

Quarry Creek Master Plan

Final Environmental Impact Report

SCH#: 2012021039



Prepared for:

Prepared By:



City Of
Carlsbad



January 2013

Final Environmental
Impact Report
Quarry Creek Master Plan
Carlsbad, California

SCH No. 2012021039

January 2013

Prepared for
**City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008**

Prepared by
**HDR Engineering, Inc.
8690 Balboa Avenue, Suite 200
San Diego, CA 92123**

ONE COMPANY | *Many Solutions*SM



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ACRONYMS AND ABBREVIATIONS

AAC	All-American Canal
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ac	Acre/Acres
ACHP	Advisory Council on Historic Preservation
ADT	Average Daily Trip
AEP	Annual exceedance probability
AF	Acre feet
AFY	Acre feet per year
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
ANFO	Ammonium nitrate and fuel oil
AP Act	Alquist-Priolo Special Studies Zone Act
APN	Assessor's Parcel Number
AQIA	Air Quality Impact Assessment
AST	Aboveground storage tank
ASTM	American Society for Testing Materials
BACM	Best Available Control Measures
BAU	Business as usual
BMI	Benthic macroinvertebrate
BMP	Best Management Practice
BTR	Biological Technical Report
BVCER	Buena Vista Creek Ecological Reserve
C	Centigrade
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAGN	Coastal California gnatcatcher
Cal-EPA	California Environmental Protection Agency
Cal-IPC	California Invasive Plant Council
Cal-OSHA	California Occupational Safety and Health Administration
CalARP	California Accidental Release Prevention Program
CalEPA	California's Environmental Protection Agency
CAP	Corrective Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CAT	Combat Auto Theft
CB	Carlsbad
CBC	California Building Code
CC	Coachella Canal
CCARGRPV3.1	California Climate Action Registry General Reporting Protocol Version 3.1
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFC	California Fire Code

CFD	Community Facilities District
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CGS	California Geologic Survey
CH ₄	Methane
CIP	Capital Improvement Program
City	City of Carlsbad
CLOMR	Conditional Letter of Map Revision
cm	Centimeter
CMC	Carlsbad Municipal Code
CMP	Congestion Management Program
CMWD	Carlsbad Municipal Water District
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon monoxide
CO ₂	Carbon dioxide
CO ₂ e	Carbon dioxide equivalent
COCs	Contaminates of concern
CORTESE	Hazardous Waste & Substances Sites List
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CTR	California Toxics Rule
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CUSD	Carlsbad Unified School District
CWA	Clean Water Act
CY	Cubic Yards
CYA	C. Young Associates
DARE	Drug Abuse Resistance Education
dB	Decibel
dBA	Decibel, A-Weighted
DCSS	Diegan Coastal Sage Scrub
DDT	Dichlorodiphenyltrichloroethane
DEH	Department of Environmental Health (San Diego County)
DO	Dissolved oxygen
DOC	Department of Conservation (California)
DPM	Diesel particulate matter
du	Dwelling unit
du/ac	Dwelling units per acre
DWR	Department of Water Resources (California)
EB	Eastbound
EDR	Environmental Data Resources, Inc.
EDU	Equivalent Density Unit
EDUB	Excess Dwelling Unit Bank
EIB	Emission Inventory Branch
EIR	Environmental Impact Report
EMI	Emissions Inventory Data
EOC	Emergency Operations Center

EPA	Environmental Protection Agency
ESA	Endangered Species Act, Environmental Site Assessment
EWA	Encina Wastewater Authority
EWPCF	Encina Wastewater Pollution Control Facility
F	Fahrenheit
FCS	Fuel contaminated soil
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, Rodenticide Act
FINDS	Facility Index System/Facility Registry System
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FPPA	Farmland Protection Policy Act
FSZ	Farmland Security Zone
FT	Foot/feet
FTA	Federal Transit Administration
g	Peak ground acceleration
GCC	Global climate change
GHG	Greenhouse gas
GIS	Geographic Information System
GMCP	Growth Management Control Point
GMP	Growth Management Plan
GPA	General Plan Amendment
GPD	Gallons per Day
H ₂ S	Hydrogen sulfide
HA	Hydrologic Area
HAP	Hazardous Air Pollutant
HAZNET	Facility and Manifest Data
HCM	Highway Capacity Manual
HDP	Hillside Development Permit
HEC-RAS	Hydrologic Engineering Centers - River Analysis System
HFC	Hydrofluorocarbon
HHW	Household Hazardous Waste
HIST UST	Historical Underground Storage Tanks
HMMD	San Diego County DEH Hazardous Materials Management Division
HMP	Habitat Management Plan
HMP	Hydromodification Management Plan
HSA	Hydrologic Subarea
HU	Hydrologic Unit
HWCL	Hazardous Waste Control Law
Hz	Hertz
I-5	Interstate 5
ICU	Intersection capacity utilization
IID	Imperial Irrigation District
IND	Industrial service supply
I/O	Inbound/Outbound
IRA	Interim remedial action
IRC	International Residential Code
ITE	Institution of Transportation Engineers

kWh	Kilowatt hours
KSF	Thousand Square Feet
lbs	Pounds
LBV	Least Bell's vireo
LCC	Land Capability Classification
LCFS	Low Carbon Fuel Standard
Leq	Equivalent Continuous Noise Level
LESA	Land Evaluation and Site Assessment
LFMP	Local Facilities Management Plan
LFMZ	Local Facilities Management Zone
LOMR	Letter of Map Revision
LOS	Level of Service
LPH	Liquid-phase hydrocarbons
LRFMP	Long Range Facilities Master Plan
LUST	Leaking Underground Storage Tank
M	Industrial Zoned
MBTA	Migratory Bird Treaty Act
MEC	MEC Analytical, Inc.
MG	Million gallons
mg/kg	Milligrams per kilogram
mg/m ³	Milligrams per cubic meter
MGD	Million gallons per day
MHCP	Multiple Habitat Conservation Program
MLD	Most Likely Descendant
MMBtu	Million metric British thermal units
MMRP	Mitigation Monitoring and Reporting Program
MOU	Memorandum of Understanding
MPH	Miles per hour
MPO	Metropolitan Planning Organization
MS4s	Municipal Separate Stormwater Sewer Systems
MSL	Mean sea level
MTBE	methyl-tert-butyl ether
MUN	Municipal and Domestic Supply Habitat
Mw	Maximum earthquake magnitude
MWD	Metropolitan Water District
N/A	Not applicable
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
N/B	Not built
NB	Northbound
NCCP	Natural Communities Conservation Planning
NCP	National Contingency Plan
NCTD	North County Transit District
NEHRP	National Earthquake Hazards Reduction Program
NEHRPA	National Earthquake Hazards Reduction Program Act
NEP	National Emphasis Program
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

NINA	Noise Impact Notification Area
NMFS	National Marine Fisheries Service
NO ₂	Nitrogen Dioxide
NOI	Notice of Intent
NOP	Notice of Preparation
NO _x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
N ₂ O	Nitrous oxide
OAQPS	Office of Air Quality Planning and Standards
OHP	Office of Historic Preservation
OPR	Office of Planning and Research
OS	Oceanside
OS	Open Space
OSHA	Occupational Safety Health Administration
O ₃	Ozone
PA	Planning Area
PAR	Property Analysis Record
Pb	Lead
PC	Planned Community
PEL	Permissible Exposure Limit
PGA	Peak ground acceleration
PM ₁₀	Particulate Matter of 10 Microns or Less in Diameter
PM _{2.5}	Particulate Matter of 2.5 Microns or Less in Diameter
PMP	Perpetual Management, Maintenance, And Monitoring Plan
ppm	Parts per million
PPV	Peak particle velocity
PRC	Public Resources Code
Q ₂	Two-year flow
RAQS	Regional Air Quality Standards
RARE	Rare, Threatened, or Endangered Species (
RCRA	Resource Conservation and Recovery Act
REC-1	Contact Water Recreation
REC-2	Non-Contact Water Recreation
RH	Residential High
RHNA	Regional Housing Needs Assessment
RL	Residential Low
RLM	Residential Low Medium
RMH	Residential-Medium-High
ROC	Reactive Organic Compounds
ROG	Reactive Organic Gases
ROW	Right-of-Way
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAM	Site Assessment and Mitigation
SANDAG	San Diego Association of Governments
SANTEC	San Diego Traffic Engineers' Council
SARA	Superfund Amendments and Reauthorization Act

SB	Senate Bill
SB	Southbound
SCAQMD	South Coast Air Quality Management District
SCCWRP	Southern California Coastal Water Research Project
SCH	State Clearinghouse
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDC	Seismic Design Categories
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric
SDP	Site Development Plan
SF	Square Foot/Square Feet
SF ₆	Sulfur hexafluoride
SHPO	State Historic Preservation Officer
SHRC	State Historical Resources Commission
SIP	State Implementation Plan
SMARA	Surface Mining and Recovery Act
SO ₂	Sulfur Dioxide
SO _x	Sulfur Oxides
SPCC	Spill Prevention Control and Countermeasure Plan
SR-78	State Route 78
SUP	Special Use Permit
SUSMP	Standard Urban Storm Water Mitigation Plan
SWAMP	Surface Water Ambient Monitoring Program
SWAT	Special Weapons and Tactics
SWEEPS	Statewide Environmental Evaluation and Planning System US
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWQCB	State Water Quality Control Board
SWRCB	State Water Resources Control Board
T-BACT	Toxics Best Available Control Technology
TAC	Toxic Air Contaminant
TBA	Tert-butyl alcohol
TCP	Traditional Cultural Property
TMDL	Total maximum daily load
TOC	Total organic carbon
TPH	Total petroleum hydrocarbons
UBC	Uniform Building Code
UFC	Uniform Fire Code
USACE	U.S. Army Corps of Engineers
U.S. EPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
V/C	Volume to Capacity
VdB	Vibration velocity
VMТ	Vehicle Miles Traveled

VOC	Volatile Organic Compound
VRP	Visibility Reducing Particle
WB	Westbound
Weston	Weston Solutions, Inc.
WSA	Water Supply Assessment
µg/l	Micrograms per liter
µg/m ³	Micrograms per cubic meter
0%/0	Zero percent per zero

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0.1 INTRODUCTION AND SUMMARY

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.), and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.).

According to *CEQA Guidelines* §15132, the FEIR shall consist of the following:

- a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- b) Comments and recommendations received on the DEIR, either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the DEIR;
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process;
- e) Any other information added by the Lead Agency.

In accordance with these requirements, the Quarry Creek Master Plan EIR is composed of the following:

- Draft Environmental Impact Report (EIR), October 2012 (SCH No. #2012021039); and
- This FEIR document, January 2013, that incorporates the information required by §15132, including revisions to the text of the Draft EIR as a result of responses to comments received on the Draft EIR.

Format of the Final EIR

This document is organized as follows:

Section 0.1 Introduction

This section describes CEQA requirements and content of this FEIR.

Section 0.2 Corrections and Additions

This section provides a list of those revisions made to the EIR text and figures as a result of comments received and/or clarifications subsequent to release of the Draft EIR for public review.

Section 0.3 Responses to Comment Letters Received on the Draft EIR

This section provides copies of the comment letters received and individual responses to written comments. In accordance with Public Resources Code 21092.5, copies of the written proposed responses to public agencies will be forwarded to the agencies at least 10 days prior to certifying an EIR. The responses will conform to the legal standards established for response to comments on EIRs.

Section 0.4 Mitigation Monitoring and Reporting Program

This section includes the Mitigation Monitoring and Reporting Program (MMRP) which identifies the mitigation measures, timing and responsibility for implementation of the measures.

0.2 CORRECTIONS AND ADDITIONS

This section of the Final Environmental Impact Report (EIR) identifies the location of, or contains revisions to, information included in the Draft EIR dated October 2012, based upon additional or revised information required to prepare a response to a specific comment. The information added to the EIR does not meet the requirements for recirculation pursuant to Section 15088.5 of the State *California Environmental Quality Act (CEQA) Guidelines*.

0.2.1 REVISED AND SUPPLEMENTAL TEXT

Changes to the EIR were made in response to comments received on the Draft EIR. The new information simply clarifies information presented in the Draft EIR, and in one case, revises a mitigation measure. Text that has been added to the document appears in an underline format. Text that has been deleted appears with ~~strikeout~~.

The table below identifies the changed Draft EIR sections and accompanying page numbers in the FEIR.

Final EIR Section	Page Number
Section 1.0, Introduction	1-1, 1-2, 1-9, 1-10
Section 2.0, Executive Summary	2-2, 2-9, 2-12, 2-13, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-23, 2-24
Section 3.0, Project Description	N/A
Section 4.0, Environmental Setting	N/A
Section 5.0, Environmental Impact Analysis	5.0-1
Section 5.1, Aesthetics	5.1-1, 5.1-2, 5.1-3, 5.1-42, 5.1-44, Figures 5.1-8a and 5.1-8b
Section 5.2, Agricultural Resources	N/A
Section 5.3, Air Quality	5.3-13, 5.3-15, 5.3-16, 5.3-17
Section 5.4, Biological Resources	5.4-1, 5.4-2, 5.4-7, 5.4-8, 5.4-18, 5.4-21, 5.4-22, 5.4-27, 5.4-28, 5.4-35, 5.4-37, 5.4-38, 5.4-43, 5.4-45, Figures 5.4-1, 5.4-2, 5.4-3, 5.4-4, 5.4-5 and 5.4-7
Section 5.5, Cultural Resources	5.5-1, 5.5-2, 5.5-3, 5.5-4, 5.5-5, 5.5-11, 5.5-16, 5.5-22, 5.5-23, 5.5-24, 5.5-25, 5.5-26
Section 5.6, Geology and Soils	N/A
Section 5.7, Greenhouse Gas Emissions	5.7-2
Section 5.8, Hazards and Hazardous Materials	N/A
Section 5.9, Hydrology and Water Quality	5.9-5, 5.9-15, 5.9-16, 5.9-19, 5.9-20, 5.9-25, 5.9-26, 5.9-28
Section 5.10, Land Use and Planning	5.10-2, 5.10-17, 5.10-29, 5.10-30
Section 5.11, Noise	5.11-11, 5.11-23
Section 5.12, Population and Housing	N/A
Section 5.13, Public Services	N/A
Section 5.14, Transportation and Traffic	5.14-1, 5.14-11, 5.14-16, 5.14-21, 5.14-26, 5.14-27, 5.14-32, 5.14-36, 5.14-38, 5.14-41, 5.14-44, 5.14-50
Section 5.15, Utilities and Service Systems	N/A
Section 6.0 Alternatives	N/A
Section 7.0 Analysis of Long-Term Effects	7-1, 7-5, 7-10
Section 8.0, References	8-3

0.2.2 REVISED MITIGATION MEASURES

Based upon comment letters received on the Draft EIR, additional language has been added to the following mitigation measures:

Air Quality

AQ-1 Prior to issuance of a grading permit, the project applicant shall prepare a dust control measure plan that includes Best Available Control Measures (BACM) that are designed to reduce PM₁₀ emissions. The dust control plan shall be submitted to the City of Carlsbad Engineering ~~Department~~ Division for review and approval. The following standards for construction emissions shall be implemented during construction:

- Apply water during grading (which includes blasting activity)/grubbing activities to all active disturbed areas at least twice daily;
- Apply non-toxic soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for ten days or more);
- Apply water to all on-site unpaved roadways at least two times daily; ~~and~~
- Reduce all construction related traffic speeds on-site to below 15 miles per hour (MPH);
- In disturbed areas, replace ground cover as quickly as possible;
- Suspend all excavating and grading operations when wind speeds exceed 25 miles per hour;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114; and
- Gravel pads (construction entrances) must be installed at all access points to prevent tracking of mud onto public streets.

Biological Resources

BIO-1 Prior to issuance of a grading permit, mitigation plans for impacts to wetland and riparian species shall be submitted to the City for approval. The following measures shall be implemented:

- Impacts to southern riparian woodland, southern willow scrub, and mule fat scrub shall be mitigated at a 3:1 ratio with a minimum 1:1 creation ratio. In total, impacts to riparian vegetation communities shall require 1.26 acres of mitigation. The proposed project shall include 0.42 acres of riparian creation, and 0.84 acres of enhancement of wetlands on-site or immediately off-site along Buena Vista Creek. Refer to Figure 5.4-7 for the proposed location of riparian creation.

0.2 Corrections and Additions

Alternatively, the project may complete mitigation at an off-site location acceptable to the City and Resource Agencies.

- Impacts to 0.2 acres of native grassland shall be mitigated at a 3:1 ratio (0.6 acres) through on-site preservation of 0.1 acres of native grassland and restoration of 0.5 acres of native grassland within on-site open space.
- Impacts to 13.1 acres of Diegan coastal sage scrub shall be mitigated at a 2:1 ratio (26.2 acres) through on-site preservation of ~~25.2~~24.7 acres of Diegan coastal sage scrub. The remaining ~~1.5~~ acres shall be mitigated through restoration of Diegan coastal sage scrub on-site.
- An additional ~~3.05~~ acres will be revegetated with Diegan coastal sage scrub species for erosion control purposes, and will be required to meet cover criteria for erosion control, but will not be required to meet success criteria for Diegan coastal sage scrub being used for project mitigation. All revegetated slopes will be maintained by the project proponent until success criteria have been met before being added to the preserve to be managed by the preserve manager.
- Impacts to 0.2 acres of coastal sage chaparral scrub and 0.1 acres of southern mixed chaparral shall be mitigated at a 1:1 ratio (0.3 acres) through on-site preservation of 0.2 acres of coastal sage chaparral scrub and 0.1 acres of southern mixed chaparral.
- Impacts to 24.6 acres of non-native grassland shall be mitigated at a 0.5:1 ratio (12.3 acres). The applicant shall include preservation of 10.0 acres of non-native grassland and either payment of the in lieu fee or restoration of 2.3 acres of grassland habitat on-site.
- Impacts to 6.3 acres of disturbed habitat, 0.1 acres of eucalyptus woodland and 0.4 acres of non-native vegetation shall be mitigated at a 0.1: 1 ratio with on-site preservation of 0.68 acres southern mixed chaparral (6.8 acres of impact times 0.1).

BIO-3 Prior to the issuance of a grading permit, a mitigation plan shall submitted to the City for approval that provides mitigation for the permanent and temporary impacts to ~~0.230-24~~ acres of USACE jurisdictional areas and ~~0.550-47~~ acres of CDFG jurisdictional areas. Mitigation shall be accomplished through on-site mitigation at a 3:1 mitigation to impact ratio through a combination of habitat creation at a 1:1 ratio and restoration/enhancement at a 2:1 ratio; resulting in ~~0.690-63~~ acres of USACE mitigation, including at least ~~0.230-24~~ acres of creation; impacts to CDFG jurisdictional areas shall require 1.39 acres of mitigation. ~~and 1.41 acres of CDFG mitigation, including at least 0.550-47 acres of creation.~~ The riparian creation shall ~~(0.55 acres) shall occur ~~occur~~ on-site, and the remaining 0.840-94 acres of mitigation would occur with enhancement of wetlands on-site or immediately off-site along Buena Vista Creek.~~ Alternatively, the project may complete mitigation at an off-site location acceptable to the City and Resource Agencies. Refer to Figure 5.4-7 for the proposed location of riparian creation on-site. Impacts to 0.2 acres of the riparian habitat due to shade shall be mitigated through on-site or off-site enhancement of 0.20 acres of disturbed riparian habitat.

BIO-5 Prior to issuance of a grading permit, the applicant shall incorporate the following measures into the grading plans, final project design, and landscaping plans:

- Temporary fencing (with silt barriers) shall be installed at the limits of project impacts (including construction staging areas and access routes) to prevent additional sensitive habitat impacts and to prevent the spread of silt from the construction zone

into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. The applicant shall submit to the City, and the resource agencies (i.e., USACE, USFWS, and CDFG), for approval at least 30 days prior to initiating project impacts and the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas (including riparian/wetland or coastal sage scrub) to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the City and the resource agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fence shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.

- A monitoring biologist approved by the resource agencies shall be on-site during clearing and grubbing of habitat that occurs within 200 feet of the grading limits. The monitoring biologist shall conduct weekly site visits during rough grading to ensure that the grading limits have been respected. The biologist must be knowledgeable of gnatcatcher, least Bell's vireo, and flycatcher biology and ecology. The applicant shall submit the biologist's name, address, telephone number, and work schedule on the project to the City and the resource agencies at least seven days prior to initiating project impacts.
- The monitoring biologist shall periodically monitor adjacent habitats for excessive amounts of dust and shall recommend remedial measures to address dust control if necessary. The monitoring biologist shall implement a contractor training program to insure compliance with permit conditions. Any violations would be reported to the City and the wildlife agencies within 24 hours. Weekly reports will be submitted during initial clearing and grubbing, and monthly reports shall be submitted throughout the remainder of the grading of the site. A final report shall be submitted to the City and the wildlife agencies within 60 days of project completion.
- The clearing and grubbing of sensitive habitats shall occur outside of the bird breeding season (February 15 to September 15), unless a qualified biologist demonstrates to the satisfaction of the City and the wildlife agencies that all nesting is complete. The qualified biologist would need to be federally permitted for species such as the least Bell's vireo (*Vireo bellii pusillus*) and coastal California gnatcatcher (*Polioptila californica californica*) if the habitat being cleared has the potential to support these species.

Cultural Resources

- CR-1** Prior to initiating any grading or construction activities, temporary construction fencing shall be erected around Locus 1 at site SDI-5651. The limits of fencing shall be established in consultation with an archaeological monitor, and the archaeological monitor shall verify the location of the fencing in relation to Locus 1 in the field. Erecting fencing around Locus 1 will ensure no disturbance to the area occurs during earth work activities. Fencing around Locus 1 shall be established in consultation with the Luiseño Native American monitor and the archaeological monitor. Both a Native American monitor and archaeological monitor shall be present when the protective fencing is erected.

CR-2

A Final Falls Management Plan shall be developed for areas within 200 feet of El Salto Falls. This plan shall be developed in consultation with the appropriate Native American tribe(s) and shall ensure that any improvements or activity in this area is sensitive to the cultural values and designation of the El Salto Falls. The project shall comply with all requirements and objectives of the existing Final Falls Management Plan for the El Salto Falls approved in 2010. The Final Falls Management Plan requires specific measures to be implemented to protect the El Salto Falls, which are required for both the Quarry Reclamation plan activities, and also to ensure the protection of this resource as part of development for the surrounding property. Specific measures required of the Plan include:

- Consultation with the San Luis Rey Band of Mission Indians regarding any work within the limits of the management plan area;
- Native American monitoring of all work within the plan area;
- Designation of a site manager;
- Measures to prevent unlawful entry and trespass;
- Access to the El Salto Falls by Luiseño tribal members;
- Security monitoring of the management plan area; and
- Guidelines for maintenance and cleanup of the management plan area.

The applicant shall be required to comply with the final management plan's provisions until and unless the plan is superseded by a development and management plan. Any revisions or modifications to the final falls management plan shall continue to implement the falls management plan primary objectives of:

- (1) Cleaning and securing the El Salto Falls area.
- (2) Ensuring protection of the falls management area, and
- (3) Minimizing the potential for urban development pressures on the El Salto Falls area. Such protective measures may include establishment of an environmental buffer and a planning buffer as contemplated in the Master Plan. These buffers shall include the following requirements:
 - Environmental buffer (within 100 feet of El Salto Falls):
 - Prohibit all urban uses
 - Prohibit public use
 - Allow naturalized and native vegetation restoration
 - Allow trails, view areas and ceremonial areas for use of tribal members
 - Install security fence at 100-foot mark to define the environmental buffer area.
 - Planning buffer (100 feet to 150 feet from El Salto Falls):
 - Prohibit structures
 - Allow low-impact, limited urban uses such as parkways or public and private streets, turn-arounds, driveways, parking lots, rear yards, landscaping, underground utilities, recreation trails, public view areas and kiosks, passive recreational uses, maintenance access

ways, fire management zones, hydromodification or water treatment basins and zones

- Allow other similar type low impact uses.

CR-3 The following mitigation measures will be implemented as a result of consultation with the San Luis Rey Band:

1. During vegetation removal, all archaeological sites including CA-SDI-9967, CA-SDI-17863 and ~~Site-CA-SDI-5651~~ Loci 2-65 will be brushed using brush mowers or other equipment that does not disturb soil to allow enhanced surface inspection and collection.
2. A team of archaeologists and Native American monitor will conduct a surface collection of all site areas. All artifacts recovered will be mapped using a hand-held GPS. Surface artifacts will be returned to the San Luis Rey band for reburial or curation.
3. The alignment for a sewer line at site CA-SDI-17863 will be exposed for surface collection using a flat edged bucket on a backhoe prior to excavation of the sewer.
4. All other sites will have controlled grading performed using a rubber-wheeled backhoe with a flat-edged blade.
5. Notes directing this process will become notes on the grading plans and will be included in the monitoring agreement. The notes will denote these areas as “environmentally sensitive areas.”

CR-4 Prior to initiating any grading or construction activities, the applicant shall contract with a qualified archeologist to conduct an archaeological monitoring program for the Panhandle parcel and for any previously undisturbed portions of the Reclamation parcel. The monitoring program shall include the following:

1. Prior to implementation of the monitoring program, a pre-excavation agreement shall be developed between the San Luis Rey Band of Luiseño Mission Indians, and the applicant to comply with the EIR mitigation measures~~and the Cities of Oceanside and Carlsbad.~~
2. The qualified archaeological and Native American representative shall attend a pregrading meeting with contractors to explain the requirements of the program.
3. An archaeologist and Native American monitor shall be on-site during all grading, trenching, and other ground-disturbing activities.
4. If archaeological artifact deposits or cultural features are discovered, grading activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field and grading shall proceed. For any significant artifact deposits, data recovery shall be completed. This will require collection of an adequate artifact sample using professional archaeological collection methods. If unique archaeological resources and/or sacred sites are inadvertently discovered during ground disturbing activities, the lead agency will consult with the San Luis Rey tribe regarding possible treatment options, including preservation. If preservation in place is not a feasible option, data recovery excavation may be completed as mitigation of impacts to the resource. Data recovery will require collection of an adequate artifact sample using

professional archaeological collection methods. Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project (PRC Section 21083.2 (d)).

5. Recovered artifactual materials shall be cataloged and analyzed.
6. A report shall be completed describing the methods and results of the monitoring and data recovery.
7. Artifacts shall be curated to current professional repository standards at an appropriate curatorial facility, or the collection may be repatriated to the San Luis Rey Band, as specified in the pre-excavation agreement.

CR-11 If human remains are found during any ground disturbance associated with project development activities, including the archaeological test or data recovery programs, the project proponents and its agentsey must comply with Public Resources Code (PRC) 5097.98 and California Health and Safety Code 7050.5.

- a) The discovery location will be protected and secured from further disturbance.
- b) The Archaeological Project Manager will contact the San Diego County Medical Examiner.
- c) If the remains are determined by the Medical Examiner or an authorized representative to be Native American, the Medical Examiner will contact the NAHC.
- d) The NAHC will designate and contact the Most Likely Descendant (MLD).
- e) The property owner will provide the MLD with access to the discovery location, which will have been protected from damage.
- f) The MLD will make a recommendation for treatment of the remains within 48 hours. Possible options for treatment include The descendants' preferences for treatment may include the following:
 - a) The nondestructive removal and analysis of human remains and items associated with Native American human remains.
 - ii) Preservation of Native American human remains and associated items in place.
 - iii) Relinquishment of Native American human remains and associated items to the descendants for treatment.
 - iv) Other culturally appropriate treatment.
 - i) ~~Preservation in place and avoidance.~~
 - ii) ~~Removal by a qualified archaeologist. Analysis by an osteologist or physical anthropologist may or may not be possible.~~
 - iii) ~~Repatriation of the remains to the MLD following the Native American Graves Protection and Repatriation Act (NAGPRA) process.~~
 - iv) ~~Reburial of the remains on the property.~~
- g) If the MLD does not make a recommendation within 48 hours, or if the recommendations are not acceptable to the property owner following extended discussions and mediation, the property owner will reinter the remains and burial items with appropriate dignity on the property, in a location not subject to further subsurface disturbance. The location of reinterment will be protected by at least one of the three following measures:

- i) Record the location with the NAHC or the SCIC.
 - ii) Utilize an open space or conservation zoning designation or easement.
 - iii) Record a document with San Diego County.
- h) If multiple human remains are found, extended discussions will be held with the MLD. If agreement on the treatment of these remains is not reached, they will be reinterred in compliance with PRC 5097.98(e).
- i) If Native American remains are discovered during ground disturbance and are positively identified as such by a representative of the County Medical Examiner, they will be kept in situ, or in a secure location in close proximity to where they were found, and any analysis of the remains will occur only on-site in the presence of a Luiseño Native American monitor.

Water Quality

WQ-2 Prior to the issuance of grading permits or other approvals for any public or private right-of-way improvements or site development plans, the developer shall prepare and submit for review and approval of the Carlsbad City Engineer, improvement plans that demonstrate that pollutants will be controlled through compliance with the City of Carlsbad SUSMP and SWMP. Approval of such plans shall be subject to a determination by the Carlsbad City Engineer that the proposed project has implemented an integrated Low Impact Development (LID) approach to meet criteria described in the City of Carlsbad SUSMP. The proposed project has incorporated the following LID strategies which include site design BMPs, source control BMPs and structural treatment control BMPs into the project design to the maximum extent practicable:

- Optimization of site layout (100-foot vegetated buffer, 50-foot building setback, minimizing disturbance of natural areas);
- Minimization of directly connected impervious areas and directing runoff from impervious areas to landscape where possible;
- Non-contiguous sidewalks;
- Street sweeping;
- Appropriate pest management;
- Covered trash enclosures;
- Storm drain inlet labeling;
- Incorporation of landscape and open space areas;
- Bioretention Extended Detention Basins; ~~and~~
- High rate media filter units; and-
- Vegetated swales shall be comprised of local non-invasive plants.

Noise

- N-2** For residential uses within PAs R-1, R-2, R-3, and R-4 architectural features needed to achieve the interior noise standard shall be noted on the building plans. A statement certifying that the required architectural features have been incorporated into the building plans, signed by the acoustical analyst/acoustician shall be located on the building plans. The architect shall also include his registration stamp in addition to the required signature. All noise level reduction architectural components shall be shown on the architectural building plans, and shall be approved. This measure shall be implemented prior to the issuance of building permits for residential projects located within PAs R-1, R-2, R-3, and R-4 and verified by the City of Carlsbad Building and Planning ~~Departments~~Divisions.

Transportation and Traffic

- T-1** **College Boulevard: Between Vista Way and Plaza Drive.** To mitigate the project's direct impacts to College Boulevard, between Vista Way and Plaza drive, the applicant shall request that the City of Oceanside reclassify this segment of College Boulevard from a six-lane Major Arterial to a six-lane Prime Arterial.

However, the City of Oceanside considers roadway reclassification infeasible due to intersection spacing requirements. The changes or alterations are within the responsibility and jurisdiction of the City of Oceanside. The City of Oceanside does not have an adopted program to construct roadway improvements and there does not appear to be a program to accept payments in lieu of construction. Due to the fact that this impacted roadway segment is located outside the jurisdiction and regulatory authority of the City of Carlsbad, these impacts are considered significant and unmitigable.

- T-5** **(Alternatives 1 and 2). College Boulevard: Between Vista Way and Plaza Drive; Plaza Drive and Marron Road; and Marron Road and the south City limit.** To mitigate Alternative 1 and 2's impacts to College Boulevard, the applicant shall pay fair share fee towards reclassification of College Boulevard from a six-lane Major Arterial to a six-lane Prime Arterial.

However, the Oceanside Circulation Update considers roadway reclassification and widening infeasible due to intersection spacing requirements. The changes or alterations are within the responsibility and jurisdiction of the City of Oceanside. The City of Oceanside does not appear to have adopted a program to construct such improvements and there does not appear to be a program to accept payments in lieu of construction. Due to the fact that the subject impacted segments are located outside the jurisdiction and regulatory authority of the City of Carlsbad, these impacts are considered significant and unmitigable.

- T-6** **(Alternative 2 only). Vista Way: Between College Boulevard and the SR-78 westbound ramps. ~~(applies to Alternative 2 only)~~** The applicant shall pay fair share fee towards providing a westbound dedicated right turn lane and lengthening the westbound left turn lanes at College Boulevard/Vista Way by restriping the existing lanes.

These improvements would improve peak hour operations; however, would not fully mitigate segment impacts. The changes/alterations are within the responsibility and jurisdiction of the City of Oceanside. However, the City of Oceanside does not appear to have adopted a program to construct such improvements and there does not appear to be a program to accept payments in lieu of construction. Due to the fact that the roadway segment is located outside the jurisdiction

and regulatory authority of the City of Carlsbad, these impacts are considered significant and unmitigable.

- T-7** **(Alternatives 1 and 2). College Boulevard/Marron Road/Lake Boulevard.** The applicant shall pay a fair share fee towards adding a second northbound right turn lane on College Boulevard to eastbound Lake Boulevard.

0.3 RESPONSE TO COMMENTS

Section 0.3 contains responses to all comment letters received on the Draft Environmental Impact Report (DEIR). The comment period opened October 23, 2012 and closed December 7, 2012. A copy of each letter with bracketed comment numbers on the right margin is followed by the response for each comment as indexed in the letter. The comment letters are listed in Table 0.3-1.

Table 0.3-1. DEIR Comment Letters

Letter No.	Commenter	Date
SCH	Governor's Office of Planning and Research, State Clearinghouse	December 10, 2012
A	Public Utilities Commission	October 31, 2012
B	California Department of Transportation District 11, Division of Planning	December 6, 2012
C	Native American Heritage Commission	October 25, 2012
D1	California Department of Fish and Game	December 7, 2012
D2	U.S. Fish and Wildlife Service	December 13, 2012
E	U.S. Army Corps of Engineers (USACE) Carlsbad Field Office, Regulatory Branch	December 7, 2012
F	San Diego Association of Governments (SANDAG)	December 7, 2012
G	City of Carlsbad Community & Economic Development	November 27, 2012
H	City of Oceanside, Office of City Manager	December 5, 2012
I	San Diego County Archaeological Society, Inc.	November 29, 2012
J	Carlsbad City Library	November 9, 2012
K	North County Transit District (NCTD)	December 7, 2012
L	Preserve Calavera	December 7, 2012
M	Sierra Club San Diego Chapter	December 7, 2012
N	The Knolls of Calavera Hills HOA	November 16, 2012
O	Buena Vista Audubon Society	November 19, 2012
P	Grace No. 242 Native Daughters of the Golden West	November 12, 2012
Q	San Luis Rey Band of Mission Indians	December 7, 2012
R	Save Our Heritage Organization (SOHO)	December 7, 2012
S	Ellen L. Sweet	December 4, 2012
T	Shelley Hayes Caron	December 7, 2012
U	Jessica J. Auck, M.A., R.P.A., C.E.S.	December 5, 2012
V	Jennifer van der Woerd	December 2, 2012
W	Mary and Richard Ward	November 29, 2012
X	Edmond "Bill" Dominguez	November 28, 2012
Y	Mary F. McCarthy	December 6, 2012
Z	Maria G. Benitez	November 11, 2012
AA	Krista Sexton	November 9, 2012
BB	John Nicholas Marron, Sr.	November 27, 2012

0.3 Response to Comments

Letter No.	Commenter	Date
CC	Kimberly Kurcab	December 2, 2012
DD	Dee Ann	November 29, 2012
EE	Jerry D. Colling, M.D. and Clementine Colling	November 27, 2012
FF	Andrew Mirabelli, Pacific Coast Enterprises, Inc.	December 5, 2012
GG	Kyle Morman, OIF, Marine Combat Veteran	November 17, 2012
HH	Terry W. Chaffee	November 9, 2012
II	Carla Rahn Phillips, Union Pacific Professor, University of Minnesota	November 9, 2012
JJ	Rebekah, Gary, Jacob, and Sarah Batt	December 5, 2012
KK	Diane Nygaard	November 13, 2012
LL	Laurie Judge	October 25, 2012
MM	Lauren Biggie	December 8, 2012
NN	Chad Gibson	December 8, 2012
OO	Dennis Martinek	December 7, 2012
PP	Michael D. and Lynne A. Haslam	December 5, 2012
QQ	Everett DeLano	December 7, 2012
RR	Marylou Belew	December 7, 2012
SS	Nina Hall	December 7, 2012
TT	Kasey Cinciarelli	December 7, 2012
UU	Lucy Jones Berk	October 21, 2012
VV	Larry Cohen	December 18, 2012
WW	Marcus A. Allen	December 19, 2012



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 10, 2012

Van Lynch
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Subject: Quarry Creek Master Plan - EIR 11-02
SCH#: 2012021039

Dear Van Lynch:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 6, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

} SCH-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

} SCH-2

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

} SCH-3

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency
1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2012021039
Project Title Quarry Creek Master Plan - EIR 11-02
Lead Agency Carlsbad, City of

Type EIR Draft EIR
Description The proposed Quarry Creek Master Plan project site consists of 156 gross acres of land located within Local Facilities Management Zone 26, in the northeast quadrant of the City of Carlsbad, San Diego County. The project site is located approximately two miles east of I-5 and it's immediately south of SR 78 and westerly of College Boulevard. Full development of the Master Plan would provide a total of 656 residential dwelling units, public use, and open space uses, as well as supporting infrastructure. The proposed project includes 87.9 acres of open space and conserved areas. The proposed project would involve the extension of Marron Road into the project site; however, this road would not be connected to its existing terminus to the west of the project site (east of El Camino Real) as is currently identified in the City of Carlsbad's General Plan Circulation Element. Implementation of the proposed project will require construction of several off-site improvements including the construction of sewer line connections, reclaimed water line, and the Marron Road trailhead. One hundred acres of the site was previously used as a rock quarry and has been reclaimed (SCH #200511124, February 2010).

Lead Agency Contact

Name Van Lynch
Agency City of Carlsbad
Phone (760) 602-4613 **Fax** 760 602-8559
email van.lynch@carlsbadca.gov
Address Planning Department
1635 Faraday Avenue
City Carlsbad **State** CA **Zip** 92008

Project Location

County San Diego
City Carlsbad
Region
Lat / Long 33° 10' 42" N / 117° 18' 6" W
Cross Streets College Blvd and Marron Rd
Parcel No. 167-040-11-00 and 167-040-21-00
Township **Range** **Section** **Base**

Proximity to:

Highways I-5 & SR 78
Airports McClellan/Palomar
Railways NCTD
Waterways Buena Vista Lagoon
Schools Carlsbad ES,MS,HS
Land Use Reclaimed aggregate quarry and vacant land/Manufacturing and Residential Single Family - 10,000 lot size minimum/Residential Low Medium and Open Space

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Document Details Report
State Clearinghouse Data Base

Date Received 10/23/2012 *Start of Review* 10/23/2012 *End of Review* 12/08/2012

Letter SCH-1

Governor's Office of Planning and Research, State Clearinghouse

December 10, 2012

SCH-1 Comment noted. Comments on the Quarry Creek Master Plan Draft EIR were provided by the following State agencies: Public Utilities Commission, California Department of Transportation, Native American Heritage Commission, and California Department of Fish and Game. Please refer to responses to comment letters A, B, C, and D1 for detailed responses to each of these comment letters.

SCH-2 Comment noted.

SCH-3 This comment acknowledges that the City of Carlsbad has complied with the State Clearinghouse review requirements for the Quarry Creek Master Plan Draft EIR.

STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



October 31, 2012

Van Lynch
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Dear Mr. Lynch:

Re: SCH 2012021039 Quarry Creek Master Plan

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)* from the State Clearinghouse for the proposed Quarry Creek Master Plan project.

} A-1

RCES recommends that the City of Carlsbad add language to the Quarry Creek Master Plan so that any future development adjacent to or near the shared railroad/light rail right-of-way 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 highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way 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 highway-rail 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 right-of-way.

} A-2

If you have any questions, please contact Ken Chiang at 213-576-7076, email at ykc@cpuc.ca.gov.

} A-3

Sincerely,

Ken Chiang, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: State Clearinghouse

Letter A
Public Utilities Commission
October 31, 2012

A-1 Comment noted.

A-2 Comment noted. The Quarry Creek Master Plan project would not impact vehicular access of at-grade highway rail crossings.

A-3 Comment noted.

0.3 Response to Comments

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCIES

EDMUND G. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11, DIVISION OF PLANNING
4050 TAYLOR ST., MS. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*'Flex your power'
Be energy efficient'*

December 6, 2012

11-SD-78
PM 3.16
Quarry Creek DEIR

Mr. Van Lynch
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Dear Mr. Lynch:

The California Department of Transportation (Caltrans) has reviewed the Draft Environmental Impact Report (DEIR) for the Quarry Creek Master Plan Project located south of State Route 78 (SR-78) and west of College Boulevard. Caltrans would like to make the following comments:

} B-1

Page 3-19, Table 3-4 shows that existing freeway segments from El Camino Real to Rancho Del Oro Road, and Rancho Del Oro Road to College Boulevard, are currently operating at Level of Service (LOS) E. Also, capacity and peak volume for these segments are listed as 7,050 and 6,821 respectively.

} B-2

Looking at the Project Only Average Daily Traffic Volumes on page 5-3, the additional 1,139 volume added to the segment between College Boulevard and Rancho Del Oro Road brings this segment above capacity. Therefore, it is not clear how the Project plus Existing LOS remains at "E" (see page 5-16). This study should disclose any potential impacts and provide adequate mitigation where feasible.

Existing observed field conditions suggests queuing for southbound College Boulevard lanes at the SR-78 eastbound off-ramp due to spill back from the southbound left-turn at Plaza Drive. Please further explain and substantiate the findings of LOS A/A (AM/PM) for the existing condition and the LOS A/B (AM/PM) existing with project.

} B-3

'Caltrans improves mobility across California'

Mr. Lynch
December 6, 2012
Page 2

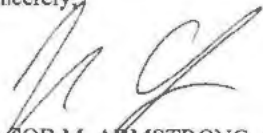
On page 12-1, Alternative 1 assumes only the extension of Marron Road east to west and not the construction of the interchange. However, on Table 8-3, LOS values are entered for the Rancho Del Oro Road Interchange (See page 8-20). Please clarify.

} B-4

If you have any questions on the comments, please contact Roger Sanchez of the Development Review Branch at (619) 688-6494.

} B-5

Sincerely,


JACOB M. ARMSTRONG, Chief
Development Review Branch

"Caltrans improves mobility across California"

Letter B

California Department of Transportation District 11

Division of Planning

December 6, 2012

B-1 Comment noted.

B-2 This comment refers to the Traffic Impact Analysis (Appendix P of the EIR) for the Quarry Creek Master Plan project.

The peak volume referred to in Table 3-4 is the directional peak hour volume for segments of State Route (SR) 78, while the additional 1,139 volume on page 5-3 is an average daily traffic volume (ADT). The additional 1,139 project only ADT is added to the existing ADT, then converted to the existing plus project peak hour flow.

A minor error in ADT volumes for this segment has been corrected in Tables 5-4, 6-4, and 7-4. However, as shown in the attached corrected tables (see Appendix A of this response to comments), the project would result in a less than significant impact to SR-78 in the Existing Plus Project and Near Term Plus Project conditions.

B-3 The traffic signals for the intersections on College Boulevard may operate on a fixed time basis on occasion and could result in periodic, but not continuous, spill back from southbound left-turn at Plaza Drive. The City of Oceanside Transportation Management Center has the ability to alter signal timing at these locations to prevent excessive spill back.

Although the occasional spill back from the southbound left turn at Plaza Drive may delay certain traffic movements, the calculated intersection delay is an average delay of all traffic movements at the intersection. Minor adjustments to signal timing to reduce spill back might result in additional average delay, but would still be within acceptable operations at levels of service within A, B, C, or D.

B-4 Alternative 1 includes the Rancho Del Oro interchange and the extension of Rancho Del Oro Road south to connect with a future Marron Road. The City of Oceanside General Plan Circulation Element, referred to on pages ES-1, 1-3, 8-1, and 12-2, includes the Rancho Del Oro interchange.

B-5 Comment noted.

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



October 25, 2012

Mr. Van Lynch, Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Re: SCH#2012021039; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "QUARRY CREEK MASTER PLAN- EIR 11-02 ;" located on 156-acres in the northeast quadrant of the City of Carlsbad; San Diego County California

Dear Mr. Lynch:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App, 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File search of the project area (e.g. 'area of potential effect' or APE) and did find Native American cultural resources within the APE. This area is know to be culturally sensitive .

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r) .

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

} C-1
} C-2

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

C-3

C-4

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

C-5

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

C-6

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

C-7

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

C-8

2

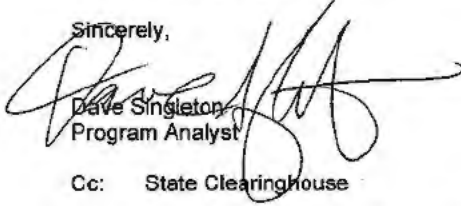
Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

} C-9

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-8251.

} C-10

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
San Diego County
October 25, 2012**

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Daniel Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
jrothau@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 92001
(619) 445-0385

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 385 Diegueno
Valley Center. CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo , CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012021039; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the QUARRY CREEK MASTER PLAN - EIR 11-02; located on 166 acres in the northeastern quadrant of the City of Carlsbad; San Diego County, California.

**Native American Contacts
San Diego County
October 25, 2012**

Jamul Indian Village
Raymond Hunter, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Rincon Band of Mission Indians
Vincent Whipple, Tribal Historic Preservation Officer
P.O. Box 68 Luiseno
Valley Center, CA 92082
twolfe@rincontribe.org
(760) 297-2635
(760) 297-2639 Fax

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Pala Band of Mission Indians
Historic Preservation Office/Shasta Gaughen
35008 Pala Temecula Road, Luiseno
Pala, CA 92059 Cupeno
PMB 50
(760) 891-3515
sgaughen@palatribe.com
(760) 742-3189 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
sbanegas50@gmail.com
(619) 742-5587
(619) 443-0681 FAX

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Pauma Valley Band of Luiseño Indians
Bennae Calac
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
bennaealac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012021039: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the QUARRY CREEK MASTER PLAN - EIR 11-02; located on 156-acres in the northeastern quadrant of the City of Carlsbad, San Diego County, California.

**Native American Contacts
San Diego County
October 25, 2012**

Rincon Band of Mission Indians
Bo Mazzetti, Chairperson
P.O. Box 68 Luiseno
Valley Center, CA 92082
bomazzetti@aol.com
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Cultural Department
1889 Sunset Drive Luiseno
Vista, CA 92081 Cupeno
760-724-8505
760-724-2172 - fax

San Pasqual Band of Indians
Kristie Orosco, Environmental Coordinator
P.O. Box 365 Luiseno
Valley Center, CA 92082 Diegueno
(760) 749-3200
council@sanpasqualtribe.org
(760) 749-3876 Fax

La Jolla Band of Mission Indians
Lavonne Peck, Chairwoman
22000 Highway 76 Luiseno
Pauma Valley CA 92061
rob.roy@lajolla-nsn.gov
(760) 742-3796
(760) 742-1704 Fax

Ewiiapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road Diegueno/Kumeyaay
Alpine, CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Ipai Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel, CA 92070
cjlinton73@aol.com
(760) 803-5694
cjlinton73@aol.com

San Luis Rey Band of Mission Indians
Tribal Council
1889 Sunset Drive Luiseno
Vista, CA 92081
760-724-8505
760-724-2172 - fax

Kumeyaay Diegueno Land Conservancy
Mr. Kim Bactad, Executive Director
2 Kwaaypaay Court Diegueno/Kumeyaay
El Cajon, CA 91919
guassacl@onebox.com
(619) 445-0238 - FAX
(619) 659-1008 - Office
kimbactad@gmail.com

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012021039: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the QUARRY CREEK MASTER PLAN - EIR 11-02, located on 158-acres in the northeastern quadrant of the City of Carlsbad, San Diego County, California.

**Native American Contacts
San Diego County
October 25, 2012**

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine, CA 91901
frankbrown6928@gmail.com
(619) 884-6437

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
(619) 478-2113
(KCRC is a Colation of 12
Kumeyaay Governments

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012021039; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the QUARRY CREEK MASTER PLAN - EIR 11-02; located on 156-acres in the northeastern quadrant of the City of Carlsbad; San Diego County, California.

Letter C

Native American Heritage Commission

October 25, 2012

- C-1** Comment noted. The EIR identifies the presence of sensitive cultural resources located within the project site, and in the project area. Please see EIR Section 5.5 Cultural Resources.
- C-2** The project applicant has consulted with representatives of the San Luis Rey Band of Mission Indians, including field visits and follow-up field survey work as a result of this consultation effort. Mitigation Measures CR-3 and CR-4 (EIR Section 5.5) are proposed as a direct result of consultation efforts. In compliance with SB 18 (Government Code Section 65352.3 and 65352.5) the City has conducted tribal consultation within the San Luis Rey Band of Mission Indians, and the Pechanga Tribe (see EIR Section 5.5 Cultural Resources, page 5.5-5).
- C-3** Please refer to responses to comments C-1 and C-2.
- C-4** This comment is acknowledged. Avoidance of the most significant cultural sites, CA-SDI-5651 Locus 1 and El Salto Falls, is proposed. Locus 1 is recommended eligible for listing in the CRHR, and is located within the Master Plan's proposed open space Planning Area OS-1 (see EIR Section 5.5 Cultural Resources, page 5.5-13). The El Salto Falls is located within Master Plan open space Planning Area OS-3 (see EIR Figure 5.5-1).
- C-5** There is no NEPA action associated with the proposed project.
- C-6** Comment noted.
- C-7** Comment noted. EIR page 5.5-8 discusses Public Resources Code Section 5097.98. Implementation of EIR Mitigation Measure CR-11 will ensure compliance with PRC Section 5097.98 in the event that human remains are found during any ground disturbance activities.
- C-8** Comment noted.
- C-9** Comment noted.
- C-10** Comment noted.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



December 7, 2012

Mr. Van Lynch
Senior Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Subject: Comments on the Draft Environmental Impact Report for the Quarry Creek Master Plan, City of Carlsbad (SCH# 2012021039)

Dear Mr. Lynch:

The Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (EIR) for the Quarry Creek Master Plan dated October 2012. The comments provided herein are based on information provided in the draft EIR and our knowledge of wildlife species including rare, threatened, and endangered species in San Diego County.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 et seq.) and Fish and Game Code Section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program which the City of Carlsbad (City) participates in by implementing its Habitat Management Plan (HMP). The HMP is a Subarea Plan under the Subregional Multiple Habitat Conservation Plan (MHCP) planning effort.

The Quarry Creek Master Plan project site is located in the northeast portion of the City of Carlsbad, approximately ¼ - ½ west of College Boulevard, and immediately south of State Route 78 (SR-78). The project site is comprised of two parcels of land: the 100-acre (ac) Reclamation parcel to the east, and the 56-ac Panhandle parcel to the west. Buena Vista Creek bisects the Reclamation parcel and runs westerly as it exits the Reclamation parcel, and continues off-site north of the Panhandle parcel. The project site is generally bounded to the north by SR-78, to the east by a commercial center and auto dealership, to the south by residential development, and the Department-owned Buena Vista Creek Ecological Reserve to the west.

Intro.

Conserving California's Wildlife Since 1870

The Quarry Creek Master Plan project consists of a 656-unit residential development. High density (331 units at a minimum of 20 units per ac) and medium to medium-high density (325 units at a minimum of 12 units per ac) residential development totaling 48.9 ac is proposed, respectively, north and south of Buena Vista Creek. A proposed vehicle bridge across the Buena Vista Creek would connect the two sides. Public use is proposed on 8.6 ac and would include community recreation facilities, water treatment/hydro modification/detention basin, trailheads, and a park-and-ride. The 87.8 ac of proposed open space includes hiking/biking trails, shade trees, and assorted recreation.

Intro.

The Department offers the following comments and recommendations:

1. The Reduced Development Footprint Alternative feasibly attains the majority of the project objectives and would substantially lessen significant effects of the project. This alternative would provide an equivalent number of residential dwelling units as the proposed project, while reducing the development footprint as it extends westerly on the panhandle parcel. This alternative is not considered the environmentally superior alternative; however, it would reduce impacts in all other resource categories, with the exception of noise. This alternative also offers a superior preserve design with less indirect "edge effect" on lands to be preserved. Therefore the Department encourages selection of this alternative compared to the proposed project.

D1-1

2. The Department recognizes that changes to hardline preserve acreage have occurred in the reclamation parcel following the HMP Equivalency Determination for the South Quarry Creek Amended Reclamation Plan dated October 13, 2010. Section 2.5 asserts that these changes meet the goals of the HMP by providing equivalency; however, due to recent changes to hardline acreage, the Department has not yet received the conformance findings from the City to assess consistency with the HMP for the Quarry Creek Master Plan. We request the City provide the HMP conformance findings prior to circulation of the Final EIR.

D1-2

3. The Department recommends that existing and proposed hardline preserve acreage be differentiated from other designated open-space acreage and be clearly identified in a table and figure.

D1-3

4. The DEIR describes a proposed trail system which "will provide connection to a future trail system in the Buena Vista Creek Ecological Reserve (BVCER) when that trail system is improved", Section 3.3.4. At this time the Department has made no plans to implement a trail system in the BVCER. The proposed trail system adjacent to the BVCER or other open-space areas should include signage and fencing to discourage entry to such areas to protect the biological resources.

D1-4

5. The Department has concerns with the portion of the trail system within an open space area that would link on-site residential and recreational components of the community with off-site destinations to the south. The proposed trail fencing for this section has a height of 3 feet maximum. We recommend the use of a perimeter wall, 5' foot tall split rail, or production fencing as described in the

D1-5

- Master Plan to discourage entry to the open-space via this portion of the trail system. } D1-5 Cont.
- 6. *The DEIR describes the brush Management Zone around the Residential-5 area as extending into the Open Space Planning Area OS-5. All brush management zones are considered to be fully impacted and should be included within the project footprint. The EIR should clearly specify that no brush management would occur within the open space to be preserved and managed consistent with the HMP. } D1-6
- 7. *It is understood that brush management will be partially achieved through the use of single-loaded streets and Planning Area R-5 by providing fire suppression over the north-facing slope north of R-5 (please see comment #2 above). However, Planning Areas R-1, R-2, R-3, and R-5 do not show a brush management zone between planning area OS-3. The EIR should include an explanation as to why this is not necessary. Additionally, the EIR should include maps which clearly define all locations of brush management zones. } D1-7
- 8. *The MHCP identifies this reach of Buena Vista Creek in the Biological Core and Linkage Area. Because the Buena Vista Creek is a potential wildlife corridor for larger mammals (e.g. coyotes and bobcat), to be consistent with the MHCP the proposed bridge should be designed to provide a minimum 0.75 openness ratio with minimum dimensions of 6.5 feet wide by 10 feet high. } D1-8
- 9. *We appreciate that the DEIR contains measures to address impacts on sensitive avian species. } D1-9a
 - a. We generally consider the avian breeding season to be from February 15 through September 15. However, raptors may begin breeding as early as December. For example, in southern California, the earliest reported egg dates for red-tailed hawk (*Buteo jamaicensis*) and white-tailed kite (*Elanus leucurus*), two non-HMP covered species observed on-site, occur in early and mid-January, respectively. Therefore, if possible, we request that the duration of the implementation of the productive measures during the avian breeding season be adjusted accordingly.
 - b. We recommend that yellow warbler (*Dendroica petechia*) be added to the list of species to be surveyed for. } D1-9b
- 10. Mitigation Measure BIO-5 includes pre-activity biological monitoring by an approved biologist. Biological monitors should be federally permitted for species such as least Bell's vireo (*Vireo bellii pusillus*) and California gnatcatcher (*Dendroica petechia*). } D1-10

*Please consider this comment has been previously submitted by the Wildlife Agencies on November 3, 2010, March 4 and March 8, 2011, and March 22, 2012.

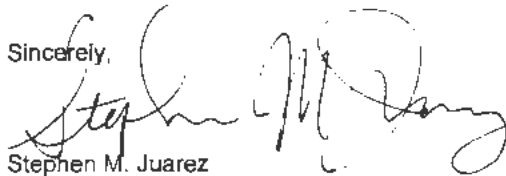
11. The DEIR identifies 42.9 ac of Diegan Coastal Sage Scrub (CSS) on site as shown in Figure 3-8, Table 5.4-4 and 5.4-6; however, the acreage of impacted and preserved CSS is inconsistent. The final EIR should rectify the inconsistencies.

} D1-11

We appreciate the opportunity to provide comments on the subject DEIR. Should you have any questions regarding this letter, please contact Stephanie Ponce at (858) 456-4237.

} D1-12

Sincerely,



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

Enclosure (4)

cc:

David Zoutendyk, U.S. Fish and Wildlife Service
State Clearinghouse (by email only; state.clearinghouse@opr.ca.gov)



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011
760-431-9440
FAX 760-431-9618



California Department of Fish and Game
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4299

In Reply Refer To:
FWS/CDFG-10B0707-12TA0202

MAR 22 2012

Mr. Van Lynch, Senior Planner
City of Carlsbad Planning Division
1635 Faraday Avenue
Carlsbad California 92008

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the
Quarry Creek Master Plan, City of Carlsbad (SCH# 2012021039)

Dear Mr. Lynch:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) dated February 15, 2012. The project details provided herein are based on the information provided in the NOP and associated documents.

The City of Carlsbad (City) has an approved Multiple Habitat Conservation Program (MHCP) Habitat Management Plan (HMP) and Implementing Agreement under the Natural Community Conservation Planning program. The draft Environmental Impact Report (DEIR) for the proposed project must ensure and verify that all requirements and conditions of the HMP and Implementing Agreement are met. The DEIR should also address biological issues that are not addressed in the HMP and Implementing Agreement, such as specific impacts to and mitigation requirements for wetlands or sensitive species and habitats that are not covered by the HMP and Implementing Agreement. Issue areas in the DEIR that may be influenced by the HMP and Implementing Agreement include "Land Use," "Landform Alteration/Visual Quality," "Traffic/Circulation," "Biological Resources," "Drainage/Urban Runoff/Water Quality," "Noise," and "Cumulative Effects." In addition, the DEIR should describe why the proposed project, irrespective of other alternatives to the project, is consistent with, and appropriate in the context of, the HMP.

The project site is located within the northeast quadrant of the City in the Calavera Hills Master Plan community, south of State Route 78, east of the Department's Buena Vista Creek Ecological Preserve and west of the Quarry Creek shopping center in the City of Oceanside. The Quarry Creek Master Plan project consists of a 656-unit residential development on a 156-acre (ac) site which is divided by Buena Vista Creek. High density (306 units at a minimum of 20 units per ac) and medium to medium high density (200 units at a minimum of 12 units per ac) residential development is proposed, respectively, north and south of Buena Vista Creek. A proposed vehicle bridge across the Buena Vista Creek would connect the two sides. A 0.6-ac

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

2

nature/education center, a 2.1-ac community facilities site (day care), a 0.9-ac park and ride site, and 87.7 ac of open space are also proposed. Access would be provided to an adjacent 4-ac site in the City of Oceanside that has no other means of access, and the DEIR will address the impacts of future development of this Oceanside parcel. The project proposes to eliminate Marron Road from the Circulation Element such that Marron Road would not be completed within the Buena Vista Creek Ecological Preserve between El Camino Real and College Boulevard. The project also includes off-site infrastructure improvements in the form of water, sewer, and reclaimed water lines to serve the project.

The Wildlife Agencies have several concerns regarding the potential effects of this project on sensitive biological resources, and its compliance with the requirements and standards of the City's HMP. Our comments and recommendations address our concerns and are intended to assist the City in its analysis of consistency with the HMP, and of the project-related biological direct and indirect impacts for the DEIR.

Specific Comments

1. Please consider the pre-CEQA comments submitted by the Wildlife Agencies via electronic mail on November 3, 2010, and March 4 and March 8, 2011 (Enclosures 1 and 2) as applicable to this NOP.
2. The Wildlife Agencies support the project's proposal to eliminate Marron Road from the Circulation Element.
3. The NOP states: "...and 87.7 acres of open space are also proposed. The remaining natural open space post-development will be subject to Habitat Management Plan [HMP] requirements for preservation and management." The Draft EIR should clearly discuss and map the difference, if any, between the 87.7 ac of proposed open space and the "remaining natural open space" that will be preserved and managed consistent with the HMP.
4. The MITCP includes this reach of Buena Vista Creek in the Biological Core and Linkage Area; therefore, the DEIR should analyze potential impacts to wildlife movement along Buena Vista Creek. Because Buena Vista Creek is a potential wildlife corridor for larger mammals (e.g., deer, coyote, bobcat), bridges should be designed to provide a minimum 0.75 openness ratio with minimum dimensions of 6.5 feet wide by 10 feet high.
5. The DEIR should include maps and text that clearly define the location of brush management zones, and the 100-foot biological buffer and the 50-foot planning buffer on both sides of Buena Vista Creek.

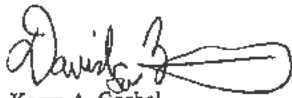
Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

3

6. Figure 12 included with the NOP depicts the brush management zones around the Residential-5 area as extending into the open space. All brush management zones are considered to be fully impacted and should be included within the project footprint. The DEIR should clearly specify that no brush management would occur within the open space to be preserved and managed consistent with the HMP.
7. The NOP indicates that the easterly 100-ac parcel of the project site, bisected by Buena Vista Creek, is presently undergoing reclamation pursuant to the South Coast Quarry Reclamation Plan and EIR (SCH 2005111124) prepared by the City of Oceanside. The DEIR should provide the following: (1) status of this reclamation effort, (2) map(s) depicting precise location of the Reclamation Plan in relation to the Master Plan, and (3) summary of the interrelationship between the Reclamation Plan and the Master Plan.
8. While the NOP provides a project description, it states, "No development of units is proposed at this time." Please clarify what exactly is being proposed.

We appreciate the opportunity to provide comments on the subject NOP. Should you have any questions regarding this letter, please contact Janet Stuckrath (Service) at (760) 431-9440 extension 270 or Stephanie Rihl (Department) at (858) 467-4237.

Sincerely,



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



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

Enclosures (2)

cc:

State Clearinghouse (by email only; state.clearinghouse@opr.ca.gov)

ENCLOSURE 1

The following are the contents of an electronic mail message (email) from Janet Stuckrath, Service, to Van Lynch, City of Carlsbad Planning Department, March 8, 2011.

From: Janet_Stuckrath@fws.gov
To: Van.Lynch@carlsbadca.gov
cc: ELucas@dfg.ca.gov
Date: 03/08/2011 2:55 PM
Subject: Quarry Creek Master Plan - pre-CEQA comments

Van,

Libby's latest comments and our November 3, 2010, comments pretty much cover my concerns.

Page II-6, Section 2.2.2. We support the elimination of the east-west extension of Marron Road and the southerly extension of Rancho del Oro Road.

Page IV-31 This section should address the requirement for the QCMP to provide the restoration of the outer 20 feet of the biological buffer in a manner consistent with the 80 feet restored under the South Coast Quarry Amended Reclamation Plan.

Page IV-32 All planning areas adjacent to open space or conserved lands should include design criteria requiring non-reflective windows, lighting should be shielded and directed away, and landscaping should be native or non-invasive exotics.

Figure 11 There are two trail segments that specifically concern me. One is the westernmost trail that appears to lead into the CDFG Ecological Preserve. This segment of the trail should be eliminated unless it will connect to an approved trail to the west.

Page VI-13, Fig 27 We understand that brush management will be partially achieved through the use of single-loaded streets. However, Planning Areas R-1, R-2, and R-3 don't show a brush management zone between the planning areas and OS-3. The master plan should include an explanation of why this is not necessary.

Thank you for the opportunity to comment on the draft Master Plan. We reserve the right to provide additional comments as the project moves forward and during the review of the project-related CEQA document.

Janet Stuckrath
U.S. Fish and Wildlife Service
(760) 431-9440 ext. 270
(760) 431-5902 (fax)

ENCLOSURE 2

Email attachment sent to Van Lynch, City of Carlsbad Planning Department by Elizabeth "Libby" Lucas, dated March 4, 2011.

From: ELucas@dfg.ca.gov
To: Van.Lynch@carlsbadca.gov
cc: Janet_Stuckrath@fws.gov
Date: 03/04/2011 6:56 PM
Subject: Quarry Creek Master Plan - pre-CEQA comments

Comments on the *Quarry Creek Master Plan* prepared for the City of Carlsbad and dated September 3, 2010 – applicant McMillin Companies

The following comments are in addition to the comments the Wildlife Agencies emailed to the City on November 3, 2010, and which are repeated at the end of this document. Subsequent versions of the *Quarry Creek Master Plan* should provide the requested changes.

Page I-6. The 5th and 8th bullets suggest that the areas set aside to preserve sensitive environmental resources would also be available as recreational open space. Please clarify that generally recreational activities will not be allowed in the areas that will be within the conservation easement (i.e., the acres in the hardline preserve that support the mitigation for habitat impacts associated with the proposed project, namely the planting up to the top of the new Creek channel slopes plus the area beyond comprising the 100-foot buffer, and beyond the buffer boundary in areas where the CSS mitigation extends beyond it).

Page I-11, Figure 5. If the Figure is meant to reflect the City's approved Housing Element (which seems to be the case based on the 1st paragraph on page I-10), please change its title to *General Plan Map per Housing Element approved on December 22, 2009*. This will help clarify that the approved Housing Element includes the extension of Marron Road across the entirety of the Master Plan area in an east-west direction.

Page I-14 The text after "Walkability" could be interpreted as allowing trails and bikeways within the areas covered by the conservation easements (i.e., the areas in the hardline preserve, CEs). Please modify the text to reflect that, whether or not public trails will be allowed within the CEs, and where they will be if they are allowed, will be subject to approval by the Wildlife Agencies, with consideration of the expected level of human use of the trails.

Page II-2, 1st paragraph. The last two sentences suggest that the open spaces within the conservation easements will be available for recreational uses. Please clarify that this generally will not be the case.

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 2

Page II-2, 2nd paragraph. Note that, while the proposed development footprint is “within the most disturbed and non-sensitive portions of the property,” the project may still cause indirect biological effects. We recognize that this may not be the right document to address the potential biological indirect impacts from the construction and the operation of the Master Plan, but it’s important to recognize them at this point. Please see General Comment #2 below.

Page II-2, section 2.1.3, 2nd paragraph.

- a. The text indicates that the Master Plan would include two high density neighborhoods. Figure 8 depicts only one area denoted as RH. Please clarify if both the high density neighborhoods will be within this area.
- b. The text indicates that medium-high densities consist of 10-15 units per acre, but Figures 5 and 8 and Table B in section 2.2.1 indicate that such densities consist of 8-15 units per acre. Please reconcile this discrepancy.

Page II-6, Section 2.2.2.

- a. In addition to citing Figure 8, this text should also cite one or more of the figures that fully depict the proposed internal circulation roads (e.g., Figure 11).
- b. This section discusses the elimination of the east-west extension of Marron Road and the southerly extension of Rancho del Oro Road. We support both of these.

Page II-9, 1st paragraph. The last two sentences seem to conflict in meaning.

Page II-10, Section 2.4.

- a. Number 7 in the bulleted list at the top of the page should be modified to explicitly identify the biological buffer.
- b. The last paragraph refers to 83.1 acres of land presently allocated to residential land use, whereas the preceding paragraph indicates that 63.97 net acres of development area is available. Please explain that the latter number differs from the former because of the results of the constraints analysis.
- c. Table C indicates that, per the constraints analysis, there are 72.28 acres available for open space, whereas Table D on page II-14 and other text in the document indicate that the Master Plan would have 85.8 acres of open space. Either explain why these are inconsistent or reconcile the difference.

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 3

Page II-12, Section 2.5.2 and Figure 11. Please modify the text to reflect that, whether or not public trails will be allowed, and where they will be if they are allowed, will be subject to approval by the Wildlife Agencies, with consideration of the expected level of human use of the trails. Same comment applies to: Page III-11, subsection b of Section 3.2.3; Page IV-31, Section 4.3.1; and Page VI-12, Section 6.4.5.

Page II-15, Section 2.5.5. We recognize that the FSEIR indicates that the proposed CE over the Creek and associated upland buffers would include a provision recognizing the potential need for the future road crossing, and explains that this provision would limit mitigation obligations to standard mitigation ratios rather than doubling of mitigation ratios as is typically required for impacts to mitigation areas. The Master Plan states that the "exact alignments of the roadways and drives with [sic] the Quarry Creek site will be determined at the same time of site development review."

Page III-8, Section 3.2.3. Where the last sentence in the 2nd paragraph refers to the USFWS, please add CDFG. The same comment applies to the 1st sentence in the 2nd paragraph on page III-11.

Page III-12, Section 3.2.3. The 1st paragraph refers to "irrigation systems placed in the major project slopes." Please add that there will be no permanent irrigation on the slopes within the CEs / hardlined preserve areas.

Page III-12, Section 3.2.4. Please add that all the BMPs shall be within the development footprint, outside of the HMP preserve / CEs / hardlined areas, including the biological buffer.

Page IV-9, Special Design Criteria.

- a. Please change the wording of criterion #8 to the wording of criterion #7 on page IV-29.

In criterion #9, please add "or planning buffer" after "Open Space areas."

- b. Please add revised criteria #8 and #9 to the lists of criteria on pages IV-4, IV-14, IV-19, and the criterion #9 only to the list on page IV-29.

Page IV-14, Special Design Criteria.

- a. In addition to criterion #3 being beneficial for social interaction, it will also be beneficial to the biological resources in the biological buffer by minimizing their disturbance. Please add a similar criterion to the Special Design Criteria lists for R-1 and R-2 to minimize directing social interaction towards the biological buffer.

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 4

- b. Criterion #11 addresses refuse collection. Because of the adjacency/proximity of the residential units to the HMP Preserve, it is necessary to prevent the refuse from becoming an attractive nuisance for corvids and vermin because of the concern about their impact on the wildlife. Please add to this criterion that (a) the collector bins would be stored in completely enclosed areas, (b) the leachate from the bins would be directed to the sanitary sewer, (c) surface runoff from the rest of the project site would not be allowed to commingle with the leachate, (d) the HOA mentioned in Section 5.14 would inspect the refuse collection areas at least once monthly (shortly after a collection) and clean up any garbage or leachate that escaped, and (e) implement a trapping program for vermin around the refuse collection areas.

Pages IV-25 and IV-30, Figures 20 and 21. These figures and others in the Master Plan depict a fire suppression zone along the northern boundary of R-5.

- a. Please specify that this zone will be entirely within the development footprint and not encroach into the HMP Preserve. Section 4.3.1 (page IV-31) indicates this, but it would be helpful to state it on the figures too.
- b. Please explain why fire suppression zones are proposed only in this location and along the southern boundary of P-2.
- c. Please explain why a fire suppression zone is proposed for P-2, even though there will be no habitable structures there.

Page IV-32.

- a. The 1st paragraph states, "the biological buffer shall average 100-feet in width." Please correct this to reflect that the HMP hardline the Wildlife Agencies agreed to includes a buffer that is at least 100 feet wide in all sections.
- b. The 1st paragraph identifies the only uses of the biological buffer other than its biological functions. Though trails are not included among those uses, the 3rd paragraph states, the Plan provides "a public trail within the outer 50 feet of the OS-3 creek channel environmental buffer." Assuming that the intent is for the trail to be within the 50-foot planning buffer (which seems to be the case based on Figures 24 and 29, and the text in Section 6.4.5), which is outside the biological buffer, please clarify that the trail will be in the planning buffer, not the biological buffer (i.e., omit the use of the term *environmental buffer*).
- c. Please explain that the pedestrian crossing of the Creek will be provided adjacent to the vehicular bridge, as shown on Figures 24 and 29.

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 5

Page V-6, Section 5.14.2. This section indicates that residents in apartments and the apartment areas would not be subject to the CC&Rs that would apply to the condos and single family residential units. According to Figure 8, the apartment complexes are proposed to be between Haymar Drive and Buena Vista Creek. The apartment complexes need to be managed in the same manner as the other housing elements to minimize their and their residents' potential impacts on the resources supported by the HMP Preserve. Please describe how this will be accomplished.

GENERAL COMMENTS ON THE MASTER PLAN

While the Master Plan is not the appropriate document to address the following comments, we wish to provide them now in the hopes that they will influence the project designs in biologically beneficial

We reserve the right to provide additional comments as the project progresses and upon review of the project-related CEQA document.

1. We request to have an opportunity early in the design phase of the Master Plan to discuss the least biologically damaging alignments and designs of the roads and pedestrian (Section 4.1.1, page IV-4, #4) crossings over the Creek.
2. The Department is concerned about the potential project-related direct and indirect effects on Buena Vista Creek, the HMP Preserve areas adjacent to the Creek and on the slopes adjacent to the project footprint, and the sensitive species these areas support. Specifically, we are concerned about the biological effects (e.g., wildlife movement, behavior such as breeding activity) from the project-related construction and operational (i.e., long-term) disturbances of these biological resources resulting from:
 - encroachment by humans and domestic animals;
 - possible conflicts resulting from wildlife-human interactions at the interface between the proposed development and the biological buffer;
 - line-of-sight disturbances;
 - noise;
 - light;
 - glare;
 - shading; and
 - hydrological changes both within the reach of the River adjacent to the project site and downstream.

It is essential that every effort be made to protect the biological resources within the HMP Preserve from additional direct and indirect impacts. In addition to the Wildlife Agencies

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 6

November 3, 2010, emailed comments repeated at the end of this document, the following comments also pertain to indirect impacts.

- a. If the project includes amenities (e.g., outdoor tables) intended to attract human activities between the buildings and the biological buffer, the project description should prohibit the placement of tables and other amenities that would encourage prolonged human presence between the buildings and the buffer.
- b. The project should be designed to avoid and minimize indirect hydrological project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats. Please provide one or more figures depicting the location of BMPs in relation the development footprint.
- c. The CC&Rs should include an explicit requirement that residents and visitors not feed the birds. This should also apply to whatever mechanism will be used to require the residents that are not subject to the CC&Rs (e.g., apartment dwellers).
- d. The *Master Plan* does not mention sports fields. If any sports fields (or any other uses that might require outdoor lighting) are proposed within close or adjacent to the HMP Preserve areas, they should either not be lit after dark or, if lit for after-dark activities, the lighting must meet the requirements in the HMP for lighting close or adjacent to the Preserve.
- e. All other project lighting too must meet the requirements in the HMP for lighting close or adjacent to the Preserve.
- f. The fencing mentioned in comment #3b below should be cat-proof.

THE NOVEMBER 3, 2010, EMAILED COMMENTS ARE REPEATED BELOW.

From: ELucas@dfg.ca.gov
To: Van.Lynch@carlsbadca.gov
cc: Janet_Stuckrath@fws.gov
Date: 11/03/2010 09:56 AM
Subject: Quarry Creek Master Plan - pre-CEQA comments

Hello Van,

If you are not the City planner working on the Quarry Creek Master Plan, please forward these comments to the assigned planner and copy us on that email.

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 7

The City of Oceanside City Council Weekly Update for October 14, 2010 (www.cityofocceanside.com/pdf/10-14-10_CWU.pdf), provides the following notice.

Quarry Creek Master Plan

We have received a copy of the Quarry Creek Master Plan from the City of Carlsbad for review by November 5, 2010. The project is located on the 100-acre former Hanson Aggregate Quarry located at the western terminus of Marron Road and Haymar Street and west of the Quarry Creek Shopping Center. The project proposes over 600 housing units, which will be utilizing City of Oceanside streets for egress and ingress (Marron, Haymar, College Boulevard, etc.) and potentially many City of Oceanside services (water, sewer, Police, Fire, etc.). Please review the document which has been copied to the City's I Drive at: Citywide I Drive, Planning, Quarry Creek folder. Please forward any comments to Jerry Hirtleman by Wednesday, October 27, and the will be compiled for transference to the City of Carlsbad.

Sometimes the City and other jurisdictions request pre-CEQA comments from the Wildlife Agencies. We don't believe that we have received any such request for the Quarry Creek Master Plan (QCMP). However, in the hope that the CEQA document for the QCMP will address our comments below, we offer them to provide the City advance notice of our concerns to date based only on the information provided in the notice above. We may have additional comments when the CEQA document is circulated for public review.

1. We were both surprised to learn that over 600 units are being proposed. With so many units, the buildings will be several stories high, which raises concerns regarding avian collisions with glass in windows or glass doors. Therefore, especially for the buildings adjacent to the biological buffer for Buena Vista Creek, we request that the buildings' windows and glass doors (e.g., sliding doors) be of non-reflective glass and be treated to prevent indoor light from shining through them (see <http://www.flap.org/film.htm>) to avoid or minimize avian collisions resulting from reflection during the day and disorientation from indoor lighting shining out through windows at dusk and after dark.
2. The CEQA document should address the requirement for the QCMP to provide the restoration of the outer 20-feet of the biological buffer in a manner consistent with the inside 80 feet for the South Coast Quarry Creek Amended Reclamation Plan.
3. The CEQA document should reflect that:
 - a. no activities or structures (e.g., BMPs, storm water infrastructure, and fuel mod) will be within the biological buffer, with the exception of the habitat restoration, monitoring, and management, and the possible road crossing that may be required and would occupy less than 0.2

Mr. Van Lynch (FWS/CDFG-10B0707-12TA0202)

Enclosure 2, page 8

acre (according to an email we received from Barry Jones in the context of the South Coast Quarry Creek Amended Reclamation Plan);

b. permanent fencing will be installed between the development and the buffer (a minimum 6 feet tall, small gauge chain link, with a cantilever towards the development);

c. no lighting is allowed in the biological buffer, and all temporary and permanent outdoor lighting will be low-pressure sodium lighting that is downcast and fully shielded;

d. the CC&Rs, or some other mechanism if not CC&Rs, will prohibit residents from having outdoor cats and allowing dogs to be off leash.

4. The measures in the CEQA document to avoid impacts on sensitive avian species should account for breeding dates of raptors. As we commented on the South Coast Quarry Creek Amended Reclamation Plan, raptors may begin breeding as early as December. For example, in southern California, the earliest known egg dates for red-tailed hawk (*Buteo jamaicensis*) and white-tailed kite (*Elanus leucurus*), two non-HMP covered species observed on site, are early and mid-January, respectively. Therefore, the duration of the implementation of the protective measures during the avian breeding season should reflect these time frames.

If you have any questions or concerns about our comments, please let us know. Thank you.

Libby Lucas (CDFG) and Janet Stuckrath (USFWS)

Letter D1

California Department of Fish and Game

December 7, 2012

- Intro** This comment provides introductory remarks. Please refer to responses to comments D-1 through D-11.
- D-1** Comment noted. The proposed project's impacts to biological resources have been addressed through conformance with the City's HMP, which includes preservation of natural open space, and implementation of proposed mitigation measures identified in the EIR. The proposed preferred project would increase the overall HMP hardline preserve by 9.5 acres over the HMP hardline preserve that was approved by the California Department of Fish and Game (CDFG). These measures have pulled development back from the panhandle as well as the large block of riparian habitat in the north-western portion of the project site, resulting in less edge effects than what was allowed under the existing HMP hardline preserve boundary.
- D-2** The City forwarded the proposed project's HMP Equivalency Findings to the CDFG for their concurrence on December 12, 2012.
- D-3** The information requested in this comment (i.e., existing and proposed hardline preserve acreage, table, figure) is provided in the HMP Equivalency Findings provided by the City to CDFG. These Findings are also included as an attachment to the Final EIR.
- D-4** Signage and fencing will be included in the perpetual management, maintenance, and monitoring plan (PMP) as required in Mitigation Measure BIO-5 (see EIR pages 5.4-43 and 5.4-44).
- D-5** The proposed trail connection that would connect the project to the existing residential neighborhood to the south (Simsbury Court) has been deleted from the project. Therefore, no trail fencing is proposed in this location.
- D-6** It appears this comment is referring to OS-4 (there is no OS-5). EIR Figure 5.4-2 (see EIR page 5.4-21) clearly shows OS-4 as being considered fully impacted. Additionally, EIR Section 5.4.3.2 states, "Direct impacts are described based on the grading limits and associated brush management limits." As such, no changes to the EIR are necessary.
- D-7** The proposed 50-foot planning buffer located between Planning Areas R-1, R-2 and R-3 will include a trail, hydromodification basins, and parkway for adjacent roadways, all of which will act as a fire management zone. Brush management will not be required in these areas. EIR Figure 3-4 (see EIR page 3-11) shows where brush management is proposed elsewhere on the project site, all of which occurs outside of proposed open space.
- D-8** EIR Figure 3-6 (see EIR page 3-18) shows the design of the proposed bridge, which significantly exceeds the openness ratio of 0.75 as requested in this comment. The openness ratio is defined as the width and height of the structure (150 feet by 16 feet) divided by the length (70 feet). Therefore, the openness ratio is 34.29 ($150 \times 16 = 2400 / 70 = 34.29$).
- D-9a** The breeding season dates identified in EIR BIO-5 are consistent with the HMP and no change to this mitigation measure is proposed.

- D-9b** Indirect impacts from noise for the yellow warbler would not be considered significant nor require avoidance measures during the breeding season because the yellow warbler is not a federal or state listed species, and focused surveys for yellow warblers are therefore not warranted.
- D-10** Mitigation Measure BIO-5 does not specifically require “pre-activity biological monitoring” unless clearing of vegetation occurs during the breeding season (February 15-September 15).

EIR Mitigation Measure BIO-5, bullet 4 has been modified as below to clarify that the monitor would need to be federally permitted for species such as the least Bell’s vireo (*Vireo bellii pusillus*) and coastal California gnatcatcher (*Poliophtila californica californica*).

The Mitigation Measure BIO-5 (fourth bullet) has been modified as follows:

- The clearing and grubbing of sensitive habitats shall occur outside of the bird breeding season (February 15 to September 15), unless a qualified biologist demonstrates to the satisfaction of the City and the Wildlife Agencies that all nesting is complete. The qualified biologist would need to be federally permitted for species such as the least Bell’s vireo (*Vireo bellii pusillus*) and coastal California gnatcatcher (*Poliophtila californica californica*) if the habitat being cleared has potential to support these species.

- D-11** The footnote in EIR Table 5.4-3 states “+25.4 acres is available for project mitigation. The 5.1 acres of creation habitat was mitigation for the Reclamation Plan.” The number of acres available for mitigation is 24.7 acres. BIO-1, bullet 3 and the footnote have been corrected for Table 5.4-3.

The revised text of BIO-1, bullets 3 and 4 read as follows:

- Impacts to 13.1 acres of Diegan coastal sage scrub shall be mitigated at a 2:1 ratio (26.2 acres) through on site preservation of ~~25.2~~ 24.7 acres of Diegan coastal sage scrub. The remaining ~~4.0~~ 1.5 acres shall be mitigated through restoration of Diegan coastal sage scrub on site.
- An additional ~~3.5~~ 3.0 acres will be revegetated with Diegan coastal sage scrub species for erosion control purposes, and will be required to meet cover criteria for erosion control, but will not be required to meet success criteria for Diegan coastal sage scrub being used for project mitigation. All revegetated slopes will be maintained by the project proponent until success criteria have been met before being added to the preserve to be managed by the preserve manager.

- D-12** Comment noted.

From: Stuckrath, Janet [mailto:janet_stuckrath@fws.gov]
Sent: Thursday, December 13, 2012 11:09 AM
To: Van Lynch
Cc: srihl@dfg.ca.gov; David Zoutendyk
Subject: Quarry Creek Draft EIR

Van,

The Service concurs with the comments provided by the California Department of Fish and Game in their letter dated December 7, 2012 (attached). All previous comments in our letter dated March 22, 2012 and the email dated March 4, 2011, remain valid and should be fully addressed in the final EIR (see attached). In addition, we recommend that the Reduced Development Footprint Alternative (Figure 6-2) be selected. This alternative would provide the equivalent number of dwelling units as the proposed project while reducing the development footprint on the panhandle parcel.

} D2-1
} D2-2
} D2-3

Thank you for the opportunity to comment on the draft EIR. If you have questions or comments, please contact me via email or telephone.

} D2-4

Janet Stuckrath
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011
(760) 431-9440 ext. 270

Letter D2
U.S. Fish and Wildlife Service
December 13, 2012

- D2-1** Comment noted. Please refer to responses to comments D1-1 through D1-12 for responses to the comments by the California Department of Fish and Game.
- D2-2** Prior comments by the U.S. Fish and Wildlife Service have been addressed. Major comments provided in the March 22, 2012 NOP comment letter are summarized and responded to on EIR page 1-7.
- D2-3** Comment noted. As identified on EIR page 2-29, “The State CEQA Guidelines Section 15123(b)(3) also requires a discussion of issues to be resolved including a choice of alternatives and whether or how to mitigate the significant effects... Alternatives to the proposed project have also been identified that would reduce or avoid the potentially significant impacts associated with the project. The City Council would need to decide to approve one of the alternatives discussed in this EIR instead or approve the proposed project.”
- D2-4** Comment noted.



DEPARTMENT OF THE ARMY

Los Angeles District, Corps of Engineers
Carlsbad Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

December 7, 2012

REPLY TO THE ATTENTION OF:

Office of the Chief
Regulatory Division

Mr. Van Lynch
Senior Planner
City of Carlsbad, Planning Department
1635 Faraday Avenue
Carlsbad, California 92008-7314

Re: U.S. Army Corps of Engineers Comments on the Quarry Creek Master Plan Draft
Environmental Impact Report (EIR 11-02)

Dear Mr. Lynch:

The United States (U.S.) Army Corps of Engineers (Corps) is in receipt of the Draft Environmental Impact Report (Draft EIR) pursuant to the California Environmental Quality Act (CEQA) for the Quarry Creek Master Plan, dated November 2012 (Corps File No. 2012-00807-RJV). The project proposes to place fill materials into Buena Vista Creek and its tributaries within the City of Carlsbad, California. The discharge of fill materials into waters of the U.S. would require a Department of the Army permit in accordance with Section 404 of the Clean Water Act. The Corps issues two types of permits: General Permits, including Nationwide Permits; and Standard Permits, including Individual Permits. Nationwide Permits are permits used for projects with less than minimal effects on the aquatic environment. The threshold for Nationwide Permit is generally 0.50 acre and 300 linear feet of streambed.

E-1

In order to receive Corps authorization through an Individual Permit, an applicant must clearly demonstrate that the proposed impacts to waters of the U.S. are unavoidable and the project constitutes the least environmentally damaging practicable alternative (LEDPA), per the Corps' regulations at 33 C.F.R. § 320.4(a)(1) and the EPA's 404(b)(1) Guidelines at 40 C.F.R. § 230.10(a). Generally, the practicable alternative that involves the least amount of filled waters of the U.S. would be considered the least damaging. Because the proposed project is residential development, which is not water dependent, a less damaging practicable alternative that avoid "special aquatic sites" such as wetlands are presumed to exist unless the project proponent can rebut this presumption. Practicable alternatives are those that may be feasible when taking logistics, technology, and cost into consideration. Practicable alternatives are not unreasonably costly, but may produce less return on investment than is desired by the project proponent.

E-2

Additionally, to compensate for any unavoidable impacts to waters of the U.S., the project applicant must propose a compensatory mitigation plan in compliance with 33 C.F.R. Part 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. Compensatory mitigation is often required to ensure that an activity complies with the 404(b)(1) Guidelines and is not contrary to the public interest.

} E-3

In addition, the Corps may be required to consult with the U.S. Fish and Wildlife Service through Section 7 of the Endangered Species Act for impacts to endangered and threatened species on site, and coordinate with State Historic Preservation Officer (SHPO) and Native American tribes pursuant to Section 106 of the National Historic Preservation Act to evaluate impacts to El Salto Falls, its view shed, and other cultural resources that may be on site.

} E-4

The Corps is therefore recommending that the project proponent enter into pre-application consultation with the Corps and other regulatory agencies at this time. Otherwise, the project proponent risks completing the CEQA process only to then conduct a separate, rigorous alternatives analysis wherein the outcome (identification of the LEDPA) may not resemble the outcome of the CEQA process (identification of the preferred alternative).

} E-5

If you have any questions, please contact RJ Van Sant at 760.602.4833 or via e-mail at Richard.J.Vansant@usace.army.mil. Please refer to this letter and SPL-2012-20807-RJV in your reply.

} E-6

Sincerely,

Michelle Lee Mattson
Senior Project Manager
Regulatory Division

Cc:
California Department of Fish and Game
Attn: Kevin Hupf
Environmental Scientist
CA Department of Fish and Game
3883 Ruffin Road

U.S. Fish and Wildlife Service
Attn: Jim Bartels
6010 Hidden Valley Road
Carlsbad, CA 92009

-3-

San Diego Regional Water Quality Control Board
401 Certification Program
Attn: Alan Monji
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Letter E

U.S. Army Corps of Engineers

December 7, 2012

- E-1** Comment noted. As indicated on EIR Table 5.4-5 Summary of Impacts to Jurisdictional Areas (see EIR page 5.4-20) total project impacts to U.S. Army Corps Jurisdictional Areas is 0.23 acres, therefore, the Section 404 Permit would be covered under a Nationwide Permit.
- E-2** An Individual Permit will not be required for this project. Therefore, a LEDPA analysis would not be required. Please refer to response to comment E-1.
- E-3** Compensatory mitigation is proposed under EIR Mitigation Measure BIO-2 (see EIR page 5.4-40).
- E-4** Comment noted.
- E-5** Please refer to response to comment E-2.
- E-6** Comment noted.



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

December 7, 2012

File Number 3330300

Mr. Van Lynch
 1635 Faraday Avenue
 Carlsbad, CA 92008

Dear Mr. Lynch:

SUBJECT: Comments on the City of Carlsbad Quarry Creek Master Plan Draft Environmental Report

Thank you for the opportunity to comment on the Quarry Creek Master Plan Draft Environmental Report (DEIR).

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.

SANDAG recommends that the following comments be addressed and analyzed in the Quarry Creek Master Plan DEIR.

Smart Growth Opportunity Areas

A key goal of the RCP is to focus growth in the Smart Growth Opportunity Areas shown on the Smart Growth Concept Map. The proposed project is located within the Quarry Creek Area (CB-3), which is identified on the Smart Growth Concept Map as a Potential Community Center. This project is planned at a density of approximately 15.7 dwelling units per acre, and therefore does not qualify as an Existing/Planned Community Center, which requires a minimum density of 20 dwelling units per acre. The project also is not served by Qualifying Existing or Planned Transit per the 2050 RTP/SCS, which is the minimum transit service characteristic to qualify as an Existing/Planned Community Center.

MEMBER AGENCIES

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 Unified Port District
 San Diego County
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 Tribal Chairmen's Association
 Mexico

} F-1

} F-2

Transportation and Traffic: In the event there are direct and/or cumulative significant impacts to the transportation network from the project, project mitigation including fair share contributions should be considered.

} F-3

Appendix P Traffic Impact Analysis

General Comments

Please coordinate all mitigation efforts affecting State Route 78 (SR 78) mainlines and SR 78 on and off ramps with Caltrans including fair share contribution mitigation.

} F-4

Please consider providing an assessment of existing transit services to the project area in the traffic impact analysis. North County Transit District (NCTD) Route 323 currently serves the project area. Additionally, consider transit-related impacts from the project, near term, and build-out alternatives including ridership.

} F-5

Specific Comments

Page ES-1: Please confirm that street network Alternative 1 includes the SR 78 Rancho Del Oro Road interchange and extension to Marron Road, and the extension of Marron Road to the west end. Please confirm that street network Alternative 2 includes the SR 78 Rancho Del Oro Road interchange. Paragraph 5 states that the SR 78 Rancho Del Oro Road interchange is not included. Please provide this confirmation throughout the document.

} F-6

Page 1-1: See comment above for paragraph 4.

} F-7

Page 1-3: See comment above for paragraphs 1 & 2.

} F-8

Page 13-1: Reference to the 2006 Congestion Management Program Update, Appendix D, is no longer required. The region opted out of the California state CMP. Please refer to Technical Appendix 20 of the 2050 RTP and the Regional Multimodal Transportation Analysis for guidance and make any revisions to the traffic impact study as appropriate.

} F-9

Quarry Creek Master Plan

General Comments

Please consider providing shuttle service to the Carlsbad Village COASTER station and the College Boulevard SPRINTER station.

} F-10

Please consider a paved bike/pedestrian path connecting the southernmost portion of 'Street A' to Carlsbad Village Drive.

} F-11

Please consider the ramifications of additional vehicle mileage resulting from a lack of connectivity between Rancho Del Oro Road, Marron Road, and Carlsbad Village Drive, which would generate an additional and unnecessary amount of greenhouse gas (GHG) emissions. Please reconsider amending the City of Carlsbad Circulation Element.

} F-12

Transportation Demand Management (TDM)

Please consider ways to further reduce traffic in, and around, the proposed project, including the potential extension of transit services so that all areas are within ¼ mile of transit and coordinate with NCTD to increase frequency and meet the recommended 5 percent trip reduction.

} F-13

We encourage coordination with the City of Oceanside on major enhancements such as the College Boulevard/Marron Road/Lake Boulevard intersection.

} F-14

We applaud the City of Carlsbad for including bike lanes on all public streets in Quarry Creek. Ensuring that bike lanes and sidewalks connect to adjacent areas will promote cycling and walking within Quarry Creek and between neighboring areas. Please consider adding bike parking facilities at transit stops in addition to the Park-and-Ride lot and public trailhead listed in the Master Plan. Also consider the addition of sidewalk furniture to facilitate an increase in walking, as per the SANDAG Smart Growth Design Guidelines.

} F-15

The SANDAG TDM program, iCommute, is available to assist in development of a TDM plan. Additional TDM considerations include:

- Utilizing the iCommute SchoolPool program so that parents and guardians can rideshare to Carlsbad High School
- Adding Park-and-Ride lot spaces to facilitate more carpools and vanpools
- Including information about iCommute programs and services at the proposed Community Center and on the educational kiosks planned throughout the development. This information can assist in promoting the Park-and-Ride lot.
- Providing a shuttle, or other first and last mile solution, from the College Boulevard SPRINTER station

} F-16

More information on TDM programs and performance measures can be found in *Integrating TDM into the Planning and Development Process*.

Natural Environment

A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider these criteria if applicable to your project.

} F-17

Consultation with NCTD and Caltrans

SANDAG advises the project applicant to consult with NCTD, the transit service provider within the project area, and with Caltrans to coordinate planned transit and/or highway improvements.

} F-18

Other Considerations

Please consider the following State of California laws and Executive Order when developing the DEIR: Assembly Bill 32 (Nunez, 2006), Senate Bill 375 (Steinberg, 2008) (SB 375), SB 97 (Dutton, 2007), and Executive Order 5-13-08, which call for analysis of GHG emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

} F-19

We appreciate the opportunity to comment on the Quarry Creek Master Plan DEIR. We also 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 Web site at 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*

F-20

If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or Susan.Baldwin@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

SBA/RSA/ais

Letter F

San Diego Association of Governments

December 7, 2012

- F-1** These comments are acknowledged. The traffic methodology is explained in EIR Section 5.14 Transportation and Traffic. As described in the EIR the proposed project includes a trails system that would encourage bicycle and pedestrian use. Also, the project will accommodate public transit (bus) within the project site.
- F-2** Comment noted. As shown on EIR Figure 3-4 Proposed Master Plan Land Use Plan (see EIR page 3-11) Planning Areas R-1 and R-2 have a density of 21.4 dwelling units per acre. These two planning areas comprise a total of 331 dwelling units, or 50% of the dwelling units proposed at the project site.
- The proposed density of the site is the maximum densities that can be achieved with consideration of the various constraints of the site (e.g. hillsides, wetlands) in accordance with the City's Growth Management Program.
- Please also refer to responses to comment H-6, H-7 and L-48.
- F-3** Comment noted. Mitigation Measures proposed in EIR Section 5.14 Transportation and Traffic include fair-share contributions, where applicable.
- F-4** Comment noted. No impact to SR-78 mainlines or on- and off-ramps have been identified.
- F-5** Please refer to responses to comments K-1 through K-4.
- F-6** Please refer to responses to comments H-2 and H-5.
- F-7** Please refer to responses to comments H-2 and H-5.
- F-8** Please refer to responses to comments H-2 and H-5.
- F-9** Comment noted. The traffic methodology is explained in EIR Section 5.14 Transportation and Traffic and is appropriate for the proposed project. As stated on EIR page 5.14-13, for the SR-78 mainline segments, the Caltrans Guide for Preparation of Traffic Impact Studies, December 2002, was consulted for determining the evaluation criteria for SR-78. No revisions to the traffic analysis are necessary.
- F-10** Please refer to responses to comments K-1 through K-4.
- F-11** The proposed project will allow for pedestrian and bicycle connections to surrounding areas, including areas to the west of the project, such as El Camino Real, that offer additional transit opportunities.
- F-12** See EIR Section 5.7 Greenhouse Gas Emissions, which evaluates the potential greenhouse gas emissions (GHG) impacts associated with the proposed project. This analysis includes the expected trip-distribution and vehicle miles associated with the proposed circulation system. While the project will provide bicycle and pedestrian connectivity to adjacent areas, and

encourages other forms of transit (e.g., bus), no credit was taken for the potential GHG reductions that may be achieved by these project features.

- F-13** Please refer to responses to comments K-1 through K-4, and F-12.
- F-14** Comment noted.
- F-15** Comment noted.
- F-16** No TDM plan is proposed. However, this information is acknowledged. The iCommute SchoolPool program would be available for use by future residents of the Master Plan community. A park-and-ride lot is proposed in Master Plan Planning Area P-1. Information regarding transit schedules, park-and-ride, etc. can be provided at the Community Center.
- F-17** The proposed Master Plan trail network will provide connections to off-site natural areas, including the Buena Vista Creek Ecological Reserve.
- F-18** Please refer to responses to comments K-1 through K-4.
- F-19** Please refer to EIR Section 5.7 Greenhouse Gas Emissions which addresses these laws and Executive Order.
- F-20** Comment noted.



Memorandum

November 27, 2012

To: Van Lynch, Planner
From: Tecla Levy, Associate Engineer
Re: EIR 11-02 – Quarry Creek

Land Development Engineering staff completed the review of the draft EIR 11-02 and comments are provided below:

- 1) On page 2-25, T-1, the project has direct impact to this roadway segment (the existing LOS is “D”; the existing plus project LOS is “E”) so the project is responsible for some type of mitigation measures. This section should include improvement mitigation measures or at a minimum, add a statement that physical improvements to add lanes are infeasible at this location as stated in the traffic report. } G-1
- 2) On page 5.9-5, the last sentence should say that the development pads of the Master Plan will not be within “any 100-year floodplain or 100-year flood hazard zones” instead of “any floodplain or flood hazard zones”. The future CLOMR will not analyze any storm event higher than 100-year storm was not analyzed in the hydrology report. } G-2
- 3) On page 5.9-15, Treatment Control BMP: the second sentence should say that the on-site storm water run-off will be directed to “extended detention/bioretention basins/ hydromodification facilities” instead of “landscaped areas” to filter pollutants and at the same time comply with hydromodification requirements. (See previous comment). } G-3
- 4) On page 5.9-15, Site Design BMP: delete the first sentence regarding extended detention basin/ hydromodification facilities. These facilities are designated as “Treatment Control BMPs” (see item 2 above and previous comments regarding site design BMPs). } G-4
- 5) On page 5.9-19, the first paragraph discussion is about hydromodification analysis. Please note that Chang Consultants provided only the hydromodification screening analysis to determine the hydromodification threshold to be used for the hydromodification analysis. Rick Engineering provided the hydromodification analysis and calculations as part of the Storm Water management Plan (SWMP) dated March 27, 2012. The SWMP report includes the sizing calculations of the proposed extended bioretention basins, identified in the report as hydromodification and treatment control facilities for this project (see previous comments). } G-5



Community & Economic Development
1635 Faraday Ave. | Carlsbad, CA 92008 | 760-602-2710 | 760-602-8560 fax | www.carlsbadca.gov

EIR - Quarry Creek
November 27, 2012
Page 2

- 6) On Page 5.9-20, the second sentence discusses the creek channel design with one drop structure based on Helix 2008 report, but there are several drop structures that currently exist, built as part of the reclamation grading plan. The third sentence also refers to Chang 2007 Amended Reclamation Drainage Report. Helix 2008 and Chang 2007 were preliminary reports. It would be more appropriate to use the latest drainage report for Quarry Creek Reclamation by Chang Consultants, dated May 26, 2011, approved by the City, which was the basis of the current creek design with multiple drop structures. } G-6

- 7) On 5.9-26, the first paragraph includes discussions regarding changes to the levee. Are there any plans to change the current levee design? This discussion may not be necessary if the project is not proposing any changes to the levee. This section talks about the levee design to be in accordance with Urban Levee Design Criteria (ULDC) but does not mention compliance with FEMA requirements. } G-7

- 8) On page 5.9-25, the first paragraph mentions the withdrawal of the CLOMR for the reclamation plan. This can be deleted to avoid confusions and questions. } G-8

- 9) On page 5.9-25, third paragraph discussion is about the 6.6 feet of pier scour. Please clarify that this is a local scour, not a general scour. Clarifications on the differences between general and local scours may be needed. Explain why the 6.6 feet of local pier scours are less than significant i.e. bridge piers will be designed to handle the anticipated local pier scours. } G-9

Letter G

City of Carlsbad Community & Economic Development

November 27, 2012

- G-1** A significant impact is identified for the roadway segment of “College Boulevard between Vista Way and Plaza Drive” for the Existing Plus Project conditions. Mitigation Measure T-1 identifies that the impact could be mitigated through reclassifying this segment from a six-lane Major Arterial to a six-lane Prime Arterial. As identified in the City of Oceanside’s Circulation Element, the design guidelines of a six-lane Prime Arterial are:

Prime Arterial – A Prime Arterial is designed to provide regional, sub-regional, and intra-city travel. It includes high design standards with six lanes of travel, raised and landscaped medians, 8-foot shoulders, highly-restricted direct access, and on-street parking is not allowed.

The City of Oceanside has determined that these improvements are infeasible (Final Program EIR for the proposed City of Oceanside General Plan Circulation Element Update, April, 2012). However, the applicant has agreed to implement creative measures to address this impact.

- G-2** The text on EIR page 5.9-5 has been revised as follows:

Upon approval, the proposed development pads of the Master Plan will not be within any 100-year floodplain or 100-year flood hazard zones.

- G-3** The text on EIR page 5.9-15 has been revised as follows:

A large amount of storm water on-site will be directed to ~~landscape areas~~ extended detention/bioretention basins/hydromodification facilities to dissipate and filter pollutants through the use of select planting material in water quality facilities before the drainage reaches Buena Vista Creek.

- G-4** The text on EIR page 5.9-15 has been modified as follows:

- *Site Design BMPs* – ~~Water quality facilities (e.g. extended detention basins/hydromodification basin) will treat the water with bio treatment in accordance with best management practices for storm water in order to treat potential contaminants in storm water run off reaching natural drainage courses downstream from the project site.~~ All runoff from developed planning areas will be treated prior to draining downstream into the Buena Vista Creek. Examples of site design BMPs include but are not limited to: minimizing impervious areas, disconnect discharges (discharge runoff to landscaped areas), conserve natural areas, stenciling inlets and signage, landscape design (e.g. drought resistant plants), water efficient irrigation, slope and channel protection, use of trash enclosures to prevent transport of trash.

- G-5** The reference to Chang Consultants has been corrected. The text on EIR page 5.9-19 has been modified as follows:

Based on the ~~report titled “Hydromodification Screening for Quarry Creek” (Chang Consultants 2012),~~ “Preliminary Storm Water Management Plan for Quarry Creek” (Rick Engineering Company 2012) the project’s hydromodification management plan can be designed based on 50 percent of the pre-project two-year runoff event.

- G-6** This comment is correct, the May 26, 2011 drainage report for the Quarry Creek Reclamation Plan (Change Consultants) is the basis of the current creek design. The text on EIR page 5.9-20 has been modified as follows:

100-Year Flood Plain

~~According to Reclamation Plan EIR, a~~ The 100-year floodplain associated with Buena Vista Creek extends through portions of the project site. Based on the design of the creek channel as outlined in the drainage report for the Amended Reclamation Plan (Chang Consultants, May 26, 2011), the noted 100-year floodplain would be contained within the proposed channel in all on-site areas located upstream of the proposed drop structures, with no associated floodway impacts (i.e., increased floodplain elevations) or increased flood hazards to off-site properties. (Helix 2008). A supplemental HEC RAS study was conducted as part of the Amended Reclamation Drainage Report (Chang 2007) to identify the minimum required elevations of the proposed project building pads relative to the 100-year floodplain. Pursuant to ~~this~~ the drainage analysis, all proposed pad elevations within the site extend a minimum of one foot above the calculated 100-year floodplain elevations (Chang ~~2011~~ 2007).

- G-7** No change to the levee is proposed. The text on EIR page 5.9-26 has been modified as follows:

Failure of Levee or Dam

The majority of the project site is not located within a dam or levee inundation zone. Planning Area R-1 is protected by a levee. The ~~current~~ levee was designed and constructed in accordance sound engineering and levee design standards, which is based on FEMA's criteria and requires increased freeboard and specific embankment and foundation stability factors-of-safety. FEMA places greater requirements on levees because they are frequently used to protected development from flood flows. ~~Changes to the current levee will be done in accordance with the Urban Levee Design Criteria (ULDC) prepared by the California Department of Water Resources in May 2012. The ULDC provides criteria and guidance for design, evaluation, operation, and maintenance of levees and floodwalls in urban and urbanizing areas.~~ The on-site basins may be designed with small berms; however, the berms will be designed adequately to reduce the potential for subsurface piping. Therefore, a less than significant impact is identified.

- G-8** The text on EIR page 5.9-25 has been modified as follows:

A CLOMR provides FEMA comments on proposed development that would affect the hydrologic or hydraulic characteristics of a flooding source, and therefore result in the modification of the associated regulatory floodway, base flood elevations, or special flood hazard area designations. ~~The CLOMR for reclamation grading has been withdrawn.~~ An updated CLOMR will be processed as part of the conditions of approval for the proposed project.

- G-9** The text on EIR page 5.9-25 has been modified as follows:

Up to 6.6 feet of pier scour, which is local scour, is predicted at each of the two piers. Each pier will be designed to ~~account for~~ handle this local pier scour, therefore, the impact is considered less than significant.



CITY OF OCEANSIDE
OFFICE OF CITY MANAGER

December 5, 2012

Van Lynch
Carlsbad Planning Division
1635 Faraday Avenue
Carlsbad, CA 92008

RECEIVED

DEC 07 2012

CITY OF CARLSBAD
PLANNING DIVISION

RE: QUARRY CREEK MASTER PLAN DRAFT EIR COMMENTS

Dear Mr. Lynch:

The City of Oceanside has reviewed the subject Draft EIR and we have a number of comments. We note that this project is immediately adjacent to the City of Oceanside and the site's sole access is through the City of Oceanside via our City streets with emergency services primarily served by Oceanside Fire and Police Departments. As a result, we are particularly concerned how this project will mitigate its impacts to City of Oceanside infrastructure and public services.

} H-1

The City of Oceanside expects that all project impacts within Oceanside be fully mitigated to a level acceptable to Oceanside. The City of Oceanside does not support the elimination of the Marron Road connection between College Boulevard and El Camino Real under the project densities as proposed. The project should either connect Marron Road as provided for in the Carlsbad Circulation Element or reduce the overall number of units the project is proposing to reduce and fully mitigate the project impacts on Oceanside.

} H-2

The City also has serious concerns about the complete lack of Fire and Medical service provided to the site by the City of Carlsbad. The project relies on an informal agreement between local Fire Chiefs that would rely solely on Oceanside Fire Station 4 to provide Public Safety services. As currently proposed, this would be a serious and unmitigable impact to Fire Station's 4 service response to other areas within Oceanside and must be more fully addressed by the project proponent and the City of Carlsbad.

} H-3

The following are the City of Oceanside's specific comments:

Page 2-28. Areas of Controversy and Issues to be Resolved: This section should list the significant differences between the roadway and intersection improvements as outlined by the City of Oceanside and those proposed by the City of Carlsbad with respect to City of Oceanside streets. These roadway improvements had been previously submitted via email to Don Mitchell of McMillin Land Development with copies to Carlsbad Transportation staff on August 15, 2012 and are attached to this letter (see attached). Implementation of these improvements is needed to mitigate the significant traffic impacts caused by this project.

} H-4

300 NORTH COAST HIGHWAY • OCEANSIDE, CA 92054-2885 • TELEPHONE (760) 435-3065 • FAX (760) 435-3078

Page 3-34. This section states that Carlsbad’s Circulation Element will be amended to delete the western extension of Marron Road and the extension to Rancho del Oro Road. However, it is not always clear how the deletion of Marron Road is analyzed throughout the EIR or if it is consistently considered a possibility. For example, Buildout Alternative 1 states that Marron Road is indeed extended west to Rancho del Oro Road and it appears that traffic is distributed to that extension. Other sections make it clear that Marron Road extension is specifically excluded. Please clarify if Marron Road extension is or is not proposed as part of this project and reconcile the proposed treatment of Marron Road with the traffic and other public service analyses.

H-5

Page 5.10-2 SANDAG Smart Growth Design Guidelines: The EIR Introduction, page 1-5, specifically states that the “EIR analyzes the project’s consistency with all applicable land use plans including SANDAG’s Smart Growth Program...”. However the Smart Growth Program discussion on Page 5.10-17 does not include any mention of proximity to transit opportunities, one of SANDAG’s primary considerations for smart growth project. This section is inadequate and needs to be substantially revised.

H-6

We have looked at the Smart Growth criteria with respect to the Quarry Creek project as outlined in SANDAG’s 2012 Smart Growth Concept Map Site Descriptions. We note that this document identifies Quarry Creek (site CB-3) as a Community Center site and describes it as a “mixed use project with residential and possible commercial office and/or retail uses.” The very definition of a Community Center site is “areas with housing within walking/biking distance of transit stations; low to mid rise residential, office and commercial buildings; draws from nearby communities and neighborhoods; served by local high-frequency transit.” We also note that the Site CB-3 description states that are “no qualifying existing or planned transit” per the 2050 Regional Transportation Plan for this site. The current proposal is not mixed use as it is now strictly medium to high density residential with some public open space and provides no commercial or other mixed use development. This project as currently proposed would also delete any future road, biking or pedestrian linkages to the major transit opportunities by eliminating the westerly extension of Marron Road. It now seems as if this project does not comply with any criteria for a Community Center designation especially with respect to its lack of any transit linkage and therefore cannot be consistent with Smart Growth Design Guidelines. Consistency with Smart Growth criteria seems to be the primary reason that this project proposes such a high density level and is the reason to justify the rezoning from single-family and industrial designations. The density of the this project is also the main cause of the many significant and unmitigable impacts as described in the Draft EIR and especially the significant impacts on the City of Oceanside as discussed throughout this comment letter.

H-7

Page 5.10-20 Plan Consistency Table: The column labeled “Public Safety Element of Carlsbad’s General Plan” discusses issues regarding adequate access for emergency services and prompt evacuation capabilities for residents. However, the proposed high density residential development and the severe traffic constraints that already exist at College/Marron and Haymar/College could result in significant problems for emergency evacuation purposes. This section should more fully discuss the impacts to both Carlsbad’s and Oceanside’s Emergency Plans and describe how the evacuation of the development would be handled during an emergency considering that all traffic would have to exit the site via College Blvd. This section should include information contained in the following comment.

H-8

Page 5.13-2 Fire Protection: This section discusses a boundary drop agreement between the two cities for first fire responders. This section should note that this an informal boundary drop agreement that could be postponed or canceled by either agency at anytime for any reason. The EIR states that the proposed development could generate approximately 141 fire department emergency service calls for service annually and that the nearest fire station is Oceanside Fire Station 4 which would likely be the first responder. This additional first response demand would significantly impact the level of service and response times within the City of Oceanside. This section needs to be revised to consider the impacts on Oceanside fire service and needs to provide reasonable mitigation measures.

H-9

Page 5.13-2 Police Protection: As with Fire Protection comments above, this section does not analyze or even mention the fact that Oceanside Police would likely be the first responders to this development. The EIR should analyze the impact on Oceanside Police services and how the increased demand would impact police services to the area.

H-10

Page 5.14-1:

Marron Road: It is stated under Existing conditions that Marron Road would extend to El Camino Real through open space area, if it is constructed. It is unclear what this statement means since Marron Road extension is obviously not an existing condition. Moreover, if the project intends to delete Marron Road's connection to El Camino Real (as described elsewhere in the EIR), it should be clearly stated in this section.

Lake Boulevard: The EIR should state that Lake Boulevard is two lanes between Thunder Drive and Sundown Lane and four lanes east of Sundown Lane.

Haymar Drive: It is stated that Haymar Drive will be improved as a two lane local street within Carlsbad by the project. The EIR should state that Haymar Drive will be improved to a minimum Collector classification (40 feet curb to curb within 60 feet of right of way) with provisions that address the existing on-street parking demand which currently exists along both sides of Haymar Drive and if this on-street parking will be impacted by the road improvement.

H-11

Figure 5.14-1: The figure shows Marron Road and the Rancho Del Oro interchange as possible future connections while showing Haymar Drive as not being connected. This figure suggests that these roads may be connected despite the fact that it is our understanding that the project does not intend to connect these roadways. The EIR should make it clear that the project does not intend to connect these roadways and display only existing roadways. This correction should be done for all existing roadway figures.

H-12

Page 5.14-5:

Vista Way between College Blvd. and SR78 Westbound On-Ramps: The addition of the westbound to northbound right turn lane on Vista Way at College Blvd will require the physical widening of Vista Way along the south side of the street in order to properly accommodate the future right turn pocket. The EIR should state that this Capital

H-13

Improvement Project (CIP) would be funded by new development in this area and will be required to pay its fair share to the improvement.

} H-13
Cont.

Lake Blvd. between Thunder Drive and Sundown Lane: While the City of Oceanside adopted a statement of overriding considerations for this segment of roadway as part of its Circulation Element update, the EIR should state that the City of Oceanside requires development projects to provide enhancements that improve the existing level of traffic calming to offset project specific impacts for affected residents along this segment such as the provision of an electronic speed limit sign.

} H-14

Page 5.14-10:

As stated previously, the City of Oceanside does not support the notion that this project is a mixed use or a Smart Growth project. No evidence is provided that the existing shopping center will employ the vast majority of residents within the project and the alleged transit orientation of the project would not exist without a connection west to El Camino Real and the Westfield Mall, where a robust transit transfer station exists. Instead, the project will rely solely on North County Transit District's commitment to provide a new bus route to the project site with the majority of project trips traveling through Oceanside to employment centers within the county. Additionally, there is existing heavy on-street parking demand generated by the adjacent Nissan Dealership along Haymar Drive. This could result in Nissan employees parking within the proposed park and ride facility. The EIR should acknowledge these issues and state that the project is entirely residential without any mixed use components, is not proximate to any major employment or transit centers, provides no bicycle or pedestrian linkages and is orientated so that all ingress/egress is to the east toward College Blvd.

} H-15

Previous traffic studies submitted to the City of Oceanside for review included four buildout roadway network scenarios. The description of Alternative 1 should include a reference to the Rancho Del Oro Interchange. It should be clearly stated in the EIR why the two future roadway network scenarios were presented in the EIR. The EIR should also state that the City of Oceanside supports Alternative 1 because it assumes Marron Road is connected to El Camino Real.

} H-16

Page 5.14-11, Roadway Segment Analysis: page 45 of the City of Oceanside's Circulation Element states: *"Any proposed development project that affects a street segment that already operates, or is projected to operate worse than LOS D, regardless of peak hour analysis, the developer shall propose, prepare and provide mitigation measure(s) for the City to review. If there are no feasible mitigation measures that would fully mitigate traffic impacts, the developer shall propose, prepare and provide various mitigation measures, such as but not limited to City of Oceanside Traffic Management Center tools and resources, which may or may not include physical improvements to the impacted facility. Where various mitigation measures have been prepared, agreed upon by the City of Oceanside, and will be implemented, yet are not sufficient to fully mitigate the proposed project's traffic impacts, then LOS E during the peak hour periods will be considered acceptable. A project's fair share contributions may*

} H-17

also be considered by the City for predetermined project improvements in lieu of prepared and implemented mitigation measures.” This policy should be acknowledged in the EIR.

} H-17
Cont.

Page 5.14-14, Project Trip Generation: The EIR should identify which transit route will provide transit services beginning on opening day of the project. The EIR should also confirm in the form of a letter that NCTD has agreed to provide new bus service to the project in perpetuity if such commitment exists. This should be stated in the EIR in order to justify the 2.8 percent project trip reduction due to transit.

} H-18

Page 5.14-15, Roadway Segments: The EIR should state that three roadway segments are significantly impacted by the project. To state the impacts are “potentially” significant in the EIR is misleading and should be revised to state that these impacts are significant. Moreover, the statement from the City of Oceanside’s Circulation Element shown in the above comment on Roadway Segment Analysis should be acknowledged in this section.

} H-19

Page 5.14-16, Mitigation: The EIR suggests that the City of Oceanside should reclassify College Blvd. from a 6-lane major arterial to a 6-lane prime arterial so that the project can produce acceptable “With Project” LOS conditions in the EIR. This is completely unacceptable in that an impact cannot be mitigated by simply reclassifying the street without any improvements. College Blvd. is currently congested and the proposed project would degrade traffic conditions even further, particularly when one considers all 5,578 project trips should access College Blvd. to get to work, shopping etc. These statements should be removed from the EIR and/or revised to the satisfaction of the City of Oceanside. Moreover, the City of Oceanside considers the project impacts mitigable per our comment above, and this should be acknowledged in the EIR.

} H-20

Page 5.14-17, Significance after Mitigation:

College Blvd: The statement that the City of Oceanside must reclassify College Blvd to a Prime Arterial in order to achieve favorable LOS results and the statement that the City of Occanside does not have an adopted program to construct roadway improvements must be removed from the EIR. The City of Oceanside coordinated with and provided a list of feasible mitigation measures along College Blvd. to the City of Carlsbad as required in the City of Oceanside’s Circulation Element. (See attached 8/15/2012 email to Don Mitchell from Johu Amberson.) We believe that it is the City of Oceanside must make the decision regarding what is feasible mitigation for College Blvd., a roadway completely within Oceanside’s jurisdiction.

} H-21

Vista Way: The City of Oceanside recognizes that some roadway segments will continue to fail and that the physical addition of travel lanes may not be feasible. However, the City of Oceanside has a policy of holding new projects accountable for their traffic impacts and such project proponents should work with the City of Oceanside to offset those traffic impacts with improvements to affected roadways and intersections. The EIR should clearly state that the City of Oceanside will require and we strongly believe the City of Carlsbad must require, this project to improve the operations of Vista Way, consistent with the Circulation Element,

} H-22

if the project is approved. Those improvements will include fair share contribution toward the installation of a westbound to northbound right turn pocket at College Blvd.

The EIR should remove the statement, "*The City of Oceanside does not have an adopted program to construct roadway improvements and does not appear to have (a) program to accept payments in lieu of construction.*" This statement is not true as the City of Oceanside previously provided to the developer and the City of Carlsbad a detailed list of mitigation measures for College Blvd., Vista Way and El Camino Real, along with information on the designs and costs that should be attributed to the proposed project. Moreover, the City of Oceanside currently has an established fair share contribution process for identified CIP improvements that require fair share contributions from new projects through deferred revenue accounts. This fair share contribution should be described in the EIR.

H-22
Cont.

Lake Blvd. between Thunder Drive and Sundown Lane: The EIR states that the project causes Lake Blvd. to degrade from LOS E to F, but states this is a less than significant project impact. This is not true. If a segment degrades from LOS E to F, it is a significant impact by any measure. Project mitigation is required on Lake Blvd. The EIR should be revised to state the significant project impact and provide mitigation.

H-23

Page 5.14-24, intersections: The EIR should remove the statement that the City of Oceanside planned improvements are "mostly unfunded." All improvement projects listed either have an existing deferred revenue account and/or are currently under design with associated costs being developed. The intersection of College Blvd. at Lake Blvd. is the only listed location where designs and costs are not currently being developed. The intersection of College Blvd. at Lake Blvd. will serve as the primary access for the project. Therefore, the proposed project will be required to design and construct the required improvement at this intersection in order to mitigate its impacts on that intersection. All other locations designs and costs will be provided to the project and the City of Carlsbad.

H-24

Page 5.14-26, Roadway Segments:

El Camino Real between Vista Way and SR78 WB ramps: This segment of El Camino Real is cumulatively and significantly impacted by the project. As such, the project will be required to contribute its fair share toward the future widening of the El Camino Real bridge over SR78, per the agreement between Caltrans, the City of Oceanside and the City of Carlsbad (December 2002 agreement letter and City of Carlsbad Resolution No. 2003-204 attached). To date, the City of Oceanside is in the final stages of Caltrans review and approval of a Project Study Report (PSR) for the bridge widening. The PSR currently includes the addition of a new northbound to eastbound right turn pocket on El Camino Real to Vista Way in both bridge widening alternatives being considered by Caltrans.

H-25

College Blvd. between Vista Way and Plaza Drive: The mitigation as described in the EIR is unacceptable. The EIR should be revised per our previous comments on this roadway segment.

H-26

Page 5.14-27, Vista Way between College and SR78 WB ramps: The statement that Vista Way is LOS E with the project is incorrect. Table 5.14-17 shows LOS F with the project and Table 5.14-13 shows LOS E without the project. Moreover, the LOS degrades from LOS E to LOS F. The statement should be corrected in the EIR to reflect the actual analysis. The EIR should be revised to reflect consistency with our previous comments.

H-27

Page 5.14-27, Lake Boulevard between Thunder Drive and Sundown Lane: Table 5.14-13 shows this segment at LOS F. Table 5.14-17 shows this segment at LOS F with an increase in v/c ratio of .013. The statement in the EIR is incorrect and should be revised. Moreover, the project will be required to enhance existing neighborhood traffic calming measures along this segment to offset the project impacts to Oceanside residents. The EIR should be revised to reflect these requirements.

H-28

Page 5.14-30, Intersections:

The EIR should state that if an intersection LOS degrades from acceptable to unacceptable, or if the intersection LOS is E or worse and delay increases two seconds or more with the project, then the project impact is considered significant as defined in the regional San Diego Traffic Engineers Council (SANTEC) Guidelines.

H-29

El Camino Real at Vista Way: The project would be required to contribute its fair share toward the future widening of the El Camino Real Bridge over SR 78, as described in our previous comment.

H-30

Page 5.14-32, Buildout Alternative 1, Roadway Segments:

The fourth sentence in the bottom paragraph of the EIR states that only two roadway segments would be significantly impacted by the project. This is not correct per Table 5.14-21 which indicates that the increase in v/c is over .02 and is therefore a significant impact to the roadway segment. This sentence should be revised to show three roadway segments are significantly impacted by the project.

H-31

The EIR should include a description of required mitigation measures (as previously provided by the City of Oceanside and later in this letter) in this section as was done for other intersections.

H-32

Page 5.14-36, Buildout Alternative 1, Intersections:

El Camino Real at Vista Way: The EIR should state that the project applicant would, if the project is approved, contribute a fair share toward the future widening of the El Camino Real Bridge over SR78 as described in our previous comment.

H-33

Please remove the statement in the EIR that most of the City of Oceanside's planned improvements are "mostly unfunded improvements" per our comments above.

H-34

College Blvd. at Lake Drive: Revise the EIR to state that, if approved, the project will be required to fully mitigate its significant impact by installing a new northbound to eastbound right turn pocket. The statement that the City of Oceanside has no funding for this improvement is not relevant since this is a significant project impact. The EIR should be revised accordingly.

} H-35

Page 5.14-38, Buildout Alternative 2, Roadway Segments:

The fourth sentence in the bottom paragraph of the EIR states that only two roadway segments would be significantly impacted by the project. This is not correct per Table 5.14-25. Three segments are significantly impacted by the project and this should be stated correctly in the EIR. The EIR should also include a discussion about the significant impact on Vista Way between College and SR78 WB ramps, and the cumulative impact on College between Barnard Drive and Vista Way.

} H-36

Page 5.14-41:

College Blvd.: The EIR should be revised to reflect proper mitigation of roadway segments that are either cumulatively impacted by the project or significantly impacted by the project. The City provided a list of appropriate mitigation measures (and later in this letter) and those mitigation measures should be described in the EIR.

} H-37

Vista Way between College and SR78 WB ramps: The EIR should state that the project will be required to mitigate its impact on Vista Way. If the project is approved, the City of Oceanside will require the project to contribute its fair share toward a new westbound to northbound right turn pocket and the EIR should be revised to reflect this improvement. The statement on the bottom of page 5.14-41 stating that the City of Oceanside does not have an adopted program to planned projects or any means to collect fair share payments is not true and should be removed from the EIR.

} H-38

Page 5.14-43, Intersections: The EIR incorrectly states that the City of Oceanside's planned improvements are mostly unfunded and that the City does not have a program to accept fair share payments. This statement should be removed from the EIR.

} H-39

El Camino Real at Vista Way: The EIR should state that, if approved, the project applicant will contribute its fair share toward the future widening of the El Camino Real Bridge over SR78 as described in comment #11a.

} H-40

College Boulevard at Marron Road: Revise the EIR to state that, if approved, the project applicant will be required to fully mitigate its significant impact by installing a new northbound to eastbound right turn pocket. The statement that the City of Oceanside has no funding for this improvement is not relevant since this is a significant project impact. The EIR should be revised accordingly.

} H-41

Page 5.14-45, Project Circulation Roadways: The EIR should also address Haymar Drive as one of two total project circulation roadways. Specifically, the EIR should state how Haymar Drive will be widened and improved to not only accommodate additional traffic, but also that it will impact existing on-street parking.

} H-42

Page 5.14-45/47, Level of Significance Before Mitigation:

Additional EIR revisions need to include cumulative project impacts to roadway segments and intersections with fair share proportions calculated for improvements required by the City of Oceanside.

} H-43

Roadway Segments – Buildout Alternatives 1 and 2 Only: The EIR should also list the segment of Vista Way between College Blvd. and SR78 WB ramps per Tables 5.14-21 and 5.14-25 in the EIR.

} H-44

Off-Site Improvements: It is stated that off-site improvements to Tamarack Avenue would be completed, but it is not clear in the EIR what the improvements would be and why they would be required since the EIR shows LOS A for the segment of Tamarack Avenue studied. These improvements are particularly difficult to understand because significant impacts to Oceanside facilities are dismissed in the EIR. The EIR should clarify why these improvements are being recommended and further reconcile why off-site improvements in Oceanside are not being proposed.

} H-45

It is stated that “creative measures” were discussed in this section of the EIR. But no discussion of creative measures could be found for any City of Oceanside roadways and intersections. The EIR should clearly describe what creative measures are being recommended. Moreover, improvements to Haymar Drive should also be clearly described in the EIR.

} H-46

Page 5.14-48, Environmental Mitigation Measures:

The City of Oceanside rejects the statement in the second paragraph which states that the City of Oceanside is responsible to mitigate this proposed project’s off-site impacts because the City of Oceanside has no program to require the project to construct such improvements. As stated previously in this letter, this statement is false and should be removed from the EIR. The City of Oceanside will require a combination of fair share contributions toward planned improvements and full mitigation of the project’s significant impacts to Oceanside roadways and intersections if the project is approved.

} H-47

If approved, the project will be required to mitigate its cumulative and significant impacts. Thoroughfare fees are only credited to projects that physically construct City of Oceanside Circulation Element roadways as listed in the City of Oceanside’s Thoroughfare Fee program. All study roadways are constructed to their ultimate Circulation Element classification. As such, the project will be required to fully fund its mitigation measures for project impacts, in addition to paying their thoroughfare fees.

} H-48

Page 5.14-48 - 51, Required Mitigation Measures: Mitigation measures listed below will be required by the City of Oceanside. The EIR should be revised to reflect the below listed improvements:

- a. Cannon Road within the City of Carlsbad must be constructed between College Boulevard and east city limits as shown in the Carlsbad Circulation Element } H-49a
- b. Marron Road must be connected between College Boulevard and El Camino Real } H-49b
- c. El Camino Real Bridge Widening over SR78 – Fair share contribution } H-49c
- d. Lake Blvd. between Thunder and Sundown – Install Drive Feedback Sign in the eastbound direction. } H-49d
- e. College Blvd. at Waring Road – Fair share toward planned improvements to intersection geometry } H-49e
- f. College Blvd. at Vista Way – Fair share contribution to Install an Exclusive westbound to northbound Right Turn Pocket } H-49f
- g. College Blvd. at Plaza Drive – Install an Exclusive Northbound to Eastbound Right Turn Pocket } H-49g
- h. College Blvd. at Marron/Lake Blvd. – Install an Exclusive Northbound to Eastbound Right Turn Pocket } H-49h
- i. Rancho Del Oro Interchange – Fair share contribution } H-49i
- j. Haymar Drive – Construct to preserve on-street parking supply } H-49j

Page 5.15.3.2 Sewer and Wastewater Facilities: Please add the following to this paragraph:
Discussions with the City of Vista have occurred in regards to the available capacity within the Vista/Carlsbad line that would receive flows from this connection. This interconnection would require further discussion with the City of Vista and may also necessitate a contract amendment with the City of Oceanside and the City of Vista for flow exchanges as well as an agreement with the City of Oceanside and the City of Carlsbad.

} H-50

Figure 5.15-3 Proposed Master Water Plan: Please add the following to this paragraph:
A water main tie-in on Haymar Road has been requested between the City of Oceanside and the City of Carlsbad. The connection to the City of Oceanside's system could be accomplished with a normally closed valve and the installation of an interconnection meter.

} H-51

The Oceanside Water Department requests that the City of Carlsbad provide water and sewer maps indicating the proposed changes and the anticipated flows for both the water and sewer connections associated with this project. in order to evaluate and provide additional comments.

} H-52

We appreciate the opportunity to comment on this Draft EIR. We believe that there are a number of substantial changes that need to be made to the EIR relative to the Transportation and Traffic, Public Services and Land Use Planning sections as outlined in this letter.

} H-53

We look forward to your responses to our comments and the City of Oceanside staff will be available to cooperatively work with you to address these issues.

} H-54

Sincerely,


Peter Weiss
City Manager

- Attachments: 1) 8/15/2012 email to Don Mitchell from John Amberson
2) 12/16/2002 letter from Raymond Patchett to Oceanside City Manager Steven Jepsen
3) City of Carlsbad Resolution 2003-2004

ATTACHMENT 1

From: John Amberson
Sent: Wednesday, August 15, 2012 10:49 AM
To: 'Don Mitchell'
Cc: Todd Galameau; David DiPierro; Bryan Jones
Subject: RE: Quarry Creek-Oceanside Traffic EIR

Don –

Listed below are the recommended mitigation measures from David and me, which are based on the draft traffic study to date. I've also identified those improvements that have either an existing deferred revenue account for developer fair share contributions, those that are currently in design and those that are planned:

- 1. El Camino Real Bridge Widening over SR78 – Fair Share:**
City of Oceanside has an existing MOU with Caltrans and the City of Carlsbad to widen the bridge to restore standard lane widths and bicycle lanes. The City of Oceanside had initiated a PSR for the bridge widening. As of the last draft PSR, the cost to widen the bridge is 2 mil. We are currently preparing the final PSR for Caltrans review and approval, which I have not reviewed yet. I will confirm the final cost estimate and forward to you asap. This project has an existing deferred revenue account.
- 2. Lake Blvd. btn. Thunder and Sundown – Install Drive Feedback Sign:**
This section of Lake Blvd. has been reduced from four to two lanes as a traffic calming measure due to existing residential duplexes with driveways that front the street. Planned improvements on Lake involve traffic calming measures to enhance traffic safety for existing residents. The City recognizes that impacts will be shown on this segment and is requesting that the project install a drive feedback sign to enhance traffic safety for existing residents.
- 3. College Blvd. at Waring Road – Fair Share to Widen North Leg to Include Three Receiving Lanes:**
The City of Oceanside completed a PSR for College Blvd. between Waring Road and Old Grove Road in November of 2010. The PSR recommends that the intersection of College Blvd. at Waring Road be improved to include three northbound and three southbound lanes on the north leg of College at Waring. This is a planned improvement where final design and costs have not been completed.
- 4. College Blvd. at Vista Way – Fair Share to Install an Exclusive Right Turn Pocket:**
As part of the recent Tri-City Medical Office Building project, a new future westbound to northbound right turn pocket on Vista Way at College is currently in design. Cost estimates will be provided.
- 5. College Blvd. at Plaza Drive – Install an Exclusive Right Turn Pocket:**
As part of the recent Tri-City Medical Office Building project, a new future northbound to eastbound right turn pocket on College Blvd. at Vista Way is currently in design. Cost estimates will be provided.
- 6. College Blvd. at Marron/Lake Blvd. – Install an Exclusive Right Turn Pocket:**
The Circulation Element update identifies the segment of College Blvd. between Lake and south City limits to be failing by year 2030. The Circulation Element recommends installing an

exclusive northbound to eastbound right turn pocket to reduce vehicle queues/delays. The City of Oceanside would like this project to construct the new right turn pocket. There is currently no design or cost estimate for this improvement. It is anticipated that the cost will be similar to the right turn pocket recommended on northbound College at Plaza.

The design work for improvements to Vista Way at College and on College at Plaza is being completed by RBF. I have a conference call scheduled with RBF this week and will forward the cost estimates to you when I receive them from RBF. Please feel free to contact me if you have any questions.

Thanks,

John

From: Don Mitchell [<mailto:DMitchell@mcmillin.com>]
Sent: Tuesday, August 14, 2012 11:08 AM
To: John Amberson
Cc: Todd Galameau
Subject: Quarry Creek-Oceanside Traffic EIR

John, can you send me the final EIR mitigation recommendations that the council will be hearing in September.

Don

Don Mitchell, PE
Senior Vice President
McMillin Land Development
619-794-1252-(office)
619-244-8481 -(cell)
619-336-3010-(fax)

ATTACHMENT 2



City of Carlsbad

Office of the City Manager

RECEIVED

December 16, 2002

DEC 17 2002

Mr. Steven R. Jepsen
City Manager
CITY OF OCEANSIDE
300 North Coast Highway
Oceanside, CA 92054

CITY MANAGER OFFICE

Transmittal:

Mailed 12-16-02 @ 4:00 p.m.

Original mailed @12-16-02 @ 4:30 p.m.

EL CAMINO REAL/SR 78 BRIDGE

Dear Steve:

Thank you for your discussion last Friday and your letter of December 13th, 2002 that I received today. It is the desire of the City of Carlsbad that the re-striping project to the El Camino Real/SR 78 overpass planned to begin this evening proceed without further delay and on schedule.

In order to continue work on this important road project, I am able to recommend the following to the City Council. These points are with respect to the Caltrans request you received to complete future full-widening of the bridge structure over SR-78 to meet standards for lane widths and shoulder widths.

1. Carlsbad is committed to achieving congestion relief resulting from the ECR bridge widening based upon the needs and benefits to be identified in the future Project Study Report (PSR).
2. City Staff will recommend that a project be placed in our future Capital Improvement Program to fund the Carlsbad pro rata share of the bridge improvements with Oceanside and Caltrans.
3. Carlsbad is committed to a cooperative effort with Oceanside to seek other funds, in addition to City funds, for the ultimate bridge widening and will participate in a cooperative effort to bring about completion of the ultimate project.

Specific to the extent of the overpass need that will be identified for the future bridge widening, costs, benefits, and impacts, a detailed review at that time by our City Council of the PSR would result in a more meaningful dialogue between both cities without the time constraints currently imposed.

Please contact me if we need to discuss the matter further before the re-striping begins.

RAYMOND R. PATCHETT
City Manager

- cc: Mayor and City Council, Carlsbad
Public Works Director
Deputy Public Works Director, Engineering Services
Deputy City Engineer, Transportation

1200 Carlsbad Village Drive • Carlsbad, CA 92008-1989 • (760) 434-2821 • FAX (760) 720-9481



ATTACHMENT 3



City of Carlsbad

Public Works - Engineering

August 7, 2003

Frank Watanabe
Transportation Manager/Deputy Public Works Director
Public Works Department
CITY OF OCEANSIDE
300 North Coast Highway
Oceanside, CA 92054-2885

SR 78/ECR BRIDGE RE-STRIPING

Attached is a signed copy of the resolution adopted by the Carlsbad City Council on July 22, 2003 regarding the bridge re-striping.

Please call me at (760) 602-2752 if you have questions.

A handwritten signature in cursive script that reads "Robert T. Johnson Jr.".

ROBERT T. JOHNSON, JR., P.E.
Deputy City Engineer, Transportation

RTJ:jd

Attachment



EXHIBIT 2

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RESOLUTION NO. 2003-204

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, SUPPORTING THE RE-STRIPING ON THE SR-78/EL CAMINO REAL BRIDGE AND INITIATION OF THE PROJECT STUDY REPORT (PSR) FOR FUTURE WIDENING OF THE BRIDGE AND FOR CARLSBAD TO COMMIT TO COLLABORATE WITH OCEANSIDE AND CALTRANS IN IDENTIFYING FUNDING FOR THE ENHANCEMENTS IDENTIFIED THROUGH THE PSR PROCESS.

WHEREAS, the City Council of the City of Carlsbad, California, has determined that the re-striping of El Camino Real over the State Highway 78 bridge to provide six through traffic lanes as an interim configuration will help alleviate congestion; and

WHEREAS, the City Council of the City of Carlsbad, California, supports the City of Oceanside taking the lead in the temporary re-striping project on the bridge; and

WHEREAS, the City Council of the City of Carlsbad, California, recognizes that the ultimate project at this location is the full widening of the El Camino Real bridge structure over State Route 78 to meet Caltrans standard lane and shoulder width requirements; and

WHEREAS, the ultimate project is identified in the regional SANDAG program funds for completing the preliminary engineering and Project Study Report (PSR); and

WHEREAS, the City of Oceanside will be the lead agency in conducting the preliminary engineering and PSR for the ultimate bridge widening project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Council is committed to identifying funds for the ultimate bridge widening project from State, regional, and local funds.

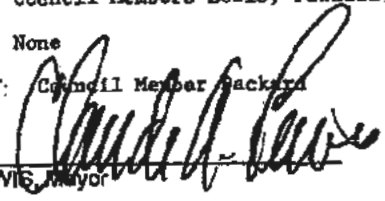
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3. That the City of Carlsbad staff and City of Oceanside staff will develop a fair share proportional cost sharing arrangement for the ultimate bridge widening to be approved by both City Councils.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Carlsbad City Council held on the 22nd day of JULY, 2003 by the following vote, to wit:

AYES: Council Members Lewis, Finnila, Kulchin, Hall
NOES: None
ABSENT: Council Member Packard



CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)

Letter H

City of Oceanside, Office of City Manager

December 5, 2012

H-1 Comment noted.

H-2 These summary comments are noted. Impacts associated with the project will be mitigated to a level less than significant, with the exception of certain project-specific and cumulative traffic impacts as have been identified in EIR Section 5.14 Transportation and Traffic. In cases where significant impacts have been identified, mitigation measures that could reduce the impacts to a level less than significant are also identified. In certain instances, impacts have been determined to be unmitigable due to the infeasibility of implementing roadway improvements. These are discussed in further detail in subsequent responses and within the EIR Section 5.14.

The traffic analysis includes an evaluation of the potential traffic impacts with both – the “with,” and “without” Marron Road connection between College Boulevard and El Camino Real (Buildout Alternative 1 and Buildout Alternative 2). This analysis shows that the network connection of Marron Road between College Boulevard and El Camino Real would not eliminate the significant, unmitigable, direct and cumulative impacts associated with the project.

H-3 The comment that there is a “complete lack of Fire and Medical service provided to the site by the City of Carlsbad” is incorrect. The project site is located within a service area of Carlsbad for the provision of both law enforcement and fire protection. Currently, fire protection service to the project site is provided by the City of Oceanside Fire Station #4 located at the intersection of Thunder Drive and Lake Boulevard, pursuant to an informal joint response agreement, as well from City of Carlsbad Fire Station #1 located at Carlsbad Village Drive, east of Pio Pico Drive, approximately three miles from the project site. Additionally, Carlsbad Fire Station #3 is proposed to be constructed near the corner of Cannon Road and Wind Trail Way, approximately 2.5 miles from the project site. Should this joint response agreement be discontinued, the City of Carlsbad maintains adequate fire, emergency medical, and police protection services to serve the project site. Please refer to EIR Section 5.13 Public Services.

H-4 EIR page 2-29 identifies “peak hour traffic congestion and emergency vehicle access” as an Area of Controversy. Further, the EIR states that, “the City Council must decide if the proposed mitigation is adequate and choose whether or how to mitigate any significant impacts. Alternatives to the proposed project have also been identified that would reduce or avoid the potentially significant impacts associated with the project. The City Council would need to decide to approve one of the alternatives discussed in this EIR instead or approve the proposed project.”

The roadway and intersection improvements identified in the comment are discussed in detail in EIR Section 5.14 Transportation and Traffic. The City of Oceanside list of roadway improvements includes two street segments and four intersections to be improved; however, the project would have a significant impact at only one intersection, under Alternatives 1 and 2. The Proposed Mitigation Measures table in EIR Section 2.0 Executive Summary (see page 2-27) describes the Applicant’s offer to enter into an agreement with the City of Oceanside in which the Applicant will offer to fund or construct “Creative Measures” which includes three intersections and one roadway segment listed by the City of Oceanside. Therefore, the areas of controversy listed on EIR pages 2-28 and 2-29, which includes, “peak hour congestion” to be resolved, is adequate.

- H-5** Marron Road would be extended to serve the project site. However, the road would not be extended west (beyond) the project site to make the connection between El Camino Real and College Boulevard. This configuration (no connection to El Camino Real) is the circulation system proposed as part of the proposed project. EIR Section 3.0 Project Description (see Section 3.3.4 Circulation, page 3-16) clearly states this as follows:

“Figure 3-5 depicts the proposed vehicular circulation system for the project. The proposed project would involve the extension of Marron Road into the project site; however, this road would not be connected to its existing terminus in the City of Carlsbad located to the west of the project site (east of El Camino Real) as is currently identified in the City of Carlsbad’s General Plan Circulation Element.”

EIR Figure 3-7 provides the circulation plan for the project, which clearly depicts that Marron Road would not be extended west to El Camino Real as part of the project.

Furthermore, refer to EIR page 3-34 which states:

Circulation Element. GPA 11-09 also involves an amendment to the General Plan Circulation Element. This amendment involves the elimination of the westward extension of Marron Road, which is designated as a four-lane Secondary Arterial road, and is currently depicted in the Circulation Element as a connection between College Boulevard and El Camino Real. The classification of Marron Road would also be changed within the Master Plan project site to a Controlled Collector roadway. The General Plan amendment would also eliminate the Rancho del Oro Road extension from the Circulation Element, but would not impact future construction of the Rancho Del Oro interchange with SR-78.

It should be noted that a circulation network with the Marron Road connection from College Boulevard to El Camino Real was also evaluated in the traffic study and the alternatives section so that the effects of with, and without the connection could be evaluated.

- H-6** As addressed in the EIR, the Smart Growth Design Guidelines address the importance of design in maintaining and enhancing community character and in creating great public places. It serves as both a primer and a technical reference. Among the subjects covered are such community defining topics as site design, and street design and parking to support mixed use development and a variety of transportation options (see EIR page 5.10-2). In accordance with the SANDAG principles, the proposed project includes clustered residential development in a location that is central to urban land uses and services; including the adjacent community retail shopping center, nearby regional retail shopping, emergency services including Tri-City Hospital and the Oceanside Fire Department, and higher education facilities including Mira Costa Community College and Cal State San Marcos and does incorporate some of the SANDAG principles.

As further discussed in EIR Table 5.10-1 General Plan Consistency Determination Summary (EIR page 5.10-18), project design recognizes the need for vehicular traffic, but the emphasis has been placed on access to alternative forms of transportation to the degree possible. Public transit access is integral to the community. A regional and local serving bus transit service line will run in on Marron Road and College Boulevard connecting the project site community to employment and facilities outside the community. A transit stop has been integrated into the Haymar Drive streetscape design across from the Park & Ride lot.

Further, as discussed on EIR page 5.10-20, transportation alternatives will be available to those living and visiting the project. The project contains easy and convenient connection to the regional bus system and the Planning Area P-1/Highway 78 Park & Ride lot. The Park & Ride lot will be primarily used by freeway carpoolers.

The North County Transit District (NCTD) bus route will provide service to the project and the bus stop on Haymar Drive within the project will feature street furniture, including benches, shelters and transit information. The urban densities of project are within a ten-minute walk via pedestrian trails to the adjacent Quarry Creek Shopping Center.

The Master Plan, which is the planning document that will guide the development of the project site, also provides an analysis of the project's consistency with Smart Growth Design Guidelines. The Master Plan is provided as EIR Appendix B.

- H-7** The proposed project is located immediately adjacent to the Quarry Creek Plaza commercial shopping center which provides a variety of goods and services (grocery, restaurants, retail, services, banking, other) that would serve the Master Plan project. The commercial area is within walking distance for all portions of the Master Plan (ten minutes or less, depending on the Planning Area). The development of proposed project would complement these existing commercial uses. Further, there are other features of the project that incorporate Smart Growth principals, including community facility areas (which would include a Commercial Day Care Facility). Please also refer to response to comment H-6.

Transit opportunities that would be afforded to the project by extending Marron Road will be available at the project site. These include existing and proposed bus stops within, and adjacent to the project site.

The project objectives are provided on EIR pages 3-30 through 3-34. These include implementing "Smart Growth" Principles and establishing sufficient land use intensity on the site to support the "Community Center" designation on the Smart Growth Concept Map. However, the "Community Center" designation is not intended as the only justification for the proposed project densities; rather, the proposed densities are driven by the City's adopted Housing Element policy.

- H-8** The project circulation plan meets the fire department requirements for vehicular access. Two access points are available for the project. Additionally, as discussed in EIR Section 5.14 Transportation and Traffic, project delays to intersections and roadway segments are in the range of a few seconds, not minutes, which would not significantly alter response times. Furthermore, both the Cities of Carlsbad and Oceanside employ an Emergency Preemption System. An Emergency Preemption System is the hardware and software that comprises the system that allows emergency responders to alter the standard traffic signal timings and sequences to efficiently accommodate approaching emergency vehicles in order to reduce response times. The City of Oceanside has already deployed an emergency preemption system at all signalized intersections (City of Oceanside Circulation Element, pages 76 and 77).

In a broader context, and with respect to emergency evacuation, the proposed project is not located in an area that is identified as having an unusually high risk for disaster, and as such, the threat of an emergency situation where mass evacuation of the project site would be required is not anticipated. Risk of fire is addressed through the provision of sufficient fire buffer zones that have been incorporated into the project, construction of structures that will be in conformance

with current fire codes, provision of adequate emergency access to the project site, and ensuring that supporting water infrastructure meets the current fire suppression requirements.

Both the City of Carlsbad and the City of Oceanside maintain emergency preparedness. Emergency plans provide the policies and procedures upon which emergency response and recovery operations are conducted. The San Diego County Office of Emergency Services is responsible for maintaining the county emergency plan, which facilitates regional mutual aid. The City of Carlsbad's Emergency Management Administrative Team (CEMAT) maintains the Carlsbad Emergency Operations Plan. These plans are consistent and interoperable to maximize regional mutual aid support.

These plans:

- Conform to the National Incident Management System and California's Standardized Emergency Management System.
- Contains functional annexes (Fire Department, Law Enforcement, Shelter, Local Assistance Center operations, etc.) and hazard specific appendixes (Earthquake, Fire, Severe weather, etc.).
- Are "all-hazard plan" and address continuity of operations, continuity of government.

- H-9** Please refer to response to comment H-3. No significant impact related to the provision of emergency services has been identified. Pursuant to the CEQA Guidelines, a significant environmental impact under CEQA would occur if the proposed project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities ... the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives..." With respect to the proposed project, the EIR does identify the potential increase in service demand for the project (see EIR page 5.13-11), but as stated, "The proposed project would not require the provision of new or physically altered existing fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives."
- H-10** The proposed project's demand for police service would be in conformance with the City of Carlsbad's Growth Management provisions. Unlike fire service, the City of Carlsbad and Oceanside do not have a boundary drop (or mutual aid agreement). Carlsbad police officers would be the first responders in an incident. There is a mutual aid agreement for law enforcement in the County; however, mutual aid must be requested by the agency having jurisdiction, which would be the City of Carlsbad with respect to the proposed project. There is no regional dispatch center, so the closest regional unit is not a consideration in the dispatching of calls – on the closest Carlsbad unit is a consideration. The Carlsbad Police Department does not monitor the location of Oceanside Police Department units. The project's demand on police services would not generate the need for the expansion or construction of new police facilities that could have the potential for a significant impact on the environment.
- H-11** Marron Road. The statement regarding the status of Marron Road in EIR Section 5.14.1.1 is accurate. Marron Road is shown on the City of Carlsbad General Plan Circulation Element extending from its current ending east of El Camino Real easterly to connect with the existing Marron Road ending within Oceanside. The segment between its west end and the Quarry Creek

Master Plan boundary is proposed to be deleted for Alternative 2, with no extension of Rancho Del Oro Road south from the future SR-78 interchange.

Lake Boulevard. Regarding Lake Boulevard, the comment is correct. Page 5.14-1 of the EIR has been modified as follows:

Lake Boulevard: This street is a Secondary Collector that provides access to residential neighborhoods east of College Boulevard in Oceanside. It is a four-lane roadway with a continuous left turn lane from College Boulevard to Thunder Drive. ~~and reduces to two lanes east of Thunder Drive.~~ Lake Boulevard is two lanes between Thunder Drive and Sundown Lane and four lanes east of Sundown Lane.

Haymar Drive: The comment accurately reflects the cross section and classification of Haymar Drive within the project boundary. The portion of Haymar Drive adjacent to the project and within the City of Oceanside jurisdiction can be constructed to a 40-foot curb to curb section within a 60-foot right of way, and will not affect on-street parking. No changes to the portion of Haymar Drive fronting the Nissan Dealership are proposed.

H-12 EIR Figure 5.14-1 correctly depicts the existing roadways and classifications and no revisions are warranted. Haymar Drive is not proposed to be extended to the west to connect with Rancho Del Oro Road in either alternative.

H-13 Vista Way between College Boulevard and SR-78 Westbound On-Ramps. Regarding Vista Way between College Boulevard and the SR-78 Westbound on Ramps, project-specific impacts are identified at this location, and Mitigation Measures T-2, T-4, and T-6 identify the necessary improvements required in order to reduce the impact to a level less than significant. Payment of a fair-share towards these improvements would not reduce the impact to a level less than significant as there is no program in place to construct the improvements, and the City does not have an adopted fair-share program that would be directed at making these physical improvements. In lieu of this, the Applicant has offered to enter into an agreement with the City of Oceanside to construct this, and other mitigation improvements (“creative measures”) even though not required by CEQA.

H-14 Lake Boulevard between Thunder Drive and Sundown Lane. Regarding the roadway segment of Lake Boulevard between Thunder Drive and Sundown Lane, as described in EIR Section 5.14.5, the Applicant will offer to enter into an agreement with the City of Oceanside to fund certain “creative measures”, including a driver feedback sign for this segment of Lake Boulevard.

H-15 As stated on EIR page 5.14-10, “While it is realistic to expect some reductions in trips, the analysis in the Traffic Impact Analysis (Appendix P) does not include any mixed use credits and therefore represents a worst-case scenario in terms of vehicular trip generation from the proposed project.”

Please also refer to responses to comments H-6 and H-7.

H-16 The text on EIR page 5.14-10 has been modified as follows:

Alternative 1: This street network assumes all roadways that are included in the City of Carlsbad and City of Oceanside General Plan Circulation Plans, which includes the construction of the Rancho Del Oro interchange.

- H-17** This comment quotes only a portion of Oceanside's Circulation Element Policy 3.8.3, which, in its entirety, establishes the standard for determining whether a proposed project causes a significant impact on a street segment or intersection.

The most relevant portion of Policy 3.8.3 states: "Any proposed development project that causes a street segment or intersection to operate worse than LOS D is a significant project impact. If a segment or intersection operates at LOS E or F under pre-project conditions, a significant impact is determined as outlined in the most recent version of the SANTEC/ITE Guidelines. The developer shall propose, prepare and provide feasible mitigation measure(s) for the City to review that would improve the impacted location(s) to an acceptable LOS." The significance threshold in Oceanside Circulation Element Policy 3.8.3 is identical to the City of Carlsbad's significance threshold, which is set forth in Section 5.14.3 of the EIR. The Traffic Impact Analysis in Appendix P of the EIR, and summarized in Section 5.14, fully complies with all of Oceanside Circulation Element Policy 3.8.3. Potential significant transportation impacts are identified pursuant to the identical thresholds adopted by both the City of Carlsbad and the City of Oceanside. Potential mitigation measures are identified, then determined to be either feasible or infeasible. In addition, Section 5.14.5 explains that as provided in the City of Oceanside General Plan, the applicant voluntarily offered to enter into an agreement with the City of Oceanside to either fund or construct traffic improvements within the City of Oceanside at locations where improvements are feasible. Any provisions of Circulation Element Policy 3.8.3 that purport to require funding or construction of traffic improvements in excess of project impacts violate the state Mitigation Fee Act, California Government Code section 66000 et. seq.

- H-18** Planning Areas R-1, R-2, and R-3 would be served by existing transit located along the existing extension of Marron Road at the Quarry Creek Plaza Shopping Center, as well as planned transit within the project site. Please refer to responses to comments K-1 through K-4.

The North County Transit District has provided a letter of comment stating that Route 323 currently serves the Quarry Creek shopping center. The letter also requests considering bus movements for a 40-foot bus, to ensure the park-n-ride facility can accommodate bus turning movements.

- H-19** The three segments referred to in this comment are:

- College Boulevard: between Vista Way and Plaza Drive
- Vista Way: between College Boulevard and the SR-78 westbound ramps
- Lake Boulevard: between Thunder Drive and Sundown Lane

The EIR clearly concludes the significance of the impact for each of these segments. These segments are identified on EIR page 5.15-14 as having potentially significant impacts since they would be at LOS E or F. According to the SANTEC/ITE Guidelines, referenced in response to comment H-17, the significance threshold for roadway segments at LOS E or F is an increase in volume to capacity ratio (V/C) of greater than 0.02.

Based on the initial determination of "potentially significant", the EIR analysis then proceeds to evaluate these segments according to SANTEC/ITE Guidelines. As stated on EIR page 5.14-15 through 5.14-16 and depicted in EIR Table 5.14-9, two segments would have a significant impact with V/C increases greater than 0.02, but the third segment, Lake Boulevard between Thunder

Drive and Sundown Lane would have a V/C increase within and not greater than 0.02 so there would be no significant project impact to this segment.

H-20 The EIR does not intend to suggest that the physical impact would be mitigated simply by reclassification of the roadway. Rather, the reclassification of a 6-Lane Major Arterial to 6-Lane Prime Arterial would increase the roadway segment capacity if the typical requirements of a Prime Arterial, such as prohibiting parking, closing median openings, restricting driveway spacing, and increasing lane width to standard dimensions were retrofitted. Since these measures are typically infeasible because of existing conditions and right-of-way restrictions, the City would have to adopt a Statement of Overriding Considerations for these significantly impacted segments of College Boulevard. However, the project is proposing other “creative measures” to address the impacts on College Boulevard. It should be noted that the City of Oceanside adopted a Statement of Overriding Considerations for these facilities as well, in conjunction with the recent adoption of their Circulation Element Update.

H-21 College Boulevard: The lists of improvements provided by the City of Oceanside includes two roadway segments and four intersections to be improved; however, the project would have a significant impact at only one intersection listed and none at the roadway segments listed. As discussed under EIR Section 5.14.5, Environmental Mitigation Measures, the applicant voluntarily shall offer to enter into an agreement with the City of Oceanside in which the applicant offers to fund or construct several “creative measures” at the locations where improvements are feasible and where the project results in either direct or cumulative traffic impacts. These proposed improvements include one segment and three intersection improvements included in the City’s list. The City of Oceanside has not provided designs or cost estimates for the listed mitigation measures, or provided information on deferred revenue accounts. As discussed in EIR Section 5.14.5 the applicant is willing to participate in improving congestion by funding or constructing several of the measures listed by the City of Oceanside.

Please also refer to response to comment H-13.

H-22 Vista Way: As discussed in EIR Section 5.14.5, the project applicant is proposing to fund or construct a westbound right turn lane and lengthen the westbound left turn lanes at the College Boulevard and Vista Way intersection, with plans and right of way (if needed) to be provided by the City of Oceanside.

H-23 The SANTEC/ITE Regional Guidelines, referred to in response to comment H-17, indicate that a project has a significant impact if a segment is at LOS E or F and the increase in V/C ratio due to project traffic is greater than 0.02. Both of these conditions must occur to determine a significant impact. As stated on EIR page 5.14-27:

“Lake Boulevard: between Thunder Drive and Sundown Lane

Level of Service: This segment decreases from LOS “E” to “F” under Near-Term with Project.

Significance: Although the LOS decreases, the change in volume to capacity ratio is less than two percent (0.02); therefore, the proposed project would not result in a significant impact to this segment.

Mitigation: No project mitigation is required.”

However, as discussed in EIR Section 5.14.5, the applicant has offered to fund the installation of a driver feedback sign, as included in the City of Oceanside list of requested mitigation measures.

- H-24** Please refer to response to comment H-21. Also as discussed in EIR Section 5.14.5 the applicant is willing to participate in improvements to the College Boulevard/Lake Boulevard intersection, where the project has a significant cumulative impact at Buildout. Refer to Mitigation Measure T-7. The Applicant has offered to enter into an agreement with the City of Oceanside to design plans for this improvement.
- H-25** The project should not be required to contribute to the future widening of the El Camino Real bridge over SR-78 since, as shown in roadway segment volume to capacity ratios and LOS Tables 5.14-9, 5.14-17, 5.14-21, and 5.14-25 the volume to capacity increases due to project traffic are within the 0.02 allowable increase in V/C ratio included in the Regional Guidelines. Therefore the project traffic impact for all conditions evaluated would be less than significant.
- H-26** Please refer to response to comment H-20.
- H-27** As shown in EIR Table 5.14-13, the segment of Vista Way between College Boulevard and the SR-78 Westbound ramps would be at LOS F in the Near Term without Project condition. EIR Table 5.14-17 lists the segment at LOS F with project traffic added in the Near Term. The project would have a significant cumulative impact. The text on EIR page 5.14-27 has been modified as follows:
- Level of Service: This roadway segment would operate at LOS ~~"F"~~ "F" under the Near-Term with Project.
- Significance: Since the project change in volume to capacity ratio is greater than two percent (0.02), the project would have a significant project impact to this segment.
- Potential mitigation measures that would address this segment impact are included in EIR Section 5.14.5 (see Mitigation Measure discussion for Mitigation Measures T-2, T-4, and T-6). However, implementation of these measures is considered infeasible, and therefore, the impact is identified as significant, and unmitigated. However, other measures are proposed by the Applicant, as discussed in the EIR and preceding responses.
- H-28** The roadway segment of Lake Boulevard between Thunder Drive and Sundown Lane would be at LOS F in the Near Term without and with project traffic added. The project would not have a significant impact to this roadway segment because the change in V/C ratio with project traffic is 0.013, no more than 0.02, which is the roadway segment significance threshold as defined in the SANTEC/ITE Guidelines for Preparation of Traffic Impact Studies in the San Diego Region. Please also refer to response to comment H-14.
- H-29** EIR Page 5.14-13 includes the significance threshold for roadway segments and intersections as defined in the SANTEC/ITE Guidelines for Preparation of Traffic Impact Studies in the San Diego Region.
- H-30** As described in response to comment H-25, the project would have a less than significant impact on El Camino Real and should not be required to contribute a fair share towards widening the El Camino Real SR-78 overcrossing.

- H-31** EIR Table 5.14-21 shows four segments would be at LOS F with project traffic added, but only two would have V/C increases greater than 0.02. The impact summary is correct.
- H-32** The mitigation measures are summarized in EIR Section 5.14.5, Environmental Mitigation Measures, page 5.14-48.
- H-33** Please refer to response to comment H-30.
- H-34** Please refer to response to comment H-24.
- H-35** Please refer to response to comment H-24.
- H-36** EIR page 5.14-38 has been modified as follows:

The project would have a significant impact at ~~only two of these segments~~, the same segments as for the Alternative 1 analysis: College Boulevard between Vista Way and Plaza Drive and College Boulevard between Marron Road and the southern City limit. Additionally, a peak hour segment analysis was conducted for the deficiently operating College Boulevard corridor and the results are shown in Table 9-1-A of the Traffic Impact Analysis (Appendix P). This analysis indicates one additional segment of this corridor would have a significant project impact: College Boulevard (Plaza Drive to Marron Road–Lake Boulevard). Therefore, the Buildout Alternative 2 scenario would have a significant impact to three roadway segments. These roadway segments and mitigation are listed below.

EIR Page 5.14-41, seventh paragraph, and to the end of the page, includes a discussion of Vista Way between College Boulevard and the SR-78 westbound ramps. Section 5.14.5 discusses the both Applicant-proposed creative measures, as well as potential mitigation measures.

The roadway segment between Barnard Way and Vista Way would have less than significant project impacts because the change in V/C ratio with project traffic added would be 0.014, which is within the significance threshold of greater than 0.02.

- H-37** Please refer to response to comment H-21.
- H-38** Please refer to response to comment H-22.
- H-39** Payment of a fair-share towards these improvements would not reduce the impact to a level less than significant as there is no program in place to construct the improvements, and the City does not have an adopted fair-share program that would be directed at making these physical improvements. In lieu of this, the Applicant has offered to enter into an agreement with the City of Oceanside to construct this, and other mitigation improvements (“creative measures”) even though not required by CEQA. Please also refer to response to comment H-24.
- H-40** As shown in EIR Table 5.14.25, the project would have a less than significant impact to segments of El Camino Real, so no project mitigation is required.
- H-41** As explained on EIR page 5.14-18, Mitigation Measures T-1 through T-7 have been identified for direct project and cumulative impacts on roadway segments and intersections within the City of Oceanside.

As explained in the EIR analysis, the project does have direct and cumulative impacts within the City of Oceanside. The changes or alterations required to mitigate the impact are within the responsibility and jurisdiction of the City of Oceanside. Such requirements should be adopted by the City of Oceanside. However, the City of Oceanside does not appear to have adopted a program to construct such improvements and there does not appear to be a program to accept payments in lieu of construction. Due to the fact that the subject impacted segments and intersections are located outside the jurisdiction and regulatory authority of the City of Carlsbad, these impacts are considered significant and unmitigated. See CEQA Guidelines Section 15091(a)(2).

Notwithstanding the above, and in accordance with the Oceanside General Plan, the applicant has indicated that it will voluntarily offer to enter into an agreement with the City of Oceanside in which it will offer to fund or construct the following creative measures to address the improvement of traffic conditions within the City of Oceanside at those locations where improvements are feasible. The total cost of these creative measures shall not exceed the amount that is equal to current Thoroughfare and Traffic Signal fees that would be paid by this project if it were located in the City of Oceanside jurisdiction.

As such, and as described in EIR Section 5.14.5, the applicant is willing to design plans for a northbound right turn lane from College Boulevard to Lake Boulevard.

- H-42** Please refer to response to comment H-11.
- H-43** The EIR correctly discusses those locations that would have significant impacts. The City of Oceanside list of projects includes some locations where the project has less than significant impacts and therefore do not need to be addressed further.
- H-44** The roadway segment of Vista Way between College Boulevard and SR-78 WB ramps is listed as significantly impacted for all scenarios in the first paragraph on EIR page 5.14-47.
- H-45** The off-site improvements referred to on EIR page 5.14-47 fourth and fifth paragraphs, are not new roadway improvements to Tamarack Avenue, but are proposed sewer/water lines and other utility installation or upgrades to serve the project. These are described in EIR Section 3.0 Project Description.
- H-46** The “creative measures” referred to in this paragraph are traffic improvements the applicant will voluntarily participate in at some locations, including where the project has less than significant impacts, but where improvements are feasible. The creative measures are proposed within impacted segments of College Boulevard and Vista Way. EIR Section 5.14.5, page 5.14-48, Environmental Mitigation Measures, describes creative measures proposed by the applicant, and this issue is also addressed in preceding response to comments (e.g., H-22, H-23, H-24, H-41). Detailed improvements to Haymar Drive are shown in the Vesting Tentative Tract Maps (EIR Appendix C). Please also refer to responses to comments H-11 and H-12.
- H-47** Please refer to response to comment H-22.
- H-48** Please refer to preceding responses to comments H-17. The City of Oceanside has no authority to collect thoroughfare fees from the proposed project. However, the Applicant has offered to construct creative measures up to the thoroughfare fee if the project was located in the City of Oceanside. Please see EIR page 5.14-48.

- H-49a** Cannon Road Reach 4 is a Carlsbad Circulation Element roadway and is listed in the City of Carlsbad Capital Improvements Program and would be constructed when sufficient funds have been accumulated. The Quarry Creek project has a less than significant impact to this segment of Cannon Road. Therefore no project mitigation is required.
- H-49b** The deletion of the Marron Road connection from College Boulevard to El Camino Real is a component of the proposed project.
- H-49c** The Quarry Creek project would have a less than significant impact to El Camino Real within Oceanside and, therefore, should not be required to contribute to the El Camino Real Bridge widening over SR-78.
- H-49d** The applicant is willing to provide a Driver Feedback Sign on Lake Boulevard. Please see EIR page 5.14-48.
- H-49e** The project would have a less than significant impact to the College Boulevard/Waring Road intersection, and to the El Camino Real segment between Waring Road and Vista Way. Therefore, the project should not be required to contribute fees toward future improvements.
- H-49f** Please refer to response to comment H-22.
- H-49g** The project would have a less than significant impact at the College Boulevard/Plaza Drive intersection. However, the applicant is willing to construct a northbound right turn lane from College Boulevard to Plaza Drive. Plans and right of way (if needed) shall be provided by the City of Oceanside (See EIR Section 5.14.5, page 5.14-48).
- H-49h** The project would have a significant cumulative impact at the College Boulevard/Marron Road-Lake Boulevard intersection, and the applicant is willing to design plans for a second northbound right turn lane on College Boulevard to eastbound Lake Boulevard (See EIR Section 5.14.5, page 5.14-48).
- H-49i** The project would have less than significant impacts to the SR-78/Rancho Del Oro Interchange, and, therefore, should not need to contribute fees towards improvements.
- H-49j** Haymar Drive within the City of Oceanside will have existing on-street parking retained.
- H-50** Comment noted. If the City of Oceanside wants to connect the sewer in Marron Road, the City will need to enter into all required agreements. Therefore, no additional change to the EIR text is required.
- H-51** Comment noted. The water main tie-in referenced in this comment (water connect to Oceanside water in Haymar Drive) is no longer proposed. Therefore, no additional change to the EIR text is required.
- H-52** Water and sewer maps will be provided to the City of Oceanside as requested; however, the project does not propose connecting to any City of Oceanside facilities.
- H-53** Comment noted. Please refer to preceding responses to comment H-1 through H-52.
- H-54** Comment noted.