Dos Colinas Project

Appendix A

Notice of Preparation and Responses

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to the public

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...the City Clerk of the City of Solana Beach, ...101, Solana Beach, CA 92075, ten (10) days prior to the hearing.
NCT 2237683 • 11/14, 11/21, 11/28/2009

PUBLIC NOTICE OF PREPARATION

PLEASE TAKE NOTICE:
The Planning Department of the City of Carlsbad intends to prepare an Environmental Impact Report for the following project:

Project Title and Number: EIR 09-01 - Dos Colinas

PROJECT LOCATION
The project site is located within the northeast quadrant of the City of Carlsbad, approximately 2.5 miles east of Interstate 5 and 2 miles south of State Route 78, north of the intersection of Sunny Creek Road and College Boulevard, east of El Camino Real, and south of Cannon Road. More specifically, the 55.68-acre, predominantly vacant project site includes Assessor Parcel Numbers (i.e. APNs) 209-060-68, 209-060-70, and 209-060-71. Associated infrastructure improvements are proposed offsite on APNs 168-050-35 and 209-060-58. The project area will be adjacent to the future extension of College Boulevard Reach "A."

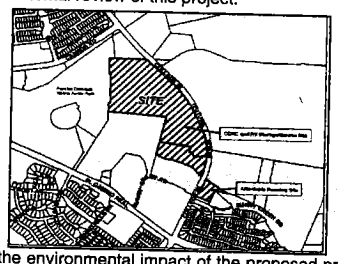
PROJECT DESCRIPTION
The proposed project consists of a 309-unit Continuing Care Retirement Community (CCRC), the relocation of a Recreational Vehicle (RV) storage and garden lot for the residents of the Rancho Carlsbad Mobile Home Park (RCMHP), and a 29-unit income-restricted multi-family development (i.e. apartments). The proposed project will involve the reconfiguration and change of General Plan Land Use and zoning designations. As the proposed project may be the first of several private projects to be developed in this area and it relies on the extension of College Boulevard Reach "A" for access, the development of the core improvements for Reach A, including a bridge over Agua Hedionda Creek and frontage improvements, are proposed as a feature of the Dos Colinas project. The development of College Boulevard Reach "A" has already been analyzed and approved pursuant to EIR 98-02.

The CCRC and RV Storage/Garden are proposed to be developed on two vacant, irregularly-shaped parcels with a combined area of 52.48 acres (APN 209-060-70 and 209-060-71) and west of the future extension of College Boulevard Reach "A." The site is bounded by a recreation parcel developed with tennis courts for the residents of the RCMHP to the north, vacant land approved for the development of the future extension of College Boulevard Reach A (EIR 98-02) as well as for the development of two single-family subdivisions and a multi-family project (i.e., Cantarini Ranch and Holly Springs, EIR 02-02) to the east, an unoccupied single-family home, equestrian area and Agua Hedionda Creek to the south, and the RCMHP and associated golf course to the west. Topographically, the southwestern portion of the site consists of relatively level, low-lying terrain while the northeastern portion of the site is characterized by steep-to-gently sloping terrain. As the site contains two large hills, one of which is up to 40 feet in height, and the site is proposed to be graded to accommodate a level building pad, grading will consist of manufactured (2:1 inclination) cut and fill slopes extending up to 35 and 30 feet in height, respectively.

The affordable housing site is proposed to be located on a 3.2-acre largely vacant, irregularly-shaped parcel (APN 209-060-68) which is approximately 400 feet southeast of the CCRC and RV Storage and Garden parcels. The site is bounded by the Agua Hedionda Creek to the north, the Terraces of Sunny Creek affordable multi-family development (high density) to the east, a vacant sliver of open space associated with the Terraces development adjacent to Sunny Creek Road to the south, and equestrian-related structures to the west. Once the construction of College Boulevard Reach "A" is completed, the subject parcel will be located on the northeast corner of Sunny Creek Road and College Boulevard. Topographically, the site is generally flat and the elevation change from the northern property line to the southern property line amounts to approximately 3 feet. The applicant currently proposes to construct up to 29 low income multi-family affordable units. Based on the net lot size of 2.35 acres, a proposed Residential, Medium-High Density (RMH) General Plan Land Use Designation, and a total of 29 units, the project has a maximum density of 12.34 dwelling units per acre.

Potential Environmental Effects: Aesthetics, Air Quality, Biological Resources, Cultural/Paleontological Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use, Noise, Population and Housing, Public Services, Transportation/Traffic, and Utilities/Service Systems.

We need to know your ideas about the effect this project might have on the environment and your suggestions for ways the project could be revised to reduce or avoid any significant environmental damage. Your ideas will help us decide what issues to analyze in the environmental review of this project.



Your comments on the environmental impact of the proposed project may be submitted in writing to the Planning Department, 1635 Faraday Avenue, Carlsbad, California, 92008, no later than **December 21, 2009**. A public scoping meeting will be held for this project on Thursday, December 10, 2009 at 6:30 p.m. at the City of Carlsbad, 1635 Faraday Avenue.

CASE NO: **EIR 09-01/GPA 09-02/ZC 09-02/SP 191(C)/RMHP 96-01(D)/LFMP 15(E)/ CUP 09-02/SUP 09-02/SDP 09-02/HDP 09-02/HMP 09-02/V 09-02**

PUBLISH DATE: November 21, 2009

NCT 2238766

AND MICHAEL A. KENT be appointed as personal representative to administer the estate of the decedent.
THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
A HEARING on the petition will be held in this court as follows: DECEMBER 18, 2009 at 9:30 AM in Dept. 4 located at 325 S. MELROSE DR., VISTA, CA 92081 North County.
IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.
YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A *Request for Special Notice* form is available from the court clerk.
Attorney for Petitioner
Lawrence J. Kaplan,
Solomon Ward Seidenwurm & Smith, LLP
401 B Street, Suite 1200
San Diego, CA 92101
619-231-0303
NCT 2238628 VISTA
11/20,11/21,11/27/2009

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

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

In Reply Refer To:
FWS/CDFG-SDG-10B0054-10TA0163

CITY OF CARLSBAD
DEC 21 2009
PLANNING DEPARTMENT

DEC 17 2009

Ms. Shannon Werneke
Planning Department
City of Carlsbad
1635 Faraday Ave.
Carlsbad, California 92008

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the Dos Colinas Project, City of Carlsbad (SCH# 2009111085)

Dear Ms. Werneke:

The California Department of Fish and Game (Department) and U. S. Fish and Wildlife Service (Service), collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Dos Colinas project, in the City of Carlsbad (City), dated November 17, 2009. The proposed project is the construction of a continuing care retirement community, with a recreational vehicle (RV) storage and garden site, on a 52.5-acre property. In addition, an affordable housing development consisting of 29 low income multi-family units is proposed on a separate but nearby 3.2-acre parcel. The Wildlife Agencies have several concerns regarding the potential effects of this project on sensitive biological resources, and its compliance with the requirements and standards of the City's Habitat Management Plan (HMP). The Wildlife Agencies submit these comments and recommendations to assist the City in its analysis of consistency with the City's HMP, as well as direct and indirect project impacts to biological resources for the EIR.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program, and the Streambed Alteration Agreement program. The City's HMP was issued pursuant to the Act and NCCP Program.

TAKE PRIDE IN AMERICA

Specific Comments

The proposed project site is located in a portion of the City that has had significant agricultural uses historically. As such, much of the remaining natural habitats have been fragmented, and maintaining habitat connectivity through habitat preservation and restoration is an important component of the City's HMP in this area (Local Facilities Management Zone [LFMZ] 15). The proposed project is also located in an HMP "standards" area, where certain development standards must be applied for any new developments.

The project EIR will need to evaluate the proposed project in relation to the HMP standards for LFMZ 15. From the project description in the NOP, the Wildlife Agencies have concerns that the project as currently proposed would be in conflict with the HMP, specifically, the design and location of the development in relation to Agua Hedionda Creek. Because of the fragmentation of the remaining natural habitats in LFMZ 15, especially the southern half of the zone where the project is located, a focus of the HMP is to create habitat/wildlife corridors in this area to link remaining upland habitat to the creek by establishing several narrow habitat corridors on such properties as the Cantarini and Mandana parcels (Figures 24 and 35 of the HMP). The continuing functionality and restoration of Agua Hedionda Creek will provide a wildlife corridor between HMP Core Areas #3 and #5, and Core Area #4 (Agua Hedionda Lagoon). If Agua Hedionda Creek is further compromised by the proposed project, its value as a wildlife corridor will be lessened, perhaps substantially, and overall biological connectivity in the City will also be compromised. This would not be consistent with the standards and goals of the HMP.

Specifically, the Wildlife Agencies do not support the construction of the affordable housing element of the project within the floodplain of Agua Hedionda Creek. The LFMZ #15 standards clearly state: "Conserve all riparian habitat onsite, and prohibit fill or development within the existing flood plain except where required for Circulation Element roads, Drainage Master Plan facilities, or other essential infrastructure" (HMP, page D-79). It does not appear that the proposed development fits any of the exceptions to the standard to avoid floodplain development. It is unclear from the NOP whether the proposed assisted care facilities and RV Storage would encroach into the floodplain, but this same standard also applies to the property north of the creek.

We are also concerned about the potential indirect impacts to the corridor functions of the Agua Hedionda Creek from adjacent development from noise, lighting, and inevitable human intrusion into the creek from adjacent residents that would likely degrade the biological values of the creek even further. All of the previous negotiations with other land owners in LFMZ 15 to establish a system of narrow upland corridors funneling to the creek will have been to no avail if other development in and adjacent to the creek significantly impacts the biological values and corridor function of the creek.

The Wildlife Agencies have expressed these same concerns in previous meetings and correspodance on the proposed project. Based on our concerns, we recommend that development

on all or most of the proposed 3.2-acre affordable housing site be relocated to the property north of the creek in a manner consistent with LFMZ 15 standards. The 3.2-acre parcel would best be used instead for restoration of the creek and adjacent uplands, perhaps as mitigation for impacts from other portions of the project. In addition, there should be no development within the floodplain of Agua Hedionda Creek from any portion of the project, and adequate natural habitat buffers to the creek should be established.

If the project goes forward as currently proposed, the EIR should include an alternative that avoids development within the Agua Hedionda Creek floodplain, and maximizes the buffering of the creek from the impacts of adjacent development. This would be an environmentally superior alternative, and one that the Wildlife Agencies would support as consistent with the standards and goals of the HMP.

A narrower secondary wildlife corridor was envisioned in the HMP along the western boundary of the Cantarni property that crossed onto the subject property and links to Agua Hedionda Creek from the north. This corridor can be seen in Figure 24 of the HMP. The feasibility of including this natural corridor into the development plan should also be considered in the EIR.

General Comments

To enable the Wildlife Agencies to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the draft EIR:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.

2. A complete evaluation of this project in relationship to the City of Carlsbad's finalized Multiple Habitats Conservation Program (MHCP) Subarea Plan, known as the Carlsbad Habitat Management Plan (HMP). Specifically, provide an analysis of the proposed project's impacts on any adjacent habitat that is conserved as open space under the HMP.

3. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or State Protected or Fully Protected species, and any locally unique species and sensitive habitats. Specifically, the EIR should include:

    a. A thorough assessment of Rare Natural Communities on site and within the area of impact. We recommend following the California Department of Fish and Game's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (enclosed).

b. A current inventory of the biological resources associated with each habitat type on site and within the area of impact.

c. An inventory of rare, threatened, and endangered species on site and within the area of impact.

d. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Wildlife Agencies. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

4. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the EIR should provide:

a. Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.

b. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.

c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.

d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed NCCP reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated and provided. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

e. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions.

f. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130. General and specific plans, and past, present, and anticipated future projects, should be analyzed concerning their impacts on similar plant communities and wildlife habitats.

g. If applicable, an analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs. We recommend that the Lead Agency ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform to other requirements of the NCCP program. Jurisdictions participating in the NCCP program should assess specific projects for consistency with the NCCP Conservation Guidelines. Additionally, the jurisdictions should quantify and qualify: 1) the amount of coastal sage scrub within their boundaries; 2) the acreage of coastal sage scrub habitat removed by individual projects; and 3) any acreage set aside for mitigation. This information should be kept in an updated ledger system.

5. Measures to fully avoid and otherwise protect Rare Natural Communities (list enclosed) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

6. Mitigation measures for unavoidable adverse project-related impacts on sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. We generally do not support the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

   This discussion should include measures to perpetually protect the targeted habitat values where preservation and/or restoration is proposed. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) success criteria; (h) a detailed monitoring program;

(i) contingency measures should the success criteria not be met; and (j) identification of the entity(ies) that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity.

Mitigation measures to alleviate indirect project impacts on biological resources must be included, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

7. As discussed previously, descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.

We appreciate the opportunity to provide comments on this project. Should you have any questions regarding this letter, please contact David Lawhead (Department) at (858) 627-3997 or Janet Stuckrath (Service) at (760) 431-9440.

Sincerely,

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

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

cc: State Clearinghouse (by fax only)

DEPARTMENT OF THE ARMY
Los Angeles District, Corps of Engineers
San Diego Section, Carlsbad Field Office
6010 Hidden Valley Rd., Suite 105
Carlsbad, CA 92011

CITY OF CARLSBAD
JAN 25 2010
PLANNING DEPARTMENT

January 22, 2010

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Division

Shannon Werneke
City of Carlsbad, Planning
1635 Faraday Avenue
Carlsbad, California 92008

Dear Ms. Werneke:

It has come to our attention that West Living, LLC plans to develop a 309-unit Continuing Care Retirement Community, relocate a Recreational Vehicle storage and garden lot for the residents of the Rancho Carlsbad Mobile Home Park (RCMHP), and develop up to 29 income-restricted multi-residential units approximately 2.5 miles east of Interstate 5 and 2 miles south of State Route 78, north of the intersection of Sunny Creek Road and College Boulevard, east of El Camino Real, and south of Cannon Road, in the northeast quadrant of the City of Carlsbad, California in the County of San Diego. This activity may require a U.S. Army Corps of Engineers (Corps) Department of Army permit.

A Corps permit is required for:

a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899. Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

4. placing pilings when such placement has or would have the effect of a discharge of fill material;

c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;

d) any combination of the above.

Information describing our regulatory program and a Department of Army permit application form can be found on the Los Angeles District Regulatory website at http://www.spl.usace.army.mil/regulatory/. If you have any questions, please contact Shanti Santulli of my staff at 760-602-4829 or via e-mail at Shanti.A.Santulli@usace.army.mil. Please refer to this letter and SPL-2010-00025-SAS in your reply.

Sincerely,

Terry Dean
South Coast Branch
San Diego Section
Regulatory Division
U.S. Army Corps of Engineers

Shannon Werneke

From: Dan Silver [dsilverla@me.com]
Sent: Thursday, November 19, 2009 4:16 PM
To: Shannon Werneke
Subject: Dos Colinas, EIR 09-01

Dear Ms Werneke

EHL is in receipt of the NOP for this project. Our main concern is conformance with the Carlsbad HMP. Please retain EHL on all mailing and distribution lists for this project.

Thank you.

Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

San Diego County Archaeological Society, Inc.

Environmental Review Committee

24 November 2009

CITY OF CARLSBAD
NOV 25 2009
PLANNING DEPARTMENT

To: Ms. Shannon Werneke, Associate Planner
Planning Department
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008-7314

Subject: Notice of Preparation of a Draft Environmental Impact Report
Dos Colinas
EIR 09-01

Dear Ms. Werneke:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Shannon Wernecke
Associate Planner
City of Carlsbad, Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

December 17, 2009

Subject : Draft EIR 09-01 Scope Comments
Dos Colinas

Dear Ms. Wernecke:

These comments on the Dos Colinas EIR project scope are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots conservation organization whose goal is to preserve, protect and enhance the natural resources of coastal North San Diego County.

The Dos Colinas site is one of several properties in the Sunny Creek area that are identified for potential natural open space acquisition in the report of the City of Carlsbad Citizen's Open Space Committee. The site includes a key reach of Agua Hedionda creek, is at a strategic location in the watershed and is of significance for the local wildlife movement corridor. It is important that any development on this site properly consider the very special natural resources that exist on the site and in the adjoining area.

The following are our specific comments on this project scope:

Land Use and Planning

( ) Please clarify what factors result in classification as a commercial dwelling unit for all of the on-site units. The 62 single-story cottages will each have an attached two-car garage, range from 1,150- 1,650 sq/ft and appear to function as standard senior housing . At this site density, as residential units these would seem to be eligible for inclusion in the city's Housing Element as affordable housing. Such

5020 Nighthawk Way –Oceanside, CA 92056
www.preservecalavera.org

a designation would reduce the need for affordable units at other locations thereby potentially having indirect impacts on preservation of open space. The rules and impacts from such development could be effected by the determination that the project is commercial or residential- or both.

( ) The identified location for the inclusionary affordable housing meets regional criteria for Smart Growth- yet the project only proposes a maximum of 29 affordable units with a density of 12.34 dwelling units per acre and the developer indicated they are likely to build only 22 units.. Please identify the maximum housing yield from this 3.2 acre parcel that is conveniently located for shopping and high frequency public transit service. The EIR should evaluate the suitability of this site for smart growth and alternatives to optimize this. According to the SANDAG regional plan, smart growth projects reduce roadway congestion and air pollution and will result in more livable communities. All of these indirect benefits should be included in the EIR analysis.

( ) Please clarify how there is any assurance that the cut and fill for this project combined with the development of College Reach A will be in balance. Will there be project conditions that establish some boundaries for differences in cut and fill for the project site?

( ) The project site includes provisions for relocation of the garden and RV parking lot for Rancho Carlsbad that are being displaced by the extension of Cannon Road. There is also an issue of a storm water detention basin in this area. The EIR needs to fully identify all of the land use swap/relocations and identify all of the direct and indirect impacts from all of them.

( ) Several off site infrastructure improvements are included as part of the project. Please discuss what agreements are in place to assure that these will be constructed as proposed.

Hydrology and Water Quality

( ) Please clarify what impact, if any, construction of this project will have on the adopted Drainage Master Plan ie will it have any effect on the anticipated maintenance program for the creek or any of the associated drainage infrastructure?

( ) This reach of Agua Hedionda and the associated confluence of Agua Hedionda and Calavera and Little Encinas creeks have a long history of flooding, and of designs for flood control systems that proved to be inadequate. The EIR needs to consider this history of problems as well as the cumulative impacts to this portion of the watershed.

( ) The project proposes retaining walls of up to 15 feet and cut slopes of up to 10

feet to raise the project out of the 100- year flood plain. The recently completed Agua Hedionda Watershed Management Plan (AHWMP) includes specific recommendations related to improving the impaired function of this creek reach and the downstream area- and none of these include such massive land form changes and development in the floodplain. Please review this project for compliance with the recommendations included in the AHWMP. Specifiy what project changes would be required to be in full compliance with the recommendations included in this Plan.

( ) The DEIR needs to fully disclose the boundaries of the FEMA map amendment and how this would be modified with the current project.

Biological Resources

( ) Wetlands impacts, both direct and indirect, need to be fully evaluated. The adopted MHCP and Carlsbad HMP both require that wetlands impacts are to be first avoided, then only if they can't be avoided, be minimized and any resulting impacts be fully mitigated. The city of Carlsbad HMP requires a determination of consistency. The full information to make such a determination must be included in the EIR in order for both the agencies and the public to comment on this. If there are any actions that are not consistent then this needs to be fully explained, with a full analysis that shows how the proposed change provides equal to or better biological function than what is allowed in the HMP.

( ) Buffer areas along the creek need to be fully identified, with assessment of functionality. Where such buffers are degraded the EIR should include mitigation measures such as restoration to provide adequate buffer function.

Stream buffer guidelines have been proposed by the Carlsbad Watershed Network and are included in Chpater Five. This plan can be accessed from the CWN website at www.carlsbadwatershed network.net or on the Project Clean Water site. The EIR needs to evaluate compliance with all of these guidelines.

( ) Potential impacts on the regional and local wildlife movement corridors are a key issue of concern. One of the major wildlife roadkill sites in north county is just a few hundred feet from this project- at Cannon and El Camino Real. The Carlsbad Unified School District is currently in the process of completing a study of wildlife movement in this area. The EIR needs to consider the results of that study.

The EIR needs to identify the proposed wildlife corridors through and around this project and assure that the corridors remain functional through both construction and operation of this project.

Recreation

( ) Carlsbad is implementing a comprehensive trail system throughout the city.

Residents from this project need to be able to access these trails. Failure to plan for access typically results in the creation of unplanned trails that are damaging to the nearby natural habitat. All existing and proposed public trails through this area need to be identified and evaluated in the EIR with pedestrian and bicycle access to the formal trail system.

( ) The Sunny Creek area is one of very few in the city that allow equestrian use. The EIR needs to look at provisions for equestrian use and assure that the project is consistent with these provisions- as well as those in the HMP. Very specific guidelines for equestrian use were included as part of the Cantarini-Holly Springs project. These same guidelines need to be included with this project if there will be any equestrian use within or adjacent to the project. Please let us know if you need us to re-send those guidelines or any of the background research.

Alternatives Analysis

( ) The CEQA process requires the analysis of a range of alternatives, including at least one that is Environmentally Preferred. This project is being proposed in the flood plain, in an historic flood problem area, just upstream from the impaired Agua Hedionda Lagoon. Alternatives to the project should include:

- No construction in the flood plain
- Low impact development that reduces footprint, amount of impervious cover, and need for such extensive land alteration.
- Optimized affordable housing on both parcels of the project

We appreciate the opportunity to comment on the scope for this project EIR.

Sincerely,

Diane Nygaard
On Behalf of Preserve Calavera

Preserving South Carlsbad

Friends of AVIARA

Dec. 21, 2009

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

Attn: Shannon Werneke; Associate Planner

RE: EIR 09-01 – Dos Colinas

Dear Ms. Werneke:

Thank you for the opportunity to comment on the proposed scope of the EIR for the Dos Colinas project.

The project appears to conflict with established policy and practice in the City of Carlsbad of following the General Plan. The project would require large deviation from existing General Plan Land Use and from the existing topography, which also conflicts with City grading policy. We are alarmed that some in the City may now be considering deviating from proven successful City practices, at this location and at others in the City, such as at Poinsettia Lane between Cassia Road and Skimmer Court, and along Ambrosia from Poinsettia Lane to Aviara Parkway.

We believe that the EIR should consider and analyze the following issues:

1. The proposed project involves development of a continuing care retirement community. The EIR should analyze whether this is an appropriate land use for this rural property located well east of El Camino Real. The EIR should analyze the site's proximity to medical facilities, transit, shopping and other uses important to seniors. If these uses are not in close proximity to the site, then the EIR should conclude that the site is not appropriate for the proposed use.

2. The EIR should analyze the issues associated with the creation of large, flat pads for the residential care facility on topographically rugged terrain. Creation of these large, flat pads requires significantly grading and modifying the terrain. The present General Plan land use on the property is single family residential. Single family residential can be developed to fit within the natural terrain of the hilly site. Under these circumstances, the EIR should assess whether the proposed land use for seniors is a superior land use over the existing land use. The EIR should also analyze whether the proposed project complies with the City's Hillside Ordinance which regulates grading of hillside properties.

3. The EIR should analyze whether the project can adequately mitigate water quality impacts that could result from the large parking lots which result from the proposed use. Again, the existing approved land use, single family residential, does not necessitate large parking lots and other features which result in greater pollution of drainage. The EIR should assess whether the proposed use is a superior use to the existing use with regard to water quality impacts.

4. The EIR should analyze whether future traffic volumes on the adjacent reach of College Boulevard between Cannon Road and Sunny Creek Road would be changed in the event that Canon Road between College and the eastern City Limit cannot be or is never installed. The analysis should consider whether College Boulevard in this instance is needed in such a case.

5. The EIR should analyze the impact on air quality. The analysis needs to take into account existing air quality conditions, and compliance with air emission requirements. The EIR should analyze whether the proposed use is a superior use with regards to air quality impacts.

Thank you for the opportunity to comment on the Dos Colinas EIR.

Sincerely,

De'Ann Weimer, president Friends of Aviara
6606 Fiona Pl, Carlsbad, CA 92011

Jerry Goldstein
6727 Follette, Carlsbad, CA 92011

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

Attn: Shannon Werneke; Associate Planner

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Thank you for the opportunity to comment on the Dos Colinas EIR.

Sincerely,

Tania M Azar
Aviara resident and concerned parent

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

Attn: Shannon Werneke; Associate Planner

RE: EIR 09-01 – Dos Colinas

Dear Ms. Werneke:

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Thank you for the opportunity to comment on the Dos Colinas EIR.

Sincerely,

Julie Leader

Julie Leader
1696 Amante Ct., Carlsbad, CA 92011

December 21, 2009

City of Carlsbad
Planning Department
1636 Faraday Ave.
Carlsbad, CA 92008

Attn. Shannon Werneke; Associate Planner
Re: EIR 09-01 – Dos Colinas

Dear Ms. Werneke

We are sorry for this last minute response but we were only made aware of this project late last week.

After a reviewing Notice of Preparation document the project is inconsistent with the policy and procedures of the City of Carlsbad's General Plan. The multi-dimensional aspect of the project will deviate significantly from the General Plan Land Use and the current topography. We are concerned that the City may consider deviating from proven successful City practices and the Carlsbad Community Vision found most recently in the Envision Carlsbad Update. There is definitely a major divergence as to established policy, procedures, and vision for our community.

We believe that it is imperative that the EIR should address the following issues:

1. The project suggests a major deviation from the existing topography. For instance this is demonstrated by the development of the CCRC and RV Storage/Garden site "requiring mass grading, grading required to develop the extension of College Boulevard Reach A, as well as remedial grading". Also of concern is the grading of a two large hills up to 40 foot high to achieve a level building pad. These are only two of the items outlined in your report that causes to pause.

2. The project proposal includes a continuing care retirement community. Is this a proper use of rural property located substantially east of El Camino Real? The medical facilities, transportation, shopping, traffic, and other areas important and valued by seniors should be addressed. The project outlines such a varied and significantly incompatible array of sub projects that the safety and confusion factor will need to be taken into consideration. The outline highlights that the entrances will have only un-signalized driveways located off of the "anticipated extension" of College Boulevard Reach "A. Again a safety issue to be addressed for seniors, emergency vehicles, delivery trucks, and employees.

3. The EIR must address the architectural heights of building exceeding 35 foot guidelines.

4. The EIR should analyze the economic viability of this entire project, particularly the CCRC, as one such project failed in Oceanside, CA and another in San Marcos of lesser size (150 units) is seeking $4-5K per month charges for units similar in size as outlined in your project announcement. The project should not even be approved without verifiable support that the developer is in a position to make a going concern.

5. The EIR must address the future traffic volumes of college Boulevard between Cannon Road and Sunny Creek Road in the event that the Cannon Road and the Eastern city limit cannot be or is never installed. If the determination is no then we should question the need for College Boulevard in the intended fashion as outlined in the Notice of Preparation.

6. The EIR should analyze whether the project can adequately mitigate water quality resulting from major parking areas. Current approved zoning for single family residential does not require large parking lots and other significant features which result in greater pollution of drainage.

7. The EIR should address the impact on air quality as there could be significantly greater traffic and emission pollutants based upon the increased traffic patterns, construction potential, and lack of known supervisory and security measure outlined in the document.

Regards,

Richard and Shirley Russell
6615 Fiona Place, Calsbad, CA 92011