



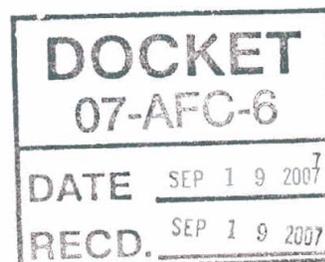
770 L Street, Suite 800
Sacramento, California 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

September 19, 2007

KIMBERLY HELLWIG
Direct (916) 319-4742
kjhellwig@stoel.com

BY HAND DELIVERY

Dr. James W. Reede
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



**Re: Carlsbad Energy Center Project (07-AFC-06)
Application for Authority to Construct and
Application for Precise Development Plan/ Specific Plan Amendment**

Dear Dr. Reede:

Carlsbad Energy Center LLC submits for your reference two (2) courtesy copies of the following two documents:

- Application to the San Diego County Air Pollution Control District for Authority to Construct the Carlsbad Energy Center Project; and,
- Application to the City of Carlsbad for Amendment of the Precise Development Plan/Specific Plan.

Should you have any questions regarding either of these documents, please contact John McKinsey at (916) 447-0700.

Respectfully submitted,

Handwritten signature of Kimberly Hellwig in blue ink.
Kimberly Hellwig
Paralegal

KJH:kjh

Enclosures

cc: Tim Hemig, Carlsbad Energy Center LLC
John A. McKinsey, Esq., Stoel Rives LLP



Carlsbad Energy Center LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008

Direct Phone: 760.710.2144

September 17, 2007

Scott Donnell
Senior Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

**Re: Amendment of Precise Development Plan 00-02 and Specific Plan 144 -
Proposed Carlsbad Energy Center Project located at the Encina Power Station**

Dear Mr. Donnell:

Please find attached an application for amendment of Precise Development Plan 00-02 and Specific Plan 144 for the proposed Carlsbad Energy Center Project (CECP) to be located at the Encina Power Station. This application includes the City of Carlsbad forms, proposed changes to PDP 00-02 and SP 144 in redline version, and the required filing fee check. Additionally, this package includes a copy of the Application for Certification (AFC) submitted to the California Energy Commission on September 14, 2007.

Carlsbad Energy Center LLC is proposing to develop CECP to replace a significant portion of the existing Encina Power Station with a lower-profile, more fuel efficient power generating facility and to meet the electrical resource needs identified by San Diego Gas and Electric (SDG&E). This includes contributing to electricity reserves that will ensure a reliable energy supply and local and regional electrical transmission grid support in San Diego County.

The design of the CECP utilizes power generating technology that provides rapid response to demand, while at the same time providing combined-cycle efficiencies. This unique balancing makes CECP an invaluable and important contribution to power generation in San Diego. Another critical component of the CECP generating units is that the CECP will be air cooled, thereby avoiding the need to connect to the existing Encina Power Station's sea water once-through-cooling system.

CECP will be a 540.4 megawatt (MW) net and 558 MW gross combined-cycle generating facility configured using two trains with one natural-gas-fired combustion turbine and one steam turbine per train (or unit). The CECP units will connect to the electrical transmission system via 138 kV and 230 kV lines that connect to the respective, nearby existing SDG&E switchyards at the existing Encina Power Station.

Through the CECP, Carlsbad Energy Center LLC offers a number of significant benefits and advantages including:

- Facilitating the retirement of existing Units 1 – 3 at the Encina Power Station consistent with the City of Carlsbad's land use programs, including the South Carlsbad Coastal Redevelopment Plan, which has a primary Plan objective to "Facilitate the redevelopment of the Encina Power Generating Facility to a physically smaller, more efficient power generating plant." The CECP also sets in motion actions that are likely to facilitate the eventual retirement of Units 4 and 5 at the Encina Power Station.
- Retirement of 225 million gallons per day of seawater once-through-cooling pumping capacity at the existing Encina Power Station through the shutdown of existing Encina Power Station Units 1 – 3.
- Utilizing existing Encina Power Station infrastructure to reduce environmental impacts and costs. The infrastructure at the Encina Power Station will support the CECP with only minor new connections including to the existing high pressure natural gas, industrial/sanitary sewer, potable water, and the existing SDG&E 138kV and 230kV switchyards at the Encina Power Station.
- Modernizing the existing aging electrical generation infrastructure in north coastal San Diego County. Modernization of aging electrical generation infrastructure is a primary objective shared by energy and environmental agencies in California, including the California Energy Commission, California Public Utilities Commission, California Independent System Operator, and publicly owned utilities.
- Meeting the expanding need for new, highly efficient, reliable electrical generating resources located in the load center of the San Diego region.
- Improving San Diego electrical system reliability through fast starting generating technology, creating a rapid responding resource for peak demand situations and providing a dependable resource to backup less reliable renewal resources like wind generation.

We look forward to working with you on this important project. If you have any questions or need additional information, please call me at (760) 710-2144.

Sincerely,
Carlsbad Energy Center LLC



Tim Hemig
Vice President

Enclosures (filing fee check, application forms, title report, AFC)

cc: Dr. James Reed, CEC
CEC Dockets Office
John McKinsey, Stoel Rives



**CITY OF CARLSBAD
LAND USE REVIEW APPLICATION**

1) APPLICATIONS APPLIED FOR: (CHECK BOXES)

	(FOR DEPARTMENT USE ONLY)		(FOR DEPARTMENT USE ONLY)
<input type="checkbox"/> Administrative Permit		<input type="checkbox"/> Planned Industrial Permit	
<input type="checkbox"/> Administrative Variance		<input type="checkbox"/> Planning Commission Determination	
<input type="checkbox"/> Coastal Development Permit		<input checked="" type="checkbox"/> Precise Development Plan	
<input type="checkbox"/> Conditional Use Permit		<input checked="" type="checkbox"/> Redevelopment Permit	
<input type="checkbox"/> Condominium Permit		<input type="checkbox"/> Site Development Plan	
<input type="checkbox"/> Environmental Impact Assessment		<input type="checkbox"/> Special Use Permit	
<input type="checkbox"/> General Plan Amendment		<input checked="" type="checkbox"/> Specific Plan	
<input type="checkbox"/> Hillside Development Permit		<input type="checkbox"/> Tentative Parcel Map Obtain from Engineering Department	
<input type="checkbox"/> Local Coastal Program Amendment		<input type="checkbox"/> Tentative Tract Map	
<input type="checkbox"/> Master Plan		<input type="checkbox"/> Variance	
<input type="checkbox"/> Minor Conditional Use Permit		<input type="checkbox"/> Zone Change	
<input type="checkbox"/> Non-Residential Planned Development		<input type="checkbox"/> List other applications not specified	
<input type="checkbox"/> Planned Development Permit			

2) ASSESSOR PARCEL NO(S): 210-010-26/ 41/ 43 +

3) PROJECT NAME: Carlsbad Energy Center Project (CECP) +

4) BRIEF DESCRIPTION OF PROJECT: PDP and SP Amendments to entitle CECP at the Encina Power station.

5) OWNER NAME (Print or Type) <u>Cabrillo Power I LLC</u>			6) APPLICANT NAME (Print or Type) <u>Carlsbad Energy Center LLC</u>		
MAILING ADDRESS <u>1817 Aston Avenue Suite 104</u>			MAILING ADDRESS <u>1817 Aston Avenue Suite 104</u>		
CITY AND STATE	ZIP	TELEPHONE	CITY AND STATE	ZIP	TELEPHONE
<u>Carlsbad, Ca</u>	<u>92008</u>	<u>760-710-2144</u>	<u>Carlsbad, Ca</u>	<u>92008</u>	<u>760-710-2144</u>
EMAIL ADDRESS: <u>keith.richards@NRGenergy.com</u> +			EMAIL ADDRESS: <u>tim.hemig@NRGenergy.com</u>		
I CERTIFY THAT I AM THE LEGAL OWNER AND THAT ALL THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			I CERTIFY THAT I AM THE LEGAL REPRESENTATIVE OF THE OWNER AND THAT ALL THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
<u><i>Keith Richards</i></u>		<u>9/14/07</u>	<u><i>Tim Hemig</i></u>		<u>9/14/07</u>
SIGNATURE		DATE	SIGNATURE		DATE

7) BRIEF LEGAL DESCRIPTION

see attached legal description

**NOTE: A PROPOSED PROJECT REQUIRING MULTIPLE APPLICATIONS BE FILED, MUST BE SUBMITTED PRIOR TO 3:30 P.M.
A PROPOSED PROJECT REQUIRING ONLY ONE APPLICATION BE FILED, MUST BE SUBMITTED PRIOR TO 4:00 P.M.**

8) LOCATION OF PROJECT: 4600 Carlsbad Blvd.

STREET ADDRESS

ON THE (NORTH, SOUTH, EAST, WEST)

SIDE OF (NAME OF STREET)

BETWEEN (NAME OF STREET)

AND (NAME OF STREET)

9) LOCAL FACILITIES MANAGEMENT ZONE

10) PROPOSED NUMBER OF LOTS 11) NUMBER OF EXISTING RESIDENTIAL UNITS 12) PROPOSED NUMBER OF RESIDENTIAL UNITS

13) TYPE OF SUBDIVISION 14) PROPOSED IND OFFICE/ SQUARE FOOTAGE 15) PROPOSED COMM SQUARE FOOTAGE

16) PERCENTAGE OF PROPOSED PROJECT IN OPEN SPACE 17) PROPOSED INCREASE IN ADT 18) PROPOSED SEWER USAGE IN EDU

19) GROSS SITE ACREAGE 20) EXISTING GENERAL PLAN 21) PROPOSED GENERAL PLAN DESIGNATION

22) EXISTING ZONING 23) PROPOSED ZONING 24) HABITAT IMPACTS IF YES, ASSIGN HMP #

25) IN THE PROCESS OF REVIEWING THIS APPLICATION IT MAY BE NECESSARY FOR MEMBERS OF CITY STAFF, PLANNING COMMISSIONERS, DESIGN REVIEW BOARD MEMBERS OR CITY COUNCIL MEMBERS TO INSPECT AND ENTER THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION. I/WE CONSENT TO ENTRY FOR THIS PURPOSE

Carl Richard
SIGNATURE

FOR CITY USE ONLY

FEE COMPUTATION

APPLICATION TYPE	FEE REQUIRED

DATE STAMP APPLICATION RECEIVED

RECEIVED BY:

TOTAL FEE REQUIRED

EXHIBIT "A"
LEGAL DESCRIPTION
ADJ 00-10 - ENCINA

PARCEL 4

That portion of Lot "H" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Partition Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, November 16, 1896, described as follows:

Commencing at the intersection of the Easterly line of the 100.00 foot wide right-of-way of the Atchison Topeka and Santa Fe Railroad with the Northerly line of Cannon Road (60.00 feet wide); thence along said Easterly line North 22°30'13" West, 1564.78 feet to the TRUE POINT OF BEGINNING; thence continuing along said Easterly line North 22°30'13" West, 1990.35 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 1005.37 feet, a radial to said beginning bears South 85°54'14" East; thence Northeasterly 36.76 feet along said curve through a central angle of 02°05'42"; thence non-tangent to said curve North 22°30'13" West, 302.87 feet; thence leaving said Easterly line North 61°25'37" East, 14.19 feet; thence North 30°30'37" East, 34.90 feet; thence South 40°47'23" East, 63.50 feet; thence South 69°10'23" East, 38.00 feet; thence North 79°19'37" East, 285.00 feet; thence North 88°07'37" East, 333.14 feet; thence North 81°53'37" East, 13.68 feet to the Westerly right-of-way line of California State Highway XI-SD-2B (I-5); thence along said right-of-way line South 17°57'05" East, 204.93 feet; thence South 12°34'11" East, 424.72 feet; thence South 22°07'51" East, 239.68 feet; thence South 22°30'37" East, 1210.91 feet; thence leaving said right-of-way line South 67°37'25" West, 492.66 feet; thence South 62°25'13" West, 126.26 feet to the TRUE POINT OF BEGINNING,

TOGETHER WITH that portion of said Lot H described as follows:

Commencing at the Northeasterly corner of Record of Survey No. 14621, in the City of Carlsbad, County of San Diego, State of California, recorded in the Office of the County Recorder of San Diego County, August 14, 1994 as File No. 1994-500086, said corner being on the Westerly line of the right-of-way of the Atchison Topeka and Santa Fe Railroad; thence along said Westerly line and Easterly line of said Record of Survey 14621 South 28°40'19" East, 656.70 feet to the most Southerly corner of said Record of Survey No. 14621; thence continuing South 28°40'19" East, 275.00 feet to the TRUE POINT OF BEGINNING; thence leaving said Westerly line South 56°25'30" West, 61.30 feet; thence South 04°59'18" West, 27.61 feet; thence South 39°37'42" East, 61.38 feet; thence South 77°21'22" East, 49.55 feet; thence South 26°45'23" East, 232.92 feet; thence South 17°52'19" East, 115.92 feet; thence South 02°16'37" East, 55.06 feet; thence South 24°00'58" West, 44.47 feet; thence South 40°45'14" West, 126.60 feet; thence South 29°41'50" West, 83.42 feet; thence South 27°27'35" West, 90.04 feet; thence South 35°18'30" West, 212.59 feet; thence South 19°22'01" East, 108.34 feet; thence South 30°56'56" East, 304.06

025093

feet; thence South 14°30'21" West, 175.27 feet; thence South 00°09'57" East, 123.11 feet; thence South 26°53'37" East, 119.99 feet; thence South 34°46'51" West, 23.60 feet; thence North 61°27'21" West, 142.77 feet; thence North 22°47'32" West, 47.01 feet; thence South 67°12'28" West, 16.03 feet; thence South 22°47'32" East, 22.23 feet; thence South 58°37'31" West, 97.99 feet; thence South 41°35'28" West, 110.44 feet; thence North 74°44'52" West, 164.81 feet; thence North 05°57'51" West, 202.95 feet; thence North 30°14'20" West, 64.23 feet; thence North 64°31'22" West, 293.59 feet to the Easterly line of the 100.00 foot wide Carlsbad Boulevard; thence along said Easterly line of Carlsbad Boulevard South 24°07'36" East, 913.18 feet to the beginning of a curve concave Southwesterly having a radius of 4050.00 feet; thence Southeasterly 348.89 feet along said curve through a central angle of 04°56'09"; thence South 19°11'27" East, 15.63 feet to the beginning of a curve concave Northeasterly having a radius of 5216.55 feet; thence Southeasterly 900.29 feet along said curve through a central angle of 09°53'18"; thence leaving said Easterly line of Carlsbad Boulevard North 60°43'42" East, 103.71 feet; thence North 71°53'50" East, 49.05 feet; thence North 88°29'46" East, 149.63 feet; thence North 77°06'32" East, 80.00 feet; thence North 68°28'15" East, 121.97 feet; thence North 63°21'24" East, 220.51 feet; thence North 67°56'35" East, 167.57 feet; thence North 76°27'03" East, 60.33 feet; thence South 77°37'06" East, 172.85 feet; thence South 60°55'41" East, 66.30 feet; thence South 45°30'57" East, 47.42 feet; thence South 82°40'44" East, 84.31 feet; thence South 44°29'52" East, 52.55 feet to said Westerly right-of-way line of said Atchison Topeka and Santa Fe Railroad; thence along said Westerly line North 22°30'13" West, 2664.53 feet; thence North 28°40'19" West, 835.14 feet to the TRUE POINT OF BEGINNING.

The hereinabove described parcel of land contains 95.08 acres more or less.

Prepared by:

Nolte Associates, Inc.

Ronald C. Parker 10/22/01
Ronald C. Parker Date
Director of Survey





City of Carlsbad

Planning Department

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Consultation Of Lists of Sites Related To Hazardous Wastes
(Certification of Compliance with Government Code Section 65962.5)

Pursuant to State of California Government Code Section 65962.5, I have consulted the Hazardous Wastes and Substances Sites List compiled by the California Environmental Protection Agency and hereby certify that (check one):

- The development project and any alternatives proposed in this application **are not** contained on the lists compiled pursuant to Section 65962.5 of the State Government Code.
- The development project and any alternatives proposed in this application **are** contained on the lists compiled pursuant to Section 65962.5 of the State Government Code.

APPLICANT

PROPERTY OWNER

Name: Tim Hemig, Carlsbad Energy LLC

Name: Keith Richards, Cabrillo Power I LLC

Address: 1817 Aston Avenue Suite 104

Address: 1817 Aston Avenue Suite 104

Carlsbad Ca 92008

Carlsbad Ca 92008

Phone Number: 760-710-2144

Phone Number: 760-710-2144

Address of Site: 4600 Carlsbad Blvd.

Local Agency (City and County): Carlsbad, San Diego County

Assessor's book, page, and parcel number: 210-010-26/41/43

Specify list(s): _____

Regulatory Identification Number: _____

Date of List: 9/14/2007

[Signature]
Applicant Signature/Date

[Signature] 9/14/07
Property Owner Signature/Date

Admin/Counter/HazWaste





City of Carlsbad

Planning Department

DISCLOSURE STATEMENT

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

Note:

Person is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county; city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. **APPLICANT** (Not the applicant's agent)
Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW** If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person <u>Tim Hemig</u>	Corp/Part <u>Carlsbad Energy Center LLC</u>
Title <u>N/A</u>	Title <u>N/A</u>
Address _____	Address <u>1817 Aston Avenue Suite 104</u> <u>Carlsbad Ca 92008</u>

2. **OWNER** (Not the owner's agent)
Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e. partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW**. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person <u>Keith Richards</u>	Corp/Part <u>Cabrillo Power I LLC</u>
Title <u>PRESIDENT</u>	Title <u>N/A</u>
Address _____	Address <u>1817 Aston Avenue Suite 104</u> <u>Carlsbad Ca 92008</u>



3. NON-PROFIT ORGANIZATION OR TRUST

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust _____	Non Profit/Trust _____
Title _____	Title _____
Address _____	Address _____

4. Have you had more than \$250. worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

Yes No If yes, please indicate person(s): _____

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

Keith Richards 9/14/07
Signature of owner/date

Keith Richards
Print or type name of owner

Tim Hemig
Signature of applicant/date

Tim Hemig
Print or type name of applicant

Signature of owner/applicant's agent if applicable/date

Print or type name of owner/applicant's agent

Project Description

Carlsbad Energy Center LLC is proposing to develop the Carlsbad Energy Center Project (CECP) to replace a significant portion of the existing Encina Power Station with a lower-profile, more fuel efficient power generating facility and to meet the electrical resource needs identified by San Diego Gas and Electric (SDG&E). This includes contributing to electricity reserves that will ensure a reliable energy supply and local and regional electrical transmission grid support in San Diego County.

The design of the CECP utilizes power generating technology that provides rapid response to demand, while at the same time providing combined-cycle efficiencies. This unique balancing makes CECP an invaluable and important contribution to power generation in San Diego. Another critical component of the CECP generating units is that the CECP will be air cooled, thereby avoiding the need to connect to the existing Encina Power Station's sea water once-through-cooling system.

CECP will be a 540.4 megawatt (MW) net and 558 MW gross combined-cycle generating facility configured using two trains with one natural-gas-fired combustion turbine and one steam turbine per train (or unit). The CECP units will connect to the electrical transmission system via 138 kV and 230 kV lines that connect to the respective, nearby existing SDG&E switchyards at the existing Encina Power Station.

Through the CECP, Carlsbad Energy Center LLC offers a number of significant benefits and advantages including:

- Facilitating the retirement of existing Units 1 – 3 at the Encina Power Station consistent with the City of Carlsbad's land use programs, including the South Carlsbad Coastal Redevelopment Plan, which has a primary Plan objective to "Facilitate the redevelopment of the Encina Power Generating Facility to a physically smaller, more efficient power generating plant." The CECP also sets in motion actions that are likely to facilitate the eventual retirement of Units 4 and 5 at the Encina Power Station.
- Retirement of 225 million gallons per day of seawater once-through-cooling pumping capacity at the existing Encina Power Station through the shutdown of existing Encina Power Station Units 1 – 3.
- Utilizing existing Encina Power Station infrastructure to reduce environmental impacts and costs. The infrastructure at the Encina Power Station will support the CECP with only minor new connections including to the existing high pressure natural gas, industrial/sanitary sewer, potable water, and the existing SDG&E 138kV and 230kV switchyards at the Encina Power Station.
- Modernizing the existing aging electrical generation infrastructure in north coastal San Diego County. Modernization of aging electrical generation infrastructure is a primary objective shared by energy and environmental agencies in California, including the California Energy Commission, California Public Utilities Commission, California Independent System Operator, and publicly owned utilities.

- Accomplishing a “brownfield” redevelopment of an existing power plant for a net increase in electrical capacity to support electrical system and local resource supply requirements in the San Diego area. The California Public Utility Commission has a stated preference for “brownfield” power projects pursuant to Decision No. 04-12-048.
- Meeting the expanding need for new, highly efficient, reliable electrical generating resources located in the load center of the San Diego region.
- Improving San Diego electrical system reliability through fast starting generating technology, creating a rapid responding resource for peak demand situations and providing a dependable resource to backup less reliable renewal resources like wind generation.
- Utilizing California Code of Regulations (CCR) Title 22 reclaimed water raw water source for the CECP. The use of reclaimed water by CECP represents a significant Project benefit as use of potable water will be limited to sanitary uses and fire protection.

Because the proposed CECP is a thermal power plant with a net generating capacity of more than 50 megawatts, the California Energy Commission (CEC) has jurisdiction to issue all permits and approvals for the CECP pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code 21000 et seq.). This approval process was initiated for the CECP with the September 14, 2007 filing of an Application for Certification (AFC) with the CEC. The CEC certification and AFC process is equivalent to a CEQA environmental impact report and will serve as the project EIR for additional approvals needed outside of the CEC process. If necessary, appropriate mitigation measures for environmental impacts will be imposed as a condition of the AFC approval. Additionally, the CEC will consult with other land use agencies, including the City of Carlsbad and the California Coastal Commission to ensure compliance with applicable laws, ordinances, regulations and standards.

The AFC is attached to this proposed PDP Amendment as part of this application as Appendix Z. It contains all the sections of the AFC, including the Executive Summary, Project Description, Land Use and Visual (which are also provided as hardcopy attachments with this application). The Project Description attached to the AFC in Appendix Z provides a detailed and technical overview of the CECP.

DRAFT

City of Carlsbad Specific Plan 144

Amended and Restated with Amendment 144(I), per

City of Carlsbad Ordinance No. _____, adopted on _____, 2007

City of Carlsbad Specific Plan 144
(as amended and restated by Ordinance No. _____ with 144(I))

I. INTRODUCTION

A. PURPOSE

The purpose of this Specific Plan is to set forth the existing land uses and land use regulations applicable to the area of Carlsbad which includes the Agua Hedionda Lagoon and certain areas near the lagoon, including the Encina Power Station.

Pursuant to Carlsbad City Council Resolution 2003-208, the purpose of the most recent amendment to Specific Plan 144, described as Specific Plan 144H, was to incorporate the Encina Power Station Precise Development Permit 00-02 (PDP 00-02) into Specific Plan 144 while maintaining the conditions and regulations of previous Specific Plan Amendments A through G.

This current amendment to SP 144, described as Specific Plan Amendment 144(I), formally allows the Carlsbad Energy Center Project (CECP) to be located within Planning Area 2 of the Specific Plan area.

B. HISTORY

Specific Plan 144 was originally adopted in City of Carlsbad Ordinance 9279 on August 3, 1971. The purpose of the Specific Plan was to provide rules and regulations for the orderly development of 680 acres of land located East of the Pacific Ocean and South of the North Shore of the Agua Hedionda Lagoon, and North of what is now Cannon Road, and provide design and development guidelines for the expansion of the power plant, then owned by San Diego Gas & Electric Company. The property covered by the original Specific Plan 144 was described in Ordinance 9279 as:

A portion of Lot F of Rancho Agua Hedionda in the County of San Diego and a Portion of Lot H, Rancho Agua Hedionda Map 823, in the City of Carlsbad, and a portion of Block "W" of Palisades No. 2, Map 1803 in the City of Carlsbad, County of San Diego, State of California; also being parcel 6, page 07, Book 206; Parcels 24,25,26, and 27, Page 01, Book 210; Parcel 21, Page 21, Book 211, and Parcel 14, page 01, Book 212, of the Assessor's map of San Diego County, and more particularly described in application on file in the Office of the City Planner.

As originally adopted, the Specific Plan placed 13 conditions of development on the subject property and provided for methods of enforcement.

On December 4, 1973 the Carlsbad City Council passed Amendment A to Specific Plan 144 in Ordinance 9372 to allow for the construction of a 400-foot stack and removal of the four existing stacks at the Encina Power Station. This amendment became null and void one year later.

On May 4, 1976 Specific Plan 144 was amended again (Amendment B) by the City Council's passage of Ordinance 9456 to permit the construction of a single 400-foot stack at the Encina Power Station to replace the four existing stacks. Amendment B provided a finding that "all conditions of City Council Ordinance 9279 have been complied with and this amendment is consistent with said ordinance and the provisions of the P-U zone." Amendment B to Specific Plan 144 added condition 14 which created design, development, and other requirements for the construction of the 400-foot stack, the removal of the existing stacks, and operation of the power station. Amendment B also provided an exemption to the 400-foot stack and duct work and screening to the 35-foot height limit established by Condition Number 5 of Ordinance 9279.

Amendment C of Specific Plan 144 was adopted on May 3, 1977 by City Council Ordinance 9481 to allow for the construction of water treatment facilities and a maintenance building at the Encina Power Station. Amendment C added condition 15 regarding the development of the water treatment facilities and the maintenance building and amended the map of the specific plan area.

Between 1978 and 1993 three additional amendments to Specific Plan 144 were applied for and withdrawn by SDG&E for changes to the Encina Power Station. Amendment D was proposed to allow connection of unit 5 to the stack, but it was determined that the connection was already allowed and so the amendment was not necessary. Amendment E proposed various improvements to the facility, and Amendment F proposed the addition of a green waste facility. Amendments D, E, and F were all withdrawn and were not incorporated into the Specific Plan 144.

On January 16, 1996 the Carlsbad City Council adopted Ordinance NS-345 amending Specific Plan 144 (Amendment G) to remove 24.2 acres of land from the Specific Plan area. The map of the Specific Plan area was revised to reflect the removal of the acreage.

In 1999, SDG&E sold a significant portion of its holdings within Specific Plan 144 to Cabrillo Power I LLC. Property sold included the Encina Power Station and outer, middle, and inner basins of the Agua Hedionda Lagoon. SDG&E retained ownership of much of the property within the Specific Plan, including land east of Interstate 5 and along the lagoon's south and east shore, the SDG&E construction and operations center located south of the power station, and property along the lagoon's north shore west of Interstate 5.

In June 2006 the City of Carlsbad approved the desalination facility and related Precise Development Permit, PDP 00-02. A companion entitlement was also processed and approved: Specific Plan Amendment 144(H). Amendment 144(H) formally included the PDP jurisdictional area into the Specific Plan to allow for entitlement approval of the desalination facility. City Council approval was on June 13, 2006 and adopted Ordinance NS-805.

C. PHYSICAL SETTING

The Specific Plan 144(I) area is generally bound by public beach areas and the Pacific Ocean to the West, the North Shore of the Agua Hedionda Lagoon on the North, and Cannon Road on the South. The east end of the Specific Plan is bisected by Cannon Road and contains wetland and upland areas east and south of the lagoon. A map showing the boundaries of the Specific Plan 144(I) area is shown as Exhibit A attached to this document.

The Specific Plan 144(I) area incorporates the Agua Hedionda Lagoon on the West and East sides of the I-5 Freeway and includes agricultural land in the southeast, and the Encina Power Station in the West. The I-5 freeway bisects the Specific Plan area and the AT&SP/North County Transit District Rail Corridor parallels the I-5 Freeway in the Western part of the Specific Plan area and bisects the Encina Power Station. Additionally, Carlsbad Boulevard is located along and just inside the west Specific Plan boundary and separates the Encina Power Station from the Pacific Ocean. A small portion of the Specific Plan is located west of the freeway and along the lagoon's north shore.

The Specific Plan Boundary is shown in Exhibit A. The distribution, location and extent of the uses of the land, including open space within the area covered by this Specific Plan, are shown in Exhibit B.

II. INFRASTRUCTURE

The Specific Plan area is generally characterized by the Agua Hedionda Lagoon, Encina Power Station and agricultural land. The following description provides the existing distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage and solid waste disposal, energy, and other essential facilities located within the area covered by the plan, and which support the existing land uses described in the plan. PDP 00-02, referenced in this Specific Plan, provides information on the Carlsbad Seawater Desalination Project and associated infrastructure, which was approved concurrently with amendment 144(H) to this Specific Plan. PDP 00-02(A) also provides details regarding the existing Encina Power Station, and the proposed Carlsbad Energy Center Project (CECP).

The CECP proposes a 560 megawatt (MW) gross combined-cycle power generating facility with air/evaporative cooling that will use reclaimed water provided by the City of Carlsbad. This reduces the reliance on seawater as the source of the cooling and facilitates the modernization of the power generating facility at the Encina Power Station.

The CECP location is the area occupied by obsolete oil fuel storage Tanks 5, 6 and 7 within PA 2 and constitutes approximately 23 acres. Tanks 5-7 will be demolished and removed as part of power plant maintenance. The CECP units will connect to the electrical transmission system via 138kV and 230 kV lines that connect to the existing switchyards at the EPS. The purpose of the CECP is to advance modernization of the power generating facility at Encina, reduce reliance on seawater for once-through cooling, and to meet the needs of local energy requirements while contributing to the electricity reserves that will ensure a reliable energy supply in the southern California region.

Other than the infrastructure contemplated in PDP 00-02 and other permits related to the Carlsbad Seawater Desalination Project and not yet constructed, and any infrastructure referenced in the previously approved Local Facilities Management Plan described below, there are no other planned or approved, but as yet unbuilt, changes or additions to infrastructure facilities in the Specific Plan area. Because additional growth and development within the Specific Plan area is not proposed, there are no further infrastructure plans proposed to support any development of any existing undeveloped or open space areas within the Specific Plan.

Major infrastructure elements in the Specific Plan area include electrical transmission lines emanating from the Encina Power Station and which extend across the Specific Plan area to the East, the I-5 freeway, the

AT&SP/North County Transit District Rail tracks, Cannon Road and Carlsbad Boulevard. The power plant is served by general water and wastewater facilities that service the greater Carlsbad area.

There are sewer and water lines and a gas main located within the Cannon Road right-of-way. A gas main and sewer force main also extend along the AT&SP/North County Transit District Rail tracks. Other public rights of way in the Specific Plan, such as Cannon Road and Carlsbad Boulevard, support additional infrastructure.

As part of its Growth Management Program, the City of Carlsbad adopted the 1986 *Citywide Facilities and Improvement Plan* in order to implement the City's General Plan and Zoning Ordinance. This plan ensures that development does not occur unless adequate public facilities and services exist or will be provided concurrent with new development. A Local Facility Management Plan (LFMP) has been adopted for all but one of the 25 Facility Zones within the City. The Specific Plan 144(I) area is located within Zone 3 and Zone 13, for which the City has adopted LFMPs. Consistent with the Citywide Plan, each plan contains performance standards (i.e., thresholds) for public facilities and services. This provides the City with quantitative guidance as to whether or not a project will be in conformance with adequate public facility and service provision thresholds. Therefore, projects within the City of Carlsbad are subject to thresholds for circulation, city administrative facilities, fire, schools, libraries, park and recreation resources, open space, wastewater treatment capacity, sewer collection system, drainage/storm water system and water distribution. This Specific Plan incorporates by reference the LFMPs for those parts of the Specific Plan area that fall within Zone 3 and Zone 13.

There are no proposals for additional development in Specific Plan area 144(I) and therefore there will be no additional need for infrastructure facilities beyond those required for the development in the PDP 00-02(A) area. PDP 00-02(A) is consistent with the LFMP for Zone 3, and infrastructure within the PDP area will be subject to requirements of PDP 00-02(A).

III. DEVELOPMENT STANDARDS

Generally, the development standards in this Specific Plan are the same as the standards contained in the City of Carlsbad General Plan. This Specific Plan provides for the same Utility, Travel/Recreation Commercial, Residential High Density, and Open Space designations as are indicated in the Carlsbad General Plan as shown in Exhibit B attached to this document.

Further, development standards for the Encina Power Station are contained in PDP 00-02(A).

At this time, there is no additional development proposed for the lagoon or agricultural areas of Specific Plan 144(I). No regulations for development of these areas are included in this Specific Plan.

Standards and conditions for the Encina Power Station required as part of the original Specific Plan and Amendments A-H are indicated below. Items 1-13 were found to be complied with in the findings of City of Carlsbad Ordinance 9456. Any development proposed outside the PDP 00-02(A) portion of this Specific Plan 144(I) will require an amendment to this Specific Plan. Any additional development within the PDP area will not require an amendment to this Specific Plan unless it is considered a "major amendment" as described in PDP 00-02.

Specific Plan Amendments 144(A-H) established the following standards and requirements, (some of which have been satisfied as of the date of Specific Plan 144(I)):

1. That the granting of the requested zoning shall be subject to the remainder of the San Diego Gas and Electric property (portion Lot "F") being annexed to the City of Carlsbad. Also that the area designated on the Specific Plan as "Site of Future Power Plant," east of the freeway, be subject to Specific Plan approval at a later date.
2. All developments within the public utility zone shall be within the conditions specified therein and following.
3. Details concerning the leasing of park lands shall be agreed upon between San Diego Gas and Electric Company and the City within one year after the City has approved final rezoning. Location of baseball little league park and other athletic facilities shall be subject to specific plan approval at the earliest practicable date, it being understood that the present proposed location thereof is disapproved.
4. All buildings shall be subject to architectural review as prescribed in Ordinance No. 9268 prior to issuance of a building permit to assure a maximum amount of design compatibility with the neighborhood and existing

facilities.

5. The heights of future power generating buildings and transmission line tower structures shall be of heights and of a configuration similar to existing facilities. All storage tanks shall be screened from view. No other structure or building shall exceed thirty five (35') feet in height unless a specific plan is approved at a public hearing.
6. All fuel storage tanks shall be recessed and used for those oils which, upon being consumed, shall not have a sulfur content exceeding .50 percent; being that percentage commonly associated with the term "low sulfur fuel oil."
7. Landscape and irrigation plans prepared by a registered landscape architect shall be submitted in conformance with Ordinance No. 9268 for the screening of existing facilities. Plans shall be submitted within two years and must provide a schedule for installation.
8. That the proposed site for a future power generating facility on the East side of Interstate 5 shall be planned so as to be compatible with the present facility. The facilities shall meet the requirements of the State and Federal regulations and shall be environmentally compatible with the City of Carlsbad.
9. All signs shall be in conformance with City ordinances within 90 days.
10. Exterior lighting shall be oriented so that adjacent properties shall be screened from glare or a direct light source.
11. Prior to any construction, detailed plans shall be submitted to the City of Carlsbad Fire Department to assure:
 - a) Necessary fire protection requirements.
 - b) Suitable access roads for fire fighting purposes.
 - c) Necessary yard mains and fire hydrants.

- d) Other fire protection devices or appliances deemed necessary.
12. That the applicant dedicate right-of-way for that portion of the width of Cannon Road (102' R/W) which falls within the applicant's property East of I-5. The alignment shall be subject to the approval of the City Engineer and Planning Director.
13. That the following conditions of public improvements for Cannon Road and Carlsbad Boulevard be complied with:
- A. Carlsbad Boulevard.
 - 1) Construct street improvements including curb, gutter, sidewalks, street lights and up to 20 feet of paving along each side where SDG&E property has frontage, excepting public beaches and property dedicated for public parks. Construction may be deferred until mutually agreeable to the City and the Company except that the safety of the driving and walking public will be considered. The improvements may be financed by assessment district.
 - B. Cannon Road.
 - 1) Construct full street improvements for 1/2 street from Carlsbad Boulevard to a point approximately 600 feet easterly of I-5 along frontage owned by SDG&E, timing to be subject to approval of City, but in any event not before development of property adjoining the south side of Cannon Road or the institution of an assessment district.
 - 2) Dedicate full right of way (102 feet) for that portion of Cannon Road easterly of I-5 which falls within SDG&E property.
 - 3) Construction of improvements easterly of B-1 may be deferred until property easterly of I-5 is developed. Agreement on grade development and spreading of construction cost shall be mutually agreeable to the City and the Company. The City policy for improvement of such streets shall be considered.

C. Access roads shall be subject to City approval.

14. In addition to the above conditions, the revised portions of the specific plan which permit the construction of the 400-foot stack and the removal of the four existing stacks shall be accomplished in accord with the revised specific plan SP-144B and shall be subject to the following conditions:

(A) All applicable requirements of any law, ordinance or regulations of the State of California, City of Carlsbad, and any other governmental entity shall be complied with.

(B) All ground lighting shall be arranged to reflect away from adjoining properties and streets.

(C) Any mechanical and/or electrical equipment to be located on the roof of the structure shall be screened in a manner acceptable to the Planning Director. Detailed plans for said screening shall be submitted, in triplicate, to the Planning Director for approval.

(D) Air pollution equipment capable of monitoring ambient particulates, NO_x and SO₂ concentrations and other emissions from the Encina Plant as well as air quality in the Carlsbad area shall be placed in service not later than six months following the effective date of this ordinance. The number of stations, type of equipment and location of stations shall be to the satisfaction of the APCD Control Officer and the City of Carlsbad. Should the Air Pollution Control Officer of the San Diego County Air Pollution Control District require additional air quality or emissions monitoring equipment and funds for air quality analysis in connection with their current study of emissions from the Encina Power Plant, the applicant shall supply said equipment and funds as deemed necessary by the Air Pollution Control Officer. The cost of said equipment shall not exceed \$150,000. The requested funds for air quality analysis shall not exceed \$50,000 per year.

(E) Any future measure required by the San Diego County Air Pollution Control District to lessen or otherwise

control emissions from the Encina Power Plant are hereby incorporated as a part of this Specific Plan Amendment and SDG&E shall comply fully therewith. The costs of such measures shall be borne by SDG&E.

(F) SDG&E will obtain a report of compliance from the City staff regarding the conditions of this ordinance and from the San Diego County Air Pollution Control Officer regarding compliance with the applicable conditions of the ordinance and with air quality standards, and forward it to the City Council five years from the date of this ordinance or as otherwise required by motion of the City Council, or the Planning Commission. The Planning Commission and City Council shall review the report with regard to conformance to the conditions of this ordinance and to regulations required by other applicable regulatory agencies, including, but not limited to, the San Diego County Air Pollution Control District, Public Utilities Commission and State Coastal Commission. The City reserves the right to amend this specific plan SP-144B as necessary to add conditions to ensure such compliance. After the initial report is filed the City Council may, by motion, require additional reports as they deem necessary.

(G) In the event that the City of Carlsbad determines that the 400-foot stack is no longer necessary as a method of air emission dispersion, the 400-foot stack shall be removed at the applicant's expenses. The applicant may request an amendment to this specific plan to provide a reasonable extension of the period for such removal.

(H) The applicant shall make a formal commitment to conduct the studies necessary to determine what operating practices and/or emissions control devices are capable of eliminating the particulate "fallout" problem. A schedule for the completion of the studies shall be established which is satisfactory to the San Diego County Air Pollution Control District Officer, the Air Pollution Control District Hearing Board or Court of Law. SDG&E shall fully comply with the abatement order entered in petition No. 607.

The applicant shall further agree to pay claims for property damage resulting from the "fallout" problem until compliance with the abatement order is achieved.

The particulate "fallout" problem shall be controlled to the satisfaction of the City Council of the City of Carlsbad and of the Air Pollution Control Officer prior to the final building permit clearance for Encina 5 and the single stack.

(I) Not later than eight months after the Building Inspector signs the final inspection for the 400-foot stack, the four stacks on the existing Encina Power Plant shall be completely removed.

(J) SDG&E shall file an annual report with the City Council regarding improvements in plant and operating procedures during the preceding year which reduce the emission of air pollutants resulting from the operation of Encina Units 1, 2, 3 and 4.

(K) SDG&E shall operate the plant in full compliance with all air quality standards as are or may be established by the APCD. If the monitoring stations indicate the standards are being exceeded at any time, SDG&E shall comply with all directions of APCD to reduce, through any reasonable means, pollutants from the plant.

(L) In the event SDG&E files for a variance or other form of administrative or legal relief from the requirements of APCD, they shall concurrently forward a copy of any such filing, or any subsequent communications in connection therewith, to the City of Carlsbad.

15. In addition to the above conditions, the revised portions of the specific plan which permits the construction of water treatment facilities and a maintenance building shall be accomplished in accord with the revised specific plan SP-144(C) and the plot plan marked Exhibit A, dated January 31, 1977, attached hereto and made a part hereof, and shall be subject to the following conditions:

A. The water treatment ponds shall be constructed and maintained to the following standards to minimize the likelihood of the ponds serving as mosquito breeding sources:

1. Confine standing water impoundment to as small an area as possible.
2. All pond areas shall be lined with a nonporous material acceptable to the City Engineer.
3. Maintain a removal program of dense aquatic vegetation, such as cattails, bulrush, tule, pondweed, etc.
4. Maintain a mosquito fish (*Gambusia affinis*) population, as necessary.
5. Maintain routine (weekly) inspections of water impoundments to detect mosquito breeding.
6. Abate any mosquito breeding, as it is detected.

B. Prior to the issuance of building permits for the maintenance building, the applicant shall submit a plot plan to the Planning Director for review and approval showing which existing shops and storage activities are to be removed and consolidated into the new structure.

Standards and criteria by which development will proceed at the Encina Power Station are set forth in PDP 00-02(A), adopted concurrently with Specific Plan amendment 144(I) and hereby incorporated into this document by reference. The P-U zoning district, Zoning Ordinance Chapter 21.36, is the primary source of the standards and conditions established within PDP 00-02(A). Other standards and conditions in PDP 00-02(A) originate from related regulations and documents discussed in Chapter III of the PDP document.

Any future amendments to PDP 00-02 will be incorporated into the Specific Plan 144 but will not require an amendment to this Specific Plan unless the amendments are considered "major amendments" as described in PDP 00-02.

Other land use regulations applicable to Specific Plan 144 include the following:

- The Agua Hedionda Land Use Plan. Specific Plan 144 is entirely within the boundaries of the Agua Hedionda Land Use Plan, which is part of the City's Local Coastal Program,

- The South Carlsbad Coastal Redevelopment Plan (SCCRP). The SCCRCP encompasses within its boundaries the western half of Specific Plan 144, including a portion of the agricultural land east of I-5 and the majority of the area west of I-5 (including the Encina Power Station).

Furthermore, Specific Plan requirements shall not be required of, or applied to, uses regulated by the California Public Utilities Commission (CPUC).

IV. IMPLEMENTATION

Specific Plan 144(I) authorizes no new development in the Specific Plan area over and above that allowed by Precise Development Plan 00-02(A). The City of Carlsbad has instituted zoning regulations for the area covered by Specific Plan 144(I). In the future, any amendment to the Carlsbad Zoning Ordinance affecting an area covered by this Specific Plan will require zoning to be consistent with this Specific Plan per Government Code section 65455.

V. RELATIONSHIP TO THE GENERAL PLAN

The Specific Plan 144(I) incorporates the Carlsbad General Plan land use designations for the area covered by Specific Plan 144(I). The Specific Plan is therefore consistent with the General Plan as shown in Exhibit B attached to this document. It should be noted that zoning of certain areas covered by Specific Plan 144(I) is not consistent with General Plan land use designations shown in Exhibit C attached to this document.

The General Plan for the City of Carlsbad designates the land contained in the Specific Plan area as RH "Residential High Density," U "Public Utility," OS "Open Space," and T-R "Travel/Recreation Commercial." The Encina Power Station is designated U and the majority of the remaining Specific Plan area is designated OS. The General Plan states that the Utility designation's "primary functions include such things as the generation of electrical energy, treatment of waste water, and operating facilities, or other primary utility functions designed to serve all or a substantial portion of the community."

The Specific Plan provides regulations for the development of the Encina Power Station which provides "generation of electrical energy," and

incorporates PDP 00-02(A). The PDP also serves as a permit for the CECP and the Carlsbad Seawater Desalination Project, which would provide for the “generation of electrical energy” and “primary utility functions designed to serve all or a substantial portion of the community,” by augmenting potable drinking water supplies for the City of Carlsbad.. Thus, the power station, desalination plant uses, and CECP are consistent with the provisions of the General Plan. Other than the desalination plant, continued powerplant operations, and the CECP, Specific Plan 144(I) authorizes no additional development.

Additional areas covered by Specific Plan 144(I) include the Agua Hedionda Lagoon, property along the north shore of the lagoon and west of Interstate 5, agricultural area East of the I-5 freeway along the lagoon’s south shore, and wetland and upland areas at the east end of the lagoon on either side of Cannon Road. The majority of these additional areas is designated Open Space. The specific plan does not provide for any new development to occur in these areas, which besides Open Space are designated as Travel/Recreation Commercial, and Residential High Density. In doing so, the Specific Plan maintains consistency with and enables implementation of the goals of the Land Use and Open Space Elements of the Carlsbad General Plan.

PDP 00-02 (A)

Encina Power Station Precise Development Plan

September 17, 2007

PREPARED FOR:

City of Carlsbad
Planning Department
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Carlsbad, California 92008

PROPERTY OWNER:

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**ENCINA POWER STATION – PDP 00-02(A)
PRECISE DEVELOPMENT PLAN AMENDMENT
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LIST OF EXHIBITS

- EXHIBIT 1: Regional Map
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- EXHIBIT 3: Zoning Map
- EXHIBIT 4: General Plan Map / Local Coastal Program Boundary
- EXHIBIT 5: Precise Development Plan Boundaries
- EXHIBIT 6: Ownership
- EXHIBIT 7: Planning Areas
- EXHIBIT 8: Site Plan with Desalination Facilities
- EXHIBIT 9: PA 1 - Existing Conditions
- EXHIBIT 10: PA 2 - Existing Conditions
- EXHIBIT 10A: PA 2: CECP Site Plan
- EXHIBIT 10B: PA 2: CECP Plot Plan
- EXHIBIT 11: PA 3 - Existing Conditions
- EXHIBIT 12: Before/After Desalination Plant: Aerial Photo Simulation
- EXHIBIT 12A: Before/After Carlsbad Energy Center Project: Photo Simulation
- EXHIBIT 13: SCCRP Boundary

APPENDIX ITEMS

- **A:** Encina Power Station/Specific Plan 144: Background History
 - **B:** Desalination Plant: detailed exhibits and drawings
 - **C:** City Council Ordinance NS-779
 - **D:** Carlsbad Boulevard and North County Transit District Railroad right of way: Applicable Scenic Corridor Guideline Excerpts
 - **E:** Housing and Redevelopment Commission Resolution approving RP 05-12 with conditions
 - **F:** Mitigation Monitoring and Reporting Program as adopted by City Council Resolution 2006-156
 - **G:** Planning Department Policy No. 35
 - **H:** SP 144(H). as adopted by City Council Ordinance NS-805
 - **I:** City Council Ordinance NS-806, including Planning Commission Resolution No. 6088 approving PDP 00-02 with conditions
-
- **Z:** Application for Certification (AFC): with all sections and chapters including Executive Summary, Project Description, Land Use and Visual
 - **ZZ:** SP 144(I) as adopted by City Council Ordinance NS-XXX
 - **ZZZ:** City Council Ordinance NS-XXX approving PDP 00-02(A)

GLOSSARY OF TERMS

AFC	Application for Certification
AHL	Agua Hedionda Lagoon
Cabrillo	Cabrillo Power I LLC
CECP	Carlsbad Energy Center Project
CEQA	California Environmental Quality Act
City	City of Carlsbad
CRT	Coastal Rail Trail
CSDP	Carlsbad Seawater Desalination Plant
EPS	Encina Power Station
EPSPDP	Encina Power Station Precise Development Plan
Lagoon	Agua Hedionda Lagoon
LCP	Local Coastal Program
LFMP	Local Facilities Management Plan
NCTD	North County Transit District
PA	Planning Area
PDP	Precise Development Plan
Poseidon	Poseidon Resources Corporation
PRC	Poseidon Resources Corporation
SCCRP	South Carlsbad Coastal Redevelopment Plan
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric
SP144	Specific Plan 144

INTRODUCTION

- The Precise Development Plan (PDP) is intended to serve as an informational and regulatory document to meet the City's zoning requirements for the Public Utility Zone as the zone applies to the Encina Power Station (EPS). The EPS is approximately 95 acres in size and extends from Carlsbad Boulevard to Interstate 5 along the south shore of Agua Hedionda Lagoon.
- The EPS is currently capable of producing 965 Megawatts (MW) of electricity and providing 25% of San Diego County's total energy requirements.
- The Encina Power Station is owned by Cabrillo Power I LLC.
- The PDP is also the primary approval process for the Carlsbad Seawater Desalination Project (CSDP), a 50 million gallon per day facility at the EPS. The CSDP is proposed by Poseidon Resources Corporation, which has entered into a long-term lease with Cabrillo Power I LLC; the PDP is also an approval relevant to the Carlsbad Energy Center Project (CECP) as discussed in Section II.D.
- The PDP:
 - a. Depicts the existing land uses and baseline conditions.
 - b. Establishes development standards consistent with applicable zoning requirements.
 - c. Includes provisions for administrative approvals for minor accessory uses and facility modifications necessary for daily power generation and desalination operations and to meet security requirements.
 - d. Establishes PDP amendment procedures.
 - e. Facilitates building permit issuance for allowed land uses at the EPS.

- PDP Chapters:
 - I. Purpose of the Precise Development Plan
 - II. Physical Setting
 - III. Incorporation of Applicable Regulations and Documents
 - IV. Development Standards
 - V. Public Improvements
 - VI. Procedures and Amendments

I. PURPOSE OF THE PRECISE DEVELOPMENT PLAN (PDP)

A. P-U ZONE AND PDP REQUIREMENT

The Encina Power Station (EPS) on the southern shore of Agua Hedionda Lagoon, west of Interstate 5 and east of Carlsbad Boulevard, has a Public Utility (P-U) zoning designation per City of Carlsbad land use regulations. Exhibit 1 (Regional Map) and Exhibit 2 (Vicinity Map) locate the site within the northern San Diego County coastline. The history and operations of the powerplant are summarized in Appendix A.

A summary of the 50 MGD (million gallons per day) seawater desalination facility proposed by Poseidon Resources Corporation is provided in Section II.C. of this document.

A summary of the proposed new electric generating plant, called the Carlsbad Energy Center Project or CECP. The CECP consists of lower-profile, more efficient, air-cooled replacement generating equipment located in the eastern-most portion of the power plant property between the railroad tracks and the I-5 freeway. The proposed CECP would replace existing generating units 1-3 at the Encina Power Station, which would then be retired as part of the project. Details of the proposed CECP are provided in Section II.D. of this document.

The Public Utility Zone, Chapter 21.36 of the Carlsbad Municipal Code, implements the corresponding General Plan designation of Public Utility (U). Exhibit 3 (Zoning) and Exhibit 4 (General Plan) depict these land use designations, respectively. Section 21.36.020 of the Public Utility Zone lists permitted uses and structures, including the generation and transmission of electrical energy, use and storage of fuel oils, and energy transmission facilities, all of which are existing uses at the EPS. The processing, use, and storage of domestic and agricultural water supplies are also identified as permitted uses in the P-U Zone. Accordingly, since it entails processing, use and storage of domestic water supplies, the proposed seawater desalination facility is a permitted use in the P-U Zone. Section 21.36.030 of the P-U Zone prevents the issuance of any building permits or entitlements “until a precise development plan has been approved for the property”. This document is prepared consistent with the requirements of the P-U Zone, and serves as the site’s official Precise Development Plan (PDP). The PDP serves as the primary entitlement for the CSDP, and the CECP. In the future, the CSDP, CECP, and other improvements contemplated for the EPS will require building permits; other future improvements may also require entitlements. Since the EPS is within the boundaries of the South Carlsbad Coastal Redevelopment Plan, it is subject to the provisions of this plan as discussed further in Section III. D.

The CECP requires an amendment to the existing Precise Development: PDP 00-02(A) is the formal amendment being processed to designate the CECP as an allowed land use within the PDP as reflected in this document. The City Council Ordinance approving this amendment, PDP 00-02(A), is contained in Appendix ZZZ.

B. ZONING ORDINANCE COMPLIANCE

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

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

The Precise Development Plan satisfies the above by providing:

- a baseline of existing conditions (January 2006)
- guidance for building permit and entitlement issuance for allowed uses
- establishment of planning areas, standards and provisions
- amendment and implementation procedures
- linkage to other related regulations, approvals, and documents

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

“Insure that due regard is given to environmental factors”

Section III. A discusses CEQA compliance and environmental review for the PDP area including the CSDP and CECP.

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

The above will be satisfied by compliance with conditions of approval for related permits of uses allowed by the PDP, including the proposed desalination facility and the Carlsbad Energy Center Project. Public Improvements are addressed in Chapter V.

C. RELATIONSHIP TO SPECIFIC PLAN 144

Specific Plan 144 was approved by the City of Carlsbad in 1971 covering the powerplant and all related property owned at that time by San Diego Gas & Electric (SDG&E). That included water and southern shoreline areas of Agua Hedionda Lagoon east of Interstate 5; in addition to areas west of I-5. Exhibit 5 (Plan Boundaries) depicts the overlapping boundaries of SP 144 and the Precise Development Plan.

The ownership of the powerplant property by Cabrillo Power I LLC. is combined with their ownership of adjacent lagoon waters west of I-5. Precise Development Plan provisions apply only to the land area zoned P-U since the lagoon water is zoned Open Space (OS). Exhibit 6 (Ownership) depicts the corresponding property ownerships of SDG&E and Cabrillo Power.

Amendments to SP 144 that affect this PDP are summarized in Section III.C. Pertinent provisions from SP 144 are incorporated into Chapter IV, Development Standards.

D. ESTABLISHMENT OF BASELINE CONDITIONS

The existing conditions and land uses within the P-U Zone as it relates to the EPS are established. This is an important function of the Precise Development Plan since it will serve as the development baseline for any future project implementation at the EPS, such as the desalination plant, or the Carlsbad Energy Center Project. Existing conditions and land uses are outlined in Chapter II, Physical Setting.

E. BUILDING PERMIT AND ENTITLEMENT ISSUANCE FOR PDP USES

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

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

II. PHYSICAL SETTING

A. ESTABLISHMENT OF PDP PLANNING AREAS

Exhibit 7 (Planning Areas) shows the Precise Development Plan area and corresponding Planning Area boundaries. The three Planning Areas shown (PA 1, PA 2 and PA 3) are consistent with the planning areas shown and described in certified EIR 03-05 and approved SP 144(H) for the desalination facility.

The Assessor's Parcel Numbers (APN) for the land within the PDP are 210-010-26, 210-010-41, and 210-010-43. As determined by these APNs the land area of the PDP is approximately 95 acres.

B. EXISTING LAND USES AND CONDITIONS

The Encina Power Station and the Agua Hedionda Lagoon are well-established features of coastal North County. Agua Hedionda Lagoon is connected with the ocean at the mouth of the jetty west of Carlsbad Boulevard and just south of Tamarack State Beach. The lagoon is bridged by Carlsbad Boulevard, the NCTD railroad, and I-5. The lagoon is an integral part of the EPS since it provides the source of seawater that is vital to the cooling operations of the power plant's steam turbines in service. The proposed CECP consists of lower-profile, more efficient, air-cooled replacement generating equipment to be located in the eastern-most portion of the power plant property between the railroad tracks and the I-5 freeway.

The proposed CECP would replace existing generating units 1-3 at the Encina Power Station, which would then be retired as part of the project along with retirement of the seawater cooling system used for units 1-3.

Exhibit 8 (Site Plan with Proposed Facilities) as well as the exhibits contained in Appendix B shows existing structures, paved and parking areas at the power station, as well as the proposed desalination facility location in PA 3.

Exhibit 10 depicts Existing Conditions for PA 2. The CECP proposed for PA 2 is discussed with referenced exhibits in Section II.D. of this document.

PLANNING AREA 1

Planning Area 1 depicted on Exhibit 9 consists of approximately 46 acres and is generally located south of the outer Agua Hedionda Lagoon, and adjacent to Carlsbad Boulevard. PA 1 contains the most recognizable features of the plant: the power generating facility and emissions stack are located on the western portion of this Planning Area.

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

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

In addition to the major structures listed above, the main entrance to the EPS is located in Planning Area 1, at 4600 Carlsbad Boulevard, south of Agua Hedionda Lagoon. The seawater desalination demonstration facility is also located in PA 1 just east of the main guardhouse.

A total of 174 spaces are available at various parking lots within Planning Area 1, shown on Exhibit 9, to serve existing uses and the CSDP (Parking discussed in IV).

Other Existing Onsite Uses in PA 1 include:

- Chemical and chemical waste storage tanks
- Water tank storage facilities
- Mobile Office Trailer (4,330 square feet)
- Communications facilities
- Construction materials storage
- Fabrication/machine shops

- Vehicle storage areas
- Shipping/receiving areas
- Administrative support areas
- Fire brigade facilities
- Trash recycling facilities
- Processing, use and storage of natural gas, and liquid natural gas
- Processing, use and storage of water supplies
- Fuel oil pipelines and booster stations
- Maintenance, storage and operating facilities
- Railroad access and loading/unloading facilities
- Seawater desalination demonstration facility
- Discharge pond
- Seawater intake
- Upland aquaculture operations and processing areas

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

The seawater desalination demonstration facility is located north of the main gate off Carlsbad Boulevard. The seawater desalination demonstration facility supply pump is capable of diverting up to 200 gallons per minute (GPM) of the EPS cooling water into the demonstration facility. The objective of the demonstration plant is to develop data for the monitoring of the future full-scale (50 MGD) CSDP facility.

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

PLANNING AREA 2

Planning Area 2, shown on Exhibit 10, is approximately 34 acres in size. It contains four large fuel oil storage tanks (Tanks 4, 5, 6 and 7), which are generally located between I-5 and the NCTD railway, and north of the overhead electrical transmission lines. Fuel oil was formerly the primary fuel source used to fire the electricity generating boilers at the EPS. However, beginning in the 1970s, the EPS switched to use natural gas as the primary fuel consumed in the production of electricity because of its lower emissions and costs. In recent years, natural gas curtailments to the EPS resulted in an increased, though intermittent reliance on fuel oil. This situation could occur again in future years if energy supply and demand reach peak levels and natural gas availability is scarce.

Tanks 5, 6, & 7 are surplus and not needed for the continued operation of the Encina Power Station and will be demolished and removed pursuant to demolition permits separately

being sought from the City and the Coastal Commission. Tank 4 continues to store important backup fuel oil for emergency operations during natural gas supply curtailments and for limited reliability testing.

The land use activities in this planning area are not readily visible to offsite viewers as the storage tanks are set below grade and are further visually screened by west-facing, east-facing, and north-facing landscaped berms. The CECP would be located on the former site of Tanks 5, 6 and 7 within PA 2 (Tank 4 would remain for back-up fuel oil storage).

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

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

Existing ancillary land uses in PA 2 also include the Carlsbad sewer lift station, and EPS materials and equipment storage. A landscaped berm is partially sited within this planning area as a means of visually separating the fuel oil storage tanks from southbound travelers on I-5 and Carlsbad Boulevard. Fire training is intermittently conducted within this planning area.

PLANNING AREA 3

Planning Area 3, shown by Exhibit 11, is approximately 14 acres in size and contains three small fuel oil tanks known as Fuel Tanks 1, 2 and 3. These tanks are located south of the outer basin of the Agua Hedionda Lagoon and adjacent to and west of the NCTD tracks.

PA 3 is the location of the proposed Carlsbad Seawater Desalination Plant (CSDP).

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

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

C. APPROVED DESALINATION FACILITY – PA 3

The 50 million gallons per day (MGD) Carlsbad Seawater Desalination Plant is approved for the portion of PA 3 currently occupied by Fuel Tank #3 the southernmost tank. Appendix B contains engineering drawings depicting various components of the desalination facility and building elevations.

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

The project includes a desalination plant, pipelines and other appurtenant facilities. Fuel Tank #3 and surrounding earthen containment dikes will be removed to accommodate the proposed desalination plant. Detailed exhibits and a preliminary grading plan of the proposed facility are included in Appendix B.

Appurtenant facilities are associated with the desalination facility, consistent with the project description in EIR 03-05, such as: intake and discharge pipes, product water pipeline, transformers, electrical connections and solids handling building. These appurtenant facilities are proposed primarily in PA 3.

Ground level and aerial photo simulations of the facility are provided in EIR 03-05. Exhibit 12 of this document shows a before/after conceptual aerial photo simulation of the desalination facility.

Offsite infrastructure and facilities to carry and store product water are not included as part of the Precise Development Plan as they are not proposed to be located on P-U zoned properties and, therefore, not subject to PDP provisions.

Source water for the project will come from seawater in the existing cooling water system at the EPS. Appendix B, Exhibit F provides a process flow diagram for the CSDP. Seawater would be diverted from the combined outlet of the power station condensers and piped to the desalination facility. The source water will be pre-treated and filtered through RO membranes to produce high quality drinking water. The product water would be stored temporarily in on-site facilities prior to transmission to local and/or regional storage and distribution systems. A large diameter pipeline, proposed along the east boundary of PA1, would convey product water from the desalination plant in a southerly direction to offsite infrastructure and facilities. An alternative to this pipeline, not shown on the PDP exhibits, would convey product water in an easterly direction from the desalination plant and across a portion of PA2. These product water pipelines, as the new offsite pipelines that would be constructed for conveyance of the product water to the City of Carlsbad, neighboring water agencies and/or the San Diego County Water Authority, are described in EIR 03-05.

Cooling water from the condensers of all five units flows into a common discharge tunnel. The concrete discharge tunnel conveys the cooling water into an on-site discharge pond

before traveling through box culverts under Carlsbad Boulevard into a riprap-lined channel with a surface discharge into the Pacific Ocean.

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

D. PROPOSED CARLSBAD ENERGY CENTER PROJECT – PA 2

The proposed Carlsbad Energy Center Project (CECP) is a 558 megawatt (MW) gross combined-cycle power generating facility with air/evaporative cooling that will use reclaimed water provided by the City of Carlsbad. This reduces the reliance on seawater as the source of the cooling and facilitates the modernization/replacement of the existing power generating equipment at the Encina Power Station.

The CECP location is the area occupied by obsolete oil fuel storage Tanks 5, 6 and 7 within PA 2 and constitutes approximately 23 acres. The CECP units will connect to the electrical transmission system via the 138 kV and 230 kV switchyard and transmission lines presently at the site. The purpose of the CECP is to modernize and replace the aging power generating facility with a lower-profile, more efficient, and air-cooled power plant facility. Existing units 1-3 will be retired as part of the CECP, including the 225 million gallon per day seawater cooling water capacity of those units. The CECP is needed to meet the growing need for rapid responding, highly efficient, power generating capacity for the San Diego region.

The CECP approval process involves state law and the processing of an Application for Certification (AFC) as further discussed in Section III.A of this document. The AFC technically serves as the environmental review/CEQA equivalent document for the CECP.

Appendix Z contains the AFC, which contains a chapter on Project Description that provides a detailed and technical overview of the CECP.

Exhibit 10A of this PDP document depicts the Site Plan of the CECP; Exhibit 10B depicts the Plot Plan with electrical connections extending south through the EPS to Cannon Road. Exhibit 12A depicts a before/after photo simulation of the proposed CECP within PA 2.

E. SURROUNDING DEVELOPMENTS

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

North of the PDP boundary are the waters of Agua Hedionda Lagoon; Interstate 5 is located along the eastern edge of the PDP area; to the west is Carlsbad Boulevard and the Pacific

Ocean; and, to the south is a small community park (Cannon Park) and the operations center of SDG&E.

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

Existing Surrounding Land Uses (Adjacent to Precise Development Plan Jurisdiction)

North:	Agua Hedionda Lagoon
South:	Industrial utility, Cannon Park
East:	I-5 and NCTD Railway Transportation Corridor
West:	Carlsbad Boulevard, Beach Access

Existing Surrounding General Plan, Zoning and Local Coastal Plan Designations (Adjacent to Precise Development Plan Jurisdiction)

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

The Encina Power Station and surrounding neighborhoods have co-existed for approximately 50 years with minimal day-to-day interaction or disturbance. The EPS operations are self-contained and do not generally extend beyond the limits of the PDP. The EPS and implementation of the Precise Development Plan will facilitate continued compatibility with the EPS and surrounding developments in the area.

III. APPLICABLE LAND USE REGULATIONS

A. CEQA/ENVIRONMENTAL COMPLIANCE

Desalination Facility: EIR 03-05

Certification of Final EIR 03-05 constitutes the environmental review necessary for this Precise Development Plan relative to the proposed desalination facility. The EIR was prepared, processed and certified in compliance with CEQA (California Environmental Quality Act). The Carlsbad City Council certified Final EIR 03-05 on June 13, 2006.

EIR 03-05 also covers the environmental review of offsite pipeline alignments designed to convey the desalinated water for regional distribution from the Encina Power Station location.

Certification of EIR 03-05 requires the implementation of the corresponding Mitigation Monitoring and Reporting Program (MMRP). The MMRP outlines necessary mitigation measures for various environmental impacts assessed in EIR 03-05 that otherwise would create significant impacts.

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

A copy of the MMRP is included in Appendix F.

Carlsbad Energy Center Project: CEC Application for Certification Process

Because the proposed CECP is a thermal power plant with a net generating capacity of more than 50 megawatts, the California Energy Commission (CEC) has jurisdiction to issue all permits and approvals for the CECP pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code 21000 et seq.). This approval process was initiated for the CECP with the September 14, 2007 filing of an Application for Certification (AFC) with the CEC. The CEC certification and AFC process is equivalent to a CEQA environmental impact report and will serve as the project EIR for additional approvals needed outside of the CEC process. If necessary, appropriate mitigation measures for environmental impacts will be imposed as a condition of the AFC approval. Additionally, the CEC will consult with other land use agencies, including the City of Carlsbad and the California Coastal Commission to ensure compliance with applicable laws, ordinances, regulations and standards.

The AFC process will also serve as the coastal development permit and Redevelopment Permit for the CECP; it also serves as a CEQA-equivalent document that satisfies the role of the City of Carlsbad, acting as a Responsible Agency (vs. Lead Agency) to ensure that adequate environmental review has been conducted.

Appendix Z contains the AFC with all sections and chapters including Executive Summary, Project Description, Land Use, Visual, Traffic, Hazardous Materials, Geology, Soils.

B. CITY OF CARLSBAD GENERAL PLAN

The Land Use Element of the Carlsbad General Plan designates the existing power station property as Public Utility (U). The Public Utility designation is implemented through the (P-U) Public Utility Zone, Chapter 21.36 of the Carlsbad zoning ordinance. This Precise Development Plan, compliant with Chapter 21.36, ensures compatibility with the City's General Plan.

The Carlsbad General Plan states that the Public Utility designation's "primary functions include such things as the generation of electrical energy, treatment of wastewater, public agency maintenance storage and operating facilities, or other primary utility functions

designed to serve all or a substantial portion of the community”. The desalination use is considered consistent with these land uses. Likewise, the CECP is consistent with these allowed land uses and the existing General Plan designation of Public Utility (U).

Therefore, implementation of the Precise Development Plan, including building permit issuance for the desalination facility, would be consistent with the site’s land use designation of Public Utility and the City’s General Plan.

C. SPECIFIC PLAN 144 & RELATED AMENDMENTS

SP 144 (H): The amendment to formally include the Precise Development Plan area into Specific Plan 144, processed as SP 144(H), was approved concurrently with the desalination facility, EIR 03-05, and other approvals.

SP 144(H) formalizes the inclusion of the PDP area into SP 144; and will likewise provide specific plan coverage compliant with State law guidelines per Government Code Section 65450.

A copy of SP 144 (H) is included in Appendix H. Applicable conditions or regulations resulting from the integration of the Precise Development Plan into Specific Plan 144 are outlined with other development standards, planning area by planning area, in Chapter IV.

SP 144 (I): The amendment to formally designate the CECP as an allowed land use within Planning Area 2 of the Precise Development Plan area into Specific Plan 144, processed as SP 144(I), is also processed concurrently with the amendment to the existing precise development plan, PDP 00-02(A).

SP 144(I) formalizes the inclusion of the CECP within the PDP area into SP 144; and will likewise provide specific plan coverage compliant with State law guidelines per Government Code Section 65450.

A copy of SP 144 (I) is included in Appendix ZZ. Applicable conditions or regulations resulting from the integration of the Precise Development Plan into Specific Plan 144 are outlined with other development standards, planning area by planning area, in Chapter IV. The previous specific plan and PDP approvals required formal amendments to the respective documents if a new or re-powering facility is proposed. SP 144 (I) and PDP 00-02(A) satisfy those requirements.

D. SOUTH CARLSBAD COASTAL REDEVELOPMENT PLAN (SCCRP)

The South Carlsbad Coastal Redevelopment Plan (SCCRP) is a 555-acre redevelopment area. As shown on Exhibit 13, the Precise Development Plan area is a portion (approximately 95 acres) of the larger Redevelopment jurisdiction. Identified goals of the SCCRП relative to the EPS and PDP jurisdiction include:

- Facilitating the redevelopment of the Encina power generating facility to a smaller, more efficient power generating plant. The CECP addresses this objective by proposing the facility described in detail in Project Description chapter of the AFC, attached as Appendix Z.
- Strengthening the economic base of the Project Area and the community by the installation of needed on- and off-site improvements to stimulate new commercial/industrial expansion, employment and economic growth. Developing new beach and coastal recreational opportunities.
- Increasing parking and open space amenities.
- Developing new beach and coastal recreational opportunities.
- Implementing performance criteria to assure quality site design and environmental standards to provide unity and integrity to the entire Project Area development.

In November 2005 the City Council, upon the recommendation of the Housing and Redevelopment Commission, approved Ordinance NS-779. This action requires a PDP for a number of certain uses, including a desalination facility and the generation and transmission of electrical energy, a finding of extraordinary public purpose for those certain uses, and a Redevelopment Permit. Ordinance NS-779 also states that these requirements shall not be required of, or applied to, uses regulated by the California Public Utilities Commission (CPUC). Ordinance NS-779 is attached as Appendix C, and integrated into the compliance elements outlined in Development Standards, Chapter IV.

Redevelopment Permit (RP) 05-12 was approved by the Carlsbad Housing and Redevelopment Commission for the desalination facility on June 13, 2006 via Resolution 420.

A Redevelopment Permit is not part of the PDP 00-02(A) and SP 144(I) for the CECP since local permits are subsumed by the AFC process and related state law provisions as outlined in Section III.A. above for the CECP.

E. LOCAL COASTAL PROGRAM COMPLIANCE

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

Therefore, any development within the Precise Development Plan jurisdiction requires approval of a coastal development permit by the California Coastal Commission prior to

building permit issuance or effectiveness of any entitlement, such as this Precise Development Plan. An exception to this exists for projects such as the CECP, which are governed by the California Energy Commission, related state law and the AFC process as outlined in Section III.A above. Compliance with related coastal permit conditions shall be addressed prior to building permit issuance, as part of the Precise Development Plan implementation.

The desalination plant and CECP uses are consistent with the Agua Hedionda LCP as it expressly contemplates a power plant and other land uses allowed by the Public Utility zone and the general plan.

F. GROWTH MANAGEMENT PROGRAM COMPLIANCE

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

Implementation of the Precise Development Plan, including the desalination facility, is consistent with the Zone 1 and Zone 3 LFMPs and their performance standards; amendment of the Zone 1 and Zone 3 LFMPs is not necessary to implement the Precise Development Plan. This was reaffirmed by the environmental review and certification of Final EIR 03-05 for the CSDP; and the AFC process for the CECP, and is summarized below.

LFMP Zone 1 and Zone 3 – Performance Standards & Project Compliance	
Performance Standard	Project Compliance
Administrative Facilities	N/A. This standard does not apply to non-residential uses
Library	N/A. This standard does not apply to non-residential uses.
Wastewater Treatment	Effects on wastewater treatment are discussed and mitigated in the EIR and Mitigation Monitoring Reporting Program (CSDP); and AFC for the CECP
Parks	N/A. This standard does not apply to non-residential uses.
Drainage	Negligible Effect. The EPS has a Storm Water Pollution Plan in place. The desalination facility and CECP will also implement a SWPP.
Circulation	Negligible effect. The desalination facility will only add 120 Average Daily Trips to the traffic circulation of the area. The CECP will be operated and maintained by existing EPS staff and will not create traffic impacts as also reviewed in the AFC.
Fire	N/A. This standard does not apply to non-residential uses.
Open Space	No effect on open space compliance.

Schools	N/A. This standard does not apply to non-residential uses.
Sewer	Effects on sewer capacity are discussed and mitigated in the EIR and Mitigation Monitoring Reporting Program (CSDP) and in the AFC for the CECP
Water	CSDP: Beneficial effect anticipated. The desalination facility is anticipated to substantially improve the quantity and quality of the water supply available to the City, neighboring water agencies and the region. Desalinated water is required to meet all federal, state, regional and local standards. CECP: Beneficial effect anticipated per AFC since the facility will not use seawater as a cooling source, will not discharge waste to the ocean, and proposes to use reclaimed water as feed water supply.

G. COMMUNITY THEME CORRIDORS

The City of Carlsbad General Plan designates specific transportation corridors as scenic roadways. Carlsbad Boulevard on the western perimeter of the PDP is designated as a "Community Theme Corridor". Excerpts from scenic corridor guidelines applicable to Carlsbad Boulevard and the railroad right of way are attached in Appendix D. Carlsbad Boulevard, the local segment of the coast highway located along southern California's coast, provides superior visual access with lagoon, ocean, beach, horizon and sunset views.

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

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

The review and certification of Final EIR 03-05 included visual assessment of the desalination facility, recognizing that it proposes to replace an existing oil tank. The Mitigation Monitoring and Reporting Program implemented by the EIR 03-05 generated certain mitigation measures regarding aesthetics and view impacts from Carlsbad Boulevard and the NCTD railroad right of way. These mitigation measures are incorporated in the MMRP, Appendix F.

The review and approval of the AFC process includes visual assessment of the CECP. The visual assessment demonstrates and ensures no adverse visual impacts to Carlsbad's Community Theme Corridors. The Visual section is attached as part of the AFC document, attached as Appendix Z.

H. COASTAL RAIL TRAIL

The City of Carlsbad in coordination with other cities in coastal San Diego County, is implementing the Coastal Rail Trail (CRT), designed to provide a non-motorized trail

mostly along the railroad right of way. At completion, this regional trail is intended to provide an alternative to freeway commuting along the Interstate 5 coastal corridor. Each city is pursuing individual segments within their jurisdiction based on funding and other factors that facilitate construction.

The City of Carlsbad opened its first segment of the CRT along the east side of the railroad tracks north of Tamarack Avenue to Oak Street in November 2005. Future trail alignment southward of the CRT crosses the bridge over Agua Hedionda Lagoon and continues south through the Encina Power Station property, on the east side of the railroad tracks within NCTD right-of-way. An alternative to the railroad right-of-way alignment may be evaluated: after crossing the lagoon bridge southbound, the trail would align eastward toward to the I-5 freeway along the southern shore of Agua Hedionda Lagoon. The trail would then continue southward along the eastern edge of the Precise Development Plan property west of I-5, into the existing commercial development located on the north side of Cannon Road. The commercial development accommodates the Coastal Rail Trail alignment through its property and facilitates continued southward alignment to city limits.

Regardless of final alignment, the CRT is considered an allowed and supported land use within the Precise Development Plan. It is specified as an allowed use within the PDP in Chapter IV, Development Standards.

I. HABITAT MANAGEMENT PLAN

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

The Precise Development Plan will not increase or decrease the amount of open space in the city. Consistency with habitat planning efforts was reaffirmed with the environmental review and certification of Final EIR 03-05 for the desalination facility; and via the AFC process for the Carlsbad Energy Center Project.

J. DEVELOPMENT AGREEMENT - DESALINATION FACILITY

A Development Agreement may be approved between Poseidon Resources Corporation and the City of Carlsbad. The primary functions of the Development Agreement are to eliminate uncertainty in planning and provide for the orderly development of the Project, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the California Government Code and Zoning Ordinance Chapter 21.70 are intended.

The final terms of the Development Agreement may need assessment prior to building permit issuance for the desalination facility.

If approved, the Development Agreement will be on file with the City of Carlsbad, in the Planning Department under the filing reference of DA 05-01.

K. REGIONAL, STATE, FEDERAL OR OTHER AGENCY JURISDICTION

LOCAL

- City of Carlsbad/Carlsbad Redevelopment Authority

REGIONAL

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

STATE

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

FEDERAL

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

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

The desalination facility and CECP are also subject to the regulatory powers of certain agencies noted above. However, the Precise Development Plan does not confer any additional regulatory jurisdictional powers upon the City of Carlsbad than it already retains under applicable state and federal laws.

IV. DEVELOPMENT STANDARDS

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

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

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

OVERVIEW OF STANDARDS AND REQUIREMENTS FOR PDP AREA

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

Parking	See Discussion Below	Chapter 21.36 - 21.36.050 (11); and the PDP	X	X	X
Building Height	Not to exceed 35 ft	Chapter 21.36 - 21.36.050 (2); SP 144; AHL LCP	X	X	X
Equipment and Storage Tank Screening	To remain reasonable screened by healthy landscaping/planting	SP 144	X	X	X
Lighting	Lighting Plan approval prior to building permit issuance	SP 144; also see Mitigation Measures below	X	X	X
Precise Development Plan: PDP 00-02.	Ordinance NS-XXX with Conditions in Appendix I	Zoning Ordinance, Chapter 21.36	X	X	X
Precise Development Plan Amendment: PDP 00-02(A)	Ordinance NS-xxx in Appendix ZZZ	Zoning Ordinance, Chapter 21.36	X	X	X
Redevelopment Permit: RP 05-12 (CSDP)	Resolution XXX with Conditions in Appendix E	Carlsbad Redevelopment Authority/SCCRP	X	X	X
Required Finding of Extraordinary Public Purpose-RP required	Ordinance NS-779 in Appendix C	Carlsbad Redevelopment Authority/SCCRP	X	X	X
PDP Requirement	Official PDP required	SCCRP	X	X	X
Coastal Development Permit	May be required if new development in AHL LCP segment	California Coastal Commission - San Diego Coast	X	X	X
Mitigation Measures (CSDP only)	Appendix F lists EIR mitigation measures	MMRP per Final EIR 03-05	X	X	X
Final Precise Development Plan	Required for Building Permit Issuance	Chapter 21.36 - 21.36.100	X	X	X

PERMITTED USES

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

- Consistency with the PDP, including the existing uses for the subject Planning Area as established by the Precise Development Plan including Chapter II. B.

- Consistency with the Carlsbad General Plan and Zoning Ordinance, including the permitted uses and structures as outlined by the Public Utility Zone, Section 21.36.020.
- Consistency with the South Carlsbad Coastal Redevelopment Plan, including Section VI. (600), Uses Permitted in the Project Area.
- Consistency with the Local Facilities Management Plan for Zone 3.
- Consistency with the Agua Hedionda Land Use Plan.
- Consistency with the Scenic Corridor Guidelines.
- Coastal Development Permit compliance, if applicable, shall be maintained.
- The CSDP is allowed in PA 3; the CECP is allowed in PA 2 of the PDP

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

CONDITIONAL USES

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

- Consistency with the Carlsbad Zoning Ordinance, including procedures and required findings outlined in Chapter 21.42 (Conditional Uses) and Section 21.36.110 (Uses and structures permitted by conditional use permit) of the P-U Zone.
- Conditional Use Permits approved in accordance with these provisions shall make the required finding that the proposed conditional use is consistent with this Precise Development Plan.

LOT COVERAGE

CSDP:

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

EXISTING LOT COVERAGE	
Acres	Percentage

Buildings	11.96	12.58 %
Paved Area	24.42	25.68 %
Landscaped Area	20.64	21.71 %
Unimproved Area	38.06	40.03 %
Total	95.08	100%

PROPOSED LOT COVERAGE		
	Acres	Percentage
Buildings	14.06	14.79%
Paved Area	23.51	24.73%
Landscaped Area	20.64	21.71%
Unimproved Area	36.87	38.78%
Total	95.08	100%

CECP:

The CECP will not generate new lot coverage development since the project is proposed for the area formerly occupied and already developed by Tanks 5, 6 and 7. The CECP would not constitute development outside the area already developed previously for the Tanks 5-7.

PARKING, LOADING, AND REFUSE COLLECTION AREAS

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

CSDP:

Based on a 2001 parking study of the EPS, there are 174 existing parking spaces within Planning Area 1 of the Precise Development Plan. The 174 existing spaces constitute the PDP's baseline parking supply as depicted on Exhibits 8 and 9. The desalination demonstration facility utilizes 23 of the existing spaces onsite, and maximum parking demands of the existing EPS uses require 112 parking spaces. Therefore, the current baseline demand for parking spaces is 135 when combining all existing uses (including the demonstration facility).

At full operation, the desalination plant will require 13 parking spaces, a number sufficient for plant employees, visitors and vendors. Accordingly, a 13-space parking lot is proposed on the desalination plant site.

Once the desalination plant is operational, the demonstration facility will be removed and the 23 parking spaces it now occupies will again be available. The 112 spaces required by current EPS uses, combined with the future 13 spaces required by the CSDP produces a total demand for 125 spaces, which are accommodated by the current baseline of 174 parking spaces.

Because of the unique uses at the EPS, determination of parking needs for facilities within the PDP may require case-by-case basis analysis based on employee numbers, hours of operations, and other factors. In addition, when applicable, the parking standards of Zoning Ordinance Chapter 21.44 shall be followed.

CECP:

The CECP will be operated and maintained by existing power plant staff and personnel. The CECP will not be generating the need for new shifts of employees or other staffing requirements that would affect onsite parking demands or parking supply at the EPS.

LANDSCAPING

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

- Landscaping shall be provided per the requirements of Section 21.36.090 of the Carlsbad Municipal code, which requires landscaping with irrigation systems within setbacks, where feasible,
- Consistent with the City of Carlsbad Landscape Manual, minimum plant sizes for onsite plantings, where visible to the public, shall be as follows: 15 gallon for trees, 5 gallon for woody and massing shrubs and 1 gallon plants for color and accent shrubs/flowers.
- Landscaping adjacent to Carlsbad Boulevard and the NCTD railroad right of way shall be consistent with the scenic corridor and railroad corridor themes per the Carlsbad Landscape Manual to enhance the visual character of area.
- When parking is visible from Carlsbad Boulevard, landscaping shall screen views of parking from passing motorists and pedestrians.
- Perimeter landscaping, trees or shrubs that are diseased, dying or removed shall be replaced with similar plants of equal or better screening ability in a timely manner to the satisfaction of the Planning Director.

GRADING

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

ARCHITECTURE & BUILDING MATERIALS

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

- Future buildings and structures, and additions and alterations to them or to existing buildings and structures, should be sited and designed in a compatible manner with the EPS's surroundings, which include the overall lagoon and ocean environment, views from scenic corridors, public recreation and open space areas, and established residential neighborhoods.
- Building materials and finishes should also reflect compatibility with surroundings.

It is recognized that in some cases requirements of other governmental agencies or the function, nature, or location of the structure or building may limit or make impractical the ability or need to follow these guidelines. Accordingly, based on evidence provided by the applicant to support such a decision, the Planning Director may determine compliance with one or both of these guidelines is unnecessary.

SETBACKS

Exhibits 8 and 9 of this document depict minimum required setbacks for the PDP area. However, similar to the architectural criteria outlined above, it is recognized that in some cases requirements of other governmental agencies or the function, nature, or location of the structure or building may limit or make impractical the ability or need to follow setback requirements. Accordingly, based on evidence provided by the applicant to support such a decision, the Planning Director may determine compliance with setback requirements is unnecessary. All setbacks noted below are required minimums.

- Carlsbad Boulevard: 50' setback from the Carlsbad Boulevard right of way is depicted on Exhibits 8 and 9.
- Agua Hedionda Lagoon: 50' setback from the property line along the shoreline of the Lagoon. In cases where the top of the bluff is greater than 50

feet from the property line, the top of bluff shall mark the minimum setback from the Lagoon.

- Interstate 5: 25' setback from Interstate 5 right of way.
- Setback requirements do not apply to:
 - Future potential Coastal Rail Trail alignments.
 - Desalination facility pipeline alignments.
 - Reasonable modifications or expansion of existing minor structures and improvements, including fencing and screen walls, utility poles and towers; support structures (i.e., guard stations and aquaculture buildings); detention basins, piping, and underground structures (i.e. oil pumping stations); mandated pieces of equipment (i.e., pollution control facilities) or other minor structures dictated by regional, state or federal agencies; equipment required to support existing operations (i.e. discharge basin, intake system and dredge support equipment); and security measures.
 - At the discretion of the Planning Director, setbacks for the above facilities may be required for public health, safety, and welfare purposes, such as to allow adequate vehicle stacking or safe site distances.

V. PUBLIC IMPROVEMENTS

A. OVERVIEW

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

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

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

These improvements (using EIR 03-05 references, and also depicted on Exhibit 5 of this document) include: Fishing Beach, Bluff Area, Hubbs Site and South Power Plant public parking area.

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

B. OTHER DOCUMENTS – DEVELOPMENT AGREEMENT

Another mechanism that may generate public improvement enhancements would be the approval of a Development Agreement that involves the City of Carlsbad; the Development Agreement for the desalination facility is also discussed in Section III. J.

VI. PROCEDURES AND AMENDMENTS

A. CITY COUNCIL APPROVAL OF PRECISE DEVELOPMENT PLAN

In accordance with Section 21.36.040 of the Public Utility Zone, the Precise Development Plan and any Amendments require public hearing approval by the City Council, after recommendation action by the Planning Commission.

The City Council approval of this Precise Development Plan Amendment on XX, validates this document as the official PDP for the subject P-U zoned properties. The Precise Development Plan Amendment was approved via City Council Ordinance NS-XXX.

B. BUILDING PERMIT ISSUANCE AND ENTITLEMENTS FOR ALLOWED USES

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

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

Coordination with other agencies may be necessary in certain cases.

C. AMENDMENTS TO APPROVED PRECISE DEVELOPMENT PLAN

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

- Construction of a new power generating station and demolition of the existing station and stack.
- Any expansion of the desalination facility to accommodate more than 50 MGD (million gallons per day).
- Any proposal for re-powering, or other technological restructuring of the Encina Power Station or desalination facility.
- An amendment initiated by City Council action in order to promote public health safety and welfare relative to operations or uses within the PDP jurisdiction.
- Any addition, expansion, major modification or change of use to the Encina Power Station or desalination facility, existing power generating station components, or oil storage tanks, that would exceed the amount of change permitted by administrative approval consistent with Carlsbad's Planning Department Policy No. 35 regarding substantial conformance review (see VI. D. below).

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

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

D. CONSISTENCY DETERMINATION WITH APPROVED PDP

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

In these circumstances, building permits may be issued without formal amendment to the Precise Development Plan.

The process to determine consistency with the PDP shall be according to Planning Department Policy No. 35, Discretionary Permit Consistency Determination (attached as Appendix G), as amended from time to time.

APPENDIX ITEMS

- **A:** Encina Power Station/Specific Plan 144: Background History
 - **B:** Desalination Plant: detailed exhibits and drawings
 - **C:** City Council Ordinance NS-779
 - **D:** Carlsbad Boulevard and North County Transit District Railroad right of way: Applicable Scenic Corridor Guideline Excerpts
 - **E:** Housing and Redevelopment Commission Resolution approving RP 05-12 with conditions
 - **F:** Mitigation Monitoring and Reporting Program as adopted by City Council Resolution 2006-156
 - **G:** Planning Department Policy No. 35
 - **H:** SP 144(H) as adopted by City Council Ordinance NS-805
 - **I:** City Council Ordinance NS-806, including Planning Commission Resolution No. 6088 approving PDP 00-02 with conditions.
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- **Z:** Application for Certification (AFC): with all sections and chapters including Executive Summary, Project Description, Land Use and Visual
 - **ZZ:** SP 144(I) as adopted by City Council Ordinance NS-XXX
 - **ZZZ:** City Council Ordinance NS-XXX approving PDP 00-02(A)