



HISTORIC PRESERVATION COMMISSION

Agenda

Historic Preservation Commission
SPECIAL MEETING
Thursday, November 21, 2019 at 6:00 P.M.
City Council Chamber
1200 Carlsbad Village Drive, Carlsbad, CA 92008

1. Call to order
2. Roll Call
3. Approval of the minutes
 - Minutes of the meeting held on September 9, 2019
4. Public Comment
5. PUBLIC HEARING:
 - historic designation of the Encina Power Station stack
6. Properties of Concern
 - Establishing a Historic District
 - Update of historic properties list
7. Carlsbad Historical Society update
8. Commission Liaison announcements
9. Commissioner comments
10. Adjournment

NOTICE TO THE PUBLIC: All persons requiring assistance or auxiliary aids to effectively participate may contact the library at least 24 hours prior to the meeting to arrange for reasonable accommodations. PUBLIC COMMENT: To speak to the Board on an item on the agenda you will need to fill out a Request to Speak form; speakers are limited to three (3) minutes each. To speak to the Board on a matter not on the agenda you will need to fill out a Public Comment form; speakers are limited to three (3) minutes each. In conformance with the Brown Act, no Board discussion or action can occur on items presented during public comment. *The Historic Preservation Commission meetings are generally adjourned by 7:00 p.m. - any items remaining on the agenda at that time may be carried over to the next meeting with the approval of the majority of the Commission.*



HISTORIC PRESERVATION COMMISSION

Minutes

MEETING OF: HISTORIC PRESERVATION COMMISSION
DATE OF MEETING: September 9, 2019
TIME OF MEETING: 5:30 PM
PLACE OF MEETING: City Council Chamber

CALL TO ORDER:

Commission Chair Majer called the meeting to order at 5:33 p.m.

ROLL CALL:

Present: Commissioners Laurie Boone, Anne Estes, Pearl Ly, Chad Majer, Robert Prosser

Absent: none

Staff Present: Suzanne Smithson, Deputy Library Director
Kyle Lancaster, Parks and Recreation Director
Tim Selke, Parks Superintendent
Sarah Dana, Senior Librarian
Dianna Galindo, Sr. Office Specialist

APPROVAL OF THE MINUTES:

The minutes of the meeting held on July 8, 2019 were approved (3/0/2/0)

PUBLIC COMMENT:

None

HERITAGE TREE REPORT:

Parks and Recreation Director Kyle Lancaster and Parks Superintendent Tim Selke updated the Commissioners on the Heritage Tree report as part of Carlsbad Community Forest Management Plan. By proper motion and vote the commissioners received the plan and recommended its adoption by City Council. (5/0).

ENCINA POWER PLANT – SMOKESTACK:

The commission heard from 4 community residents who shared their thoughts on the historic significance of the Encina Power Plant smokestack.

- Glenn Bernard spoke in opposition to leaving the smokestack up. An open space and natural environment are what he would like to see in that area.
- Bill Bowman approves of leveling the smokestack and had ideas as to what could be done with that area and feels the people of Carlsbad should decide.
- Jim Strickland stated that the smokestack is a historic part of Carlsbad and would like to see it stay.
- Lela Panagides compared the smokestack as a landmark like the Eiffel Tower, Big Ben and the Space Needle. Ms. Panagides stated that the power plant has brought in much revenue to Carlsbad and is a visible symbol of the City of Carlsbad.

By proper motion and vote the commission moved to take no action on this item. (5/0).

PROPERTIES OF CONCERN:

Sr. Librarian Sarah Dana shared a draft of a spreadsheet of historical properties the Carlsbad History staff are updating. The multi-page spreadsheet includes properties that have been discussed or considered historically significant in the records of the Historic Preservation Commission, City Council, city staff, city consultants, marked with a plaque, or included in the *Historic Carlsbad: A Self-Guided Tour* brochure.

Ms. Dana also noted that Roth and Associates were hired by the City in 1990 to complete a survey of sites with potential historic significance in Carlsbad. The resulting 5-volume report is now housed in the Genealogy & Carlsbad History section at the Georgina Cole Library. This survey was adopted by City Council as the *Historic Resources Inventory* in 1991. In 1993, City Council “deleted” the *Inventory* and stipulated inclusion on any historic listing be voluntary. The *Historic Resources Inventory* has been retained in the Library’s Carlsbad History Collection as a valuable reference source for historic information about the properties included in the survey.

MEETING SCHEDULE:

By proper motion and vote the commission moved to change the meeting times to 6 p.m. for all future meetings. (4/1).

CARLSBAD HISTORICAL SOCIETY UPDATE:

Commissioners Boone and Majer updated the commission that the annual meeting of the Carlsbad Historical Society will be held at a private residence in late October

COMMISSION LIAISON ANNOUNCEMENTS:

Commission Liaison Smithson informed the commissioners that we now have an Ex-Officio meeting representative from the planning commission, Alicia Lafferty.

Liaison Smithson shared the date of November 7, 2019 for the Boards and Commissions dinner and let them know they should receive their invitations soon.

COMMISSIONER COMMENTS:

Commissioner Estes asked if there is consideration for the Historic Preservation Commission meetings to be recorded or broadcast. Commission Liaison Smithson replied that the city currently does not have the funding or staff to support that

Commissioner Majer would like to revisit the process on making the State Street area a historic district.

ADJOURNMENT:

Meeting was adjourned at 6:59 p.m.

Respectfully submitted by,


Dianna Galindo

**HISTORIC PRESERVATION COMMISSION****Staff Report**

Meeting Date: Nov. 21, 2019

To: Historic Preservation Commission

From: Suzanne Smithson, Deputy Library Director

Staff Contact: Dianna Galindo, Senior Office Specialist
Dianna.galindo@carlsbadca.gov, 760-434-2874

Subject: Public Hearing – historic designation of the Encina Power Station stack

Recommended Action

It is recommended that the Historic Preservation Commission hold a public hearing and determine that the Encina Power Station (EPS) stack does not meet the criteria for designation as a historic landmark as prescribed by Carlsbad Municipal Code Section 22.06.030.

Executive Summary

On Jan. 14, 2014, the City Council and Carlsbad Municipal Water District (CMWD) Board of Directors approved a Settlement Agreement (Agreement) involving the City of Carlsbad, NRG and SDG&E, supporting NRG's construction of a new power plant, known as the Carlsbad Energy Center Project (CECP). In exchange, NRG agreed to shut down and demolish the existing Encina Power Station, including the stack, once the new CECP became operational.

At the Jul. 8, 2019 Historic Preservation Commission (Commission) meeting, the commissioners heard public testimony from community member Mr. Jim Strickland regarding his interest in designating the EPS stack as a historic landmark.

By proper motion and vote, the Commission moved to hold a discussion of the EPS stack at its Sept. 9, 2019 meeting, where following discussion, by proper motion and vote the Commission moved to take no action (5/0/0/0).

On Oct. 7, 2019, Mr. Jim Strickland submitted a written request for historic landmark designation of the EPS stack. Carlsbad Municipal Code (CMC) Section 22.06.030 requires that a public hearing be held to review any application for designation of a site, landscape feature or improvement as a historic landmark.

Discussion

The Encina Power Station commenced operation in Carlsbad in 1954. On Nov. 20, 1973, the Carlsbad City Council approved SDG&E's plans to construct a single 400- foot stack to replace four smaller one hundred ninety foot stacks. The 400- foot stack was added in 1976.

On Jan. 14, 2014, the City Council and Carlsbad Municipal Water District Board of Directors approved a Settlement Agreement (Exhibit 1) involving the City of Carlsbad, NRG and SDG&E. Per the Agreement, the city and CMWD agreed to support NRG's construction of a new 500 megawatt power plant intended to operate at peak demand times, known as the Carlsbad Energy Center Project. In exchange, NRG agreed to shut down the existing EPS on the date the new CECP became operational, which was Dec. 12, 2018. NRG also agreed to start the above-ground demolition and remediation of the EPS within one year following its shutdown date and to complete the demolition within two years.

At the Jul. 8, 2019 Commission meeting, the commissioners heard public testimony from community member Mr. Jim Strickland regarding his interest in designating the EPS stack as a historic landmark. By proper motion and vote, the Commission moved to hold a discussion of the EPS stack at its Sept. 9, 2019 meeting.

At the Sept. 9, 2019 Commission meeting, the commissioners heard testimony from four community members regarding the EPS stack. At that time, the Commission also considered a Sept. 4, 2019 memo from Deputy City Manager Gary Barberio (Exhibit 2) stating, "NRG has verbally indicated to city staff that they will not provide consent for a proposed historic landmark designation in light of its commitments in the Agreement."

CMC Section 22.06.030 (E) (Exhibit 3) states, "Without the property owner's consent to the proposed designation, a site shall not be designated a historic site or landmark." Following discussion, by proper motion and vote the commission moved to take no action (5/0/0/0).

On Oct. 7, 2019, pursuant to CMC Section 22.06.030, Mr. Jim Strickland submitted a written request for historic landmark designation of the EPS stack (Exhibit 4). Pursuant to CMC Section 22.06.030 (C), within 45 days of the date of the request, the Commission is required to hold a public hearing to review the landmark application.

On Oct. 9, 2019, NRG sent a letter to City Manager Scott Chadwick expressing its opposition to the designation of the EPS stack as an historic site or landmark (Exhibit 5).

On Nov. 12, 2019, the City Council received a presentation on the demolition schedule and associated activities for the EPS. In that presentation, NRG affirmed its commitment to fulfill the above ground demolition provisions of the Agreement, commencing work prior to Dec. 11, 2019. The City Council received the presentation and adopted two resolutions granting NRG a not-to-exceed, nine-month extension to the demolition completion deadline.

Nov. 21, 2019 Public Hearing

CMC Section 22.06.030 (C) requires the Commission to hold a public hearing within 45 days to review an application for designation of a site, landscape feature or improvement as a historic landmark.

In order for the Commission to make a recommendation to the City Council in favor of a historic designation, the Commission must determine that “the resource warrants historic site or landmark designation **and** the property owner has consented to the same in writing.... **Without the property owner’s consent to the proposed designation, a site shall not be designated a historic site or landmark.**” (CMC Section 22.06.030 (E); emphasis added).

In this case, the property owner, NRG, has specifically objected to any historic site or landmark designation by the city. (Exhibit 5).

Based on NRG’s written objection to the designation of the EPS stack being designated historic by the city, city staff is recommending that the Historic Preservation Commission deny the written request for historic landmark designation for the EPS stack for the following reason:

As noted above, on Oct. 9, 2019, NRG sent a letter to City Manager Scott Chadwick expressing its opposition to the designation of the Encina stack as an historic site or landmark. As such, the written request for historic landmark designation of the EPS stack does not meet the criteria for designation as specified in CMC Section 22.06.030.

Fiscal Analysis

No fiscal impact at this time.

Next Steps

Following this public hearing, as the Historic Preservation Commission cannot designate a site as historic or landmark without the property owner’s consent, the process shall terminate and the commission shall notify the property owner and applicant of such termination in writing within 10 days of the commission’s determination. The minutes of the commission’s public hearing and determination will be provided to the City Council (CMC Section 22.06.030.E).

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code Section 21065, this action does not constitute a “project” within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Public Notification

This item was noticed in the San Diego Union Tribune on Sunday, Nov. 10, 2019. Legal ad and notification materials are available in the Office of the City Clerk. In addition, this staff report was noticed in accordance with the Ralph M. Brown Act and was available for viewing at least 72 hours prior to the posting of the agenda.

Exhibits

1. Resolution 2014-010 Approving Agreement between City of Carlsbad and CMWD, Cabrillo Power LLC, Carlsbad Energy Center NRG and SDGE, for approval of amended Carlsbad Energy Center Project design and decommission and deconstruction of the Encina Power Station (on file at the Office of the City Clerk and at Georgina Cole Library)
2. Memo from Deputy City Manager Gary Barberio
3. Carlsbad Municipal Code 22.06.020 and 22.06.030
4. Public Hearing Request from Jim Strickland
 - a. Public Hearing Request
 - b. PDF presentation
5. Letter from NRG opposing designation
6. Email from community member

Memorandum

Sept. 4, 2019

To: Heather Pizzuto, Library & Cultural Arts Director
From: Gary T. Barberio, Deputy City Manager – Community Services
Re: **NRG/SDG&E/City of Carlsbad Settlement Agreement – Encina Power Plant Property**

On January 14, 2014, the City Council approved a Settlement Agreement (Agreement) involving NRG, the owner of the Encina Power Plant and property, SDG&E, the region's current utility provider, and the City of Carlsbad. Amongst the numerous provisions included, the Agreement provided for the construction of a new 500MW "peaker" plant located between the railroad tracks and the I-5, in exchange for the shutdown, decommissioning, and above-ground demolition of the existing Encina Power Plant. Since that time, all three parties have relied upon the Agreement in conducting business going forward. It is important to note, that since 2014, the City Council has not provided any new direction to city staff regarding the property. It is also important to understand that the City of Carlsbad does not own the plant property, nor will the City acquire ownership of the plant property as a result of the Agreement.

The Agreement does provide a schedule for the shutdown, decommissioning, and demolition of the above ground facilities for the Encina Power Plant, to include both the smokestack tower and plant buildings. Specifically, the Agreement states that concurrent with the start-up of the new "peaker" plant, which occurred on December 12, 2018, the Encina Power Plant shall shutdown (turn-off) and begin efforts to decommission the plant (disconnect power, gas, etc.).

Secondly, within one year of the shut-down of the old plant (December 12, 2018), NRG must start the above-ground demolition of the plant and shall complete the demolition within two years of the commencement of demolition activities. The above-ground demolition shall include the both the smokestack tower and plant buildings.

As is relates to a designation of the Encina Power Plant site as a historic landmark, Carlsbad Municipal Code section 22.06.030.E states that "Without the property owner's consent to the proposed designation, a site shall not be designated a historic site or landmark." NRG has verbally indicated to City staff that they will not provide consent for a proposed historic landmark designation in light of its commitments in the Agreement.

Chapter 22.06 HISTORIC RESOURCES, HISTORIC LANDMARKS AND HISTORIC DISTRICTS

22.06.010 Establishment of historic resources inventory.

The city shall establish and adopt a historic resources inventory. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 4, 1991; Ord. 9776 § 1, 1985)

22.06.020 Criteria for historic resources inventory.

A historic resource may be considered and approved by council for inclusion in the historic resources inventory based on one or more of the following:

- A. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- B. It is identified with persons or events significant in local, state or national history; or
- C. It embodies distinctive characteristics of a style, type, period or method of construction, is a valuable example of the use of indigenous materials or craftsmanship or is representative of a notable work of an acclaimed builder, designer or architect; or
- D. It is an archaeological, paleontological, botanical, geological, topographical, ecological or geographical site which has the potential of yielding information of scientific value; or
- E. It is a geographically definable area with a concentration of buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 5, 1991; Ord. 9776 § 1, 1985)

22.06.030 Historic site and landmark designation procedures.

Historic sites and landmarks shall be established by the city council in the following manner:

- A. Any person, association, or agency may request the designation of a site, landscape feature, or improvement as a historic landmark by submitting a written request for such designation to the historic preservation commission. The historic preservation commission, planning commission, design review board, or city council may also initiate such proceedings by motion.
- B. Any such request shall be filed with the development processing department upon prescribed forms and shall include the following data:
 1. Name and address of property owner and assessor's parcel number and address of site;
 2. Description of the proposed historic site or landmark, including special aesthetic, cultural, archaeological, paleontological, architectural, or engineering interest or value of a historic nature, including information about the architecture, notable features, construction and other information indicating the historical significance of the site;
 3. Sketches, photographs, or drawings;
 4. Statement of condition of structures;
 5. Explanation of any known threats to the improvement of the site;
 6. Additional information:
 - a. Site plan in appropriate scale;
 - b. Legal description of the property;
 - c. Photographs, old and recent;

- d. Proposed use;
- e. Existing zoning;
- f. Bibliography and references;
- g. Chain of title, if available;

C. Within 45 days of the date of the request, the commission shall hold a public hearing to review the landmark application according to the criteria of Section 22.06.020.

D. Notice of the public hearing shall be given as provided in Section 21.54.060(2) of this code. In addition, notice of the date, place, time and purpose of the hearing shall be mailed, return receipt requested, to the owner of the proposed landmark property as shown on the last equalized assessment roll at least 14 days prior to the date of the public hearing. Failure to send notice by mail to any property owner when the address of such owner is not on the latest equalized assessment role shall not invalidate any proceedings in connection with the proposed designation.

E. After the public hearing, the commission shall by resolution make a report and recommendation to the city council. If the commission determines that the improvement does not meet landmark criteria, the process shall terminate and the commission shall notify the property owner and applicant of such termination in writing within 10 days of the commission's determination. If the commission determines that the resource warrants historic site or landmark designation and the property owner has consented to same in writing, then the commission shall submit a written recommendation to the city council incorporating its reasons in support of the proposed designation. Without the property owner's consent to the proposed designation, a site shall not be designated a historic site or landmark. Permits shall be required to work on a designated historic landmark as specified in Chapter 22.08 of this code. Permit fees shall be established by resolution of the city council.

F. The city council shall hold a public hearing on the proposed historic designation within 30 days of the receipt of the recommendation for the commission.

G. At the conclusion of the public hearing on the proposed designation, the city council shall, by resolution, designate or conditionally designate, or disapprove the designation of the historic landmark. Written notice of the city council action shall be mailed to the property owner. (Ord. NS-433 § 3, 1997; Ord. 9835 § 2, 1987; Ord. 9776 § 1, 1985)

22.06.040 Historic district designation procedures.

Historic districts shall be established by the city council in the following manner:

- A. The procedures for designating a historic district shall be the same as for designating a historic landmark, except as otherwise provided in this section.
- B. Any application for designation of a historic district shall be filed with the planning division upon the prescribed form and shall include the following data:
 - 1. Boundaries of the proposed district and a list of names and addresses of property owners, assessor's parcel numbers and addresses of properties within the boundaries;
 - 2. Description of the proposed historic district, including special aesthetic, cultural, architectural, or engineering interest or value of a historical nature;
 - 3. Sketches, photographs or drawings;
 - 4. Statement of condition of structures and improvements within the district;
 - 5. Explanation of any known threats to any cultural resource within the district;
 - 6. Other information requested by the planning division.
- C. If written consent of all of the owners of property within the proposed district to the proposed designation is not obtained at the time of the historic preservation commission hearing, the process shall terminate and the commission shall notify the property owners and applicant of such termination within 14 days of the commission's determination.
- D. If the commission determines that the area warrants historic district designation, it shall submit a written recommendation to the city council incorporating its reasons in support of the proposed historic district designation,

within 14 days of reaching its decision. Such recommendation shall include a report containing the following information:

1. A map showing the proposed boundaries of the historic district identifying all structures within the boundaries;
2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
3. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, parking regulations, and any other modification to existing development standards necessary or appropriate to the preservation of the proposed historic district. (Ord. NS-433 § 3, 1997; Ord. 9776 § 1, 1985)

October 7th 2019

**Request for public hearing with the Historic Preservation Commission
to review Historic Site and Landmark application.**

To: Historic Preservation Commission
C/O Suzanne Smithson
Deputy Library Director
Georgina Cole Library
1250 Carlsbad Village Drive
Carlsbad, CA 92008
760-434-2876
suzanne.smithson@carlsbadca.gov

From: James L. Strickland, 4747 Marina Drive #30, Carlsbad, CA 92008, Jim.Strickland1@sbcglobal.net
Bill Bowman, 6705 Corintia Street, Carlsbad CA, 92009, BBowmanokc@gmail.com

Per: Title 22 Historic Preservation Chapter 22.06 Historic Resources Historic Landmarks and Historic Districts
22.06.030 Historic site and landmark designation procedures.

1. Name and address of property owner and assessor's parcel number and address of site;

Sean Beatty
West Region General Counsel
NRG Energy, Inc.
P.O. Box 192
Pittsburg, CA 94565
sean.beatty@nrgenergy.com

APN 7601665700

APN 2106104700

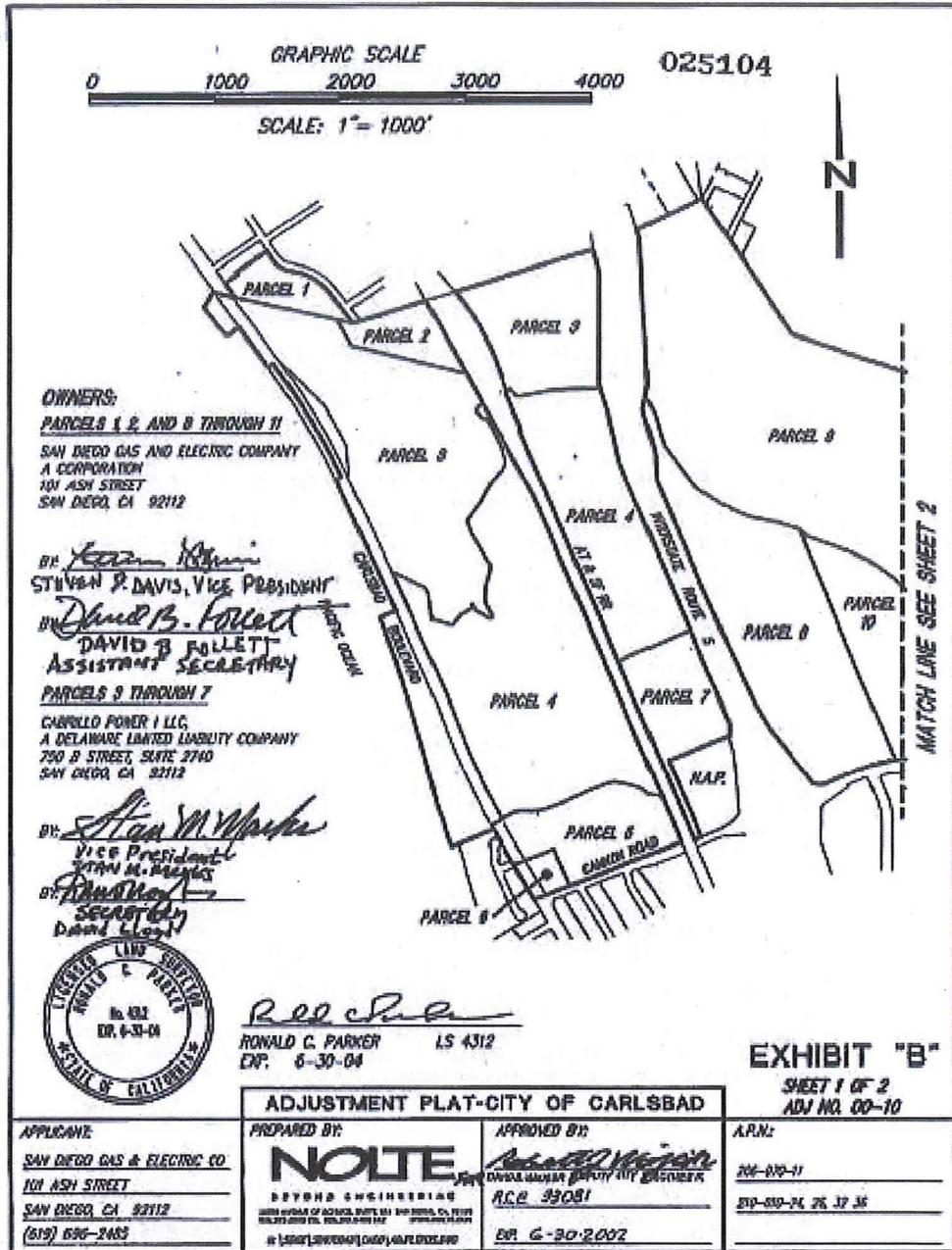
4600 Carlsbad Boulevard Carlsbad, CA 92008

2. Description of the proposed historic site or landmark, including special aesthetic, cultural, archaeological, paleontological, architectural, or engineering interest or value of a historic nature, including information about the architecture, notable features, construction and other information indicating the historical significance of the site;

Encina Power Plant 400-foot Smoke Stack exclusive, not to include power plant structure.
See Attachment A: PDF document titled "Old Encina Power Station Chimney* Preservation!"

3. **Sketches, photographs, or drawings;**
See Attachment A
4. **Statement of condition of structures;**
Structurally Sound
5. **Explanation of any known threats to the improvement of the site;**
Impending and imminent demolition
6. **Additional information:**

a. Site plan in appropriate scale;



b. Legal description of the property;

LEGAL DESCRIPTION
(Exceptions Not Noted)

The land referred to herein is situated in the State of California, County of San Diego, City of Carlsbad, and described as follows:

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; being Parcel No. 4 of that certain Certificate of Compliance recorded October 30, 2001 as file no. 2001-0789068 of Official Records, and more particularly described as:

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 Canon Road (60.00 feet wide); thence long 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°47'43" 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 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°45'53" 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 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°21'54" 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°37'36" 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 above described parcel of land contains 95.08 acres more or less.

Assessor's Parcel Numbers: 210-010-43, and 210-010-43 (with other property).

(End of Legal Description)

c. Photographs, old and recent;

See Attachment A

d. Proposed use;

Historic Landmark / Visitor Serving Commercial for the benefit of the residents of Carlsbad

e. Existing zoning;

PU Public Utility

Future zoning intent (public record) VC Visitor Serving Commercial

f. Bibliography and references;

1. Carlsbad Municipal Code

2. SETTLEMENT AGREEMENT
DATED AS OF JANUARY 14, 2014
BETWEEN AND AMONG
THE CITY OF CARLSBAD,
CARLSBAD MUNICIPAL WATER DISTRICT,
CABRILLO POWER I LLC,
CARLSBAD ENERGY CENTER LLC
AND SAN DIEGO GAS & ELECTRIC COMPANY

3. Attachment A: PDF document titled "**Old Encina Power Station Chimney* Preservation!**"

g. Chain of title, if available;

See County Property tax records



Cabrillo Power I LLC
804 Carnegie Center
Princeton, NJ 08540

October 9, 2019

By Email

Mr. Scott Chadwick, City Manager
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Encina Power Station – Status of Stack

Dear Mr. Chadwick:

Cabrillo Power I LLC is the owner of the now-retired power plant known as the Encina Power Station (“Encina”) located at 4600 Carlsbad Boulevard in the City of Carlsbad (“City”). It has come to our attention that a member of the public is seeking to designate Encina’s stack as an historic site or landmark pursuant to applicable provisions of the City’s ordinances, including Chapters 2.42, 22.02, of 22.06 of the City’s Municipal Code.

We note that Section 22.06.030.E of the City’s Municipal Code states that a site shall not be designated an historic site or landmark without the property owner’s consent to the proposed designation. By this letter, Cabrillo expresses its opposition to the designation of the Encina stack as an historic site or landmark.

Should you have any questions regarding the foregoing, please contact the undersigned at eric.leuze@nrg.com or 916.200.6187.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric Leuze".

Eric Leuze
Vice President
Cabrillo Power I LLC

cc (by email):

Celia Brewer, Esq. – City Attorney, City of Carlsbad
Heather Pizzuto – Director, Library & Cultural Arts, City of Carlsbad
Gary Barberio, Deputy City Manager, City of Carlsbad
Sean P. Beatty – NRG

Dianna Galindo

From: Carrie Lancon <Carrie.Lancon@eusd.net>
Sent: Thursday, November 14, 2019 1:29 PM
To: Suzanne Smithson
Cc: jim.strickland1@sbcglobal.net
Subject: Historic Encina Power Plant Chimney Tower

To Whom It May Concern:

Please consider my request to refrain from taking down the historic chimney tower. This landmark is used by pilots on approach, especially if we are flying in weather. It is a historical marker for our beloved City of Carlsbad, and I reference it with school children when we talk about local landmarks. It is impressive to see their faces light up in acknowledgement when I say, "You know that tall tower by the beach?" The majority of our students know it and can always understand my reference.

Personally, I love to see it when I look west, from any point in North County.;

If there is any way it can be saved, I would be most appreciative.

Sincere thanks for your consideration,
Carrie Lancon

Principal Carrie Lancon
Capri Elementary School



HISTORIC PRESERVATION COMMISSION

Staff Report

Meeting Date: November 21, 2019

To: Historic Preservation Commission

From: Suzanne Smithson, Deputy Library Director

Staff Contact: Dianna Galindo, Senior Office Specialist

Dianna.galindo@carlsbadca.gov, 760-434-2874

Subject: Properties of Concern

Recommended Action:

Informational

Executive Summary:

Commissioners may share and receive information about properties of concern in Carlsbad.

Area of focus for the November 2019 meeting:

- State street as a historic district – process
- Update of historic properties list

Exhibits:

1. Chapter 22.06 HISTORIC RESOURCES, HISTORIC LANDMARKS AND HISTORIC DISTRICTS

Chapter 22.06 HISTORIC RESOURCES, HISTORIC LANDMARKS AND HISTORIC DISTRICTS

22.06.010 Establishment of historic resources inventory.

The city shall establish and adopt a historic resources inventory. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 4, 1991; Ord. 9776 § 1, 1985)

22.06.020 Criteria for historic resources inventory.

A historic resource may be considered and approved by council for inclusion in the historic resources inventory based on one or more of the following:

- A. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- B. It is identified with persons or events significant in local, state or national history; or
- C. It embodies distinctive characteristics of a style, type, period or method of construction, is a valuable example of the use of indigenous materials or craftsmanship or is representative of a notable work of an acclaimed builder, designer or architect; or
- D. It is an archaeological, paleontological, botanical, geological, topographical, ecological or geographical site which has the potential of yielding information of scientific value; or
- E. It is a geographically definable area with a concentration of buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 5, 1991; Ord. 9776 § 1, 1985)

22.06.030 Historic site and landmark designation procedures.

Historic sites and landmarks shall be established by the city council in the following manner:

- A. Any person, association, or agency may request the designation of a site, landscape feature, or improvement as a historic landmark by submitting a written request for such designation to the historic preservation commission. The historic preservation commission, planning commission, design review board, or city council may also initiate such proceedings by motion.
- B. Any such request shall be filed with the development processing department upon prescribed forms and shall include the following data:
 1. Name and address of property owner and assessor's parcel number and address of site;
 2. Description of the proposed historic site or landmark, including special aesthetic, cultural, archaeological, paleontological, architectural, or engineering interest or value of a historic nature, including information about the architecture, notable features, construction and other information indicating the historical significance of the site;
 3. Sketches, photographs, or drawings;
 4. Statement of condition of structures;
 5. Explanation of any known threats to the improvement of the site;
 6. Additional information:
 - a. Site plan in appropriate scale;
 - b. Legal description of the property;
 - c. Photographs, old and recent;

- d. Proposed use;
- e. Existing zoning;
- f. Bibliography and references;
- g. Chain of title, if available;

C. Within 45 days of the date of the request, the commission shall hold a public hearing to review the landmark application according to the criteria of Section 22.06.020.

D. Notice of the public hearing shall be given as provided in Section 21.54.060(2) of this code. In addition, notice of the date, place, time and purpose of the hearing shall be mailed, return receipt requested, to the owner of the proposed landmark property as shown on the last equalized assessment roll at least 14 days prior to the date of the public hearing. Failure to send notice by mail to any property owner when the address of such owner is not on the latest equalized assessment role shall not invalidate any proceedings in connection with the proposed designation.

E. After the public hearing, the commission shall by resolution make a report and recommendation to the city council. If the commission determines that the improvement does not meet landmark criteria, the process shall terminate and the commission shall notify the property owner and applicant of such termination in writing within 10 days of the commission's determination. If the commission determines that the resource warrants historic site or landmark designation and the property owner has consented to same in writing, then the commission shall submit a written recommendation to the city council incorporating its reasons in support of the proposed designation. Without the property owner's consent to the proposed designation, a site shall not be designated a historic site or landmark. Permits shall be required to work on a designated historic landmark as specified in Chapter 22.08 of this code. Permit fees shall be established by resolution of the city council.

F. The city council shall hold a public hearing on the proposed historic designation within 30 days of the receipt of the recommendation for the commission.

G. At the conclusion of the public hearing on the proposed designation, the city council shall, by resolution, designate or conditionally designate, or disapprove the designation of the historic landmark. Written notice of the city council action shall be mailed to the property owner. (Ord. NS-433 § 3, 1997; Ord. 9835 § 2, 1987; Ord. 9776 § 1, 1985)

22.06.040 Historic district designation procedures.

Historic districts shall be established by the city council in the following manner:

- A. The procedures for designating a historic district shall be the same as for designating a historic landmark, except as otherwise provided in this section.
- B. Any application for designation of a historic district shall be filed with the planning division upon the prescribed form and shall include the following data:
 - 1. Boundaries of the proposed district and a list of names and addresses of property owners, assessor's parcel numbers and addresses of properties within the boundaries;
 - 2. Description of the proposed historic district, including special aesthetic, cultural, architectural, or engineering interest or value of a historical nature;
 - 3. Sketches, photographs or drawings;
 - 4. Statement of condition of structures and improvements within the district;
 - 5. Explanation of any known threats to any cultural resource within the district;
 - 6. Other information requested by the planning division.
- C. If written consent of all of the owners of property within the proposed district to the proposed designation is not obtained at the time of the historic preservation commission hearing, the process shall terminate and the commission shall notify the property owners and applicant of such termination within 14 days of the commission's determination.
- D. If the commission determines that the area warrants historic district designation, it shall submit a written recommendation to the city council incorporating its reasons in support of the proposed historic district designation,

within 14 days of reaching its decision. Such recommendation shall include a report containing the following information:

1. A map showing the proposed boundaries of the historic district identifying all structures within the boundaries;
2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
3. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, parking regulations, and any other modification to existing development standards necessary or appropriate to the preservation of the proposed historic district. (Ord. NS-433 § 3, 1997; Ord. 9776 § 1, 1985)



HISTORIC PRESERVATION COMMISSION

Staff Report

Meeting Date: November 21, 2019

To: Historic Preservation Commission
From: Suzanne Smithson, Deputy Library Director
Staff Contact: Dianna Galindo, Senior Office Specialist
Dianna.galindo@carlsbadca.gov, 760-434-2874
Subject: Carlsbad Historical Society update

Recommended Action:

Informational

Executive Summary:

Commissioners may share items of interest and future events sponsored by the Carlsbad Historical Society. Commissioners may consider designating/electing a representative to be tasked with this assignment for future meetings.

Exhibits:

None