



AFFIDAVIT RE POSTING NOTICE OF INTENT TO CIRCULATE

SUMMARY

I, Patricia M. ("Maureen") Simons, hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

1. I have personal knowledge of the facts stated in this affidavit.
2. I am a registered voter in the City of Carlsbad and one of the proponents of the Agua Hedionda 85/15 Specific Plan Initiative (the "Initiative").
3. On May 28, 2015, I posted a copy of the Notice of Intent to Circulate and the Title and Summary for the Initiative, a true and correct copy of which is attached hereto as Exhibit A, in the following locations in the City of Carlsbad: 1) outside City Council Chambers, located at 1200 Carlsbad Village Drive, Carlsbad, CA 92008; 2) at the City Clerk's Office, located at 1200 Carlsbad Village Drive, Carlsbad, CA 92008; 3) at the Georgina Cole Library, located at 1250 Carlsbad Village Drive, Carlsbad, CA 92008; 4) at the Carlsbad City ("Dove") Library, located at 1775 Dove Lane, Carlsbad, CA 92011; and 5) near the Development Counter at the Faraday Building, located at 1635 Faraday Ave., Carlsbad, CA 92008.

This affidavit was executed on May 29, 2015, at Carlsbad, California.

Patricia Maureen Simons

Patricia M. ("Maureen") Simons

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by persons whose names appear hereon of their intention to circulate a petition within the City of Carlsbad for the purpose of proposing to the voters of Carlsbad the enactment of the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail (hereinafter, the "Agua Hedionda 85/15 Specific Plan" or "Specific Plan"). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

This initiative protects and conserves the character of Carlsbad and provides access to open space by passing the Agua Hedionda 85/15 Specific Plan. The Specific Plan affects approximately 203.4 acres of land between the south shore of the Agua Hedionda Lagoon and Cannon Road by protecting and conserving approximately 176.7 acres for open space, continuing and supporting strawberry farming and coastal agricultural (more than 85% of the Specific Plan area), and reserving approximately 26.7 acres (less than 15% of the Specific Plan area) for a new pedestrian-friendly outdoor retail, shopping, dining, entertainment, and recreation promenade – at no tax burden to Carlsbad residents.

The Specific Plan provisions: (1) permanently protect and conserve approximately 176.7 acres for open space and the continuation of strawberry farming and coastal agriculture by requiring a permanent open space and agricultural easement granted to the City of Carlsbad, a qualified environmentally-focused non-profit organization, or public agency for open space and agricultural conservation purposes over approximately 155.1 acres of the Specific Plan area — with the remaining approximately 21.6 acres subject to an easement or deed restriction for open space and agricultural purposes in addition to allowing supporting improvements and uses including farm stand and farm-to-table dining options consistent with the Specific Plan; (2) provide Carlsbad residents and visitors low-impact public access to open space lands by providing passive recreation amenities including miles of new nature trails and walkways, picnic and rest areas, lagoon vistas, an outdoor classroom, parking, and an integrated resource and educational signage program; (3) require the approximately 155.1 acres within the open space and agricultural easement to be dedicated to one or more qualified environmentally-focused non-profit entities, land conservancy organizations, public agency, and/or farming and agricultural interests; (4) require the protected habitat, public access, and agricultural areas within the dedicated open space conservation land to be managed, operated, and maintained in cooperation with one or more qualified environmentally-focused non-profit entities, land conservancy organizations, land managers, agencies, and farming and agricultural interests; (5) provide for the continuation and support of strawberry farming and coastal agriculture within the Specific Plan area; (6) in addition to the approximately 176.7 acres of protected and conserved open space, provide Carlsbad residents and visitors with a pedestrian-friendly visitor-serving outdoor retail, shopping, dining, entertainment, and recreation promenade on approximately 26.7 acres within the Specific Plan area for a high-quality, functionally integrated district designed to maintain a sense of community and contribute to Carlsbad's traditional "village" identity and beach community character; (7) use revenue sources generated by implementing the Specific Plan and/or from private sources to fund, in its entirety, the dedication, improvement, restoration, operation, and maintenance of the dedicated open space areas at no tax burden to Carlsbad residents; (8) require the open space dedication, improvement, and funding be established and in place prior to opening the visitor-serving commercial component of the Specific Plan; (9) require implementation of the environmental protection features provided in the Specific Plan to avoid and reduce environmental impacts.

/s
Bill Dominguez

/s
Maureen Simons

Carlton Lund

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

The Agua Hedionda South Shore Specific Plan

This measure is a comprehensive regulatory plan governing future land uses and development in the Agua Hedionda South Shore Specific Plan (Specific Plan) area.

The Specific Plan area encompasses a total of 203.4 acres east of the I-5 freeway between the south shore of the Agua Hedionda Lagoon and Cannon Road in the City of Carlsbad.

The Specific Plan provides for increased open space, public access to open space, continued agricultural use and development of visitor-serving commercial uses such as shopping, dining, entertainment and recreational uses.

Open Space: The Specific Plan calls for a total of 176.7 acres of open space (approximately 85% of the Specific Plan area). A 2006 initiative known as Proposition D preserved 155.10 acres of the eastern portion of the site as open space in perpetuity. In addition, the Specific Plan re-designates 21.6 acres from "Travel/Recreation Commercial" to "Open Space" and provides passive public access to open space through trails, picnic and vista areas, agriculture, farm to table dining, and an outdoor classroom and amphitheater. The Specific Plan makes provisions to permanently protect and maintain the 176.7 acres for open space, agriculture and habitat.

Commercial: Retail development is proposed on 26.7 acres (approximately 15% of the Specific Plan area) of a 48.30 acre site designated "Travel/Recreation Commercial." The Specific Plan allows up to 585,000 square feet of commercial uses in an outdoor shopping, dining and entertainment promenade.

Traffic: A new signalized intersection will be constructed on Cannon Road between Paseo Del Norte and Car Country Drive. In addition, a new exit only north leg of the Cannon Road/Paseo Del Norte intersection is contemplated. The Specific Plan also provides for a second west bound Cannon Road turn lane onto the north bound I-5 onramp and provides a separate bike path along Cannon Road as well as other traffic improvements.

Water and Sewer: Recycled water will be used for irrigating common areas and planted slopes. A sewer lift station is proposed on-site to serve the project.

Public Improvements: The Specific Plan requires all public improvements to be constructed consistent with the Carlsbad Growth Management Program.

Environmental Protection: Numerous environmental protection features have been included to mitigate development impacts identified in environmental studies similar to those prepared for an environmental impact report.

Matters not specifically regulated by the Specific Plan shall be subject to the Carlsbad Municipal Code and other applicable City regulations and policies. All future approvals and determinations shall be made by a City Planner and are ministerial in nature and exempt from the California Environmental Quality Act.

Conforming amendments to the General Plan, Zoning Code and the Agua Hedionda Local Coastal Program Land Use Plan will be accomplished. The California Coastal Commission will be required to approve the Specific Plan after its adoption.

This measure shall not be amended or repealed without a vote of the people for fifteen years. Thereafter, this measure may be amended or repealed by the City Council or a vote of the people.

Respectfully submitted,

/s
Celia A. Brewer