

**From:** [Lance Schulte](#)  
**To:** [Growth Management Committee](#); [Michele Hardy](#); [Council Internet Email](#); [City Clerk](#); [Kyle Lancaster](#); [Eric Lardy](#); ["Smith, Darren@Parks"](#); [Homer, Sean@Parks](#); ["Moran, Gina@Parks"](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); [Ross, Toni@Coastal](#)  
**Cc:** [info@peopleforponto.com](mailto:info@peopleforponto.com)  
**Subject:** 1-26-23 CTGMC mtg - public input on Carlsbad Parkland Dedication Ordinance and City losses  
**Date:** Tuesday, January 24, 2023 1:39:33 PM  
**Attachments:** [image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image019.png](#)  
[image020.png](#)  
[image021.png](#)  
[image022.png](#)  
[image001.emz](#)  
[image002.png](#)  
[Example of Carlsbad Parkland Dedication Ordinance - Ponto Site 18 - 2022 Sep.pdf](#)

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

Please again consider this email and attachment on 1/26/23.

This may clear up some what appeared to be a miscommunication by staff on 1/11/23 that appeared to say that the developer can decide how to comply with the Park Dedication Ordinance (Dedicate land or pay an in-lieu-of-dedication fee). This is not correct. Per 21.44 a developer may propose, but it is the City that decides how and where the Park land required is to be provided. Per 21.44.040 & 21.44.050 of the City's Park Dedication Ordinance

Clearly states it is the City "decision making body" for the development proposal, i.e. Planning Commission or City Council, that decides if Park land is required or a commensurate Park in lieu fee will be required from the developer. In almost all instances Park land in the area (aka 10-minutewalk) of the development is better as that is where the development's Park land demand is created and where additional Park land supply should be created.

I hope this email and data helps the CTGMC in address the critical Park Land needs in various areas of Carlsbad, and this Ponto Site 18 example provides actual data using a currently proposed project in an area Carlsbad's Park Master Plan (current but soon to be changed) indicates is 'unserved by parks' and should be an area where new parks should be provided.

Please note in this Ponto Site 18 example there IS vacant land (about 1 acre) left-over after the development that the developer could dedicate to the City for the developer's Park Land dedication requirement. The CTGMC would be thoughtful to include in your Standard recommendations to include strong policy requirements to get Park land v. fees in areas needing Parks.

Thank you,  
Lance

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**From:** Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]  
**Sent:** Sunday, September 11, 2022 11:39 AM  
**To:** [committee@carlsbadca.gov](mailto:committee@carlsbadca.gov); 'Michele Hardy'; [council@carlsbadca.gov](mailto:council@carlsbadca.gov); 'City Clerk'; 'Kyle Lancaster'; 'Eric Lardy'; 'Smith, Darren@Parks'; Homer, Sean@Parks ([Sean.Homer@parks.ca.gov](mailto:Sean.Homer@parks.ca.gov)); 'Moran, Gina@Parks'; Carrie Boyle ([carrie.boyle@coastal.ca.gov](mailto:carrie.boyle@coastal.ca.gov)); 'Prahler, Erin@Coastal'; Ross, Toni@Coastal ([Toni.Ross@coastal.ca.gov](mailto:Toni.Ross@coastal.ca.gov))  
**Cc:** 'info@peopleforponto.com'  
**Subject:** public input on Carlsbad Parkland Dedication Ordinance and City losses

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

Please consider this data file and public input email/attachment in the CTGMC, Housing Element and Parks Master Plan Updates, Proposed Local Coastal Program Amendment, and the Ponto Site 18 proposed land use changes and development application.

'Example of Carlsbad's Park-in-lieu Fee failing to actually provide the required Parkland or improvements

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The example is for Ponto Site 18 one of the City's proposed General Plan & Local Coastal Program land use changes to provide RHNA required housing sites for the years 2021-2029. Ponto Site 18 is the Ponto Storage site and surrounding lots. Ponto Site 18's map and City description is provided on pages 4-5 below.

**The example shows Carlsbad loses significant amounts of money, and more critically loses precious and irreplaceable Parkland that developers are required to provide for free. These City losses are absorbed by current and future Carlsbad tax-payers. For the relatively small 5 acre and 86 dwelling unit Ponto Site 18 proposal the loss to Carlsbad is \$ 1.084 million in lost parkland value. Below is the spreadsheet calculation of that loss.**

Beyond showing a typical over \$ 1 million loss per 86 dwellings, there is added concern for the CTGMC in that this example is a proposed Carlsbad General Plan & Local Coastal Program Land Use Change to try to accommodate the years 2021-2029 the RHNA requirement to add/increase Residential use. Every 8 years we are/will be changing our General Plan land use to add more high-density housing and increasing City Park demand particularly for areas developed more densely.

If these higher-density projects do not dedicate actual City Park within walking distance not only is Carlsbad loosing over \$1 million per 86 dwellings, we are losing free and easy opportunities to get City Parkland dedicated for free per CMC 20.44, and will slowly be degrading our Quality of Life in these areas and also Citywide.

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   | <a href="https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44">https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44</a> |
| US Census data   | <a href="https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210">https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210</a> |
| 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%  |
| <b>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</b>   |   |
| 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 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:  |   |
| <b>\$ (1,064,783) Dollars the City is losing in Park land value and not receiving in its Park-In-lieu Fee, so this is a gift to the developer</b>  |   |
| - 73% % of lost Park land value City is losing 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   |
| <b>\$ (282,424) Dollars City loses from Park-In-lieu Fees not even being adequate to cover Actual Minimal Park Development Costs</b>   |   |

Following this calculation:

- on page 3-4 are the relevant excerpts of Carlsbad's Dedication of Land for Recreational Purposes Ordinance 20.44, and
- on page 5-6 is the City's map and description of the proposed Ponto Site 18 land use change

|   |
|---|
| <a href="https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44">https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44</a> |
| <b>20.44 Dedication of Land for Recreational Facilities</b>   |
| 20.44.010 Purpose.  |
| This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of  |

the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreational element of the general plan of the City of Carlsbad. (Ord. 9614 § 1, 1982; Ord. 9190 § 2)

|  |  |  |  |  |  |  |  |  |  |
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20.44.040 Standards and formula for dedication of land.  
**If the decision-making authority for the tentative map or tentative parcel map determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:**

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
| The formula for determining acreage to be dedicated shall be as follows:       |  |  |  |  |  |  |  |  |  |
| Average no. of persons per dwelling unit (based on most recent federal census) |  |  |  |  |  |  |  |  |  |
| x  |  |  |  |  |  |  |  |  |  |
| 3 park acres per 1,000 population  |  |  |  |  |  |  |  |  |  |
| x  |  |  |  |  |  |  |  |  |  |
| Total number of dwelling units   |  |  |  |  |  |  |  |  |  |

The total number of dwelling units shall be the number permitted by the city on the property in the subdivision at the time the final map or parcel map is filed for approval, less any existing residential units in single-family detached or duplex dwellings. The park land dedication requirement will be reviewed annually effective July 1, and adjusted as necessary by resolution of the city council to reflect the latest federal census data. (Ord. CS-192 § 49, 2012; Ord. CS-162 § 1, 2011; Ord. NS-757 § 1, 2005; Ord. NS-588 § 1, 2001; Ord. 9831 § 1, 1987; Ord. 9770 § 1, 1985; Ord. 9724 § 1, 1984; Ord. 9644 § 1, 1982; Ord.

20.44.050 Standards for fees in lieu of land dedication.

|    |  |
|----|--|
| A. | <b>If the decision-making authority for the tentative map or tentative parcel map determines that there is no park or recreational facility to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.44.040 and in an amount determined in accordance with the provisions of Section 20.44.080.</b> |
| B. | If the proposed subdivision contains 50 parcels or less, only the payment of fees shall be required except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.  |

20.44.060 Determination of land or fee.

|    |  |
|----|--|
| A. | <b>Whether the decision-making authority for the tentative map or tentative parcel map requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the decision-making authority at the time of approval of the tentative map or tentative parcel map. In making that determination, the decision-making authority shall consider the following:</b> |
|    | 1 Park and recreation element of the general plan;   |
|    | 2 Topography, geology, access and location of land in the subdivision available for dedication;  |
|    | 3 Size and shape of the subdivision and land available for dedication;   |
|    | 4 The feasibility of dedication;   |
|    | 5 Availability of previously acquired park property.   |
| B. | The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. CS-192 § 49, 2012; Ord. 9614 § 1, 1982; Ord. 9190 § 6)  |

|           |   |
|-----------|---|
| 20.44.080 | Amount of fee in lieu of land dedication.   |
| A.        | When a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 20.44.040. The fair market value shall be determined by the city council using the following method:  |
| 1         | The city manager may from time to time survey the market value of undeveloped property within the city. This survey may be prepared through various means including, but not limited to, selection of several real estate professionals within Carlsbad to provide current estimates of undeveloped property values with each of the city's four quadrants.   |
| 2         | The council shall adopt a resolution establishing the value of one acre of park land in each quadrant after considering the results of this survey and any other relevant information.  |
| B.        | Subdividers objecting to such valuation, may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the city council if found to be reasonable. If accepted, the fee shall be based on that appraisal. (Ord. NS-120 § 1, 1990; Ord. 9831 § 1, 1987; Ord. 9781 § 1, 1985; Ord. 9614 § 1, 1982; Ord. 9190 § 8)  |
|           |   |
| 20.44.090 | Limitation on use of land and fees.   |
|           | The land and fees received under this chapter shall be used for the purpose of developing new or rehabilitating existing park and recreational facilities which serve the population within the park quadrant within which the subdivision for which the fees are received is located and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. (Ord. NS-842 § 1, 2007; Ord. 9680 § 12, 1983; Ord. 9190 § 11) |
|           |   |
| 20.44.100 | Time of commencement of facilities.   |
|           | The city council shall develop a schedule specifying how, when and where it will use the land or fees or both to develop park or recreational facilities to serve the residents of the park quadrant in which the subdivisions are located. Any fees collected pursuant to this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.   |



## 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.

## POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



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

Please consider this email and attachments, and know P4P Carlsbad Citizens are here to help assure we sustain and enhance our quality of life for future generations. People for Ponto love deeply Carlsbad and want to assure we leave a better Carlsbad to future generations.

Sincerely and with Aloha Aina,  
Lance Schulte

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

## Example of Carlsbad's Park-in-lieu Fee failing to actually provide the required Parkland or improvements

The example is for Ponto Site 18 one of the City's proposed General Plan & Local Coastal Program land use changes to provide RHNA required housing sites for the years 2021-2029. Ponto Site 18 is the Ponto Storage site and surrounding lots. Ponto Site 18's map and City description is provided on pages 4-5 below.

**The example shows Carlsbad loses significant amounts of money, and more critically loses precious and irreplaceable Parkland that developers are required to provide for free. These City losses are absorbed by current and future Carlsbad tax-payers. For the relatively small 5 acre and 86 dwelling unit Ponto Site 18 proposal the loss to Carlsbad is \$ 1.084 million in lost parkland value. Below is the spreadsheet calculation of that loss.**

Beyond showing a typical over \$ 1 million loss per 86 dwellings, there is added concern for the CTGMC in that this example is a proposed Carlsbad General Plan & Local Coastal Program Land Use Change to try to accommodate the years 2021-2029 the RHNA requirement to add/increase Residential use. Every 8 years we are/will be changing our General Plan land use to add more high-density housing and increasing City Park demand particularly for areas developed more densely.

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## 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   | <a href="https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44">https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44</a> |
| US Census data   | <a href="https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210">https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210</a> |
| 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  |
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| 86   | 100%  |
| <b>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</b> |   |
| <u>Fenton Park land dedication requirement per CMC 20.44</u>   |   |
| <u>calculation</u>   | 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  |
| =  | <b>0.68112 acres of Park land required for Fenton's proposed 86 DU project based on Citywide average population per DU</b>  |
| X  | 43,560 square feet per acre   |
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| <b>1 acre of Fenton's unused vacant 'ice plant lots' between PCH &amp; Ponto Drive that can provide Fenton's Park land requirement</b>   |   |
| \$ 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:  |   |
| <b>\$ (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</b>   |   |
| <b>-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</b>  |   |
| \$ 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   | <b>Cost to develop Fenton's 29,670 sq. ft. of Park Land Dedication as a Park</b>  |
| <b>\$ (282,424) Dollars City looses from Park-in-lieu Fees not even being adequate to cover Actual Minimal Park Development Costs</b>  |   |

Following this calculation:

- on page 3-4 are the relevant excerpts of Carlsbad's Dedication of Land for Recreational Purposes Ordinance 20.44, and
- on page 5-6 is the City's map and description of the proposed Ponto Site 18 land use change

**20.44 Dedication of Land for Recreational Facilities**

20.44.010 Purpose.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreational element of the general plan of the City of Carlsbad. (Ord. 9614 § 1, 1982; Ord. 9190 § 2)

20.44.040 Standards and formula for dedication of land.

If the decision-making authority for the tentative map or tentative parcel map determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:

The formula for determining acreage to be dedicated shall be as follows:

Average no. of persons per dwelling unit (based on most recent federal census)

x

3 park acres per 1,000 population

x

Total number of dwelling units

The total number of dwelling units shall be the number permitted by the city on the property in the subdivision at the time the final map or parcel map is filed for approval, less any existing residential units in single-family detached or duplex dwellings. The park land dedication requirement will be reviewed annually effective July 1, and adjusted as necessary by resolution of the city council to reflect the latest federal census data. (Ord. CS-192 § 49, 2012; Ord. CS-162 § 1, 2011; Ord. NS-757 § 1, 2005; Ord. NS-588 § 1, 2001; Ord. 9831 § 1, 1987; Ord. 9770 § 1, 1985; Ord. 9724 § 1, 1984; Ord. 9644 § 1, 1982; Ord.

20.44.050 Standards for fees in lieu of land dedication.

A. If the decision-making authority for the tentative map or tentative parcel map determines that there is no park or recreational facility to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.44.040 and in an amount determined in accordance with the provisions of Section 20.44.080.

B. If the proposed subdivision contains 50 parcels or less, only the payment of fees shall be required except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

20.44.060 Determination of land or fee.

A. Whether the decision-making authority for the tentative map or tentative parcel map requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the decision-making authority at the time of approval of the tentative map or tentative parcel map. In making that determination, the decision-making authority shall consider the following:

1 Park and recreation element of the general plan;

2 Topography, geology, access and location of land in the subdivision available for dedication;

3 Size and shape of the subdivision and land available for dedication;

4 The feasibility of dedication;

## 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



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

**From:** [Lance Schulte](#)  
**To:** [Growth Management Committee](#); [Michele Hardy](#); [Council Internet Email](#); [City Clerk](#); [Kyle Lancaster](#); [Eric Lardy](#); ["Smith, Darren@Parks"](#); ["Homer, Sean@Parks"](#); ["Moran, Gina@Parks"](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); ["Ross, Toni@Coastal"](#); [melanie@melanieforcarlsbad.com](#)  
**Cc:** [info@peopleforponto.com](#)  
**Subject:** 1-26-23 CTGMC mtg - CA State law on Park land dedication and fees - 5 acre per 1,000 population  
**Date:** Tuesday, January 24, 2023 2:22:54 PM  
**Attachments:** [image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image019.png](#)  
[image020.png](#)  
[image021.png](#)  
[image022.png](#)  
[image003.emz](#)  
[image004.png](#)

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

As the City has requested specific reference regarding public input, I ask you to please deliver to the those address this email and attachment as public input for:

1. the CTGMC's 1/26/22 meeting,
2. the next Carlsbad Council meeting,
3. the next Carlsbad Planning and Parks Commission meetings on the Parks Master Plan and Growth Management Program Updates, Ponto Planning Area F and Site 18 land use changes, and Local Coastal Program Amendments, and
4. as public input to the CCC on Carlsbad proposed Local Coastal Program, and
5. as public input to Carlsbad's proposed Local Coastal Program Amendment.

At the 1-11-22 CTGMC meeting comments are what is the State Park Land Dedication Standard. This Standard (the Qumby Act) defines under that Ca Subdivision code how much land a city in the State of CA can require or developers to provide a city for park land. I recall the It was apparently incorrectly mentioned as 3 acres of Park land per 1,000 population was the State Standard, where as it is up to 5 acres per 1,000 population. Following is a link to the CA Qumby Act and the citation that 5 acres per 1,000 population can be required of new development.

[https://codelibrary.amlegal.com/codes/taftca/latest/taft\\_ca/0-0-0-12312](https://codelibrary.amlegal.com/codes/taftca/latest/taft_ca/0-0-0-12312)

"10-11-6: LAND DEDICATION AND FEE DETERMINATIONS: .... (C) The amount of land to be dedicated shall be based on the number of units in the subdivision multiplied by the number of persons per dwelling (as determined pursuant to subsection (B) of this section) **multiplied by five (5) acres per one thousand (1,000) city inhabitants (section 66477 of the subdivision map act)**"

I hope this data clears up confusion on how many acres of Park land Carlsbad can require of new development. It seems prudent to require developers provide the maximum amount of Park land per State law and not less, and most particularly in areas of Carlsbad that have no accessible Park within a 10-minute walk.

Thank you, and with Aloha Aina for Carlsbad,  
Lance

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**From:** Lance Schulte [mailto:[meyers-schulte@sbcglobal.net](mailto:meyers-schulte@sbcglobal.net)]  
**Sent:** Tuesday, January 24, 2023 1:39 PM

**To:** committee@carlsbadca.gov; 'Michele Hardy'; 'council@carlsbadca.gov'; 'City Clerk'; 'Kyle Lancaster'; 'Eric Lardy'; 'Smith, Darren@Parks'; Homer, Sean@Parks (Sean.Homer@parks.ca.gov); 'Moran, Gina@Parks'; Carrie Boyle (carrie.boyle@coastal.ca.gov); 'Prahler, Erin@Coastal'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov)  
**Cc:** 'info@peopleforponto.com'  
**Subject:** 1-26-23 CTGMC mtg - public input on Carlsbad Parkland Dedication Ordinance and City losses

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

Please again consider this email and attachment on 1/26/23.

This may clear up some what appeared to be a miscommunication by staff on 1/11/23 that appeared to say that the developer can decide how to comply with the Park Dedication Ordinance (Dedicate land or pay an in-lieu-of-dedication fee). This is not correct. Per 21.44 a developer may propose, but it is the City that decides how and where the Park land required is to be provided. Per 21.44.040 & 21.44.050 of the City's Park Dedication Ordinance

Clearly states it is the City "decision making body" for the development proposal, i.e. Planning Commission or City Council, that decides if Park land is required or a commensurate Park in lieu fee will be required from the developer. In almost all instances Park land in the area (aka 10-minutewalk) of the development is better as that is where the development's Park land demand is created and where additional Park land supply should be created.

I hope this email and data helps the CTGMC in address the critical Park Land needs in various areas of Carlsbad, and this Ponto Site 18 example provides actual data using a currently proposed project in an area Carlsbad's Park Master Plan (current but soon to be changed) indicates is 'unserved by parks' and should be an area where new parks should be provided.

Please note in this Ponto Site 18 example there IS vacant land (about 1 acre) left-over after the development that the developer could dedicate to the City for the developer's Park Land dedication requirement. The CTGMC would be thoughtful to include in your Standard recommendations to include strong policy requirements to get Park land v. fees in areas needing Parks.

Thank you,  
Lance

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**From:** Lance Schulte [mailto:meyers-schulte@sbcglobal.net]

**Sent:** Sunday, September 11, 2022 11:39 AM

**To:** committee@carlsbadca.gov; 'Michele Hardy'; 'council@carlsbadca.gov'; 'City Clerk'; 'Kyle Lancaster'; 'Eric Lardy'; 'Smith, Darren@Parks'; Homer, Sean@Parks (Sean.Homer@parks.ca.gov); 'Moran, Gina@Parks'; Carrie Boyle (carrie.boyle@coastal.ca.gov); 'Prahler, Erin@Coastal'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov)

**Cc:** 'info@peopleforponto.com'

**Subject:** public input on Carlsbad Parkland Dedication Ordinance and City losses

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

Please consider this data file and public input email/attachment in the CTGMC, Housing Element and Parks Master Plan Updates, Proposed Local Coastal Program Amendment, and the Ponto Site 18 proposed land use changes and development application.



Example of Carlsbad's Park-in-lieu Fee failing to actually provide the required Parkland or improvements

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The example is for Ponto Site 18 one of the City's proposed General Plan & Local Coastal Program land use changes to provide RHNA required housing sites for the years 2021-2029. Ponto Site 18 is the Ponto Storage site and surrounding lots. Ponto Site 18's map and City description is provided on pages 4-5 below.

**The example shows Carlsbad loses significant amounts of money, and more critically loses precious and irreplaceable Parkland that developers are required to provide for free. These City losses are absorbed by current and future Carlsbad tax-payers. For the relatively small 5 acre and 86 dwelling unit Ponto Site 18 proposal the loss to Carlsbad is \$ 1.084 million in lost parkland value. Below is the spreadsheet calculation of that loss.**

Beyond showing a typical over \$ 1 million loss per 86 dwellings, there is added concern for the CTGMC in that this example is a proposed Carlsbad General Plan & Local Coastal Program Land Use Change to try to accommodate the years 2021-2029 the RHNA requirement to add/increase Residential use. Every 8 years we are/will be changing our General Plan land use to add more high-density housing and increasing City Park demand particularly for areas developed more densely.

If these higher-density projects do not dedicate actual City Park within walking distance not only is Carlsbad loosing over \$1 million per 86 dwellings, we are losing free and easy opportunities to get City Parkland dedicated for free per CMC 20.44, and will slowly be degrading our Quality of Life in these areas and also Citywide.

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   | <a href="https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44">https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44</a> |
| US Census data   | <a href="https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210">https://www.census.gov/quickfacts/fact/table/carlsbadcitycalifornia/POP060210#POP060210</a> |
| 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%  |
| <b>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</b>   |   |
| 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 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:  |   |
| <b>\$ (1,064,783) Dollars the City is losing in Park land value and not receiving in its Park-In-lieu Fee, so this is a gift to the developer</b>  |   |
| - 73% % of lost Park land value City is losing 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   |
| <b>\$ (282,424) Dollars City loses from Park-In-lieu Fees not even being adequate to cover Actual Minimal Park Development Costs</b>   |   |

Following this calculation:

- on page 3-4 are the relevant excerpts of Carlsbad's Dedication of Land for Recreational Purposes Ordinance 20.44, and
- on page 5-6 is the City's map and description of the proposed Ponto Site 18 land use change

|   |
|---|
| <a href="https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44">https://library.qcode.us/lib/carlsbad_ca/pub/municipal_code/item/title_20-chapter_20_44</a> |
| <b>20.44 Dedication of Land for Recreational Facilities</b>   |
| 20.44.010 Purpose.  |
| This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of  |

the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreational element of the general plan of the City of Carlsbad. (Ord. 9614 § 1, 1982; Ord. 9190 § 2)

20.44.040 Standards and formula for dedication of land.

If the decision-making authority for the tentative map or tentative parcel map determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
| The formula for determining acreage to be dedicated shall be as follows:       |  |  |  |  |  |  |  |  |  |
| Average no. of persons per dwelling unit (based on most recent federal census) |  |  |  |  |  |  |  |  |  |
| x  |  |  |  |  |  |  |  |  |  |
| 3 park acres per 1,000 population  |  |  |  |  |  |  |  |  |  |
| x  |  |  |  |  |  |  |  |  |  |
| Total number of dwelling units   |  |  |  |  |  |  |  |  |  |

The total number of dwelling units shall be the number permitted by the city on the property in the subdivision at the time the final map or parcel map is filed for approval, less any existing residential units in single-family detached or duplex dwellings. The park land dedication requirement will be reviewed annually effective July 1, and adjusted as necessary by resolution of the city council to reflect the latest federal census data. (Ord. CS-192 § 49, 2012; Ord. CS-162 § 1, 2011; Ord. NS-757 § 1, 2005; Ord. NS-588 § 1, 2001; Ord. 9831 § 1, 1987; Ord. 9770 § 1, 1985; Ord. 9724 § 1, 1984; Ord. 9644 § 1, 1982; Ord.

20.44.050 Standards for fees in lieu of land dedication.

- A. If the decision-making authority for the tentative map or tentative parcel map determines that there is no park or recreational facility to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.44.040 and in an amount determined in accordance with the provisions of Section 20.44.080.
- B. If the proposed subdivision contains 50 parcels or less, only the payment of fees shall be required except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

20.44.060 Determination of land or fee.

- A. Whether the decision-making authority for the tentative map or tentative parcel map requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the decision-making authority at the time of approval of the tentative map or tentative parcel map. In making that determination, the decision-making authority shall consider the following:
  - 1 Park and recreation element of the general plan;
  - 2 Topography, geology, access and location of land in the subdivision available for dedication;
  - 3 Size and shape of the subdivision and land available for dedication;
  - 4 The feasibility of dedication;
  - 5 Availability of previously acquired park property.
- B. The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. CS-192 § 49, 2012; Ord. 9614 § 1, 1982; Ord. 9190 § 6)

|           |   |
|-----------|---|
| 20.44.080 | Amount of fee in lieu of land dedication.   |
| A.        | When a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 20.44.040. The fair market value shall be determined by the city council using the following method:  |
| 1         | The city manager may from time to time survey the market value of undeveloped property within the city. This survey may be prepared through various means including, but not limited to, selection of several real estate professionals within Carlsbad to provide current estimates of undeveloped property values with each of the city's four quadrants.   |
| 2         | The council shall adopt a resolution establishing the value of one acre of park land in each quadrant after considering the results of this survey and any other relevant information.  |
| B.        | Subdividers objecting to such valuation, may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the city council if found to be reasonable. If accepted, the fee shall be based on that appraisal. (Ord. NS-120 § 1, 1990; Ord. 9831 § 1, 1987; Ord. 9781 § 1, 1985; Ord. 9614 § 1, 1982; Ord. 9190 § 8)  |
|           |   |
| 20.44.090 | Limitation on use of land and fees.   |
|           | The land and fees received under this chapter shall be used for the purpose of developing new or rehabilitating existing park and recreational facilities which serve the population within the park quadrant within which the subdivision for which the fees are received is located and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. (Ord. NS-842 § 1, 2007; Ord. 9680 § 12, 1983; Ord. 9190 § 11) |
|           |   |
| 20.44.100 | Time of commencement of facilities.   |
|           | The city council shall develop a schedule specifying how, when and where it will use the land or fees or both to develop park or recreational facilities to serve the residents of the park quadrant in which the subdivisions are located. Any fees collected pursuant to this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.   |

## 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.



## POTENTIAL HOUSING SITES

Site Number: 18 – North Ponto Parcels



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

Please consider this email and attachments, and know P4P Carlsbad Citizens are here to help assure we sustain and enhance our quality of life for future generations. People for Ponto love deeply Carlsbad and want to assure we leave a better Carlsbad to future generations.

Sincerely and with Aloha Aina,  
Lance Schulte

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



**From:** [People for Ponto Petition](#)  
**To:** [petition@peopleforponto.com](mailto:petition@peopleforponto.com)  
**Subject:** Protect Ponto Petition Letter  
**Date:** Tuesday, January 24, 2023 10:58:41 AM

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Protect Ponto Petition:

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

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

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

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

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#### **Email**

[hopen51@att.net](mailto:hopen51@att.net)

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#### **City**

Carlsbad

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**State**

CA

Sent from [People for Ponto](#)

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**To:** [petition@peopleforponto.com](mailto:petition@peopleforponto.com)  
**Subject:** Protect Ponto Petition Letter  
**Date:** Tuesday, January 24, 2023 11:46:17 AM

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**City**

Carlsbad

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**State**

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**City**

Carlsbad

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**State**

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**To:** [petition@peopleforponto.com](mailto:petition@peopleforponto.com)  
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**Date:** Tuesday, January 24, 2023 10:58:41 AM

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

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

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

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

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

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

Accordingly, I am making my position known and requesting that

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

- 1) Address the true neighborhood Park needs for Ponto (minimal 6-7 acre Park to serve minimal neighborhood needs based on Ponto buildout and City's current minimal Park Standard). Ponto Park should be an appropriately wide, viable, flat and fully useable multi-use grassed field – allow kids space to play informal sports. No thin strip of non-park land.
- 2) Address loss of 32+ acres of Coastal Open Space Land from sea level rise by providing for Non-neighborhood City and State buildout-population and visitor demands for both Coastal Recreation land use and the loss of the Campground. Provide sufficient Coastal Recreation and Low-cost Visitor Accommodation land use to address the CA Coastal Act and City/State 'unlimited buildout population/visitor demand', and planned loss of current supply due to planned sea level rise.
- 3) Disclose and address 2017 CA Coastal Commission direction to City on Ponto Vision Plan and Planning Area F Existing LCP in the PCH Project.
- 4) Fully address Sea Level Rise impacts consistent with CA Coastal Act & Commission relative to the State's recent requirement for unlimited City and State population growth. Document, plot the Seal Level Rise inundation and coastal erosion/bluff hazard areas in Carlsbad's General Plan including the Land Use Map, PCH Relocation Project maps, and in the PCH Project replace all 32+ acres of high-priority Coastal land use that will be lost to sea level rise and coastal erosion, and increase the supply of these high-priority Coastal land uses to address State required unlimited increases in City/State population and visitor demands.
- 5) Fully disclose and consider the 2022-June General Comparative tax-payer Costs/Benefits Analysis of Ponto Park-PCH completion-proposed PCH Relocation, to assure tax-payers (City and/or State) are getting the best and most sustainable value for their tax-payer dollars. The City should use tax-payer money wisely.
- 6) Incorporate the 5,000+ written/emailed petitions to the Council & CA Coastal Commission, and the Letters from Carlsbad visitor industry, Surfrider Foundation, and Batiquitos Lagoon Foundation.
- 7) Within the Local Facilities Management Plan Zone 9 portion fully provide the 30-acers of documented missing Unconstrained Growth Management Open Space that developers were supposed to provide. Also fully disclose and incorporate the Ponto Open Space recommendations from North County Advocates per City's lawsuit settlement. Fully preserve or mitigate sensitive habitat areas within and adjacent to the

PCH Project area.

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

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

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

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

### **Additional Comments**

To Second the Request: I request the above 11 citizen issues be fully addressed by the Growth Management Committee, City Council, and CA Coastal Commission regarding Park-Useable Open Space and Coastal Land Use issues and City Capital Improvement Projects at Ponto and Coastal South Carlsbad.!!!  
Thank you

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#### **City**

Carlsbad

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**State**

California

Sent from [People for Ponto](#)

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