment refers to discussion on page 3.2.27 of the Recirculated DEIR and states understanding that mobile emissions include all moving sources, including vehicles, trains, and planes; and states that there is not a list of trip totals for all these sources in Appendix B. As stated in response to comment C3-3, the draft EIR evaluates the impacts of the draft General Plan, which does not propose any changes in train or airplane operations. As such, the draft EIR does not evaluate the air quality impacts associated with existing or future train and airport operations; therefore, Appendix B does not

- include trip information for trains and airplanes. It should be noted that the numbers presented in air quality analysis (Table 3.2-10) are not intended as a comprehensive “inventory”, but rather a snapshot of the emissions that would result from two scenarios – with and without the proposed General Plan. Emissions from trains and planes are not included because they are not affected by the proposed General Plan.
- E10-68: The comment refers to a 2012 FAA NEPA analysis and a new air carrier at McClellan-Palomar Airport. See response to comment C3-3.
- E10-69: The comment states that CEQA requires disclosure of the environmental setting and anticipated growth impacts and that the county has announced its intent to lengthen the airport runway. See responses to comments C3-3 and C3-40.
- E10-70: The comment states that the General Plan EIR should contain data reflecting the airport’s operational and construction contributions to air quality and traffic impacts. As stated in response to comment C3-3, the draft EIR evaluates the impacts of the draft General Plan, which does not propose any changes to existing airport operations. As such, the draft EIR does not evaluate the air quality impacts associated with operational and construction contributions of future airport expansion to air quality and traffic impacts. Also see response to comment C3-44.
- E10-71: The comment repeats comments E10-44, 46, 51 and 52. See responses to comments E10-46, E10-51 and E10-52 regarding Tables 3.2-7 and 3.2-10; and see response to comment E10-44 regarding short and medium term impacts.
- E10-72: The comment asks where the reporting and enforcement methods are for the mitigation. See response to comment E10-4.
- E10-73: The comment suggests ways that the city can handle concerns related to projects with traffic impacts that remain unmitigated, including suggestions such as additional mitigation measures if a project exceeds the approved activity levels, or approving projects subject to stated activity levels and further environmental analysis. The city’s review and environmental analysis of development projects is consistent with the suggestions. Any proposal to change or intensify a previously approved land use is evaluated for compliance with CEQA. As clearly stated throughout the Draft EIR and Recirculated DEIR, the General Plan does not propose or approve any specific development project, but instead provides goals and policies to guide future development in the city. Future development allowed under the draft General Plan will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168(c), which provides for implementation of mitigation measures identified in the General Plan EIR as well as additional measures deemed necessary to address site-specific issues.
- E10-74: The comment notes that the wording of the heading for Impact 3.2-3 in the Recirculated DEIR is not consistent with the revised significance finding. In the Recirculated DEIR, the significance finding was changed from “less than significant” to “significant and unavoidable” for Impacts 3.2-1, 3.2-3 and 3.2-4; however, the heading of these sections

inadvertently were not changed to reflect the change in impact significance. The headings for Impacts 3.2-1, 3.2-3 and 3.2-4 will be revised in the final EIR.

E10-75: The comment identifies inconsistencies between the text on page 3.2-40 of the Recirculated DEIR and the referenced table. The inconsistencies will be corrected in the final EIR.

E10-76: The comment notes that the heading for Impact 3.2-4 in the Recirculated DEIR is not consistent with the revised significance finding. In the Recirculated DEIR, the significance finding was changed from “less than significant” to “significant and unavoidable” for Impacts 3.2-1, 3.2-3 and 3.2-4; however, the headings of these sections inadvertently were not changed to reflect the change in impact significance. The headings for Impacts 3.2-1, 3.2-3 and 3.2-4 will be revised in the final EIR.

E10-77: The comment states that the future expansion of the McClellan-Palomar airport runway is not mentioned in the discussion regarding stationary sources, and that the county has announced plans to expand the runway. See responses to comments C3-3 and C3-40.

E10-78: The comment references a study concerning the use of leaded fuel by small aircraft at McClellan-Palomar Airport and associated lead emissions and states that the EIR air quality analysis does not address this issue. See response to comment C3-3 and C3-44.

The Federal Aviation Administration (FAA) is responsible for overall regulation of aircraft fuels. The U.S. Environmental Protection Agency (EPA) is responsible for setting emission standards from aircraft engines. In December 2008, EPA strengthened the health-based National Ambient Air Quality Standard (NAAQS) for lead based on new scientific evidence about lead and health. EPA revised the standard from the level of 1.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) averaged over a calendar quarter established in 1978, to 0.15  $\mu\text{g}/\text{m}^3$  averaged over three consecutive months. In December 2010, EPA also revised air monitoring requirements for this lead standard. State and local air quality agencies are now required to monitor near industrial facilities with estimated lead emissions of 0.5 tons or more per year and at airports with estimated emissions of 1.0 tons or more per year. EPA also required a 1-year monitoring study of 15 airports with estimated lead emissions between 0.5 and 1.0 tons per year in an effort to better understand how these emissions affect the air near airports.

In February 2012, EPA worked in partnership with the San Diego County Air Pollution Control District (San Diego APCD) to install a monitor by the primary runway of McClellan-Palomar Airport and Gillespie Field to gather data for this study. The McClellan-Palomar Airport and the Gillespie Field monitors were sited at locations representative of the highest expected airborne lead particulate concentration in areas the public can access. Data indicate that concentrations of lead at the specific McClellan-Palomar Airport monitor location measured a maximum three-month average of 0.17  $\mu\text{g}/\text{m}^3$ , which exceeds the national ambient air quality standard for lead that EPA revised in 2008. The San Diego APCD has installed a new lead monitor at McClellan-Palomar to allow for sustained monitoring.

The one-year airport air monitoring study is helping EPA to better understand impacts from the use of leaded aviation gasoline and to inform future airport monitoring needs. EPA is currently collecting and evaluating information nationwide regarding lead emissions and air concentrations of lead resulting from aviation gasoline (avgas) combustion by piston-engine aircraft. The information, along with information from McClellan-Palomar and Gillespie Field will be used to determine whether there is potential for “endangerment” from aircraft engine emissions due to the use of leaded avgas. Endangerment refers to the potential for these aircraft engine emissions of lead to cause or contribute to concentrations of lead air pollution that may reasonably be anticipated to endanger public health or welfare. If EPA finds that there is potential for endangerment, EPA would establish lead emission standards from this source and the FAA would establish standards for the composition of aircraft fuel to control lead emissions.

The comment also notes that the draft EIR does not include mitigation measures to eliminate the use of leaded fuel by small aircraft. The Recirculated DEIR does not include any mitigation measures to eliminate the use of leaded fuel by small aircraft because the draft General Plan does not propose any change in operations at the McClellan-Palomar Airport and the city does not have any jurisdiction or authority to require small aircraft to eliminate the use of leaded fuel.

E10-79: The comment states that references to project alternatives throughout the EIR need to be clarified and consistent. Any necessary revisions will be made to ensure consistency in the final EIR. See response to comment E10-24.

E10-80: This comment asks whether the vehicle-miles traveled (VMT) shown in Table 4.2-4 includes travel by both Carlsbad residents and non-Carlsbad residents. Yes, the VMT estimates capture trips that begin and/or end in Carlsbad, as well as vehicle trips that begin outside Carlsbad, but end inside Carlsbad. The specific methodology utilized to estimate VMT by SANDAG can be found at:

[http://www.sandiegoite.org/wp-content/uploads/2012/08/VMT-Paper\\_Final.pdf](http://www.sandiegoite.org/wp-content/uploads/2012/08/VMT-Paper_Final.pdf)

The applied methodology is also consistent with the recommendations from the Association of Environmental Professionals, which can be found at:

[http://califaep.org/docs/AEP\\_Next\\_Steps\\_White\\_Paper.pdf](http://califaep.org/docs/AEP_Next_Steps_White_Paper.pdf)

The methodology quantifies the VMT that Carlsbad has control over – e.g. VMT generated when at least one trip end occurs in the city. As noted in the comment, trips that “pass through” Carlsbad are not included in the VMT estimates as Carlsbad has no control over those trips.

E10-81: The comments requests explanation as to why visitor VMT would be excluded from estimates in Table 4.2-4. As explained in Response E10-80 above, trips that originate outside Carlsbad and end in Carlsbad (such as a visitor trip) are included in the data.

- E10-82: The comment requests explanation as to why pass-through VMT are excluded from the estimates in Table 4.2-4, and expresses concern that such omission “paints a false picture of air quality.” As explained in the paragraph preceding Table 4.2-4, the VMT data were used as a proxy to determine the alternatives’ relative impacts on air quality. As noted in the discussion, implementation of the proposed General Plan would result in significant impacts on air quality, primarily due to motor vehicle emissions. To the extent that the amount of motor vehicle emissions is a function of the number of vehicle miles traveled, VMT is a useful metric in comparing the relative effects that the alternative growth scenarios would have on air quality. In this analysis, because emissions are not directly estimated, exclusion of pass-through trips (which would be constant or near-constant for all alternatives) does not alter the air quality impacts of the alternatives relative to one another.
- E10-83: The comment states that the claim that the Reduced Density Alternative VMT estimate in Table 4.2-5 may be understated is unbalanced and should either be re-written or removed. Because the inclusion or exclusion of the statement does not change the analysis in the Draft EIR, it has been removed from the Final EIR.
- E10-84: The comment states that the EIR ignores hazardous material issues related to the airport. See responses to comments C3-3 and C3-39.
- E10-85: The comment raises concerns regarding on-airport safety. See responses to comments C3-3 and C3-39.
- E10-86: The comment references the county’s airport strategic plan and questions why the EIR does not address airport transportation circulation. See response to comment C3-3.
- E10-87: The comment critiques the analysis in the Alternatives subsection “Airport Safety and Wildfires” and disagrees with the conclusion that Alternatives 1, 2 and 3 would have less impact than the Reduced Density and No Project alternatives because they would provide for more new construction with updated fire safety features. Although it discusses all of the potential impact areas, the analysis of alternatives in Chapter 4 is primarily concerned only with those impact areas in which the Draft EIR is expected to have a significant impact. The draft General Plan is not expected to have a significant impact on airport safety or wildfires. (See, e.g., Draft EIR, § 3.6, Impact 3.6-5.) The comment also cites three reasons why the alternatives analysis of this issue is incomplete. First, contrary to the comment, the analysis acknowledges the city’s police powers to require buildings to meet modern safety requirements. Modern building requirements apply to new construction, and retrofits are typically triggered for renovations/expansions of existing development requiring permits. Second, the analysis acknowledges that, over the 20-25 year planning period of the proposed General Plan, aging existing buildings will be replaced by new buildings. The term “infill development”, as used in the General Plan is not confined to apply to new construction on vacant sites, but also to underutilized non-vacant sites that can expand or convert to another use. As it relates to future residential development, the draft General Plan Housing Element contains an extensive analysis of

the potential for development/redevelopment of underutilized sites (see Housing Element pages pp. 10-51 through 10-55, and Appendix B). Third, this section of the Alternatives analysis includes sufficient information to allow a meaningful comparison of alternatives' wildfire hazards relative to the proposed General Plan. Draft EIR Chapter 3.6 contains a thorough discussion of potential hazards in the city as they relate to the proposed General Plan, including assessment of wildfire hazards. Please also see responses to comments B14-3 and B14-4.

E10-88: The comment cites projected residential, commercial, office and industrial development under the proposed General Plan, and questions where the analysis of the environmental impacts of the visitor population can be found. All of the impacts analyzed in the draft EIR are based on the projected development in the proposed General Plan, which can be found in the draft EIR Project Description (Chapter 2). In addition to the projected development cited in the comment, the draft EIR also incorporates future job levels and hotel rooms as inputs to impact analysis (see Project Description Table 2.4-2), thereby directly or indirectly capturing activities attributable to workers and visitors, as well as residents. For example, the transportation, noise, air quality, and greenhouse gas emissions analyses are based in significant part on the number of vehicle trips entering, leaving, and circulating within the city, whether such trips are made by residents, workers or visitors.

In addition to the population and housing comparisons provided in Tables 4.2-6 through 4.2-10, the recirculated Chapter 4 Analysis of Alternatives also compares non-residential uses: commercial, office, and industrial; as well as projections for future hotel rooms and jobs. This information can be found in Tables 4.2-1 through 4.2-3a, and Table 4.2-13.

E10-89: The comment raises concerns about noise generated by the airport and the county's future plans for a new navigation system and new air carrier. Although CEQA requires an EIR to analyze the potential impacts of a proposed project on the existing environment, CEQA does not require an EIR to mitigate the effects of existing conditions. The Draft General Plan does not propose any changes in airport operations and does not authorize any future development that would increase airport noise impacts. See responses to comments C3-3 and C3-132.

E10-90: The comment suggests another way to re-write the subsection under the subheading, "Vehicle Miles Traveled" (pp. 4-31 through 4-33), for greater clarity. Staff believes this portion of the recirculated Analysis of Alternatives accurately and clearly describes the methodology used by the city to evaluate vehicular transportation impacts associated with each of the alternatives. Furthermore, the term "Vehicle Miles Traveled" is defined in the Glossary section of the EIR. However, in an effort to be responsive to the comment and improve readability of this subsection, the VMT metric has been defined in the text and the subsection has been reorganized in the Final EIR. In addition, the inclusion of this comment in the final EIR ensures that the comment's alternative articulation of the issue is available to the decision-makers and the public.

E10-91: This comment characterizes the description of the environmentally superior alternative (pp. 4-35 through 4.38) and refers back to comment letter's earlier reasons why the Reduced Density Alternative should not be rejected. Please see responses to comments E10-27 through E10-35. This comment will be included in the materials presented to the Planning Commission and the City Council for their consideration in connection with the decisions whether or not to certify the final EIR and to approve the draft General Plan.

E10-92: The comment requests explanation for why the Reduced Density Alternative cannot accommodate state housing (RHNA) obligations. For purposes of Housing Element law and meeting RHNA obligations, cities must identify sufficient sites at densities appropriate to accommodate housing for lower and moderate income households. The city has determined that sites designated at a minimum of 12 dwelling units per acre (du/ac) can accommodate moderate income housing, sites designated at a minimum of 20 du/ac can accommodate low income housing, and sites designated at a minimum of 23 du/ac can accommodate very low income households (see draft Housing Element p. 10-50). Above-moderate income housing may be appropriate at any of the land use density categories. The total RHNA through 2020 is 4,999 dwelling units; the city's future RHNA is expected to increase for the period 2021-2035. The Reduced Density alternative would accommodate less than that, at 4,728 dwelling units. Even with an adjustment to the Reduced Density alternative to match the current RHNA, there would still remain the challenge of distributing the units at various densities. The Reduced Density alternative assumes that densities would be reduced evenly across all available sites. Doing so would result in minimum densities no higher than about 17 du/ac, which based on the Housing Element analysis, would not be adequate to accommodate lower income housing need. Also, if dwelling unit capacity under the Reduced Density alternative could be distributed such that some housing sites could achieve the minimum densities to accommodate lower and moderate income housing need, then dwelling unit capacity would need to be transferred from the remaining sites. This could have a number of negative consequences including inequitable and inefficient distribution of housing, potential land use incompatibilities and nonconformities in infill areas, and significant loss in land value and development feasibility of sites from which density was removed.

The comment also suggests a number of alternatives to encourage affordable housing construction, all of which (except for the commercial/industrial housing impact fee suggestion) are provided for in the city's various housing policies, programs, and ordinances (see draft Housing Element, Provisions for a Variety of Housing Types, pp. 10-73 through 10-80).

The comment also asks how other cities satisfy state low/moderate income requirements and whether other solutions could apply in Carlsbad. In developing the goals and policies of the Housing Element, the city considered the strategies employed in other jurisdictions. This is reflected to some extent in the fact that the state Department of Housing and Community Development reviewed the draft Housing Element and found it satisfies the requirements of Housing Element law.

E10-93: The comment correctly notes that Table 4.2-14 (p. 4-34) identifies the Reduced Density alternative as the environmentally superior alternative. The comment also argues that not all “Planning Goals” are created or weighted equally, that goals related to preserving community feel and minimizing noise, traffic, and pollution, and maximizing aesthetics trump business development. It is in their application to specific development activities that decision-makers balance the various goals, policies and community values as expressed in the General Plan. The comment regarding relative priorities of Planning Goals will be presented to the Planning Commission and City Council for their consideration of the draft General Plan and EIR.

E10-94: The comment references and quotes portions of the court case *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*. No response required.

E10-95: The comment states that most Carlsbad residents want to know how badly General Plan projects will degrade air, traffic, and noise in the next ten years and says the EIR does not provide that information. As discussed more fully in Response E10-44, the General Plan does not propose any specific development projects. Information about “how badly General Plan projects will degrade air, traffic, and noise in the next ten years” is provided in the Draft EIR and Recirculated DEIR on an aggregate basis for evaluating the potential impacts from all future development allowed under the Draft General plan at build-out in 2035. Short-term and medium-term impacts will not be known until specific General Plan projects are proposed. All future development projects allowed under the General Plan will be subject to site-specific environmental review pursuant to CEQA Guidelines section 15168 at the time such projects are proposed, including project-level analysis of potential impacts to air quality, traffic and noise. Please also see Response E10-44 above.

E10-96: The comment provides additional quotes from the court case referenced in comment E10-94. No response required.

**E11: GRAHAM THORLEY**

E11-1: The comment states that the EIR air quality analysis does not mention that the McClellan-Palomar Airport is in violation of EPA lead laws. See response to comment C3-3.

E11-2: The comment refers to the county’s plans to change airport operations that will impact Carlsbad’s air quality. See response to comment C3-3.

**E12: DELANO & DELANO ON BEHALF OF NORTH COUNTY ADVOCATES**

E12-1: This comment introduces the purpose of the letter. No response required.

E12-2: The comment references the commenter’s previous comment letter on the draft EIR and states that the recirculated EIR does not address all of the comments made in the previous letter. See responses to comment letter B10.



- E12-3: The comment states that the recirculated EIR fails to consider, as required by CEQA, a realistic reduced development alternative that reduces impacts and meets some or all of the project goals; the comment references the *Watsonville* court case.

A reduced density alternative was included in the Recirculated DEIR to comply with CEQA's requirement to evaluate a range of reasonable alternatives that could avoid or substantially lessen any of the project's significant impacts and in response to public comments, including the commenter's previous comment, which requested consideration of a reduced density alternative.

In accordance with the holding in *Watsonville*, the recirculated draft EIR included the reduced density alternative because it would reduce some of the significant impacts of the draft General Plan while achieving some of the objectives of the proposed project.

The Recirculated DEIR determined that the reduced density alternative would reduce some of the significant impacts of the draft General Plan but may impede the city's ability to meet its share of regional housing needs and may not meet certain project objectives. However, the fact that the reduced density alternative ultimately may be deemed to be infeasible by the City Council does not mean that it should not be considered in the recirculated draft EIR.

The portion of the *Watsonville* decision quoted in the parenthetical in the comment refers to the "no project" alternative, which the City of Watsonville contended served essentially the same purpose as a reduced density alternative. Unlike the circumstances in *Watsonville*, the recirculated draft EIR for the draft General Plan included both a no project alternative and a reduced density alternative that would reduce some of the significant impacts associated with the future development allowed under the draft General Plan while achieving some of the project objectives.

- E12-4: The comment states that the city draft Climate Action Plan (CAP) and draft EIR fail to address Governor Brown's Executive Order B-30-15, which sets a statewide interim GHG reduction target of 40 percent below 1990 levels by 2030. This would make sense since EO B-30-15 was issued on April 29, 2015, long after the City of Carlsbad issued the Notice of Preparation for the General Plan EIR (12/29/10), and its release of the draft General Plan and Climate Action Plan (February 2014), and the draft EIR (4/4/14) for public review. The executive order applies to state agencies under the governor's authority, and is not a legislative act that is binding on cities. The state legislature, in adopting the Global Warming Solutions Act of 2006 (AB32), codified the 2020 goal of previous EO S-3-05, but did not legislate the longer-term goal to reduce emission to 80 percent below 1990 levels by 2050. Nor has the legislature established any mandatory GHG reduction goals beyond 2020.

Nevertheless, the city's CAP demonstrates that its implementation will meet the 2020 target set by AB32, and shows continued reductions to 2035 on a trajectory consistent with the 2050 goal in EO S-3-05. Also, assuming linear reductions throughout the

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planning period, the city’s CAP measures would also achieve the more ambitious 40 percent by 2030 reduction goal in EO B-30-15, as follows:

<i>Year</i>	<i>Modified Baseline Forecast (From CAP Chapter 3) (MTCO<sub>2e</sub>)</i>	<i>CAP GHG Reduction Measures (Phased in Linearly) (MTCO<sub>2e</sub>)</i>	<i>Forecast Community Emissions with CAP GHG Reduction Measures</i>	<i>GHG Emission Targets AB 32 (1990 level by 2020) B-30-15 (40% below 1990 level by 2030)</i>	<i>% Below 1990 level (535,763 MTCO<sub>2e</sub>)</i>
2020	473,082	53,120	419,962	535,763	22%
2030	452,762	141,654	311,108	321,458	42%

The draft CAP has been modified to include interim targets for 2025 and 2030 consistent with the S-3-05 goal, and to show forecasted emissions reductions for these milestone years (see revised CAP Table 4-3, shown in Chapter 5 of this FEIR). For these reasons both the CAP and EIR adequately address the issue of greenhouse gas emissions and climate change, and no further analysis is required. In addition, the CAP provides for continuous monitoring and updating to respond to changing circumstances, which would include any new laws or regulations applicable to cities.

E12-5: The comment states that the EIR is lacking and should be revised. See response to comments E12-2 through E12-4.

E12-6: The comment consists of a copy of information from the State of California website regarding the state’s new greenhouse gas reduction targets. No response required.