

CARLSBAD GROWTH MANAGEMENT MEETING

My name is Robert Gilleskie, P.E., and I'm retired from SDG&E where I managed the Energy Auditors group among other positions. Later I was the Director of Engineering at the then California Center for Sustainable Energy, and then the Energy Manager at Naval Base Point Loma, and finally, the Energy Manager at Marine Corps Installation West (MCIWEST), from which I retired in 2016.

At MCIWEST I was responsible for coordinating energy projects among the eight Marine Corps bases in California with Marine Corps headquarters in Washington, DC. These projects included energy efficiency and renewable energy projects, primarily solar photovoltaic, but also included possible geothermal projects in the Imperial Valley near MCAS Yuma. Among the energy projects was a microgrid project at Camp Pendleton Area 53, consisting of a ground installed solar PV system with tracking panels, battery storage, and controls which enabled various components of the Area to rely on each other in the event of failure of any one. Major advantages of the project were energy security, the use of renewable energy from the solar installation, and energy efficiency.

In 2012 the San Diego region experienced a massive power failure which prompted DOD to evaluate the risk of losing the base's ability to launch aircraft and control those already airborne. The result was DOD suggesting and funding a microgrid project at MCAS Miramar, which already had a significant amount of solar PV installed. As far as I know, that project has been completed, and the base is able to operate for 14 days isolated from SDG&E's power grid.

During my service as the MCIWEST Energy Manager I began and continued to advocate to Marine Corps headquarters for the expansion of microgrids at MCB Camp Pendleton and MCAS Pendleton, as well as the other seven Marine Corps bases of MCIWEST. This advocacy included presentations to various Department of the Navy units and the California Energy Commission. With regard to the CEC, the eight Marine Corps bases in MCIWEST could very well be eight cities in California which could eventually install their own microgrids. Just as the eight MCIWEST bases could benefit from diversity of demand and relieve each other (MCB Ridgecrest to MCAS Yuma is about 334 miles), cities in California could support each other and enjoy the same benefits as the microgrids at MCB Camp Pendleton and MCAS Miramar.

Prior to retiring as Energy Manager at MCIWEST I wrote its Strategic Energy Plan and specified the installation of microgrids at all the bases of MCIWEST.

Robert Gilleskie, P.E.

From: [Larry Peifer](#)
To: [Growth Management Committee](#)
Cc: [Larry Peifer](#)
Subject: Park and Open Space Performance Standards
Date: Saturday, January 7, 2023 12:31:25 PM

To: committee@carlsbadca.gov
Fr: Larry Peifer, 2610 Valewood Ave., Carlsbad, CA, 92010
760-720-9009

Comments regarding **Park and Open Space Performance Standards**.
Please consider my comments on this subject at reverent meetings and public comment opportunities.

Regarding **Open Space**

- Keep the 15% per LFMZ, but eliminate exemptions so all zones are treated the same
- Inventory all vacant/underutilized land for potential open space
- Remove the exemption on the 11 LFMZ's and develop transition plans to gradually increase open space so that each part of the city has an equitable share of open space- as was promised in 1986.

Regarding **Parks**

- add a standard for accessible, neighborhood parks. Other cities have .5 acres /1,000 residents —often above the 3 acre minimum requirement per state law.
- do not expand what gets counted towards the standard —instead only count school yards at 1/2 their acres to reflect restrictions on use.
- require a transition plan to accommodate these changes over time to allow time for park impact fees to be adjusted and other revenues sources developed.

Thank you for your time and consideration of these issues

Sent from my iPad

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From: [Nadine](#)
To: [Growth Management Committee](#)
Subject: Standards Open Space and Parks
Date: Saturday, January 7, 2023 6:13:55 PM

To whom it may concern:

Open Space: I urge you to keep the 15% LFMZ with NO exemptions. Remove existing exemptions. The city is already short on acreage that was promised in 1986. It is to be 40% not the current, quite inadequate 750 acres short of that.

It would also be very helpful if you did an inventory of vacant land/underutilized land that has potential for this program as well in order to fulfill the agreed to percentage.

Parks Standard: I urge you to review this entire program before keeping it in place or removing it. Communities thrive when there are more park space, open to the public unlike school yards that are often locked. Those should not be counted in park acreage or perhaps counted at 1/2 value since they are not actually accessible like regular parkland is.

Special attention should be paid to disadvantaged/lower income neighborhoods with the thought to create MORE parkland there in order to improve quality of life and opportunities. These communities are in need of more parkland.

Last, don't keep the standard at state's minimum of 3 acres. You should increase opportunities by using a much lower figure perhaps .5 or even 1 acre for the program.

Carlsbadians are lucky they have a quality city but you can do much better in these areas that benefit all.

Thank you for accepting my comments and addressing my concerns.

Nadine Scott, Attorney
Friends of Loma Alta Creek
550 Hoover St.
Oceanside CA 92054



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www.avast.com

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From: [Lynda Daniels](#)
To: [Growth Management Committee](#)
Subject: Parks in Carlsbad
Date: Saturday, January 7, 2023 9:21:45 PM

I am a ten year plus resident of Carlsbad and one of the reasons I moved to Carlsbad was its parks and open space. I am concerned about plans for our open spaces.

I ask you to consider eliminating exceptions to the 11 of the 25 LFMZ's. Also to look at other open spaces up to five acres per 1000 residents as many other cities do.

Please do not count what gets counted towards the standard. I.e. count school yards at one half their acres to reflect restrictions to their use.

A transition plan will be necessary to accommodate these changes.

There also seem to be no provisions for a coastal access park for the entire southern half of the city.

Thank you for your attention.

Lynda Daniels
4547 Piccadilly Ct
Carlsbad 92010

Sent from my iPad

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

From: [Mike Guerreiro](#)
To: [Growth Management Committee](#)
Subject: Carlsbad Parks and Open Space Performance Standards
Date: Saturday, January 7, 2023 10:30:56 PM

Dear CBad Citizen's Committee,

As a resident of Southwest Carlsbad, I've seen our open space shrink over the past 20 years. It seems like the developer mafia has a stranglehold our development decisions made within Carlsbad. We need to protect what open space we have and increase the number of community parks. The creation of Ponto Park is a must.

I urge you to support the following when considering recommendations on new Parks and Open Space Performance Standards:

Open Space:

- Keep the 15% per LFMZ, but eliminate exemptions so all zones are treated equally
- Inventory all vacant/underutilized land for potential open space
- Remove the exemption on the 11 LFMZ's and develop transition plans to gradually increase open space so that each part of the city has an equitable share of open space - as was promised in 1986.

Parks:

- Add a standard for accessible, neighborhood parks above the 3 acre minimum requirement per state law
- Do not expand what gets counted towards the standard, only count school yards at ½ their acres to reflect restrictions on use.
- Require a transition plan to accommodate these changes over time to allow time for park impact fees to be adjusted and other revenue sources developed.

Encouragingly yours,

Mike Guerreiro

902 Caminito Madrigal, Unit J

Carlsbad, CA 92011

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From: [Harry Peacock](#)
To: [Growth Management Committee](#)
Subject: Fwd: FW: Planning Update - Environmental Notices
Date: Sunday, January 8, 2023 11:44:24 AM
Attachments: [2022-12-21 Staff proposed CEQA Exemption for SDP 20220003 CDP 20220023 \(1\).pdf](#)
[2022 Oct - Public Input of Environmental Impacts of Ponto Site 18 for SEIR on proposed Coastal Land Use changes in 2021-2029 Housing Element Update.pdf](#)
[Public input and data on Ponto Site 18 within the CA Coastal Zone - Reminder Give input on environmental study for future housing sites.eml.msg](#)
[Site 18 - North Ponto Parcels - City information comparing existing v proposed lu.pdf](#)

Please see the attachments to this email sent to me by Lance Shulte as they relate specifically to the parks issue we will be discussing at next week's meeting.

----- Forwarded message -----

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Date: Fri, Jan 6, 2023 at 1:43 PM
Subject: FW: Planning Update - Environmental Notices
To: Harry & Bobbi Peacock <hrpeacock41@gmail.com>

Harry:

Below is 1/5/23 notice on 12/21/22 Eric Lardy proposed CEQA Exemption (attached) for Ponto Site 18 proposed development. Look at how the City says increasing density automatically decreases traffic impact regardless of any rational justification.

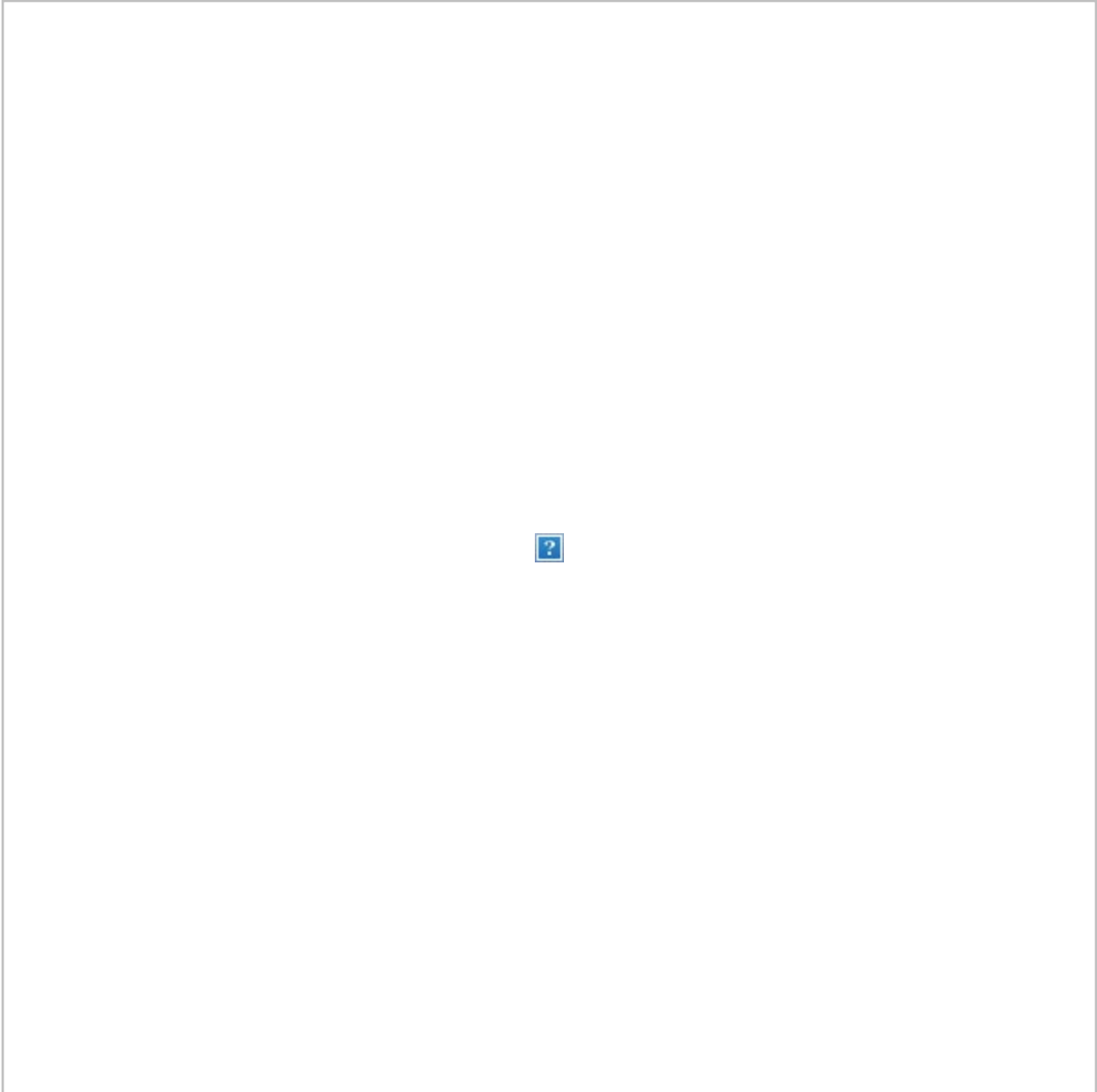
Attached is also my CEQA issues and input I sent to the City & CCC in Oct 2022 that appeared ignored. Attached is my full email to the City & CCC.

Lastly, attached is City's discussion of Ponto Site 18 (aka 'FPC Residential SDP20220003 & CDP20220023') that notes the GPA/ZC/LCPA issues that are missing in Eric's 12/21/22 proposed CEQA exemption along with the CEQA issues I raised in Oct 2022 Public Input as requested by the City.

Lance

From: City of Carlsbad [mailto:communications@carlsbadca.ccsend.com] **On Behalf Of** City of Carlsbad
Sent: Thursday, January 5, 2023 3:39 PM
To: meyers-schulte@sbcglobal.net
Subject: Planning Update - Environmental Notices





Planning Update

The most recent Environmental Notices are now available on the city's [website](#).

CEQA Determination of Exemption:

[City Planner Determination - Pressure Reducing Station Replacements Project](#)

[City Planner Determination - Public Parking Lots and ADA Improvements Project](#)

[SDP 2022-0003 CDP 2022-0023 - FPC RESIDENTIAL](#)

[V2022-0008 - 3606 LAREDO STREET RV](#)

For more information please visit the [city's website](#), email planning@carlsbadca.gov or call 442-339-2600.

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City of Carlsbad

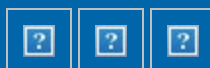
planning@carlsbadca.gov

442-339-2600

1635 Faraday Ave.

Carlsbad, CA 92008

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City of Carlsbad | 1200 Carlsbad Village Drive, Carlsbad, CA 92008

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Sent by planning@carlsbadca.gov

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CEQA DETERMINATION OF EXEMPTION

Subject: This California Environmental Quality Act (CEQA) Determination of Exemption is in compliance with Carlsbad Municipal Code Section 19.04.060. An appeal to this determination must be filed in writing with the required fee within ten (10) calendar days of the City Planner's decision consistent with Carlsbad Municipal Code Section 21.54.140.

City Planner Decision Date: December 21, 2022

Project Number and Title: SDP 2022-0003 / CDP 2022-0023 (DEV2022-0048) – FPC RESIDENTIAL

Project Location - Specific: 7200, 7290 and 7294 Ponto Drive, Carlsbad, CA. Generally, the project site is located at the eastern corner of Ponto Road and Ponto Drive in the western portion of the city. It is bounded by Ponto Drive to the south, the Cape Rey Carlsbad Beach Hotel parking lot to the north, Ponto Road to the west, and the Burlington, Northern, Santa Fe ("BNSF") Railroad tracks to the east; and consists of three parcels (Assessor Parcel Numbers 214-160-25-00; 214-160-28-00; and 214-171-11-00) totaling approximately 4.64 acres.

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project consists of a Site Development Plan (SDP 2022-0003) and Coastal Development Permit (CDP 2022-0023) for the construction and development of 86 multi-family residential units at a residential density of 18.5 dwelling units per acre. The proposed residential buildings consist of a mix of two- and three-story townhome style apartment units (for rent). The proposed project includes a 27.5 percent density bonus request and is providing 13 on-site affordable units to lower-income households. The site is currently developed with a self-storage facility, a junkyard/storage yard, and two vacant office buildings. The project includes the following off-site improvements: street, curb, gutter, sidewalk along Ponto Drive and Ponto Road and a sewer line connection through the railroad right-of-way.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: City of Carlsbad

Name of Applicant: H.G. Fenton Property Company

Applicant's Address: 7577 Mission Valley Road, San Diego, CA 92108

Applicant's Telephone Number: 619-400-0120

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):
N/A

Exempt Status: *(Check One)*

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269 (b)(c));

Categorical Exemption - State type and section number: Class 32, Section 15332 (In-Fill Development Projects)

Statutory Exemptions - State code number: _____

Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt:

Sections 15300 to 15333 of the California Environmental Quality Act ("CEQA") Guidelines provide classes of projects that have been determined not to have a significant effect on the environment and are exempt from further CEQA review. As provided below, the Project is consistent with CEQA Guidelines Section 15332, In-Fill Development Projects, and would therefore be exempt from CEQA.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.

The Project Site is designated by the City's General Plan as R-15, Residential (R-15) and R-15, Residential/Visitor Commercial (R-15/VC) and is zoned Residential Density-Multiple (RD-M) and Residential Density-Multiple/Commercial Tourist (RD-M/CT). According to the General Plan Land Use Element, the residential designations provide for a range of housing types and densities. Densities are stated as number of dwelling units per acre of developable land. Residential development is required to be within the development range as identified in the city's Land Use Map. Properties within a R-15 residential land use designation must have a density of housing between eight and 15 dwelling units per acre (stated as a minimum to maximum density range), unless otherwise stated in the General Plan or preempted by State law. The gross acreage of the Project Site is 4.64 acres. The maximum density allowed is 70 units (4.64-acres multiplied by 15 dwelling units to the acre = 69.6 or 70 units with rounding).

State law encourages cities to provide affordable housing through incentives to developers (i.e., State Density Bonus Law, Government Code Section 65915). State Density Bonus Law allows a developer to increase density on a property above the maximum density, set under the General Plan. In this instant the applicant is requesting a density of 86 units, which includes 13 units reserved for lower-income households (refer to the supplemental application material for the details of the request). Density Bonus Law stipulates that a request for a density bonus does not constitute a valid basis on which to find a proposed housing development project is not compliant with a general plan. In addition, State Density Bonus Law explicitly requires the city to consider "the density allowed under the land use element of the general plan" in determining maximum allowable residential density. Therefore, the proposed density of the Project is deemed compliant with the land use density designation of the General Plan.

The General Plan consists of other elements that provide applicable goals and policies. One objective of the Housing Element is to promote an equitable distribution of affordable housing opportunities throughout the city by providing incentives to include affordable housing in residential development. The proposed Project would bring a mix of housing types and affordability levels and help the city accommodate housing for various household formations. Providing additional residential uses in the Ponto Beach area would increase the residential base, providing housing near employment and recreational opportunities, which will shorten and lessen the need for vehicle trips and vehicle miles traveled, advancing several policies related to circulation (Mobility Element portion of the General Plan).

The Project Site is located within an area with existing residential and commercial uses. The Project, which includes the redevelopment of an approximately 4.64-acre site with 86 townhomes and associated improvements is consistent with the Residential designation.

In terms of zoning consistency, according to Section 21.24.010 of the Carlsbad Municipal Code (“CMC”), the purpose of the RD-M zone is to: 1. “Implement the residential medium density, residential medium-high density, and residential high density land use designation” and 2. “Provide regulations and standards for development of residential dwellings and other permitted or and conditionally permitted uses”. Pursuant to Section 21.24.020 of the CMC, the development of multiple-family dwellings is a permitted use within the RD-M zone. Thus, the Project is consistent with the RD-M zoning. The zoning on the property is adopted as part of the Local Coastal Program and was approved by the Coastal Commission when the designations were applied after the 2015 General Plan Update.

The General Plan includes three policies in the Land Use Element related to the Ponto/Southern Waterfront area, as follows:

- Policy 2-P.89: Allow development of the Ponto area with land uses that are consistent with those envisioned in the Ponto Beachfront Village Vision Plan.
 - The Ponto Beach area is an approximately 130-acre narrow strip of land, approximately 1/8 mile wide and 1-1/2 miles long, located between Carlsbad Boulevard and the LOSSAN Corridor (San Diego Northern) railroad tracks. Portions of the plan area extended north to Poinsettia Lane and south to La Costa Avenue. The southern boundary includes coastal bluffs that transition to the waters of Batiquitos Lagoon at the southern end. The intent of the Ponto Beachfront Village Vision Plan was to create a mixed use, active pedestrian, and bicycle-oriented area with a strong sense of place, village atmosphere, and unique character of design. Although the Vision Plan called for a future LCP amendment to define permitted uses, the Vision Plan proposed to break up the Ponto area into three sections and sets forth a vision of what land uses could occur; presents goals and objectives that support the vision; and provides an implementation strategy and design guidelines for the projects that will implement the vision. The northern-most section was to be comprised of two hotels and a live-work neighborhood. The central portion of the area was to be comprised of a townhouse neighborhood and a mixed-use center with a public recreation component. The southern portion of the area included a large-scale resort hotel.
 - The Ponto Beachfront Village Vision Plan was adopted by the City Council on Dec. 4, 2007 and was to be effective only after the Local Coastal Program Amendment was approved by the California Coastal Commission and their approval becomes effective. The Vision Plan was submitted to the California Coastal Commission for approval but was denied by the California Coastal Commission on July 22, 2010. The city was directed to first process a Local Coastal Program Amendment certifying the land use and zoning for the Ponto Beach area, and then certify the Vision Plan as part of the city’s Local Coastal Program. Because the Vision Plan is not effective, General Plan consistency analysis on this matter must be limited. However, for informational purposes only, the Project would develop residential uses, which are contemplated as part of the uncertified Ponto Beachfront Village Vision Plan. Therefore, the Project would not conflict with the land uses envisioned in the uncertified Ponto Beachfront Village Vision Plan.
- Policy 2-P.90: Promote development of recreation uses and improved public access to the beach, as well as activity centers with restaurants, cafes, and shopping along Carlsbad Boulevard, as opportunities arise in appropriate locations.

- The Project is not located along Carlsbad Boulevard, but it would nonetheless include on- and off-site street system improvements, which would provide for pedestrian access and improve connectivity to the beach. Therefore, the Project would not conflict with Policy P-2.90.
- Policy 2-P.91: Allow the property's overall residential development capacity, as indicated by the land use designations on the Land Use Map, to be clustered toward the northern portion of the site to create an open space buffer and recreational trail on the southerly third of the site.
 - The Project Site is located on the northern portion of the plan area and proposes residential development consistent with Policy P-2.91. Please refer to the Project Site Plan.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The Project Site is located along Ponto Road and Ponto Drive, firmly within the existing boundaries of the city. The Project Site is approximately 4.64 acres and is surrounded by existing urbanized development consisting of Ponto Drive to the south, the Cape Rey Carlsbad Beach Hotel parking lot to the north, Ponto Road and single-family residential development to the west, and the Burlington, Northern, Santa Fe ("BNSF") Railroad tracks to the east. Thus, the Project Site is surrounded by urban uses, is less than 5-acres, and is located within an urbanized area.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The Project Site is located in a developed part of the city and is surrounded by residential and commercial land uses. The Project Site features the existing Ponto Storage facility and a junkyard, which would be demolished and removed during Project construction. A Biological Resources Letter Report (Alden Environmental Inc., September 2022) was prepared for the Project Site. Two field surveys were conducted (in May 2019 and September 2022) to review and document existing vegetation communities, plant and animal species, and potential jurisdictional features including vernal pool resources. The results of the surveys are documented within the Biological Resources Letter Report and summarized below.

Aerial imagery as far back as 1947, reviewed as part of preparation of the Biological Resources Letter Report, shows visible ground disturbance on site, and aerial imagery from 1978 shows the existing Ponto Storage facility (Nationwide Environmental Title Research, LLC 2021). During the site surveys, the property was found to support Disturbed Land (2.02 acres) and Developed Land (2.62 acres). Disturbed land is a City Habitat Group F land cover type and typically includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Developed land includes nursery/landscape service yard (i.e., junkyard), the Ponto Storage facility and its outbuildings, concrete foundations, and some associated non-native landscaping plants such as Mexican fan palm and coppery mesembryanthemum (*Malephora crocea*).

All Project impacts would occur to either Developed Land (2.62-acres on-site and 0.51 acres off-site) or Disturbed Land (Group F) (2.02 acres). Neither is considered a sensitive biological resource; therefore, impacts are considered less than significant. Impacts to Group F land cover do nonetheless require

payment into the City's Habitat Mitigation Fee Program per the Habitat Conservation Plan. As such, the Project will be conditioned to pay this fee for the 2.02 acres of impact to Disturbed Land.

There was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. Small patches of coyote brush (*Baccharis pilularis*) do occur in the adjacent buffer area; however, they do not constitute a sensitive habitat type. This species, while native, is a disturbance associated species, which commonly forms monospecific patches in developed and disturbed areas. No special status plant or animal species were observed or detected on-site.

Lastly, the Project Site is not located within any Focused Planning Area (FPA) or any corresponding Habitat Management Plan (HMP) Core, Linkage, or Special Resource Area, and is not located within the City's Preserve System.

In summary, as a result of this existing development, vegetation communities on the Project Site are limited to Developed Land and Disturbed Habitat. There are no sensitive vegetation communities present within or adjacent to the Project Site; no special status plant or animal species were observed/detected; and none are considered to have potential to occur based on the existing conditions of the Project Site. Additionally, the Project Site does not support any jurisdictional wetland/riparian features. Based on specific habitat requirements, no significant biological resources can reasonably be expected to occur on the property; therefore, the Project Site is not considered to have value as habitat for endangered, rare, or threatened species.

Because the site is within the coastal zone, the Coastal Act places limits on what can be developed on the Project Site, which must be analyzed as part of this section. The Coastal Act specifies that environmentally sensitive habitat areas (ESHA) "shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." (Public Resources Code Section 30240(a).) ESHA is defined as an area in which plant or animal life or their habitats are either are or especially vulnerable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities or developments. (Public Resources Code Section 30107.5.) The foregoing summary and analysis provided in the Biological Resources Letter Report does not identify potential for any ESHA on the Project Site and there is no evidence that the proposed Project violates the ESHA requirements of the Coastal Act.

(d) Approval of the project would not result in any significant effects relating to air quality, noise, traffic, or water quality as discussed below:

Air Quality

An Air Quality Impact Analysis ("AQIA") (Dudek, June 2022) evaluated the potential for adverse impacts to air quality due to construction and operational emissions resulting from the Project. Impacts were evaluated for their significance based on the San Diego Air Pollution Control District (SDAPCD) mass daily criteria air pollutant thresholds of significance. Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards (criteria) for outdoor concentrations to protect public health. Criteria air pollutants include ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM_{2.5}), and lead. Pollutants that are evaluated include volatile organic compounds (VOCs) (also referred to as reactive organic gases), oxides of nitrogen (NO_x), CO, sulfur oxides (SO_x), PM₁₀, and PM_{2.5}. VOCs and NO_x are important because they are precursors to O₃.

- Air Quality Plan Consistency

If a project proposes development that is greater than that anticipated in the local plan and the growth projections set by the San Diego Association of Governments (SANDAG), the project might be in conflict with the State Implementation Plan and Regional Air Quality Strategy, and therefore may contribute to a potentially significant cumulative impact on air quality. The Project is consistent with the current air quality plan, because the anticipated growth associated with the Project does not exceed that the growth projected by SANDAG. In addition, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations. Based on these considerations, impacts related to the Project's potential to conflict with or obstruct implementation of the applicable air quality plan would be less than significant.

- Construction Criteria Air Pollutant Emissions

Construction of the Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). As shown in the AQIA, maximum daily construction emissions would not exceed the SDAPCD significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} during construction. Therefore, the Project would have a less than significant impact.

- Operational Criteria Air Pollutant Emissions

The AQIA assumed an operational year of 2025. Operation of the Project would generate operational criteria air pollutants from mobile sources (vehicles), area sources (consumer product use, architectural coatings, and landscape maintenance equipment), and energy (natural gas). The AQIA concluded that maximum operational emissions would not exceed the SDAPCD operational significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

- Cumulative Impacts

The potential for a project to result in a cumulatively considerable impact, per the SDAPCD guidance and thresholds, is based on the project's potential to exceed the project-specific daily thresholds. The AQIA showed that because maximum construction and operational emissions would not exceed the SDAPCD significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}, the Project would not result in a cumulatively considerable increase in criteria air pollutants.

- Exposure of Sensitive Receptors

Construction activities would not generate emissions in excess of the SDAPCD site-specific mass daily thresholds; therefore, site-specific construction impacts during construction of the Project would be less than significant. The AQIA determined that the results of the project-specific Health Risk Assessment (HRA) demonstrate that the toxic air contaminants (TAC) exposure from construction diesel exhaust emissions would not result in cancer risk on site above the 10 in 1 million threshold, nor a Chronic Hazard Index greater than 1.0. Therefore, TAC emissions from construction of the Project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts to sensitive receptors would be less than significant.

The Project includes 86 residential units and based on CalEEMod modeling is expected to generate a maximum of 700 daily vehicle trips on Saturday and 630 daily trips on weekdays. The associated peak-hour trips from the Project would be 40 and 48 for AM and PM peak hour trips, respectively. Therefore, the AQIA concluded that the Project would not cause a measurable impact to any nearby intersections in the study area. In addition, the nearest signalized intersection to the Project is located at Ponto Road and Carlsbad Boulevard and is over 800 feet from the Project site. Therefore, the AQIA determined that no hotspot analysis would be required based on the location of the Project in relation to nearby intersections. As such, Project-generated impacts associated with CO hotspots would be less than significant.

- Other Emissions

Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application, which would disperse rapidly from the Project site and generally occur at magnitudes that would not affect substantial numbers of people as explained in the AQIA. Impacts associated with odors during construction would be less than significant. The Project is a residential development that would not include land uses with sources that have the potential to generate substantial odors, and impacts associated with odors during operation would be less than significant.

Noise

A Noise Technical Letter (Helix Environmental Planning, October 2022) was prepared for the Project. The Noise Technical Letter analyzed noise impacts related to the construction and operation associated with the Project. A Vibration Technical Letter (Helix Environmental Planning, September 2022) was also prepared for the Project to analyze vibration impacts associated with the North County Transit District railroad tracks, which are located adjacent to the Project site.

- Construction Noise Levels

Construction of the Project would involve demolition of the existing structures and construction of 86 multi-family residential units. The magnitude of the impact would depend on the type of construction activity, equipment, duration of each construction phase, distance between the noise source and receiver, and intervening structures. Construction would generate elevated noise levels that may be audible at nearby residential uses. Construction equipment would not all operate at the same time or location, and would not be in constant use during a typical 8-hour operating day.

The closest noise-sensitive land uses (NSLUs) are residential homes approximately 60 feet west of the Project Site boundary; however, because construction noise is mobile and would occur throughout the Project Site, an average distance of 150 feet was used to assess noise levels. Construction Equipment Noise Levels are modeled in the Noise Technical Letter. The loudest piece of individual equipment operated during construction would be the grader. Additionally, an excavator, loader, and dump truck were analyzed together for construction noise impacts due to their likelihood of being used in conjunction with one another.

The city does not provide a numerical threshold for construction noise levels, and construction would occur within the hours allowed by the CMC. Given the nature of construction noise and the distance to the nearest NSLU, while construction may result in temporary noise levels that exceed the existing ambient noise level of 55.2 dBA, the Project will result in a less than significant construction noise impact.

- Construction Vibration

Construction of the Project would occur near single-family residences, with the nearest houses occurring as close as 60 feet from the edge of the Project Site. A possible source of vibration during general construction activities would be a vibratory roller, which may be used for compaction of soil beneath building foundations and would be used within 60 feet of off-site residences. A vibratory roller would create approximately 0.210 inch per second peak-particle velocity (PPV) at a distance of 25 feet (Caltrans 2013b). A 0.210 inch per second PPV vibration level would equal 0.069 inch per second PPV at a distance of 60 feet. This would be lower than the structural damage impact to older structures of 0.5 inches per second PPV and the "strongly perceptible" impact for humans of 0.1 inches per second PPV. Therefore, even though vibration may be perceptible at nearby residences, the Noise Technical letter concluded that temporary impacts associated with the roller (and other potential equipment) would be less than significant.

- Operational Noise Levels

On-site Noise Generation. Noise modeling assumed that the Heating, Ventilation, and Air Conditioning (HVAC) units would be Carrier 38HDR060 split system condenser units, and that one unit would be mounted on the rooftop of each unit, resulting in a total of 86 HVAC units included in the Project. According to the CadnaA modeling, operation of the proposed HVAC units would generate a noise level of 33.3 dBA L_{EQ} (equivalent noise level) at the property line of the single-family residence to the west. Therefore, the Project would not exceed the City's non-transportation nighttime operational noise limit of 45 dBA L_{EQ} . The Noise Technical Letter determined that impacts would be less than significant.

Off-site Transportation Noise. CadnaA software was used to calculate the noise levels for Existing and Existing Plus Project conditions. The off-site roadway modeling represents a conservative analysis that does not consider topography or attenuation provided by structures such as existing noise walls. With implementation of the Project, the Noise Technical Letter concluded that noise levels at the nearest NSLUs to the impacted roadways would minimally increase (1.2 dBA), which would not exceed the city's noise level threshold of 60 dBA. Therefore, impacts from Project-generated traffic would be less than significant.

- Operation Vibration Levels

As a residential development, the Project would not generate excessive ground-borne vibration during operation. Additionally, the Project site would not be subject to excessive vibration due to the proximity

to the North County Transit District railroad tracks (Vibration Technical Letter). Therefore, the Technical Letters showed that no impacts would occur.

- Land Use Compatibility

Exterior Use Areas. The noise levels associated with traffic (including Project-added trips) were modeled in the Noise Technical Letter using CadnaA at the Project Site's western boundary, which would be the portion of the Project closest to local roadways. The western boundary would be located as close as 35 feet from the centerline of Ponto Road and 230 feet from the northbound lane centerline of Carlsbad Boulevard. The modeled roadway noise level at exterior use areas, assuming no topographic attenuation, was modeled at 56.1 dBA, which would not exceed the City's 65 dBA CNEL standard.

Interior Spaces. Traditional architectural materials are conservatively estimated in the Technical Letter to attenuate noise levels by 15 dBA; therefore, if noise levels exceed 60 dBA, interior noise levels may exceed the Title 24 interior noise standard of 45 dBA (California Building Standards Commission 2010). As described above, noise levels from Carlsbad Boulevard and Ponto Road would not exceed 60 dBA; therefore, the proposed Project would not generate noise that would increase noise levels at the nearest NSLUs that would result in an exceedance of exterior or interior noise standards and impacts would be less than significant.

- Airport Noise

The Project site is not within 2-miles of an airport or airfield. The nearest airport is the Carlsbad McClellan-Palomar Airport, which is approximately 2.5 miles northeast of the Project site. Further, the Project site is outside all CNEL noise contours from the McClellan-Palomar Airport as depicted on Exhibit III-1, Compatibility Policy Map: Noise, of the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP).

Traffic

The Vehicle Miles Traveled ("VMT") Report prepared for the Project showed that the Project does not meet any of the screening criteria; therefore, a detailed analysis (LLG, November 2022, Attachment D) was conducted. Consistent with the City guidelines, the Project was evaluated using efficiency metrics (VMT/resident). The Project trip generation is 637 average daily trips (ADT), which is less than 2,400 ADT, therefore the Project VMT/resident was calculated using the City's VMT/resident analysis maps and the applicable traffic analysis zone (TAZ).

The unadjusted Project VMT/resident would be 24.0, which is 100% of the Citywide average; therefore, the Project is required to demonstrate a reduction of 15% to have a less than significant impact with respect to VMT. Per City VMT Analysis Guidelines, the maximum feasible overall VMT reduction within Carlsbad is 20%; therefore, model assumptions, project design features, and Transportation Demand Management (TDM) measures were reviewed to achieve one or both of the following results:

- Reduce the number of daily vehicle trips (especially single-occupant vehicle trips), and/or
- Reduce the length of trips.

The City VMT Analysis Guidelines contain Appendix D – Vehicle Miles Traveled Reduction Strategies and Effectiveness Calculations, which present several quantifiable TDM strategies that can be used to mitigate

a project's VMT impacts. TDM strategies are quantified using methodologies described in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity published by the California Air Pollution Control Offices Association (CAPCOA) in 2021.

Two strategies were determined to apply to the Project's design as explained in the VMT Report. First, CAPCOA Land Use Measure T-1: Increase Residential Density, applies as the net residential of the Project Site is 18.3 dwelling units per acre (du/acre). As explained in the VMT Report, using the formulas in CAPCOA, the relative residential densities of the Project compared to the underlying TAZ is calculated to result in a 17.4% Project VMT reduction due to the increased density of the Project.

The second applicable strategy is T-4: Integrating Affordable and Below Market Rate Housing. The Project would include 11 affordable income units, which would reduce Project VMT by 4.3% using the CAPCOA formula as shown in the VMT Report.

As calculated in the VMT Report, the TDM Strategies are calculated to result in a 21.0% Project VMT reduction. Thus, the final Project VMT/resident would be 80% of the Citywide average.

Further, the Project would be designed in conformance with City Engineering Standards and would not result in a hazardous geometric design, nor would it interfere with emergency vehicle responses. Thus, the Project would have less than significant impacts with respect to transportation and traffic.

Water Quality

Project construction would incorporate standard best management practices (BMPs) to reduce potential wind and water erosion during grading activities and to prevent the potential discharge of pollutants into receiving waters. All development is subject to design review by the city to ensure that the Project would comply with performance standards and design guidelines.

Moreover, the Project would include a stormwater drainage system to prevent water quality impacts to downstream receiving waters. This system will be designed in accordance with all applicable requirements, including those set forth in the Water Quality Management Plan prepared for the Project. The city will review and approve the Water Quality Management Plan prior to the issuance of building permits to ensure that the Project's storm water drainage system will comply with the Multiple Separate Storm Sewer System Permit requirements. As a result, the Project's water quality impacts would be less than significant.

(e) The site can be adequately served by all required utilities and public services.

The Project Site is located within a developed portion of the city served by utilities and public services. The Project would include connections to existing utilities and would not require the construction or expansion of facilities to adequately serve the Project. In addition, the Project Site is already within the service area of the City of Carlsbad Fire Department and City of Carlsbad Police Department. The Project is anticipated to house approximately 221 residents, assuming 2.56 persons per household (per SANDAG). Applicable developmental fees would help ensure funding continues to be provided to the City of Carlsbad Police Department and Fire Department. The Project would pay all applicable fees required by the city, including utility connection fees and, public service fees.

Exceptions to the Use of Categorical Exemptions:

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed "Project" (in accordance with CEQA Guidelines Section 15300.2) and determined that none of these exceptions apply as explained below:

- Location – "Classes 3, 4, 5, 6, and 11 are qualified by consideration of where a project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." The Project qualifies for a Class 32 exemption; Classes 3, 4, 5, 6, and 11 do not apply to the Project. Thus, this exception does not apply.
- Cumulative Impact - "All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." Project construction and operation may result in incremental environmental effects that are not considered significant; however, as with any environmental impact, when combined with impacts related to the implementation of other related projects located throughout the broader geographic area, there is always potential for a project to contribute to cumulative impacts.

Notwithstanding, due to the developed/disturbed nature of the Project Site, and mandatory adherence with all applicable federal, state, and local laws, regulations and guidelines, any incremental, individual-level impact resulting from Project construction and operation would remain less than significant and would not constitute a considerable contribution to potential regional cumulative impacts in the greater Project region. Additionally, all other related projects would be required to comply with all applicable federal, state, and local regulatory requirements and incorporate all feasible mitigation measures to ensure that their potentially cumulative impacts would remain at less-than-significant levels.

Lastly, the Project is consistent with the underlying land use and zoning designations anticipated by the General Plan, and the cumulative effects of the Project along with buildout of the City have already been analyzed and disclosed in the Program Environmental Impact Report prepared for the General Plan. Thus, this exception does not apply.

- Significant Effect - "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." Operation of the Project does not represent a new or unique use or activity that does not already occur in the city and/or throughout the broader Project area. There is no evidence of unique conditions (e.g., unique geotechnical characteristics that would result in impacts to either the Project or adjacent land uses), either on site or within the Project area, and no unusual circumstances have been identified by the City, other agencies, or local stakeholders. The Project is not expected to be affected by unusual circumstances or otherwise unforeseen conditions. Thus, this exception does not apply.
- Scenic Highway - "A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic

highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.” The Project Site does not contain scenic resources, include any trees, historic resources, or rock outcroppings, rather, it is an existing self-storage facility and previously graded pad with disturbed habitat.

According to the California Department of Transportation, the nearest “Officially Designated State Scenic Highway” to the Project Site is the segment of State Route (SR)-52 located between Santo Road and Mast Boulevard, approximately 21.9 miles southeast of the Project Site.¹ Additionally, the nearest “Eligible State Scenic Highway” to the Project Site is the segment of Interstate (I)-5 located between Coronado to SR 74 (near San Juan Capistrano), approximately 0.43 miles east of the Project Site.¹ Due to natural topographical variations and intervening development, the Project Site is not visible from I-5. Therefore, this exception does not apply.

- Hazardous Waste Site - “A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” The provisions in California Government Code Section 65962.5 are commonly referred to as the “Cortese List” (after the legislator who authored the legislation that enacted it). The list, or a site’s presence on the list, has bearing on the local permitting process as well as on compliance with CEQA. The California Department of Toxic Substances Control’s EnviroStor and the State Water Resources Control Board’s GeoTracker online databases are commonly searched to determine the presence or absence of hazardous materials sites included on the Cortese List.

A review of both GeoTracker² and EnviroStor³ concluded that no hazardous material sites with an “open” cleanup case are located within the immediate vicinity of the Project Site. Additionally, the Project Site itself has no open or historical cases and is not expected to be affected by potential contamination. Thus, this exception does not apply.

- Historical Resources - “A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource”. A California Historical Resources Information System (CHRIS) records search was completed by staff at the South Coastal Information Center (SCIC) on January 31, 2022. Previous investigations overlap the Project Site, but the Project Site was not mentioned in any reports; and no resources were identified within the Project Site as a result of the overlapping studies.

The built environment survey was conducted by Dudek on February 4, 2022. The foot survey involved surveying properties within or immediately adjacent to the Project Site and recording all buildings and structures with notes and photographs. Eight (8) total buildings over 45 years of age are located on the Project Site (two vacant office buildings and six storage buildings) and all were evaluated for historical and architectural significance as a single property

¹ California Department of Transportation. 2022. “Officially Designated State Scenic Highways and Historic Parkways.” Accessed August 2022.

<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

² GeoTracker. 2022. GeoTracker Database. Accessed August 2022.

<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Search+GeoTracker>

³ EnviroStor. 2022. EnviroStor Database. Accessed August 2022.

<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Search>.

due to the Project Site's shared history first as a concrete mixing plant and later as a storage facility.

After research and evaluation, the Project Site does not appear eligible under any National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or City cultural resource designation criteria due to a lack of significant historical associations and architectural merit as further described in a Negative Cultural Resources Inventory Report, (Dudek, November 2022) and a Historic Resources Technical Report (Dudek, November 2022) prepared for the project. Therefore, the Project Site is not considered an historical resource for the purposes of CEQA.

As a result of archival research, field survey, record search, and property significance evaluations, no historical resources were identified within the Project Site, nor were any adjacent cultural resources identified that could be indirectly impacted by proposed Project activities. As the proposed Project would have no impact on historical resources, no further study is required. Thus, this exception does not apply.

Planning staff also evaluated the potential exceptions to the use of Categorical Exemptions as defined by Section 19.04.070 of the Carlsbad Municipal Code and determined that none of these exceptions apply as explained below:

- Grading and clearing activities affecting sensitive plant or animal habitats – A categorical exemption shall not apply when there is earth moving activities “which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.); sensitive, rare, candidate species of special concern; endangered or threatened biological species or their habitat (specifically including sage scrub habitat for the California Gnatcatcher)”.

The Project Site is located in a developed part of the city and is surrounded by residential and commercial land uses. The Project Site features the existing Ponto Storage facility and a junkyard, which would be demolished and removed during Project construction. A Biological Resources Letter Report (Alden Environmental, Inc., September 2022) was prepared for the Project Site. Two field surveys were conducted (in May 2019 and September 2022) to review and document existing vegetation communities, plant and animal species, and potential jurisdictional features including vernal pool resources. The results of the surveys are documented within the Biological Resources Letter Report and summarized below.

Aerial imagery as far back as 1947, reviewed as part of preparation of the Biological Resources Letter Report, shows visible ground disturbance on site, and aerial imagery from 1978 shows the existing Ponto Storage facility (Nationwide Environmental Title Research, LLC 2021). During the site surveys, the property was found to support Disturbed Land (2.02 acres) and Developed Land (2.62 acres). Disturbed land is a City Habitat Group F land cover type and typically includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Developed land includes nursery/landscape service yard (i.e., junkyard), the Ponto Storage facility and its outbuildings, concrete foundations, and some associated non-native landscaping plants such as Mexican fan palm and coppery mesembryanthemum (*Malephora crocea*).

All Project impacts would occur to either Developed Land (2.62-acres on-site and 0.51 acres off-site) or Disturbed Land (Group F) (2.02 acres). Neither is considered a sensitive biological resource; therefore, impacts are considered less than significant. Impacts to Group F land cover do nonetheless require payment into the City's Habitat Mitigation Fee Program per the Habitat Conservation Plan. As such, the Project will be conditioned to pay this fee for the 2.02 acres of impact to Disturbed Land.

There was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. Small patches of coyote brush (*Baccharis pilularis*) do occur in the adjacent buffer area; however, they do not constitute a sensitive habitat type. This species, while native, is a disturbance associated species, which commonly forms monospecific patches in developed and disturbed areas. No special status plant or animal species were observed or detected on-site.

Lastly, the Project Site is not located within any Focused Planning Area (FPA) or any corresponding Habitat Management Plan (HMP) Core, Linkage, or Special Resource Area, and is not located within the City's Preserve System.

In summary, as a result of this existing development, vegetation communities on the Project Site are limited to Developed Land and Disturbed Habitat. There are no sensitive vegetation communities present within or adjacent to the Project Site; no special status plant or animal species were observed/detected; and none are considered to have potential to occur based on the existing conditions of the Project Site. Additionally, the Project Site does not support any jurisdictional wetland/riparian features. Based on specific habitat requirements, no significant biological resources can reasonably be expected to occur on the property; therefore, the Project Site is not considered to have value as habitat for endangered, rare, or threatened species. Thus, this exception does not apply.

- Grading and clearing activities affecting archaeological or cultural resources from either historic or prehistoric periods – A categorical exemption shall not apply when there is earth moving activities affecting “archaeological or cultural resources from either historic or prehistoric periods”.

A California Historical Resources Information System (CHRIS) records search was completed by staff at the South Coastal Information Center (SCIC) on January 31, 2022. Previous investigations overlap the Project Site, but the Project Site was not mentioned in any reports; and no resources were identified within the Project Site as a result of the overlapping studies.

The built environment survey was conducted by Dudek on February 4, 2022. The foot survey involved surveying properties within or immediately adjacent to the Project Site and recording all buildings and structures with notes and photographs. Eight (8) total buildings over 45 years of age are located on the Project Site (two vacant office buildings and six storage buildings) and all were evaluated for historical and architectural significance as a single property due to the Project Site's shared history first as a concrete mixing plant and later as a storage facility.

After research and evaluation, the Project Site does not appear eligible under any National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or City cultural resource designation criteria due to a lack of significant historical associations and

architectural merit as further described in the Negative Cultural Resources Inventory Report, (Dudek, November 2022) and Historic Resources Technical Report (Dudek, November 2022) prepared for the project. Therefore, the Project Site is not considered an historical resource for the purposes of CEQA.

As a result of archival research, field survey, record search, and property significance evaluations, no historical resources were identified within the Project Site, nor were any adjacent cultural resources identified that could be indirectly impacted by proposed Project activities. As the proposed Project would have no impact on archaeological or cultural resources from either historic or prehistoric periods, no further study is required. Thus, this exception does not apply.

- “Parcel maps, plot plans and all discretionary development projects otherwise exempt but which affect sensitive, threatened or endangered biological species or their habitat (as defined above), archaeological or cultural resources from either historic or prehistoric periods, wetlands, stream courses designated on U.S. Geological Survey maps, hazardous materials, unstable soils or other factors requiring special review, on all or a portion of the site.” This exception applies when a project may result in damage to biological species or their habitats or archeological or cultural resources.

- *Biological Resources*

As discussed above, the proposed Project would not affect sensitive, threatened, or endangered biological species or their habitat. This exception does not apply.

- *Cultural Resources*

As discussed above, the proposed Project would not affect archaeological or cultural resources from either historic or prehistoric periods. This exception does not apply.

- *Wetlands and Streams*

As discussed above, the biological analysis conducted for the Project concluded that there was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. A review of the U.S. Geological Survey’s Streamer⁴ application concluded that no streams are located within the immediate vicinity of the Project site. Thus, this exception does not apply.

- *Hazardous Materials*

A review of both GeoTracker⁵ and EnviroStor⁶ concluded that no hazardous material sites with an “open” cleanup case are located within the immediate vicinity of the Project Site. Additionally, the Project Site itself has no open or historical cases and is not expected to be affected by potential contamination. Thus, this exception does not apply.

⁴ U.S. Geological Survey. 2022. Streamer. Accessed November 2022. <https://txpub.usgs.gov/DSS/streamer/web/>.

⁵ GeoTracker. 2022. GeoTracker Database. Accessed August 2022. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Search+GeoTracker>.

⁶ EnviroStor. 2022. EnviroStor Database. Accessed August 2022. <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Search>.

- *Unstable Soils*

Review of both the City of Carlsbad's General Plan Public Safety Element⁷ and the California Geological Survey's Earthquake Zones of Required Investigation Viewer⁸ conclude that the Project site is not located in an area with potential for seismic hazards.

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1/5/23

ERIC LARDY, City Planner

Date

⁷ City of Carlsbad. 2015. Chapter 6, Public Safety Element. Accessed November 2022.
<https://www.carlsbadca.gov/home/showpublisheddocument/3428/637434861106370000>.

⁸ California Geological Survey. 2016. Earthquake Zones of Required Investigation. Accessed November 2022.
<https://maps.conservation.ca.gov/cgs/EQZApp/>.

2022 Oct 12 – Public Input on Ponto Site 18 environmental impacts to be studied/mitigated by City/Developer

The public input is based on the City of Carlsbad's description of Ponto Site 18 proposed land use changes (see pages 8-9 below) and the Developer's proposed land use change & approach to pay Park-in-lieu-fees to avoid providing much need Coastal and neighborhood Parks at Ponto (see page 10 below). Please see the 3 attached data files regarding Coastal Recreation, Low-cost Visitor Accommodations and unmitigated high-priority Coastal land use losses at Ponto from Coastal erosion and Sea Level Rise listed on page 11 below.

Public Input Questions as to the legality of using tax-payer funds to pay for the CEQA analysis/costs of private developers:

- Who is paying for the CEQA analysis of private property and private developer proposals?
- Are Carlsbad tax-payer dollars being used to subsidize Developers' CEQA analysis costs?
- Is the City being reimbursed by each developer to cover the costs of their site-specific CEQA analysis?
- Is the City violating the State Law prohibition of a 'Gift of Public Funds to a private parties' by paying for the CEQA processing for developers?

The following Public Input on environmental impacts are taken from CA CEQA Guidelines Appendix G (2019):

AIR QUALITY: Expose sensitive receptors to substantial pollutant concentrations? – Site 18 proposes land use changes to high-density (DU/Acre) residential development next to the LOSSAN rail corridor (that is planned to be double tracked to significantly increase train traffic and train pollution). Proposed Site 18 will expose much higher population densities to diesel and particulate emissions from the increased rail traffic on the LOSSAN Corridor. 91% of Ponto Site 18's dwelling units are 3 & 4 bedroom and thus the population proposed is both high occupancy and high density - mean increased population exposure. The likelihood that most of the 91% of the proposed 3 & 4 bedroom units will be occupied by children (who are more sensitive/impacted by air pollution) further adds to pollution exposure impacts from proposed land use changes at Site 18.

BIOLOGICAL RESOURCES: a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? & c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? – There have been endangered species Fairy Shrimp and CCS Habitat identified in the area and along poperies adjacent to the LOSSAN corridor. There endangered species such as Fairy Shrimp and CCS Habitat on the Site 18. Also there appears to maybe federal jurisdictional waters of Site 18 which should be addressed.

HAZARDS AND HAZARDOUS MATERIALS: b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous

materials into the environment? – There is a regional SoCal Gas high-pressure Natural Gas transmission pipeline and easement that runs through Ponto Site 18 & Planning Area F. This pipeline recently had a leak that was repaired. However future gas leaks are likely to occur over time. Constructing high-density & high-occupancy housing likely with significant child population over/adjacent this major natural gas transmission line exposes larger amounts of future populations (with an estimated higher percentage of children) to hazards from gas leaks. Providing a sufficient open space/hazard setback adjacent to the pipeline easement should be explored as a means to provide a safety buffer between the gas pipeline hazard and proposed higher-density and higher occupancy residential land use. An expanded open space setback can also serve as repair staging space for gas pipeline repairs and inspections. Carlsbad’s Ponto Beachfront Village Vision Plan indicated this Gas Pipeline and easement would be moved/relocated to a safer location.

LAND USE AND PLANNING: b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? – Site 18 proposes to change Carlsbad’s General Plan & Local Coastal Program Land Use Plan & Zoning by removing VC-Visitor Serving Coastal land use and replacing it with R-23 high-density Residential land use. VC-Visitor Commercial is a high-priority Coastal Land Use per the CA Coastal Act. In 2016-2017 the CA Coastal Commission has informed the City of the need to ensure an adequate amount and distribution of VC land use is forever provided in the City’s currently proposed (that does not include the proposed Site 18 land use changes eliminating VC Land Use) Local Coastal Program Land Use Plan (LCP) changes. This issue is reflected in the City’s description of Ponto Site 18 on pages 8-9 in which the City indicates that the VC-Visitor Serving land use will likely not be changed by City & CA Coastal Commission. Ponto Site 18 is within Carlsbad’s existing Mello II LCP Segment with specific LCP Policies that relate to VC land uses – particularly CA Coastal Act high-priority “Low Cost Visitor Accommodations” land use. Specifically LCP Policies 6-2, 6-4 and 6-10 that read:

*POLICY 6-2 REGIONAL PARK: If the population of Carlsbad increases in accordance with SANDAG’s projected Series V Population Forecasts, it is estimated that Carlsbad will need to develop a new regional park containing 200 to 300 acres in order to adequately serve the public. **A location for a new regional park must, therefore, be established.** Consideration should be given to a facility within the Aqua Hedionda Specific Plan Area, or adjacent lands. **The Batiquitos Lagoon area should also be considered.***

*POLICY 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING: Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. **This can be accomplished in conjunction with an eventual Batiquitos Park,** within the Aqua Hedionda Specific Plan Area, and/or along with the development of private recreational facilities.*

*POLICY 6-10 LOWER COST VISITOR-SERVING RECREATIONAL USES: **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.** Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations”*

Official Carlsbad Public Records Request # R002393-092121 confirmed the City did not implement Policy 6-2 and reduced the 200-300 acres to only a 49-acre useable Veterans Park that City now acknowledges is only a neighborhood park and will not serve as a ‘regional park’. The City has never implemented existing Mello II LCP Policy 6-4. The City incorrectly (and potentially dishonestly) implemented Policy 6-

10 as all the 'new visitor accommodations (hotels and resorts) that the City approved as 'affordable' were later documented by the City as "Unaffordable" in "Table 3-1: Carlsbad Coastal Zone Hotel Inventory" the City's currently proposed LCP Land Use Plan changes (excluding Ponto Site 18). And no lower-cost recreational facilities have been provided or approved by the City as called out in Policy 6-10. The vacant lands at Ponto – Site 18, Planning Area F, and Planning Area G and H, are the only remaining vacant lands west of the LOSSAN corridor in South Carlsbad that can practically provide for those 'Lower cost visitor and recreational facilities' and "(i.e. Public Park) as noted in the current Ponto Planning Area F LCP Land Use Policy.

The ONLY Low-cost Visitor Accommodation in Carlsbad is the (overcrowded) State Campground as documented by the City's "Table 3-1: Carlsbad Coastal Zone Hotel Inventory" in the City's currently proposed LCP Land Use Plan changes. hat the City knows will be 'impacted' (eliminated) in the future due sea level rise and bluff erosion. City proposes to eliminate opportunities for upland relocation of the Campground (or similar private accommodations) in the City's currently proposed LCP Land Use Plan Amendment & in the Developer's/City proposed elimination of VC land use at Site 18.

Please see and reference the two (2) People for Ponto Public Comments and documented data files on Carlsbad's proposed Local Coastal Program Amendment regarding 1) 'Coastal Recreation Land Use', and 2) 'Low Cost Visitor Accommodations' both dated 10/12/21 for more documented details and data that relate to the Coastal Land Use issues, Park Inequities at Ponto, lack of Coastal Park in and for South Carlsbad inland populations, and lack of low-cost visitor accommodations and recreation facilities at Ponto/South Carlsbad. Please also see and reference the documented data in the '2022 Sea Level Rise and Carlsbad's DLCP-LUPA's projected/planned Loss of Open Space at Ponto' also submitted as People for Ponto Public Comments on Carlsbad's proposed Local Coastal Program Amendment showing the City's failure to provide Useable Coastal Open Space for Coastal Recreation as required by the City's Growth Management Ordinance and the City's planned and unmitigated loss of Carlsbad's only Low-cost Visitor Accommodation land use – State Campground – due to accelerated coastal erosion and Sea Level Rise.

Site 18 is designated as VC and appears was intended as an affordable visitor site in the City's Ponto Beachfront Village Vision Plan (PBVVP). The PBVVP was rejected by the CA Coastal Commission for its inadequacy in disclosing-considering-documenting "the need for Coastal Recreation (i.e. Public Park) and Low-cost Visitor Accommodations" in the adjacent and directly abutting Poinsettia Shores Master Plan/LCP area of Ponto. Ponto Site 18's proposed elimination of VC Coastal Land Use impacts both the Existing LCP and City proposed LCP changes regarding CA Coastal Act high-priority Coastal Land Use.

Also, all CA cities are being required by the State of CA to each 8-years change General Plan Land Use (and in some instances Coastal Land Use Plans) to increase residential land use with higher-densities that by definition provide less recreational open space for their population, and thus need City/State Parks for their outdoor recreation needs. Yet every 8-years each City's Parkland and Coastal Recreation land uses are not required by the State of CA to increase/grow in proportion to those State required increases in residential population and higher densities with minimal recreation space. So every 8-years there is more crowding on exiting City Public Parks, City/State Coastal Parks, and low-cost visitor accommodations at the Coast. There is a finite amount of Coastal Land for all of Carlsbad and CA to use for Coastal Recreation and it is imperative that the small amounts of remaining vacant Coastal Land be preserved for CA Coastal Act high-priority Coastal Recreation land use to meet the increasing population/visitor demands required to be produced every 8-years.

Also, it should be noted that the City of Carlsbad's Park Master Plan already identifies the Ponto Area as an area 'unserved by City parks' and an area the City should require/provide new City Parks. Ponto Site 18 should be required to provide its proportionate share of needed City Park land at Ponto by dedicating unused portions of Site 18 to the City for Park land per the City's Parkland Dedication Ordinance 20.44. This is double important give that 91% of Site 18's proposed housing units are 3 & 4 bedroom and will likely have either 1) a high percentage of children per unit, or 2) have a larger per unity adult population of multiple adult families living as roommates and also increasing parking demand beyond a single-family home. In either case there is a clear need Park land within walking distance to be useable/accessible to these proposed larger child and/or adult populations. The private recreation space (required to offset reduced/eliminated yards and open space by higher density development) is not a substitute for larger multi-use Park lands for children and adults to run around and play.

NOISE: CEQA does not appear to require consideration of noise/vibration impacts on proposed Ponto Site 18 populations from the LOSSAN corridor train traffic. Living some distance from the LOSSAN Corridor and buffered by both landscaped setbacks an 8-10' concrete block wall outside of the Rail corridor we can still hear/feel the trains and the vibration impacts should be considered.

POPULATION AND HOUSING: a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? – Ponto Site 18 was/is in part planned for VC-Visitor Commercial land use, thus it is inducing unplanned population growth at Ponto. The .397 square mile Ponto area Census Tract, even with its significant currently vacant land, is already developed at 4,111 people per square mile that is a density that is about 40% more dense than the Citywide average of 2,959 people per square mile. As noted above in 'Land Use & Planning impacts' Site 18's proposed 91% 3-4 bedroom development will create higher occupancy per unit (either high numbers of Children or high numbers of adults per unit) and with a proposed high number of dwelling units per acre, Site 18 will create additional residential population without providing needed Parkland at Ponto. The City Park Inequity (unfairness) at Ponto has been documented by the City's Park Master Plan's map of areas "unserved by Parks".

PUBLIC SERVICES: a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? – the City has said areas west of I-5/LOSSAN Corridor are falling out of desired Fire/Emergency service levels and new Fire/Emergency/Lifeguard facilities are needed west of I-5/LOSSAN Corridor. Proposed Ponto 18 land use change and development will add new and more impacts to that situation and should be mitigated.
- Parks? – As noted in LAND USE AND PLANNING and POPULATION AND HOUSING above, the proposed change in land use to Residential, higher-density residential, and proposed high-occupancy (many children in a family unit or many multi-family adult roommates) per unit development will add a larger population needing Park land and access within walking distance. Carlsbad's Park Master Plan documents that the Ponto Area is 'Unserved by Parks' and an "Area the City should add Parks'. Also the Local Coastal Program for the directly adjacent Ponto

Planning Area F specifically requires the City and/or developer to address Park needs at Ponto. On July 3, 2017 the CA Coastal Commission provided the following direction to Carlsbad:

- “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.”**

This study has yet to be done, and was not done by the City with the 2010 Ponto Vision Plan (rejected by the CCC) nor with the 2015 General Plan Update (currently being evaluated by the CCC for the Coastal portions of Carlsbad). The newly proposed Ponto Site 18 Coastal land use change from visitor accommodation land use to residential land use and proposed high population occupancy/density will impact on the CCC’s 2017 direction to Carlsbad regarding both “(i.e. Public Park) and low-cost visitor accommodations”; the impacts of this should be evaluated with CCC consultation.

As noted in LAND USE AND PLANNING, the Mello II LCP for Ponto Site 18 has documented that City has not followed/implemented the Mello II LCP Land Use Policies 6-2, 6-4 and 6-10. Site 18’s proposed Coastal Land Use Plan changes and added population will compound the impacts and problems of the City not complying with these 3 existing Local Coastal Program Land Use Policies. The impacts of this should be evaluated with CCC consultation.

People for Ponto Carlsbad Citizens have provided a “Coastal Recreation data file” on 10/12/21 to the City and CCC that documents both local Ponto/South Carlsbad and Regional Coastal Park inadequacy, inequity, and unfairness; along with the relatively poor provision/distribution of Parks in Carlsbad relative to adjacent Coastal cities. Because there are no Ponto Parks to informally play ball games and other larger open areas to play within a safe/short walk or bike ride Ponto children and families are forced to play in the LOSSAN Corridor and in Ponto streets as has been documented to the City and CCC in several photos and in numerous petitions/emails. Children and adults playing in streets and along high-speed railroad tracks are not safe, and the City by not providing an adequate Park at Ponto is creating this unsafe situation. These safety impacts should be evaluated and with CCC consultation.

Over 5,000 petitions have been sent to the City of Carlsbad and CA Coastal Commission documenting the need and desire for a meaningful Ponto Park. Ponto Site 18 is in the CA Coastal Zone and very close to the ocean. Ponto Site 18 should at the very barest of minimums be required to dedicate the appropriate portion of the Ponto Site 18 land to fulfill the relatively low 3 acres per 1,000 population park land dedication for a Ponto Site 18 development proposal and assure Site 18’s bare minimum Ponto park needs are met with a Park actually at Ponto. Ponto Site 18 should NOT be allowed to buy land outside Ponto or pay an ‘in-lieu-fee’ as a means to avoid providing Park land at Ponto Site 18 as Site 18 has sufficient vacant land to provide the City Parkland dedication. The impacts to both local Park and the State/Regional Coastal Recreation (i.e. Public Park) needs to provide actual Park land at Ponto should be evaluated and with CCC consultation.

The VMT & GHG and ADT impacts of not providing Parks within a safe and short walking/biking distance from the Park need (i.e. Ponto) should also be fully evaluated. The impacts to children’s health and

safety from not providing Parks within a safe and short walking/biking distance from the Park need (i.e. Ponto) should also be fully evaluated and with CCC and LOSSAN Corridor agency consultations.

RECREATION: a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? – Ponto Site 18 will increase Recreation needs. However there are no Parks at Ponto. The only City Parks reasonably accessible (and only safely accessible for children) to Ponto Site 18 populations require driving and parking at Parks over 2-6 miles away. The added impacts to City Streets, City Park land and City Park parking facilities should be evaluated. Also, will additional Park parking spaces be required and thus reduce the ‘actual people useable portion’ of the Parks that will be used by proposed Ponto Site 18?

TRANSPORTATION/TRAFFIC: a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system ...? – As noted 91% of the units are 3-4 bedrooms that will have the potential for a relative high occupancy per unit. That high-occupancy will either be a high child (i.e. larger single-family) or high adult (several unrelated adults living as roommates). If a high child occupancy the impacts will be child related and the need for abundant safe walking/biking facilities. If high adult occupancy there will be then need to provide much more parking space than the standard 2-car parking space and guest space requirement for a ‘single-family unit. It is very common for most garages along the coast to not be used for parking but used for non-vehicle storage, and for unit occupants to use streets as their primary parking spaces. If there are more adults (beyond a typical single-family) then there will be more cars and parking demand per unit and even more cars will use surrounding public streets as their primary parking spaces. In fact the proposed Ponto Site 18 design and front door locations encourages each unit fronting on a public street to use the public street as their private parking space. At Ponto there is currently a high demand for public on-street parking to access the beach. The City has failed to provide public beach parking in the abandoned (and still paved) PCH Right-of-Way both north and south of Poinsettia Lane at the Campground entrance. Ponto Site 18 will increase parking demand and that demand will still over onto the public Ponto Road and thus remove/decrease the limited amount of public beach parking at Ponto. The CA Coastal Commission has already identified the current public beach parking needs at Ponto and also the need to provide more public beach parking to accommodate future population growth and demand to access the Coast. The current/future needs for public beach parking should be studied and determined, proposed Ponto Site 18’s high-occupancy and parking demand and spillover impact onto public streets be determined and a 100% accountable/enforceable system established to assure Ponto Site 18 has no impact to public beach parking.

e) Result in inadequate emergency access? – As noted earlier, Carlsbad already as indicated areas west of I-5/LOSSAN Corridor have inadequate fire/Emergency access/service levels. Ponto Site 18 will increase those inadequacies by adding a high-occupancy population. This impact should be studied and mitigated.

MANDATORY FINDINGS OF SIGNIFICANCE: b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? – Ponto Site 18 is one of the last

meaningful vacant Coastal lands in San Diego County that can serve the documented need to provide land for the increasing population/visitor demands for Low-Cost Visitor Accommodation uses and for the no-cost City and regional Coastal Park needs (no Coastal Park in a 6-mile length of Coast centered around Ponto) and provide a needed neighborhood park for the local Ponto Community. The Coastal Recreation and Low-Cost Visitor Accommodation data files document these situations/impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? – Ponto Site 18 is one of the last meaningful vacant Coastal lands in San Diego County that can serve the documented need to provide land for the increasing population/visitor demands for Low-Cost Visitor Accommodation uses and for the no-cost City and regional Coastal Park needs (no Coastal Park in a 6-mile length of Coast centered around Ponto) and provide a needed neighborhood park for the local Ponto Community. For instance Ponto Children and their parents are forced to play in the Streets or along the LOSSAN Corridor as these areas are the only larger open space areas to play. Many of the Ponto homes and manufactured homes have very narrow yards or zero-side yards, and common open space are only narrow paths or smaller single function spaces (pool/spa) that can't be used for play. So there is minimal outdoor play area at Ponto that impacts children and their families. Per the City of Carlsbad's minimal Park Standard of 3 acres per 1,000 population the existing Ponto area population the Ponto Area should have about a minimum 6.5 acre City Park. The City only provides parks for Ponto that are 2 to 6 miles away via unsafe arterial roadways so inaccessible by children, and the City has recently said Ponto's Park needs are to be fulfilled by Veterans Park that is over 6-miles away and practically inaccessible and unusable by Ponto residents and children. The City also acknowledges that Veterans Park will not be used by Ponto and other more distant residents. The proposed Ponto Site 18 land use change/development would add about .7 acres more of Park Demand at Ponto to add to the current about 6.5 acre Park Demand at Ponto (see page 10). This lack of Park land for Ponto Children and their families has a substantial adverse effect on human beings – particularly children. Proposed Ponto Site 18 adds to that effect.

The Ponto area is also the last vacant land that can provide a much needed Coastal Park for Carlsbad & other inland populations (and 62% of Carlsbad Citizens living in South Carlsbad that have NO Coastal Park) along the 6-mile length of that has no Coastal Park. This lack of Coastal Park impacts all of South Carlsbad and also is a Regional Coastal Park and Coastal Recreation impact. Coastal Recreation (i.e. Public Park) is a high-priority land use under the CA Coastal Act, and is even more critical to provide Coastal Parks for California's growing resident and visitor populations. There are very limited vacant lands on which to provide Coastal Parks and preserving those vacant lands for Coastal Recreation (i.e. Public Parks) is critical to avoid adverse effects on human beings – particularly children.

The Ponto area (Planning Area F, and G and H) and Ponto Site 18 are also the last vacant lands that can provide a much needed Coastal Low Cost Visitor Accommodation Land Uses that are high-priority land uses under that CA Coastal Act. The need for new Low Cost Visitor Accommodation Land Uses and acreage has been well documented by the CA Coastal Commission and in Carlsbad's Mello II LCP and Poinsettia Shores LCP. The Ponto Site 18 proposal is to eliminate the VC-Visitor Commercial land use that could provide Low-cost Visitor Accommodations. Recent Sea Level Rise (SLR) and Coastal Erosion data document that 32+ acres of Carlsbad State Beach & Campground will continue to erode away and that that erosion will accelerate due to SLR (see attached "Sea Level Rise and Carlsbad's DLCP-LUPA's projected/planned Loss of Open Space at Ponto - 2022" data file). Carlsbad State Campground provides Carlsbad's ONLY Low-cost Visitor Accommodations. So Carlsbad will have no Low-cost Visitor Accommodation land use in the future, and there is no City plan to address this loss and the increased

need for this land use from both current and future population and visitor demands. This lack of Low-Cost Visitor Accommodation land is an adverse effect on human beings – particularly children.

City of Carlsbad’s description of Ponto Site 18 and Coastal land use issues:

POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



SITE DESCRIPTION

The site is a group of eight vacant and underutilized properties in the Ponto area, located south of the Cape Rey Carlsbad Beach hotel and east of Carlsbad Boulevard. The site is bisected by Ponto Drive. North of Ponto Drive are three underutilized parcels containing a mini storage, miscellaneous buildings and other storage uses on nearly five acres. To the south, across Ponto Drive, is a cluster of five small vacant properties total just over an acre.

Site topography is generally flat. Some of the parcels may be constrained due to environmentally sensitive habitat. One parcel is alongside the railroad corridor. All the parcels are located outside the McClellan-Palomar Airport flight path.

The site does not include a vacant 11-acre parcel along either side of Ponto Drive and fronting Avenida Encinas. The parcel is commonly referred to as “Planning Area F.”

SITE FEATURES

- Vacant/underutilized
- Utilities accessible
- In the Coastal Zone
- Site constraints

SITE OPPORTUNITY

The site consists of a mix of residential and non-residential land use designations. Two of the eight parcels have a split land use designation of VC (Visitor Commercial) and R-15 (11.5 to 15 dwelling units per acre, or du/ac). The one parcel alongside the railroad corridor is designated R-15. The R-15 designation often applies to small lot single family or detached or attached condominium development. The cluster of five vacant parcels south of Ponto Drive is designated GC (General Commercial). General Commercial permits a broad range of commercial uses. It also permits properties to be developed in a mixed-use format, with limited residential above first floor commercial.

Staff has received a letter from one property owner expressing support for higher density.

Except for the VC-designated portion of the two parcels, which is not anticipated to change, the redesignation of all parcels to R-23 is contemplated. R-23 is a residential designation the state identifies as suitable for moderate income households. The R-23 designation would permit a density range of 19 to 23 dwelling units per acre (du/ac). This density is typical of two- and three-story apartment and condominium developments.

To change any designation, amendments to the General Plan, Local Coastal Program, zoning, Poinsettia Shores Master Plan, and the Ponto Beachfront Village Vision Plan would be required. These amendments would require City Council and California Coastal Commission approval.



Upper area proposed for land use change & higher density

Part of Lower area can (should) be dedicated to provided needed parkland

POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



Parcels Numbers	216-010-01, 216-010-02, 216-010-03, 216-010-04, 216-010-05, 214-160-25, 214-160-28, 214-171-11	GMP Quadrant	Southwest
Ownership	Private (separate ownership)	Parcel Size	Approximately 6 acres (all parcels)
Current General Plan Designations	R-15 (Residential 8-15 du/ac), VC (Visitor Commercial)/R-15, GC (General Commercial)	Proposed General Plan Designation	R-23 (Residential, 19 to 23 du/ac)* <i>*The VC designation, which applies to two properties, is not anticipated to change and would remain in the same location.</i>
Current Residential Opportunity	Approximately 44 units (based on the existing R-15 designation and limited residential permitted on GC-designated properties)	Proposed Residential Opportunity	Approximately 90 units (at 19 du/ac)* <i>*No yield is determined from portions of property designated VC.</i>
Income category of units (based on minimum density)	Moderate		

Calculation of Ponto Site 18 Parkland dedication requirement and City losses from the Park-in-lieu Fee:

Ponto Site 18 - Fenton proposed development's Park land dedication requirement	
Park land dedication requirement per CMC 20.44	https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44
US Census data	https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210
Carlsbad Park Dedication Requirement is 3 acres of land per 1,000 population of the proposed development. Population of proposed development is based on population per household based on latest US Census data 2020 US Census data is 2.64 people per household	
FYI, Carlsbad 3 acres /1,000 is comparatively very low both locally and nationally. And there is no 'walkably requirement'. 5 acres /1,000 population is what Encinitas and Oceanside require along with a 10-minute walk location requirement.	
Fenton owns almost 6 acres of land in Site 18, 4.64 acres of which they want to develop now, and the other 1+ acre part they want to develop later. on the 4.64 acre site change VC-Visitor Commercial/R-15 (15 dwellings per acre) General Plan land use and Zoning to 100% residential and develop at 19.125 dwellings per acre on 4.64 acres. On the 1+ acre site, instead of providing their required Park land dedication, Fenton is proposing to develop the remaining 1 acre area (between PCH & Ponto Drive) as General Commercial. Instead of providing the required Park Land dedication, Fenton is proposing to develop the remaining 1 acre area (between Pecha and Ponto Drive) as General Commercial.	
Site 18 (Fenton) development proposal for the 4.64 acre portion is development of 86 household units (over 19 dwelling units per acre in higher occupancy units than typical) consisting of:	
8	2-bedroom homes = 9% of total units proposed
40	3-bedroom homes = 47% of total units proposed
38	4-bedroom homes = 44% of total units proposed
86	100%
Fenton is proposing 91% of the project with 3 or 4 bedrooms so the project will have higher occupancy, and likely more children, per housing unit than the Citywide average of 2.64 people per housing unit	
Fenton Park land dedication requirement per CMC 20.44	
calculation	86 DU of Fenton proposed development
X	2.64 average population per DU per 2020 US Census
=	227 estimated population of Fenton project
/	1,000 population that needs 3 acres of Park land per CMC 20.44
=	0.22704 percentage of 3 acres of Park land required for 227 people
X	3 acres of Park land required per 1,000 people
=	0.68112 acres of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
X	43,560 square feet per acre
=	29,670 square feet of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
1 acre of Fenton's unused vacant 'ice plant lots' between PCH & Ponto Drive that can provide Fenton's Park land requirement	
\$ 398,696	per City Master Fee Schedule. Consistent with what Fenton said was would be the 'Park-in-lieu Fee for their 86 DU project
\$ 50	Estimated SF cost Fenton paid for Ponto Site 18 or \$ 2.18 million per acre
\$ 1,483,479	cost of 29,670 SF of Ponto Site 18 land to satisfy Fenton's Park land requirement
for the Ponto Site 18 5-acre 86 dwelling unit land use change and development proposal:	
\$ (1,084,783) Dollars the City is loosing in Park land value and not receiving in its Park-in-lieu Fee, so this is a gift to the developer	
-73% % of lost Park land value City is loosing and not receiving in its PIL Fee, so this is a City gift to the developer	
\$ 1,000,000	per acre cost to develop a Park like Buena Vista Reservoir Park
43,560	square feet per acre
\$ 22.96	Cost per sq. ft.
29,670	square feet of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
\$ 681,120	Cost to develop Fenton's 29,670 sq. ft. of Park Land Dedication as a Park
\$ (282,424) Dollars City looses from Park-in-lieu Fees not even being adequate to cover Actual Minimal Park Development Costs	

Included attached supporting data files:

1. Carlsbad 2019 proposed Draft LCP Amendment – People for Ponto 2021 Oct Updated Public Comments - Coastal Recreation
2. Carlsbad 2019 proposed Draft LCP Amendment –Public Comments – Low-Cost Visitor Accommodations updated 2021-10-12
3. Sea Level Rise and Carlsbad’s DLCP-LUPA’s projected/planned Loss of Open Space at Ponto - 2022

POTENTIAL HOUSING SITES

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Site topography is generally flat. Some of the parcels may be constrained due to environmentally sensitive habitat. One parcel is alongside the railroad corridor. All the parcels are located outside the McClellan-Palomar Airport flight path.

The site does not include a vacant 11-acre parcel along either side of Ponto Drive and fronting Avenida Encinas. The parcel is commonly referred to as “Planning Area F.”

SITE FEATURES

- Vacant/underutilized
- Utilities accessible
- In the Coastal Zone
- Site constraints

SITE OPPORTUNITY

The site consists of a mix of residential and non-residential land use designations. Two of the eight parcels have a split land use designation of VC (Visitor Commercial) and R-15 (11.5 to 15 dwelling units per acre, or du/ac). The one parcel alongside the railroad corridor is designated R-15. The R-15 designation often applies to small lot single family or detached or attached condominium development. The cluster of five vacant parcels south of Ponto Drive is designated GC (General Commercial). General Commercial permits a broad range of commercial uses. It also permits properties to be developed in a mixed-use format, with limited residential above first floor commercial.

Staff has received a letter from one property owner expressing support for higher density.

Except for the VC-designated portion of the two parcels, which is not anticipated to change, the redesignation of all parcels to R-23 is contemplated. R-23 is a residential designation the state identifies as suitable for moderate income households. The R-23 designation would permit a density range of 19 to 23 dwelling units per acre (du/ac). This density is typical of two- and three-story apartment and condominium developments.

To change any designation, amendments to the General Plan, Local Coastal Program, zoning, Poinsettia Shores Master Plan, and the Ponto Beachfront Village Vision Plan would be required. These amendments would require City Council and California Coastal Commission approval.



POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



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Ownership	Private (separate ownership)	Parcel Size	Approximately 6 acres (all parcels)
Current General Plan Designations	R-15 (Residential 8-15 du/ac), VC (Visitor Commercial)/R-15, GC (General Commercial)	Proposed General Plan Designation	R-23 (Residential, 19 to 23 du/ac)* <i>*The VC designation, which applies to two properties, is not anticipated to change and would remain in the same location.</i>
Current Residential Opportunity	Approximately 44 units (based on the existing R-15 designation and limited residential permitted on GC-designated properties)	Proposed Residential Opportunity	Approximately 90 units (at 19 du/ac)* <i>*No yield is determined from portions of property designated VC.</i>
Income category of units (based on minimum density)	Moderate		

From: [Lance Schulte](#)
To: [Scott Donnell](#); [Boyle, Carrie@Coastal](mailto:Boyle_Carrie@Coastal); ["Prahler, Erin@Coastal"](mailto:Prahler_Erin@Coastal); [Ross, Toni@Coastal](mailto:Ross_Toni@Coastal)
Subject: Public input and data on Ponto Site 18 within the CA Coastal Zone - Reminder: Give input on environmental study for future housing sites
Attachments: [2022_Oct_-_Public_Input_of_Environmental_Impacts_of_Ponto_Site_18_for_SEIR_on_proposed_Coastal_Land_Use_changes_in_2021-2029_Housing_Element_Update.pdf](#)
[Carlsbad_2019_proposed_Draft_LCP_Amendment_-_People_for_Ponto_2021-Oct_Updated_Public_Comments_-_Coastal_Recreation.pdf](#)
[Carlsbad_2019_proposed_Draft_LCP_Amendment_-_Public_Comments_-_Low-cost_Visitor_Accmodations_-_updated_2021-10-12.pdf](#)
[Sea_Level_Rise_and_Carlsbad_DLCP-LUPA_planned_loss_of_OS_at_Ponto_-_2022_\(2\).pdf](#)

Dear Scott, Carrie, Erin and Toni:

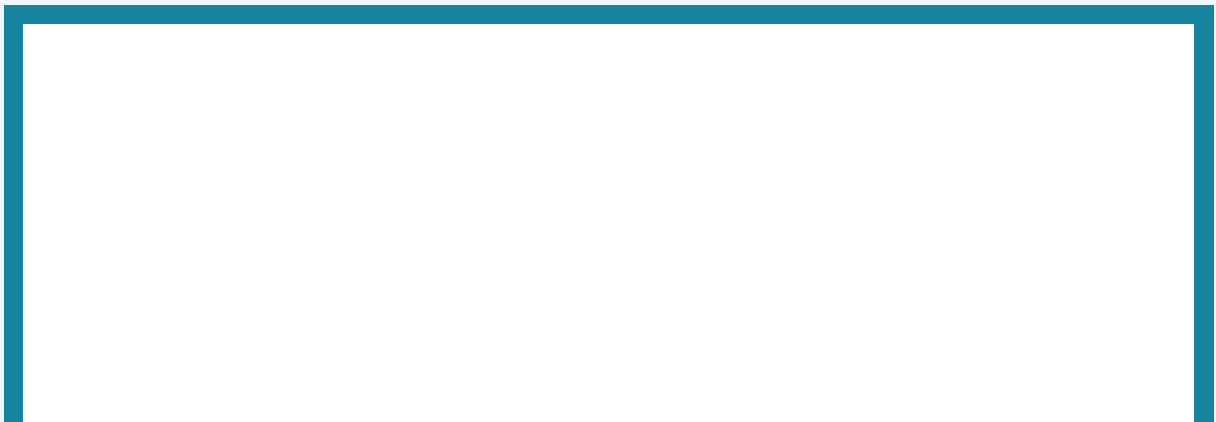
Attached is public input to the Carlsbad's environmental study for the Developer/City proposed Coastal Land Use changes on Ponto Site 18 – elimination of the VC-Visitor Commercial land use and change to increase the Residential density range on the entire site. There are 4 components of public input:

1. Public input on the items from the CEQA Checklist, and
2. Backup data to that public input regarding key Coastal environmental issues associated with the proposed Coastal land use changes on Ponto Site 18 of:
 - a. Coastal Recreation needs
 - b. VC-Visitor Commercial land Use Designation/zoning and Low-Cost Visitor Accommodation needs, and
 - c. At Ponto the planned unmitigated loss of 32+ acres of State Beach and Campground (Carlsbad's only Low-Cost Visitor Accommodations) due to accelerated Coastal Erosion and Sea Level Rise.

The Ponto area is an area the City has documented as being 'unserved by Parks'. Ponto is the last vacant Coastal Land on which to cost effectively and much better address the Coastal Recreation, Low-cost Visitor Accommodation, and the currently known yet unmitigated 32+acres of Coastal Erosion/Sea Level Rise impacts to at Ponto. Ponto Site 18 is one of those currently vacant Coastal lands.

Thank you.
Lance Schulte

From: City of Carlsbad [<mailto:communications@carlsbadca.ccsend.com>] **On Behalf Of** City of Carlsbad
Sent: Wednesday, October 12, 2022 8:04 AM
To: meyers-schulte@sbcglobal.net
Subject: Reminder: Give input on environmental study for future housing sites





Reminder: Third meeting added to give input on environmental study for future housing sites

Remember to mark your calendar for Monday, Oct. 17, to give input on what environmental impacts should be evaluated in a study on [potential properties](#) that could be rezoned to accommodate future housing. A reminder that the city also extended the deadline to provide comments from Oct. 14 to Oct. 26.

Environmental Scoping Meeting
Oct. 17, 6 to 7:30 p.m.
City of Carlsbad
Faraday Administration Center
1635 Faraday Ave.

You can provide input via mail or email through Oct. 26 to:

Scott Donnell, Senior Planner
City of Carlsbad
Planning Division
1635 Faraday Ave.
Carlsbad, CA 92008
Scott.Donnell@carlsbadca.gov

Next steps

After helping identify what environmental impacts should be evaluated, residents will have an opportunity to review and provide input on the draft report once it is developed. The supplemental environmental impact report will be presented to the City Council for consideration in 2023.

Background

The city is preparing a supplemental environmental impact report for its [General Plan](#), approved in 2015. The report is required as part of the city's [Housing Element Update](#), a state-required plan approved in July 2021 for how Carlsbad will accommodate projected housing needs through 2029.

As part of a Housing Element Update, the state also requires all cities analyze and update portions of their [Public Safety Element](#), a separate chapter of the General Plan that focuses on citywide topics including climate resiliency, wildfire hazards and evacuation routes. Updates proposed will respond to requirements of new state legislation related to these topics.

The city worked with the community last year to choose the potential sites, and the next step is to perform environmental studies. This analysis will help inform the final selection of sites.

Zoning changes

The city's housing plan includes proposed changes to zoning that would allow more housing units on certain properties. This study will evaluate the environmental impacts of those changes, including how it might affect things like transportation, aesthetics and greenhouse gas emissions.

Housing program implementation

The housing plan also includes programs that require the city to make changes to housing standards, such as allowing additional types of housing and higher densities to meet state requirements. The environmental review will analyze the impacts of implementing some of these programs.

Learn more

- [Housing Plan Update](#)
 - [General Plan](#)
 - Scott Donnell, Senior Planner, scott.donnell@carlsbadca.gov
-



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2022 Oct 12 – Public Input on Ponto Site 18 environmental impacts to be studied/mitigated by City/Developer

The public input is based on the City of Carlsbad's description of Ponto Site 18 proposed land use changes (see pages 8-9 below) and the Developer's proposed land use change & approach to pay Park-in-lieu-fees to avoid providing much need Coastal and neighborhood Parks at Ponto (see page 10 below). Please see the 3 attached data files regarding Coastal Recreation, Low-cost Visitor Accommodations and unmitigated high-priority Coastal land use losses at Ponto from Coastal erosion and Sea Level Rise listed on page 11 below.

Public Input Questions as to the legality of using tax-payer funds to pay for the CEQA analysis/costs of private developers:

- Who is paying for the CEQA analysis of private property and private developer proposals?
- Are Carlsbad tax-payer dollars being used to subsidize Developers' CEQA analysis costs?
- Is the City being reimbursed by each developer to cover the costs of their site-specific CEQA analysis?
- Is the City violating the State Law prohibition of a 'Gift of Public Funds to a private parties' by paying for the CEQA processing for developers?

The following Public Input on environmental impacts are taken from CA CEQA Guidelines Appendix G (2019):

AIR QUALITY: Expose sensitive receptors to substantial pollutant concentrations? – Site 18 proposes land use changes to high-density (DU/Acre) residential development next to the LOSSAN rail corridor (that is planned to be double tracked to significantly increase train traffic and train pollution). Proposed Site 18 will expose much higher population densities to diesel and particulate emissions from the increased rail traffic on the LOSSAN Corridor. 91% of Ponto Site 18's dwelling units are 3 & 4 bedroom and thus the population proposed is both high occupancy and high density - mean increased population exposure. The likelihood that most of the 91% of the proposed 3 & 4 bedroom units will be occupied by children (who are more sensitive/impacted by air pollution) further adds to pollution exposure impacts from proposed land use changes at Site 18.

BIOLOGICAL RESOURCES: a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? & c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? – There have been endangered species Fairy Shrimp and CCS Habitat identified in the area and along poperies adjacent to the LOSSAN corridor. There endangered species such as Fairy Shrimp and CCS Habitat on the Site 18. Also there appears to maybe federal jurisdictional waters of Site 18 which should be addressed.

HAZARDS AND HAZARDOUS MATERIALS: b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous

materials into the environment? – There is a regional SoCal Gas high-pressure Natural Gas transmission pipeline and easement that runs through Ponto Site 18 & Planning Area F. This pipeline recently had a leak that was repaired. However future gas leaks are likely to occur over time. Constructing high-density & high-occupancy housing likely with significant child population over/adjacent this major natural gas transmission line exposes larger amounts of future populations (with an estimated higher percentage of children) to hazards from gas leaks. Providing a sufficient open space/hazard setback adjacent to the pipeline easement should be explored as a means to provide a safety buffer between the gas pipeline hazard and proposed higher-density and higher occupancy residential land use. An expanded open space setback can also serve as repair staging space for gas pipeline repairs and inspections. Carlsbad’s Ponto Beachfront Village Vision Plan indicated this Gas Pipeline and easement would be moved/relocated to a safer location.

LAND USE AND PLANNING: b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? – Site 18 proposes to change Carlsbad’s General Plan & Local Coastal Program Land Use Plan & Zoning by removing VC-Visitor Serving Coastal land use and replacing it with R-23 high-density Residential land use. VC-Visitor Commercial is a high-priority Coastal Land Use per the CA Coastal Act. In 2016-2017 the CA Coastal Commission has informed the City of the need to ensure an adequate amount and distribution of VC land use is forever provided in the City’s currently proposed (that does not include the proposed Site 18 land use changes eliminating VC Land Use) Local Coastal Program Land Use Plan (LCP) changes. This issue is reflected in the City’s description of Ponto Site 18 on pages 8-9 in which the City indicates that the VC-Visitor Serving land use will likely not be changed by City & CA Coastal Commission. Ponto Site 18 is within Carlsbad’s existing Mello II LCP Segment with specific LCP Policies that relate to VC land uses – particularly CA Coastal Act high-priority “Low Cost Visitor Accommodations” land use. Specifically LCP Policies 6-2, 6-4 and 6-10 that read:

*POLICY 6-2 REGIONAL PARK: If the population of Carlsbad increases in accordance with SANDAG’s projected Series V Population Forecasts, it is estimated that Carlsbad will need to develop a new regional park containing 200 to 300 acres in order to adequately serve the public. **A location for a new regional park must, therefore, be established.** Consideration should be given to a facility within the Aqua Hedionda Specific Plan Area, or adjacent lands. **The Batiquitos Lagoon area should also be considered.***

*POLICY 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING: Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. **This can be accomplished in conjunction with an eventual Batiquitos Park,** within the Aqua Hedionda Specific Plan Area, and/or along with the development of private recreational facilities.*

*POLICY 6-10 LOWER COST VISITOR-SERVING RECREATIONAL USES: **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.** Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations”*

Official Carlsbad Public Records Request # R002393-092121 confirmed the City did not implement Policy 6-2 and reduced the 200-300 acres to only a 49-acre useable Veterans Park that City now acknowledges is only a neighborhood park and will not serve as a ‘regional park’. The City has never implemented existing Mello II LCP Policy 6-4. The City incorrectly (and potentially dishonestly) implemented Policy 6-

10 as all the 'new visitor accommodations (hotels and resorts) that the City approved as 'affordable' were later documented by the City as "Unaffordable" in "Table 3-1: Carlsbad Coastal Zone Hotel Inventory" the City's currently proposed LCP Land Use Plan changes (excluding Ponto Site 18). And no lower-cost recreational facilities have been provided or approved by the City as called out in Policy 6-10. The vacant lands at Ponto – Site 18, Planning Area F, and Planning Area G and H, are the only remaining vacant lands west of the LOSSAN corridor in South Carlsbad that can practically provide for those 'Lower cost visitor and recreational facilities' and "(i.e. Public Park) as noted in the current Ponto Planning Area F LCP Land Use Policy.

The ONLY Low-cost Visitor Accommodation in Carlsbad is the (overcrowded) State Campground as documented by the City's "Table 3-1: Carlsbad Coastal Zone Hotel Inventory" in the City's currently proposed LCP Land Use Plan changes. hat the City knows will be 'impacted' (eliminated) in the future due sea level rise and bluff erosion. City proposes to eliminate opportunities for upland relocation of the Campground (or similar private accommodations) in the City's currently proposed LCP Land Use Plan Amendment & in the Developer's/City proposed elimination of VC land use at Site 18.

Please see and reference the two (2) People for Ponto Public Comments and documented data files on Carlsbad's proposed Local Coastal Program Amendment regarding 1) 'Coastal Recreation Land Use', and 2) 'Low Cost Visitor Accommodations' both dated 10/12/21 for more documented details and data that relate to the Coastal Land Use issues, Park Inequities at Ponto, lack of Coastal Park in and for South Carlsbad inland populations, and lack of low-cost visitor accommodations and recreation facilities at Ponto/South Carlsbad. Please also see and reference the documented data in the '2022 Sea Level Rise and Carlsbad's DLCP-LUPA's projected/planned Loss of Open Space at Ponto' also submitted as People for Ponto Public Comments on Carlsbad's proposed Local Coastal Program Amendment showing the City's failure to provide Useable Coastal Open Space for Coastal Recreation as required by the City's Growth Management Ordinance and the City's planned and unmitigated loss of Carlsbad's only Low-cost Visitor Accommodation land use – State Campground – due to accelerated coastal erosion and Sea Level Rise.

Site 18 is designated as VC and appears was intended as an affordable visitor site in the City's Ponto Beachfront Village Vision Plan (PBVVP). The PBVVP was rejected by the CA Coastal Commission for its inadequacy in disclosing-considering-documenting "the need for Coastal Recreation (i.e. Public Park) and Low-cost Visitor Accommodations" in the adjacent and directly abutting Poinsettia Shores Master Plan/LCP area of Ponto. Ponto Site 18's proposed elimination of VC Coastal Land Use impacts both the Existing LCP and City proposed LCP changes regarding CA Coastal Act high-priority Coastal Land Use.

Also, all CA cities are being required by the State of CA to each 8-years change General Plan Land Use (and in some instances Coastal Land Use Plans) to increase residential land use with higher-densities that by definition provide less recreational open space for their population, and thus need City/State Parks for their outdoor recreation needs. Yet every 8-years each City's Parkland and Coastal Recreation land uses are not required by the State of CA to increase/grow in proportion to those State required increases in residential population and higher densities with minimal recreation space. So every 8-years there is more crowding on exiting City Public Parks, City/State Coastal Parks, and low-cost visitor accommodations at the Coast. There is a finite amount of Coastal Land for all of Carlsbad and CA to use for Coastal Recreation and it is imperative that the small amounts of remaining vacant Coastal Land be preserved for CA Coastal Act high-priority Coastal Recreation land use to meet the increasing population/visitor demands required to be produced every 8-years.

Also, it should be noted that the City of Carlsbad's Park Master Plan already identifies the Ponto Area as an area 'unserved by City parks' and an area the City should require/provide new City Parks. Ponto Site 18 should be required to provide its proportionate share of needed City Park land at Ponto by dedicating unused portions of Site 18 to the City for Park land per the City's Parkland Dedication Ordinance 20.44. This is double important give that 91% of Site 18's proposed housing units are 3 & 4 bedroom and will likely have either 1) a high percentage of children per unit, or 2) have a larger per unity adult population of multiple adult families living as roommates and also increasing parking demand beyond a single-family home. In either case there is a clear need Park land within walking distance to be useable/accessible to these proposed larger child and/or adult populations. The private recreation space (required to offset reduced/eliminated yards and open space by higher density development) is not a substitute for larger multi-use Park lands for children and adults to run around and play.

NOISE: CEQA does not appear to require consideration of noise/vibration impacts on proposed Ponto Site 18 populations from the LOSSAN corridor train traffic. Living some distance from the LOSSAN Corridor and buffered by both landscaped setbacks an 8-10' concrete block wall outside of the Rail corridor we can still hear/feel the trains and the vibration impacts should be considered.

POPULATION AND HOUSING: a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? – Ponto Site 18 was/is in part planned for VC-Visitor Commercial land use, thus it is inducing unplanned population growth at Ponto. The .397 square mile Ponto area Census Tract, even with its significant currently vacant land, is already developed at 4,111 people per square mile that is a density that is about 40% more dense than the Citywide average of 2,959 people per square mile. As noted above in 'Land Use & Planning impacts' Site 18's proposed 91% 3-4 bedroom development will create higher occupancy per unit (either high numbers of Children or high numbers of adults per unit) and with a proposed high number of dwelling units per acre, Site 18 will create additional residential population without providing needed Parkland at Ponto. The City Park Inequity (unfairness) at Ponto has been documented by the City's Park Master Plan's map of areas "unserved by Parks".

PUBLIC SERVICES: a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? – the City has said areas west of I-5/LOSSAN Corridor are falling out of desired Fire/Emergency service levels and new Fire/Emergency/Lifeguard facilities are needed west of I-5/LOSSAN Corridor. Proposed Ponto 18 land use change and development will add new and more impacts to that situation and should be mitigated.
- Parks? – As noted in LAND USE AND PLANNING and POPULATION AND HOUSING above, the proposed change in land use to Residential, higher-density residential, and proposed high-occupancy (many children in a family unit or many multi-family adult roommates) per unit development will add a larger population needing Park land and access within walking distance. Carlsbad's Park Master Plan documents that the Ponto Area is 'Unserved by Parks' and an "Area the City should add Parks'. Also the Local Coastal Program for the directly adjacent Ponto

Planning Area F specifically requires the City and/or developer to address Park needs at Ponto. On July 3, 2017 the CA Coastal Commission provided the following direction to Carlsbad:

- “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.”**

This study has yet to be done, and was not done by the City with the 2010 Ponto Vision Plan (rejected by the CCC) nor with the 2015 General Plan Update (currently being evaluated by the CCC for the Coastal portions of Carlsbad). The newly proposed Ponto Site 18 Coastal land use change from visitor accommodation land use to residential land use and proposed high population occupancy/density will impact on the CCC’s 2017 direction to Carlsbad regarding both “(i.e. Public Park) and low-cost visitor accommodations”; the impacts of this should be evaluated with CCC consultation.

As noted in LAND USE AND PLANNING, the Mello II LCP for Ponto Site 18 has documented that City has not followed/implemented the Mello II LCP Land Use Policies 6-2, 6-4 and 6-10. Site 18’s proposed Coastal Land Use Plan changes and added population will compound the impacts and problems of the City not complying with these 3 existing Local Coastal Program Land Use Policies. The impacts of this should be evaluated with CCC consultation.

People for Ponto Carlsbad Citizens have provided a “Coastal Recreation data file” on 10/12/21 to the City and CCC that documents both local Ponto/South Carlsbad and Regional Coastal Park inadequacy, inequity, and unfairness; along with the relatively poor provision/distribution of Parks in Carlsbad relative to adjacent Coastal cities. Because there are no Ponto Parks to informally play ball games and other larger open areas to play within a safe/short walk or bike ride Ponto children and families are forced to play in the LOSSAN Corridor and in Ponto streets as has been documented to the City and CCC in several photos and in numerous petitions/emails. Children and adults playing in streets and along high-speed railroad tracks are not safe, and the City by not providing an adequate Park at Ponto is creating this unsafe situation. These safety impacts should be evaluated and with CCC consultation.

Over 5,000 petitions have been sent to the City of Carlsbad and CA Coastal Commission documenting the need and desire for a meaningful Ponto Park. Ponto Site 18 is in the CA Coastal Zone and very close to the ocean. Ponto Site 18 should at the very barest of minimums be required to dedicate the appropriate portion of the Ponto Site 18 land to fulfill the relatively low 3 acres per 1,000 population park land dedication for a Ponto Site 18 development proposal and assure Site 18’s bare minimum Ponto park needs are met with a Park actually at Ponto. Ponto Site 18 should NOT be allowed to buy land outside Ponto or pay an ‘in-lieu-fee’ as a means to avoid providing Park land at Ponto Site 18 as Site 18 has sufficient vacant land to provide the City Parkland dedication. The impacts to both local Park and the State/Regional Coastal Recreation (i.e. Public Park) needs to provide actual Park land at Ponto should be evaluated and with CCC consultation.

The VMT & GHG and ADT impacts of not providing Parks within a safe and short walking/biking distance from the Park need (i.e. Ponto) should also be fully evaluated. The impacts to children’s health and

safety from not providing Parks within a safe and short walking/biking distance from the Park need (i.e. Ponto) should also be fully evaluated and with CCC and LOSSAN Corridor agency consultations.

RECREATION: a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? – Ponto Site 18 will increase Recreation needs. However there are no Parks at Ponto. The only City Parks reasonably accessible (and only safely accessible for children) to Ponto Site 18 populations require driving and parking at Parks over 2-6 miles away. The added impacts to City Streets, City Park land and City Park parking facilities should be evaluated. Also, will additional Park parking spaces be required and thus reduce the ‘actual people useable portion’ of the Parks that will be used by proposed Ponto Site 18?

TRANSPORTATION/TRAFFIC: a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system ...? – As noted 91% of the units are 3-4 bedrooms that will have the potential for a relative high occupancy per unit. That high-occupancy will either be a high child (i.e. larger single-family) or high adult (several unrelated adults living as roommates). If a high child occupancy the impacts will be child related and the need for abundant safe walking/biking facilities. If high adult occupancy there will be then need to provide much more parking space than the standard 2-car parking space and guest space requirement for a ‘single-family unit. It is very common for most garages along the coast to not be used for parking but used for non-vehicle storage, and for unit occupants to use streets as their primary parking spaces. If there are more adults (beyond a typical single-family) then there will be more cars and parking demand per unit and even more cars will use surrounding public streets as their primary parking spaces. In fact the proposed Ponto Site 18 design and front door locations encourages each unit fronting on a public street to use the public street as their private parking space. At Ponto there is currently a high demand for public on-street parking to access the beach. The City has failed to provide public beach parking in the abandoned (and still paved) PCH Right-of-Way both north and south of Poinsettia Lane at the Campground entrance. Ponto Site 18 will increase parking demand and that demand will still over onto the public Ponto Road and thus remove/decrease the limited amount of public beach parking at Ponto. The CA Coastal Commission has already identified the current public beach parking needs at Ponto and also the need to provide more public beach parking to accommodate future population growth and demand to access the Coast. The current/future needs for public beach parking should be studied and determined, proposed Ponto Site 18’s high-occupancy and parking demand and spillover impact onto public streets be determined and a 100% accountable/enforceable system established to assure Ponto Site 18 has no impact to public beach parking.

e) Result in inadequate emergency access? – As noted earlier, Carlsbad already as indicated areas west of I-5/LOSSAN Corridor have inadequate fire/Emergency access/service levels. Ponto Site 18 will increase those inadequacies by adding a high-occupancy population. This impact should be studied and mitigated.

MANDATORY FINDINGS OF SIGNIFICANCE: b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? – Ponto Site 18 is one of the last

meaningful vacant Coastal lands in San Diego County that can serve the documented need to provide land for the increasing population/visitor demands for Low-Cost Visitor Accommodation uses and for the no-cost City and regional Coastal Park needs (no Coastal Park in a 6-mile length of Coast centered around Ponto) and provide a needed neighborhood park for the local Ponto Community. The Coastal Recreation and Low-Cost Visitor Accommodation data files document these situations/impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? – Ponto Site 18 is close Ponto Site 18 is one of the last meaningful vacant Coastal lands in San Diego County that can serve the documented need to provide land for the increasing population/visitor demands for Low-Cost Visitor Accommodation uses and for the no-cost City and regional Coastal Park needs (no Coastal Park in a 6-mile length of Coast centered around Ponto) and provide a needed neighborhood park for the local Ponto Community. For instance Ponto Children and their parents are forced to play in the Streets or along the LOSSAN Corridor as these areas are the only larger open space areas to play. Many of the Ponto homes and manufactured homes have very narrow yards or zero-side yards, and common open space are only narrow paths or smaller single function spaces (pool/spa) that can't be used for play. So there is minim outdoor play area at Ponto that impacts children and their families. Per the City of Carlsbad's minimal Park Standard of 3 acres per 1,000 population the existing Ponto area population the Ponto Area should have about a minimum 6.5 acre City Park. The City only provides parks for Ponto that are 2 to 6 miles away via unsafe arterial roadways so inaccessible by children, and the City has recently said Ponto's Park needs are to be fulfilled by Veterans Park that is over 6-miles away and practically inaccessible and unusable by Ponto residents and children. The City also acknowledges that Veterans Park will not be used by Ponto and other more distant residents. The proposed Pont Site 18 land use change/development would add about .7 acres more of Park Demand at Ponto to add to the current about 6.5 acre Park Demand at Ponto (see page 10). This lack of Park land for Ponto Children and their families has a substantial adverse effect on human beings – particularly children. Proposed Ponto Site 18 adds to that effect.

The Ponto area is also the last vacant land that can provide a much needed Coastal Park for Carlsbad & other inland populations (and 62% of Carlsbad Citizens living in South Carlsbad that have NO Coastal Park) along the 6-mile length of that has no Coastal Park. This lack of Coastal Park impacts all of South Carlsbad and also is a Regional Coastal Park and Coastal Recreation impact. Coastal Recreation (i.e. Public Park) is a high-priority land use under the CA Coastal Act, and is even more critical to provide Coastal Parks for California's growing resident and visitor populations. There are very limited vacant lands on which to provide Coastal Parks and preserving those vacant lands for Coastal Recreation (i.e. Pubic Parks) is critical to avoid adverse effects on human beings – particularly children.

The Ponto area (Planning Area F, and G and H) and Ponto Site 18 are also the last vacant lands that can provide a much needed Coastal Low Cost Visitor Accommodation Land Uses that are high-priority land uses under that CA Coastal Act. The need for new Low Cost Visitor Accommodation Land Uses and acreage has been well documented by the CA Coastal Commission and in Carlsbad's Mello II LCP and Poinsettia Shores LCP. The Ponto Site 18 proposal is to eliminate the VC-Visitor Commercial land use that could provide Low-cost Visitor Accommodations. Recent Sea Level Rise (SLR) and Coastal Erosion data document that 32+ acres of Carlsbad State Beach & Campground will continue to erode away and that that erosion will accelerate due to SLR (see attached "Sea Level Rise and Carlsbad's DLCP-LUPA's projected/planned Loss of Open Space at Ponto - 2022" data file). Carlsbad State Campground provides Carlsbad's ONLY Low-cost Visitor Accommodations. So Carlsbad will have no Low-cost Visitor Accommodation land use in the future, and there is no City plan to address this loss and the increased

need for this land use from both current and future population and visitor demands. This lack of Low-Cost Visitor Accommodation land is an adverse effect on human beings – particularly children.

City of Carlsbad’s description of Ponto Site 18 and Coastal land use issues:

POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



SITE DESCRIPTION

The site is a group of eight vacant and underutilized properties in the Ponto area, located south of the Cape Rey Carlsbad Beach hotel and east of Carlsbad Boulevard. The site is bisected by Ponto Drive. North of Ponto Drive are three underutilized parcels containing a mini storage, miscellaneous buildings and other storage uses on nearly five acres. To the south, across Ponto Drive, is a cluster of five small vacant properties total just over an acre.

Site topography is generally flat. Some of the parcels may be constrained due to environmentally sensitive habitat. One parcel is alongside the railroad corridor. All the parcels are located outside the McClellan-Palomar Airport flight path.

The site does not include a vacant 11-acre parcel along either side of Ponto Drive and fronting Avenida Encinas. The parcel is commonly referred to as “Planning Area F.”

SITE FEATURES

- Vacant/underutilized
- Utilities accessible
- In the Coastal Zone
- Site constraints

SITE OPPORTUNITY

The site consists of a mix of residential and non-residential land use designations. Two of the eight parcels have a split land use designation of VC (Visitor Commercial) and R-15 (11.5 to 15 dwelling units per acre, or du/ac). The one parcel alongside the railroad corridor is designated R-15. The R-15 designation often applies to small lot single family or detached or attached condominium development. The cluster of five vacant parcels south of Ponto Drive is designated GC (General Commercial). General Commercial permits a broad range of commercial uses. It also permits properties to be developed in a mixed-use format, with limited residential above first floor commercial.

Staff has received a letter from one property owner expressing support for higher density.

Except for the VC-designated portion of the two parcels, which is not anticipated to change, the redesignation of all parcels to R-23 is contemplated. R-23 is a residential designation the state identifies as suitable for moderate income households. The R-23 designation would permit a density range of 19 to 23 dwelling units per acre (du/ac). This density is typical of two- and three-story apartment and condominium developments.

To change any designation, amendments to the General Plan, Local Coastal Program, zoning, Poinsettia Shores Master Plan, and the Ponto Beachfront Village Vision Plan would be required. These amendments would require City Council and California Coastal Commission approval.



Upper area proposed for land use change & higher density

Part of Lower area can (should) be dedicated to provided needed parkland

POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



Parcels Numbers	216-010-01, 216-010-02, 216-010-03, 216-010-04, 216-010-05, 214-160-25, 214-160-28, 214-171-11	GMP Quadrant	Southwest
Ownership	Private (separate ownership)	Parcel Size	Approximately 6 acres (all parcels)
Current General Plan Designations	R-15 (Residential 8-15 du/ac), VC (Visitor Commercial)/R-15, GC (General Commercial)	Proposed General Plan Designation	R-23 (Residential, 19 to 23 du/ac)* <i>*The VC designation, which applies to two properties, is not anticipated to change and would remain in the same location.</i>
Current Residential Opportunity	Approximately 44 units (based on the existing R-15 designation and limited residential permitted on GC-designated properties)	Proposed Residential Opportunity	Approximately 90 units (at 19 du/ac)* <i>*No yield is determined from portions of property designated VC.</i>
Income category of units (based on minimum density)	Moderate		

Calculation of Ponto Site 18 Parkland dedication requirement and City losses from the Park-in-lieu Fee:

Ponto Site 18 - Fenton proposed development's Park land dedication requirement	
Park land dedication requirement per CMC 20.44	https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44
US Census data	https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210
Carlsbad Park Dedication Requirement is 3 acres of land per 1,000 population of the proposed development. Population of proposed development is based on population per household based on latest US Census data 2020 US Census data is 2.64 people per household	
FYI, Carlsbad 3 acres /1,000 is comparatively very low both locally and nationally. And there is no 'walkably requirement'. 5 acres /1,000 population is what Encinitas and Oceanside require along with a 10-minute walk location requirement.	
Fenton owns almost 6 acres of land in Site 18, 4.64 acres of which they want to develop now, and the other 1+ acre part they want to develop later. on the 4.64 acre site change VC-Visitor Commercial/R-15 (15 dwellings per acre) General Plan land use and Zoning to 100% residential and develop at 19.125 dwellings per acre on 4.64 acres.	
On the 1+ acre site, instead of providing their required Park land dedication, Fenton is proposing to develop the remaining 1 acre area (between PCH & Ponto Drive) as General Commercial.	
Instead of providing the required Park Land dedication, Fenton is proposing to develop the remaining 1 acre area (between Pecha and Ponto Drive) as General Commercial.	
Site 18 (Fenton) development proposal for the 4.64 acre portion is development of 86 household units (over 19 dwelling units per acre in in higher occupancy units than typical) consisting of:	
8	2-bedroom homes = 9% of total units proposed
40	3-bedroom homes = 47% of total units proposed
38	4-bedroom homes = 44% of total units proposed
86	100%
Fenton is proposing 91% of the project with 3 or 4 bedrooms so the project will have higher occupancy, and likely more children, per housing unit than the Citywide average of 2.64 people per housing unit	
Fenton Park land dedication requirement per CMC 20.44	
calculation	86 DU of Fenton proposed development
X	2.64 average population per DU per 2020 US Census
=	227 estimated population of Fenton project
/	1,000 population that needs 3 acres of Park land per CMC 20.44
=	0.22704 percentage of 3 acres of Park land required for 227 people
X	3 acres of Park land required per 1,000 people
=	0.68112 acres of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
X	43,560 square feet per acre
=	29,670 square feet of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
1 acre of Fenton's unused vacant 'ice plant lots' between PCH & Ponto Drive that can provide Fenton's Park land requirement	
\$ 398,696	per City Master Fee Schedule. Consistent with what Fenton said was would be the 'Park-in-lieu Fee for their 86 DU project
\$ 50	Estimated SF cost Fenton paid for Ponto Site 18 or \$ 2.18 million per acre
\$ 1,483,479	cost of 29,670 SF of Ponto Site 18 land to satisfy Fenton's Park land requirement
for the Ponto Site 18 5-acre 86 dwelling unit land use cahnge and development proposal:	
\$ (1,084,783) Dollars the City is loosing in Park land value and not receiving in its Park-in-lieu Fee, so this is a gift to the developer	
-73% % of lost Park land value City is loosing and not receiving in its PIL Fee, so this is a City gift to the developer	
\$ 1,000,000	per acre cost to develop a Park like Buena Vista Reservoir Park
43,560	square feet per acre
\$ 22.96	Cost per sq. ft.
29,670	square feet of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU
\$ 681,120	Cost to develop Fenton's 29,670 sq. ft. of Park Land Dedication as a Park
\$ (282,424) Dollars City looses from Park-in-lieu Fees not even being adequate to cover Actual Minimal Park Development Costs	

Included attached supporting data files:

1. Carlsbad 2019 proposed Draft LCP Amendment – People for Ponto 2021 Oct Updated Public Comments - Coastal Recreation
2. Carlsbad 2019 proposed Draft LCP Amendment –Public Comments – Low-Cost Visitor Accommodations updated 2021-10-12
3. Sea Level Rise and Carlsbad’s DLCP-LUPA’s projected/planned Loss of Open Space at Ponto - 2022

Low Cost Visitor Accommodations:

1. On 10/8/21 the Carlsbad City Council and CA Coastal Commission were emailed data from an Official Carlsbad Public Records Request (# R002393-092121) on the City of Carlsbad's past compliance/noncompliance with the currently exiting Mello II LCP Land Use Policies # 6-2, 6-4 & 6-10 Certified in the mid-1980s. The City's documents show:
 - a. For Policy 6-2 the 200-300 acre Park called out in Policy 6-2 has been reduced to Veterans Park's 91.5 acres, of which only 54% or 49.5 acres is even useable as a Park. The City provided no documents on how a 200-300 acre park called for in Policy 6-4 is now only 49.5 useable acres.
 - b. For Policy 6-4 there were no City documents were provided. There was no City Public discussion, consideration, or City compliance with Policy 6-4 since the mid-1980's.
 - c. For Policy 6-10 documents were provided that stated that 3 hotels – Flower Fields Westin, Legoland Hotel, and Timeshare Expansion were all considered Low Cost Accommodations by the Developer's Report to City. Table 3-1 below from the Draft Proposed LCP Amendment however shows these Accommodations are NOT Low-Cost Accommodations but "Upper Upscale", "Luxury", and "Upscale". Is this right? Has Policy 6-10 seems to have been circumvented in the City's Coastal Development Permit process. The Draft LCP Amendment should address an accountable approach to compliance with Policy 6-10.

Table 3-1, Carlsbad Coastal Zone Hotel Inventory		
Property	Smith Travel Research Cost Scale	Rooms
Days Inn Carlsbad	Economy	45
Scandia Motel	Economy	20
Motel 6 Carlsbad East	Economy	140
Motel 6 Carlsbad South	Economy	162
Ramada Carlsbad	Midscale	121
La Quinta Inns & Suites Carlsbad Legoland Area	Midscale	110
Best Western Plus Beach View Lodge	Upper Midscale	41
Carlsbad by the Sea Resort	Upper Midscale	145
Holiday Inn Express & Suites Carlsbad Beach	Upper Midscale	120
Carlsbad Inn Beach Resort	Upper Upscale	62
Westin Carlsbad Resort & Spa	Upper Upscale	208
Sheraton Hotel Carlsbad Resort & Spa	Upper Upscale	169
West Inn & Suites @ Carlsbad	Upper Upscale	86
Cape Rey Carlsbad, a Hilton Resort	Upper Upscale	215
Legoland Castle Hotel	Upscale	250
Grand Pacific Palisades Resort	Upscale	90
Hyatt House San Diego Carlsbad	Upscale	98
Hilton Garden Inn Carlsbad Beach	Upscale	161
Ocean Palms Beach Resort	Upscale	56
Tamarack Beach Resort	Luxury	23
Legoland California Resort Hotel	Luxury	250
Beach Terrace Inn	Luxury	48
Four Seasons Residence Club Aviara	Luxury	42
Park Hyatt Aviara Resort	Luxury	327
Total Hotel Rooms		2,989
South Carlsbad State Beach Campground	Lower-Cost (per the average daily rate for "Economy" hotels)	222
Total Accommodations		3,211

Source: Smith Travel Research, October 2018

The 3 existing LCP Land Use Policies are important for Carlsbad, and California's, Coastal land use resources. There appears little to no discussion of the City's past apparent failure to implementation of these 3 LCP LUPs in the current City consideration of changes to the LCP.

Following is a copy of Public Records Request # R002393-092121: "Carlsbad's Local Coastal Program (LCP) for the Mello II Segment of Carlsbad's Coastal Zone has long established land use Policies 6-2, 6-4 & 6-10 that were adopted by Carlsbad and Certified by the CA Coastal Commission in the early/mid-1980's. Mello II LCP Policies 6-2, 6-4 & 6-10 are shown on page 86-87 of Carlsbad's 2016 compiled LCP and are:

- "POLICY 6-2 REGIONAL PARK: If the population of Carlsbad increases in accordance with SANDAG's projected Series V Population Forecasts, it is estimated that Carlsbad will need to develop a new regional park containing 200 to 300 acres in order to adequately serve the public. A location for a new regional park must, therefore, be established. Consideration should be given to a facility within the Aqua Hedionda Specific Plan Area, or adjacent lands. The Batiquitos Lagoon area should also be considered.

- POLICY 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING: Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities, are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. This can be accomplished in conjunction with an eventual Batiquitos Park, within the Aqua Hedionda Specific Plan Area, and/or along with the development of private recreational facilities.
 - POLICY 6-10 LOWER COST VISITOR-SERVING RECREATIONAL USES: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations”
2. The public record request is to see documents of:
 - a. City Staff reports, presentations and communications to the Carlsbad Planning and Parks Commissions, and City Council regarding the City’s consideration and implementation of these 3 specific (6-2, 6-4, and 6-10) Mello II LCP land use policies; and
 - b. Carlsbad Planning and Parks Commissions, and City Council minutes, resolutions and ordinances documenting City of Carlsbad consideration and implementation of these 3 specific (6-2, 6-4, and 6-10) Mello II LCP land use policies.”
 3. P. 3-3 cites CA Coastal Act (CCA) Polices. But the City’s proposed Local Coastal Program (LCP) Land Use Plan (LUP) in the Ponto Area, particularly for Planning Area F, appears inconsistent with these CCA policies:
 - a. Section 30213 – protect, encourage and provide Lower-Cost Visitor & Recreation Facilities.
 - b. Section 30221 – Visitor serving & Recreation uses have priority over Residential & General Commercial uses.
 - c. Section 30223 – Upland areas reserved to support Coastal Recreation uses
 - d. Section 30252(6) – correlate development with Local Park acquisition & on-site recreation
 4. Planning Area F used to be designated “Visitor Serving Commercial” as part of the original 1980’s LUP and LCP Samis Master Plan for Ponto. In the 1996 this LUP was changed to the now current LCP and LUP designation of “Non-Residential Reserve” with a specific LCP requirement to reconsider a high-priority recreation or visitor serving Coastal land use while other Ponto land uses were changed to low-priority residential uses (see Poinsettia Shores Master Plan/LCP). It seems appropriated that the LUP should re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park” in the existing LCP) to provide high-priority coastal uses v. low-priority residential/general commercial uses: in part for the following reasons:
 - a. Planning Area F’s existing LCP requirement requires this consideration, but the City has never disclosed this requirement to Citizens nor followed this requirement during the Cities two prior ‘planning efforts’ in 2010 and 2015 as documented by official Carlsbad Public Records Requests 2017-260, 261, 262.
 - b. Ponto developers (both Samis and Kaisza) were both allowed to overdevelop Ponto, by not providing the minimum Open Space required by Carlsbad’s and Citizen approved Growth Management Open Space Standard. Over 30-acres of land that should have been dedicated to Growth Management Open Space (a high-priority land use) was instead allowed to be developed with low-priority residential development. If the City’s Growth Management Open Space Standard was properly applied at Ponto there would be 30-acres more open space at Ponto then there is now. This is a significant impact to CCA policies that can be corrected by changes in the Ponto LUP to properly implement City Open Space Standards and CCA policies.

- c. The LCPA acknowledges that past (2005-17) and near-term (2019-23) growth in Carlsbad visitor demand for coastal recreation and accommodations, and indicate high past hotel occupancy rates that implies current hotel supply is just meeting current demand. Although the LCPA does not discuss the high occupancy rates at the Low-Cost Accommodation campground facilities, It is assumed the campground occupancy rate (understood to be around 80% or more) and demand is higher than that of hotels. This should be documented/defined. Based on current and near term demand for visitor accommodations the LCPA states on page 3-12 "... the City should identify and designate land where new hotels and other visitor-serving uses can be developed." It is clear where the 'City should identify and designate [this] land'? What new land(s) should be so identified and designated? However, the LCPA does not disclose longer-term visitor accommodation needs beyond 2023, nor provide a long-term plan for meeting this long-term need. The LCPA should publicly disclose, analyze and provide for the longer-term "Coastal Zone Buildout needs" (beyond present and well beyond 2023) for visitor Coastal accommodations, particularly Low-Cost Accommodations and Recreation needs because the LCPA's LUP is a long-term plan for Carlsbad's buildout estimated to extend beyond 2035. Also, given the fact that there are very few vacant Coastal sites (like Ponto) that are still available to address these long-term high priority Coastal land uses – recreation and visitor serving – reserving these vacant lands for high priority coastal land uses is consistent with many CCA Policies. Following are some longer-term projections of resident demand for Coastal park and recreation needs. It seems logical that long-term visitor demand will increase at a similar rate as the general population increase rate, unless our coast becomes too overcrowded and unattractive vis-à-vis other visitor destinations. A long-term visitor demand (to go with the below long-term resident demand long-term Sea Level Rise impacts) for Coastal recreation resources should be a part of the proposed LCPA and part of the long-term LUP to provide resources for those long-term needs and to mitigate for those long-term Sea Level Rise impacts.

Increasing demand for Coastal recreational land

San Diego County Population

1980	1,861,846
1990	2,498,016
2000	2,813,833
2010	3,095,313
2020	3,535,000 = 46,500 people per mile of coast
2030	3,870,000
2040	4,163,688
2050	4,384,867 = 57,700 people per mile of coast

2010 - 2050 % Change = 42% increase in population

SANDAG Preliminary 2050 Regional Growth Forecast

Increasing demand for Coastal recreational land

Yearly Visitors to San Diego County

2016	34,900,000
2017	34,900,000
2018	35,300,000
2019	35,900,000
2020	36,500,000 = average 100,000 visitors per day
2021	37,100,000 or 2.83% of Population per day
2022	37,700,000 or 1,316 Visitors/coastal mile/day

Typically around 1.6% annual increase in visitors

San Diego Tourism Authority, San Diego Travel Forecast, December 2017

d. City in the LCPA inaccurately analyzes and misrepresents how much Visitor Serving Accommodations, particularly Low-Cost Accommodations, Carlsbad currently provides on a relative or comparative basis. The LCPA’s inaccurate and simplistic analysis does not adjust for the different sizes of the Coastal Zone in the 3 cities (Carlsbad, Oceanside and Encinitas) used in the analysis. Carlsbad’s Coastal Zone is significantly larger than both the other cities, so it has more land and accommodations, just like San Diego’s Coastal Zone is larger than Carlsbad’s and San Diego is larger than its smaller adjacent neighbors Del Mar and National City. A simplistic how many accommodations are in your adjacent cities is an inappropriate analytical method for Carlsbad-Oceanside-Encinitas; just as it is inappropriate to compare the number of San Diego’s hotels with the number hotels in San Diego’s smaller neighbors Del Mar and National City. The accurate method to do a comparative analysis is based on a common denominator, such as the amount of accommodations per 1,000 acres of Coastal Zone land along with comparing each city’s relative percentages. This is a more accurate and appropriate analysis that the LCPA should provide, and not that provided on page 3-13. The LCPA analysis also does not fully discuss and compare “Low-Cost” accommodations that are part of the CCA policies; nor provide a mitigation approach for “Low-Cost” accommodations lost, just ‘Economy hotel rooms’. Below is data from the LCPA and other LCPs that shows the proper and more accurate comparison of existing Visitor Serving Accommodations in Carlsbad-Oceanside-Encinitas and includes Low-Cost Accommodation numbers/comparisons that are totally missing in the LCPA analysis. As the data shows, Carlsbad does not perform as well in Visitor Accommodations, and most particularly in “Low-Cost Visitor Accommodations”, as the LCPA states and proposes in the LUP relative to Oceanside and Encinitas. An honest analysis like below should be provided in the LCPA LUP, particularly given the very limited amount of vacant Coastal land left to provide for high-priority Coastal Uses. Ponto is one of the last remaining vacant Coastal areas.

Carlsbad's proposed 2019 LCPA uses comparative 3-city data to address how Carlsbad's 2019 LCPA addresses Visitor Serving Accommodation needs. “Low-Cost” Accommodations are an important CA Coastal Act issue

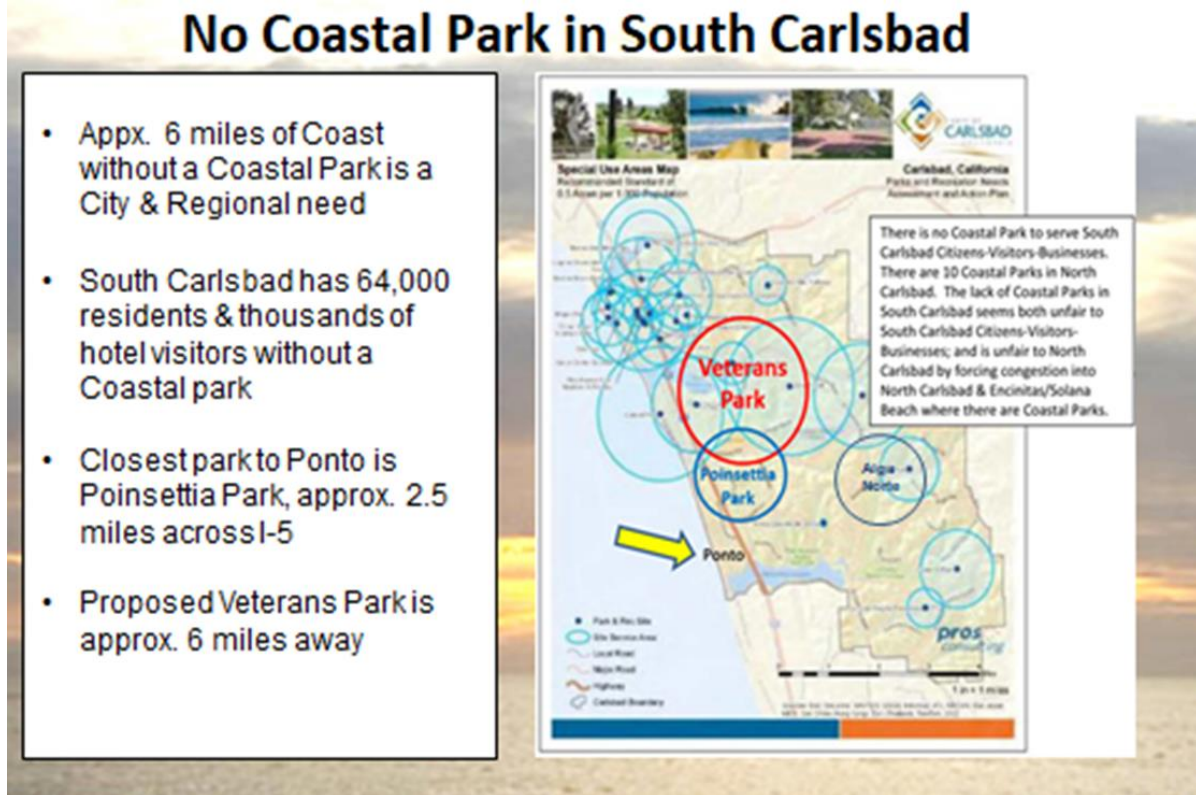
<u>Visitor Serving Accommodations (VSA) data</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>Data source</u>	
Coastal Acres (i.e. in Coastal Zone)	9,216	1,460	7,845	Carlsbad Draft LCPA 2019 & Oceanside & Encinitas LCPs	
VSA rooms: total	3,211	975	634	Carlsbad Draft LCPA 2019, pp 3-12 - 15	
VSA rooms: Economy	589	346	346	Carlsbad Draft LCPA 2019, pp 3-12 - 15	
VSA rooms: Low-Cost (campsites)	220	413	171	Carlsbad Draft LCPA 2019, State Parks, Oceanside Harbor, Paradise-by-the-Sea and Oceanside RV Park data. Carlsbad Draft LCPA 2019 does not evaluate other City’s Low-Cost Accommodations	
<u>Data analysis</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>3-city Average</u>	<u>Key Findings</u>

VSA rooms/1,000 Coastal acres	348	668	81	366	Carlsbad provides overall Visitor Accommodations at slightly below the 3-city average
% of VSA rooms that are Economy	18%	35%	55%	36%	Carlsbad provides a percentage of Economy Accommodations about 50% below the 3-city average
Economy VSA rooms/1,000 Coastal acres	64	237	44	115	Carlsbad provides Economy Accommodations about 50% below the 3-city average
% VSA rooms that are Low-Cost	7%	42%	27%	25%	Carlsbad provides a percentage of Low-Cost Accommodations about 72% below the 3-city average Carlsbad LCPA also does not provide protection for loss of "Low-Cost" campground rooms, only "Economy hotel rooms"
Low-Cost VSA rooms/1,000 Coastal acres	24	283	22	110	Carlsbad provides Low-Cost Accommodations about 78% below the 3-city average

e. The LCPA is not providing for any new "Low Cost Visitor Accommodation" land uses in the proposed LUP for current/long-range needs, even though page 3-12 points out the current demand for accommodations, and the current Existing LCP has polices to increase "Low Cost Visitor Accommodation" land uses. We understand that "Low-cost Visitor Accommodation" occupancy rates at CA State Campground at Carlsbad are near 90%. This occupancy rate is much higher [signifying higher demand] than the occupancy rates of both the hotels, and "Economy Visitor Accommodations" which the LCPA seeks to protect. The Proposed LCPA LUP should provide historic and current "Low-cost Visitor Accommodation" occupancy rate data at CA State Campground at Carlsbad and compare to occupancy demand for other accommodations to determine the highest occupancy demands and therefore needs. Why is the Proposed LCPA LUP not protecting AND EXPANDING (for future CA & Carlsbad population growth and visitor demand growth) the supply of this higher demand for "Low-cost Visitor Accommodations" at the State Campground? Why is the Proposed LCPA LUP protecting and expanding this high-priority Coastal Land Use particularly given the Current Existing Carlsbad LCP policies on this issue, long history of this issue documented in the Current Existing Carlsbad LCP Mello II Segment, and the fact that "Low-cost Visitor Accommodations" are a Statewide 'high-Coastal-priority' land use in CA Coastal Act Goals and Policies? Why is the proposed LUP not recognizing and incorporating these issues? The Current Existing Carlsbad LCP policies [see Existing Carlsbad LCP Mello II Segment polies 2.3, 4.1, 6.1, 6.4, 6.5, 6.9, 6.10, 7.5, and 7.15 for example] are not referenced and discussed in the Proposed LUP nor is a comprehensive long-term analysis of the impact of the proposed LCPA LUP's elimination of theses Current Existing Carlsbad LCP policies vis-à-vis the CA Coastal Act Goals and Policies? How and why is the City proposing changes to these Existing Carlsbad LCP policies in the Mellow II Segment, particularly given the improved knowledge about Sea Level Rise, and Sea Level Rise and Coastal Bluff erosion

impacts on the State Campground's "Low-cost Visitor Accommodations" - High-Coastal-Priority land use under the CA Coastal Act?

- f. At Ponto there is no low-cost/no-cost Recreational use as shown by the City of Carlsbad's adopted Parks Master Plan (pp 87-89) that show the City's adopted Park Service Areas in the following image. The image's blue dots are park locations and blue circle(s) show the City's adopted service areas:



Per the current Existing LCP requirements for Planning Area F at Ponto "Coastal Recreation (i.e. Public Park)" must be considered. How is the Proposed LCPA LUP not reserving Upland Areas at Ponto for recreational uses given Sea Level Rise and Coastal Bluff erosion impacts as shown in Proposed LCPA LUP Attachment B, and Exhibits B6 and B7? There is very limited amount of vacant Upland Coastal land at Ponto and South Coastal Carlsbad to accommodate low-cost/no-cost Recreational use "(i.e. Public Park)", so why is this last remaining vacant Coastal land at Ponto not being reserved for "high-Coastal Priority Land Uses"? Why is the Proposed LCPA LUP proposing this last remaining vacant Coastal land at Ponto be converted from "Non-residential Reserve" to 'low-coastal-priority residential and general commercial land uses'?

5. The proposed LCPA approach to protect existing 'economy hotels' but not 'Low-cost Visitor Accommodations' appears inappropriate. Existing hotel owners providing 'Economy' rooms are penalized while all other more expensive 'non-economy hotel' owners are not required to mitigate for their not providing more affordable accommodations. It seems like a fairer and rational approach is to use the same framework as the City's inclusionary affordable housing requirements and have the requirement and burden of providing affordable accommodations required by all visitor accommodation providers, including short-term rentals of residential homes. Use of any per accommodation "in-lieu fee" should be SUFFICIENT TO FULLY MITIGATE for not providing a required affordable accommodation by being sufficient to fully fund a new 'affordable accommodation' on a one-for one basis. City Transit Occupancy Tax revenues could also potentially be used to provide a catch-up method for existing

“non-low-cost and/or non-economy accommodation providers” to address what would nominally be their inclusionary contribution. It seems like the LCPA approach needs significant rethinking to provide a fair and rational program to include reasonable long-term and sustainable affordability in visitor accommodation’s, particularly give the Sea Level Rise and Coastal Bluff Erosion impacts on Carlsbad’s Only “Low-cost Visitor Accommodations” and the State Campground and beaches and Carlsbad’s Coastal access roadways.

6. The Proposed LCPA LUP does not provide a means for citizens to understand the proposed changes to the current Existing LCP goals and policies. There are numerous current Existing LCP LUP goals and policies regarding “Low-cost Visitor Accommodations”. All these should be listed in the Proposed LCPA LUP along with a description on how and why these current Existing LCP Goals and policies are being modified or removed in the Proposed LCPA LUP.
7. Carlsbad has only a Finite amount of vacant Coastal land to provide for an Infinite amount of future Carlsbad/CA residents and visitors to Carlsbad’s Coastal Zone. How these Finite Coastal Land resources are used to supply high-priority Coastal Recreation and Low-cost Visitor Accommodation land uses to address the Infinite demand from future population and visitor growth will be critical in determining the desirability and sustainability of our Carlsbad and CA Coastal Resources. Expanding Coastal Open Space Land use to accommodate the growing population/visitor demand for Coastal Open Space is a critical City and CA policy issue.
8. Carlsbad’s 2015 General Plan Update (2015 GPU) could not consider data in the December 2017 Sea Level Rise Vulnerability Assessment (2017 SLRVA). The Citizens of Carlsbad, City of Carlsbad and the CA Coastal Commission did not have the ability to know about and consider the projected significant loss of ‘high-priority’ Coastal Open Space Land Use at Ponto and South Carlsbad. The projected loss of these Coastal Open Space Land Uses at Ponto – beach and State Campground – will within the ‘lifetime of Carlsbad’s LCP and General Plan’, basically eliminate all of Carlsbad’s existing and planned Low-cost Visitor Accommodations and the only public Coastal Recreation land in Ponto and South Carlsbad. Please see the attached Public Comments data file for Carlsbad’s Proposed Draft LCPA-LUPA and all things Ponto regarding Sea Level Rise titled: “Sea Level Rise and Carlsbad’s DLCP-LUPA’s projected/planned Loss of Open Space at Ponto” that summarizes the projected/planned loss of almost all the high-priority Coastal Open Space at Ponto due to sea level rise. This data should be considered with both the public comments on Low-cost Visitor Accommodations and Coastal Recreation in submitted earlier.
9. A Coastal Park provides the lowest-cost (i.e. no-cost) visitor access to the Coast. Although Coastal Parks do not provide over-night sleeping access, they do provide no-cost Coastal Recreation day-use.

Updated Pubic Comments Coastal Recreation submitted on Oct 12th 2021:

On 10/8/21 the Carlsbad City Council and CA Coastal Commission were emailed data from an Official Carlsbad Public Records Request (# R002393-092121) on the City of Carlsbad's past compliance/noncompliance with the currently exiting Mello II LCP Land Use Policies # 6-2, 6-4 & 6-10 Certified in the mid-1980s. The City's documents show:

- For Policy 6-2 the 200-300 acre Park called out in Policy 6-2 has been reduced to Veterans Park's 91.5 acres, of which only 54% or 49.5 acres is even useable as a Park. The City provided no documents on how a 200-300 acre park called for in Policy 6-4 is now only 49.5 useable acres.
- For Policy 6-4 there were no City documents were provided. There was no City Public discussion, consideration, or City compliance with Policy 6-4 since the mid-1980's.
- For Policy 6-10 concerns providing Low Cost Visitor Accommodations. Public Parks are the lowest cost (free) Visitor accommodating land use there is.

The 3 existing LCP Land Use Policies are important for Carlsbad, and California's, Coastal land use resources. There appears little to no discussion of the City's past apparent failure to implementation of these 3 LCP LUPs in the current City consideration of changes to the LCP.

Following is a copy of Public Records Request # R002393-092121: "Carlsbad's Local Coastal Program (LCP) for the Mello II Segment of Carlsbad's Coastal Zone has long established land use Policies 6-2, 6-4 & 6-10 that were adopted by Carlsbad and Certified by the CA Coastal Commission in the early/mid-1980's. Mello II LCP Policies 6-2, 6-4 & 6-10 are shown on page 86-87 of Carlsbad's 2016 compiled LCP and are:

- "POLICY 6-2 REGIONAL PARK: If the population of Carlsbad increases in accordance with SANDAG's projected Series V Population Forecasts, it is estimated that Carlsbad will need to develop a new regional park containing 200 to 300 acres in order to adequately serve the public. A location for a new regional park must, therefore, be established. Consideration should be given to a facility within the Aqua Hedionda Specific Plan Area, or adjacent lands. The Batiquitos Lagoon area should also be considered.
- POLICY 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING: Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities, are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. This can be accomplished in conjunction with an eventual Batiquitos Park, within the Aqua Hedionda Specific Plan Area, and/or along with the development of private recreational facilities.
- POLICY 6-10 LOWER COST VISITOR-SERVING RECREATIONAL USES: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations"

The public record request is to see documents of:

- City Staff reports, presentations and communications to the Carlsbad Planning and Parks Commissions, and City Council regarding the City’s consideration and implementation of these 3 specific (6-2, 6-4, and 6-10) Mello II LCP land use policies; and
- Carlsbad Planning and Parks Commissions, and City Council minutes, resolutions and ordinances documenting City of Carlsbad consideration and implementation of these 3 specific (6-2, 6-4, and 6-10) Mello II LCP land use policies.”

Updated Pubic Comments on Coastal Recreation submitted on January 2021:

Over 11-months ago in a 1/29/20 1:56PM email People for Ponto Carlsbad citizens first provided the City of Carlsbad both data and comments on **14 critical Coastal Recreation issues (see pages 5-30 below)**. The data and the 14 critical issues do not seem to be receiving appropriate disclosure/presentation/discussion/consideration in the Dec 2, 2020 Staff Report to the Planning Commission. To assure the 26-pages of citizen data and requests in the 1/29/20 email was received by the Planning Commission the file was re-emailed on 12/22/20 12:24pm and specifically addressed to City Council, City Clerk, Planning Commission, Parks Commission, Housing Commission, HEAC, CA Coastal Commission, and CA HCD. As citizens we request each of these 14 data points (with supporting data) be honestly considered.

In reading the Dec 2 Staff Report citizens conducted additional analysis of City Park data. That research further reinforces and documents the 14 Critical Coastal Recreation issues and highlights the relatively poor amount of City Park and Coastal Recreation planned by Carlsbad’s Staff proposed Draft LCP-LUPA. We hope the City Council and City Commissions, and CA Coastal Commission & HCD will consider this additional analysis of City data and citizen input:

<u>Coastal Zone data</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>note or source</u>
Coastline miles	6.4	3.9	6.0	Carlsbad Draft LCPA 201, Google Maps
Coastal Zone Acres	9,219	1,460	7,845	& Oceanside & Encinitas LCPs
Coastal Zone Acres	100%	16%	85%	% relative to Carlsbad

City Park Standard data

City Park Standard	3	5	5	required park acres / 1,000 population
Park Standard %	100%	167%	167%	% is relative to Carlsbad

- Oceanside & Encinitas 'require' and plan for 67% MORE Parkland than Carlsbad
- Carlsbad 'requires' and plans for ONLY 60% as much Parkland as Oceanside & Encinitas
- Carlsbad only requires developers provide 60% of the parkland (or in-lieu fees) as Oceanside & Encinitas require
- Encinitas has a 'Goal' to provide 15 acres of Park land per 1,000 population

Developed City Park	2.47	3.65	5.5	acres / 1,000 population
Developed Park	100%	148%	223%	% is relative to Carlsbad

- Oceanside provides 48% MORE developed park land than Carlsbad
- Encinitas provide 123% MORE developed park land than Carlsbad
- Carlsbad ONLY provides 68% and 45% as much Parks as Oceanside & Encinitas respectively

National Recreation & Park Asso. Metric: a typical City provides 1 park / 2,281 pop. & 9.9 Park acres / 1,000 population

- Carlsbad (3 acre) Park Standard is ONLY 30% of what a typical City provides nationally
- Carlsbad requires developers to provide, 70% LESS Park acres than typical City provides nationally

National Recreation & Park Asso., Trust for Public Land, et. al.: 10 minute (1/2 mile) Walk to a Park Planning Goal

- Both Oceanside and Encinitas plan parks to be within a 10-minute (1/2 mile) walk to homes.
- Carlsbad DOES NOT plan Parks within walking distance to homes
- Carlsbad is NOT providing equitable and walking/biking access to Parks

Some Carlsbad Parks that are not fully useable as Parks:

<u>Existing Parks with Unusable Open Space acreage</u>	<u>total park acres</u>	<u>Unusable park acres</u>	<u>% of park unusable</u>	<u>reason unusable</u>
Alga Norte - SE quadrant	32.1	10.7	33%	1/3 of park is a Parking lot not a park In many other Carlsbad Parks a significant percentage of those Parks are consumed by paved parking lots and unusable as a Park.
Hidden Hills - NE quadrant	22.0	12.7	58%	city identified unusable habitat open space
La Costa Canyon SE quadrant	14.7	8.9	61%	city identified unusable habitat open space
Leo Carrillo - SE quadrant	27.4	16.5	60%	city identified unusable habitat open space
Poinsettia - SW quadrant	<u>41.2</u>	<u>11.1</u>	<u>27%</u>	city identified unusable habitat open space
Existing Park subtotal	137.4	59.9	44%	44% of these Parks are unusable as Parkland

Anticipated Future Park development projects

Park - quadrant

Veterans - NW	91.5	49.5	54%	estimated unusable habitat open space
Cannon Lake - NW	6.8	3.4	50%	estimated unusable water open space
Zone 5 Park expansion - NW	9.3	0	0	appears 100% useable as a Park
Robertson Ranch - NE	<u>11.2</u>	<u>0</u>	<u>0</u>	appears 100% useable as a Park
Future park subtotal	118.8	52.9	45%	45% of Future Parks are unusable as Parks

Unusable Open Space acres

in Existing & Future Parks 256.2 112.8 44% 112.8 acres or 44% is unusable as Parks

- 112.8 acres or 44% of the Existing & Future Parks are unusable Open Space and can't be used as Parkland
- **Based on City's minimum 3-acres/1,000 population Park Standard, 112.8 acres of Unusable Parkland means 37,600 Carlsbad Citizens (or 32.5% of Carlsbad's current population of 112,877) will be denied the minimum amount of Parkland that they can actually use as a Park.**
- **59.9 acres of Existing unusable 'park' / 3 acre park standard x 1,000 population = 19,967 Carlsbad citizens and their children are currently being denied useable park land. 19,967 is 17.7% of Carlsbad's current population.**
- In addition to these 19,967 existing citizens and their children denied park land, the City needs to develop additional Park acreage in the NE, SW and SE quadrants to cover current shortfalls in meeting in the minimal 3 acre/1,000 population park standard for the current populations in the NE, SW and SE quadrants.
- **The current NE, SW and SE quadrants park acreage shortfalls are in addition to the 19,967 Carlsbad citizens and their children that do not have the minimum 3 acres of parkland per 1,000 population**
- **Current FY 2018-19 MINIMUM park acreage shortfalls are listed in the table below. They are:**
 - **4.3 acres for 1,433 people in NE quadrant,**
 - **6.8 acres for 2,266 people in SW quadrant, and**
 - **2.3 acres for 767 people in SE quadrant**

Shortfall (excess) in
Current Quadrant
Min. Park standard by
population Future Park

	<u>acres</u>	<u>need</u>	<u>acres</u>	<u>%</u>	<u>existing Park shortfalls are for NE, SW & SE quadrants</u>
NW quadrant	(-14.2)	(-4,733)	107.6	91%	Current NW parks are 14.2 acres over min. standard & capacity for 4,733 more people at min. park standard. 91% of all Future City Parks are in NW quadrant
NE quadrant	4.3	1,433	11.2	9%	Future Park will exceed minimum NE park standard
SW quadrant	6.8	2,266	0	0%	No min. parks for 2,266 people in SW quad. Park deficit
SE quadrant	2.3	767	0	0%	No min. parks for 767 SE quadrant Park deficit

A Park Standard minimum is just a “Minimum”. City policy allows the City to buy/create parks above the City’s current 3 acre/1,000 pop. MINIMUM (and lowest) Park Standard of surrounding Coastal cities. Carlsbad already did this in the NW quadrant. It then added 3.1 more NW quadrant Park acres as part of the Poinsettia 61 Agreement. Poinsettia 61:

- converted 3.1 acres of NW City land planned/zoned for Residential use to Open Space Park land use/zoning,
- facilitated a developer building condos (increasing park demand) in the SW quadrant,
- required the SW Quadrant developer pay \$3 million to build the 3.1 acre NW quadrant park, and
- required the SW Quadrant developer pay to convert 3.1 acres of NW Quadrant & 5.7 acres of SW Quadrant City Park land to habitat that will be unusable as a City Park.

So Poinsettia 61 increased SW Quadrant development (that both increased SW Park Demand and expanded the current SW Quadrant Park deficit) while simultaneously using SW Quadrant development to pay for the conversion of 3.1 acres of residential land in the NW Quadrant to City Park (the NW Quadrant already has surplus park land per the City’s minimum standard).

People for Ponto strongly supports creating City Parks above the City’s current low 3-acre per 1,000 population minimum, as the City’s minimum standard is relatively low and substandard relative to other cities; many Carlsbad parks have significant acreage that is in fact ‘unusable’ as a park. Most importantly People for Ponto Citizens think it is very important to prioritize providing City Parks in areas of Park Inequity that are unserved by City Parks. However it seems very unfair to the SW Quadrant citizens to be so unserved and starved of the bare minimum of City Parks while at the same time funding City Parks in excess of City standard in other Quadrants.

The Poinsettia 61 illustrates a larger unfair (and dysfunctional) distribution of Quadrant based City Park demand and supply that is keenly evident in the demands/supply funding and location disparity of Veterans Park. Most all the development impact and park demand that paid Veterans Park fees came from the SW, SE and NE Quadrants yet the Veterans Park (supply) is not in those SW, SE and NE Quadrants. This inequity is counter to the implicit City requirement that City Parks be provided within the Quadrant of their Park demand. It is logical and proper that City Parks be provided and equitably distributed to be close to the development and population that generated the Park demand.

The City Park inequity at Ponto and in other Coastal areas of the City is counter to several CA Coastal Act policies; counter to good city planning and good CA Coastal planning. Park Inequity is highly detrimental to the City, and City and CA citizens in the long-term; fails to properly distribute and match the location supply with the location of demand for Parks; and is counter to basic fundamental issues of fairness. Since 2017 People for Ponto has tried to get the City Council and Staff to address this inequity, specifically at Ponto, and to do so in a way that embraces a true and honest Citizen-based planning process.

Coastal Recreation:

2. Request that the City as part of its Draft LCP Public Review process broadly-publicly disclose to all Carlsbad Citizens the City's acknowledged prior LCPA processing and planning "mistakes" regarding the requirement that the Ponto area be considered as a public park: This disclosure is needed to correct about 20 years of City misrepresentation to the public on the since 1996 and currently Existing LCP requirements at Ponto, and the City's prior planning mistakes at Ponto. Citizens have been falsely told by the City that all the Coastal planning at Ponto was done already and that the City followed its Existing LCP regarding the need for a park at Ponto, and that this is already decided and could not be reversed. This misinformation has fundamentally stifled public review and public participation regarding the Coastal Zone. City failure to provide such a broad-public disclosure on the documented prior, and apparently current proposed, "planning mistakes" would appear to violate the principles of Ca Coastal Act Section 30006. A broad-public disclosure would for the first time allow citizens to be accurately informed on the Existing LCP requirements at Ponto so they can provide informed public review and comment regarding the need for a Coastal Park in in this last vacant 'unplanned' area. The requested broad-public disclosure by the City of the City past mistakes and the Existing LCP requirements at Ponto is consistent with CA Coastal Act (CCA) "Section 30006 Legislative findings and declarations; public participation - The Legislature further finds and declares that **the public has a right to fully participate in decisions affecting coastal planning**, conservation and development; that achievement of **sound coastal conservation and development is dependent upon public understanding and support**; and that the continuing planning and implementation of **programs for coastal conservation and development should include the widest opportunity for public participation.**" The public cannot participate as outlined in CCA Section 30006 if past City 'mistakes' and misrepresentations on Coastal planning at Ponto go undisclosed to the public. If the public isn't fully informed about the 20-years of LCP planning mistakes at Ponto how could the public in the past (and now in the present) participate in the proposed LCP Amendment – **Public Participation as noted in Section 30006 above is the means to sound coastal conservation and development and is "... dependent upon public understanding ..."**. The City's past mistakes at Ponto need to be corrected by slightly different a Draft LCP Amendment process than currently outlined by the City; a new process is needed that clearly, opening and honestly informs and engages the public on the Existing LCP Ponto issues. The City's current Draft LCP Amendment process fails to follow CCA Section 30006 in that most all the citizens we encounter are as yet unaware of the City's Ponto mistakes and how they can participate in in the DLCPA process without that information. We see this daily in conversations we have with our fellow citizens. We even saw at the Oct 20, 2019 Carlsbad Planning Commission meeting that the Planning Commission was unaware of the planning mistakes at Ponto. How can a decision body of the City make a decision without knowing about these prior 'planning mistakes' facts that surround what they are being asked to decide on? Repeatedly since 2017 Carlsbad citizens and People for Ponto have asked the City to fully acknowledge the City's prior flawed planning at Ponto, and to correct that with ether maintaining the Existing LCP Non-residential Reserve Land Use or restarting the Coastal Planning at Ponto with a true and accurately informed Community-based Coastal Planning process consistent with Section 30006.

We request the City during the DLCPA Public Review period broadly and publicly disclose to all Carlsbad Citizens the City's acknowledged prior LCP and other "planning efforts" public participation processing and planning "mistakes" regarding the requirement that the Ponto area be considered as a public park, and 1) provide a truly honest public participation process on that disclosure consistent with CCA Section 30006 as part of the Draft LCP Amendment process or 2) retain the Existing LCP Non-residential Reserve Land Use and require a comprehensive and honest community-based redo of Coastal Resource planning at Ponto.

3. City fully and publicly reply to and the City Council consider the 11-20-19 citizen concerns/requests regarding the City's proposed LCP Amendment process: Lance Schulte on 1/23/20 received an email reply by the City to his follow-up email regarding the status of the 11/20/19 citizen concerns/requests public comments and letters presented to the Planning Commission. This is appreciated, however it is request that the City fully publicly reply to the 11-20-19 citizen concerns/requests regarding the City's proposed LCP Amendment process and present the to the City Council 11/20/19 citizen concerns/requests so the City Council can consider them and provide any direction to City Staff. City Staff first presented a summary presentation of the proposed Draft LCP Amendment to the Carlsbad Planning Commission on November 20, 2019, and indicated the public comment period would close on November in less than 2-weeks. Citizens and citizen groups provided public testimony to the Planning Commission, both verbally and in two written letters. The CCC was copied on those letters. The testimony and letters noted significant concerns about the City's proposed LCP Amendment process and made three requests:
- Disclose and provide a publically accessible 'Redline Version' of the Existing 2016/Proposed LCP land use Plan and Policies so everyone can see the proposed changes to the Existing LCP.
 - Provide true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern or objections. Citizen Workshops, when done right, are valuable means to openly educate, discuss and work to consensus options. These areas, including Ponto, were/are subject to multiple lawsuits, so true open and honest public workshops would provide an opportunity to openly and honestly discuss the issues and hopefully build public consensus/support for solutions. This approach seems consistent with CCA Section 30006, and common sense.
 - Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and allow time for Citizen Workshops.

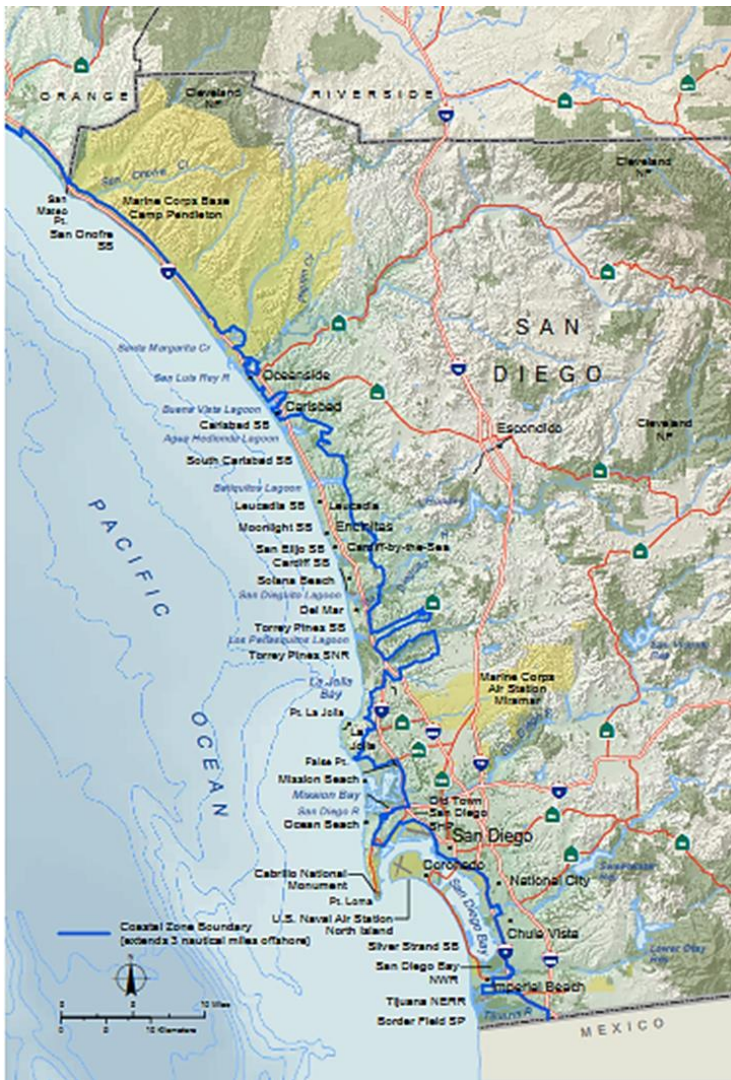
The City did extend the Public Review period 2-months over the holidays to January 31, 2020. This is appreciated although many think this is inadequate given the significance of the Proposed Land Use Plan Amendments, and lack of Redline Version to compare. The City and their consultants required several extra years beyond schedule prepare the proposed LCP Amendments. The extra years of City Staff work reflects on the volume of the over 500-pages in the documents and the time needed to understand the Existing LCP and then create an Amended LCP. Citizens need sufficient time, proper comparative tools (redline) and a process (workshops) to understand the proposed LCP Amendments that is reflective of extensive extra time needed by City Staff and consultants needed. Truncation of lay public review to a few months for an Amendment that took paid professionals many years to produce seems a more than a bit inappropriate. The City appears to be rejecting citizens' request to be provided a 'Redline Version' of the Existing 2016/Proposed LCP land use Plan. So public review comments will tainted or will miss many issues due having to manually cross-reference a 150-page Existing LCP LUP with a Proposed 350-page Proposed LCP LUP. There will be unknown and unconsidered changes in the Draft LCP Amendment that the public and city and CCC decision makers will not know about due to the lack of 'Redline Version'.

The City also appears to reject citizen requests for true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern – such as Ponto. Like Coastal Recreation issue #1 above the following citizen requests appear consistent with CA Coastal Act (CCA) Section 30006, and the City's rejection of that requests seem counter to the CA Coastal Act.

We again request of the City to provide: 1) a 'Redline Version' to the public and decision makers, along with sufficient time to review and comment on the 'Redline Version'; and 2) true Citizen Workshops for Ponto and the

other last remaining significant vacant Coastal lands in Carlsbad as part of the Draft LCP Amendment process, or as part of deferred LCP Amendment process for those areas.

4. Coastal Zoned land is precious: the very small amount of remaining vacant Coastal land should be reserved for “High-Priority” Coastal Recreation Land Uses under the CA Coastal Act to provide for the growing and forever ‘Buildout’ needs of Carlsbad and CA Citizens, and our visitors.
 - Less than 1.8% (76 square miles) of San Diego County’s 4,207 square miles is in Coastal Zone. This small area needs to provide for all the forever Coastal needs of the County, State of CA, and Visitors. Upland Coastal Recreation (Coastal Park) land use is needed to provide land to migrate the projected/planned loss of “High-Priority” Coastal Recreation land uses due to Sea Level Rise impacts. There is only 76 miles of total coastline in San Diego County; a significant amount is publicly inaccessible military/industrial land. So how the last few portions of Coastal Land within Carlsbad (which is about 8% of San Diego County’s Coastline) is planned for the forever needs for High-Coastal-Priority Recreation Land Use is critical for Carlsbad, San Diego, and California Statewide needs into the future.
 - Most all the developable Coastal land in Carlsbad is already developed with Low-Coastal-Priority residential uses. Only a very small percentage of Carlsbad’s developable Coastal land, maybe 1-2%, is still vacant. This last tiny portion of fragment of vacant developable Coastal Land should be documented in the Draft LCP and reserved for “High-Priority” Coastal Land uses – most critically Coastal Recreation – to address the growing Coastal Recreation needs from a growing population and visitors. These growing needs are all the more critical in that existing Coastal Recreation lands will be decreasing due to inundation and erosion due to DLCPA planned Sea Level Rise.
 - This image of the western half of San Diego County graphically shows (in the blue line) the very small Coastal Zone Area that needs to provide the Carlsbad’s and California’s Coastal Recreational needs for all San Diego County residents and Visitors:



We request that 1) the amount and location of remaining vacant Coastal land in Carlsbad be documented and mapped and be reserved for high-priority Coastal Land Uses consistent with CCA Goals in Section 30001.5 "... (c) ... **maximize public recreational opportunities in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) **Assure priority for coastal-dependent and coastal-related development over other development on the coast.** ... "; 2). This data be used in the City's analysis and the public's review and discussion about the City's proposed Draft 'Buildout' Land Use Plan. The City's proposed Draft 'Buildout' Land Use Plan will forever lock in the amount "maximum public recreational opportunities in the coastal zone" and will be the final Coastal Land Use Plan that is supposed to "assure priority for coastal-dependent and coastal-related development over other development on the coast". Most of Carlsbad's Coastal Zone is already developed or committed to low-priority land uses contrary to these CCA Goals, so how we finally and forever plan to use of the last small remaining vacant Coastal Land is very important.

5. The proposed Draft LCP Amendment in Chapter 3 makes unfounded statements regarding the proposed Amendment to the LCP Land Use Plan provision of "High-Priority" Coastal Recreation land use: On page 3-3, at the beginning of the Chapter 3 – Recreation and Visitor Serving Uses the City correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation uses, and cites multiple CCA Sections to that effect. The City's proposed Coastal Land Use Plan then states on page 3-5 that a high proportion of land in the City is dedicated open

space available for passive and active use, yet provides no justification or accurate metric to support this statement. This is a critical unsubstantiated and speculative statement that is not supported by any comparative data (justifying the “high proportion” statement). The City later in Chapter 3 compared the adjoining cities of Oceanside and Encinitas to try to show how the proposed Draft LCP LUP Amendment provides higher levels of Visitor Serving Accommodations. That ‘non-common denominator’ comparison was fundamentally flawed, as noted in a prior separate Draft LCPA public review comment from People for Ponto regarding another high-priority Coastal land use (visitor accommodations) planned for in Chapter 3, but at least it was an attempt to compare. However, for the Coastal Recreation portion of Chapter 3, the City does not even attempt to provide any comparative data to support (or justify) the proposed Coastal Recreation Land Use Plan and statements. The Coastal Recreation Chapter also fails to disclose Carlsbad’s adopted City Park Master Plan (Park Service Area and Equity map) data that shows a clear conflict between the CA Coastal Act Policy Sections noted at the beginning of Chapter 3 and Chapter 3’s proposed Draft Coastal Recreation Land Use Plan.

Comparative Coastal Recreation: Comparing the Land Use Plan and policies of Oceanside, Carlsbad and Encinitas, one finds Carlsbad’s proposed Coastal Recreational Plan and Policies are not “high”, but very low compared with Oceanside and Encinitas. Carlsbad has a General Plan Park Standard of 3 acres of City Park per 1,000 Population. Oceanside has a 5 acres of City Park Standard per 1,000 population, and Encinitas has a 15 acres per 1,000 population standard, and an in-lieu park fee requirement of 5 acres per 1,000 population. Carlsbad’s proposed Coastal Recreation Land Use Plan is in fact not ‘high’ but is in fact the lowest of the three cities, with Carlsbad providing only 40% of Oceanside’s park standard, and only 20% of Encinitas’s Park Standard. Citywide Carlsbad currently has 2.47 acres of developed park per 1,000 population, Oceanside currently has 3.6 acres of developed park per 1,000 population, and Encinitas currently has 5.5 acres of developed park per 1,000 population. Although this data is citywide, it shows Carlsbad’s current amount of developed parkland is less than 70% of what Oceanside currently provides, and less than 45% of what Encinitas currently provides. Carlsbad is not currently providing, nor proposing a Coastal Land Use Plan to provide, a ‘high’ proportion of Coastal Recreation Land Use compared to Oceanside and Encinitas.

On page 3-5 Carlsbad may be misrepresenting city open space that is needed and used for the preservation of federally endangered species habitats and lagoon water bodies. This open space Land cannot be Used for Coastal Recreation purposes; and in fact Land Use regulations prohibit public access and Recreational Use on these Lands and water bodies to protect those endangered land and water habitats. 78% of Carlsbad’s open space is “open space for the preservation of natural resources” and cannot be used for Coastal Parks and Recreational use. Although “open space for the preservation of natural resources” does provide scenic or visual amenity, and this amenity is addressed as a different coastal resource. Visual open space is not Coastal Recreation Land Use. It appears Carlsbad is proposing in the Draft LCP Amendment to continue to, providing a ‘low’ percentage of Coastal Park Land Use and Coastal Recreation Land Use compared to adjoining cities.

In addition to the comparatively low amount of Coastal Park land Carlsbad plans for, Carlsbad scores very poorly regarding the equitable and fair distribution and accessibility of Coastal Parks and Coastal Recreation Land Uses. Both the City of Oceanside and Encinitas have very robust and detailed Park and Land Use plans to promote an equitable distribution of, and good non-vehicular accessibility, to their Coastal Parks. By comparison, Carlsbad’s park land use plan scores poorly, as exemplified in Ponto and South Carlsbad. Ponto’s existing population requires about 6.6 acres of City Parkland per Carlsbad’s low 3 acres per 1,000 population standard. Yet the nearest City Park is several miles away and takes over 50 minutes to walk along major arterial roadways and across Interstate 5 to access. As such this nearest park is not an accessible park for Ponto children, and thus Ponto children have to play in

however it more accurately illustrated in the following data/image from the adopted Carlsbad Park Master Plan's "Service Area Maps (Equity Maps)". The image below titled 'No Coastal Park in South Carlsbad' shows Carlsbad's adopted "Park Service Area Maps (Equity Maps)" from the City's Park Master Plan that says it maps "the population being served by that park type/facility." The added text to the image is data regarding park inequity and disparity in South Carlsbad. The image compiles Carlsbad's adopted Park "Park Service Area Maps (Equity Maps)" for Community Parks and Special Use Area Parks that are the City's two park acreage types produced by the City's comparatively low standard of 3 acre of City Park per 1,000 population. The City's Park Service Area Maps (Equity Maps) shows areas and populations served by parks within the blue and red circles. City data clearly shows large areas of overlapping Park Service (areas/populations served by multiple parks) in North Carlsbad and also shows large areas in South Carlsbad with No Park Service (areas/populations unserved by any parks) and Park Inequity in South Carlsbad. It clearly shows the City's Documented Park Need and Park inequity at Ponto. The Existing LCP LUP for Ponto's Planning Area F in is required to "consider" and "document" the need for a "Public Park". The City's adopted Park Service Area Maps (Equity Maps) clearly shows the inequity of Coastal City Park between North and South Carlsbad, and the need for Coastal Parks in South Carlsbad – particularly at Ponto. The City's proposed Draft 'Buildout' Coastal Recreation Land Use Plan instead proposes to lock-in documented City Public Coastal Park inequity and unserved Coastal Park demand at Ponto and South Carlsbad forever. It does so by proposing the last vacant undeveloped/unplanned Coastal land – Ponto Planning Area F - in the unserved Ponto and South Carlsbad coastline areas instead of being planned for much needed City Park and Coastal Recreation use be converted to even more low-priority residential and general commercial land uses. These 'low-priority' residential uses, by the way, further increase City Park and Coastal Recreation demand and inequity in Coastal South Carlsbad. This is wrong, and a proposed 'forever-buildout' wrong at the most basic and fundamental levels. The proposed Draft Coastal Recreation Land Use Plan by NOT providing documented needed City parks for vast areas of Coastal South Carlsbad is inconsistent with the CA Coastal Act policies and Existing LCP LUP requirements for Ponto Planning Area F; and also inconsistent with fair/equitable/commonsense land use and park planning principles, inconsistent with CA Coastal Commission social justice goals, inconsistent with social equity, inconsistent with VMT reduction requirements, and inconsistent with common fairness. A different Coastal Recreation Land Use Plan should be provided that provides for a socially equitable distribution of Coastal Park resources so as to would allow children, the elderly and those without cars to access Coastal Parks. The proposed Draft 'Buildout' Coastal Recreation Land Use Plan forever locking in the unfair distribution of City Parks appears a violation of the not only CCA Sections 30213, 30222, 30223, and 30252(6) but also the fundamental values and principles of the CA Coastal Act. The Draft also appears a violation of Carlsbad's Community Vision.

No Coastal Park in South Carlsbad

- Appx. 6 miles of Coast without a Coastal Park is a City & Regional need
- South Carlsbad has 64,000 residents & thousands of hotel visitors without a Coastal park
- Closest park to Ponto is Poinsettia Park, approx. 2.5 miles across I-5
- Proposed Veterans Park is approx. 6 miles away



A different Coastal Recreation Land Use Plan is required to provide a more equitable distribution of City Parks with non-vehicular accessibility. Such a different plan would advance State and City requirements to reduce vehicle Miles Traveled (VMT) and greenhouse gas emissions that contribute to climate change and sea level rise impacts. Please note that the data for the above basic comparison comes from City of Carlsbad, Oceanside and Encinitas General Plan and Park Master Plan documents.

Data shows the proposed Coastal Recreation Plan conflicts with the CA Coastal Act policy Sections. As mentioned page 3-3 correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation Land Uses, and pages 3-5 list multiple CA Coastal Act (CCA) policy Sections that confirm this. However, given the significant statewide importance of Coastal Recreation Land Use, the City proposed 'Buildout' Coastal Recreation Land Use Plan does not appear to adequately address and implement these CCA Policies, and most noticeably in the Ponto area of South Carlsbad. Coastal Recreation is a significant Statewide High-Priority Land Use under the CCA. For a substantially developed non-coastal-industry city like Carlsbad Coastal Recreation is likely the biggest land use issue. This issue is even more elevated due to the fact that there are only a few small areas left of undeveloped Coastal land on which to provide Coastal Recreation, and Carlsbad is proposing a Coastal 'Buildout' Land Use Plan on those areas. The use of the last few remaining vacant portions of Coastal land for Coastal Recreation Land Use is the most important land use consideration in the proposed Draft LCP Land Use Plan Amendment as population and visitor growth will increase demands for Coastal Recreation. It is thus very surprising, and disturbing that the proposed Coastal Recreation Land Use Plan is so short, lacks any comparative and demand projection data, lacks any resource demand/distribution and social equity data, and lacks any rational and clear connection with CCA Policy and the proposed 'Buildout' Coastal Land Use plan. This is all the more troubling given that:

- The Ponto area represents the last significant vacant undeveloped/unplanned land near the coast in South Carlsbad that can provide a meaningful Coastal Park.
- The fact that the City's Existing LCP requires the city consider and document the need for a "i.e. Public Park" on Ponto's Planning Area F prior to the City proposing a change of Planning Area F's "Non-residential

Reserve” land use designation. The City has repeatedly failed to comply with this LCP LUP requirement, and worse has repeatedly failed to honestly inform citizens of this LCP LUP requirement at planning Area F before it granted any land use. The City, apparently implementing speculative developer wishes, has repeatedly proposed changing Planning Area F’s Coastal Land Use designation to “low-priority” residential and general commercial land uses without publically disclosing and following the Existing LCP LUP.

- The City’s currently developed parks in the southern portion of the City do not meet the city’s comparatively low public park standard of only 3 acres per 1,000 population. Since 2012 there has been City park acreage shortfall in both SW and SE Carlsbad.
- The Existing population of Ponto (west of I-5 and south of Poinsettia Lane) requires about 6.6 acres of Public Park based on the City’s comparatively low public park standard of 3 acres per 1,000 population. There is no Public Park in Ponto. Adding more population at Ponto will increase this current park demand/supply disparity.
- Carlsbad and other citizens have since 2017 expressed to the City the strong need for a Coastal Park at Ponto, and requested the City to provide a true citizen-based planning process to consider the Public Park need at Ponto. The Citizens’ requested process is fully in-line with CCA Goals, Public Participation Policy, Land Use Policies, and the Existing LCP Land Use Plan/requirements for Planning Area F and is the most appropriate means to consider and document the need for a Public Park at Ponto as required by the Existing LCP Land Use Plan.
- Planning Area F is for sale, and a non-profit citizens group has made an offer to purchase Planning Area F for a much needed Coastal Park for both Ponto and inland South Carlsbad residents and visitors. How should these facts be considered by the City and CCC?
- Carlsbad has no Coastal Parks west of I-5 and the railroad corridor for the entire southern half of Carlsbad’s 7-mile coastline.
- The southern half of Carlsbad’s coastline is 5.7% of the entire San Diego County coastline and represents a significant portion of regional coastline without a meaningful Coastal Park west of I-5 and the Railroad corridor.
- The City’s proposed Coastal Recreation Land Use Plan provides No Documentation, No Rational, and No Supporting or Comparative Data to show the proposed Coastal Recreation Land Use Plan in fact complies with the CA Coastal Act.

6. There is no Coastal Recreation/Park west of interstate 5 for all South Carlsbad, or half of the entire City. This is an obviously unfair and inequitable distribution of Coastal Recreation/Park resources that should be corrected by changes to the Draft LCP Land Use Amendment: The following image (which was sent to the City and CCC on several prior communications) was first requested by former Carlsbad Councilman Michael Schumacher during a People for Ponto presentation/request at the Oct 23, 2018 City Council meeting. The data compiled in the image shows how the South Coastal Carlsbad (Ponto) is not served by a Park per the City’s adopted Parks Master Plan. The blue dots on the map are park locations and blue circle(s) show the City’s Park Master Plan adopted Park Service Areas and Park Equity. This data, from pages 87-88 of the City of Carlsbad Parks Master Plan, shows all City Parks (both Community Parks and Special Use Areas in Coastal Carlsbad (except Aviara Park east of Poinsettia Park and west of Alga Norte Park). The text on the left margin identifies the South Carlsbad Coastal Park (west of I-5) gap along with the number of South Carlsbad Citizens (over half the City’s population) without a Coastal Park. The left margin also identifies more local issues for the over 2,000 Ponto area adults and children. For Ponto residents the nearest Public Park and City proposed ‘solution’ to the South Carlsbad and Ponto Public Park deficit are miles away over high-speed/traffic roadways and thus somewhat hazardous to access and effectively unusable by children/the elderly or

those without cars. Having been a 20-year resident of Ponto I regularly see our children have to play in the street as there are no Public Park with large open fields to play at within a safe and under 1-hour walk away. Ponto citizens have submitted public comments regarding this condition and the lack of a Park at Ponto

No Coastal Park in South Carlsbad

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- Proposed Veterans Park is approx. 6 miles away



Ponto is at the center of regional 6-mile Coastal Park Gap. A Coastal Park in this instance being a Public Park with practical green play space and a reasonable connection with the Coast (i.e. located west of the regional rail and Interstate-5 corridors). The following image shows this larger regional Coastal Park Gap centered on the Ponto Area, and the nearest Coastal Parks – Cannon Park to the north, and Moonlight Park to the south.

Regionally this image shows Ponto is the last remaining significant vacant Coastal land that could accommodate a Coastal Park to serve the Coastal Park current needs of over existing 2,000 Ponto residents, 64,000 existing South Carlsbad residents, and a larger regional population. It is also the only area to serve the Coastal Park needs for the thousands of hotel rooms in Upland Visitor Accommodations in South Carlsbad.

How Ponto Serves Region

- Ponto is in the middle of the regional Coastal Park Gap
- A Ponto Coastal Park fills a critical 6 mile gap of coastline without a Coastal Park - 8.6% of SD County coastline
- A Ponto Coastal Park Serves over 26,000 homes & 64,000 citizens just in South Carlsbad without a Coastal Park
- Serves many more people outside Carlsbad

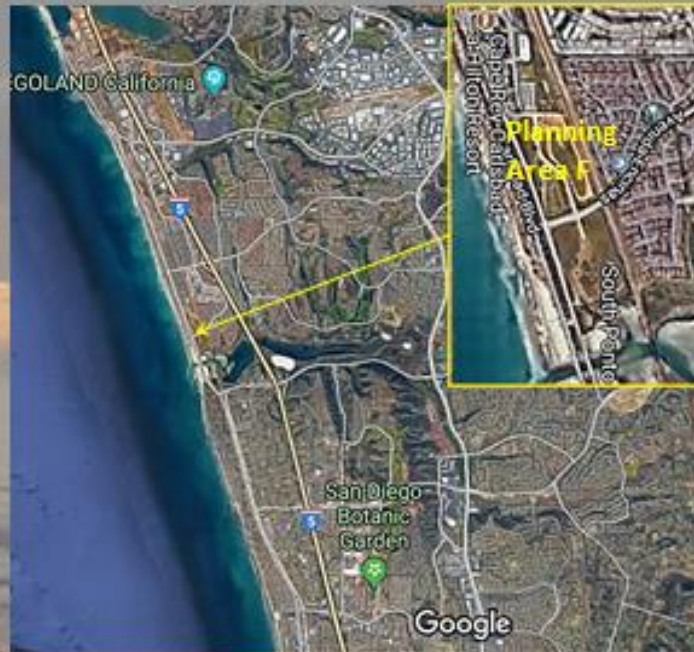


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal Program Land Use Plan states: "Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area ..." and requires that: "... **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.**" CA Coastal Commission actions, Carlsbad Public Records Requests 2017-260, 261, and 262, and 11/20/19 City Planner statements confirm the City never fully communicated to Carlsbad Citizens the existence of this LCP requirement nor did the City comply with the requirements. Of deep concern is that the City is now (as several times in the past) still not honestly disclosing to citizens and implementing this Existing LCP requirement as a true and authentic 'planning effort'. The lack of open public disclosure and apparent fear of true public workshops and Public Comment about the Existing Planning Area F LCP requirements are troubling. The point of a 'planning effort' is to openly and publically present data, publically discuss and explore possibilities/opportunities, and help build consensus on the best planning options. Citizens are concerned the city has already made up its mind and there is no real "planning effort" in the proposed Draft LCP Amendment process, just a brief Staff Report and at the end provide citizens 3-minutes to comment on the proposal. This is not the proper way to treat the last remaining significant vacant land in South Carlsbad that will forever determine the Coastal Recreation environment for generations of Carlsbad and California citizens and visitors to come.

The following data/images show how Ponto is in the center of the 6-mile (west of I-5 and Railroad corridor) regional Coastal Park gap. Ponto is the last remaining vacant and currently "unplanned" Coastal land that is available to address this regional Coastal Park Gap.

How Ponto Serves Region cont.

- **Relieves Coastal Park congestion** in North Carlsbad, Encinitas and Solana Beach
- Area currently needs Coastal Park as seen by:
 - Ponto Beach parking congestion
 - current trespass use of Planning Area F as a Park
- **6.6 acre portion of Planning Area F** addresses SW Quad City Park deficit



How Ponto Serves Region cont.

- A Ponto Park helps address 2050 and beyond Regional Population and Visitor Growth demands for Coastal Parks
- A Ponto Park provides the lowest-cost coastal access and recreation opportunities for CA citizens and visitors



How Ponto Serves Region cont.

- Vital park and open space amenity for Visitor serving businesses and accommodations
- 6.6 acre unique City Coastal Park venue to stage special events: Runs, bike rides, triathlons, sports, coastal festivals, etc.



How Ponto Serves Region cont.

- Critical Park space for So. Carlsbad State Beach Campground
- Provides a big training and staging space for Junior lifeguards
- Dog walk trail

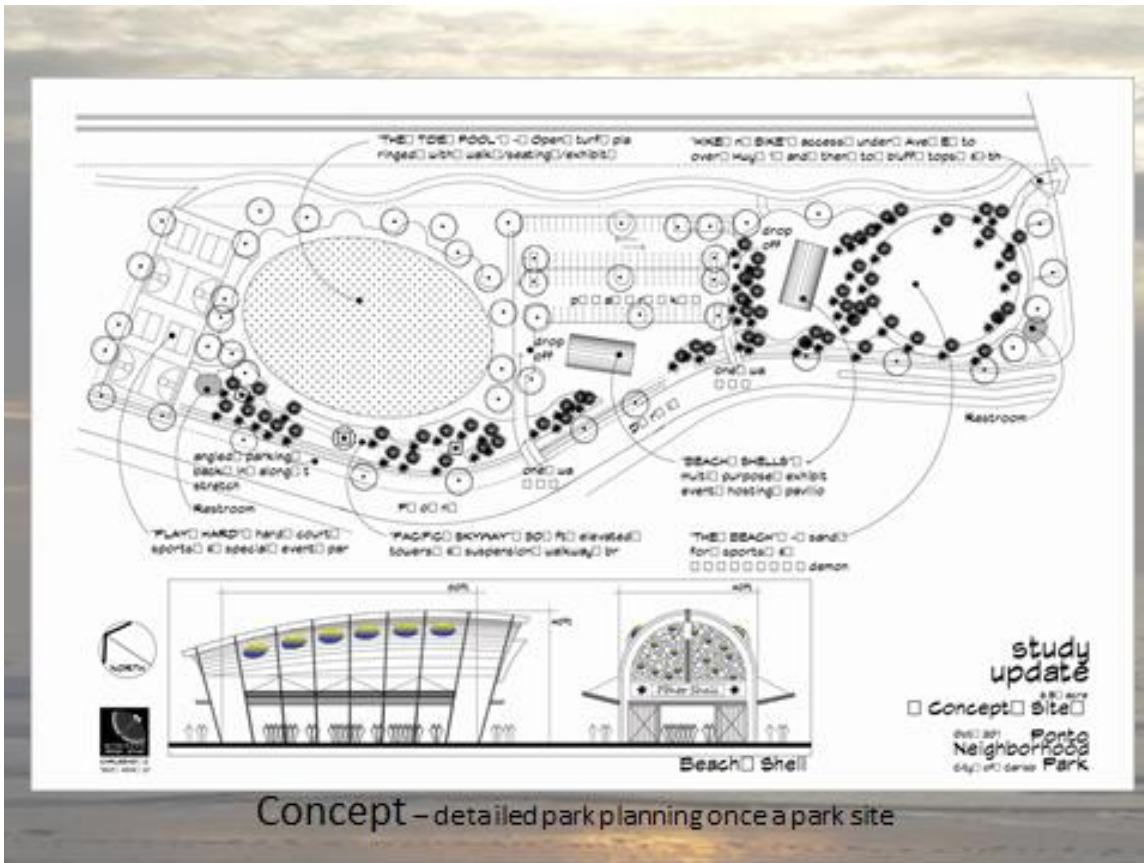


Ponto Coastal Park Concept

- A concept – but shows potential recreational opportunities
- Provides **vital parkland support for beach & open play fields**
- Concept plan a gift from San Pacifico Community Association



One possible Concept image of a potential Ponto Coastal Park at Planning Area F is illustrated below. The potential for a Ponto Coastal Park is real. The speculative land investment fund (Lone Star Fund #5 USA L.P. and Bermuda L.P.) that currently owns Planning Area F is selling the property, and is available for the City of Carlsbad to acquire to address the documented demand/need for a City Park and City Park inequity at Ponto and in Coastal South Carlsbad. A Ponto Beachfront Park 501c3 is working to acquire donations to help purchase the site for a Park. These situations and opportunities should be publicly discussed as part of the City Staff's proposed Local Coastal Program Land Use Plan Amendment.



7. Projected increases in California, San Diego County and Carlsbad population and visitor growth increases the demand for High-Priority-Coastal Recreation land use:

- Increasing Citizen demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

San Diego County Citizen Population - Source: SANDAG Preliminary 2050 Regional Growth Forecast

1980	1,861,846
1990	2,498,016
2000	2,813,833
2010	3,095,313
2020	3,535,000 = 46,500 Citizens per mile of San Diego County coastline
2030	3,870,000
2040	4,163,688
2050	4,384,867 = 57,700 Citizens per mile of San Diego County coastline

2020 to 2050 = 24% increase in San Diego County population.

Citizen Population will continue beyond 2050. Carlsbad may plan for 'Buildout' in 2050, but what is San Diego County's 'Buildout'? There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for this growing population. If we do not increase our supply of Coastal Recreational Resources for these increased demands our Coastal Recreation Resources will become more overcrowded, deteriorated and ultimately diminish the Coastal Recreation quality of life for Citizens of Carlsbad and California. Ponto sits in the middle of an existing 6-mile regional Coastal Park Gap (no Coastal Park west of Interstate 5) and there is No Coastal Park in all of South Carlsbad to address the Coastal Recreation needs of the 64,000 South Carlsbad Citizens.

- Increasing Visitor demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

Yearly Visitors to San Diego County – source: *San Diego Tourism Authority; San Diego Travel Forecast, Dec, 2017*

2016	34,900,000
2017	34,900,000
2018	35,300,000
2019	35,900,000
2020	36,500,000 = average 100,000 visitors per day, or 2.83% of County’s Population per day, or 1,316 Visitors/coastal mile/day in 2020
2021	37,100,000
2022	37,700,000

This is growth at about a 1.6% per year increase in visitors. Projecting this Visitor growth rate from 2020 to 2050 results in a 61% or 22,265,000 increase in Visitors in 2050 to:

2050	58,765,000 = average 161,000 visitors per day, or 3.67% of the County’s projected 2050 Population per day, or 2,120 Visitors/coastal mile/day in 2050.
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The number of Visitors is likely to increase beyond the year 2050. There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for these projected 2050 61% increase, and beyond 2050, increases in Visitor demand for Coastal Recreational Resources. Increasing Coastal Recreation land is a vital and critically supporting Land Use and vital amenity for California’s, the San Diego Region’s and Carlsbad’s Visitor Serving Industry. Ponto sits in the middle of an existing 6-mile regional Coastal Park Gap (no Coastal Park west of Interstate 5). There are thousands of hotel rooms in South Carlsbad that have NO Coastal Park to go to in South Carlsbad. This needs correcting as both a Coastal Act and also a City economic sustainability imperative.

- We request that the as part of the public’s review, the City Staff proposed Draft LCP Amendment to the Land Use Plan clearly document if and/or how future forever ‘Buildout’ City, Regional and Statewide population and visitor population demand for Coastal Recreation and City Coastal Parks are adequately provided for both in amount and locational distribution in the Carlsbad proposed Amendment of the LCP Land Use Plan.

8. Carlsbad’s Draft Local Coastal Program Land Use Plan Amendment says it plans to a year 2050 buildout of the Coastal Zone. The Draft Local Coastal Program Land Use Plan Amendment then is the last opportunity to create a Coastal Land Use Plan to provide “High-Priority” Coastal Recreation Land Use, and will forever impact future generations of California, San Diego County, and Carlsbad Citizens and Visitors:

- The Draft LCPA indicates in 2008 only 9% of All Carlsbad was vacant land. Less is vacant now in 2019. Carlsbad’s Coastal Zone is 37% of the City, so vacant unconstrained land suitable for providing Coastal Recreation is likely only 3-4%. The prior request for a full documentation of the remaining vacant Coastal lands will provide a better understanding needed to begin to make the final ‘buildout’ Coastal Land Use Plan for Carlsbad. The Draft LCPA does not indicate the amount and locations of currently vacant unconstrained Coastal Land in Carlsbad. This final limited vacant land resource should be clearly documented and mapped in the DLCPA as it represents the real focus of the DLCPA – the Coastal Plan for these remaingn undeveloped

lands. These last remaining vacant lands should be primarily used to provide for and equitably distribute “High-Priority” Coastal Recreation Land Uses consistent with CCA Sections:

- i. Section 30212.5 “... Wherever appropriate and feasible, public facilities, including parking areas or facilities, **shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**”;
- ii. Section 30213 “... **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...**”;
- iii. 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.”
- iv. Section 30223 “**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible**” ,
- v. Section 30251 ... The location and amount of new development should maintain and enhance public access to the coast by ... 6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by **correlating the amount of development with local park acquisition** and development plans with the provision of onsite recreational facilities to serve the new development”

Adopted City Park Service Area and Park Equity maps discussed earlier document the proposed Draft LCP Amendment’s inconstancy with the above CCA Policy Sections. The locations and small amounts remaining vacant Coastal lands provide the last opportunities to correct the inconsistencies of City proposed Draft “buildout” LCP Land Use Plan Amendment with these Coastal Act Policies.

Currently and since 1996 there has been LCP LUP Policy/regulations for Ponto Planning Area F that require consideration of a “Public Park” prior to changing the existing “unplanned Non-residential Reserve” Land Use designation. A map and data base of vacant developable Coastal land should be provided as part of the Draft LCPA and the Draft LCPA. This map and data base should document the projected/planned loss of Coastal land use due to Sea Level Rise. Draft LCPA projects Sea Level Rise will eliminate several beaches and High-Priority Coastal Land Uses like Coastal Lagoon Trails and the Campground.

- The LCP Land Use Plan should plan and reserve the very limited vacant developable Coastal land for the long-term ‘Buildout’ needs of “High-Priority” Coastal Recreation Land Use. Vacant developable Coastal land is too scarce to be squandered for “low-priority” uses. Sea Level Rise will reduce “High-Priority” Coastal Uses. So how vacant developable Upland area should be preserved for “High-Priority” Coastal Uses is a key requirement to be fully documented and discussed in the Draft LCPA. If not one of two things will eventually happen 1) any new Coastal Park land will require very expensive purchase and demolition of buildings or public facilities to create any new Coastal Park land to meet existing and growing demand; or 2) Coastal Recreation will be hemmed-in by “low-priority” uses and thus force Coastal Recreation to decrease and become increasingly concentrated and overcrowded in its current locations; and thus will promote the eventual deterioration of our current Coastal Recreation resources. A plan that fails to fix Coastal Park deficits and then increase Coastal Parks in pace with increased population/visitor demand is a plan that can

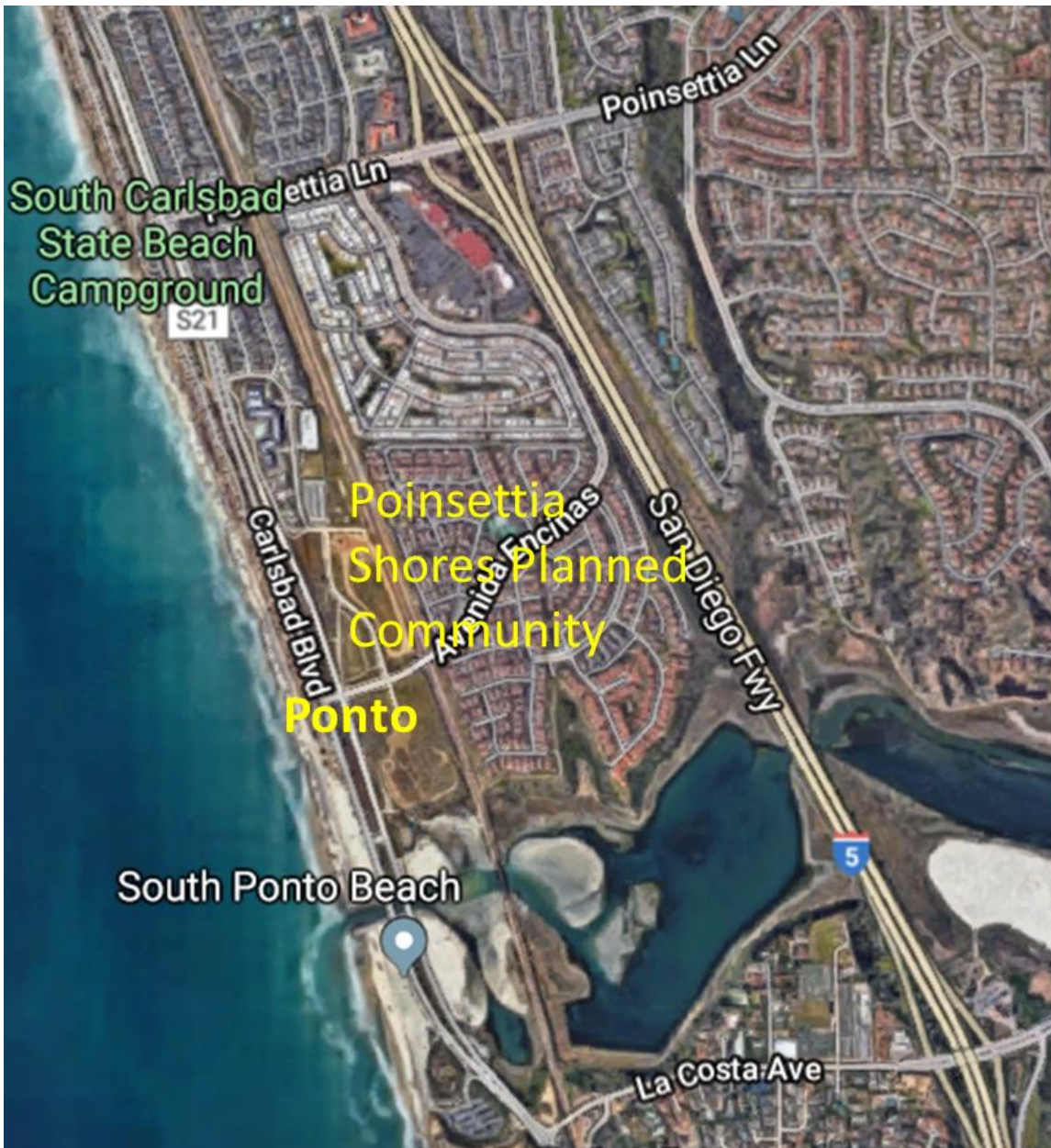
only result in degradation. How the Draft LCPA documents and addresses the land use planning of the last small portions of vacant developable Coastal land is critical for the future and future generations.

9. Citizens of South Carlsbad are concerned about the City's multiple prior flawed Ponto planning processes or 'mistakes' the City has made yet is basing the City Staff's proposed Draft LCP LUP. The concerns being the City is not openly and honestly communicating information to citizens and the public, and not allowing a reasonable and appropriate community-based planning process to address the documented Park, Coastal Recreation and unconstrained open space needs in South Carlsbad. One of these groups of citizens has created a www.peopleforponto.com website to try to research and compile information and hopefully provide a better means for citizens to understand facts and then express their concerns/desires to the City of Carlsbad (City) and CA Coastal Commission (CCC). Over 2,000 emails have sent to the City and CCC regarding Coastal Land Use Planning Issues at Ponto. The San Pacifico Planned Community (i.e. San Pacifico Community Association) has also, since 2015, sent numerous emailed letters to the City and CCC noting the significant concerns about changes in Coastal planning the City is proposing for our Planned Community.

Repeatedly over 90% of surveyed citizens (results emailed prior to both the City and CCC) have expressed the vital need and desire for a Coastal Park at Ponto to serve the current and future Coastal Recreation needs for all both Ponto and South Carlsbad and for larger regional and State Coastal Recreational needs. This desire is supported by data, CA Coastal Act Policy, and also Carlsbad's Community Vision – the foundation for the City's General Plan. Ponto is the last remaining vacant Coastal area available to provide for those needs in South Carlsbad and for a regional 6-mile stretch of coastline. Citizens have expressed deep concern about the City's flawed prior Coastal planning efforts for Coastal Recreation at Ponto, including two repeated LCP Amendment "mistakes" (Ponto Beachfront Village Vision Plan in 2010 and General Plan Update in 2015) when the City twice failed to publicly disclose/discuss and then follow the Existing LCP requirements at Ponto – specifically for Planning Area F. People for Ponto had to use multiple Carlsbad Public Records Requests in 2017 to find these "mistakes". CCC Staff was helpful in both confirming the City "mistakes" and communicating back to the City. As citizens we are still unclear as to how/why these two repeated "mistakes" happened. There is citizen concern that the City is again repeating these two prior "mistakes" by not at the beginning of the Public Comment Period clearly and publicly disclosing the Planning Area F LCP requirements to citizens as part of the current LCP Amendment process, and also by not implementing the existing LCP requirement PRIOR to proposing an Amended Coastal Land Use Plan for Ponto. The City in its proposed LCP Amendment process is putting-the-cart-before-the-horse with respect to honest and open consideration, documentation and public discussion of the need for high-priority Coastal Recreation land use required of Planning Area F at Ponto. The City is also not clearly letting all Carlsbad citizens know about the Existing LCP requirements for Ponto's Planning Area F so they can be informed to reasonably participate in public review and comment regarding amending that LCP requirement, and the need for Coastal Recreation land uses in South Carlsbad. Since 2017 there has been repeated citizen requests to the City (copies were provided to the CCC) to fix these multiple fundamental/foundational flaws by in the City's prior Coastal Recreation and Public Parks and Open Space at planning, and the currently Proposed Draft LCP Land Use Plan Amendment. Since 2017 there have also been repeated citizen requests to the City to provide a truly open, honest, inclusive community-based planning process and workshops with the accurate and honest information, prior to forming a proposed Draft LCP Land Use Plan Amendment. As citizens we believe we can constructively work with the City and CCC towards a consensus or viable options on these important Coastal Recreation issues if the City allows and encourages such an open, honest and inclusive process. We request the City respond to the requests submitted to the City since 2017, and again request such a process from the City before any LCP Amendment is first considered by the Planning Commission and City Council. Such a requested process benefits all.

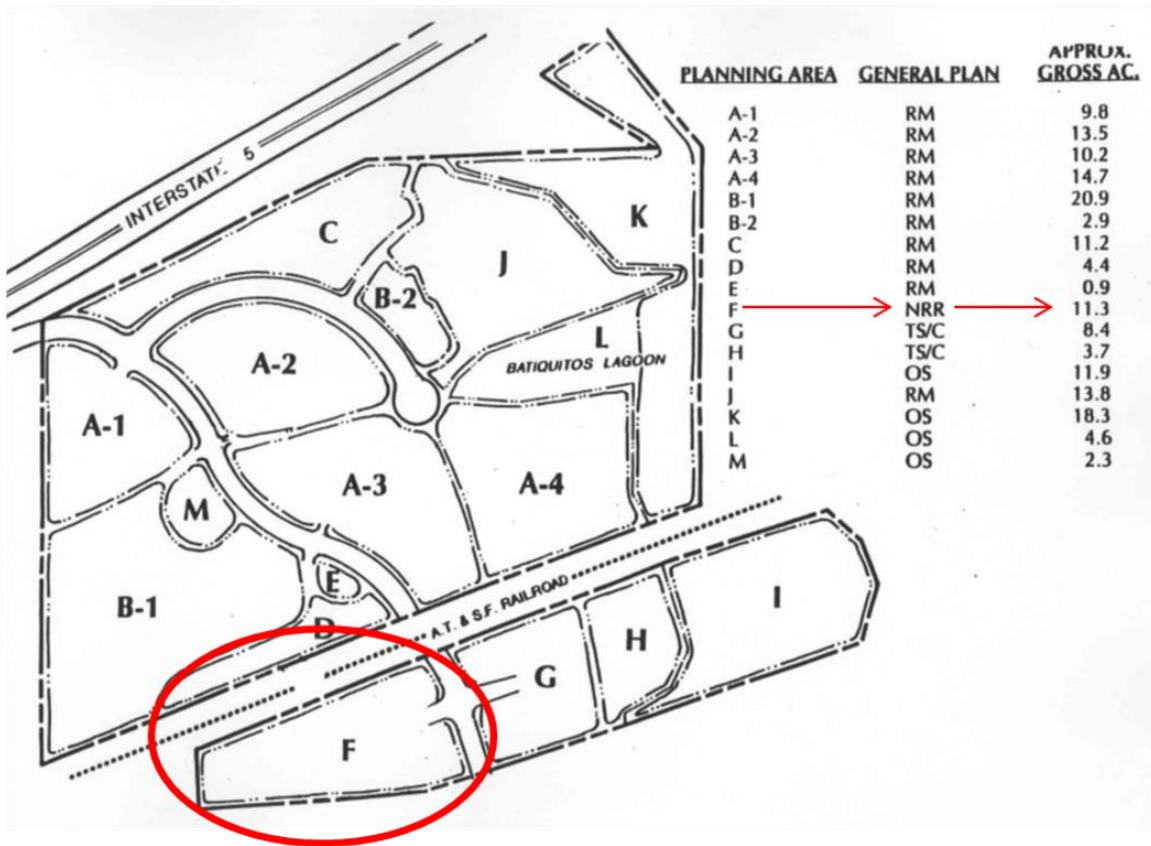
10. Why the Draft LCPA Land Use Plan for Ponto should provide for the current and future Coastal Park and Recreation needs for South Carlsbad, the San Diego Region and California.

- Ponto, is one of last remaining vacant and undeveloped Coastal lands in North County
- Ponto is the last remaining undeveloped Coastal land in South Carlsbad
- Ponto has the last unplanned Planning Area of the Existing Poinsettia Shores Planned Community & Local Coastal Program that can be planned for high-priority Coastal Recreation land use. This Existing LCP requires Planning Area F be considered for a “Public Park”.
- Following is a map of the Ponto area in South Carlsbad:



Following is the LCP Land Use map from the Existing Poinsettia Shores Master Plan & Local Coastal Program adopted in 1996. This is the Land Use map that the City is proposing to change in the proposed LCP Amendment to the Land Use Plan. As the Existing LCP Land Use map shows most all the land is ‘low-priority’ residential use at an RM Residential medium density, a small portion is ‘high-priority’ Visitor Serving TC/C Tourist Commercial. Most all the

Open Space is constrained and undevelopable land (the steep CSS habitat bluffs above Batiquitos Lagoon) or water (the lagoon water). This land/water is owned by the State of California, like the inner lagoon east of I-5. Only Planning Area M at 2.3 acres is unconstrained Open Space and it provides a small private internal recreation facility for the approximately 450 homes and 1,000 people in the Planned Community. This small recreation area is a City requirement for ‘planned developments’ to off-set loss open space from planned development impacts on housing quality. Planned developments can propose designs that reduce normal setback and open space areas – they bunch together buildings to increase development – such as the smaller lot sizes, and extensive use of “zero-setbacks” to reduce typical lot sizes that occurs at Poinsettia Shores. A private recreation facility in any of the City’s planned developments is never considered a replacement for required City Parks. Planned Developments, like unplanned developments, are required to dedicate Park land to the City, or pay a Park In-Lieu fee to the City so the City provide the developer’s obligation to provide City Park acreage to address the population increase of their proposed planned development. For Poinsettia Shores’ population the City’s minimum City Park Standard would require developers set aside 3 acres of City Park land for local park needs. For the larger Ponto area population about 6.6 acres of City Park Land is required. The Existing LCP reserves Planning Area F as an unplanned “Non-residential Reserve” Land Use until the Public Park needs for Ponto are considered and documented. Only then can the NRR land use be changed.



11. Developers have overbuilt in the Ponto area of the Coastal Zone. The City of Carlsbad has under questionable circumstances is currently choosing to ‘exempted’ Ponto developers from providing the minimum amount of unconstrained Open Space according to the City’s developer required Open Space Public Facilities Standard. The legality of these confusing circumstances is subject to a lawsuit against the City. However the City’s computerize mapping system has documented that the Ponto area of the Coastal Zone is missing about 30-acres of Unconstrained Open Space that can be used to fulfill the City’s Open Space Performance Standard that states that

15% of unconstrained and developable land must be preserved by developers as Open Space. Following is a summary of data from the City data regarding the missing Open Space at Ponto (Local Facility Management Plan Zone 9, LFMP Zone 9) in the Coastal Zone pursuant to the City's Open Space Performance Standard. If it is desirable People for Ponto can provide the City GIS map and parcel-by-parcel data base on which the following summary is based:

City of Carlsbad GIS data calculations of Open Space at Ponto area of Coastal Zone:

472 Acres = Total land in LFMP Zone 9 [Ponto area] per City of Carlsbad GIS data

(197 Acres) = Constrained land/water/infrastructure that is excluded from the City's Open Space Standard

275 Acres = Unconstrained land in LFMP Zone 9 (Ponto) subject to the City's Open Space Standard

X 15% = Minimum unconstrained Open Space requirement per the City Open Space Standard

41 Acres = Minimum unconstrained Open Space required in LFMP Zone 9

(11 Acres) = Actual unconstrained Open Space provided & mapped by City in LFMP Zone 9

30 Acres = Missing unconstrained Open Space needed in LFMP Zone 9 [Ponto area of Coastal Zone] to meet the City's minimum GMP Open Space Standard. 73% of the required Open Space Standard is missing.

Thus the Ponto area of the Coastal Zone appears overdeveloped with 30 additional acres of "low-priority" residential land uses due to developers' non-compliance to the City's Open Space Public Facility Performance Standard's Minimum developer required Open Space requirement. As noted a citizens group has a pending lawsuit with the City over the City's current 'exempting' Ponto and future developers from meeting the Open Space Standard.

12. The prior pre-1996 LCP for Ponto – the Batiquitos Lagoon Educational Park Master Plan & LCP (BLEP MP/LCP) had significant Open Space and recreational areas. These significant Open Space and Recreational areas were removed with BLEP MP/LCP's replacement in 1996 by the currently existing Poinsettia Shores Master & LCP (PSMP/LCP) and its City Zoning and LCP LUP requirements that reserved Planning Area F with the current "Non-residential Reserve" Land Use designation. Since the BLEP MP/LCP it appears developers and the City of Carlsbad have worked to remove "High-Priority" Coastal land uses (i.e. Coastal Recreation and Park uses) out of the Ponto area and replaced them with more "low-priority" residential and general commercial land uses. For example:

- Planning Area F used to be designated "Visitor Serving Commercial" as part of the original 1980's BLEP MP/LCP for Ponto.
- In 1996 the BLEP MP LCP was changed by developer application to the now current PSMP LCP, and the LCP LUP designation changed from "Visitor Serving Commercial" to "Non-Residential Reserve" with the requirement to study and document the need for "High-Priority" Coastal Recreation (i.e. Public Park) and/or Low-cost visitor accommodations prior to any change to Planning Area F's "Non-residential Reserve" LCP land use.
- In 2005 the City started to try to change Planning Area F to low-priority residential and general commercial land use in the City's Ponto Beachfront Village Vision Plan (PBVVP). At this time the City made its first documented Coastal 'planning mistake' by not disclosing to the public the existence of Planning Area F's LCP requirements and then also not following those LCP requirements. The City's planning process seemed focused on addressing developer's land use desires, and increasing land use intensity to boost "Tax-increment financing" as the City had established a Redevelopment Project Area at Ponto. A short time after the State of CA dissolved Redevelopment Agencies due in part to such abuses by cities. The CCC formally rejected the PBVVP in 2010, citing the City's failure to follow the LCP requirements for Planning Area F.

- Five years later in 2015 the City again adopted a proposed General Plan Update to again change Planning Area F to low-priority residential and general commercial land use. The General Plan Update cited the City's PBVVP that was in fact rejected by the CCC only a few years before. The City again repeated their PBVVP's Coastal land use 'planning mistake' by again not disclosing to the public the existence of Planning Area F's LCP requirements and then not following those LCP requirements. It is unclear why the City did this only 5-years after the CCC specifically rejected the Ponto Beachfront Village Vision Plan for those same reasons.
- In 2017 citizens found and then confirmed these Ponto Coastal 'planning mistakes' by the City through multiple official Carlsbad Public Records Requests and CCC Staff confirmation. The CCC readily identified the mistakes, but the City's 2019 proposed Draft LCP Land Use Plan and planning process still has yet fully disclose these prior Coastal 'planning mistakes' to ALL citizens of Carlsbad - the failure to disclose and follow the Planning Area F LCP LUP and City Zoning requirements. Full City disclosure is needed now to try to correct many years of City misrepresentation to citizens on LCP required Coastal land Use planning at Ponto. It is needed now so the public is aware at the start of the Public Comment Period. In 2017 citizens began asking the City fix the City's over 12-years of misinformation and planning mistakes by 'restarting' Coastal land use planning at Ponto with an open and honest community-based Coastal planning process. These citizens' requests have been rejected.
- In 2019 the City Staff proposed citywide Draft LCP land Use Plan Amendment that again proposed to change Planning Area F to "low-priority" residential and general commercial land use, without First disclosing the Planning Area F LCP requirements with corresponding analysis of the Need for Coastal Recreation (i.e. Public Park) and/or low-cost visitor accommodations at Planning Area F and providing that Documented analysis for public review/Consideration/comment. This seems like another 3rd repeat of the prior two Coastal planning mistakes by the City. In 2019, again citizens asked for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again the City rejected citizens' requests.
- In 2020 thousands of public requests again asked, and are currently asking, for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again these requests are being rejected. Based on the significant citizen concern and the documented prior 'planning mistakes' at Ponto it appears reasonable and responsible for Ponto's Planning Area F to either:
 - i. Retain its current Existing LCP LUP land Use of "Non-Residential Reserve" until such time as the City's past Ponto Beachfront Village Vision Plan and General Plan Update planning mistakes and other issues subject to current planning lawsuits against the City are resolved with a true, honest and open community-based Coastal planning process asked for by citizens since 2017. Or
 - ii. Propose in the Draft LCP Land Use Plan Amendment to re-designated Planning Area F back to a Visitor Serving Commercial and Open Space ("i.e. Public Park") to provide both "High-Priority" coastal uses v. low-priority residential/general commercial uses due to the documented Coastal Recreation and Low-cost visitor accommodation needs for both citizens and visitors at Ponto and South Carlsbad.

13. Questionable logic and inconsistency in proposed Draft land use map and policies: Chapter 2 Figure 2-2B & C on pages 2-19 & 20 proposes to Amend the existing LCP Land Use Plan Map, and policies LCP-2-P.19 and 20 on pages 2-27 to 2-29 propose Amendments to existing LCP policy and create a new added layer of policy referencing a Ponto/Southern Waterfront. The proposed Land Use Map and Policies serve to firmly plan for "low-priority" residential and general commercial land uses at Ponto with a clear regulatory Land Use Plan Map showing these land uses and by specific regulatory policy (LCP-2-20) that clearly requires (by using the words "shall") these "low

priority” uses. In contrast the “High-Priority” Coastal Recreation and Coastal Park land uses that would be designated as Open Space are not mapped at all in Figure 2-2B & C; and the proposed policy LCP-2-P.19 is both misleading and specifically does Not Require any “High-Priority” Coastal Recreation and Coastal Park land Use at Ponto and South Carlsbad. In fact page 2-22 specifically indicates two “may” criteria that would first need to occur in the positive before any potential Coastal Recreation and Coastal Park Land could then theoretically even be possible. It is highly probable that it is already known by the City that the proposed relocation of Carlsbad Boulevard (Coast Highway) is not very feasible and not cost effective, and will not yield (due to environmental habitat constraints, narrowness of the roadway median, and other design constraints) any significant dimensions of land that could potentially be designated Open Space and realistically be used as a Park.

The blank outline map (Figure 2-2B & C) provides no mapped Open Space Land Use designation, other than for the currently existing State Campgrounds’ low-cost visitor accommodations, so the proposed Land Use Plan Map is Not providing/mapping any new Open Space land use to address Coastal Recreation and Coastal Park needs. The Draft LCP Land Use Plan Amendment’s proposed/projected/planned Sea Level Rise and associated coastal erosion appears to indicate that this “High-Priority” low-cost visitor accommodation (Campground) land use designated as Open Space will be reduced in the ‘Buildout’ condition due to coastal erosion. So **the Draft LCP Land Use Plan is actually planning for a Reduction in Open Space Land Use in South Carlsbad and Ponto.** Both the blank outline map and the proposed Land Use Map Figure 2-1 DO NOT clearly map and designate both South Carlsbad’s Draft LCP Planned Loss of the Open Space Land Use and also any New or replacement unconstrained land as Open Space land use for Coastal Recreation and Coastal Park. This is an internal inconsistency in Land Use Mapping that should be corrected in two ways:

- 1) Showing on all the Land Use (Figure 2-1), Special Planning Area (Figure 2-2B & C), and other Draft LCP Maps the Draft LCP’s planned loss of land area in those maps due to the Draft LCP’s planned loss of land due to Sea Level Rise and Coastal Land Erosion. This is required to show how land use boundaries and Coastal Recourses are planned to change over time. or
- 2) Provide detailed Land Use Constraint Maps for the current Carlsbad Boulevard right-of-way that the City “may” or ‘may not’ choose (per the proposed “may” LCP-2-P.19 policy) use to explore to address the City’s (Park Master Plan) documented Coastal Recreation and Coastal Park land use shortages in Coastal South Carlsbad and Ponto. Clearly showing the potential residual Unconstrained Land within a Carlsbad Boulevard relocation that have any potential possibility to add new Open Space Land Use Designations (for Coastal Recreation) is needed now to judge if the policy is even rational, or is it just a Trojan horse.

The proposed internal inconsistency in mapping and policy appears like a plan/policy ‘shell game’. The proposed Land Use Plan Maps and Policies should be consistent and equality committed (mapped-shall v. unmapped-may) to a feasible and actual Plan. If not then there is No real Plan.

There is no Regulatory Policy requirement in LCP-2-P.19 to even require the City to work on the two “may” criteria. The City could choose to bury the entire Carlsbad Boulevard relocation concept and be totally consistent with Policy LCP-2-P.19 and the LCP. As such the language on 2-22, Figure 2-2C (and the proposed Land Use Map), and policy LCP-2-P.19 and 20 appear conspire to create a shell game or bait-and-switch game in that only “low-priority” residential and general commercial uses are guaranteed (by “shall” policy) winners, and “high-priority” Coastal Recreation and Coastal Park Land Uses are at best a non-committal ‘long-shot’ (“may” policy) that the city is specifically not providing a way to ever define, or commit to implement. The proposed Draft LCP Land Use Plan Coastal Recreation and Coastal Park statements for Ponto are just words on paper that are designed to have no force, no commitment, no defined outcome, and no defined requirement to even have an outcome regarding the

documented “High-Priority” Coastal Recreation and Coastal Park needs at Ponto, Coastal South Carlsbad and the regional 6-mile Coastal Park gap centered around Ponto.

Policy LCP-2-P.19 falsely says it “promotes development of recreational use” but does not in fact do that. How is development of ‘recreational use promoted’ when the Use is both unmapped and no regulatory policy requirement and commitment (no “shall” statement) to ‘promote’ that Use is provided? Policy LCP-2-19.19 appears a misleading sham that does not ‘promote’ or require in any way “High-Priority” Coastal Recreation and Park Land Use at Ponto. There should be open and honest public workshops before the Draft LCP Amendment goes to its first public hearing to clearly define the major environmental constraints and cost estimates involving possible relocation of Carlsbad Boulevard and constructing needed beach access parking, and sufficient and safe sidewalks and bike paths along Carlsbad Boulevard; and then map the amount and dimensions of potential ‘excess land’ that maybe available for possible designation as Open Space in the City General Plan and Local Coastal Program. The City should not repeat the mistakes at the Carlsbad Municipal Golf Course (resulting in the most expensive to construct maniple course in the USA) by not defining and vetting the concept first. A preliminary review of City GIS data appears the amount, dimensions and locations of any potential ‘excess’ land maybe modest at best. However before the City proposes a ‘Buildout’ Coastal Land Use Plan this critical information should be clearly provided and considered. It is likely the City’s Carlsbad Boulevard relocation concept is unfeasible, inefficient, too costly, and yields too little actual useable ‘excess land’ to ever approach the Coastal Recreation and Coastal Park needs for South Carlsbad. This may already be known by the City, but it surely should be publicly disclosed and discussed in the DLPCA.

The proposed Coastal Land Use Plan to address Carlsbad’s, San Diego County’s and California’s High-Priority Coastal Recreation Land Use and Coastal Park needs should NOT be vague “may” policy that appears to be purposely designed/worded to not commit to actually providing any “High-Priority” Coastal Recreation and Coastal Park land uses on the map or in policy commitments. The Land Use Plan and Policy for High-Priority Coastal Recreation and Coastal Park Land Use should be definitive with triggered “shall” policy statements requiring and assuring that the ‘Forever’ “High-Priority” Coastal Recreation and Coastal Park needs are properly and timely addressed in the City’s proposed ‘Buildout’ Coastal Land Use Plan. This “shall” policy commitment should be clearly and consistently mapped to show the basic feasibility of the planned outcomes and the resulting actual Land that could feasibly implement the planned outcome.

Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard: Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard are Coastal Access and Completes Streets issues. South Carlsbad Boulevard now and has for decades been a highly used Incomplete Street that is out of compliance with the City’s minimum Street Standards for pedestrian and bike access and safety. The Coastal Access portion of the Draft Land Use Plan should strongly address the Complete Street requirements for South Carlsbad Boulevard. Those policy commitments should be reference in Policy LCP-2-P.19 and 20 as Carlsbad Boulevard in **South Carlsbad is the most Complete Street deficient portion of Carlsbad Boulevard**. Forever Coastal Access parking demand and the proposed LCP Amendment’s Land Use Plan to supply parking for those demands should also be addressed as part of the Coastal Access and Complete Streets issues for South Carlsbad Boulevard. If much needed Coastal Access Parking is provided on South Carlsbad Boulevard as part of a “maybe” implemented realignment, most of the “maybe” realignment land left after constraints are accommodated for and buffered will likely be consumed with these parking spaces and parking drive aisles/buffer area needed to separate high-speed vehicular traffic from parking, a buffered bike path, and a sufficiently wide pedestrian sidewalk or Coastal Path. After accommodating these much needed Complete Street facilitates there will likely be little if any sufficiently

dimensioned land available for a Coastal Recreation and a Coastal Park. The needed Coastal Access and Complete Street facilities on South Carlsbad Boulevard are very much needed, but they are NOT a Coastal Park.

As mentioned the proposed Draft Coastal Land Use Plan's Maps and Policies are very specific in providing for the City's proposed LCP Land Use changes to 'low-priority' Residential and General Commercial' on Planning Area F (proposed to be renamed to Area 1 and 2). It is curious as to why the proposed Draft LCP Land Use Plan Amendment has no Land Use Map and minor vague unaccountable Land Use Policy concerning 'High-priority Coastal Recreation Land Use' at Ponto, while the very same time proposing very clear Land Use Mapping and detailed unambiguous "shall" land use policy requirements for 'low-priority' Residential and General Commercial land use at Ponto. Why is the City Not committing and requiring (in a Land Use Map and Land Use Policy) to much needed 'High-priority' Coastal Recreation and Coastal Park Land Use' needs at Ponto the same detail and commitment as the City is providing for "low-priority" uses? This is backwards and inappropriate. It is all the more inappropriate given the 'Buildout' Coastal Land Use Plan the City is proposing at Ponto. These issues and plan/policy commitments and non-commitments will be 'forever' and should be fully and publicly evaluated as previously requested, or the Existing LCP Land Use Plan of "Non-residential Reserve" for Planning Area F should remain unchanged and until the forever-buildout Coastal Recreation and Coastal Park issues can be clearly, honestly and properly considered and accountably planned for. This is vitally important and seems to speak to the very heart of the CA Coastal Act, its founding and enduring principles, and its policies to maximize Coastal Recreation. People for Ponto and we believe many others, when they are aware of the issues, think the City and CA Coastal Commission should be taking a long-term perspective and be more careful, thorough, thoughtful, inclusive, and in the considerations of the City's proposal/request to permanently convert the last vacant unplanned (Non-residential Reserve) Coastal land at Ponto to "low-priority" land uses and forever eliminate any Coastal Recreation and Coastal Park opportunities.

14. Public Coastal View protection: Avenida Encinas is the only inland public access road and pedestrian sidewalk to access the Coast at Ponto for one mile in each direction north and south. It is also hosts the regional Coastal Rail Trail in 3' wide bike lanes. There exist now phenomenal coastal ocean views for the public along Avenida Encinas from the rail corridor bridge to Carlsbad Boulevard. It is assumed these existing expansive public views to the ocean will be mostly eliminated with any building development seaward or the Rail corridor. This is understandable, but an accountable ('shall') Land Use Plan/Policy addition to proposed Policy LCP-2-P.20 should be provided for a reasonable Public Coastal View corridor along both sides of Avenida Encinas and at the intersection with Carlsbad Boulevard. Public Coastal view analysis, building height-setback standards along Avenida Encinas, and building placement and site design and landscaping criteria in policy LCP-2-P.20 could also considered to reasonably provide for some residual public coastal view preservation.

15. Illogical landscape setback reductions proposed along Carlsbad Boulevard, and Undefined landscape setback along the Lagoon Bluff Top and rail corridor in Policy LCP-2-P.20: Logically setbacks are used in planning to provide a buffering separation of incompatible land uses/activities/habitats. The intent of the setback separation being to protect adjacent uses/activities/habitats from incompatibility, nuisance or harassment by providing a sufficient distance/area (i.e. setback) between uses/activities/habitats and for required urban design aesthetics – almost always a buffering landscaping. Policy LCP-2-P.20. A.4 and C.3 says the required 40' landscape setback along Carlsbad Boulevard "maybe reduced due to site constraints or protection of environmental resources." The ability to reduce the setback is illogical in that setbacks are intended to protect environmental resources and provide a buffer for constraints. In the Carlsbad Boulevard right-of-way there is documented sensitive environmental habitat, along with being a busy roadway. How could reducing the protective 40' setback in anyway better protect that habitat or provide a better landscaped compatibility or visual aesthesis buffer along Carlsbad Boulevard? It is

illogical. If anything the minimum 40' landscaped setback should likely be expanded near "environmental resources". Regarding reducing the minimum 40' landscape setback for "site constraints" there is no definition of what a "site constraint" is or why it (whatever it may be) justifies a reduction of the minimum landscaped setback. Is endangered species habitat, or a hazardous geologic feature, or a slope, or on-site infrastructure considered a "site constraint"? There should be some explanation of what a "site constraint" is and is not, and once defined if it warrants a landscape setback reduction to enhance the buffering purpose of a landscape setback. Or will a reduction only allow bringing the defined constraint closer to the adjacent uses/activities/habitats that the landscape setback is designed to buffer. It is good planning practice to not only be clear in the use of terms; but also, if a proposed reduction in a minimum standard is allowed, to define reasonably clear criteria for that reduction/modification and provide appropriate defined mitigation to assume the intended performance objectives of the minimum landscape setback are achieved.

Policy LCP-2-P.20.C.4 is missing a critical Bluff-Top landscape setback. It seems impossible that the DLCPA is proposing no Bluff-Top setback from the lagoon bluffs and sensitive habitat. The Batiqitos Lagoon's adjoining steep sensitive habitat slopes directly connect along the Bluff-top. Batiqitos Lagoon's and adjoining steep sensitive habitat is a sensitive habitat that requires significant setbacks as a buffer from development impacts. Setbacks similar to those required for the San Pacifico area inland of the rail corridor, should be provided unless updated information about habitat sensitivity or community aesthetics requires different setback requirements.

Policy LCP-2-P.20 does not include a landscape setback standard adjacent to the rail corridor. This is a significant national transportation corridor, part of the 2nd busiest rail corridor in the USA. Train travel along this corridor is planned to increase greatly in the years to come. Now there is significant noise, Diesel engine pollution, and extensive ground vibration due to train travel along the rail corridor. Long freight trains which currently run mostly at night and weekends are particularly noisy and heavy, and create significant ground vibration (underground noise). These issues are best mitigated by landscape setbacks and other buffers/barriers. A minimum setback standard for sufficient landscaping for a visual buffer and also factoring appropriate noise and ground vibration standards for a buildout situation should be used to establish an appropriate landscape setback that should be provided along the rail corridor. Carlsbad's landscape aesthetics along the rail corridor should be factored into how wide the setback should be and how landscaping should be provided. An example for the landscape aesthetic portion of the setback standard could be landscape design dimensions of the San Pacifico community on the inland side of the rail corridor. However, noise and vibrational impacts at San Pacifico are felt much further inland and appear to justify increased setbacks for those impacts.

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.

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

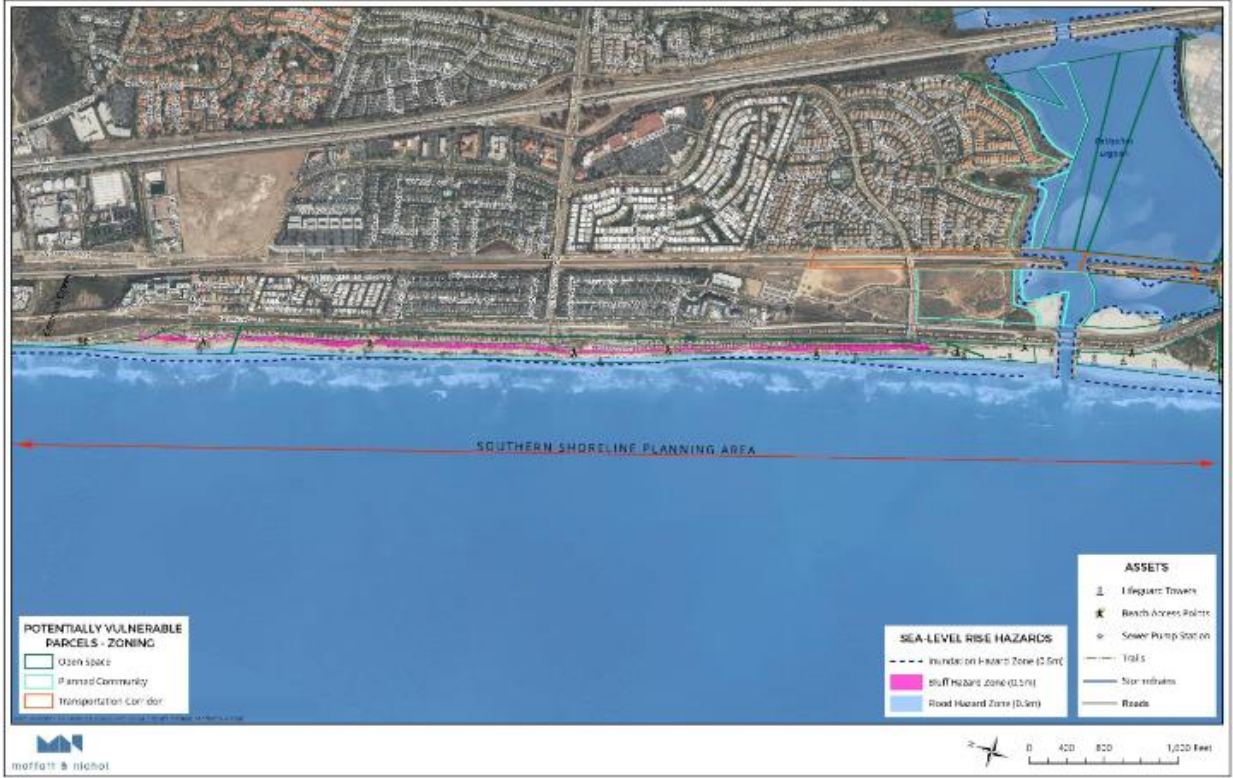
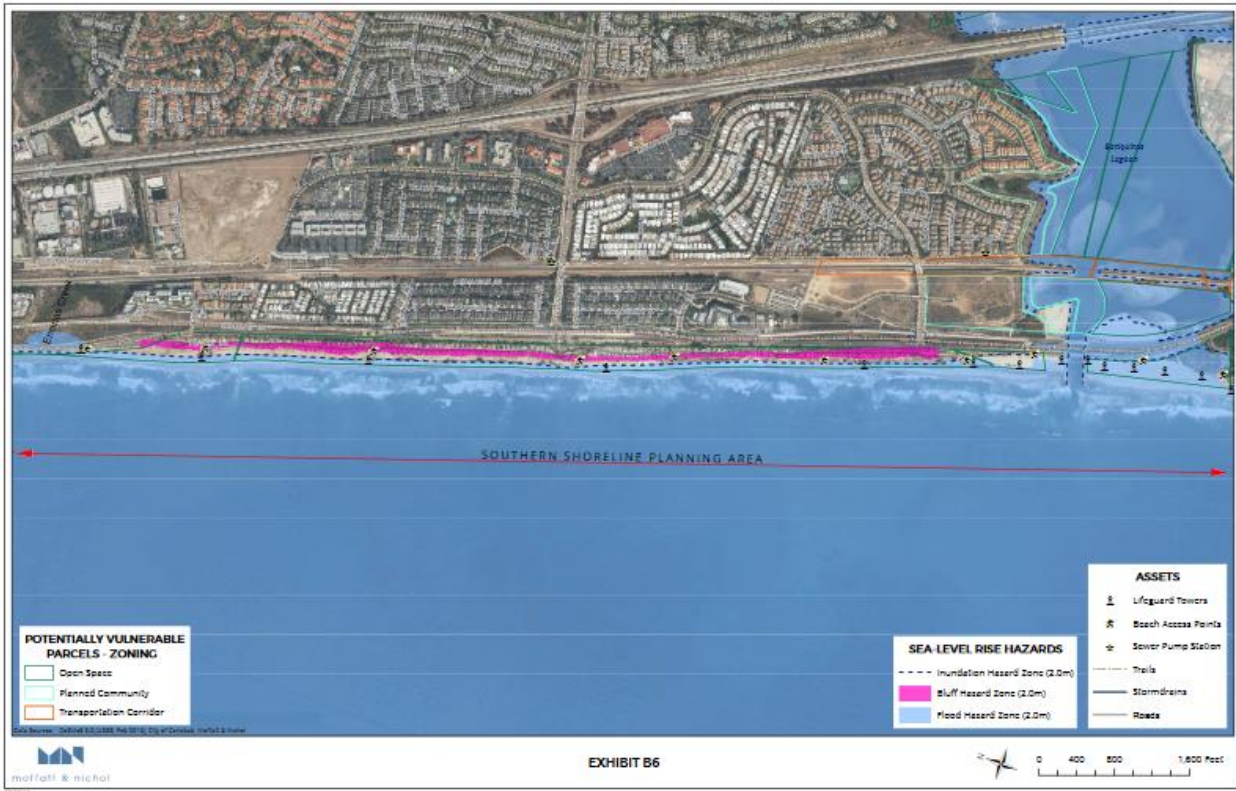


Figure 7: Southern Shoreline Planning Area – Year 2050



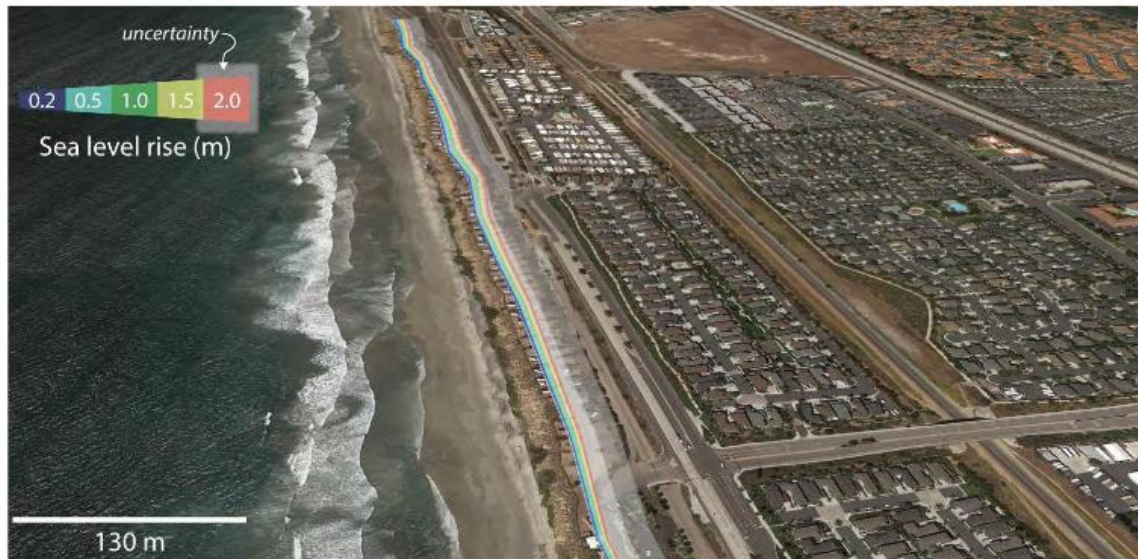


Figure 5: CoSMoS Bluff Erosion Projections by 2100
(CoSMoS-COAST 2015)

[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.