

Why BVAS Opposes the Caruso Development Plan

BVAS feels it has an obligation to challenge the Caruso project to call attention to the fallacy of expecting a developer to properly represent community interests while being allowed to propose and implement a project without full public review. The Caruso initiative campaign convinced 10% of Carlsbad voters to sign a petition based on a marketing effort that inundated the public with half-truths and slogans that exaggerated the benefits of the project. There are a number of reasons why BVAS decided it needed to oppose this project, some of which are summarized here.

- a. **No public environmental review.** The developer touted a detailed EIR prepared by its consultant; however, the developer's environmental review process did not accept any input from public agencies, interested non-governmental organizations, or the general public. Once prepared, the developer's EIR was not subjected to review or comment by the public, so any potential issues that might have been raised were not addressed. Without the possibility of public input and response, the project's EIR must be dismissed as just another chapter in the developer's publicity campaign.
- b. **No design drawings.** There are no engineering drawings showing what the commercial shopping center development would look like. The public is being forced to accept an extensive, highly visible development, prominently situated in an important view corridor and the adjacent Agua Hedionda Lagoon Ecological Reserve.
- c. **Exaggerated environmental benefits.** Approximately 75% of the project site is represented by adjacent land purchased by the developer that had previously been set aside as permanent open space. It was included within the project boundaries to increase the percentage of open space land that could be claimed within the project. Furthermore, the project's open space component allows a number of visitor-oriented land uses, all of which degrade the natural habitat value of the previously protected open space. Incorporating paved parking lots, a visitor center, fruit stands, signage, observation decks, and other visitor-serving amenities reduces the amount of land available for native plants and wildlife. The developer's boasts of providing access to the present open space areas with these visitor-serving amenities and an extensive trail system were not subjected to an analysis of the impact these so-called improvements might have on the viability of this open space for plant and wildlife.
- d. **No public vote.** The developer's petitioners initially stated that signing the petition would allow the community to vote on the project. The developer even stated that they would pay for the cost of a special election on the project should it obtain the signatures necessary to pass the initiative. Once it became apparent that the developer's campaign to get 10% of registered voters to sign the petition was going to be successful, the developer's talk of a public vote was stopped in favor of a campaign to convince the city council to accept the initiative outright.
- e. **Circumventing the California Environmental Quality Act.** The basic purpose of CEQA is to help safeguard the California environment from potential negative impacts from development projects. The developer has used a recent court ruling that allows a citizen's initiative to bypass the normal CEQA public environmental review process. At some point, this court ruling will be challenged as its negative impacts become apparent. In the meantime, projects like this that attempt to take advantage of that ruling have the potential of becoming a model for other developers seeking to maximize development profits at the expense of the environment. All citizens have the right and

obligation to weigh in on land use decisions that affect the community, not just the 10% of voters who might have signed the developer's petition under false pretenses.

- f. **A superfluous regional shopping center.** The Caruso development plan calls for a large regional shopping center in Carlsbad, even though another regional shopping center already exists less than five miles away. Furthermore, this other mall was in the midst of a \$300 million restoration at the time the Caruso initiative began circulating, a restoration now on hold. At best, the Caruso project provides a shopping complex that essentially duplicates facilities that would have been available at a renovated Westfield Mall. At worst, it introduces unmitigated noise, traffic, view blockage, and open space encroachment, while relegating an existing commercial development to a lifetime of unprofitability and the potential of becoming a lasting community eyesore. With public input, the Caruso project site could have been developed to complement the community with needed facilities built in an environmentally sensitive manner, as befits its location on the edge of an ecological reserve.
- g. **A regional issue.** Some project proponents have criticized BVAS for taking a stand against the Caruso project. They have stated the position that this is a matter for Carlsbad residents alone, and that BVAS and its membership should focus its concerns on the Buena Vista Lagoon. Just as the regional shopping center to be built by Caruso is expecting to draw customers from all of North County, so too will the impact of this development affect all North County residents. All non-Carlsbad residents should have a chance to voice their concerns and offer their suggestions on this project, even if they won't be able to vote on it. Does anyone think this project won't have significant traffic impacts on an already-impacted freeway? Some North County conservation groups have missions that identify a particular lagoon, natural park, or limited geographic area. BVAS, like the Sierra Club, is a regional organization, with regional interests. Our membership is well distributed among all of the North County communities, including approximately 30% who reside within Carlsbad. BVAS has regularly weighed in on regional conservation issues. Our involvement in the Caruso project is entirely in line with our long-standing mission, and falls within our normal scope of interest.
- h. **The cost of a public vote.** Some have expressed dismay that a public vote on the Caruso initiative would cost the City of Carlsbad \$500,000. Should the campaign to require a public vote on this project be successful, the law requires the public vote to be held within a certain time frame. Unfortunately, that requires holding a special election, rather than scheduling the vote to coincide with the next regularly scheduled public election. Of course, if the developer had not gone back on his earlier offer to fund a special election on this initiative; this would not be an issue. In any event, BVAS feels the cost of a special election would be a small price to pay for the precedent of requiring developers and their special interests to defend their projects under the glare of a public campaign, should they elect to forego the normal public review by utilizing the initiative process. It is also possible that, should a public election overturn the project as currently proposed, the community will be able to avoid potentially significant future costs associated with the now undefined impacts of a poorly vetted project.
- i. **What can be accomplished.** At the very least, a public election that overturns the Caruso project would cause the developer to go back and redesign the project to meet the public's concerns. A better designed project would by definition be better for the community. Contrary to what the developer would have us believe, his plan does not provide substantial benefits to the community over that which would result from the underlying zoning.