

From: [Lance Schulte](#)
To: [Growth Management Committee](#); [Michele Hardy](#); [Council Internet Email](#); [City Clerk](#); [Kyle Lancaster](#); [Eric Lardy](#); ["Smith, Darren@Parks"](#); ["Homer, Sean@Parks"](#); ["Moran, Gina@Parks"](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); ["Ross, Toni@Coastal"](#)
Cc: info@peopleforponto.com
Subject: Public Input for 2022-Oct CTGMC regarding the 9/22/22 meeting & to be provided to the Carlsbad City Council and Parks, Planning and Beach Preservation Commissions as citizen communications
Date: Monday, September 26, 2022 11:45:00 AM
Attachments: [Updated 2020 Dec 2 - Planning Area F existing LCP-LUP & CCC direction.pdf](#)
[Sea Level Rise and Carlsbad DLCP-LUPA planned loss of OS at Ponto - 2022 \(2\).pdf](#)
Importance: High

Dear Carlsbad Tomorrow Growth Management Committee, Carlsbad City Council, Parks, Planning and Beach Preservation Commissions, and CA Coastal Commission and CA State Parks:

I apologize for the directness of this email; but standing up for truth and facts can only be done with directness. It is also important that the CA Coastal Commission knows if CA Coastal Act and Coastal Land Use issues are not being truthfully communicated by the City to Carlsbad Citizens.

The CTGMC is creating Council recommendations for new land use plans regarding Park and Open Space in CA Coastal Zone in Carlsbad.

Coastal Recreation (i.e. Public Parks), protection of Coastal Habitats, and providing State Park Coastal Camping access are high-priorities of the CA Coastal Act; and are considered High-Priority land uses that need to forever adequately provided Carlsbad's Proposed Local Coastal Program Amendment & in CTGMC's in creating new Park & Open Space Standards in Carlsbad's Coastal Zone.

I was deeply troubled that on 9/22/22 Jeff Graham, Carlsbad Community Development Director said what appears to be a misstatement of facts to the CTGMC regarding the current Local Coastal Program (LCP) and City Proposed Local Coastal Program Amendment AND Jeff's failure to disclose the CA Coastal Commission's (CCC) very clear communication to the City on 2016-2017 on what is the current and possible land use plan for Ponto. Carlsbad's Ponto Vision Plan-General Plan-Master Plans-Zoning Codes are not valid/approved until the CA Coastal Commission Certifies them as being consistent with the CA Coastal Act and Policies. CA Coastal Act status is a primary land use fact and Carlsbad's General Plan clearly states this on page 2-7. Please Read the paragraph on General Plan page 2-7.

Jeff, as I heard it, made a false statement to the CTGMC that ALL the land use planning at Ponto Planning Area F was already completely done and no changes to can/need to be made. This is clearly false as the City is currently proposing an LCP Amendment to the CCC that includes significant changes to Ponto Planning Area F land use policy and zoning standards. Jeff is misrepresenting facts to Citizens, like what was done during the developers/City Ponto Vision Plan and General Plan Update. City staff misrepresentation of the facts to Citizens corrupts the Public Input Process, and in itself is a violation of the CA Coastal Act. This misrepresentation of facts is why decision making at Ponto has been so messed up. The City by withholding key Ponto facts from Citizens seems to be trying to mislead Citizens so developer proposed land use changes can be pushed through. Over 50 Official Carlsbad Public Records Requests and the data/lack of data the City provided seem to support this concern about honesty.

PLEASE READ the 2 Attached Data Files!

To refute Jeff's apparent inaccurate statement to the CTGMC on 9/22/22, The CA Coastal Commission has provided very clear communication to the City on the future potential Coastal land use plan at Ponto:

7/3/17 CCC letter to City of Carlsbad Staff on the City's proposed land use changes at Planning Area F. City Staff only for the 1st time provided this to City Council on 1/28/20:

"The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. This is an issue that the San Pacifico HOA community group is raising in regards to the Shopoff/Ponto development proposal, and this study should be undertaken as a part of the visitor serving use inventory analysis described above. If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed."

8/16/2017 CCC email to Carlsbad Citizens said:

"The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."

The CTGMC should not use false statements (9/22/22), excuses and dubious work-arounds to try to wiggle out of the responsibility to properly address the clear and obvious current higher-residential densities, and significant Park and Open Space shortfalls at Ponto/Coastal South Carlsbad. The CTGMC, Carlsbad City Council and Parks, Planning & Beach Preservation Committees it seems have an ethical, moral and generational responsibility to correct the well documented Park & Open Space shortfalls (City's past land use planning & Growth Management Plan Standard mistakes) at Ponto, and Coastal land use plan for more loss of these land uses due to sea level rise.

Thank you,
Lance Schulte

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, December 10, 2021 11:36 AM
To: 'City Clerk'
Cc: CityCouncil@carlsbadca.gov; Carrie Boyle; Erin.Prahler@coastal.ca.gov; Ross, Toni@Coastal; info@peopleforponto.com
Subject: FW: 12-13-2021 Special City Council Meeting Agenda

Dear City Council:

Since 2017 extensive Carlsbad Citizen input/desires (over 5,000 emails/petitions, and at many budget and Council meetings) to you has requested Ponto Park. That Citizen input/desires is based on City documented facts. Again, we ask you to start considering the facts and the overwhelming Citizens'

input/desires submitted to you over the past 4+ years. Attached are some of the relevant files we request you again receive as public input and read and consider on 12/13/21 regarding your CITY COUNCIL STRATEGIC PLAN.

Thank you and Happy Holidays,
Lance Schulte

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

City Staff’s comparison of Ponto Planning Area F’s existing v. Carlsbad proposed LCP LUP Policy below is not fully correct. The table below is from City of Carlsbad. The last paragraph of the Existing LCP notes “prior to any planning activity”. **This “prior to any planning activity” was newer done as documented by official Carlsbad Public Records Requests 2017-260, 2017-262, R000930-072419, R001280-021720, and R001281-02170.** So the City’s “General Plan update” (of just the land use map) was done in violation of the Existing LCP LUP Policy – one of the City’s Ponto planning mistakes. Citizens repeatedly asked in the above official Public Records Request to see the City’s evidence of City compliance with Planning Area F’s Existing LCP LUP Policy. The City responded with: “... you are asking the City to answer questions about information not found in the documents of existence provided. The City is unable to assist you in this manner. ... ” There is no evidence that the City during both the Ponto Vision Plan and General Pan Update planning efforts informed Citizens of Planning Area F’s Existing LCP LUP Policy. Hiding information prevented Citizens knowing about the policy and providing informed input. No evidence shows the City ever complied with the requirements of the Policy. The Ponto Vision Plan and General Plan Update planning efforts were thus flawed, and counter to the LCP and CA Coastal Act.

As noted in 1-5 below, the CCC has noted these mistakes dating back to 2010 with the “Ponto Beachfront Village Vision Plan” and 2015 General Plan map, and is seeking to correct them in the 2016 and 2017 communications to the City. Also some of the City’s own documents verify these facts.

HOW THE EXISTING CITY OF CARLSBAD LOCAL COASTAL PROGRAM (LCP) POLICIES ARE ADDRESSED IN THE DRAFT LOCAL COASTAL PROGRAM UPDATE

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
282	<p>10. Planning Area F</p> <p>Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres.</p> <p>Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.</p> <p>The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City’s current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.</p> <p>As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.</p>	<p>As part of the General Plan update, the Coastal Commission approved residential and general commercial land use designations on the LCP land use map.</p> <p>This policy is updated to be consistent with the land use map designations and the Ponto Beachfront Village Vision Plan. See draft LCP policy LCP-2-P.20.A and B.</p> <p>Regarding the need for lower cost visitor accommodations or recreational facilities west of the railroad, analysis and documentation will be provided in the staff report to the Planning Commission.</p>

CCC direction on why Draft LCP description is not accurate:

During the Jan 28, 2020 City Council Meeting (item #14), Carlsbad City staff for the first time as a side-bar comment admitted the City made some ‘Ponto planning errors’ going back over 15 years. Those City planning errors were first called out when the CA Coastal Commission (CCC) denied Carlsbad’s Ponto Beachfront Village Vision Plan (the referenced foundation for Carlsbad’s 2015 General Plan Update) in

2010 in part due to the City's mistake. Following are 4 documents that conflict with the above City Staff interpretation of how the Draft LCP addresses Existing LCP Polies.

- 1) The CCC in denying in 2010 the Ponto Vision Plan (the foundation for Carlsbad's 2015 General Plan Update at Ponto) specifically said with direct reference to Ponto Planning Area F:

"Currently, this area [Planning Area F] has an Unplanned Area land use designation. In order to facilitate any type of development in this portion of the Ponto area, an LCP amendment modifying the land use will have to be brought forward to the Commission for review and approval."

"... the Commission would reject such proposed uses because there has been no evidence presented that would support the elimination of these [Planning Area F] areas for some lower cost overnight accommodations or public recreational amenities in the future. The Commission's past action of the Poinsettia Shores Master Plan specifically called for such an assessment, and none has been submitted to date. The concerns related to the lack of lower cost overnight accommodations in Area F (ref. Exhibit #7) are further discussed in the findings later."

"City is inadvertently sending a message to potential developers that 1) the identified development (townhouses) is the primary type of use the City will support, or 2) that development type is consistent with the current land use and zoning designations. Neither of those assumptions is correct. As the previously certified Poinsettia Shores Master Plan states, any type of development at this location would first require an LCP amendment to establish the land use and zoning, which would have to be certified by both the City and the Coastal Commission. Additionally, the Master Plan further states that some component of the development at this location must consider the need for the provision of lower cost accommodations or recreational facilities."

"While residential use is one of the land uses listed for this area in the Poinsettia Shores Specific Plan, it may not be the most appropriate designation. As previously stated, the project will at least need to consider the incorporation of some kind of lower cost accommodations, and any proposed zoning designation for the site will have to be found consistent with the policies contained in the Poinsettia Shores Master Plan. Furthermore, the standard of review for any change to the current land use designation is the Coastal Act, and thus will also have to be found consistent with all its applicable policies."

Recently, the Commission has become concerned with the lack of lower-cost accommodations statewide. Thus, the establishment of a residential land use at this location may not be what is ultimately determined to be certified as consistent with the Poinsettia Shores Master Plan, or the Coastal Act."

"B. High-Priority Uses - Lower Cost Visitor Accommodations in 'Area F': The Coastal Act has numerous policies promoting public access to the beach and state:

Section 30210 - In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and **recreational opportunities**

shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 - Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. **Developments providing public recreational opportunities are preferred.** The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221 **Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.**

Section 30222 - **The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry."**

"... in 1996, the Poinsettia Shores Master Plan was certified as part of the City's LCP, and replaced the [Visitor serving] land use designation as an "Unplanned Area." **In an attempt to maintain a lower-cost visitor-serving component at this location, the Commission, through a suggested modification, required language within the Master Plan that would serve to protect this type of use.** The language in the Poinsettia Shores Master Plan, for this location, "Area F," included: **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost accommodations or recreational facilities (i.e. public park) on the west side of the railroad."**

"**The Ponto Beachfront area is an area that could be considered as a high-priority location for lower cost overnight accommodations.** While located across the street from a State Park (South Carlsbad State Park) containing camping facilities, **during peak summer months, the campground is consistently at capacity. ... If at any time in the future, this State Beach campground is converted to day use sites, the market and the need for low cost overnight accommodations will be significantly amplified. Thus the Vision Plan, as proposed by the City, cannot be found consistent with the Coastal Act."**

"H. Conclusions: ... **concerns regarding the determination of preferred land uses in an 'unplanned' area, the lack of provision of lower-cost accommodations and recreational uses, ... remain. All of these oversights could result in impacts to public access and recreation and other coastal resources and, therefore, the Vision Plan, as submitted, is therefore inconsistent with the Coastal Act, and therefore, shall be denied as submitted."**

- 2) Following is from a 7/3/17 CCC letter to City Staff on the City's proposed land use changes at Planning Area F. City Staff for the 1st time provided this to City Council on 1/28/20:

“The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. This is an issue that the San Pacifico HOA community group is raising in regards to the Shopoff/Ponto development proposal, and this study should be undertaken as a part of the visitor serving use inventory analysis described above. If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed.”

- 3) In 2017 after citizens received the City's reply to Public Records Request 2017-260, citizens meet with CCC staff to reconfirm the City failed since before 2010 to publicly disclose and comply with Planning Area F's LCP requirements. CCC Staff acknowledged the City has not yet complied with the LCP and in an 8/16/2017 email said:

“The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

- 4) In 2016, the CCC told City that Carlsbad's proposed 2015 General Plan land use map could change based on the outcomes of both a Citywide Coastal Recreation needs Study, and also the specific Planning Area F LCP requirement to study Park needs at Ponto.
- 5) Currently and since 2016 the City acknowledged that the existing LCP, City and LCP Master Plan Zoning of “Non-Residential Reserve” land use needs to be changed by BOTH the City and CA Coastal Commission to only then allow any proposed development on Ponto Planning Area F. Also, since 1996 the Local Facilities Management Plan for Zone 9 (Ponto) has the planned land use and zoning of Ponto Planning Area F as “Non-Residential Reserve” that has no land use. The LFMP-Zone 9 must be amended to account for any City and CA Coastal Commission change from “Non-Residential Reserve” and address the land use impacts on all the Growth Management Program Facility

Standards in Zone9 such as the current Park deficit, and also the recently discovered false exemption of the Open Space Standard in Zone 9. The false exemption being that Zone 9 was not developed in 1986 nor have the land use changes since 1986 complied with the 15% 'unconstrained' Open Space Standard.

The City currently and since 2016 acknowledges the existing LCP, City and LCP Master Plan Zoning of "Non-Residential Reserve" land use of Ponto Planning Area F needs to be changed by BOTH the City and CA Coastal Commission as evidenced on page 14-15 of City's Planning Pending Applications as of November 2020 at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46332> as it shows:

"PONTO BEACHFRONT 12/20/2016

<u>Legislative application</u>	<u>applied on</u>	<u>description</u>
AMEND2017-0001 [LU Change]	1/19/17	LFMP AMENDMENT FOR ZONE 9
LCPA2016-0002 [LCP Change]	12/20/16	USES PROPOSED FOR PLANNING AREA F
MP2016-0001 [Zone Change]	12/20/16	USES PROPOSED FOR PLANNING AREA F

– Carlsbad City Planner = Goff"

The City is apparently failing to fully disclose to Citizens these facts and the City's prior "Ponto Planning Area F planning mistakes dating back over 10-years when the land was purchased by speculative investors.

For the City's and CA Coastal Commission's Public Participation process to function Carlsbad Citizens need to have these facts, so they are properly informed.

The overwhelming Citizen input on the need for and request the City provide Ponto Coastal Park comes from Citizens slowly in 2017 becoming aware of the City's prior Ponto Planning Area F planning mistakes and asking the City to acknowledge and correct those mistakes.

Sea Level Rise and Carlsbad's DLCP-LUPA's projected/planned Loss of Open Space at Ponto

Introduction:

Carlsbad first documented Sea Level Rise (SLR) and associated increases in coastal erosion in a December 2017 Sea Level Rise Vulnerability Assessment (2017 SLR Assessment). Prior planning activities (2010 Ponto Vision Plan – rejected by CA Coastal Commission, and 2015 General Plan Update) did not consider SLR and how SLR would impact Coastal Open Space Land Use & CA Coastal Act 'High-Priority' Coastal Open Space Land Uses at Ponto. The 2017 SLR Assessment shows Open Space land and Open Space Land Uses are almost exclusively impacted by SLR at Ponto & South Coastal Carlsbad. The 2017 SLF Assessment also shows significant LOSS of Open Space land acreage and Land Uses. Most all impacted Open Space Land Uses are CA Coastal Act "High-Priority Coastal Land Uses" – Coastal Recreation (i.e. Public Park) and Low-Cost Visitor Accommodations. Existing Ponto Open Space Land Uses are already very congested (non-existent/narrow beach) and have very high, almost exclusionary, occupancy rates (Campground) due to existing population/visitor demands. Future population/visitor increases will make this demand situation worst. The significant permanent LOSS of existing Coastal Open Space land and Coastal Open Space Land Use (and land) due to SLR reduces existing supply and compounds Open Space congestion elsewhere. Prior Ponto planning did not consider, nor plan, for significant SLR and current/future "High-Priority" Coastal Open Space Land Use demands.

Open Space and City Park demand at Ponto:

Open Space at Ponto is primarily 'Constrained' as defined by the City's Growth Management Program (GMP), and cannot be counted in meeting the City's minimal 15% 'Unconstrained' GMP Open Space Standard. Per the GMP Open Space Standard, the developers of Ponto should have provided in their developments at least 30-acres of additional 'Unconstrained' GMP Open Space at Ponto. City GIS mapping data confirm 30-acres of GMP Standard Open Space is missing at Ponto (Local Facilities Management Plan Zone 9).

The City of Carlsbad GIS Map on page 2 shows locations of Open Spaces at Ponto. This map and its corresponding tax parcel-based data file document Ponto's non-compliance with the GMP Open Space Standard. A summary of that City GIS data file is also on page 2. The City said Ponto's non-compliance with the GMP Open Space Standard was 'justified' by the City 'exempting' compliance with the Standard. The City 'justified' this 'exemption' for reasons that do not appear correct based on the City's GIS map and data on page 2, and by a review of 1986 aerial photography that shows most of Ponto as vacant land. The City in the Citywide Facilities Improvement Plan (CFIP) said 1) Ponto was already developed in 1986, or 2) Ponto in 1986 already provided 15% of the 'Unconstrained' land as GMP Standard Open Space. Both these 'justifications' for Ponto 'exemption' in the CFIP were not correct. The legality of the City 'exempting' Ponto developers from the GMP Open Space Standard is subject to current litigation.

The City proposes to continue to exempt future Ponto developers from providing the missing 30-acres of minimally required GMP Open Space, even though a change in Ponto Planning Area F land use from the current 'Non-Residential Reserve' Land Use requires comprehensive Amendment of the Local Facilities Management Plan Zone 9 to account for a land use change. City exemption is subject of litigation.

Ponto (west of I-5 and South of Poinsettia Lane) currently has 1,025 homes that per Carlsbad's minimal Park Standard demand an 8-acre City Park. There is no City Park at Ponto. Coastal Southwest Carlsbad has an over 6.5 acre Park deficit that is being met 6-miles away in NW Carlsbad. Ponto is in the middle of 6-miles of Coastline without a City Coastal Park west of the rail corridor.



City GIS map of Ponto's (LFMP Zone 9) Open Space:

- Light green areas meet the City's 15% unconstrained Growth Management Program Open Space Standard
- Most Ponto Open Space (pink hatch & blue [water] on map) is "Constrained" and does not meet the Standard
- **Aviara - Zone 19, Ponto - Zone 9 and Hanover/Poinsettia Shores – Zone 22 all developed around the same time and had similar vacant lands.**
- **City required Aviara - Zone 19 east of Ponto to provide the 15% Standard Open Space. Why not Ponto? Aviara had the same lagoon waters.**
- **City required Hanover & Poinsettia Shores area Zone 22 just north of Ponto to provide the 15% Standard Open Space. Why not Ponto?**
- Why Ponto developers were never required to comply with the 15% Standard Open Space is subject to current litigation
- Below is City GIS data from this map

City GIS map data summary of the 15% Growth Management Standard Open Space at Ponto

472 Acres	Total land in LFMP Zone 9 [Ponto]
<u>197 Acres</u>	Constrained land excluded from GMP Open Space
275 Acres	Unconstrained land in LFMP Zone 9 [Ponto]
<u>X 15%</u>	GMP Minimum Unconstrained Open Space requirement
41 Acres	GMP Minimum Unconstrained Open Space required
<u>(11 Acres)</u>	GMP Open Space provided & mapped per City GIS data
30 Acres	Missing Unconstrained Open Space needed in LFMP Zone 9 [Ponto] to meet the City's minimum GMP Open Space Standard per City's GIS map & data
73% of the City's minimum 15% required Open Space Standard is missing due to over development of LFMP Zone 9 [Ponto]	

Sea Level Rise impacts on Open Space and Open Space Land Use Planning at Ponto:

The City's 2015 General Plan Update did not factor in the impacts of Sea Level Rise (SLR) on Ponto's Open Space land. In December 2017 the City conducted the first Sea Level Rise Vulnerability Assessment <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=33958>. The 2017 SLR Assessment is an initial baseline analysis, but it shows significant SLR impacts on Ponto Open Space. More follow-up analysis is being conducted to incorporate newer knowledge on SLR projections and coastal land erosion accelerated by SLR. Follow-up analysis may likely show SLR impacts occurring sooner and more extreme.

Troublingly the 2017 SLR Assessment shows SLR actually significantly reducing or eliminating Open Space land at Ponto. SLR is projected to only impact and eliminate Open Space lands and Open Space Land Use at Ponto. The loss of Ponto Open Space land and Land Use being at the State Campground, Beaches, and Batiquitos Lagoon shoreline. The losses of these Open Space lands and land uses would progress over time, and be a permanent loss. The 2017 SLR Assessment provides two time frames near-term 2050 that match with the Carlsbad General Plan, and the longer-term 'the next General Plan Update' time frame of 2100. One can think of these timeframes as the lifetimes of our children and their children (2050), and the lifetimes of our Grandchildren and their children (2100). SLR impact on Coastal Land Use and Coastal Land Use planning is a perpetual (permanent) impact that carries over from one Local Coastal Program (LCP) and City General Plan (GP) to the next Updated LCP and GP.

Following (within quotation marks) are excerpts from Carlsbad's 2017 Sea Level Rise Vulnerability Assessment:

[Italicized text within brackets] is added data based on review of aerial photo maps in the Assessment.

"Planning Zone 3 consists of the Southern Shoreline Planning Area and the Batiquitos Lagoon. Assets within this zone are vulnerable to inundation, coastal flooding and bluff erosion in both planning horizons (2050 and 2100). A summary of the vulnerability assessment rating is provided in Table 5. A discussion of the vulnerability and risk assessment is also provided for each asset category.

5.3.1. Beaches

Approximately 14 acres of beach area is projected to be impacted by inundation/erosion in 2050. ... Beaches in this planning area are backed by unarmored coastal bluffs. Sand derived from the natural erosion of the bluff as sea levels rise may be adequate to sustain beach widths, thus, beaches in this reach were assumed to have a moderate adaptive capacity. The overall vulnerability rating for beaches is moderate for 2050.

Vulnerability is rated moderate for the 2100 horizon due to the significant amount of erosion expected as the beaches are squeezed between rising sea levels and bluffs. Assuming the bluffs are unarmored in the future, sand derived from bluff erosion may sustain some level of beaches in this planning area. A complete loss of beaches poses a high risk to the city as the natural barrier from storm waves is lost as well as a reduction in beach access, recreation and the economic benefits the beaches provide.

5.3.3. State Parks

A majority of the South Carlsbad State Beach day-use facilities and campgrounds (separated into four parcels) were determined to be exposed to bluff erosion by the 2050 sea level rise scenario (moderate exposure). This resource is considered to have a high sensitivity since bluff erosion could significantly impair usage of the facilities. Though economic impacts to the physical structures within South Carlsbad State Beach would be relatively low, the loss of this park would be significant

since adequate space for the park to move inland is not available (low adaptive capacity). State parks was assigned a high vulnerability in the 2050 planning horizon. State park facilities are recognized as important assets to the city in terms of economic and recreation value as well as providing low-cost visitor serving amenities. This vulnerability poses a high risk to coastal access, recreation, and tourism opportunities in this planning area.

In 2100, bluff erosion of South Carlsbad State Beach day-use facilities and campgrounds become more severe and the South Ponto State Beach day-use area becomes exposed to coastal flooding during extreme events. The sensitivity of the South Ponto day-use area is low because impacts to usage will be temporary and no major damage to facilities would be anticipated. Vulnerability and risk to State Parks remains high by 2100 due to the impacts to South Carlsbad State Beach in combination with flooding impacts to South Ponto.

Table 5: Planning Zone 3 Vulnerability Assessment Summary [condensed & notated]:

<u>Asset Category</u>	<u>Horizon [time]</u>	<u>Hazard Type</u>	<u>Impacted Assets</u>	<u>Vulnerability Rating</u>
Beaches	2050	Inundation/Erosion, Flooding	14 acres (erosion)	Moderate
	2100	Inundation/Erosion, Flooding	54 acres (erosion)	Moderate
Public Access	2050	Inundation, Flooding	6 access points 4,791 feet of trails	Moderate
	2100	Inundation, Flooding	10 access points 14,049 feet of trails	Moderate
State Parks <i>[Campground - Low-cost Visitor Accommodations]</i>	2050	Flooding, Bluff Erosion	4 parcels [<18 Acres]	High
	2100	Flooding, Bluff Erosion	4 parcels [>18 Acres] <i>[loss of over 50% of the campground & its Low-cost Visitor Accommodations, See Figure 5.]</i>	High
Transportation (Road, Bike, Pedestrian)	2050	Bluff Erosion	1,383 linear feet	Moderate
	2100	Flooding, Bluff Erosion	11,280 linear feet	High
Environmentally Sensitive Lands	2050	Inundation, Flooding	572 acres	Moderate
	2100	Inundation, Flooding	606 acres	High

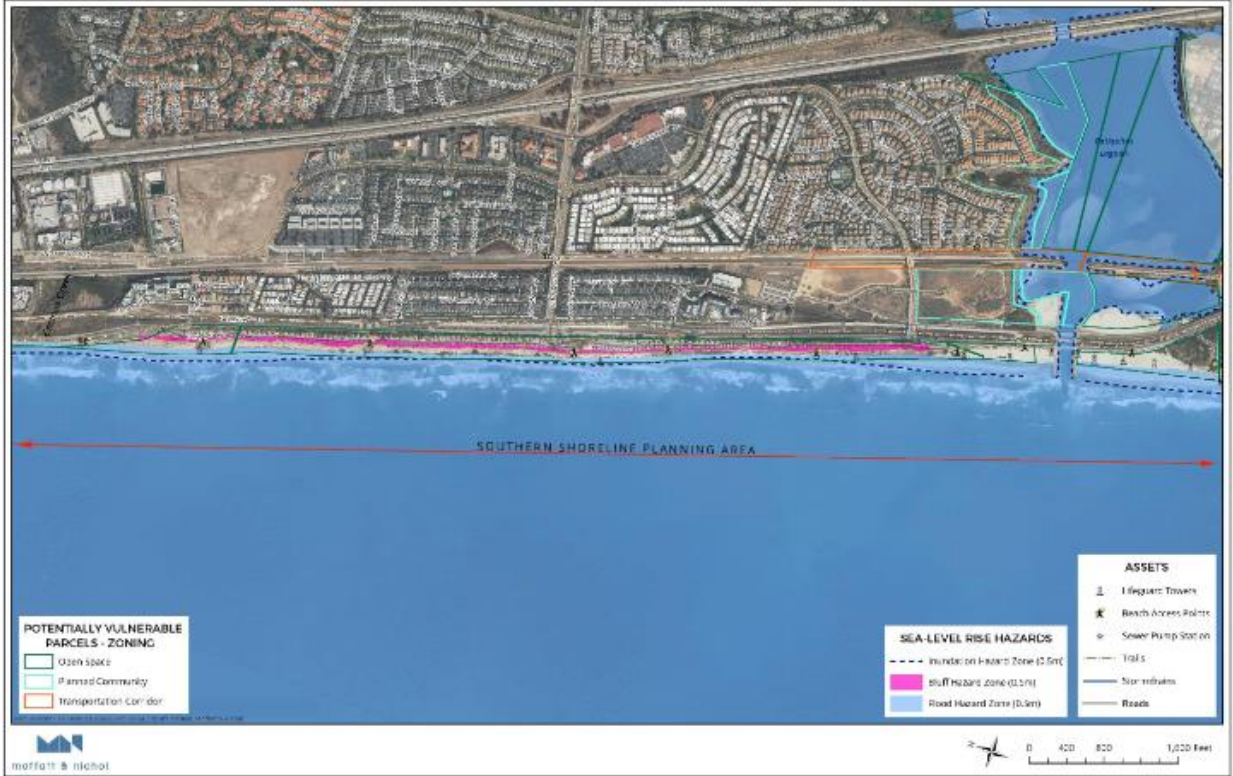
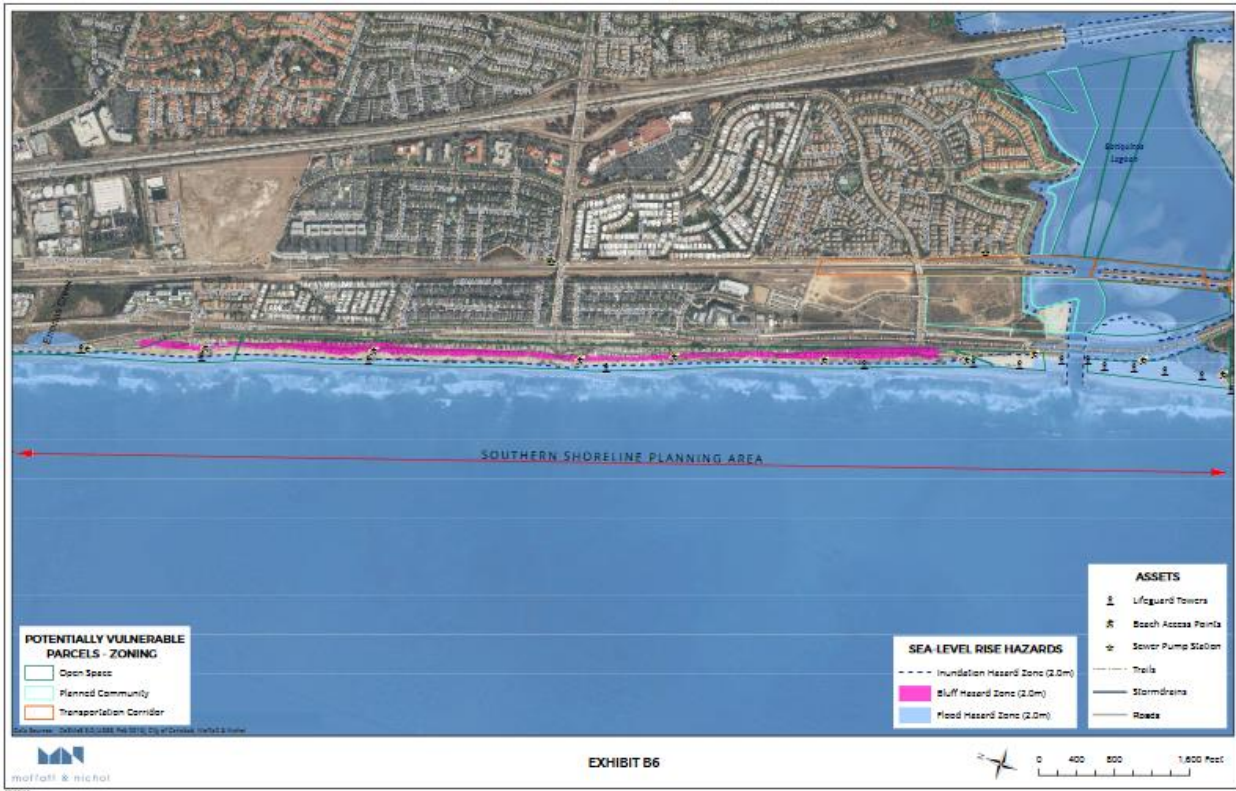


Figure 7: Southern Shoreline Planning Area – Year 2050



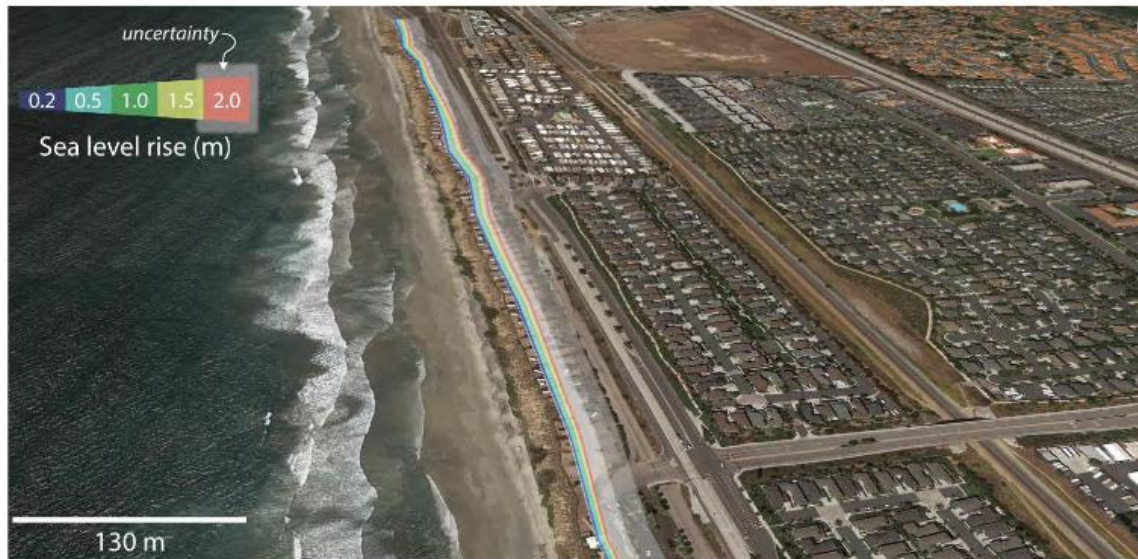


Figure 5: CoSMoS Bluff Erosion Projections by 2100
(CoSMoS-COAST 2015)

[Figure 5 show the loss of over 50% of the campground and campground sites with a minimal .2 meter Sea Level Rise (SLR), and potentially the entire campground (due to loss of access road) in 2 meter SLF.]”

Directions to analyze and correct current and future LOSS of Coastal Open Space Land Use at Ponto

On July 3, 2017 the CA Coastal Commission provided direction to Carlsbad stating:

“The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto ... area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad. ... this study should be undertaken as a part of the visitor serving use inventory analysis described above. If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed.”

Official Carlsbad Public Records Requests (PRR 2017-260, et. al.) confirmed Carlsbad’s Existing LCP and its Ponto specific existing LUP polices and Zoning regulations were never followed in the City’s prior Ponto planning activities (i.e. 2010 Ponto Vision Plan & 2015 General Plan Update). The projected SLR loss of recreation (beach) and low-cost visitor accommodations (campground) at Ponto should factor in this Existing LCP required analysis, and a LCP-LUP for Ponto and Ponto Planning Area F.

In a February 11, 2020 City Council Staff Report City Staff stated:

“On March 14, 2017, the City Council approved the General Plan Lawsuit Settlement Agreement (Agreement) between City of Carlsbad and North County Advocates (NCA). Section 4.3.15 of the Agreement requires the city to continue to consider and evaluate properties for potential acquisition of open space and use good faith efforts to acquire those properties.”

In 2020 NCA recommended the City acquire Ponto Planning Area F as Open Space. The status of City processing that recommendation is unclear. However the Lawsuit Settlement Agreement and NCA's recommendation to the City should also be considered in the required Existing LCP analysis.

Summary:

Tragically Carlsbad's Draft Local Coastal Program – Land Use Plan Amendment (DLCP-LUPA) is actually planning to both SIGNIFICANTLY REDUCE Coastal Open Space acreage, and to eliminate 'High-Priority Coastal Open Space Land Uses at Ponto due to SLR.

The Existing LCP requirements for Ponto Planning Area F to analyze the deficit of Coastal Open Space Land Use should factor in the currently planned LOSS of both Coastal Open Space acreage and Coastal Open Space Land Uses at Ponto due to SLR. As a long-range Coastal Land Use Plan this required LCP analysis needs to also consider the concurrent future increases in both population and visitor demand for those LOST Coastal Open Space acres and Coastal Open Space Land Uses.

It is very troubling that demand for these CA Coastal Act 'High-Priority' Coastal Open Space Land Uses is increasing at the same time the current (near/at capacity) supply of these CA Coastal Act 'High-Priority' Coastal Open Space Land Uses is significantly decreasing due to SLR. Instead of planning for long-term sustainability of these CA Coastal Act 'High-Priority' Coastal Open Space Land Uses for future generations there appears to be a plan to use SLR and inappropriate (lower-priority residential) Coastal Land Use planning to forever remove those CA Coastal Act 'High-Priority' Coastal Open Space Land Uses from Ponto. CA Coastal Act Policies to address these issues should be thoroughly considered.

2021-2 proposed Draft Local Coastal Program – Land Use Plan Amendment (DLCP-LUPA) will likely result in City and CA Coastal Commission making updates to the 2015 General Plan, based on the existing Ponto Planning Area F LCP – LUP Policy requirements, Ponto Open Space issues, high-priority Coastal Land Use needs, and SLR issues not addressed in the 2015 General Plan.

From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 10:06:31 AM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

Since 2017 the City received over 5,000 petitions, written and verbal testimony regarding the need for Ponto Park and the Park and Useable Open Space unfairness at Ponto and Coastal South Carlsbad. The City staff should provide the Growth Management Committee all that citizen input since 2017.

– The City’s 2017 & 2020 Sea Level Rise Report shows Ponto will lose over 32-acres of “High-priority Coastal Land Use” due to coastal erosion and flooding. (14+ acres of Coastal Recreation and 18+ acres of Campground will be lost) in Carlsbad’s General Plan.

– Carlsbad’s Growth Management Program and 2015 General Plan did not consider this critical 2017 & 2020 Sea Level Rise data and new actions and a new Plan are needed to address the 32+ acre loss AND increased population/visitor demand for “High-priority Coastal Land Uses”.

– Carlsbad’s Growth Management Program and General Plan also did not incorporate requirements for unlimited population growth that will need even more City and Coastal Recreation land – “High-priority Coastal Land Uses”.

– There is a current Growth Management Program 6.6-acre City park deficit in Coastal Southwest Carlsbad, and a 30-acre Unconstrained/Useable Coastal open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia) that only gets worse as we lose 32+ acres of Coastal Open Space lands from Sea Level Rise.

Accordingly, I am making my position known and requesting that

I want the Growth Management Committee, City Council and CA Coastal Commission to:

- 1) Address the true neighborhood Park needs for Ponto (minimal 6-7 acre Park to serve minimal neighborhood needs based on Ponto buildout and City's current minimal Park Standard). Ponto Park should be an appropriately wide, viable, flat and fully useable multi-use grassed field – allow kids space to play informal sports. No thin strip of non-park land.

- 2) Address loss of 32+ acres of Coastal Open Space Land from sea level rise by providing for Non-neighborhood City and State buildout-population and visitor demands for both Coastal Recreation land use and the loss of the Campground. Provide sufficient Coastal Recreation and Low-cost Visitor Accommodation land use to address the CA Coastal Act and City/State 'unlimited buildout population/visitor demand', and planned loss of current supply due to planned sea level rise.

- 3) Disclose and address 2017 CA Coastal Commission direction to City on Ponto Vision Plan and Planning Area F Existing LCP in the PCH Project.

- 4) Fully address Sea Level Rise impacts consistent with CA Coastal Act & Commission relative to the State's recent requirement for unlimited City and State population growth. Document, plot the Seal Level Rise inundation and coastal erosion/bluff hazard areas in Carlsbad's General Plan including the Land Use Map, PCH Relocation Project maps, and in the PCH Project replace all 32+ acres of high-priority Coastal land use that will be lost to sea level rise and coastal erosion, and increase the supply of these high-priority Coastal land uses to address State required unlimited increases in City/State population and visitor demands.

- 5) Fully disclose and consider the 2022-June General Comparative tax-payer Costs/Benefits Analysis of Ponto Park-PCH completion-proposed PCH Relocation, to assure tax-payers (City and/or State) are getting the best and most sustainable value for their tax-payer dollars. The City should use tax-payer money wisely.

- 6) Incorporate the 5,000+ written/emailed petitions to the Council & CA Coastal Commission, and the Letters from Carlsbad visitor industry, Surfrider Foundation, and Batiquitos Lagoon Foundation.

- 7) Within the Local Facilities Management Plan Zone 9 portion fully provide the 30-acers of documented missing Unconstrained Growth Management Open Space that developers were supposed to provide. Also fully disclose and incorporate the Ponto Open Space recommendations from North County Advocates per City's lawsuit settlement. Fully preserve or mitigate sensitive habitat areas within and adjacent to the

PCH Project area.

8) Fully provide required storm water quality purification and detention basins in the PCH Project before project waters and waters passing through the project area are discharged into the ocean and Batiquitos Lagoon.

9) I am concerned about the PCH Modification Project more than doubling traffic congestion along Coast Highway for an extremely costly walkway, when the same walkway and other needed Coastal land uses can be provided for a fraction of the cost along existing Coast Highway. It is not appropriate to try to pass off a walkway as "linear park".

10) Lastly as requested since 2017, directly engage and specifically involve the San Pacifico Community Association and Ponto Community in that portion of the City's PCH Project of planning and design of land use in that community.

11) We request the above 11 citizen issues be fully addressed by the Growth Management Committee, City Council, and CA Coastal Commission regarding Park-Useable Open Space and Coastal Land Use issues and City Capital Improvement Projects at Ponto and Coastal South Carlsbad.

Additional Comments

As long- time(decades) resident and business owner in the immediate Ponto area that is addressed here it is ABOUT TIME the City moved FOR THE GOOD OF THIS AREA. It is the LAST CHANCE we will have to preserve this precious area for the PEOPLES' and the environment's good!!!

Name

Robin Hansen

Email

mermama1@mac.com

City

Carlsbad

State

CA

Sent from [People for Ponto](#)

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

From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 10:13:25 AM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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Additional Comments

Please! We need space for our kids and families to enjoy the outdoors

Name

Ian Zakrzewski

Email

ianzak@yahoo.com

City

Carlsbad

State

CA

Sent from [People for Ponto](#)

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

From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 10:24:47 AM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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Name

Gregory Gould

Email

greggould_sd@yahoo.com

City

Carlsbad

State

CA

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From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 10:38:39 AM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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Name

Robert Philion

Email

jbphilion@yahoo.com

City

Carlsbad

State

CA

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

From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 12:34:20 PM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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Name

Sanford Braver

Email

carlsbad3br@gmail.com

City

Carlsbad

State

CA

From: [People for Ponto Petition](http://peopleforponto.com)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Wednesday, September 21, 2022 10:41:49 AM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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- 5) Fully disclose and consider the 2022-June General Comparative tax-payer Costs/Benefits Analysis of Ponto Park-PCH completion-proposed PCH Relocation, to assure tax-payers (City and/or State) are getting the best and most sustainable value for their tax-payer dollars. The City should use tax-payer money wisely.

- 6) Incorporate the 5,000+ written/emailed petitions to the Council & CA Coastal Commission, and the Letters from Carlsbad visitor industry, Surfrider Foundation, and Batiquitos Lagoon Foundation.

- 7) Within the Local Facilities Management Plan Zone 9 portion fully provide the 30-acers of documented missing Unconstrained Growth Management Open Space that developers were supposed to provide. Also fully disclose and incorporate the Ponto Open Space recommendations from North County Advocates per City's lawsuit settlement. Fully preserve or mitigate sensitive habitat areas within and adjacent to the

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9) I am concerned about the PCH Modification Project more than doubling traffic congestion along Coast Highway for an extremely costly walkway, when the same walkway and other needed Coastal land uses can be provided for a fraction of the cost along existing Coast Highway. It is not appropriate to try to pass off a walkway as "linear park".

10) Lastly as requested since 2017, directly engage and specifically involve the San Pacifico Community Association and Ponto Community in that portion of the City's PCH Project of planning and design of land use in that community.

11) We request the above 11 citizen issues be fully addressed by the Growth Management Committee, City Council, and CA Coastal Commission regarding Park-Useable Open Space and Coastal Land Use issues and City Capital Improvement Projects at Ponto and Coastal South Carlsbad.

Name

Raymond Hughes Hughes

Email

rayjay3@sbcglobal.net

City

Carlsbad

State

CA

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From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 1:18:21 PM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

Since 2017 the City received over 5,000 petitions, written and verbal testimony regarding the need for Ponto Park and the Park and Useable Open Space unfairness at Ponto and Coastal South Carlsbad. The City staff should provide the Growth Management Committee all that citizen input since 2017.

– The City’s 2017 & 2020 Sea Level Rise Report shows Ponto will lose over 32-acres of “High-priority Coastal Land Use” due to coastal erosion and flooding. (14+ acres of Coastal Recreation and 18+ acres of Campground will be lost) in Carlsbad’s General Plan.

– Carlsbad’s Growth Management Program and 2015 General Plan did not consider this critical 2017 & 2020 Sea Level Rise data and new actions and a new Plan are needed to address the 32+ acre loss AND increased population/visitor demand for “High-priority Coastal Land Uses”.

– Carlsbad’s Growth Management Program and General Plan also did not incorporate requirements for unlimited population growth that will need even more City and Coastal Recreation land – “High-priority Coastal Land Uses”.

– There is a current Growth Management Program 6.6-acre City park deficit in Coastal Southwest Carlsbad, and a 30-acre Unconstrained/Useable Coastal open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia) that only gets worse as we lose 32+ acres of Coastal Open Space lands from Sea Level Rise.

Accordingly, I am making my position known and requesting that

I want the Growth Management Committee, City Council and CA Coastal Commission to:

- 1) Address the true neighborhood Park needs for Ponto (minimal 6-7 acre Park to serve minimal neighborhood needs based on Ponto buildout and City's current minimal Park Standard). Ponto Park should be an appropriately wide, viable, flat and fully useable multi-use grassed field – allow kids space to play informal sports. No thin strip of non-park land.
- 2) Address loss of 32+ acres of Coastal Open Space Land from sea level rise by providing for Non-neighborhood City and State buildout-population and visitor demands for both Coastal Recreation land use and the loss of the Campground. Provide sufficient Coastal Recreation and Low-cost Visitor Accommodation land use to address the CA Coastal Act and City/State 'unlimited buildout population/visitor demand', and planned loss of current supply due to planned sea level rise.
- 3) Disclose and address 2017 CA Coastal Commission direction to City on Ponto Vision Plan and Planning Area F Existing LCP in the PCH Project.
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Name

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Email

gfini@me.com

City

Carlsbad

State

CA

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From: [People for Ponto Petition](#)
To: petition@peopleforponto.com
Subject: Protect Ponto Petition Letter
Date: Thursday, September 22, 2022 2:04:25 PM

Protect Ponto Petition:

Dear Carlsbad Growth Management Committee, City Council, and California Coastal Commission:

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