



Chick-fil-A

(GPA 2019-0001/ZC 2019-0001/LCPA 2019-0002/
AMEND 2019-0004/AMEND 2021-0011/CDP 2019-0007)

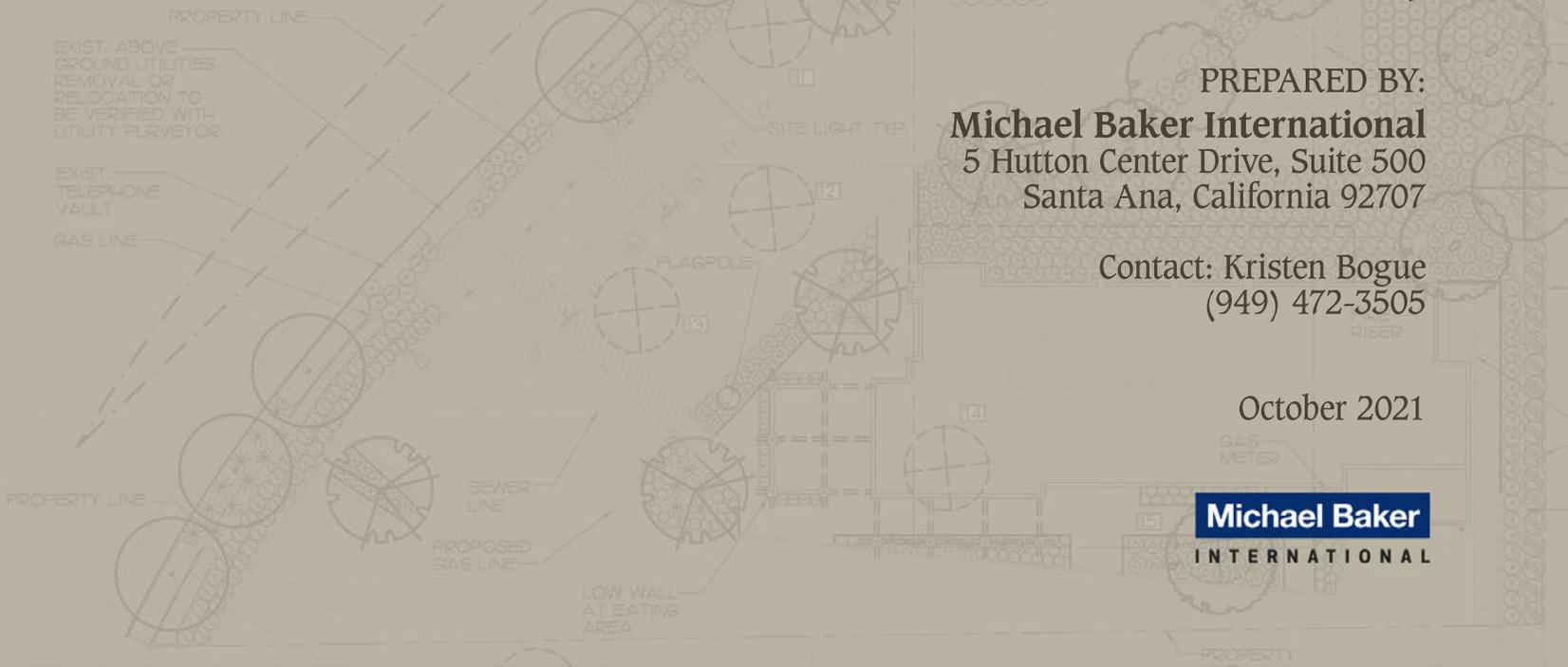
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October 2021

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INTERNATIONAL



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FINAL INITIAL STUDY

Chick-fil-A

**(GPA 2019-0001 / ZC 2019-0001 / LCPA 2019-0002 / AMEND 2019-0004 /
AMEND 2021-0011 / CDP 2019-0007)**



LEAD AGENCY:

City of Carlsbad

Planning Division

1635 Faraday Avenue

Carlsbad, California 92008

Contact: Shannon Harker, Associate Planner

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October 2021

JN 173920

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Table of Contents

1.0	INTRODUCTION	1.0-1
2.0	REVISIONS TO INFORMATION PRESENTED IN THE DRAFT IS/MND	2.0-1
3.0	RESPONSE TO COMMENTS	3.0-1
4.0	ERRATA	4.0-1
5.0	MITIGATION MONITORING AND REPORTING PROGRAM	5.0-1

ATTACHMENTS

- Attachment A Updated Air Quality Assessment**
- Attachment B Updated GHG Analysis**
- Attachment C Updated WQMP**

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1.0 INTRODUCTION

The proposed Chick-fil-A (project) is located at 5850 Avenida Encinas, in the City of Carlsbad (City), California. The project proposes to demolish an existing two-story commercial office building and surface parking lot and construct a new Chick-fil-A restaurant. The Chick-fil-A restaurant would be a 3,932 square-foot, one-story building (up to 24 feet in height) with 41 vehicle parking spaces, as well as landscaping and required utilities. Construction is anticipated to occur over a six-month period in one phase. The project requires a General Plan Amendment, Zone Change, Local Coastal Program Amendment, Site Development Plan Amendment, Non-Residential Planned Development Permit, and a Coastal Development Permit.

On April 16, 2021, the City of Carlsbad circulated the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for a 30-day public review period to responsible and trustee agencies, interested parties, and the general public. It is acknowledged that the public review period was extended to May 18, 2021 by the Governor's Office of Planning and Research (OPR) for the proposed project (State Clearinghouse [SCH] No. 2021040447).

Due to the COVID-19 pandemic, the Carlsbad City Library was closed to the public during the public review period. Notwithstanding, the Draft IS/MND was available for review at the City of Carlsbad Planning Division, 1635 Faraday Avenue, Carlsbad, CA 92008, and the City's website at: <http://www.carlsbadca.gov/services/depts/planning/agendas.asp>.

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2.0 REVISIONS TO INFORMATION PRESENTED IN THE DRAFT IS/MND

INTRODUCTION

On April 16, 2021, the City of Carlsbad circulated the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for a 30-day public review period to responsible and trustee agencies, interested parties, and the general public. It is acknowledged that the public review period was extended to May 18, 2021 by the Governor’s Office of Planning and Research (OPR) for the proposed project (State Clearinghouse [SCH] No. 2021040447). Since this circulation, the Applicant has proposed minor modifications to the project. As such, potential impacts resulting from the modifications to the previously analyzed project are discussed herein. As presented within this section, these revisions represent modifications to the previously analyzed project description. The revisions do not change the conclusions presented in the Draft IS/MND and the revised project would not create any significant impacts or the need for additional mitigation. Consistent with CEQA Guidelines Section 15073.5, recirculation of the Draft IS/MND is not required.

MODIFICATIONS TO THE PREVIOUSLY ANALYZED PROJECT

Table 2-1, *Modifications to the Previously Analyzed Project*, details the proposed modifications to the previously analyzed project in the Draft IS/MND.

**Table 2-1
 Modifications to the Previously Analyzed Project**

	Previously Analyzed Project	Revised Project
Building Square Footage	3,945 square feet	3,932 square feet
Outdoor Dining Area	12 seats	28 seats
Parking Spaces	36 spaces	41 spaces
Impervious Surfaces	32,998 square feet	30,405 square feet
Landscaped Areas	17,049 square feet	14,873 square feet
Surface Parking Spaces Provided	36	41
Earthwork Quantities (cubic yards)		
Raw Cut	2,360	2,160
Raw Fill	20	220
Export	2,290	1,940

As shown in Table 2-1, the building square footage was slightly reduced by 79 square feet by moving the switchgear outside of the building. The entire building was also shifted to the west, slightly further from the existing California Department of Transportation (Caltrans) easement to allow better access to the building without interfering with easement access.

The revised project also involves modifying the building by an additional 66 square feet to accommodate an enclosed entryway and a reduction of the indoor square footage to accommodate an increase in outdoor patio seating. With an increase of 16 outdoor seats, the project also involves reducing the landscaped area (by 2,176 square feet) to accommodate additional surface parking spaces. Based on the City’s parking requirements for the proposed restaurant use and outdoor seating area, the revised project

would be required to provide 38 parking spaces. As shown in Table 2-1, the revised project would provide an additional five spaces compared to the project analyzed in the Draft IS/MND for a total of 41 spaces.

These changes have resulted in slight modifications to the overall grading assumptions. Proposed activities include site demolition and clearing, grading, and construction. Proposed grading would include 2,160 cubic yards of cut, 220 cubic yards of fill, and approximately 1,940 cubic yards of soil export. A reduction of 350 cubic yards of export compared to the previously analyzed project.

Further, in response to a comment received on the Draft IS/MND, the project has been modified to include extension of the existing southbound left turn pocket to the main project driveway. This left turn pocket would be extended to provide a minimum of 140 feet of storage. As such, the existing roadway raised median and striping would be modified accordingly.

The following Draft IS/MND exhibits were also updated to reflect the revised project.

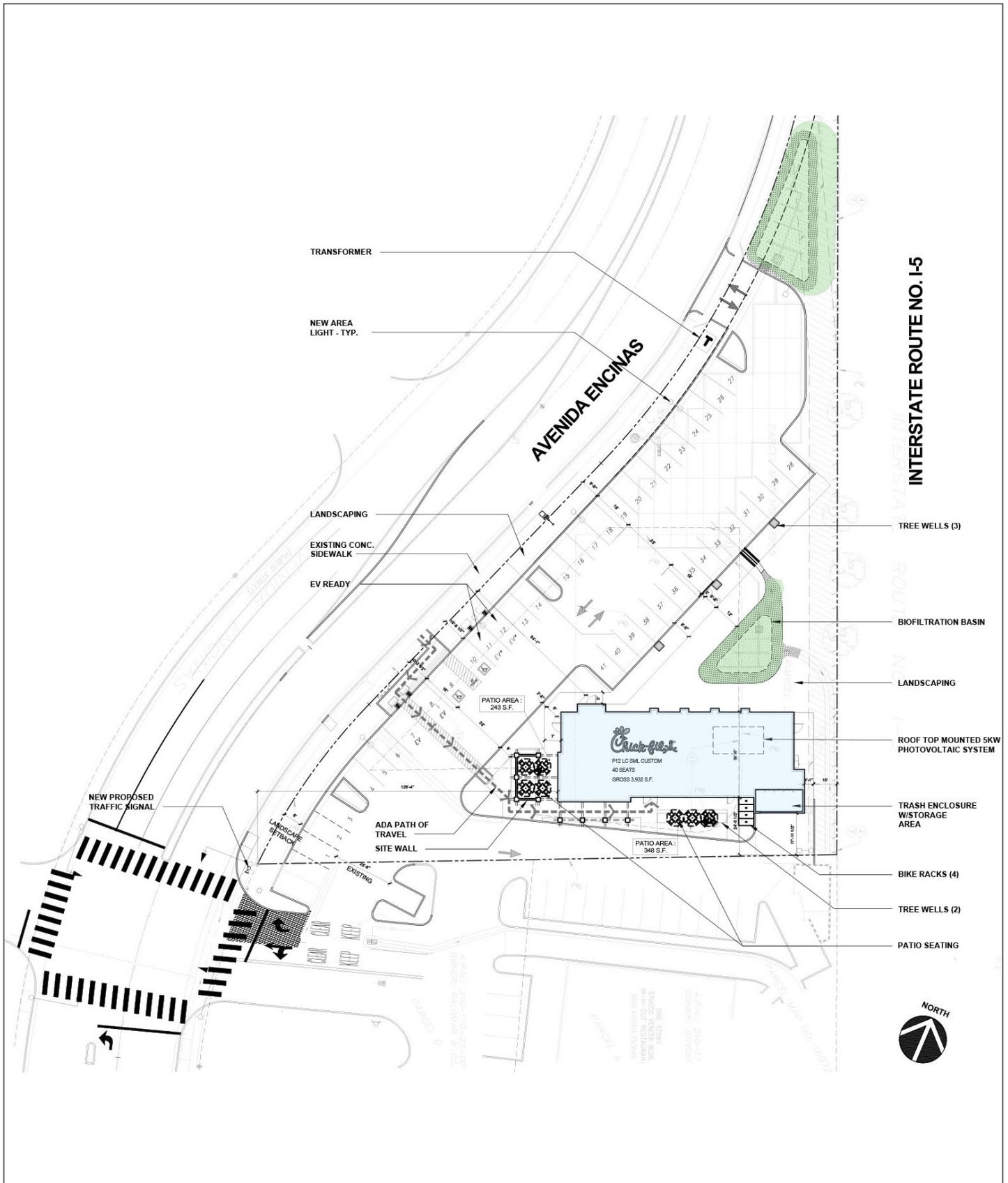
- Exhibit 2-3 Conceptual Site Plan
- Exhibit 2-4 Proposed Building Elevations
- Exhibit 2-5 Conceptual Landscape Plan
- Exhibit 2-6 Conceptual Drainage Plan

IMPACTS RESULTING FROM MODIFICATIONS TO THE PROJECT

Potential environmental impacts resulting from the proposed modifications are presented below. Overall, the proposed modifications would result in little to no discernible environmental effects not previously considered in the Draft IS/MND, and do not substantially or fundamentally alter the conclusions or findings of the Draft IS/MND relative to the project's potential environmental effects or proposed mitigation measures.

Implementation of these project modifications would not result in any new improvements outside of the project site analyzed in the Draft IS/MND. Construction activities (e.g., demolition, grading, and building) and operational activities (e.g., restaurant operations deliveries, and landscaping maintenance) under the revised project would be similar, or reduced, compared to the previously analyzed project. As such, the previously analyzed project impacts to the following environmental topical areas would not change as a result of the project modifications:

- Aesthetics;
- Agriculture and Forestry Resources;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Utilities and Service Systems;
- Transportation/Traffic;
- Tribal Cultural Resources; and
- Wildfire.



Source: CRHO Architects, Sheet Number SP-1, Site Plan, August 2021.

CHICK-FIL-A I-5 & PALOMAR AIRPORT RD FSU
INITIAL STUDY

Conceptual Site Plan

Exhibit 2-3



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

Source: CRHO Architects, *Preliminary Elevations*, August 2021.

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CHICK-FIL-A I-5 & PALOMAR AIRPORT RD FSU
INITIAL STUDY

Proposed Building Elevations

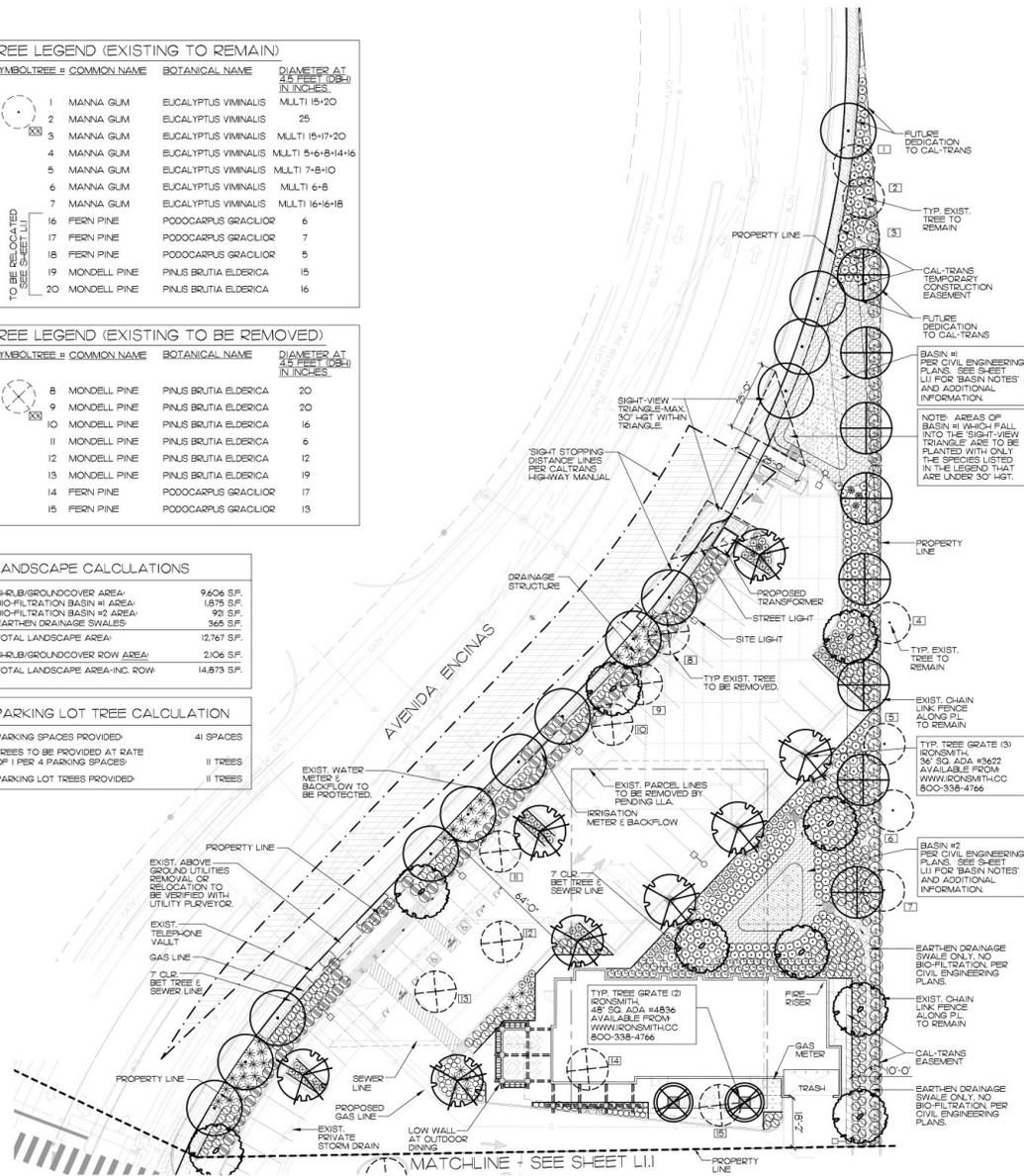
Exhibit 2-4

TREE LEGEND (EXISTING TO REMAIN)				
SYMBOL	TREE #	COMMON NAME	BOTANICAL NAME	DIAMETER AT 4.5 FEET DBH IN INCHES
⊙	1	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 15'-20'
⊙	2	MANNA GLUM	EUCALYPTUS VIMINALIS	25
⊙	3	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 15'-17'-20'
⊙	4	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 5'-6'-8'-14'-16'
⊙	5	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 7'-8'-10'
⊙	6	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 6'-8'
⊙	7	MANNA GLUM	EUCALYPTUS VIMINALIS	MULTI 16'-16'-18'
⊙	16	FERN PINE	PODOCARPUS GRAECIOR	6
⊙	17	FERN PINE	PODOCARPUS GRAECIOR	7
⊙	18	FERN PINE	PODOCARPUS GRAECIOR	5
⊙	19	MONDELL PINE	PINUS BRUTIA ELDERICA	15
⊙	20	MONDELL PINE	PINUS BRUTIA ELDERICA	16

TREE LEGEND (EXISTING TO BE REMOVED)				
SYMBOL	TREE #	COMMON NAME	BOTANICAL NAME	DIAMETER AT 4.5 FEET DBH IN INCHES
⊗	8	MONDELL PINE	PINUS BRUTIA ELDERICA	20
⊗	9	MONDELL PINE	PINUS BRUTIA ELDERICA	20
⊗	10	MONDELL PINE	PINUS BRUTIA ELDERICA	16
⊗	11	MONDELL PINE	PINUS BRUTIA ELDERICA	6
⊗	12	MONDELL PINE	PINUS BRUTIA ELDERICA	12
⊗	13	MONDELL PINE	PINUS BRUTIA ELDERICA	19
⊗	14	FERN PINE	PODOCARPUS GRAECIOR	17
⊗	15	FERN PINE	PODOCARPUS GRAECIOR	13

LANDSCAPE CALCULATIONS	
SHRUB/GROUND COVER AREA:	9,606 S.F.
BIO-FILTRATION BASIN #1 AREA:	1,875 S.F.
BIO-FILTRATION BASIN #2 AREA:	90 S.F.
EARTHEN DRAINAGE SWALES:	365 S.F.
TOTAL LANDSCAPE AREA:	12,767 S.F.
SHRUB/GROUND COVER ROW AREA:	2,106 S.F.
TOTAL LANDSCAPE AREA-INC. ROW:	14,873 S.F.

PARKING LOT TREE CALCULATION	
PARKING SPACES PROVIDED:	41 SPACES
TREES TO BE PROVIDED AT RATE OF 1 PER 4 PARKING SPACES:	11 TREES
PARKING LOT TREES PROVIDED:	11 TREES



PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS	WCOLS // REGION 3
TREES						
⊙	AGONIS FLEXUOSA	PEPPERMINT TREE	24" BOX	8	STANDARD	L
⊙	ARBUTUS 'MARINA'	STRAWBERRY TREE	24" BOX	9	STANDARD	L
⊙	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	2	STANDARD	L
⊙	PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	8	STANDARD	M
SHRUBS						
⊙	AGAVE AMERICANA MEDIO PICTA 'DWARF ALBA'	DWARF WHITE STRIPED CENTURY PLANT	5 GAL	6	AS SHOWN	L
⊙	AGAVE DESMETIANA 'VARIEGATA'	VARIATED SMOOTH AGAVE	5 GAL	39	4'-0" O.C.	L
⊙	ALOE STRIATA	CORAL ALOE	5 GAL	62	2'-0" O.C.	L
⊙	DIANELLA REVOLUTA 'LITTLE REV'	BLACK ANTHEM FLAX LILY	5 GAL	43	2'-0" O.C.	L
⊙	DIANELLA TASMANICA 'VARIEGATA'	FLAX LILY	5 GAL	69	2'-6" O.C.	M
⊙	FESTUCA MAURCI	ATLAS FESCUE	5 GAL	234	3'-0" O.C.	L
⊙	LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE	5 GAL	293	3'-0" O.C.	L
⊙	STRELTIZIA REGINAE	BIRD OF PARADISE	5 GAL	22	3'-0" O.C.	M
⊙	SANSEVERIA TRIFASCIATA	MOTHER-IN-LAWS TONGUE	5 GAL	16	2'-0" O.C.	L
⊙	TEUCRIUM FRUTICANS 'AZUREUM'	BUSH GERMANDER	5 GAL	66	4'-0" O.C.	L
⊙	TEUCRIUM FRUTICANS	BUSH GERMANDER	5 GAL	76	4'-0" O.C.	L

GROUNDCOVERS

⊙	SENECIO SERPENS	BLUE CHALKSTICKS	1 GAL	106 S.F.	18" O.C. SPACED TRIANGULARLY	L
* BIO-FILTRATION BASIN #1 & #2 - LINED BASIN FLOW THROUGH TO UNDERGROUND BIO-FILTRATION						
⊙	BASIN SIDES - 1 GAL CONTAINER AT 2'-6" O.C. - 1,704 S.F.	LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE		2' - 3" HEIGHT	
⊙	BASIN BOTTOM - 1 GAL CONTAINER AT 2'-0" O.C. - 1,123 S.F.	JUNOUS PATENS 'ELK BLUE'	ELK BLUE GRAY RUSH		1' - 2" HEIGHT	
		LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE		2' - 3" HEIGHT	
* EARTHEN DRAINAGE SWALES - NO BIO-FILTRATION						
⊙	EARTHEN DRAINAGE SWALE - 1 GAL CONTAINER AT 2'-6" O.C. - 365 S.F.	LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE		2' - 3" HEIGHT	
* PLANTS SELECTED FROM CITY OF CARLSBAD BMP DESIGN MANUAL E.20 PL. PLANT LIST, APPENDIX B: BMP DESIGN FACT SHEETS						
NOTE: AREAS OF BASIN #1 WHICH ARE WITHIN THE VIEW TRIANGLE ARE TO RECEIVE ONLY THE ABOVE SPECIES WITH A HEIGHT OF UNDER 30'.						

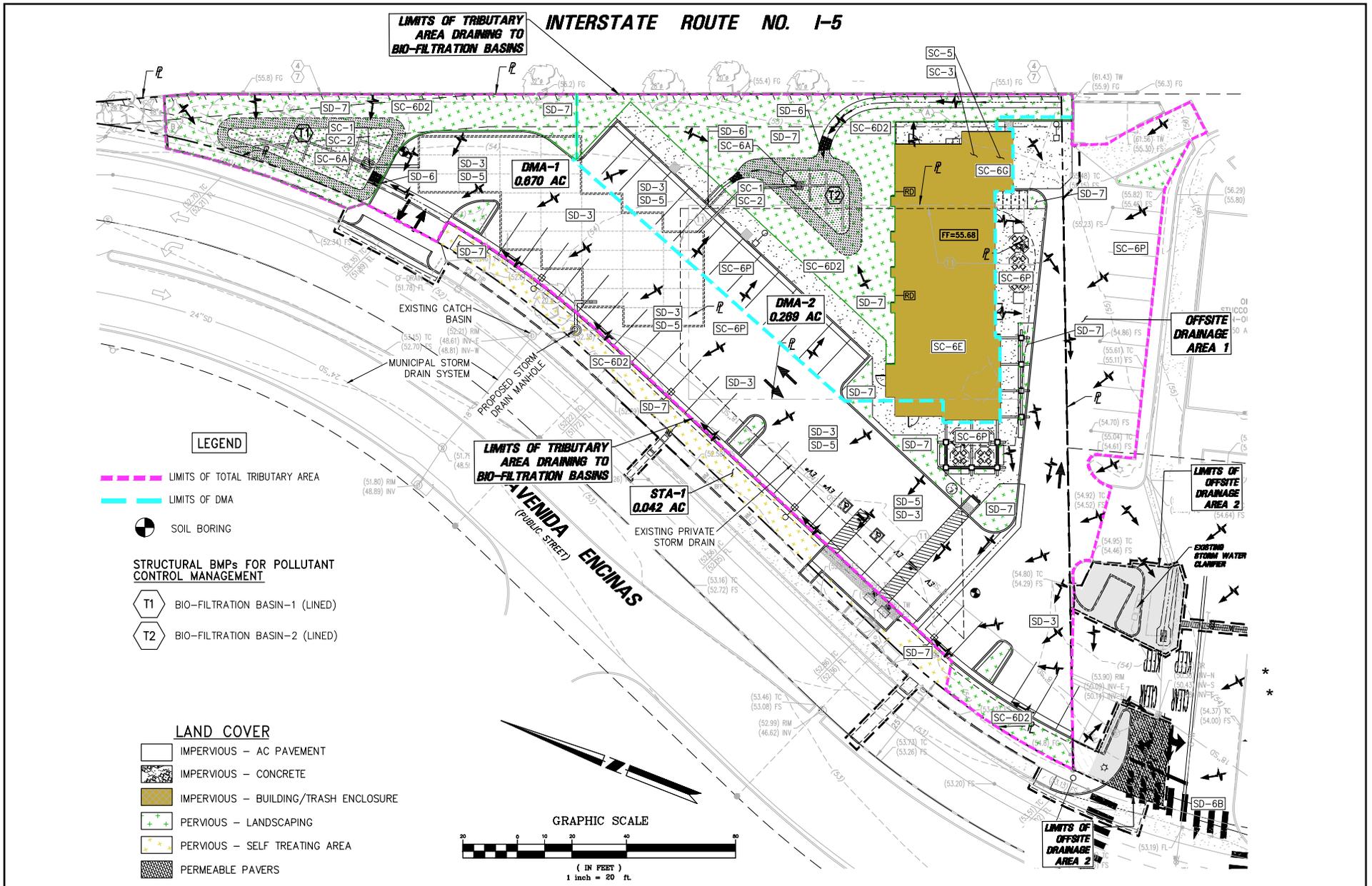
PLANTING LEGEND - ROW AREA

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS	WCOLS // REGION 3
TREES						
⊙	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	SOUTHERN MAGNOLIA	24" BOX	13	STANDARD	M
SHRUBS						
⊙	TEUCRIUM FRUTICANS 'AZUREUM'	BUSH GERMANDER	5 GAL	9	4'-0" O.C.	L
⊙	AGAVE DESMETIANA 'VARIEGATA'	VARIATED SMOOTH AGAVE	5 GAL	18	4'-0" O.C.	L
GROUNDCOVERS						
⊙	SENECIO SERPENS	BLUE CHALKSTICKS	1 GAL	1,348 S.F.	18" O.C. SPACED TRIANGULARLY	L

Source: Hourian Associates, Inc., Sheet Number LI.0, Preliminary Landscape Plan, August 2021.

CHICK-FIL-A I-5 & PALOMAR AIRPORT RD FSU INITIAL STUDY

Conceptual Landscape Plan



Source: Joseph C. Truxaw and Associates, Inc., Sheet Number 2, Post-Development Hydrology Plan, June 2021.

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CHICK-FIL-A I-5 & PALOMAR AIRPORT RD FSU
INITIAL STUDY
Conceptual Drainage Plan

Exhibit 2-6

The remaining topical areas of Air Quality, Greenhouse Gas Emissions (GHG), and Hydrology and Water Quality are discussed in further detail below.

Air Quality

The Draft IS/MND concluded less than significant impacts with regards to construction and operational air quality emissions. The proposed modifications to the project would result in a slight difference in earthwork quantities, approximately 2,160 cubic yards of cut and 220 cubic yards of fill, totaling 1,940 cubic yards of export. The *Air Quality Assessment for the Chick-fil-A Carlsbad Restaurant* (Updated Air Quality Assessment), prepared by Scientific Resources Associated and dated July 15, 2021, evaluated the construction and operational emissions associated with the revised project; refer to [Attachment A, Updated Air Quality Assessment, Table 2-2, Estimated Construction Emissions](#), provides a summary of the emission estimates for construction activities associated with the revised project, assuming standard measures are implemented to reduce emissions in comparison with regional and localized significance thresholds.

**Table 2-2
 Estimated Construction Emissions**

Emissions Source	Pollutant (pounds/day) ^{1,2}					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Demolition						
Fugitive Dust	-	-	-	-	0.36	0.05
Off-Road Diesel	0.80	7.25	7.57	0.01	0.41	0.39
On-Road Diesel	0.03	1.07	0.26	0.003	0.08	0.02
Worker Travel	0.03	0.02	0.27	0.0008	0.08	0.02
TOTAL	0.86	8.34	8.10	0.01	0.93	0.48
<i>Significance Thresholds</i>	75	100	550	150	150	55
<i>Threshold Exceeded?</i>	No	No	No	No	No	No
Grading						
Fugitive Dust	-	-	-	-	0.29	0.16
Off-Road Diesel	0.80	7.25	7.57	0.01	0.41	0.39
On-Road Diesel	0.04	1.54	0.38	0.01	0.11	0.03
Worker Travel	0.03	0.02	0.27	0.0008	0.08	0.02
TOTAL	0.87	8.81	8.16	0.02	0.89	0.50
<i>Significance Thresholds</i>	75	100	550	150	150	55
<i>Threshold Exceeded?</i>	No	No	No	No	No	No
Building Construction						
Off-Road Diesel	0.78	7.99	7.26	0.01	0.45	0.41
On-Road Diesel	0.01	0.31	0.08	0.0008	0.02	0.006
Worker Travel	0.003	0.002	0.03	0.0001	0.008	0.002

**Table 2-2 (cont.)
 Estimated Construction Emissions**

Emissions Source	Pollutant (pounds/day) ^{1,2}					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
TOTAL	0.79	8.30	7.34	0.01	0.47	0.42
<i>Significance Thresholds</i>	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Paving						
Asphalt Offgassing	0.02	-	-	-	-	-
Off-Road Diesel	0.72	6.72	7.09	0.01	0.35	0.33
Worker Travel	0.06	0.04	0.48	0.001	0.15	0.04
TOTAL	0.80	6.76	7.57	0.01	0.50	0.37
<i>Significance Thresholds</i>	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Architectural Coatings						
Architectural Coatings Offgassing	1.30	-	-	-	-	-
Architectural Coatings Off-Road Diesel	0.22	1.53	1.82	0.003	0.09	0.09
Worker Travel	0.003	0.002	0.03	0.0001	0.008	0.002
TOTAL	1.52	1.53	1.85	0.003	0.10	0.09
<i>Significance Thresholds</i>	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Maximum Simultaneous Construction Emissions						
Maximum Simultaneous Construction Emissions	3.13	16.59	16.94	0.03	1.13	0.90
<i>Significance Thresholds</i>	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Notes:

1. Emissions were calculated using California Emissions Estimator Model version 2016.3.2 (CalEEMod).
2. Refer to [Appendix A, Updated Air Quality Assessment](#), for assumptions used in this analysis.

Source: Refer to [Appendix A, Updated Air Quality Assessment](#).

As shown in [Table 2-2](#), emissions associated with construction are below the significance thresholds for all construction phases and pollutants. Thus, construction-related impacts associated with the revised project would be less than significant in this regard.

Additionally, operational emissions associated with the revised project would be similar to that analyzed in the Draft IS/MND. Operational activities would remain the same and thus, operational air quality impacts would be similarly less than significant in this regard.

Greenhouse Gas Emissions

The Draft IS/MND concluded that the previously analyzed project would result in less than significant impacts associated with GHG emissions. As stated, the proposed modifications to the project would result in a slight difference in earthwork quantities, approximately 2,160 cubic yards of cut and 220 cubic yards of fill, totaling 1,940 cubic yards of export. The *Greenhouse Gas Analysis for the Chick-fil-A Carlsbad Project*, prepared by Scientific Resources Associated and dated July 15, 2021, evaluated construction-related GHG emissions based on the updated earthwork quantities and concluded that construction GHG emissions associated with the revised project would be approximately 111 metric tons of carbon dioxide equivalent (MTCO_{2e}); refer to [Attachment B, Updated GHG Analysis](#). In comparison, the project analyzed in the Draft IS/MND would result in approximately 115 MTCO_{2e}. Thus, the revised project would slightly reduce construction-related GHG emissions.

Operational GHG emissions in 2022, 2030, and 2035 associated with the revised project would be similar to that analyzed in the Draft IS/MND as operational activities would remain the same. As such, operational GHG emissions associated with the revised project would also be below the City's Climate Action Plan (CAP) threshold of 900 MTCO_{2e} and result in a less than significant impact. Similarly, the revised project would also be consistent with the 2017 Scoping Plan, San Diego Regional Plan, and City's CAP policies and regulations adopted for the purpose of reducing GHG emissions. Impacts would be less than significant in this regard.

Hydrology and Water Quality

The Draft IS/MND concluded less than significant impacts with regards to hydrology and water quality. Similar to the project analyzed in the Draft IS/MND, construction and operational activities associated with revised project would be required to comply with existing regulations related to water quality, including the Construction General Permit under the National Pollutants Discharge Elimination System (NPDES) program, NPDES Phase I Municipal Stormwater (MS4) Permit, and *Carlsbad Municipal Code Chapter 15.16, Grading and Erosion Control*. Thus, impacts with regards to violating water quality standards or substantially degrading water quality would be less than significant.

As shown in [Table 2-1](#), the revised project would reduce impervious surfaces by approximately 2,593 square feet but decrease landscaped areas by 2,176 square feet in comparison to the project previously analyzed in the Draft IS/MND. The revised project would construct permeable pavers at the driveway entrance near the proposed traffic signal, which was not included as part of the previously analyzed project. While there are slight differences in impervious areas and landscaping, the proposed hydrology for the revised project would be similar. The *Preliminary Priority Development Project Storm Water Quality Management Plan for Chick-fil-A, #4306 (Updated SWQMP)*, prepared by Joseph C. Truxaw and Associates, Inc. and dated June 29, 2021, considered these changes in resultant runoff, the design capacity of the stormwater infrastructure, and confirmed source control, site design, and low impact development (LID) stormwater quality best management practices (BMPs) that the revised project would be required to implement; refer to [Appendix C, Updated WQMP](#). Based on this analysis, it was determined that the previously analyzed project considered an oversized BMP design. As such, similar to the previously analyzed project, the revised project would not change the proposed BMPs.

As discussed in the Updated SWQMP, the proposed underground storm capture vault system and bioretention area would be able to accommodate the proposed increase in runoff (as a result of the five

new surface parking spaces) and would result in similar post-development hydrology conditions compared to that analyzed in the previous project.

Overall, the proposed modifications to the project would result in similar less than significant impacts with regards to hydrology and water quality.

3.0 RESPONSE TO COMMENTS

During the public review period, comments were received on the Draft IS/MND from interested public agencies and individuals. The following is a list of commenters on the Draft IS/MND during the public review period.

Comment Letter No.	Commenter	Letter Dated
1	CEQAnet State Clearinghouse and Planning Unit Governor’s Office of Planning and Research	May 19, 2021
2	Maurice A. Eaton, Branch Chief California Department of Transportation (Caltrans) District 11	May 17, 2021
3	Steve Linke	May 15, 2021

Although *CEQA Guidelines* Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of Carlsbad has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

Responses may include text changes to clarify/amplify or correct information in the Draft IS/MND, as requested by the Lead Agency or due to environmental points raised in the comments. A response to a comment requiring revisions to the Draft IS/MND presents the relevant Draft IS/MND text in a box, with double-underline for new text and ~~strike through~~ for deleted text.

Chick-Fil-A

Summary

SCH Number	2021040447
Lead Agency	City of Carlsbad
Document Title	Chick-Fil-A
Document Type	MND - Mitigated Negative Declaration
Received	4/19/2021
Present Land Use	Existing commercial office, General Plan: (PI); Zone: Planned Industrial (P-M), Comm. Visitor Serving Overlay

Document Description The proposed project would demolish an existing two-story commercial office building and surface parking lot and construct a new Chick-fil-A restaurant. The Chick-fil-A restaurant would be a 3,945 square-foot (gross area), one-story building (up to 24 feet in height) with a surface parking lot, ornamental landscaping, and necessary utilities. The proposed project would require discretionary actions from the City of Carlsbad, including: a General Plan Amendment to change the land use designation from PI to Visitor Commercial (VC); Zone Change to change the Zoning designation from P-M to Commercial Tourist with a Qualified Development Overlay (C-T-Q); and a Local Coastal Program Amendment to change the LCP designation from PI to VC. Additional discretionary City permits required include a Site Development Plan 83-11 Amendment, Non-Residential Planned Development Permit, and a Coastal Development Permit.

Contact Information Shannon Harker
CED - Planning
Lead/Public Agency
1635 Faraday Ave
Carlsbad, CA 92008
Phone : (760) 602-4621
shannon.harker@carlsbadca.gov

Location

Cities	Carlsbad
Counties	San Diego
Zip	92008
Total Acres	0.89
Parcel #	210-170-08-00 and 210-170-09-00
State Highways	I-5
Railways	North County Transit
Airports	McClellan Palomar Airport
Schools	Numerous
Waterways	Agua Hedionda Lagoon
Township	12S
Range	4W

1-1

Section 17

Base SBBM

Notice of Completion

Review Period Start 4/19/2021

Review Period End 5/18/2021

Development Type **Commercial (Sq. Ft. 3945, Acres .89, Employees 80)**Local Action **General Plan Amendment** **Planned Unit Development** **Site Plan** **Rezone** **Coastal Permit** **LCP Amend**

Project Issues **Aesthetics** **Agriculture and Forestry Resources** **Air Quality** **Biological Resources** **Coastal Zone** **Cumulative Effects**
Drainage/Absorption **Energy** **Flood Plain/Flooding** **Geology/Soils** **Growth Inducement** **Hydrology/Water Quality**
Land Use/Planning **Mineral Resources** **Noise** **Population/Housing** **Public Services** **Recreation**
Schools/Universities **Septic System** **Sewer Capacity** **Solid Waste** **Tribal Cultural Resources**
Utilities/Service Systems **Vegetation** **Wetland/Riparian** **Wildfire**

Reviewing Agencies **California Air Resources Board (ARB)** **California Coastal Commission (CCC)**
California Department of Conservation (DOC) **California Department of Fish and Wildlife, Marin Region 7 (CDFW)**
California Department of Fish and Wildlife, South Coast Region 5 (CDFW) **California Department of Parks and Recreation**
California Department of Transportation, Division of Aeronautics (DOT)
California Department of Transportation, Division of Transportation Planning (DOT)
California Department of Water Resources (DWR) **California Highway Patrol (CHP)**
California Native American Heritage Commission (NAHC) **California Natural Resources Agency**
California Public Utilities Commission (CPUC)
California Regional Water Quality Control Board, San Diego Region 9 (RWQCB) **California State Lands Commission (SLC)**
Office of Historic Preservation **State Water Resources Control Board, Division of Water Quality**
California Department of Transportation, District 11 (DOT)

Attachments

Draft Environmental Docu...

Chick fil A_Public Review ISMND_Apr2021 **PDF** **4421 K**Chick-fil-A_Appendix A_Air Quality Assessment **PDF** **2310 K**Chick-fil-A_Appendix B_Cultural Resources Assessment **PDF** **2385 K**Chick-fil-A_Appendix C_Geotechnical Analysis **PDF** **3528 K**Chick-fil-A_Appendix D_Greenhouse Gas Analysis **PDF** **2575 K**Chick-fil-A_Appendix E_Phase I Environmental Site Assessment **PDF** **6426 K**Chick-fil-A_Appendix F_Hydrology_Water Quality Documentation **PDF** **28346 K**Chick-fil-A_Appendix G_Acoustical Analysis Report **PDF** **7420 K**Chick-fil-A_Appendix H_VMT Analysis **PDF** **3541 K** Chick-fil-A_Appendix I_Uilities **PDF** **1422 K**GPA20190001 **PDF** **177 K** SCH Summary Form_Chick-fil-A_04-19-21 **PDF** **176 K**

Notice of Completion [NO...

NOC_Chick-fil-A_4-19-21_signed **PDF** **262 K**

State Comment Letters [C...

2021040447_DOT Comment **PDF** **410 K**

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1-1
cont'd

Response No. 1

CEQAnet
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
May 19, 2021

- 1-1 This letter is a summary of the State Clearinghouse CEQAnet database, which can be accessed at <https://ceqanet.opr.ca.gov/2021040447>. Based on this summary, the Draft IS/MND (State Clearinghouse No. 2021040447) was made available for public review from April 19, 2021 through May 18, 2021.¹ One State agency letter from the California Department of Transportation was received by the State Clearinghouse and is included as Comment Letter No. 2. This summary is for information purposes and does not provide specific comment regarding technical information presented in the Draft IS/MND. As such, no further response is necessary.

¹ The Notice of Intent was circulated for a 30-day public review period on April 16, 2021. Given that the State Clearinghouse review period began three days later on April 19, 2021, the City accepted commenter letter through May 18, 2021 (a 32-day public review period).

COMMENT LETTER NO. 2

From: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Sent: Monday, May 17, 2021 10:20 AM
To: Shannon Harker <Shannon.Werneke@carlsbadca.gov>
Cc: State.Clearinghouse@opr.ca.gov; Eaton, Maurice A@DOT <maurice.eaton@dot.ca.gov>
Subject: Chick-Fil-A MND SCH#2021040447

Hi Shannon:

Please see the attached comment letter for the proposed Chick-Fil-A MND SCH#2021040447.

2-1

Regards,

Kimberly D. Dodson, GISP
Associate Transportation Planner
Caltrans District 11 LD-IGR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.

California Department of Transportation



DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov

May 17, 2021

11-SD-5
PM R47.3
Chick-Fil-A
MND/SCH#2021040447

Ms. Shannon Harker
City of Carlsbad
1635 Faraday Ave
Carlsbad, CA 92008

Dear Ms. Harker:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Mitigated Negative Declaration (MND) for the Chick-Fil-A located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

2-1

Caltrans has the following comments:

Design

- Future "Caltrans Temporary Construction Easement" area is correctly identified on Exhibit 2-3 (Conceptual Site Plan). Two doors on the east side of the main building might not be usable when the easement area is in use during construction.

2-2

Hydrology and Drainage Studies

All the storm water from the proposed project will need to flow to Avenida Encinas as it is in the existing condition.

2-3

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

2-4

Glare

Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on I-5.

2-5

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the MND that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

2-6

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the MND.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, IGR Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

Kimberly D. Dodson, M. Eng, GISP

for

MAURICE A. EATON
Branch Chief
Local Development and Intergovernmental Review

2-7

Response No. 2

Maurice A. Eaton, Branch Chief
California Department of Transportation, District 11
May 17, 2021

- 2-1 The commenter introduces the California Department of Transportation (Caltrans) and the role of its Local Development-Intergovernmental Review Program. Refer to responses to specific comments raised in the commenter letter below.
- 2-2 The commenter confirms that Draft IS/MND Exhibit 2-3, *Conceptual Site Plan*, correctly identifies the “Caltrans Temporary Construction Easement” along the eastern project boundary and states that access to the proposed restaurant building from the eastern entrance may be blocked when the easement area is in use during Caltrans-related construction. As such, the proposed project has been slightly modified to accommodate access given the easement area. Refer to Section 2.0, Revisions to Information presented in the Draft IS/MND. Per these minor project modifications, the proposed building has been shifted to accommodate the door outside of the easement.
- 2-3 The commenter states that all stormwater flow from the project site should flow towards Avenida Encinas under post-development conditions, similar to existing conditions. As detailed in Section 4.10, *Hydrology and Water Quality*, and illustrated on Exhibit 2-6, *Conceptual Drainage Plan*, of the Draft IS/MND, stormwater runoff on-site would flow towards one of two drainage management areas, both of which eventually flow towards curb and gutters along Avenida Encinas and discharge into the municipal storm drain system. Proposed flows would not flow onto Caltrans right-of-way to the north.
- 2-4 The commenter informs the Applicant that Caltrans is not responsible for existing or future traffic noise impacts along Interstate 5 (I-5) on the proposed project. This comment is acknowledged. The commenter does not raise new environmental information or directly challenge information provided in the Draft IS/MND. For the purpose of CEQA, no further response is necessary.
- 2-5 The commenter requests that all project-related lighting, including reflected sunlight and nighttime lighting (i.e. glare), is located and/or shielded in a manner that would not result in hazardous driving conditions along I-5. As detailed in Draft IS/MND Section 4.1, *Aesthetics*, the project would increase nighttime lighting at the project site compared to existing conditions, as the existing commercial office building typically operates during standard business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) and the proposed Chick-fil-A would operate between 6:00 a.m. and 12:00 a.m. Monday through Saturday. However, the proposed lighting would be consistent with surrounding commercial restaurant uses and consistent primarily of interior and exterior building lighting and security lighting. The lighting fixtures would be shielded and angled downwards towards the project site to prevent light spillover onto adjacent uses, including I-5. Additionally, while the project proposes a photovoltaic array on the eastern portion of the building roof, glare from the photovoltaic array would be minimal as these systems absorb light rather than reflect it. These light and glare conditions would be similar in character to the existing surrounding development. Impacts in this regard would be less than significant.

- 2-6 Given that a portion of Caltrans' temporary construction easement is located within the project site, the commenter states that Caltrans is a responsible agency and that any project-related construction activities within this easement would require an encroachment permit. This correction has been made to page 2.0-10 of the Draft IS/MND and is reflected below and in Section 3.0, *Errata*, of this Final IS/MND.

In addition, the following permits/approvals may be required of other agencies:

- California Coastal Commission
 - Local Coastal Program Amendment (LCPA2019-0002); ~~and~~
- San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer (MS4) Permit; and
- California Department of Transportation Encroachment Permit.

These changes provide a minor update, correction, or clarification and do not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

Additionally, the commenter states that as part of the encroachment process, Caltrans would require copies of the approved final environmental document, associated technical studies, and applicable regulatory and resource agency permits, as well as supporting documentation regarding the project's environmental impacts within the easement area. The Draft IS/MND analyzes the environmental impacts of the proposed development on the project site as a whole, including the Caltrans temporary construction easement area, and includes mitigation, if necessary. This comment is acknowledged and no further response is required.

- 2-7 The commenter provides additional information and regulations regarding Caltrans right-of-way encroachment permits. Refer to Response to Comment 2-6. This comment is acknowledged. The commenter does not raise new environmental information or directly challenge information provided in the Draft IS/MND. For the purpose of CEQA, no further response is necessary.

May 15, 2021

Re: Public comments on Chick-Fil-A - I-5 & Palomar Airport Road project

Most of these comments are related to the Local Mobility Analysis (LMA), which I may supplement with additional comments after the staff report and/or a formal Transportation Demand Management (TDM) plan are published.

3-1

Inaccurate statements about traffic circulation impacts in the “Project Consistency with Zoning Code” section (Table 4.11-2) of the Public Review Draft – Initial Study

In at least two entries in the above-referenced table (Pages 4.11-9 and 4.11-10), it is claimed that, because the project is screened out of having to do a vehicle miles traveled (VMT) analysis for California Environmental Quality Act (CEQA) purposes, new traffic generated by the project will be adequately accommodated by the existing street system without any adverse impacts on traffic circulation.

3-2

A VMT analysis (or, in this case, citing a screening criterion to avoid a VMT analysis) does not provide any supporting evidence to make claims about traffic circulation impacts. In fact, the LMA demonstrates that the new trips that will be added to the street system by this project, indeed, **will** create adverse impacts on traffic circulation (see below). Therefore, these citations of a VMT screen-out to claim no traffic circulation impacts are completely unfounded.

Inaccurate claims about the project area subject to pedestrian multi-modal level of service (MMLOS) in the LMA

It is claimed at least twice in the LMA (Pages 12 and 52) that, because there is no existing or proposed sidewalk on the project side of Avenida Encinas directly north of the site, pedestrian analysis is not required there. Presumably, this claim arises from a very narrow parsing of one bullet point in the Pedestrian portion of Section 3.2 of the Transportation Impact Analysis (TIA) Guidelines:

Pedestrian facilities shall include all **existing and proposed** sidewalks, crosswalks, signalized pedestrian phases, and ADA-compliant facilities. [emphasis added]

This misleading parsing completely ignores the other bullet points in that same section, including:

Pedestrian analysis shall be conducted for all roadway segments included in the study area that are subject to the Pedestrian MMLOS standards...

3-3

Taken as a whole, it is very clear in the TIA Guidelines that the goal is to upgrade existing sidewalks and **build new sidewalks where gaps exist**, when necessary—with an emphasis on areas on the same side of the street and adjacent to the project. In this case, the entirety of Avenida Encinas is subject to the pedestrian MMLOS standard, and the segment of Avenida Encinas directly adjacent to the project on its northern edge lacks a sidewalk.

The developer can propose alternative mitigation, but claiming that a complete lack of current facilities exempts them from even having to assess MMLOS is antithetical to the TIA Guidelines.

Left turn lane on southbound Avenida Encinas at the main project driveway likely will be inadequate to handle new project traffic and should be analyzed and improved, if necessary

Under cumulative conditions, the LMA indicates that 136 vehicles per hour will use the southbound Avenida Encinas left turn lane at the main project driveway during the mid-day peak, 74 of which will be trips newly generated by the project. The TIA Guidelines indicate that a minimum 136-foot storage area is necessary to accommodate that traffic. However, the current storage area is only about 100 feet in length, so new project traffic will exceed its capacity, leading to spillover of left turning traffic into the through lane. And, because a road diet was recently completed on that portion of Avenida Encinas, there is only a single through lane, so the spillover will cause a complete blockage.

3-4

Page 7 of the LMA states that city staff requested a left-turn queue analysis there. However, it appears that, instead of doing the analysis, the developer is claiming that a strict reading of the city guidelines indicates that they are not required to do it. A strict reading of the city guidelines also indicates that the developer is required to build a sidewalk on the east side of Avenida Encinas north to the nearest intersection, but they are trying to get an exception for that (see above), so it would be reasonable to require a left turn queue analysis at the main project driveway intersection.

Transportation Systems Management (TSM) should be required to mitigate adverse impacts on the Avenida Encinas/Palomar Airport Road intersection

The Avenida Encinas/Palomar Airport Road intersection had to be exempted from its minimum Growth Management Plan (GMP) LOS performance standard by the City Council due to over-congestion. The LMA indicates that the project will add **139 new vehicle trips** to this already deficient intersection in the mid-day peak hour, **53** of which are left turns from southbound Avenida Encinas onto eastbound Palomar Airport Road.

Section 6.1 (Page 43) of the LMA claims: “The Project will not add **50** or more AM/PM peak hour trips to any street subject to vehicular level of service. [emphasis added]” It is unclear whether this statement purposely ignores the actual 53 vehicle peak in the mid-day hour by only mentioning the AM and PM peak hours, or whether it is relying on the GMP exemption to claim that Palomar Airport Road is not subject to vehicle LOS. In either case, the statement is extremely misleading.

3-5

The LMA goes on to indicate that, during the mid-day peak hour, 558 vehicles will enter the Palomar Airport Road intersection from southbound Avenida Encinas, and 500 of those vehicles will have to share the single dedicated left turn lane and the combination left turn/through lane. The left turn storage area is only about 225 feet in length and likely will not be adequate to properly handle all of the left turn and through traffic.

The LMA acknowledges the requirement to implement TSM. Given the large number of new trips that will be added by the project to this problematic intersection, a comprehensive Intersection Control Evaluation (ICE) should be conducted, and the developer should pay its fair share towards

any TSM measures that can improve conditions there, including improvements to transit, lane re-configurations, signal timing/phasing/coordination, etc., consistent with General Plan Mobility Element Policy 3-P.11.

3-5
cont'd

A more significant Transportation Demand Management (TDM) plan is required for mitigation of Palomar Airport Road congestion

TSM measures alone are unlikely to mitigate the new adverse impacts of the project on Palomar Airport Road, and TDM-based mitigation is also required by General Plan Mobility Element Policy 3-P.11, as acknowledged in the LMA. The LMA cites the need only for a “Tier 1” TDM plan based on the City’s TDM Ordinance and TDM Handbook. However, Tier 1 plans are virtually meaningless—in this case, involving only promoting city TDM programs, which do not currently exist, and distributing a flyer to new hires.

Developers and planning staff continue to improperly conflate TDM required by the TDM Ordinance/TDM Handbook and the TDM requirements in General Plan Mobility Element Policy 3-P.11. The TDM Ordinance and TDM Handbook are designed only for certain employers, with no regard for local traffic congestion, and exclusively to reduce greenhouse gas (GHG) emissions by employees to help achieve Climate Action Plan (CAP) goals. In contrast, the primary intent of TDM in General Plan Mobility Element Policy 3-P.11 is to reduce traffic congestion by all vehicle users (employees, customers, and residents) to reduce congestion, with a secondary bonus of reducing GHGs.

3-6

This application is a perfect example of this absurd conflation. In order to claim the low “Tier 1” TDM plan requirement, the LMA only counts the few trips by employees of the restaurant (10-15 per shift), ignoring the thousands of trips by their customers, which represents the vast majority of the traffic impacts on Avenida Encinas and Palomar Airport Road that are triggering the need for TDM under Policy 3-P.11.

The TDM requirements on this project must be aimed at and proportional to the congestion it is adding to these streets/intersections, and requiring the company to circulate transportation pamphlets to new hires will have no meaningful effect on that.

Sincerely,



Steve Linke
Carlsbad, CA

Disclaimer: I am a member of the Carlsbad Traffic and Mobility Commission (T&MC). We have been tasked with reviewing traffic-related guidelines that are used for development applications, but not with the review of individual applications, so I am commenting here as an individual.

Response No. 3

Steve Linke
 May 15, 2021

3-1 The commenter states that most of the comments in the comment letter are related to the *Chick-fil-A I-5 & Palomar Airport Road Local Mobility Analysis (LMA)*, prepared by Linscott Law & Greenspan, dated September 8, 2020, and that additional comments may be forthcoming. This comment is acknowledged and no further response is necessary.

3-2 The commenter claims that Table 4.11-2, *Project Consistency with C-T-Q Zone*, of the Draft IS/MND includes inaccurate statements regarding the project’s traffic circulation impacts due to its reliance on vehicle miles traveled (VMT) analysis rather than the LMA. Pursuant to Senate Bill 743 (SB 743), effective Statewide as of July 1, 2020, and CEQA Guidelines Section 15064.3 subdivision (b), VMT is the metric for measuring and addressing transportation impacts under CEQA; analysis of level of service (LOS) is no longer the metric for determining transportation impacts under CEQA.

However, the use of VMT to evaluate transportation impacts does not preclude local agencies from evaluating the local transportation network as part of the application of local general policies, municipal and zoning codes, conditions of approval, or any other planning requirements through a city’s approval process. As such, the project prepared a Local Mobility Analysis consistent with the *City of Carlsbad Transportation Impact Analysis Guidelines (2018)*, which provides a full Growth Management Plan analysis. Within this context, the project identified deficiencies and gaps in the local transportation network and proposed improvements and several features were identified to improve the design of the project and ensure project consistency with the City’s transportation, pedestrian, bicycle, and transit policies.

A clarification has been made to Draft IS/MND Section 4.11, *Land Use and Planning*, page 4.11-9, and is reflected below and in Section 4.0, *Errata*, of this Final IS/MND.

Section 4.11, Page 4.11-9, Table 4.11-2, Q Overlay Zone Requirements

--	The requested development or use is properly related to the site, surroundings and environmental settings, will not be detrimental to existing development or uses or to development or uses specifically permitted in the area in which the proposed development or use is to be located, and will not adversely impact the site, surroundings or traffic circulation.	Compared to existing conditions (i.e., an office building), the proposed development would be more consistent and similar to the existing restaurant uses within the Palomar Place SDP. As such, the project is properly related to the site and surrounding areas and would not be detrimental to existing development in the commercial center. Additionally, <u>the <i>Chick-fil-A I-5 & Palomar Airport Road Local Mobility Analysis (LMA)</i>, prepared</u>	Yes
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		<p><u>by Linscott Law & Greenspan and dated September 8, 2020, was prepared to analyze the project's transportation impacts in accordance with the City of Carlsbad Transportation Impact Analysis Guidelines (2018). Through this analysis, several features were identified to improve the design of the project and ensure project consistency with the City's transportation, pedestrian, bicycle, and transit policies. Within this context the project identified deficiencies and gaps in the local transportation network and proposed improvements. It is noted that such improvement would alleviate traffic issues as identified in the LMA. Thus, project development would not adversely impact the site, surroundings or traffic circulation as analyzed in Section 4.17, Transportation, the project qualifies as a local-serving retail development less than 50,000 square feet and thus, is presumed to have a less than significant impact on transportation per the city's Vehicle Miles Traveled (VMT) Analysis Guidelines (dated June 16, 2020). Therefore, the project would not adversely impact traffic circulation in the project area.</u></p>	
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These changes provide a minor update, correction, or clarification and do not represent "significant new information" as defined in CEQA Guidelines Section 15088.5. As such, recirculation of the Draft IS/MND is not required.

- 3-3 This comment states that the project inadequately evaluated pedestrian multi-modal level of service (MMLOS) in the study area. The comment states that the project analysis erred by not evaluating pedestrian conditions on Avenida Encinas north of the project. This comment is in reference to the analysis provided in the LMA and therefore does not raise an environmental issue under CEQA. Where a non-environmental inquiry is raised or suggestion is made that may appropriately be addressed by staff, questions and inquiries may be responded to separately.

- 3-4 This comment states that the existing southbound left turn pocket to the main project driveway is inadequate to handle new project traffic and should be analyzed and improved, if necessary. The comment is in reference to the analysis in the LMA and therefore does not raise an environmental issue under CEQA. Where a non-environmental inquiry is raised or suggestion is made that may appropriately be addressed by staff, questions and inquiries may be responded to separately.
- 3-5 The commenter states that the southbound left turn lane at Palomar Airport Road and Avenida Encinas would not be able to properly handle the left-turn and through traffic. The commenter also states that the LMA should include a comprehensive intersection control evaluation (ICE) and that the project Applicant should pay its fair share towards any transportation systems management (TSM) measures that would improve the Avenida Encinas/Palomar Airport Road intersection. This comment is in reference to the analysis in the LMA and therefore does not raise an environmental issue under CEQA. Where a non-environmental inquiry is raised or suggestion is made that may appropriately be addressed by staff, questions and inquiries may be responded to separately.
- 3-6 The commenter states that the LMA should include additional TDMs to proportionally mitigate the project's impacts along Palomar Airport Road. This comment is in reference to the analysis provided in the LMA and therefore does not raise an environmental issue under CEQA. Where a non-environmental inquiry is raised or suggestion is made that may appropriately be addressed by staff, questions and inquiries may be responded to separately.

4.0 ERRATA

Changes to the Draft IS/MND are noted below. A double-underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 3.0, Response to Comments, of this Final IS/MND. These changes to the Draft IS/MND are based upon applicable updated information that was not available at the time of the Draft IS/MND publication. These changes are considered minor and editorial in nature and would not result in any new or substantially greater significant impacts as compared to those identified in the Draft IS/MND that may affect the overall conclusions of the environmental document.

It is acknowledged that since issuance of the Draft IS/MND, the City has proposed modifications to the proposed project. Potential impacts resulting from these modifications to the proposed project are discussed in Section 2.0, Modifications to Information Presented in the Draft IS/MND. Such changes as they affect the Draft IS/MND are presented in Section 2.0 of this document and not in this section.

SECTION 2.0, PROJECT DESCRIPTION

Page 2.0-10, Subsection 2.6, Permits and Approvals

In addition, the following permits/approvals may be required of other agencies:

- California Coastal Commission
 - Local Coastal Program Amendment (LCPA2019-0002); ~~and~~
- San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer (MS4) Permit; and
- California Department of Transportation Encroachment Permit.

SECTION 4.11, LAND USE AND PLANNING

Page 4.11-9, Table 4.11-2, Q Overlay Zone Requirements

--	<p>The requested development or use is properly related to the site, surroundings and environmental settings, will not be detrimental to existing development or uses or to development or uses specifically permitted in the area in which the proposed development or use is to be located, and will not adversely impact the site, surroundings or traffic circulation.</p>	<p>Compared to existing conditions (i.e., an office building), the proposed development would be more consistent and similar to the existing restaurant uses within the Palomar Place SDP. As such, the project is properly related to the site and surrounding areas and would not be detrimental to existing development in the commercial center.</p> <p>Additionally, <u>the Chick-fil-A I-5 & Palomar Airport Road Local Mobility Analysis (LMA), prepared by Linscott Law & Greenspan and dated September 8, 2020, was</u></p>	Yes
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		<p><u>prepared to analyze the project's transportation impacts in accordance with the City of Carlsbad Transportation Impact Analysis Guidelines (2018). Through this analysis, several features were identified to improve the design of the project and ensure project consistency with the City's transportation, pedestrian, bicycle, and transit policies. Within this context the project identified deficiencies and gaps in the local transportation network and proposed improvements. It is noted that such improvement would alleviate traffic issues as identified in the LMA. Thus, project development would not adversely impact the site, surroundings or traffic circulation as analyzed in Section 4.17, Transportation, the project qualifies as a local serving retail development less than 50,000 square feet and thus, is presumed to have a less than significant impact on transportation per the city's Vehicle Miles Traveled (VMT) Analysis Guidelines (dated June 16, 2020). Therefore, the project would not adversely impact traffic circulation in the project area.</u></p>	
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5.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the proposed Chick-fil-A (project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Carlsbad Chick-fil-A file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the IS/MND, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

**TABLE 1
 MITIGATION MONITORING AND REPORTING CHECKLIST**

Mitigation Measure		Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
BIO-1	In the event that vegetation and tree removal should occur between January 15 and September 15, the project applicant shall retain a qualified biologist to conduct a nesting bird survey no more than three days prior to commencement of construction activities. The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the project site or within the vicinity during the clearance survey with a brief letter report, submitted to the City of Carlsbad Planning Division prior to construction, indicating that no impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For listed and raptor species, this buffer shall be 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by construction activity. Prior to the commencement of construction activities and the issuance of any permits, results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Carlsbad Planning Division.	Ongoing; Prior to and during construction activities.	PLN			

<p>CUL-1</p>	<p>The project Applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology, prior to the issuance of a grading permit. The project’s Pre-Excavation Agreement (Mitigation Measure TCR-1) shall include the roles and powers of the archaeologist and the Luiseño Native American monitors (identified per Mitigation Measure TCR-1). The qualified archaeologist shall be present on-site during the construction phases that involve ground disturbing activities. Ground-disturbing activities are defined as activities that may include, but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The qualified archaeologist shall complete daily monitoring logs that shall provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the qualified archaeologist deems appropriate, or when the ground-disturbing activities are completed. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the qualified archaeologist shall evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation, Native American consultation, and archaeological monitoring may be warranted. The treatment of cultural resources discovered during ground-disturbing activities shall comply with the cultural resources procedures identified in the City of Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (September 2017).</p>	<p>Ongoing; Prior to the issuance of a grading permit and during ground-disturbing activities.</p>	<p>PLN</p>			
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<p>GEO-1</p>	<p>The project Applicant shall retain a principal paleontologist to prepare a Paleontological Mitigation and Monitoring Plan in accordance with the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines prior to the issuance of a grading permit. The Paleontological Mitigation and Monitoring Plan shall address the following information, as applicable and appropriate:</p> <ul style="list-style-type: none"> • the level of monitoring (spot checks, part time or full time), protocols and authorization for work stoppages, and safety procedures; • the need for Contractor Awareness Training for all earthmoving personnel for any projects where a monitor will not be present full time; • a research design listing the research questions and the data requirements for those questions; • the level and type of assistance from the contractor needed by the paleontologist to take bulk samples and place them into a safe area for processing; • the methods for fossil collection, fossil preparation, fossil identification, stratigraphic profiles, and curation; • the types of progress reports that will be provided to the project proponent and city (weekly or monthly); • the schedule for reporting; • a recommendation for the updating of the paleontology sensitivity model, which takes into consideration the presence or absence of paleontological resources, the amount of ground disturbance, and the potential for future discoveries; and • the identity of the financially responsible party. 	<p>Ongoing; Prior to the issuance of a grading permit and during ground-disturbing activities.</p>	<p>PLN</p>			
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GEO-2	If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Carlsbad Planning Division. With direction from the City of Carlsbad Planning Division, a qualified paleontologist shall evaluate the find prior to resuming grading in the immediate vicinity of the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.	Project; During construction activities.	PLN			
HAZ-1	Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.	Ongoing; Prior to and during demolition activities.	PLN/BLDG			

HAZ-2	If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City of Carlsbad Engineer.	Ongoing; Prior to and during demolition activities.	PLN/BLDG			
TRA-1	Prior to the initiation of construction, the project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the City of Carlsbad Traffic Engineer. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flag person to direct traffic during heavy equipment use. The TMP shall specify that one direction of travel in each direction must always be maintained for Avenida Encinas throughout project construction. The TMP shall be incorporated into project specifications for verification prior to final plan approval.	Ongoing; Prior to the initiation of and during construction activities.	PLN/ENG			
TCR-1	Prior to the commencement of any ground-disturbing activities, including but not limited to exploratory geotechnical investigations/borings for contractor bidding purposes, the project developer shall enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians or other Traditionally and Culturally Affiliated Luiseño tribe ("TCA Tribe"). This agreement will contain provisions to address the proper	Ongoing; Prior to initiation of and during ground-disturbing activities.	PLN			

	<p>treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The agreement shall outline the roles and powers of the Luiseño Native American monitors and the archaeologist (identified per Mitigation Measure CUL-1), and may include the following provisions. A copy of said archaeological contract and Pre-Excavation Agreement shall be provided to the City of Carlsbad prior to the issuance of a grading permit.</p> <ul style="list-style-type: none"> a. A Luiseño Native American monitor, associated with a TCA Tribe, shall be present during all ground disturbing activities. Ground disturbing activities may include, but are not be limited to, archaeological studies, geotechnical investigations, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities. b. Any and all uncovered artifacts of Luiseño Native American cultural importance shall be treated with dignity and respect in accordance with the TCA Tribe’s cultural and spiritual traditions and returned to the San Luis Rey Band of Mission Indians for reburial on-site within an appropriate location protected by open space or easement, etc., where the cultural items will not be disturbed in the future, or shall be returned to the Most Likely Descendant, whichever is most applicable, and shall not be curated, unless ordered to do so by a federal agency or a court of competent jurisdiction, as provided in the City of Carlsbad Tribal, Cultural and Paleontological Resources Guidelines (TCPRG) and in acknowledgment of the City of Carlsbad’s special long-standing relationship with the San Luis Rey Band. 					
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	<p>c. The Luiseño Native American monitor shall be present at the project's preconstruction meeting to consult with grading and excavation contractors concerning excavation schedules and safety issues, as well as to consult with the archaeologist concerning the proposed archaeologist techniques and/or strategies for the project.</p> <p>d. Luiseño Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If tribal cultural resources are discovered during construction, all earth-moving activity within and around the immediate discovery area must be diverted until the Luiseño Native American monitor and the archaeologist can assess the nature and significance of the find.</p> <p>e. If a significant tribal cultural resource(s) and/or unique archaeological resource(s) are discovered during ground-disturbing activities for this project, the San Luis Rey Band of Mission Indians (in accordance with TCPRG Section 8.2.2.4) and any TCA Tribes that consulted with the city under AB 52 for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and tribal cultural resources. If, however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan, or other culturally-appropriate mitigation measure, is authorized by the City of Carlsbad as the lead agency, the San Luis Rey Band of Mission Indians (in accordance with TCPRG Section</p>					
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	<p>8.2.2.4) and the TCA Tribes that consulted with the city under AB 52 for this project shall be consulted regarding the drafting and finalization of any such recovery plan.</p> <p>f. When tribal cultural resources are discovered during the project, if the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources. If the archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor shall follow the procedures in TCR-1b.</p> <p>g. If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5(b) states that no further disturbance shall occur until the San Diego County Medical Examiner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Medical Examiner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted by the Medical Examiner within 24 hours. The NAHC must then immediately notify the “Most Likely Descendant” about the discovery. The Most Likely Descendant shall then make recommendations within 48 hours and engage in consultation</p>					
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	<p>concerning treatment of remains as provided in Public Resources Code 5097.98.</p> <p>h. In the event that fill material is imported into the project area, the fill shall be clean of tribal cultural resources and documented as such. Commercial sources of fill material are already permitted as appropriate and will be culturally sterile. If fill material is to be utilized and/or exported from areas within the project site, then that fill material shall be analyzed and confirmed by an archeologist and Luiseño Native American monitor that such fill material does not contain tribal cultural resources.</p> <p>i. No testing, invasive or non-invasive, shall be permitted on any recovered tribal cultural resources without the written permission of the consulting tribes.</p> <p>j. Prior to the approval of final inspection, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the monitoring program shall be submitted by the archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Carlsbad for approval. Said report shall be subject to confidentiality as an exception to the Public Records Act and will not be available for general public distribution; however, a copy of the final monitoring report shall be provided to each consulting tribe upon request to the Planning Division.</p>					
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Explanation of Headings

Type = Project, ongoing, cumulative.

Monitoring Department = Department, or Agency, responsible for monitoring a particular mitigation measure.

Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or for other information.

Legend

PLN Planning Division

ENG Land Development Engineering Division

BLDG Building Division