

## 4.8 LAND USE / PLANNING

### 4.8.1 Introduction and Methodology

The following discussion focuses on the project-specific impacts to land use, planning and zoning that would result from the proposed project. The character of existing land use was analyzed based on a review of aerial photographs as well as site visits. In order to analyze impacts to city planning documents and policies, research into each applicable plan and policy was conducted. Research included a review of all elements of each plan or ordinance. A consistency analysis was performed for each relevant policy.

Aside from impacts to the existing and planned land uses analyzed by this section, a number of additional land use related topics are addressed elsewhere in this EIR. *Aesthetics* is discussed in *Section 4.1*; *Air Quality* issues are described in *Section 4.2*; *Noise and Vibration* are discussed in *Section 4.9*, and *Transportation and Traffic* issues are discussed in *Section 4.10*.

As noted in *Section 3.4*, the proposed project includes the Precise Development Plan, which includes the proposed desalination plant. In addition, this analysis also addresses impacts related to construction of the offsite facilities that are necessary to support the desalination plant. As such, this section addresses both onsite (PDP project area) and offsite (pump station and water delivery pipelines) features of the project.

### 4.8.2 Existing Conditions

#### Land Use

##### *On Site and Adjacent Land Uses*

The Encina Power Station Precise Development Plan (PDP) area is located within the City of Carlsbad adjacent to the southern edge of the Agua Hedionda Lagoon. The plan area encompasses two parcels totaling 95.08 acres owned by Cabrillo Power LLC (Cabrillo) within the existing Encina Power Station site. It is bounded by SDG&E property to the south, Interstate 5 to the east, Carlsbad Boulevard to the west, and Agua Hedionda Lagoon to the north. The AT&SF/North County Transit District (NCTD) Rail Corridor bisects the plan area. The power plant has been in operation as a power generation station since 1952 with no material change in the land use of the site since origination. Over the years several operational and infrastructure changes have occurred, including the addition of the 400-foot high stack to disperse air emissions, the addition and expansion of buildings, and other site improvements. In 1999, Cabrillo acquired 386 acres from SDG&E and now owns the power plant and related facilities,

fuel oil storage tanks, and lagoon areas. The PDP area represents approximately 25% of Cabrillo's land holdings in the area.

Existing land uses adjacent to the PDP area include open space (Middle and Outer Agua Hedionda Lagoon and public beach), transportation corridor (rail and interstate), and additional public utility for the parcels still owned by SDG&E. Within the broader area, existing land uses include residential, planned industrial and tourist commercial. The Carlsbad Aqua Farm and Hubbs Sea World Research Institute and fish hatchery are located on the outer lagoon.

Land uses and zoning surrounding the power plant are summarized below in *Table 4.8-1*.

**TABLE 4.8-1**  
**Surrounding Land Use and Zoning**

	North	South	East	West
Existing Land Uses	Residential, Open Space, Research	Residential, Industrial, Cannon Park, <u>SDG&amp;E North County Construction and Operations</u>	I-5, Agriculture, Open Space, AT&SF/NCTD Transportation Corridor, <u>electric transmission facilities within SDG&amp;E right-of-way</u>	Residential, Recreational Open Space
General Plan and Local Coastal Plan Designations	RLM, RM, RMH, RH, OS	RLM, OS, PI, TR	OS, T-R, TC	OS
Existing Zoning Designations	R-A-10, R-1, R-2, R-3, RD-M, P-C, OS	R-1, OS, P-M, C-T-Q	OS, P-U, T-C	OS

### *Off Site Facilities Land Use*

The proposed offsite water transmission facilities would traverse a variety of existing land uses. The majority of the proposed pipeline alignments are within existing road rights-of-way and utility easements within the cities of Carlsbad, Oceanside and Vista. Off-road portions of the alignments include areas containing office/planned industrial, agriculture, open space, and hardline conservation areas. The proposed above-ground pump station within the City of Oceanside would be located in the City of Oceanside Corporation Yard which is presently used for City operation and maintenance.

## Relevant Planning

### *Carlsbad General Plan*

The City of Carlsbad General Plan establishes the vision and planning framework for the future development of the City, and as such, has identified the general distribution, location and extent of land uses within the city's boundaries. The PDP area is entirely located within an area designated for Public Utilities (U). The Land Use Element of the General Plan designates these areas for public or quasi-public functions, including the generation of electrical energy, treatment of waste water, public agency maintenance storage and operating facilities, or other primary utility functions designed to serve all or a substantial portion of the community. Unlike other land uses, the Land Use Element does not list any specific goals, objectives or implementation policies for the Public Utilities designation.

Other elements within the General Plan that are applicable to the PDP area and the desalination facility, as well as the offsite facilities, include Circulation, Noise, Open Space and Conservation, Public Safety, and Parks and Recreation, which are addressed in the relevant sections of this document. With respect to land use, the adjacent lagoon area is zoned as Open Space, and although it is not a part of the PDP, its future use is integrally related to the plan as the lagoon serves as the water source for the power plant, both under normal conditions and in emergencies should water flow from the ocean ever be blocked. The "Open Space Planning and Protection" component of the Open Space and Conservation Element lists the following implementing policies and action programs for the planning, protection and preservation of open space lands within Carlsbad:

- C.16 Acquire, protect or negotiate for the public access to those privately held natural open space lands that could be used for unprogrammed recreational use.
- C.17 Make accessible to the public, those open space areas designated for recreational use, and where feasible, provide them with essential utilities, public facilities and services.

Consistent with these goals, under Resolution No. 98-145, the City of Carlsbad authorized a land use study which was to address land use issues and inconsistencies and establish a vision for the area covered by Specific Plan 144 (which includes the PDP site). Two major objectives of the land use study were to (1) secure public ownership of the south shore of lagoon east of I-5 in order to enhance public access and use of the open space, and (2) consider the possibility of demolishing the existing power plant and constructing a smaller one thereby freeing up some additional coastal property for redevelopment. Although the study was placed on hold upon the

sale of the property to Cabrillo, the City has made clear its interest in the public use of the Cabrillo-owned Agua Hedionda Lagoon and adjoining areas and in improving public use of the beach area.

In addition to the Open Space and Conservation Element, the Public Safety Element of the General Plan also has bearing on the PDP, particularly in the areas of “Hazardous Materials” and “Oil Spills”. While the desalination plant would require chemicals to be stored on site for use in the desalination process, it does not require fuel oil for operation. However, fuel oil is kept onsite at the EPS to serve as a back up fuel source for generating electricity. One of the stated objectives of the Public Safety Element is:

- B.1 To limit the hazards associated with the manufacture, use, transfer, storage and disposal of hazardous materials and hazardous wastes through enforcement of applicable local, county, state and federal regulations.

For “Oil Spills”, the stated goal is to minimize injuries, loss of life and property damage resulting from oil spills. Cabrillo (formerly SDG&E) is identified in this section as an entity responsible for minimizing oil spill risk.

### *Carlsbad Zoning Ordinance*

The City of Carlsbad Zoning Ordinance (Carlsbad Municipal Code, Title 21) serves as the legal mechanism for implementation of the General Plan, and is by law consistent with the General Plan. The Public Utility zone (P-U), which implements the General Plan’s Public Utility designation, is addressed in Chapter 21.36 of the ordinance. Within that chapter, Section 21.36.010 states the intent and purpose of the P-U zone is provide for certain public utility and related uses subject to a precise development plan procedure to: (1) Insure compatibility of the development with the general plan and the surrounding developments; (2) Insure that due regard is given to environmental factors; and (3) Provide for public improvements and other conditions of approval necessitated by the development. Furthermore, Section 21.36.020 (4)(c) identifies the processing, using and storage of domestic and agricultural water supplies as a permitted use. Based on this section, the City has determined that the desalination plant is a permitted use. Finally, Section 21.36.030 requires an approved Precise Development Plan be in place prior to the issuance of a building permit or other entitlement for the desalination plant or other planned facilities in the P-U zone.

The PDP area lies within a Commercial/Visitor Serving Overlay Zone, which is addressed in Zoning Ordinance Chapter 21.208; however, this zone is not applicable to the project as there are

no commercial or tourist serving uses existing or proposed in the PDP area, nor are any such uses allowed by the P-U zone.

Other Zoning Ordinance requirements applicable to the PDP area include Signs (Chapter 21.41), and Parking (Chapter 21.44).

### ***Scenic Corridor Guidelines***

The Scenic Corridor Guidelines were adopted in 1988 for the purpose of (1) identifying streets within the City of Carlsbad to be designated as scenic corridors, and (2) to suggest ways to preserve and enhance the character of those streets. Within the PDP area, the Guidelines identify Carlsbad Boulevard as a Community Theme Corridor and the AT&SF/NCTD Railway as a Railroad Corridor. A stated goal for the Carlsbad Boulevard Corridor is to, “Preserve the natural quality of the lagoon areas by providing little, if any, additional landscaping in those areas of the corridor adjacent to a lagoon.” For the railroad corridor, the Guidelines state that buildings adjacent to the railroad right-of-way shall be architecturally articulated to vary building elevations and height. There is importance placed on maintaining a pleasant building façade along the right-of-way for the enjoyment of railroad passengers. This is discussed further in *Section 4.1, Aesthetics*.

### ***Local Facilities Management Plan***

In accordance with Chapter 21.90 of the Carlsbad Municipal Code, the City has established Local Facilities Management Plans (LFMP) as part of the City’s Growth Management Program. The LFMPs address existing and future infrastructure needs in the context of projected demand. The City is divided into twenty-five LFMP zones and the PDP area is within Zone 3. The consistency of the proposed desalination plant with the LFMP for Zone 3 is primarily addressed in *Section 4.11, Public Facilities*.

### ***Specific Plan 144***

The PDP area lies within a larger 650-acre Specific Plan, SP 144, which includes the Encina Power Plant, Agua Hedionda Lagoon and properties surrounding the lagoon owned by Cabrillo Power and SDG&E. With the adoption of Resolution No. 98-145 the City declared its intent to consider amendments to the General Plan and Zoning Ordinance as it pertains to the power plant and directed staff to perform a land use study for the Specific Plan area. As mentioned previously, the study was put on hold following Cabrillo’s acquisition of the generating station and related property. In 2002, under Agenda Bill No. 16,790, the City Council approved a processing alternative that would require the applicant for any proposed project at the power

plant to prepare an update of SP 144 in lieu of the city-sponsored study. Subsequently, the City adopted Resolution No. 2003-208 allowing the proposed Carlsbad Desalination Plant and PDP to be processed through an amendment to SP 144 rather than as a comprehensive update of the entire Specific Plan. An amendment would still allow the City to continue to address land use issues such as public access and use of the lagoon and beach, which remain priorities of the City.

#### *Local Coastal Program and Agua Hedionda Land Use Plan*

The City of Carlsbad's Local Coastal Program (LCP), adopted in 1996, includes the City's land use plans, policies, and standards and an implementing ordinance (the Zoning Ordinance) for the City's Coastal Zone. The LCP meets the requirements, and implement the provisions and policies of the California Coastal Act. The City's LCP includes six planning areas or segments that cover approximately one-third of the City. The PDP is located within the 1,100-acre Agua Hedionda segment. Besides the area included within the PDP and other lands, the Agua Hedionda segment encompasses all three water bodies of the Agua Hedionda Lagoon, which are:

- Outer Lagoon, comprising 66 acres of water surface, with the identified uses including cooling water source for the Cabrillo power plant facility fish hatchery and aqua culture;
- Middle Lagoon, containing 27 acres of water surface, used principally for passive recreation uses; and
- Inner Lagoon, totaling approximately 140 acres of water surface, used for active and passive recreation activities. Additional wetland areas, containing environmentally sensitive habitats, are located at the extreme eastern end of the lagoon.

A plan for the Agua Hedionda segment, known as the Agua Hedionda Land Use Plan, was adopted by the City of Carlsbad in 1982 and is incorporated into the LCP.

As mentioned above, the California Coastal Act of 1976 provides the basic policy framework for LCPs. In addition to basic policies and goals related to coastal zones, the Act identifies the following land use priorities:

- Preservation of natural resources and environmentally sensitive areas;
- Coastal dependent development (i.e., development requiring a site adjacent to the ocean to function);
- Public recreational uses;
- Visitor-serving commercial recreation; and
- Private residential, industrial and commercial development.

The Agua Hedionda Land Use Plan addresses the topical areas of land use, agriculture, environmental, geologic hazards, public works, recreation/visitor facilities, shoreline access, and visual resources. Consistent with the General Plan, the Land Use Plan has designated the PDP area as Utilities (U); similarly, the LCP zoning map designates the PDP area as Public-Utilities (P-U). The Land Use Plan also includes specific policies that are applicable to the proposed project, desalination plant and offsite facilities within the areas of land use, environment, geologic hazards, public works, recreation, shoreline access and visual resources.

Although the City has adopted the Agua Hedionda Land Use Plan and incorporated it into its LCP, the California Coastal Commission excluded the Agua Hedionda segment in its final certification of the LCP. By withholding certification, the California Coastal Commission retained final permit authority for this area (referred to as the “deferred certification area”). Therefore, any proposed development within the deferred certification area would require a Coastal Development Permit issued by the Coastal Commission while proposed development outside the Agua Hedionda segment and still within the Coastal Zone would require a Coastal Development Permit issued by the City.

Within the deferred certification area, Coastal Commission review of the project will be pursuant to the California Coastal Act (Public Resources Code Sections 30000-30900). The Coastal Commission has published a report on the relationship of seawater desalination to the Coastal Act (California Coastal Commission, March 2004). That report identifies a number of issues related to the CEQA analysis that should be considered in Coastal Commission review of seawater desalination projects, including growth-inducement, alternatives, cumulative effects, and specific impacts to biological resources, visual resources, public access and recreation, hazards and water quality. Analyses of those issues are provided in the respective sections of this EIR. From a land use perspective, the primary issue that the report raises is whether a seawater desalination facility would be considered a “coastal-dependent” or “coastal -related” use. A coastal-dependent use is one that requires a site on or immediately adjacent to the ocean, while a coastal-related use is one that is dependent on a coastal-dependent use. Determination of coastal-dependency is important in that it is used to determine priority uses on or near the shoreline, and whether fill of coastal waters can be considered.

### ***Comprehensive Open Space and Conservation Resource Management Plan***

The City of Carlsbad’s Open Space and Conservation Resource Management Plan provides the framework for protection of the City’s open space resources. The Agua Hedionda Lagoon is designated as open space and forms the northern boundary of the PDP planning area.

### *South Carlsbad Coastal Redevelopment Plan*

The South Carlsbad Coastal Redevelopment Plan (SCCRP), adopted in 2000, establishes a 555-acre redevelopment area that includes the PDP area. The SCCRP is in effect through 2045. The stated goals that are applicable to the project include:

- Eliminating blight and environmental deficiencies in the Redevelopment Project Area
- Facilitating the redevelopment of the Encina power generating facility to a smaller, more efficient power generating plant
- Strengthening the economic base of the Project Area and the community by the installation of needed on- and off-site improvements to stimulate new commercial/industrial expansion, employment and economic growth. Developing new beach and coastal recreational opportunities.
- Increasing parking and open space amenities.

SCCRP Section 527 requires all property within the Redevelopment Plan boundaries to be developed, redeveloped, or rehabilitated in conformance with the goals and provisions of the Plan and the requirements and regulations of the General Plan, Zoning Ordinance, and any other state or local requirements, such as guidelines and specific plans. Further, Section 601 indicates the permitted land uses within the Plan boundaries are those permitted by the General Plan, Zoning Ordinance and all other state and local requirements.

Surrounding uses within the Redevelopment Plan area include open space, commercial, and utilities. The SCCRP identifies the existing power plant as a blighting influence; consequently, including the power plant within the redevelopment area allows the Redevelopment Commission to assist the property owner in eliminating this condition. It also allows the Commission to assist with the possible future decommissioning of the existing power plant and construction of a smaller power generating plant as well as help with other public improvements and redevelopment of the site. The SCCRP list of proposed projects and infrastructure improvements does not list a new power generating station, but it does include “Commercial Rehabilitation and Economic Development Programs”, such as the development of modern industrial, commercial and utility facilities. An amendment to SCCRP Section 601, passed and adopted in November 2005, states that specific uses, including a “desalination plant” and “generation and transmission of electrical energy” may be permitted in the Redevelopment Plan only if the Carlsbad Housing and Redevelopment Commission (“Commission”) finds all of the following are satisfied: a) that the Commission approves a finding that the land use serves an extraordinary public purpose; b) that the Commission approves a precise development plan or other appropriate planning permit or regulatory document; and c) that the Commission has issued a Redevelopment Permit.



### ***McClellan-Palomar Airport Comprehensive Land Use Plan***

The McClellan-Palomar Airport Comprehensive Land Use Plan (CLUP) was adopted by SANDAG in 1994. A Draft update of the plan ~~has been prepared~~ was issued for public review in March 2005. The CLUP identifies specific areas around the airport that may be impacted by airport noise or which may be subject to limitations on the height and intensity of development. These specific areas include the Airport Influence Area, which encompasses a broad area around the McClellan-Palomar Airport, and the more focused Runway Protection Zones (RPZ) and Flight Activity Zones, which overlay smaller areas adjacent to the airport. Portions of the offsite facilities would be within the Airport Influence Area of the airport, as well as both the RPZ and the Flight Activity Zones. One pipeline alignment proposed runs along the north boundary of the airport and the airport has been identified as a potential fill site for project spoils material. Federal Aviation Regulation (FAR) Part 77 establishes height limitations which may apply to any structure or equipment, temporary or permanent, within the Airport Influence Area.

### ***San Diego County Multiple Habitat Conservation Program***

As described in *Section 4.3*, the MHCP is a regional effort conducted in conjunction with Section 10a of the Federal Endangered Species Act and the California Natural Communities Conservation Planning Act and is the framework for development of a regional habitat preserve for many increasingly rare plant and wildlife species in northwestern San Diego County. The MHCP is a multi-jurisdictional planning effort which has included the cities of Oceanside, Vista, San Marcos, Escondido, Encinitas, Carlsbad, and Solana Beach. Each city is tasked with developing a sub-area plan in order to set policies and regulatory mechanisms to carry out the goals outlined in the regional MHCP.

The Habitat Management Plan for Natural Communities in the City of Carlsbad (HMP), which serves as that city's sub-area plan and received its final approval in November 2004, identifies existing and proposed hardline conservation areas that are present in the general vicinity of some of the proposed reaches of the offsite water transmission facilities. Similarly, the Oceanside Subarea Plan also identifies sensitive habitats within that City. The compatibility of the project with these plans is discussed in *Section 4.3, Biological Resources*.

### ***Other Regional Planning***

The consistency of the PDP and related facilities with other applicable plans are analyzed in the respective section of this Draft EIR. These include the SANDAG Congestion Management Plan and Regional Transportation Plan, which are addressed in *Section 4.10*; the Regional Air Quality Strategy (*Section 4.2*); the RWQCB Basin Plan for the San Diego Basin (*Section 4.7*); the San

Diego Association of Governments (SANDAG) Regional Comprehensive Plan (*Section 9.0*); and the Regional Water Facilities Master Plan (*Section 9.0*)

### 4.8.3 Significance Criteria

Appendix G of the CEQA guidelines, lists the following as criteria for determining whether a significant impact to land use and planning would occur:

- a) Would the project physically divide an established community?
- b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

### 4.8.4 Impacts

Approval of the Encina Power Station Precise Development Plan will establish general planning policies and development standards for the planning area and permit administrative processing for minor land use modifications. It will also serve as the primary land use approval mechanism for approval of the 50 MGD Carlsbad Seawater Desalination Plant. The Plan would establish baseline conditions for existing facilities and operations on site as well as establish a procedure for administrative approvals for future changes within the PDP area. The development standards would apply to all future onsite development, including major and minor additions and modifications. Major projects, such as construction of a new electrical generating station and demolition of the existing station and stack, or any expansion of the desalination plant, would require a discretionary amendment to the PDP, separate environmental review, and public hearings.

#### *Compatibility with On-Site Land Uses*

The PDP and proposed desalination plant are compatible with the existing land use and zoning designations for the property. The area is currently used for a power generating station and related facilities, and the PDP would continue this type of land use. It would allow for diversification of utility type with the installation of the desalination plant, which is integrally related to the operations of the power plant. The PDP would divide the area into three planning

areas, each based on a primary function or use. Planning Area 1 would be approximately 46 acres and include the Encina Power Building and Emissions Stack, offices, machine shop, and other adjacent facilities. Planning Area 2 would be approximately 34 acres and include the area of the four large fuel storage tanks located between the rail corridor and Interstate 5. Planning Area 3 would be approximately 14 acres and include the area with the three smaller fuel storage tanks and wastewater treatment facility. Planning Area 3 would also be the site of the desalination plant.

Each planning area would have associated land use and development standards that allow for focused planning and land use decisions. The standards are oriented towards addressing offsite views of the property and include the following: architecture and building materials; setbacks; grading; landscape; loading, storage and refuse collection; building coverage; and parking. Adopting the PDP would provide a positive impact to on-site land uses as there would be defined land use objectives and cohesive development standards that would have bearing on any future site additions or modifications. Because of the compatibility with existing uses, the proposed project would not result in any significant adverse effects related to division of an established community.

#### *Compatibility with Off-Site Land Uses*

The PDP and proposed desalination facility are compatible with the existing adjacent land uses and zoning. The PDP area interfaces with the Outer and Middle Agua Hedionda Lagoon at its southern shoreline and with the beach to the west. Although neither the Lagoon nor the ocean are included in the PDP plan area, approval of the project could result in potential improvements to recreation and public access along the shoreline and beach through easements for use, leases, or land dedication subject to an agreement between Cabrillo, Poseidon, and the City of Carlsbad. This would provide a positive land use impact by providing additional public opportunities for coastal access.

The minimum 50-foot building setbacks proposed from the property line along Carlsbad Boulevard and the Agua Hedionda Lagoon shoreline would also provide a positive impact. Carlsbad Boulevard, a major arterial, is considered a Community Theme Corridor, and the setback would allow for and maintain a streetscape that creates continuity between the residential area to the north of the lagoon, the outer lagoon frontage, and the residential area south of the power plant. Similarly, the proposed building setback from the lagoon edge will ensure development stays back of the steep slopes surrounding this important visual and natural resource. Construction of a decorative wall and installation of landscaping where feasible along Carlsbad Boulevard would provide improved screening of the power plant and, in turn, would enhance the appearance of the PDP area to motorists and beachgoers.

There are no land use compatibility impacts expected for the other adjacent land uses, including transportation corridor (rail and interstate) and utilities (SDG&E property), because the project does not represent a change in land use character or intensity that would have the effect of dividing or disrupting existing land uses within the surrounding community.

As with on-site land uses, adopting the PDP would provide a positive impact to off-site land uses. The PDP would define land use objectives and provide cohesive development standards that would have bearing on any future site additions or modifications and thus the appearance and relationship of the PDP area to adjacent land uses.

Beyond the PDP area, offsite water delivery facilities would primarily be located below-ground within existing easements, rights-of way or planned roads and would not have local land use effects of significance after installation. An above-ground pump station would be located in the City of Oceanside and would require applicable land use approvals.

During construction and future maintenance activities, there are potential indirect impacts associated with traffic and possible conflicts with other utilities. Potential conflicts with utilities, including natural gas lines, electrical conduits, or overhead power transmission lines, will be identified in the final design stage of the project. It is the local jurisdictions' policy that all construction and maintenance activities are coordinated in the planning stage with any other utility owner whose facilities may be affected. It is anticipated that any potential conflicts with existing underground facilities can be avoided through specific alignment and design features of the project, or that different combinations of alignments (all of which are considered to be part of the proposed project) can be used to avoid conflicts. Therefore, no significant impacts related to infrastructure compatibility and associated effects on service provision to the community are anticipated.

Construction for installation of new facilities can affect access to land uses adjacent to the pipeline alignments. As part of the project design features and standard encroachment permit requirements, reasonable access will need to be maintained throughout the construction of the alignment and road surfaces restored to their pre-existing condition or better. Specific traffic control measures are addressed in *Section 4.10, Traffic/Circulation*. Because access will be maintained to surrounding land uses, no significant land use impacts related to disruption of community access would result.

Development of facilities may occur in areas where sensitive natural or cultural resources are present. It is the policy of the City that wherever such impacts may occur, they will be mitigated to a level below significance. General mitigation guidelines are established in this Draft EIR and are to be followed as discussed in *Section 4.3, Biological Resources*, *4.4 Cultural Resources*, and

4.5 *Geology and Soils* sections of the document. These mitigation measures are designed to reduce the potential impacts to below a level of significance.

Construction activities within the Airport Influence Area, particularly the Runway Protection Zone, would need to comply with FAR Part 77 to ensure air and ground safety. While the impact on airport operations would be temporary, construction and construction equipment could potentially present a hazard to aircraft and airport operations. Prior to construction, coordination with the McClellan-Palomar Airport operations manager will be necessary to ensure any impacts remain below a level of significance.

## Existing Land Use Plans

### *General Plan and Zoning Ordinance*

The PDP and proposed desalination plant are consistent with the land use designations of the General Plan and Zoning Ordinance. The Public Utilities (U) land use designation of the General Plan includes primary utility functions “designed to serve all or a substantial portion of the community”; the proposed desalination plant meets this requirement as it will produce water that will be supplied to the City and surrounding areas. Chapter 21.36 of the Zoning Ordinance identifies the processing, use and storage of domestic and agricultural water supplies as a permitted use within a Public Utilities zone. Since the project would not conflict with any applicable provisions of the City of Carlsbad General Plan or Zoning Ordinance no significant impacts are anticipated relative to those planning documents.

While there are no Land Use Element policies directly relating to the Public Utilities designation, both the PDP and proposed desalination plant uphold the general goals and objectives of the Element, including:

- Goal A.3: A city which provides for land uses which through their arrangement, location and size, support and enhance the economic viability of the community.
- Objective B.3: To provide for the social and economic needs of the community in conjunction with permitted land uses.

Consistent with the implementing policies of the Open Space and Conservation Element of the General Plan, Cabrillo has stated its intention to continue negotiations with the City for public access improvements to the lagoon and beach areas upon approval of the PDP and related desalination plant. According to the PDP, “The enhancements could include easements, leases, or the dedication of land to the City of Carlsbad for general public benefit.” The areas identified include the following:

These features are included as a part of the PDP:

- ***Fishing Beach*** - This 2.89 acre site is located on the east side of Carlsbad Boulevard just south of the lagoon jetty along the western shore of the Outer Lagoon. The purpose of the dedication will be for recreational and coastal access use, with a reservation for staging activities associated with periodic dredging conducted by Cabrillo. An additional stretch of land extending south of this site to the north end of the PDP area (in the approximate location of the discharge pond and aquaculture facility buildings) is proposed for public parking.
- ***Bluff Area*** – This site is located on the west side of Carlsbad Boulevard, north of Tierra Del Oro Street. The site is approximately 13 acres in size, and is proposed to be dedicated for recreational and coastal access uses.
- ***Hubbs Site*** – This includes the land located on the north side of the lagoon just west of the railroad tracks, next to Hubbs Seaworld Research Institute. The site is approximately 2 acres in size and is proposed to be used as a site for expansion of fish hatchery and aquatic research uses.
- ***South Power Plant public parking area*** – This site is along the east side of Carlsbad Boulevard and near the south entrance to the power plant. The site is proposed to be used for public parking

These enhancements would result in a positive land use impact adjacent to the PDP area, because they would benefit community character and would facilitate coastal access.

### ***Scenic Corridor Guidelines***

Two scenic corridors are adjacent to the PDP area, Carlsbad Boulevard and the AT&SF/NCTD rail corridor. The architectural and landscape development standards included in the PDP are consistent with the guidelines for each of these corridors. The proposed 50-foot setback for structures along Carlsbad Boulevard would be beneficial to the scenic corridor as it would provide an additional visual buffer area between the public right-of-way and future utility uses. Similarly, construction of a screening wall and landscaping along the Carlsbad Boulevard frontage of the EPS would also be a scenic corridor enhancement. The project would not result in any significant impacts related to consistency with the Scenic Corridor Guidelines.

***Specific Plan 144***

Specific Plan 144 includes all of the area originally owned by SDG&E within the Agua Hedionda Lagoon area. There are no adopted goals, objectives, or implementation policies for SP 144, and there are no established development standards. As such, the City had previously determined that any development within the power plant site would require a comprehensive update of the entire specific plan. Subsequently, the City adopted Resolution No. 2003-208, which stated that the adoption and implementation of the PDP would require an amendment to SP 144 rather than a comprehensive update. The amendment would allow the City to continue to address land use issues such as public access and use of the lagoon and beach. The amendment that is proposed with the PDP project would incorporate the PDP into the specific plan. The proposed amendment would satisfy the overall objective of providing a planning mechanism for the power plant site, and would not represent any inconsistencies with provisions of the Specific Plan that have been adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no significant impacts would result.

***Local Coastal Program and Agua Hedionda Land Use Plan***

The PDP, desalination plant and some offsite facilities would be subject to the City's Local Coastal Program (LCP) and associated Land Use Plan. The LCP land use and zoning for the PDP area is designated as Utilities (U), and Public Utilities (P-U), respectively. Offsite facilities within the Coastal Zone but outside the Agua Hedionda segment of the LCP would require a Coastal Development Permit issued by the City of Carlsbad, per Chapter 21.201 of the Zoning Ordinance.

The PDP land uses and development standards conform to the policies of the Land Use Plan, and therefore, no impacts to the Local Coastal Program or Agua Hedionda Land Use Plan are anticipated. As previously noted, development within the PDP area, including the proposed desalination plant, would require a Coastal Development Permit issued by the California Coastal Commission, the permitting authority for the lagoon area.

***South Carlsbad Coastal Redevelopment Plan***

The proposed desalination plant is not listed as one of the proposed projects in the SCCRP, although the Redevelopment Plan does identify it as a permitted use- provided that the Housing and Redevelopment Commission approves a) a finding that the land use serves an extraordinary public purpose; b) a precise development plan or appropriate planning permit or regulatory document; and c) a Redevelopment Permit. As listed in Section 3.7 under "City of Carlsbad Actions" of this EIR, a Precise Development Plan and Redevelopment Permit are two of the

required permits the project must obtain. The approval of a finding that the desalination plant serves an extraordinary purpose would be a required part of a resolution approving the Redevelopment Permit. Further, the SCCRP, as amended in 2005, does not contain any development standards to which the project would be subject through the Redevelopment Permit, other than those standards that would be set forth by the PDP.

The PDP establishes a cohesive planning structure and development standards that are attuned to improving offsite views of the property. The proposed desalination plant would replace an existing fuel storage tank with an architecturally designed structure. Although it does not immediately address the SCCRP goal of facilitating the redevelopment of the Encina power generating facility to a smaller, more efficient power generating plant, the proposed project does promote several other SCCRP goals:

- Eliminating blight and environmental deficiencies in the Project Area
- Strengthening the economic base of the Project Area and the community by the installation of needed on- and off-site improvements to stimulate new commercial/industrial expansion, employment and economic growth.
- Developing new beach and coastal recreational opportunities.
- Increasing parking and open space amenities,
- Enhancing commercial and recreational functions in the Project Area.
- Implementing performance criteria to assure quality site design and environmental standards to provide unity and integrity to the entire Project Area development.

The site of the desalination plant was specifically selected so as not to conflict with two Redevelopment Plan goals. The first goal relates to facilitating the conversion and possible relocation of the existing power plant to a smaller more efficient facility. The second goal relates to the enhancement of commercial and recreational opportunities in the Plan area. As shown in *Figure 4.8-1, Potential Site Locations for a Desalination Facility at Encina Power Station*, five potential sites were considered for the desalination facility. After a careful consideration of the five options, it was determined that the proposed location, where Tank 3 is currently located, would create the least amount of constraints on any future conversion of the Encina Power Station. The five potential sites considered do not represent alternatives to the proposed project; instead, they are the results of the analysis conducted to determine in part the location of the desalination plant at the EPS that would best comply with the Redevelopment Plan goals.

The different locations studied have two basic problems: proximity to Carlsbad Blvd and interference with the potential relocation sites for the power plant. Two of the sites are in close proximity to Carlsbad Blvd. At these two locations, after any conversion and relocation of the



power plant, these sites would create adverse visual impacts to public view corridors. The two other sites are located in areas that would cause severe constraints to any eventual relocation of the existing power plant.

The proposed site of the desalination plant is off to the side of the existing power station in a portion of the site that is constrained by the location of the railroad, the lagoon and other oil storage tanks. This location leaves the majority of the site open for potential redevelopment at some future date. Currently tanks 1 & 2 to the north of this site are being used for fuel storage. In addition, tank 1 at the northeast corner of the site is more visible than tanks 2 & 3. This location will also create no significant impacts to the relocation of the power plant to a site to the east of the railroad tracks or that infrastructure needed to serve a power plant at this location.

*Figure 4.8-1* shows the location of the chosen site (“Site E”) as well as the other sites considered for the location of desalination facility. As mentioned earlier, all of these sites create more constraints to the redevelopment of the site than the chosen project site.

Site A was rejected because it would have required decking to be installed over the cooling water pumps, which would have required considerable engineering difficulty and high construction costs. In addition, it is likely that a desalination facility at this location would have been more visible from Carlsbad Boulevard than the chosen site.

Site B is the current lay down site for the plant; this is the area where the power plant equipment is stored while repairs are taking place. The location of the desalination facility at this site would hinder the development of a new power plant to the east of the railroad since this is the site where the internal power plant equipment would be stored as the new plant was constructed.

Site C is directly under the power lines leaving the plant. SDG&E strongly discourages any construction under power lines and prohibits the use of large cranes under power line easements.

Site D is directly over the cooling water corridor for a future power plant to the east of the railroad and in addition it would be more visible from Carlsbad Boulevard.

If the power plant is relocated to the east of the railroad, the existing infrastructure serving the desalination facility can be easily redesigned to obtain its water from the new intake. The plant would merely have to sever the existing lines and reconnect to the intake which would go directly past the project site to the new power station on the east side of the railroad tracks.

Figure 4.8-1

The PDP will reduce blight in the power plant area through the implementation of its development standards and the removal of an existing fuel storage tank. It also establishes setback requirements and other development standards which will add visual buffer areas around the PDP area and help provide a cohesive, uniform design and appearance. In addition, the proposed desalination plant would stimulate employment and economic growth through design and construction as well as the hiring of staff and support services for management and operations. The PDP establishes the process for future development of the power generating station area and increases the economic productivity of the area, improving public benefit generated from the land use through better water supply reliability, a factor in generating economic growth.

#### ***McClellan-Palomar Airport Comprehensive Land Use Plan***

Offsite facilities may be constructed within the Airport Influence Area, particularly the Runway Protection Zone. While the impact on airport operations would be temporary and construction-related, construction and construction equipment could potentially present a hazard to aircraft and airport operations. Prior to construction, coordination with the McClellan-Palomar Airport operations manager will be necessary to ensure any impacts remain below a level of significance.

#### ***San Diego County Multiple Habitat Conservation Program and Local Habitat Conservation Plans***

As discussed in more detail in *Section 4.3, Biological Resources*, the project would be consistent with the MHCP, HMP and Oceanside Subarea Plan. No significant adverse impacts to habitat conservation plan or natural community conservation plan would result from adoption of the PDP and construction of the desalination plant and related offsite facilities.

#### ***Comprehensive Open Space and Conservation Resource Management Plan***

None of the proposed project features are located within or would interfere with implementation of any of the components of the Open Space and Conservation Resource Management Plan. Therefore, the project does not represent any conflicts with this plan or any of the measures or provisions of the plan that were adopted for the purpose of avoiding or mitigating an environmental effect, and no significant impacts would result.

### **4.8.5 Mitigation Measures**

The following mitigation measure would reduce identified impacts to land use/planning to less than significant:

- 4.8-1** The applicant shall coordinate with and receive approval from the McClellan-Palomar Airport Operations Manager before constructing within the Airport Influence Area and particularly within any Flight Activity Zone and Runway Protection Zone or on airport property.

#### **4.8.6 Level of Significance After Mitigation/Residual Impact**

Land use and relevant planning impacts would be less than significant.