

From: [Lance Schulte](#)
To: [Growth Management Committee](#); [Council Internet Email](#); [City Clerk](#); [Kyle Lancaster](#); [Eric Lardy](#); ["Smith, Darren@Parks"](#); [Homer, Sean@Parks](#); ["Sean Adams"](#); ["Moran, Gina@Parks"](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); [Ross, Toni@Coastal](#)
Cc: info@peopleforponto.com
Subject: Public input for Carlsbad LCPA-Parks Master Plan & Growth Management Plan Updates - do the right and smart thing for our future
Date: Thursday, April 20, 2023 8:27:05 AM
Attachments: [Carlsbad is below National Average & worst of 24 SoCal Coastal cities in providing Parks in a 10-minute walk to residents.pdf](#)
[TPL Support for Ponto Park - 2022-3-11.pdf](#)
[CTGMC key issues and suggestions -2022-12-6.pdf](#)
[History of Open Space at Ponto - 2022-1-26.pdf](#)
[Sea Level Rise and Carlsbad DLCP-LUPA planned loss of OS at Ponto - 2022.pdf](#)
[2022 General Comparative cost-benefits of Completing PCH-PCH Modification-Ponto Park - Part 1 of 2 \(2\).pdf](#)
[Carlsbad 2019 proposed Draft LCP Amendment - People for Ponto 2021-Oct Updated Public Comments - Coastal Recreation.pdf](#)

Dear Carlsbad City Council, Carlsbad Tomorrow Growth Management Committee, Parks and Planning Commissions, and 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 February 2023 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, and Carlsbad's Ponto Planning Area F and Site 18 planning and development applications, and
4. as public input to the CA Coastal Commission on Carlsbad's proposed Local Coastal Program Amendment.

In looking over the CTGMC's proposed report and recommendations, it appears the attached data and issues from over 5,000+ emails and extensive numbers of Carlsbad Citizens verbal comments provided city staff and the CTGMC have not been addressed.

Failure of the city staff and city to address these issues and providing a much needed and TRUE and significant Ponto Park (the last vacant land and opportunity to provide a true and meaningful Coastal Park) will undermine the Coastal Recreation needs (and future economic and social sustainability) of Carlsbad and future CA residents and visitors. Ponto has the last remaining vacant and unplanned Coastal land for a 6-mile length of coast that is without Coastal Park. Buying Ponto Park is the far better and magnitude CHEAPER means to provide a significant Coastal Park for this 6-mile length of Coast (and ALL South Carlsbad) that is without a Coastal Park.

The CTGMC needs to responsibly address the data and issues thousands of Carlsbad and North County Citizens and visitors have sent you. CTGMC and staff failure to address these issues will forever negativity impact forever our quality of life and eliminate the last viable, least constrained, and tax-payer effective option (Buying Ponto Park) for or future.

The CTGMC and city staff Own your decisions. Go down in history as being wise, true and doing the right thing for the future. Don't fail to address the FACTS and do nothing but kick-the-can-down-the road. We are running out of road and going over the cliff; as Seal Level Rise erodes our Coastal

Recreation lands and our last vacant inland areas are vanishing. Your time is now or never to do the right (and most tax-payer efficient) think – buy Ponto Park!

Lance Schulte

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

Sent: Sunday, February 5, 2023 3:53 PM

To: 'committee@carlsbadca.gov'; 'Michele Hardy'; 'council@carlsbadca.gov'; 'City Clerk'; 'Kyle Lancaster'; 'Eric Lardy'; 'Smith, Darren@Parks'; 'Homer, Sean@Parks'; 'Moran, Gina@Parks'; 'Carrie Boyle'; 'Prahler, Erin@Coastal'; 'Ross, Toni@Coastal'; 'melanie@melanieforcarlsbad.com'

Cc: 'info@peopleforponto.com'

Subject: Public input for Carlsbad LCPA-Parks Master Plan & Growth Management Plan Updates - Carlsbad below national average and lowest So CA Coastal city in providing Parks within 10-minute walk

Dear Carlsbad City Council, Carlsbad Tomorrow Growth Management Committee, Parks and Planning Commissions, and 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 February 2023 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, and Carlsbad's Ponto Planning Area F and Site 18 planning and development applications, and
4. as public input to the CA Coastal Commission on Carlsbad's proposed Local Coastal Program Amendment.

For years Carlsbad Citizens have told the City that there is a need for a Park at Ponto:

- to provide for documented Coastal Recreation (i.e. Public Park) land use at Ponto,
- to correct for the conversion of a 12.8 acre Recreation Commercial land use to Residential use and the elimination of planned Coastal Open Space at Ponto,
- to correct the Carlsbad's Park Master Plan documented lack of Park Service at Ponto,
- to provide South Carlsbad (62% of Carlsbad's total population and the City's major Coastal visitor and transit occupancy tax generator) with their ONLY Coastal Park west of I-5. The City unfairly, and contrary to CA Coastal Act Policy disproportionately provides 10 parks totaling 37 acres west of I-5 in Coastal North Carlsbad for 38% of the population but 0 (zero) Coastal Parks and 0 (zero) Coastal park acres west of I-5 in Coastal South Carlsbad for 62% of the population,
- to provide for an existing 6.5 acre local Neighborhood (i.e. Special use area) Park need at Ponto, and
- to provide a City Park within a 10-minute walk for Ponto residents.

Failure to correct this documented City Park unfairness is very damaging to the citizens, City finances, South Carlsbad's and California's visitor industry. The Coastal Recreation data file sent to you earlier documents some of the key facts.

However, we conducted some additional Trust for Public Land 10-minute walk data collection that the City Council, CTGMC, Parks and Planning Commissions and CA Coastal Commission need to also

consider. That data is below and in the attached file, and again with last year's Trust for Public Land Ponto Park support letter (again attached) that reflects on Carlsbad poor performance relative to the 24 So Cal Coastal Cities (165 miles of coastline) from Malibu to the Mexican border in providing Parks within a 10-minute walk. The data and links to the data source is:

Carlsbad is 10% below the national average for cities & the worst of 24 Coastal So California cities - 165 miles of coastline - in providing Parks within a 10-minute walk to residents

The Trust for Public Land documents a city's 10-minute walk to Park at

<https://www.tpl.org/parkserve>

The Average USA City provides Parks within 10-minute walk to 55% of residents [10% above Carlsbad].

Carlsbad provides Parks within 10-minute walk to **49.9% of residents [10% below National Average]**.

New York City provides Parks within 10-minute walk to 99% of residents.

The Trust of Public Land submitted a letter to the City of Carlsbad, CA Coastal Commission, and CA State Park supporting Ponto Park

Carlsbad is the worst of 24 Southern CA Coastal cities (from Malibu south to Imperial Beach along 165 miles of coastline) in providing Parks within 10-minute walk to residents:

1. Palos Verdes Estates provides Parks within 10-minute walk to 100% of residents
2. El Segundo provides Parks within 10-minute walk to 100% of residents
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21. Malibu provides Parks within 10-minute walk to 53% of residents
22. San Clemente provides Parks within 10-minute walk to 52% of residents
23. Rancho Palos Verdes provides Parks within 10-minute walk to 50% of residents
24. **Carlsbad** provides Parks within 10-minute walk to **49.9% of residents.**

Carlsbad is the lowest & most unfair to citizens of the 24 Southern California Coastal cities along 165 miles of coast from Malibu to Imperial Beach.

Source of data: Trust for Public land parkscores

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Trust for Public Land's 10-minute walk to Park Maps/data:

Carlsbad = <https://parkserve.tpl.org/mapping/index.html?CityID=0611194#reportTop>

Encinitas = <https://parkserve.tpl.org/mapping/index.html?CityID=0622678>

Irvine = <https://parkserve.tpl.org/mapping/index.html?CityID=0636770>

Please, Please, please, consider and discuss this data, and

1. Create a 10-minute walk to City Park Standard in the
 - a. Parks Master Plan,
 - b. Growth Management Plan Update, and
 - c. Local Coastal Program Update.
2. Create a Park Policy that requires developers to dedicate Park Land (not pay Park-in-lieu-fees) in areas that do not a minimum of 3 acers of City Park for each in 1,000 population within a 10-minute walk of the developer's proposed development (see attached CTGMC Key Issues & Suggestions file for details and Open Space suggestions)
3. Fix Coastal South Carlsbad's documented City Park inequity/unfairness with a significant and real Ponto Park
4. Save tax-payers tens of millions in dollars by cost effectively purchasing vacant land at Ponto for a Park, v. trying to maybe make a few bits of narrow PCH roadway median as a pseudo-park

- Do you want Carlsbad to be the worst city in Coastal Southern California in providing accessible Parks within a 10-minute walk to residents?
- Do you want Carlsbad to fail to upgrade its park standards while other cities updated their park Standards and make their cities more desirable?
- Do you want to undermine the quality of life for Carlsbad citizens and their children by not providing a park within a 10-minute walk to their home?
- Do you want to force Carlsbad families to have to drive to park?
- Do you want to slowly undermine a key visitor serving industry in South Carlsbad by not providing a significant and true and meaningful Coastal Park in South Carlsbad?
- Do you want tax-payers to pay tens of millions more to try to maybe try to make a few narrow portions of PCH median useable to people?

Please take responsibility and full ownership of your decisions on these important issues and questions. The individual decisions you make will likely be the last ones made. Once vacant land like at Ponto is developed it will be forever lost to address the critical, well documented Park and Coastal Park needs at Ponto as overwhelmingly communicated by Carlsbad Citizens and visitor businesses, and other citizens.

Please be wise and think about the future your decisions will bring.

Thank you,
Lance Schulte

PS: The initial version of the “CTGMC key issues and Suggestions 2022-12-6” file (attached) sent to you 8/8/22. The attached updated file should replace that older file as there is new data on significant tax-payer cost savings from Pronto Park relative to PCH Relocation, and updated examples of how Coastal Open Space can be cost-effectively persevered and increased. Both Coastal Parks and Open Space are important Carlsbad and State of CA issues.

- Parks: Updated data shows that a 11.1 acre Ponto Park would now cost less \$20 million to buy and build. This is less than a City Pool Renovation. Carlsbad’s Old City Council planned to spend \$65 to \$80 million in Carlsbad tax-payer dollars to address the Citywide need for a significant Coastal Park in South Carlsbad with a 2.3 mile PCH Relocation. The City identified in 2001 other pay-payer funds were highly unlikely. \$65 to \$80 million would only ‘free-up’ 15.8 acres of narrow PCH Median (City documented “Surplus Land Area #4 & #5”). As People for Ponto Citizens have been saying for years that Ponto Park is the better Park solution to the documented Coastal South Carlsbad Park needs – a citywide need. The CTGMC should include that citywide Park need and the logical, better and tax-payer responsible Ponto Park solution to that citywide Park need in your CTGMC recommendations to City Council.
- Open Space: Updated data shows how documented GM Open Space shortfalls can be properly and responsibly address in a collaborative citizen-based “Local Facilities Zone

Useable Open Space Correction Plan” approached. Also the need to maintain the 15% GM (Useable) Open Space Standard will be critical in the future to maintain Open Space and prevent future conversion of Open Space to residential land use as part of Housing Plan updates.

For the CTGMC; Parks and Open Space are the 2 most critical/special of 6 Key Growth Management Program Update Issues and Suggestions the CTGMC should take to properly address these 6 key Growth Management Issues.

- Please read the Updated data and Suggestions.
- Please responsibly address the Growth Management issues of a citywide Park need for Coastal South Carlsbad as listed in the attached Suggestions. Include a South Carlsbad Coastal Park in your recommendations to the City Council. Acknowledge Ponto Park as the best and most tax-payer efficient solution to address that documented citywide park need.
- Please in your recommendations to City Council retain and enforce the Open Space Standard, and fix past errors made in falsely exempting certain developers in certain areas in the City from complying with the Growth Management Open Space Standard that other developers in other areas are required to provide.

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.

Happy holidays 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.

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Following are 6 key major Growth Management Standards issues of citywide relevance that the Carlsbad Tomorrow Growth Management Committee (CTGMC) needs to act on, and citizen “Suggestions to CTGMC” on how to honestly and responsibly act on these 6 key issues in the CTGMC’s recommendations to the New City Council. This Update includes new information (pp 5-6) on the improved affordability of Ponto Park, and on how GM Open Space shortfall can be repaired. We hope the CTGMC will act honestly to make recommendations that truly and responsibly address known documented shortfalls in both Parks and GM Open Space. Responsible recommendations by the CTGMC can provide a sustainable Quality of Life to future Carlsbad generations and visitors. Only you own your recommendations.

1. The State of CA is forcing Carlsbad and all cities/counties in CA to provide for unlimited or Infinite Population and Visitor growth. So there will be an Infinite population & visitor demands for Parks, Open Space, water, and demands on our roads/transportation systems, and other Growth Management (GM) Quality of Life facilities. These infinite increases in population and visitor demand will come from high density development that requires more public Parks and Open Space to balance the high-densities. **Carlsbad’s new GM Standards will have to provide for a system of Infinite proportional increases in the supply of Parklands, Open Spaces, water, transportation facility capacity, etc. or our Quality of Life will diminish.**
 - a. Suggestions to CTGMC:
 - i. Completely restructure the General Plan, Local Coastal Program and GM Program to clearly recognize these facts and State requirements to proportionately provide public facilities to maintain/improve Carlsbad GM Quality of Life Standards for this Infinite growth of Population and Visitor demands.
 - ii. **Being a Coastal city Carlsbad has an added responsibility to proportionately maintain/improve providing High-Priority Coastal land uses (Coastal Recreation {i.e. Public Parks} and Low-cost Visitor Accommodations) needed at a regional and statewide level to address visitor needs for Coastal Recreation, access, and affordable accommodations.** Carlsbad needs to work with the State of CA Coastal Commission to completely restructure Carlsbad’s Coastal Land Use Plan to addresses the State’s requirement to provide an Infinite amount high-priority Coastal land uses for those Infinite Population and Visitor demands.
 - iii. **Trying to ignore these Infinite demands for Carlsbad’s Quality of Life facilities – like Parks and Open Spaces is a path to disaster and the ultimate degradation of Carlsbad’s Quality of Life.**
2. **Carlsbad has a huge Jobs v. Housing supply imbalance – far too many jobs around the airport for our amount of housing. This creates negative and costly land use and transportation planning distortions that radiate from the Airport Central Jobs through Carlsbad in all directions.** CA Housing law penalizes unbalanced cities like Carlsbad by requiring more housing in Carlsbad to bring jobs/housing ratio into balance. Carlsbad can correct this imbalance by 1 of 2 ways: 1) greatly increase housing supply (and thus increase the need and City expense for more GM Quality of Life facilities), or 2) more logically and cost effectively greatly decrease the amount of Jobs land use, so Carlsbad’s housing supply is in balance with jobs. These jobs will move to surrounding Cities that have more housing than jobs. **Rebalancing by reducing jobs land use creates added benefits for Carlsbad and our region by reducing Carlsbad’s peak-hour job commute traffic volumes and**

vehicle miles traveled (VMT), and by reducing the costs Carlsbad (and other cities and the region) have to pay to accommodate inter-city commute traffic. If Carlsbad reduces jobs land use will also reduce the amount of housing the State of California and SANDAG requires Carlsbad provide in its Housing Element thus reducing forcing incompatible high-density development into established neighborhoods and pressure to convert useable GM Open Space lands to housing land use.

a. Suggestions to CTGMC:

- i. **Carlsbad can logically and cost effectively balance Jobs/housing supply by updating Growth Management Policy to reduce jobs to be in balance with housing by changing some of Carlsbad's General Plan land use around the airport into several high-density residential mixed-use Villages.** The City has started some of this, but can expand this effort but has not planned creating mixed-use village environments. These high-density villages will reduce jobs and provide both high-quality and high-density (affordable) housing within walking/biking distance to the major job center and new neighborhood commercial and Park uses in the Villages.
- ii. Prioritize transportation investments in safe bike paths, walking paths between Carlsbad's Central Jobs Core around the airport and Carlsbad's housing, particularly strongly connecting these new high-density mixed-use villages with the Central Jobs Core.
- iii. Update General Plan land use and housing policy to reduce concentrations of higher-density housing except around the airport jobs core.
- iv. Recognize the central Airport jobs core is 'Carlsbad's New Urban Downtown and "Transect Plan" accordingly toward lower densities on the City periphery.

3. Although some very critical areas (such as the Coastal lands at Ponto) are still vacant and can be wisely used for critical GM Quality of Life needs, much of Carlsbad is largely developed.

Redevelopment of developed land will require creating increased supplies of Parkland, Open Spaces, transportation capacity, and other Quality of Life facilities.

a. Suggestions to CTGMC:

- i. **Completely rethink all City planning on existing vacant lands to assure that remaining vacant land is planned and being used wisely and fairly distributed to address critical Quality of Life needs in those areas, and not squandered on redundant land use.** The location of vacant land to address critical Park & Open Space needs should be preserved with land use planning.
- ii. Work with the State and CA Coastal Commission to preserve our Finite vacant Coastal lands for High-Priority Coastal Land Uses (Coastal Recreation {i.e. Public Parks} and Low-cost Visitor Accommodations and services) for the Infinite population and visitor demands both internal and external to Carlsbad that are/will be placed on them.
- iii. Fully and at the very beginning of any Carlsbad General Plan, Local Coastal Program and Growth Management Program actions going forward fully disclose, map and require consideration of the impact of future sea level rise and coastal erosion on Coastal land acres and land uses. Carlsbad has lost and will accelerate losing acres of Coastal land and High-priority Coastal Land Uses. Carlsbad must know, see, and discuss these losses BEFORE making any land use decisions in Carlsbad's Coastal Zone and any vacant Coastal Land.

4. **Carlsbad General Plan & Growth Management Plan do not provide a fair distribution of adequately sized City Parks for all Carlsbad families.** Veterans Park is a classic example. What will

be the City's largest park is only about 1-mile away from three other major City Parks (Zone 5, and the future Robinson Ranch and Hub Parks). This is a poor and unfair distribution and a misallocation City Park land resources. Saying Veterans Park is 'the park to serve SW, SE, and NE Carlsbad families' (the overwhelming major/majority funders of veterans Park) when those families are upwards of 6-miles away on major commercial arterials that kids can't logically/safely use is false and unfair. Most all the funding (developer fees) to build Veterans Park come from the SW, SE and NW Carlsbad but those areas are denied the Park the paid for. Veterans Park is inaccessible by almost all its intended users except by driving their cars and then storing their cars in parking lots on Parkland thus making less park land available for actual park use – this makes little common sense and is a great waste of tax-payer funds. This is dysfunctional along with being very unfair to families in SW, SE and NE Quadrats that are denied park acres near their homes which they funded. **Carlsbad's Park Master Plan maps 'Park Service' areas of existing known Park Inequity or Unfairness (dysfunction), to show where new City Park investments should be made (See City map image with notes below).**

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

The Trust for Public Land provides a Park-Score to compare both a City's amount of park acres and the 'fairness' of access (within a 10-minute walk) to parks. **Carlsbad is below national averages in both park acres and fair access to parks. Carlsbad is also well below what our adjacent Coastal cities of Encinitas and Oceanside provide. Carlsbad only requires 3 acres of Park land per 1,000 population, while Encinitas and Oceans require 5 acres - 67% more than Carlsbad – of parkland. Also, Encinitas and Oceanside require parks to be within a 10-minute walk to their citizens and families. Carlsbad has no such requirement.**

a. Suggestions to CTGMC:

Carlsbad should change its General Plan, Parks and Growth Management Standards and CMC 20.44 to:

- i. **Be Above Average Nationally in both providing park acreage and in locating adequate park acreage to be within a 10-minute walk to all neighborhoods.**
 - ii. **Raise its minimum park acreage standard to 5 acres per 1,000 population, versus the current low 3 acres per 1,000. Carlsbad should be at least as good as Encinitas and Oceanside in requiring 5 acres, not 40% below what our adjacent Cities require/provide.**
 - iii. **Raise its park location standard to require an adequately sized park be provided to serve the neighborhood population within a 10-minute walk for all neighborhoods.**
 - iv. **Prioritize City Policy and Park Budgets and investments to achieve park fairness in 'Park Unserved areas' identified by Carlsbad's Park Master Plan.**
 - v. **Per Carlsbad's Municipal Code Chapter 20.44- DEDICATION OF LAND FOR RECREATIONAL FACILITIES to require developers in 'Park Unserved areas' and in areas that do not have an adequately sized (5 acres per 1,000 population) park within a 10-minute walk to provide their developments required Park land acre dedication in actual Park land within a 10-minute walk to their development.**
 - vi. **Update the City's Park-in-lieu fee to assure the fee is adequate to actually buy the amount of park land a developer is to provide within a 10-minute walk of their development. The City's current 'Park-in-lieu-fee' is far too low and inadequate to actually buy land in area surrounding the proposed development.**
 - vii. **Only allow developers to pay a Park-in-lieu-fee where there is an adequately sized park (provide 5 acres per 1,000 population) within a 10-minute walk of their development, and growth management planned future development in that area will not require more park land to provide 5 acres per 1,000 population) within a 10-minute walk.**
 - viii. Consider updating Park policy to provide more multi-use flexibility in park land acres and development on Parks. Many Carlsbad Park acres are developed/dedicated to a single-purpose use, and unavailable for other park uses.
 - ix. Consider eliminating car parking lots from land that can be counted as parkland; or by significantly limiting park land used for parking to around 5%.
 - x. **Eliminate the counting of 'GM Constrained and Unusable land' and Protected Endangered Species Habitat land as Park land. GM Constrained/Unusable lands are undevelopable. Protected Habitat lands are by definition not useable for development by people. Habitat is dedicated for plants and animals. Parks are open spaces dedicated intended for people. Parkland calculations should exclude Unusable lands and Protected Habitat lands and only count 100% people Useable land as Park land. Where Park land abuts Habitat land a sufficient buffer space shall be provided to prevent people mixing with animals (ex. Rattlesnakes, etc.) and animals from people (habitat disturbance or destruction). This buffer area should not be counted as Park or Habitat acres, but as natural/developed buffer open space acres, and can be counted as part of the City's 15% Growth Management 'Aesthetic open Space'.**
5. Carlsbad's Coast is the most, if not the most, important feature of Carlsbad; and is consistently identified by citizens and businesses and our Community Vision. **Carlsbad's Coastal Parks (west of the I-5 corridor) are grossly unfairly distributed. Carlsbad's Coastal Parks do not fairly match the**

locational needs of the population. North Carlsbad that is 38% of Carlsbad's population and has 10 Coastal Parks totaling 37+ acres in size. South Carlsbad that is 62% of Carlsbad's population has 0 [ZERO] Coastal Parks totaling 0 [ZERO] acres. Again, Carlsbad's Park Master Plan maps this citywide unfairness (dots show park locations and circles show the area served by each park) and says that the City should look at buying and building New Parks in these areas that are unserved by City Parks (are not covered by a circle). The GM Update should correct this citywide unfair distribution of City Parks by making plans for new Park purchases to create City Parks in these unserved areas of Park Inequity.

To address citywide Coastal Park unfairness the current City Council wants to spend \$60-85 million in Carlsbad tax-payer funds to Relocate 2.3 miles of constrained Pacific Coast Highway median to try to make some of the narrow PCH median 'useable' by people. 2001 and 2013 City PCH Relocation studies identified only a small amount of 'people-useable acres' would be created next to PCH. The \$60-85 million tax-payer cost (\$26-37 million per mile) does NOT add one single square foot of new City land, it only inefficiently rearranges a small amount PCH median. The City can most tax-payer cost effectively provide needed sidewalks and bike improvements along the outside edges of PCH without PCH Relocation. The City's 2001 PCH Relocation Financial Study and 2013 PCH Relocation Design both indicated minimal useable land could be achieved by Relocation, and that the very high tax-payer cost to do so would be very difficult to fund. The City has known for well over 20-years that PCH Relocation is a high-cost and a poor solution to address the Citywide Coastal Park unfairness in South Carlsbad.

However, a **better and far less costly solution to correct Citywide Coastal Park unfairness and provide a much needed South Carlsbad Coastal Park is to simply buy currently vacant land that is for sale.** The City did this (although the City actually bought existing homes) when it expanded Pine Park. **Carlsbad tax-payers have used the City's own data to compare the tax-payer Cost/Benefits of simply purchasing vacant land v. trying to rearrange existing City owned land at PCH. Simply buying vacant land saves tax-payers saves tax-payers over \$32.7 to \$7.7 million.** Please read the following data files:

- 2022-June General Comparative tax-payer Costs/Benefits of Completing PCH, 2.3 miles of PCH Modification (Island Way to La Costa Ave.), and 14.3 acre Ponto Park (Kam Sang) to address planned loss of 30+ acres of Coastal Open Space Land Use at Ponto in South Carlsbad: Part 1 of 2.
- City's PCH Modification Proposal Area Map with notes on usability Constraints and Issues: P4P Input: Part 2 of 2
- The most recent (9/19/22) land sale of 11.1 acre Ponto Planning Area F was less than \$8 million (less than \$706,000 per acre).
- **Buying and developing this 11.1 acre Ponto Park would cost less than \$20 million assuming a 10% profit to the new land-owner, and \$1 million per acre park construction cost like our newest Buena Vista Reservoir Park.** The cost to help correct a Citywide Coastal Park unfairness by simply buying & building a much needed **11.1 acre Ponto Coastal Park would cost tax-payers less than the recently approved Measure J City Monroe Street Pool Renovation.** Investing less than \$20 million (\$1.8 million per acre) to buy and build an 11.1 acre Ponto Coastal Park is a great tax-payer value v. \$65-80 million in tax-payer funds to rearrange 15.8 acres of narrow strips of constrained PCH median (City documented "Surplus Land Area #4 &5") for some minimal people use at a tax-payer cost of \$4-5 million per acre. **The overall and per acre costs of buying/building Ponto Park are over 2 to 3 times better value for tax-payers than PCH Relocation/rearrangement.**

- The City Council could/can buy land for Open Space (Parks are the most useable of the City's 4 Open Space categories) under voter approved Prop C Open Space land acquisition authority. **The City has been advised to buy Ponto Park under Prop C per the City's settlement of a Growth Management law suit.**

The Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad is clearly a citywide issue. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad as it is unfair to the vast majority of Carlsbad citizens and their families as 62% of Carlsbad is in South Carlsbad. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad is unfair to our major Visitor serving industries (and tax generators) in South Carlsbad. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad are clearly inconsistent with the CA Coastal Act, Carlsbad's Community Vision, and common sense. The Coastal South Carlsbad Park Inequity is also unfair to North Carlsbad because South Carlsbad's Coastal Park demand is being forced into Coastal North Carlsbad and congesting those parks, and adding to Coastal North Carlsbad traffic and parking impacts. It also increases greenhouse gases and VMT as it forces longer vehicle trips.

a. Suggestions to CTGMC:

- i. 11.1 acre Ponto Planning Area F has a specific Local Coastal Program Land Use Policy that says The City of Carlsbad must for the Ponto Area LCP 'Consider and Document the need for Coastal Recreation (i.e. Public Park) and or Low-Cost Visitor Accommodations west of the railroad tracks (at Ponto) prior to any Land Use change. **The discussion of Parks by the CTGMC is such a situation that requires the CTGMC to consider this adopted LCP Land Use Policies. Official public records requests have shown the City never followed this LCP Land Use Policy Requirement during the 2005 Ponto Vision Plan and 2015 General Plan Update, and in 2010 the CA Coastal Commission rejected the Ponto Vision Plan and told the City in 2017 that that land uses at Ponto could change based on the need for Coastal Recreation and/or Low Cost Visitor Accommodations.** The Mello II LCP that covers most of Carlsbad's Coastal Zone also has Land Use Policy 6.2 for the City to consider a major park in the Batiquitos (Ponto/South Carlsbad) area. The City has only implemented 1/6 to 1/3 of this policy. **The CTGMC should fully evaluate the citywide/South Carlsbad and local Ponto need for Coastal Parks as required by the City's adopted LCPs and CA Coastal Act.**
- ii. Carlsbad's 2015 General Plan Update and Growth Management Plan (GMP) did not, and was not updated to, consider the 2017 Sea Level Rise (SLR) Impact report showing the loss/impact on 32+ acres of Carlsbad's Coastal Land Use acreage in South Carlsbad – primarily Open Space Land Use (beach and Campground). **Both the General Plan (and Local Coastal Program Land Use Plan) and GMP should be updated to account for the loss and replacement of these 32+ acres of high-priority Coastal Open Space Land Use due to SLR.** The updates and the CTGMC should use the newest CA Coastal Commission SLR Guidelines/science, not the old guidelines used in 2017. Carlsbad's LCP and CA Coastal Act Land Use Polies call for 'upland relocation' to replace the SLR loss of high-priority Coastal Land Uses.
- iii. **The availability over the past several years of the last two sufficiently sized vacant lands suitable for a Ponto/South Carlsbad Coastal Park is a citywide issue. If these last two vacant lands are lost to development forever future generations will have lost the last opportunity for the needed South Carlsbad Coastal Park.** The 5/3/22 Citizen requests for the City to jointly study acquisition of one or both these last vacant lands for a needed (and only possible) true and meaningful Coastal Park for

South Carlsbad should be recommended by the CTGMC. **The CTGMC should recommend Carlsbad’s GMP be updated to incorporate Parkland acquisition of these last opportunities to provide the needed Coastal Park for South Carlsbad.**

6. Carlsbad Growth Management Open Space Standard is that 15% of all the Useable (unconstrained and fully buildable) areas is to be preserved as Useable Open Space, and that all the 25 Local Facility Management Plans (LFMP) show how that 15% is provided. The City says:

OPEN SPACE

A. Performance Standard

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

Yet the City has mapped and documented that this 15% Useable Open Space Performance Standard was not complied with. The City also acknowledges that without changes to current City planning the 15% Useable Open Space Performance Standard will never be complied with. The City acknowledges that only 13% has/will under current plans ever be provided. This missing 2% equals 501 acers of lost GM Open Space the GMP promised citizens. **Carlsbad law the Growth Management Ordinance 21.90, and section ‘21.90.130 Implementation of facilities and improvements requirements’; provide guidance on how non-compliance with a Performance Standards is to be handled.**

a. Suggestions to CTGMC:

- i. Retain the GM Open Space Standard of 15% of all unconstrained and developable land is maintained as Open Space. If the City removes the Open Space Standard, it will allow and encourage land use changes to remove GM Open Space and replace with development.
- ii. **The CTGMC should make a recommendation that an inventory of all 25 LFMP Zones be conducted and an inventory of each LFMP Zones provision of at least 15% Useable Open Space shall be compiled. No LFMP Zone shall be allowed to be “exempt” from this inventory.** The City’s computerized GIS mapping system makes it easy and clear as shown in the following City GIS map for LFMP Zone 9 (aka Ponto).



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

- Light green areas meet the City's 15% unconstrained Growth Management Program Open Space Standard
- Most Ponto Open Space (pink hatch & blue [water] on map) is "Constrained" and does not meet the Standard
- **Aviara - Zone 19, Ponto - Zone 9 and Hanover/Poinsettia Shores – Zone 22 all developed around the same time and had similar vacant lands.**
- **City required Aviara - Zone 19 east of Ponto to provide the 15% Standard Open Space. Why not Ponto? Aviara includes the same lagoon.**
- **City required Hanover & Poinsettia Shores area Zone 22 just north of Ponto to provide the 15% Standard Open Space. Why not Ponto?**
- Why Ponto developers were not required to comply with the 15% Useable Open Space Standard is subject to current litigation
- Below is City GIS data from this map

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

472 Acres
(197 Acres)
 275 Acres
X 15%
 41 Acres
(11 Acres)
30 Acres

Total land in LFMP Zone 9 [Ponto]
 Constrained land excluded from Growth Management (GMP) Open Space
 Unconstrained land in LFMP Zone 9 [Ponto]
 GMP Minimum Unconstrained Open Space requirement
 GMP Minimum Unconstrained Open Space required
 GMP Open Space provided & mapped per City GIS data
Missing Unconstrained Open Space needed in LFMP Zone 9 [Ponto] to meet the City's minimum GMP Open Space Standard per City's GIS map & data

73% of the City's minimum 15% required Open Space Standard is missing due to over development of LFMP Zone 9 [Ponto]

- iii. In instances like LFMP Zone 9 (above image) that clearly did not provide at least 15% Useable Open Space and/or were falsely “exempted” the CTGMC should recommend that a **Local Facilities Zone Useable Open Space Correction Plan** shall be developed that explores the GM Open Space use/reuse of City land, land use planning requirements, and/or possible acquisitions of remaining vacant land acres to make up for any shortfall in meeting the 15% Useable Open Space in that a Zone. An example of this in LFMP Zone 9 is that the City’s regional Rail Trail will convert 2-lanes of almost all of Avenida Encinas to wider buffered bike lanes and an adequate portion of the converted 2 vehicle lanes can be landscaped (v. just painting strips as a buffer) to provide a safer/better bike lane buffer within a GM compliant Open Space. 2 vehicle lanes in Windrose Circle could also be similarly landscaped and converted to GM complaint Open Space. This is just one example of a cost-effective means to add GM Open Space that developers were falsely allowed to remove.
- iv. A **Local Facilities Zone Useable Open Space Correction Plan** should involve a Citizens Advisory Committee composed of citizens within the impacted Zone and appointed by the Council Members representing the Zone, and a representative of each vacant land owner over of over 1-acre in size.
- v. Consistent with the Growth Management Ordinance land use changes and development applications within a **Local Facilities Zone Useable Open Space Correction Plan** Zone shall be deferred until the applications can considered with (or after adoption of) a **Local Facilities Zone Useable Open Space Correction Plan**.

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

Introduction:

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

Open Space and City Park demand at Ponto:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

5.3.1. Beaches

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

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

5.3.3. State Parks

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

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

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

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

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

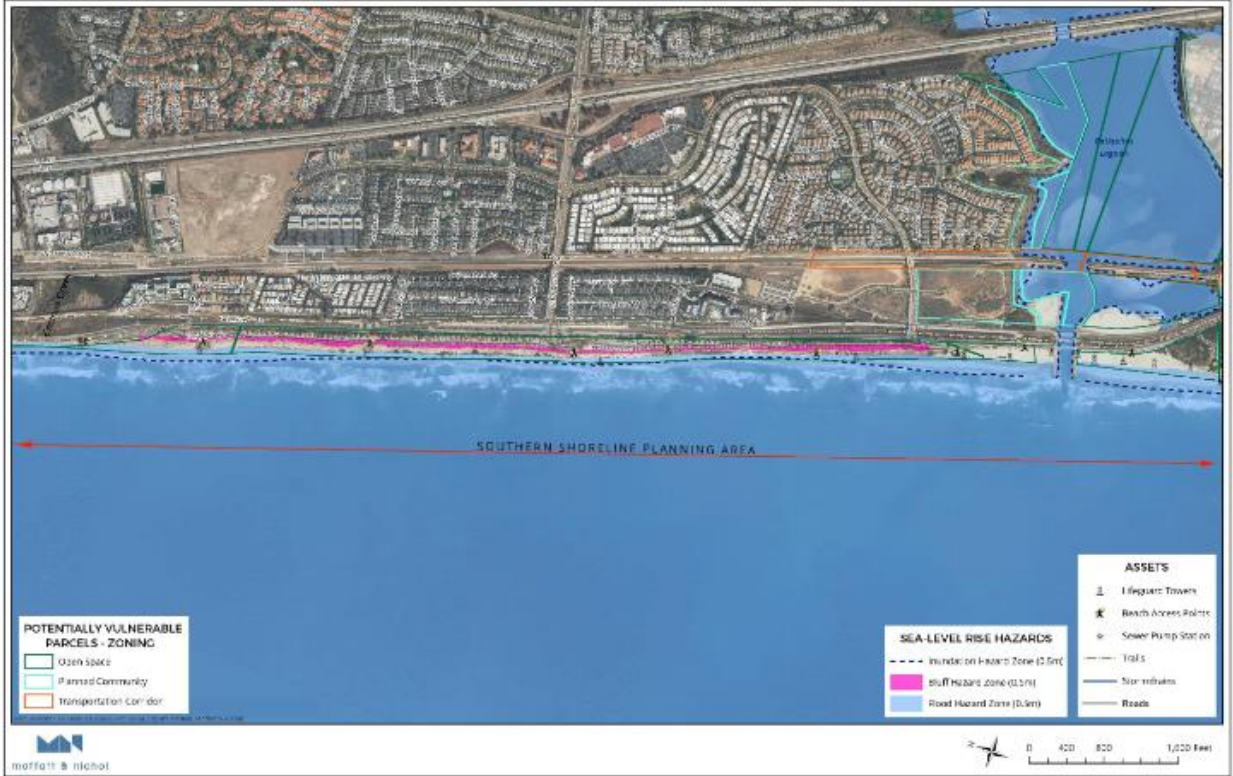
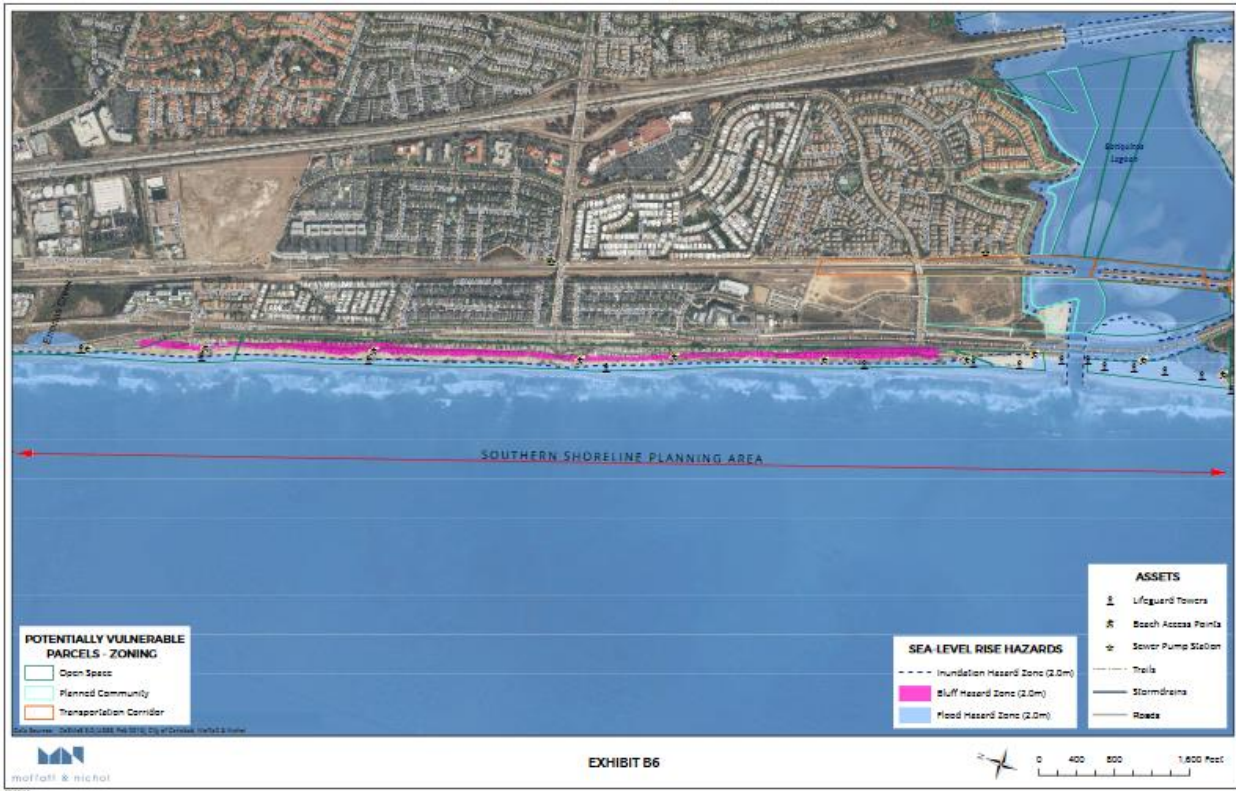


Figure 7: Southern Shoreline Planning Area – Year 2050



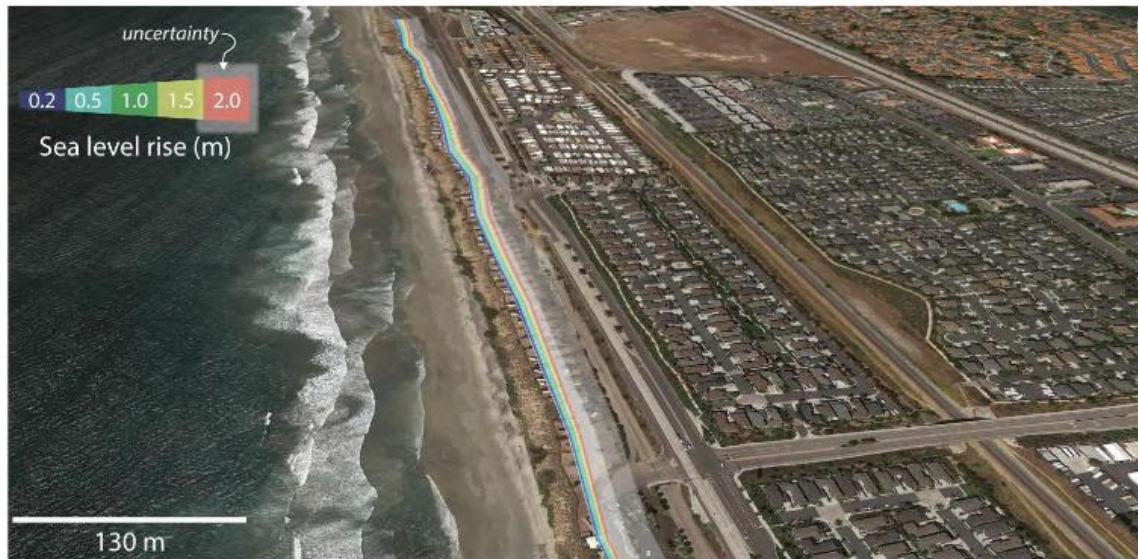


Figure 5: CoSMoS Bluff Erosion Projections by 2100
(CoSMoS-COAST 2015)

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

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

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

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

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

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

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

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

Summary:

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

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

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

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

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

our local streets to find a significantly large open area to play in. Ponto residents have to drive their kids to get to a park increasing VMT and GHG emissions. The City's proposed Coastal Recreation Land Use Plan 'solution' to Ponto's no-park condition, along with the City's need to add an additional 6.5 acres of new City parks in Southwest Carlsbad to comply with the Southwest Carlsbad's 2012 population demand (at a ratio of 3-acre/1,000 population) is to provide a City Park – Veterans Park – over 6-miles away from the Ponto and Southwest Carlsbad population need. This makes a bad situation worse. The City's proposed location is totally inaccessible to serve the needs of the population of children or anyone without a car, that it is intended to serve in South Carlsbad. This City proposed Coastal Recreation Land Use Plan 'solution' seems inappropriate and inconsistent with the CA Coastal Act and common sense. During the City's Veterans Park and budget community workshops citizens expressed a desire for a Ponto Park to be the solution to our Ponto and Southwest Carlsbad Park deficits. Those citizen requests were not apparently considered as part of the City's proposed Draft Coastal Recreation Land Use Plan. Following is an image summarizing the magnitude of citizen needs/desires expressed at the City's Budget workshop. Note the number and size of the text citing Ponto Park and South Carlsbad that reflects the number and magnitude/intensity of citizen workshop groups' input. The failure to acknowledge this public participation and data in the Coastal Recreation Land Use Plan Park seems in conflict with CCA Sections 30006 and 30252(6):



For South Carlsbad there is a complete lack of any existing or planned City Coastal Park and park acreage west of I-5, while North Carlsbad has 9 existing and 1 planned City Coastal Parks totaling 37.8 acres of City Coastal W of I-5 North Carlsbad. Not only is this unfair to South Carlsbad, it is also unfair to North Carlsbad as it increases VMT and parking impacts in North Carlsbad because South Carlsbad is not providing the City Coastal Parks for South Carlsbad resident/visitor demands. This City Park disparity is shown on Figure 3-1 of the Coastal Recreation Land Use Plan;

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

- 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



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

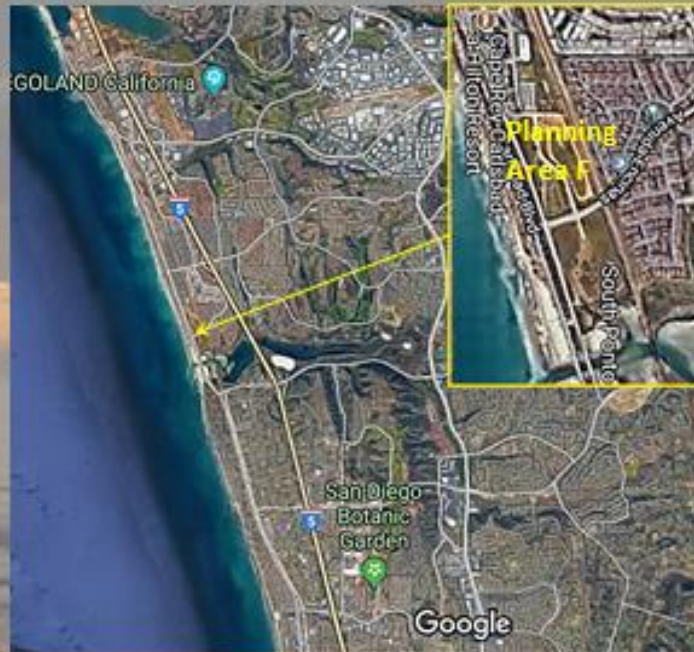


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal 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

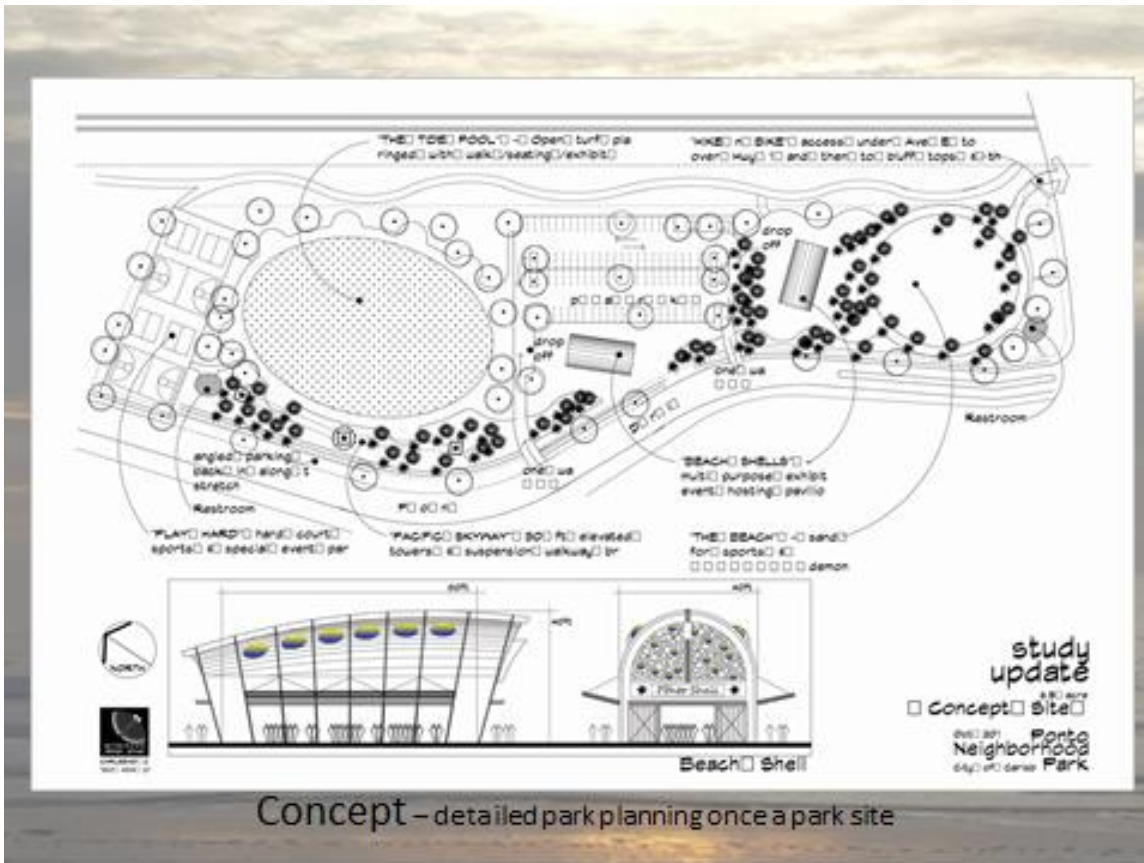


Ponto Coastal Park Concept

- 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

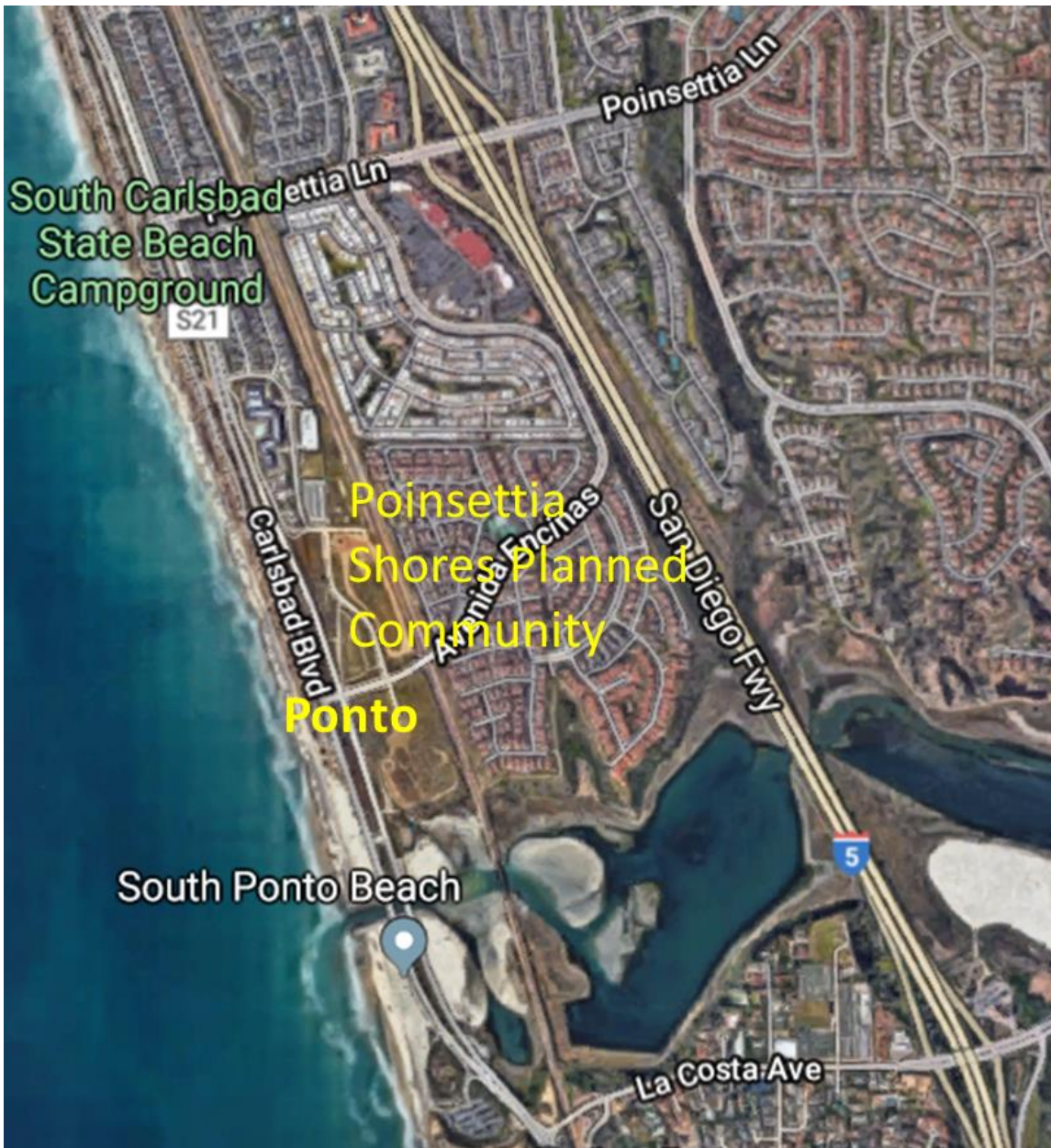
only result in degradation. How the Draft LCPA documents and addresses the land use planning of the last small portions of vacant developable Coastal land is critical for the future and future generations.

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.

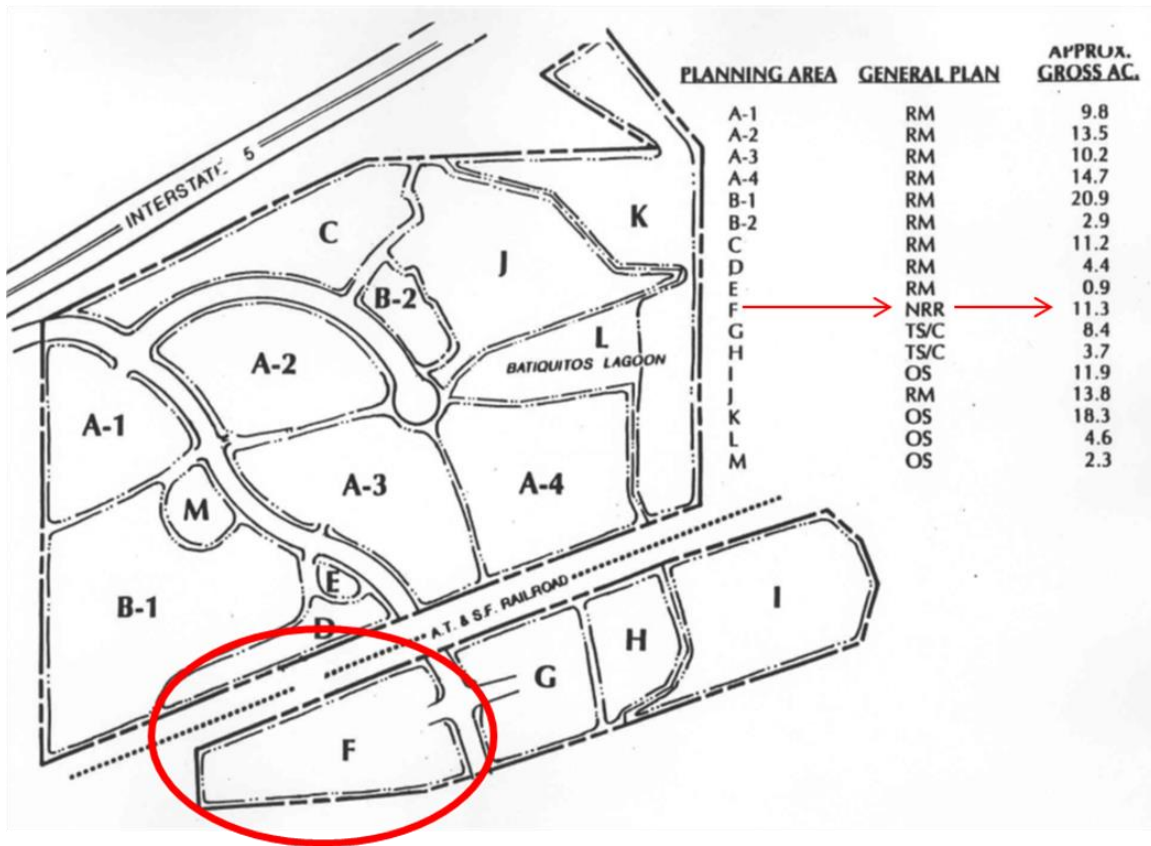
10. Why the Draft LCPA Land Use Plan for Ponto should provide for the current and future Coastal Park and Recreation needs for South Carlsbad, the San Diego Region and California.

- 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 ether:
 - 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-Priory" 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.

Carlsbad is 10% below the national average for cities & the worst of 24 Coastal So California cities - 165 miles of coastline - in providing Parks within a 10-minute walk to residents

The Trust for Public Land documents a city's 10-minute walk to Park at <https://www.tpl.org/parkserve>
The Average USA City provides Parks within 10-minute walk to 55% of residents [10% above Carlsbad].
Carlsbad provides Parks within 10-minute walk to 49.9% of residents [10% below National Average].
New York City provides Parks within 10-minute walk to 99% of residents.

The Trust of Public Land submitted a letter to the City of Carlsbad, CA Coastal Commission, and CA State Park supporting Ponto Park

Carlsbad is the worst of 24 Southern CA Coastal cities (from Malibu south to Imperial Beach along 165 miles of coastline) in providing Parks within 10-minute walk to residents:

1. Palos Verdes Estates provides Parks within 10-minute walk to 100% of residents
2. El Segundo provides Parks within 10-minute walk to 100% of residents
3. Hermosa Beach provides Parks within 10-minute walk to 100% of residents
4. Redondo Beach provides Parks within 10-minute walk to 98% of residents
5. Manhattan Beach provides Parks within 10-minute walk to 95% of residents
6. Del Mar provides Parks within 10-minute walk to 93% of residents
7. Dana Point provides Parks within 10-minute walk to 89% of residents
8. Huntington Beach provides Parks within 10-minute walk to 85% of residents
9. Long Beach provides Parks within 10-minute walk to 84% of residents
10. Laguna Beach provides Parks within 10-minute walk to 82% of residents
11. Santa Monica provides Parks within 10-minute walk to 82% of residents
12. San Diego provides Parks within 10-minute walk to 81% of residents
13. Coronado provides Parks within 10-minute walk to 76% of residents
14. Newport Beach provides Parks within 10-minute walk to 76% of residents
15. Imperial Beach provides Parks within 10-minute walk to 74% of residents
16. Encinitas provides Parks within 10-minute walk to 68% of residents
17. Los Angeles provides Parks within 10-minute walk to 63% of residents
18. Solana Beach provides Parks within 10-minute walk to 63% of residents
19. Oceanside provides Parks within 10-minute walk to 58% of residents
20. Seal Beach provides Parks within 10-minute walk to 57% of residents
21. Malibu provides Parks within 10-minute walk to 53% of residents
22. San Clemente provides Parks within 10-minute walk to 52% of residents
23. Rancho Palos Verdes provides Parks within 10-minute walk to 50% of residents
24. **Carlsbad provides Parks within 10-minute walk to 49.9% of residents.**

Carlsbad is the lowest & most unfair to citizens of the 24 Southern California Coastal cities along 165 miles of coast from Malibu to Imperial Beach.

Source of data: Trust for Public land parkscores

Trust for Pulic Land's 10-minute walk to Park Maps/data:

Carlsbad = <https://parkserve.tpl.org/mapping/index.html?CityID=0611194#reportTop>

Encinitas = <https://parkserve.tpl.org/mapping/index.html?CityID=0622678>

Irvine = <https://parkserve.tpl.org/mapping/index.html?CityID=0636770>

Following are 6 key major Growth Management Standards issues of citywide relevance that the Carlsbad Tomorrow Growth Management Committee (CTGMC) needs to act on, and citizen “Suggestions to CTGMC” on how to honestly and responsibly act on these 6 key issues in the CTGMC’s recommendations to the New City Council. This Update includes new information (pp 5-6) on the improved affordability of Ponto Park, and on how GM Open Space shortfall can be repaired. We hope the CTGMC will act honestly to make recommendations that truly and responsibly address known documented shortfalls in both Parks and GM Open Space. Responsible recommendations by the CTGMC can provide a sustainable Quality of Life to future Carlsbad generations and visitors. Only you own your recommendations.

1. The State of CA is forcing Carlsbad and all cities/counties in CA to provide for unlimited or Infinite Population and Visitor growth. So there will be an Infinite population & visitor demands for Parks, Open Space, water, and demands on our roads/transportation systems, and other Growth Management (GM) Quality of Life facilities. These infinite increases in population and visitor demand will come from high density development that requires more public Parks and Open Space to balance the high-densities. **Carlsbad’s new GM Standards will have to provide for a system of Infinite proportional increases in the supply of Parklands, Open Spaces, water, transportation facility capacity, etc. or our Quality of Life will diminish.**
 - a. Suggestions to CTGMC:
 - i. Completely restructure the General Plan, Local Coastal Program and GM Program to clearly recognize these facts and State requirements to proportionately provide public facilities to maintain/improve Carlsbad GM Quality of Life Standards for this Infinite growth of Population and Visitor demands.
 - ii. **Being a Coastal city Carlsbad has an added responsibility to proportionately maintain/improve providing High-Priority Coastal land uses (Coastal Recreation {i.e. Public Parks} and Low-cost Visitor Accommodations) needed at a regional and statewide level to address visitor needs for Coastal Recreation, access, and affordable accommodations.** Carlsbad needs to work with the State of CA Coastal Commission to completely restructure Carlsbad’s Coastal Land Use Plan to addresses the State’s requirement to provide an Infinite amount high-priority Coastal land uses for those Infinite Population and Visitor demands.
 - iii. **Trying to ignore these Infinite demands for Carlsbad’s Quality of Life facilities – like Parks and Open Spaces is a path to disaster and the ultimate degradation of Carlsbad’s Quality of Life.**
2. **Carlsbad has a huge Jobs v. Housing supply imbalance – far too many jobs around the airport for our amount of housing. This creates negative and costly land use and transportation planning distortions that radiate from the Airport Central Jobs through Carlsbad in all directions.** CA Housing law penalizes unbalanced cities like Carlsbad by requiring more housing in Carlsbad to bring jobs/housing ratio into balance. Carlsbad can correct this imbalance by 1 of 2 ways: 1) greatly increase housing supply (and thus increase the need and City expense for more GM Quality of Life facilities), or 2) more logically and cost effectively greatly decrease the amount of Jobs land use, so Carlsbad’s housing supply is in balance with jobs. These jobs will move to surrounding Cities that have more housing than jobs. **Rebalancing by reducing jobs land use creates added benefits for Carlsbad and our region by reducing Carlsbad’s peak-hour job commute traffic volumes and**

vehicle miles traveled (VMT), and by reducing the costs Carlsbad (and other cities and the region) have to pay to accommodate inter-city commute traffic. If Carlsbad reduces jobs land use will also reduce the amount of housing the State of California and SANDAG requires Carlsbad provide in its Housing Element thus reducing forcing incompatible high-density development into established neighborhoods and pressure to convert useable GM Open Space lands to housing land use.

a. Suggestions to CTGMC:

- i. **Carlsbad can logically and cost effectively balance Jobs/housing supply by updating Growth Management Policy to reduce jobs to be in balance with housing by changing some of Carlsbad's General Plan land use around the airport into several high-density residential mixed-use Villages.** The City has started some of this, but can expand this effort but has not planned creating mixed-use village environments. These high-density villages will reduce jobs and provide both high-quality and high-density (affordable) housing within walking/biking distance to the major job center and new neighborhood commercial and Park uses in the Villages.
- ii. Prioritize transportation investments in safe bike paths, walking paths between Carlsbad's Central Jobs Core around the airport and Carlsbad's housing, particularly strongly connecting these new high-density mixed-use villages with the Central Jobs Core.
- iii. Update General Plan land use and housing policy to reduce concentrations of higher-density housing except around the airport jobs core.
- iv. Recognize the central Airport jobs core is 'Carlsbad's New Urban Downtown and "Transect Plan" accordingly toward lower densities on the City periphery.

3. Although some very critical areas (such as the Coastal lands at Ponto) are still vacant and can be wisely used for critical GM Quality of Life needs, much of Carlsbad is largely developed.

Redevelopment of developed land will require creating increased supplies of Parkland, Open Spaces, transportation capacity, and other Quality of Life facilities.

a. Suggestions to CTGMC:

- i. **Completely rethink all City planning on existing vacant lands to assure that remaining vacant land is planned and being used wisely and fairly distributed to address critical Quality of Life needs in those areas, and not squandered on redundant land use.** The location of vacant land to address critical Park & Open Space needs should be preserved with land use planning.
- ii. Work with the State and CA Coastal Commission to preserve our Finite vacant Coastal lands for High-Priority Coastal Land Uses (Coastal Recreation {i.e. Public Parks} and Low-cost Visitor Accommodations and services) for the Infinite population and visitor demands both internal and external to Carlsbad that are/will be placed on them.
- iii. Fully and at the very beginning of any Carlsbad General Plan, Local Coastal Program and Growth Management Program actions going forward fully disclose, map and require consideration of the impact of future sea level rise and coastal erosion on Coastal land acres and land uses. Carlsbad has lost and will accelerate losing acres of Coastal land and High-priority Coastal Land Uses. Carlsbad must know, see, and discuss these losses BEFORE making any land use decisions in Carlsbad's Coastal Zone and any vacant Coastal Land.

4. **Carlsbad General Plan & Growth Management Plan do not provide a fair distribution of adequately sized City Parks for all Carlsbad families.** Veterans Park is a classic example. What will

be the City's largest park is only about 1-mile away from three other major City Parks (Zone 5, and the future Robinson Ranch and Hub Parks). This is a poor and unfair distribution and a misallocation City Park land resources. Saying Veterans Park is 'the park to serve SW, SE, and NE Carlsbad families' (the overwhelming major/majority funders of veterans Park) when those families are upwards of 6-miles away on major commercial arterials that kids can't logically/safely use is false and unfair. Most all the funding (developer fees) to build Veterans Park come from the SW, SE and NW Carlsbad but those areas are denied the Park the paid for. Veterans Park is inaccessible by almost all its intended users except by driving their cars and then storing their cars in parking lots on Parkland thus making less park land available for actual park use – this makes little common sense and is a great waste of tax-payer funds. This is dysfunctional along with being very unfair to families in SW, SE and NE Quadrats that are denied park acres near their homes which they funded. **Carlsbad's Park Master Plan maps 'Park Service' areas of existing known Park Inequity or Unfairness (dysfunction), to show where new City Park investments should be made (See City map image with notes below).**

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

The Trust for Public Land provides a Park-Score to compare both a City's amount of park acres and the 'fairness' of access (within a 10-minute walk) to parks. **Carlsbad is below national averages in both park acres and fair access to parks. Carlsbad is also well below what our adjacent Coastal cities of Encinitas and Oceanside provide. Carlsbad only requires 3 acres of Park land per 1,000 population, while Encinitas and Oceans require 5 acres - 67% more than Carlsbad – of parkland. Also, Encinitas and Oceanside require parks to be within a 10-minute walk to their citizens and families. Carlsbad has no such requirement.**

a. Suggestions to CTGMC:

Carlsbad should change its General Plan, Parks and Growth Management Standards and CMC 20.44 to:

- i. **Be Above Average Nationally in both providing park acreage and in locating adequate park acreage to be within a 10-minute walk to all neighborhoods.**
 - ii. **Raise its minimum park acreage standard to 5 acres per 1,000 population, versus the current low 3 acres per 1,000. Carlsbad should be at least as good as Encinitas and Oceanside in requiring 5 acres, not 40% below what our adjacent Cities require/provide.**
 - iii. **Raise its park location standard to require an adequately sized park be provided to serve the neighborhood population within a 10-minute walk for all neighborhoods.**
 - iv. **Prioritize City Policy and Park Budgets and investments to achieve park fairness in 'Park Unserved areas' identified by Carlsbad's Park Master Plan.**
 - v. **Per Carlsbad's Municipal Code Chapter 20.44- DEDICATION OF LAND FOR RECREATIONAL FACILITIES to require developers in 'Park Unserved areas' and in areas that do not have an adequately sized (5 acres per 1,000 population) park within a 10-minute walk to provide their developments required Park land acre dedication in actual Park land within a 10-minute walk to their development.**
 - vi. **Update the City's Park-in-lieu fee to assure the fee is adequate to actually buy the amount of park land a developer is to provide within a 10-minute walk of their development. The City's current 'Park-in-lieu-fee' is far too low and inadequate to actually buy land in area surrounding the proposed development.**
 - vii. **Only allow developers to pay a Park-in-lieu-fee where there is an adequately sized park (provide 5 acres per 1,000 population) within a 10-minute walk of their development, and growth management planned future development in that area will not require more park land to provide 5 acres per 1,000 population) within a 10-minute walk.**
 - viii. Consider updating Park policy to provide more multi-use flexibility in park land acres and development on Parks. Many Carlsbad Park acres are developed/dedicated to a single-purpose use, and unavailable for other park uses.
 - ix. Consider eliminating car parking lots from land that can be counted as parkland; or by significantly limiting park land used for parking to around 5%.
 - x. **Eliminate the counting of 'GM Constrained and Unusable land' and Protected Endangered Species Habitat land as Park land. GM Constrained/Unusable lands are undevelopable. Protected Habitat lands are by definition not useable for development by people. Habitat is dedicated for plants and animals. Parks are open spaces dedicated intended for people. Parkland calculations should exclude Unusable lands and Protected Habitat lands and only count 100% people Useable land as Park land. Where Park land abuts Habitat land a sufficient buffer space shall be provided to prevent people mixing with animals (ex. Rattlesnakes, etc.) and animals from people (habitat disturbance or destruction). This buffer area should not be counted as Park or Habitat acres, but as natural/developed buffer open space acres, and can be counted as part of the City's 15% Growth Management 'Aesthetic open Space'.**
5. Carlsbad's Coast is the most, if not the most, important feature of Carlsbad; and is consistently identified by citizens and businesses and our Community Vision. **Carlsbad's Coastal Parks (west of the I-5 corridor) are grossly unfairly distributed. Carlsbad's Coastal Parks do not fairly match the**

locational needs of the population. North Carlsbad that is 38% of Carlsbad's population and has 10 Coastal Parks totaling 37+ acres in size. South Carlsbad that is 62% of Carlsbad's population has 0 [ZERO] Coastal Parks totaling 0 [ZERO] acres. Again, Carlsbad's Park Master Plan maps this citywide unfairness (dots show park locations and circles show the area served by each park) and says that the City should look at buying and building New Parks in these areas that are unserved by City Parks (are not covered by a circle). The GM Update should correct this citywide unfair distribution of City Parks by making plans for new Park purchases to create City Parks in these unserved areas of Park Inequity.

To address citywide Coastal Park unfairness the current City Council wants to spend \$60-85 million in Carlsbad tax-payer funds to Relocate 2.3 miles of constrained Pacific Coast Highway median to try to make some of the narrow PCH median 'useable' by people. 2001 and 2013 City PCH Relocation studies identified only a small amount of 'people-useable acres' would be created next to PCH. The \$60-85 million tax-payer cost (\$26-37 million per mile) does NOT add one single square foot of new City land, it only inefficiently rearranges a small amount PCH median. The City can most tax-payer cost effectively provide needed sidewalks and bike improvements along the outside edges of PCH without PCH Relocation. The City's 2001 PCH Relocation Financial Study and 2013 PCH Relocation Design both indicated minimal useable land could be achieved by Relocation, and that the very high tax-payer cost to do so would be very difficult to fund. The City has known for well over 20-years that PCH Relocation is a high-cost and a poor solution to address the Citywide Coastal Park unfairness in South Carlsbad.

However, a **better and far less costly solution to correct Citywide Coastal Park unfairness and provide a much needed South Carlsbad Coastal Park is to simply buy currently vacant land that is for sale.** The City did this (although the City actually bought existing homes) when it expanded Pine Park. **Carlsbad tax-payers have used the City's own data to compare the tax-payer Cost/Benefits of simply purchasing vacant land v. trying to rearrange existing City owned land at PCH. Simply buying vacant land saves tax-payers saves tax-payers over \$32.7 to \$7.7 million.** Please read the following data files:

- 2022-June General Comparative tax-payer Costs/Benefits of Completing PCH, 2.3 miles of PCH Modification (Island Way to La Costa Ave.), and 14.3 acre Ponto Park (Kam Sang) to address planned loss of 30+ acres of Coastal Open Space Land Use at Ponto in South Carlsbad: Part 1 of 2.
- City's PCH Modification Proposal Area Map with notes on usability Constraints and Issues: P4P Input: Part 2 of 2
- The most recent (9/19/22) land sale of 11.1 acre Ponto Planning Area F was less than \$8 million (less than \$706,000 per acre).
- **Buying and developing this 11.1 acre Ponto Park would cost less than \$20 million assuming a 10% profit to the new land-owner, and \$1 million per acre park construction cost like our newest Buena Vista Reservoir Park.** The cost to help correct a Citywide Coastal Park unfairness by simply buying & building a much needed **11.1 acre Ponto Coastal Park would cost tax-payers less than the recently approved Measure J City Monroe Street Pool Renovation.** Investing less than \$20 million (\$1.8 million per acre) to buy and build an 11.1 acre Ponto Coastal Park is a great tax-payer value v. \$65-80 million in tax-payer funds to rearrange 15.8 acres of narrow strips of constrained PCH median (City documented "Surplus Land Area #4 &5") for some minimal people use at a tax-payer cost of \$4-5 million per acre. **The overall and per acre costs of buying/building Ponto Park are over 2 to 3 times better value for tax-payers than PCH Relocation/rearrangement.**

- The City Council could/can buy land for Open Space (Parks are the most useable of the City's 4 Open Space categories) under voter approved Prop C Open Space land acquisition authority. **The City has been advised to buy Ponto Park under Prop C per the City's settlement of a Growth Management law suit.**

The Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad is clearly a citywide issue. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad as it is unfair to the vast majority of Carlsbad citizens and their families as 62% of Carlsbad is in South Carlsbad. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad is unfair to our major Visitor serving industries (and tax generators) in South Carlsbad. Park and Coastal Park Inequity at Ponto and Coastal South Carlsbad are clearly inconsistent with the CA Coastal Act, Carlsbad's Community Vision, and common sense. The Coastal South Carlsbad Park Inequity is also unfair to North Carlsbad because South Carlsbad's Coastal Park demand is being forced into Coastal North Carlsbad and congesting those parks, and adding to Coastal North Carlsbad traffic and parking impacts. It also increases greenhouse gases and VMT as it forces longer vehicle trips.

a. Suggestions to CTGMC:

- i. 11.1 acre Ponto Planning Area F has a specific Local Coastal Program Land Use Policy that says The City of Carlsbad must for the Ponto Area LCP 'Consider and Document the need for Coastal Recreation (i.e. Public Park) and or Low-Cost Visitor Accommodations west of the railroad tracks (at Ponto) prior to any Land Use change. **The discussion of Parks by the CTGMC is such a situation that requires the CTGMC to consider this adopted LCP Land Use Policies. Official public records requests have shown the City never followed this LCP Land Use Policy Requirement during the 2005 Ponto Vision Plan and 2015 General Plan Update, and in 2010 the CA Coastal Commission rejected the Ponto Vision Plan and told the City in 2017 that that land uses at Ponto could change based on the need for Coastal Recreation and/or Low Cost Visitor Accommodations.** The Mello II LCP that covers most of Carlsbad's Coastal Zone also has Land Use Policy 6.2 for the City to consider a major park in the Batiquitos (Ponto/South Carlsbad) area. The City has only implemented 1/6 to 1/3 of this policy. **The CTGMC should fully evaluate the citywide/South Carlsbad and local Ponto need for Coastal Parks as required by the City's adopted LCPs and CA Coastal Act.**
- ii. Carlsbad's 2015 General Plan Update and Growth Management Plan (GMP) did not, and was not updated to, consider the 2017 Sea Level Rise (SLR) Impact report showing the loss/impact on 32+ acres of Carlsbad's Coastal Land Use acreage in South Carlsbad – primarily Open Space Land Use (beach and Campground). **Both the General Plan (and Local Coastal Program Land Use Plan) and GMP should be updated to account for the loss and replacement of these 32+ acres of high-priority Coastal Open Space Land Use due to SLR.** The updates and the CTGMC should use the newest CA Coastal Commission SLR Guidelines/science, not the old guidelines used in 2017. Carlsbad's LCP and CA Coastal Act Land Use Polies call for 'upland relocation' to replace the SLR loss of high-priority Coastal Land Uses.
- iii. **The availability over the past several years of the last two sufficiently sized vacant lands suitable for a Ponto/South Carlsbad Coastal Park is a citywide issue. If these last two vacant lands are lost to development forever future generations will have lost the last opportunity for the needed South Carlsbad Coastal Park.** The 5/3/22 Citizen requests for the City to jointly study acquisition of one or both these last vacant lands for a needed (and only possible) true and meaningful Coastal Park for

South Carlsbad should be recommended by the CTGMC. **The CTGMC should recommend Carlsbad’s GMP be updated to incorporate Parkland acquisition of these last opportunities to provide the needed Coastal Park for South Carlsbad.**

6. Carlsbad Growth Management Open Space Standard is that 15% of all the Useable (unconstrained and fully buildable) areas is to be preserved as Useable Open Space, and that all the 25 Local Facility Management Plans (LFMP) show how that 15% is provided. The City says:

OPEN SPACE

A. Performance Standard

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

Yet the City has mapped and documented that this 15% Useable Open Space Performance Standard was not complied with. The City also acknowledges that without changes to current City planning the 15% Useable Open Space Performance Standard will never be complied with. The City acknowledges that only 13% has/will under current plans ever be provided. This missing 2% equals 501 acers of lost GM Open Space the GMP promised citizens. **Carlsbad law the Growth Management Ordinance 21.90, and section ‘21.90.130 Implementation of facilities and improvements requirements’; provide guidance on how non-compliance with a Performance Standards is to be handled.**

a. Suggestions to CTGMC:

- i. Retain the GM Open Space Standard of 15% of all unconstrained and developable land is maintained as Open Space. If the City removes the Open Space Standard, it will allow and encourage land use changes to remove GM Open Space and replace with development.
- ii. **The CTGMC should make a recommendation that an inventory of all 25 LFMP Zones be conducted and an inventory of each LFMP Zones provision of at least 15% Useable Open Space shall be compiled. No LFMP Zone shall be allowed to be “exempt” from this inventory.** The City’s computerized GIS mapping system makes it easy and clear as shown in the following City GIS map for LFMP Zone 9 (aka Ponto).



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

- Light green areas meet the City's 15% unconstrained Growth Management Program Open Space Standard
- Most Ponto Open Space (pink hatch & blue [water] on map) is "Constrained" and does not meet the Standard
- **Aviara - Zone 19, Ponto - Zone 9 and Hanover/Poinsettia Shores – Zone 22 all developed around the same time and had similar vacant lands.**
- **City required Aviara - Zone 19 east of Ponto to provide the 15% Standard Open Space. Why not Ponto? Aviara includes the same lagoon.**
- **City required Hanover & Poinsettia Shores area Zone 22 just north of Ponto to provide the 15% Standard Open Space. Why not Ponto?**
- Why Ponto developers were not required to comply with the 15% Useable Open Space Standard is subject to current litigation
- Below is City GIS data from this map

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

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

73% of the City's minimum 15% required Open Space Standard is missing due to over development of LFMP Zone 9 [Ponto]

- iii. In instances like LFMP Zone 9 (above image) that clearly did not provide at least 15% Useable Open Space and/or were falsely “exempted” the CTGMC should recommend that a **Local Facilities Zone Useable Open Space Correction Plan** shall be developed that explores the GM Open Space use/reuse of City land, land use planning requirements, and/or possible acquisitions of remaining vacant land acres to make up for any shortfall in meeting the 15% Useable Open Space in that a Zone. An example of this in LFMP Zone 9 is that the City’s regional Rail Trail will convert 2-lanes of almost all of Avenida Encinas to wider buffered bike lanes and an adequate portion of the converted 2 vehicle lanes can be landscaped (v. just painting strips as a buffer) to provide a safer/better bike lane buffer within a GM compliant Open Space. 2 vehicle lanes in Windrose Circle could also be similarly landscaped and converted to GM complaint Open Space. This is just one example of a cost-effective means to add GM Open Space that developers were falsely allowed to remove.
- iv. A **Local Facilities Zone Useable Open Space Correction Plan** should involve a Citizens Advisory Committee composed of citizens within the impacted Zone and appointed by the Council Members representing the Zone, and a representative of each vacant land owner over of over 1-acre in size.
- v. Consistent with the Growth Management Ordinance land use changes and development applications within a **Local Facilities Zone Useable Open Space Correction Plan** Zone shall be deferred until the applications can considered with (or after adoption of) a **Local Facilities Zone Useable Open Space Correction Plan**.

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

our local streets to find a significantly large open area to play in. Ponto residents have to drive their kids to get to a park increasing VMT and GHG emissions. The City's proposed Coastal Recreation Land Use Plan 'solution' to Ponto's no-park condition, along with the City's need to add an additional 6.5 acres of new City parks in Southwest Carlsbad to comply with the Southwest Carlsbad's 2012 population demand (at a ratio of 3-acre/1,000 population) is to provide a City Park – Veterans Park – over 6-miles away from the Ponto and Southwest Carlsbad population need. This makes a bad situation worse. The City's proposed location is totally inaccessible to serve the needs of the population of children or anyone without a car, that it is intended to serve in South Carlsbad. This City proposed Coastal Recreation Land Use Plan 'solution' seems inappropriate and inconsistent with the CA Coastal Act and common sense. During the City's Veterans Park and budget community workshops citizens expressed a desire for a Ponto Park to be the solution to our Ponto and Southwest Carlsbad Park deficits. Those citizen requests were not apparently considered as part of the City's proposed Draft Coastal Recreation Land Use Plan. Following is an image summarizing the magnitude of citizen needs/desires expressed at the City's Budget workshop. Note the number and size of the text citing Ponto Park and South Carlsbad that reflects the number and magnitude/intensity of citizen workshop groups' input. The failure to acknowledge this public participation and data in the Coastal Recreation Land Use Plan Park seems in conflict with CCA Sections 30006 and 30252(6):



For South Carlsbad there is a complete lack of any existing or planned City Coastal Park and park acreage west of I-5, while North Carlsbad has 9 existing and 1 planned City Coastal Parks totaling 37.8 acres of City Coastal W of I-5 North Carlsbad. Not only is this unfair to South Carlsbad, it is also unfair to North Carlsbad as it increases VMT and parking impacts in North Carlsbad because South Carlsbad is not providing the City Coastal Parks for South Carlsbad resident/visitor demands. This City Park disparity is shown on Figure 3-1 of the Coastal Recreation Land Use Plan;

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

- 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



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

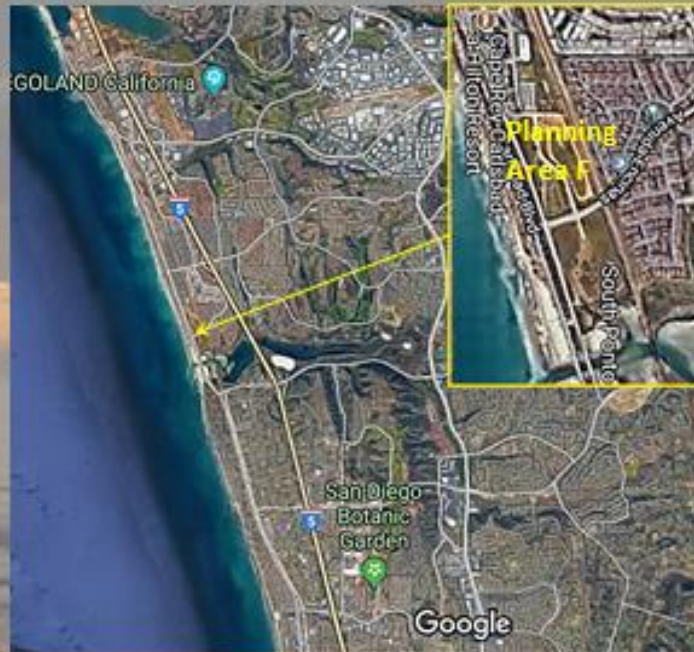


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal 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

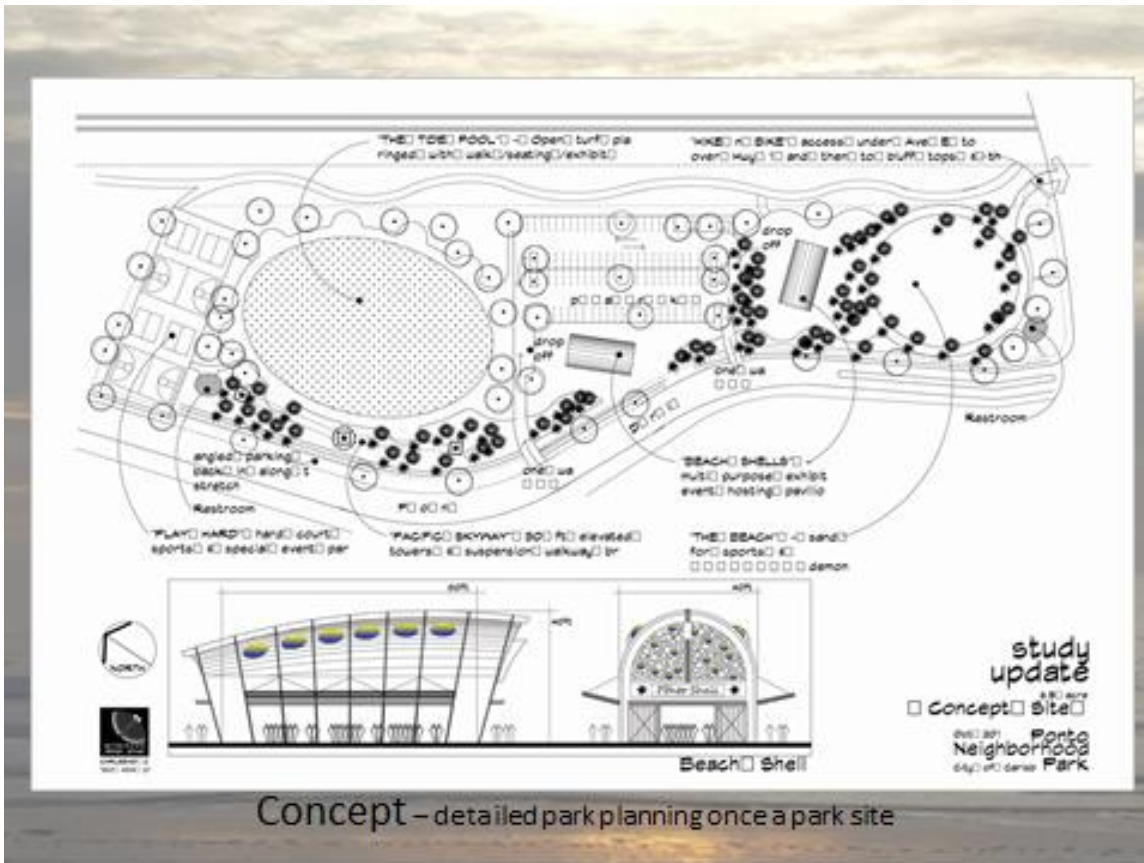


Ponto Coastal Park Concept

- 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

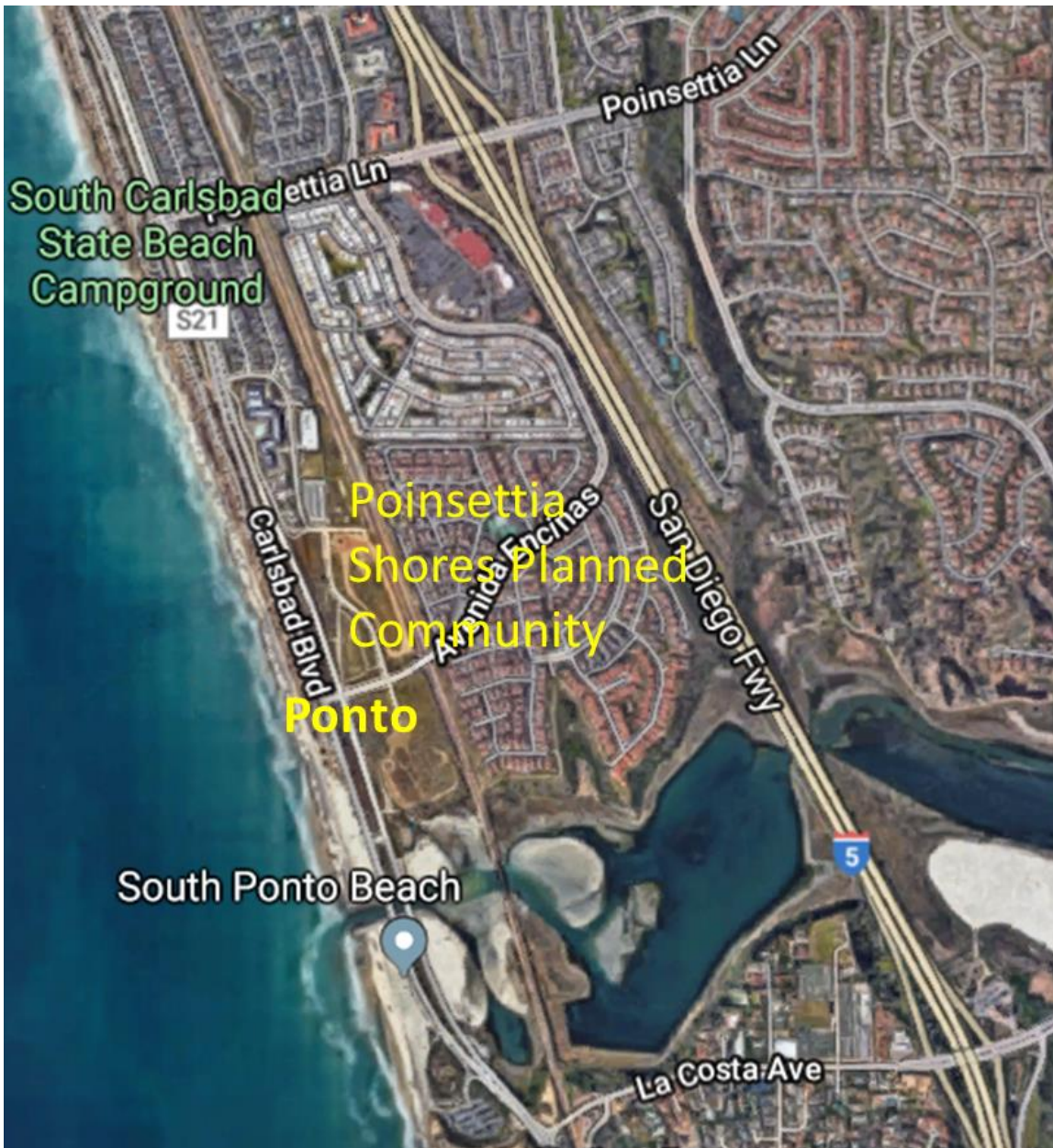
only result in degradation. How the Draft LCPA documents and addresses the land use planning of the last small portions of vacant developable Coastal land is critical for the future and future generations.

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.

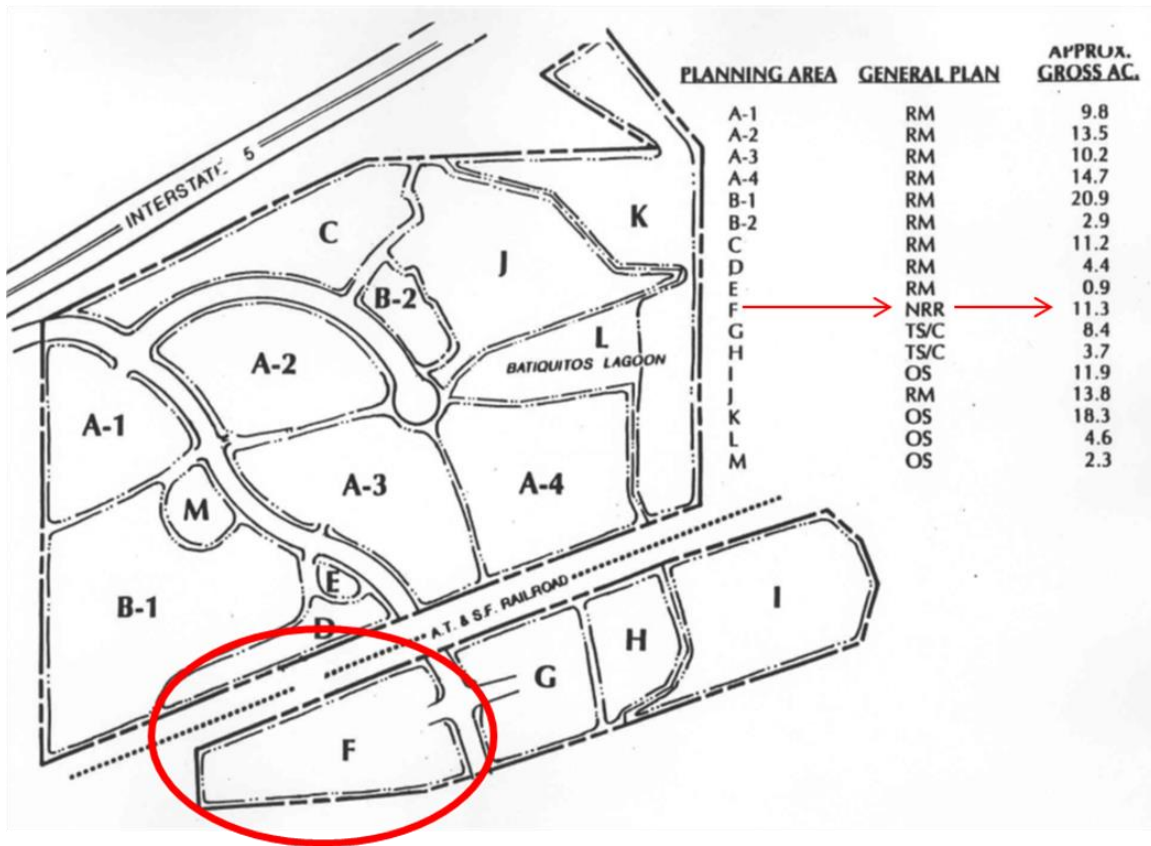
10. Why the Draft LCPA Land Use Plan for Ponto should provide for the current and future Coastal Park and Recreation needs for South Carlsbad, the San Diego Region and California.

- 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 Batiqitos 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.

2022 General Comparative tax-payer Costs/Benefits of Completing PCH, PCH Modification, and Ponto Park to address planned loss of 30+ acres of Coastal Open Space Land Use at Ponto/West BL/South Carlsbad: Part 1 of 2

Key base facts regarding tax-payer Cost/Benefit comparison:

City Coastal Park Fairness: Ponto/Coastal South Carlsbad has ZERO Parks and ZERO Park acres v. 10 Coastal Parks in North Carlsbad. 62% of Carlsbad citizens and major visitor industries live in South Carlsbad with no Coastal Park. 38% of Carlsbad citizens have the entire City's Coastal Parks. The City also falsely allowed Ponto Developers to NOT PROVIDE the required 15% unconstrained Open Space required by other developers in Carlsbad. Consequently Ponto is already developed at a density 35% higher than the rest of City.

What is missing from South PCH: The only missing components of a Carlsbad Livable (Complete) Street are adequate Coastal sidewalks/pedestrian paths. Better safer protected bike paths for the volume of bike traffic on a higher-speed roadway are highly desired. Both these missing features can be (and should have already long ago been) provided in the existing PCH configuration.

Generalized Costs: Costs come from publicly stated costs by Mayor Hall in a 2019 at Meet the Mayor Realtor luncheon at Hilton Garden Inn, City PCH Modification Cost Studies for South PCH, \$13 million per mile cost for the simpler City CIP #6054 PCH Modification Project at Terramar, general City cost data from official public records requests, and vacant Ponto land costs of \$1.4 to \$2.4 million per acre from recent recorded land sales at Ponto.

Generalized Benefits: The number of acres and the quality and usability of each of those acres, and the number of new added beach parking for each of the known Option's define each Option's benefits. There may be other unknown Options that have different benefits. The City's 2001 PCH Modification Studies' highest Park and Open Space Option (2001 ERA Financial Analysis "Alternative 1-parks and open space scheme") only made possible a 4-acre Active Park north of Palomar Airport Road in North Carlsbad. The City's 2013 PCH Concept design eliminated that 4-acre Active Park and only showed a few small open space areas with picnic tables. Any PCH Modification Benefits are limited by existing PCH constraints. See attached Part 2: City PCH map with numbered notes on various existing land use constraints from the City's 2013 PCH Modification Design.

PCH Modification: PCH Modification does not add any new City land. Rearranging PCH land may add some usability beyond the usability of existing parkway areas along PCH. However significant land in PCH right-of-way is already constrained by habitat, slopes, and water quality detention basins. Past City Studies in 2001 and 2013 showed relatively modest changes in useable acreage from major PCH Modifications. Forever removing 2-travel lanes (over 50% of PCH capacity due to removing passing ability) will create Terramar traffic congestion, but could repurpose that City pavement for open space. Any net usable amount of open space land will however be relatively narrow and may be modest once all constraints are accounted for. PCH Modification should be accurately compared with the existing usable and open space parkway areas in the existing PCH configuration and Ponto Park situation. See attached Part 2: City PCH map with numbered notes on various existing land use constraints from the City's 2013 PCH Modification Design.

Comparative tax-payer Cost/Benefits:

1. Completing PCH & adding missing sidewalk/path and additional public parking and bike safety:

177 existing parking spaces along South Carlsbad Blvd

Existing 4 vehicle lanes and 2 bike lanes

The only missing component of “Complete/Livable Street” is a pedestrian sidewalk/path

Total Cost to provide missing sidewalks per City data = \$3-5 million (based on path width)

Costs for desirable safety upgrade to existing bike lanes are not known

Cost to add more Beach parking in abandoned PCH North and South of Poinsettia ranges from:

- 273 additional spaces = \$ 0.76 million
- 546 additional spaces = \$ 1.1 million
- Plus an estimated \$1.5 million for 2 signalized intersection upgrades for full 4-way access
- Cost per parking space is estimated at \$19,275 to \$13,899 per additional parking space

Total cost: \$ 3.8 to 6.1 million to provide missing sidewalk/path and add more parking + unknown amount for any desired upgrades to existing bike lanes

2. ‘2013 PCH Modification Proposal’ [AECOM 11/26/2013 Alternative Development Meeting]

Total Cost is \$75 million per Mayor Matt Hall. PCH Modification would be most the expensive City project so far. \$75 million current cost appears consistent with 20-years of cost inflation of the basic (unmitigated environmental and traffic) 2001 costs of \$26.5 to 37.3 million (in 2001dollars) identified by the City. The City’s 2001 Study indicated fully mitigated costs will be higher.

Total \$75 million PCH Modification cost comes to:

\$ 18.7 to 7.5 million per acre for narrow open space areas (from portions of city roadway)

\$872,093 per additional parking space

- 86 additional parking spaces created = 263 replacement spaces - 177 existing spaces removed
- Includes multi-use pathway (sidewalk) within primarily native/natural landscaping.
- Possible 50% reduction in vehicle lanes (from 4 to 2 lanes) with corresponding traffic congestion like at Terramar. Not clear if Citizens will approve spending \$75 million to double traffic congestion.
- Includes about 4 - 10 acres for possible narrow passive Park area identified in City’s 2001 PCH Modification Studies. However City’s 2013 PCH Modification (AECOM) plans look like smaller acreage is provided.
- Does not purchase any new land (only reconfigures existing City land) so requires Carlsbad Citizens to vote to expend funds per Proposition H.
- 2013 PCH Modification proposal did not consider and map City’s 2017 sea level rise data to show what areas would be lost due to sea level rise and account for any added cost and issues.

3. Ponto Coastal Park

Total Cost: \$20 – 22 million to purchase and build 11-acres as Mayor Matt Hall has publicly stated

\$ 2 to 1.8 million per acre (per Mayor) for new and fully useable City Park area

175% to 10% more total park land than ‘PCH Modification options’

- Includes adding 11-acres of new and viable parkland similar in shape (but larger in size) than Carlsbad’s Holiday Park. Site includes both habitat and E-W and N-S connections.

- Since an Open Space land purchase per Proposition C acquisition voters exempted such purchases from Proposition H. NCA recommend the site be considered for purchase as Open Space per the City's obligations under a lawsuit settlement.
- Ponto Park's cost savings over 'PCH Modification' = \$55 to 53 million
- Ponto Park's + adding missing sidewalks cost savings over 'PCH Modification' = \$51 to 47 million
- Ponto Park's + adding missing sidewalks + 273 additional parking spaces cost savings over "PCH Modification" = \$50.4 to 46.1 million
- Ponto Park's + adding missing sidewalks + 546 additional parking spaces cost savings over "PCH Modification" = \$50.1 to 45.8 million

4. Combining both #1-PCH Completion and #3-Ponto Park:

Combining #1 and #3 creates at cost effective and more beneficial Coastal Park-Coastal Parking-Completes Streets solution. This solution actually adds 11-acres of new City land for a needed Park, provides for a Complete PCH without increasing traffic congestion, does not forever congest PCH travel if future PCH traffic increases, adds comparatively more beach parking, and provides the City with Coastal land use and sea level rise planning flexibility to address future needs by not forever committing the City's PCH land to a Final solution. See map on page 4 showing land use synergy of combining #1 and #3.

\$50.4 to 45.8 million in tax-payer cost savings are estimated from combining #1 & #3 compared to the estimated \$75 million PCH Modification concept. Combining #1 and #3 provide all the features provided by more Benefits for a reduced

- a. Ponto Park's location allows it to use the 337-610 parking spaces created by #1 above (177 existing + 273 to 546 new parking spaces). The 337-610 parking spaces will allow Ponto Park to effectively host Carlsbad's special community events.
- b. Acquiring Ponto Park's 11-acres provides both the City and State of CA with important future land use options to address the Sea Level Rise and Coastal Erosion (SLR) planned by the City. These options are created by leaving the exiting South Carlsbad Blvd right-of-way substantially the same (except for adding needed sidewalks and using the existing Old paved roadway for parking) thus allowing future upland relocation of the Campground. If \$75,000,000 is spent on #2 the likelihood this very expensive City expenditure would never be abandoned by the City to allow relocation of the Campground.
- c. Carlsbad' 2017 Sea Level Rise study shows SLR will eliminate ½ of the State Campground – a high-priority Coastal land use under the CA Coastal Act. The CA Coastal Act calls for "upland" relocation of high-priority Coastal land uses due to SLR impacts. Ponto Park could also provide for "upland" relocation of the State Campground.

Part 2 of this Comparative analysis is a separate 2-page data file. This Part 2 file consists of the City's PCH map with numbered notes to documented City data on PCH design constraints, mapping the City's 2017 Sea Level Rise Impact Areas, and outlining the easterly 6.5 acre portion of the 11-acre Planning Area F site that could be Ponto Park for acreage comparison purposes.



History of the false exemption of the Growth Management Open Space Standard provided Ponto developers in Local Facility Management Plan Zone 9 (LFMP-9):

The history of how required Growth Management Open Space (i.e. unconstrained/developable land) that should have been dedicated Open Space was, and is now being proposed to be, inappropriately converted to Residential land use by a Perpetuating a False Exemption of the Open Space Standard provided Ponto Developers. This False Exemption needs correction and restitution. Ponto's False Exemption of the Open Space Standard and the 'amendment shell-game' GM Open Space history is a critical warning sign to the **Carlsbad Tomorrow** Growth Management Committee, Planning Commission and City Council. Ponto is a critical warning that a strong, accountable and accurate Open Space Standard needs to be established for **Carlsbad Tomorrow**, AND a Growth Management Open Space restitution plan needs to be established and funded that corrects the False Exemption for Ponto Developers. If Ponto Developers were required like other similar developers at the time (Aviara and Poinsettia Shores, "urbanizing La Costa Zones 11 & 12, etc.) to provide the required Growth Management Open Space some of the critical Coastal Recreation and Coastal Park issues and extensive Carlsbad Citizen needs/demands/desires at Ponto could likely have already been addressed.

How citizens found out about the False Exemption provided Ponto Developers:

In 2017 for the 1st time the city provided the GIS maps/data base accounting of Open Space in the City. The City did this a part of settlement to a North County Advocates citizens' lawsuit. The City Open Space maps/data base allowed Carlsbad Citizens for the 1st time the ability to see and confirm what Open Space was produced by Growth Management (GM). The City's Open Space map/data based for Ponto (LFMP-9) documented that about 30-acres of GM Open Space was missing (see; Carlsbad Official Public Records Request - PRR 2017-164). As required by GM, and as Staff has said, to count as GM Open Space it must be dedicated and 'unconstrained/developable land' to meet the GM Open Space Standard. Being able to see for the 1st time the missing GM Open Space was one of the key awakenings that started People for Ponto Carlsbad Citizens. Below is the City's Open Space Map for LFMP-9, with notes. We have the City's parcel-based Open Space data base that confirms all the numerical data in the notes.



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

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

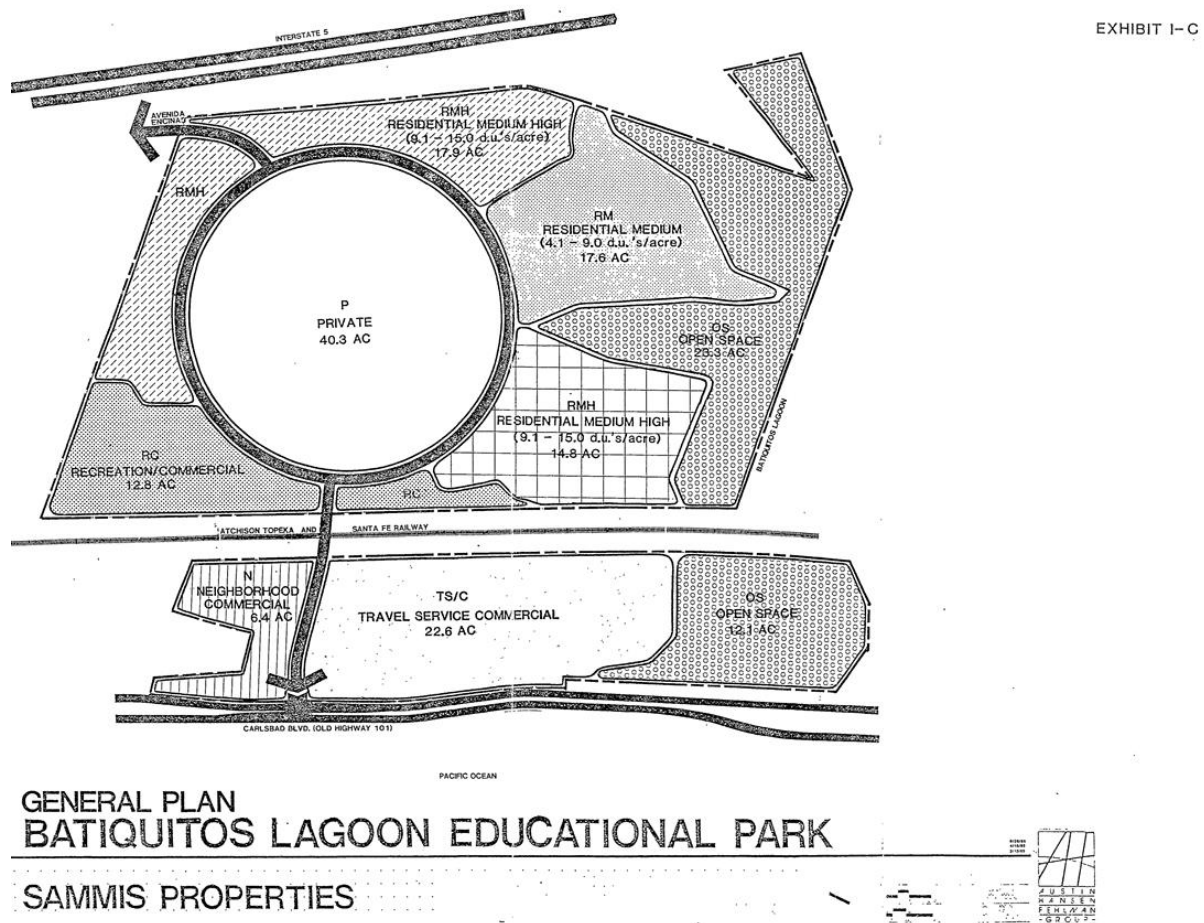
City GIS map data summary of the 15% Growth Management Standard Open Space at Ponto

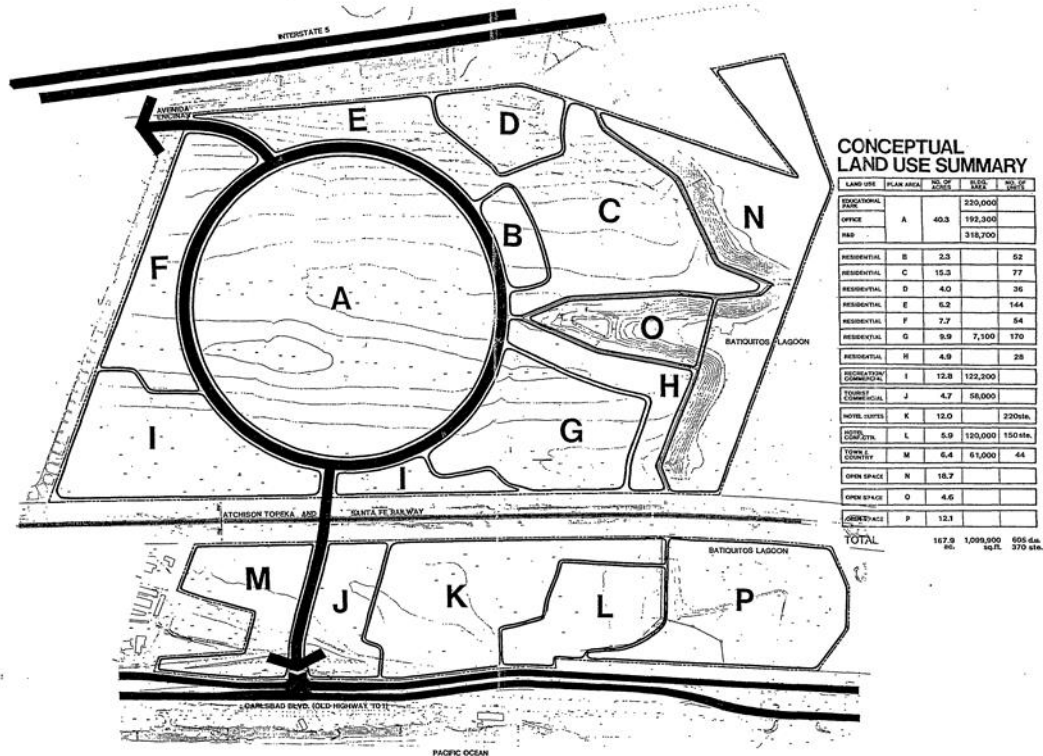
472 Acres	Total land in LFMP Zone 9 [Ponto]
<u>(197 Acres)</u>	Constrained land excluded from GMP Open Space
275 Acres	Unconstrained land in LFMP Zone 9 [Ponto]
<u>X 15%</u>	GMP Minimum Unconstrained Open Space requirement
41 Acres	GMP Minimum Unconstrained Open Space required
<u>(11 Acres)</u>	GMP Open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

So were did the missing GM Open Space go?

In early 1985 prior to the Ponto's developer (SAMMIS) annexing Ponto into the City of Carlsbad, San Diego County's LAFCO (local agency formation commission) General Planned and pre-zoned, Ponto's Batiqitos Lagoon waters and the lagoon bluff slopes as Open Space. This Open Space was "Constrained Open Space" – State jurisdictional waters, and steep slopes with Coastal Sage Scrub (CSS) habitat. These already pre-zoned constrained/non-developable Open Spaces were accounted for as part of the City's 25% pre-Growth Management Plan Open Space, and per Growth Management can't be counted in meeting the 15% Growth Management Open Space Standard. The pre-zoned Open Space is shown in the City's Open Space map and properly marked as "Preservation of Natural Resources" Open Space land. This already pre-zoned Constrained (non-developable, aka 'Preservation of Natural Resources') Open Space land at Ponto was documented in the proposed SAMMIS Batiqitos Lagoon Educational Park (BLEP) Master Plan MP-175 as Areas N, O, and P in the Land Use Summary below.

On Oct, 1 1985 Carlsbad approved SAMIS's Master Plan and EIR to develop Ponto. SAMIS's BLEP Master Plan MP-175. Following are BLEP MP-175's General Plan & Land Use Summary maps:





**CONCEPTUAL LAND USE PLAN
BATIQUITOS LAGOON EDUCATIONAL PARK
SAMMIS PROPERTIES**



The BLEP MP-175 did include a variety of GM compliant Open Space.

- 12.8 acre Recreation Commercial land use that was playfields and Coastal Recreation site for MP-175 and South Carlsbad. This is a Critical GM Open Space that was never dedicated.
- A minimum 30' wide landscaped Open Space on both sides of Windrose Circle that circled the Area P. Windrose Circle was bordered on each side by 30' of landscaped Open Space.
- Additional minimum 30' wide landscaped setbacks between buildings in Area A
- 2.8 acres of private recreation open space for the maximum amount of residential units
- 45' to 50' landscaped setbacks from the Batiquitos Lagoon Bluff edge (this was later developed with Residential land use in some areas of Ponto).
- 75' landscaped separation between Areas C and D
- 70' landscaped separation between Areas D and E
- 25' landscaped setback along Avenida Encinas for Area E
- 30' to 80' landscape setback between Lakeshore Gardens and Area F
- 25' landscaped setback along Avenida Encinas for Area F
- 50' landscaped setback between Areas F and I
- 75' landscaped separation between Areas G and H
- 50' to 80' landscape setback for Area I between Lakeshore Gardens and between Area F

So, prior to Ponto being annexed into the City of Carlsbad in the mid-1980's and prior to Growth Management the Batiquitos Lagoon and lagoons bluff slopes (constrained and unusable due to habitat and slope constraints) were already pre-zoned Open Space and General Planned as Constrained Habitat Open Space. This constrained Open Space did not and cannot meet the 15% GM Open Space Standard.

In 1986 Citizens voted for the City's version of Growth Management that included a New Standard for Useable Open Space. The new standard was that 15% of all unconstrained useable/developable land within a Local Facility Management Zone was to be dedicated as Open Space. Once the vote was in the City adopted the Growth Management Ordinance 21.90 of Carlsbad's Municipal Code (City Council Ordinance No. 9791. (Ord. 9829 § 1, 1987; Ord. 9808 § 1, 1986)).

In adopting the Growth Management Ordinance 21.90.010 the Council Clearly stated:

(b) The city council of the city has determined **despite previous city council actions**, including but not limited to, amendments to the land use, housing, and parks and recreation elements of the general plan, amendments to city council Policy No. 17, adoption of traffic impact fees, and modification of park dedication and improvement requirements, that the demand for facilities and improvements has outpaced the supply resulting in shortages in public facilities and improvements, including, but not limited to, streets, **parks, open space**, schools, libraries, drainage facilities and general governmental facilities. **The city council has further determined that these shortages are detrimental to the public health, safety and welfare of the citizens of Carlsbad.**

(c) This chapter is adopted to ensure the implementation of the policies stated in subsection (a), to eliminate the shortages identified in subsection (b), **to ensure that no development occurs without providing for adequate facilities and improvements, ..."**

The Citizens and Council recognized that prior City plans were not adequate to address the current (and future) needs for facilities. Upon adoption of the New Growth Management Standards certain facilities were already below-Standard simply based on the existing development and population. Growth Management required additional facilities simply to bring the then current development/population up to the New Minimum Standards. I am personally familiar with 3 GM Standards in LFMP-6 (old La Costa) that I worked on – Library, Fire, and Park where already below-Standard i.e. existing development/population in Old La Costa required more facilities to meet the new Growth Management Standards. We worked to provide these new facilities for the existing development/population (i.e. fix the Standard deficits) and then to also plan even more additional facilities at a ratio that met the New Standards for the additional future development in Old La Costa. I can provide you some interesting stories on that.

I also recall working on the surrounding La Costa LRMP Zones 11 & 12 that Like Ponto/FMP-9 were considered "Cat II: Urbanizing" yet Unlike Ponto/LFMP-9 LFMP Zone 11 & 12 were not falsely exempted

for the GMP Open Space Standard and had to provide the GM Open Space Standard of 15% of the unconstrained/developable lands as dedicated Useable Open Space.

The Citizens vote on Proposition E and the subsequent Growth Management Ordinance 21.90 are the rules on which the Growth Management Plans (both Citywide and 25 Local Facility Plans) are required to follow.

To create the Citywide and the Local plans (Zones 1-6) for the largely developed areas the City needed to temporarily pause development activity to allow time for city staff to Draft the Growth Management Plan (my work as a city planner at the time was re-directed to draft growth management plans). So the Growth Management Ordinance 21.90.030, established a Temporary Development Moratorium to pause development processing activity while the Growth Management Plan was being Drafted. Following is that language of 21.90.030. Notes are shown as italicized text within *[example]*:

“21.90.030 General prohibition—Exceptions.

(a) Unless exempted by the provisions of this chapter, **no application for any building permit or development permit shall be accepted, processed or approved until a city-wide facilities and improvements plan has been adopted and a local facilities management plan for the applicable local facilities management zone has been submitted and approved according to this chapter.** *[Clearly indicates the exemptions in 21.90.030 are only from the temporary development moratorium created by 21.90.]*

(b) No zone change, general plan amendment, master plan amendment or specific plan amendment which would increase the residential density or development intensity established by the general plan in effect on the effective date of this chapter shall be approved unless an amendment to the citywide facilities management plan and the applicable local facilities management plan has first been approved. *[FYI, this provision of 21.90.030 has direct implications with respect of currently City/developer proposed General Plan/Zoning code/Local Coastal Program Amendments now being pursued by the City at Ponto Planning Area F and Ponto Site 18. The City did not and has not yet amended the CFMP and LFMP-9 to increase the City/developer proposed residential density or development intensity at Ponto]*

(c) The classes of projects or permits listed in this subsection shall be exempt from the provisions of subsection (a). Development permits and building permits for these projects shall be subject to any fees established pursuant to the city-wide facilities and improvement plan and any applicable local facilities management plan. *[Then lists various exemptions from the temporary development processing/building permit moratorium in 21.90. The BLEP MP's exemption from the temporary moratorium is (g)]*

(g) The city council may authorize the processing of and decision making on building permits and development permits for a project with a master plan approved before July 20, 1986, subject to the following restrictions *[this only applies to the “approved before July 20, 1986” BLEP MP, and NOT to any subsequent Master Plan Amendment]:*

- (1) The city council finds that the **facilities and improvements required by the master plan are sufficient to meet the needs created by the project and that the master plan developer has agreed to install those facilities and improvements to the satisfaction of the city council.** *[The Ponto developer needed to provide the 12.8 acre Recreation Commercial land use and install the GM compliant Open Space required in the 1986 MP175 but did not]*
- (2) The master plan developer shall agree in writing that all facilities and improvement requirements, including, but not limited to, the payment of fees established by the city-wide facilities and management plan and the applicable local facilities management plan shall be applicable to development within the master plan area and that the master plan developer shall comply with those plans. *[this required the LFMP-9/BLEP MP to have 1) already been fully developed or 2) have already have dedicated 15% of the LFMP-9 as Growth Management compliant Open Space (i.e. Unconstrained and developable) to qualify for the Open Space exemption later falsely noted in the city-wide facilities and management plan. As clearly documented the BLEP MP did not meet the requirements to qualify for Open Space Standard Exemption in the city-wide facilities and management plan. The section also requires “all facilities” (including Open Space) requirements in the Citywide Growth Management Standard to apply to BLEP MP, not provide a means for a false exemption of the Open Space Standard]*
- (3) The master plan establishes an educational park and **all uses within the park comprise an integral part of the educational facility.** *[“all uses” including the 12.8 acre Recreation Commercial land use and all the other GM compliant Open Spaces are an integral part. However the 12.8 acre open space land use was never built and the BLEP MP GM compliant Open Space never dedicated.]*
- (4) **Building permits for the one hundred twenty-nine [129] unit residential portion of Phase I of the project may be approved provided the applicant has provided written evidence that an educational entity will occupy Phase I of the project** which the city council finds is satisfactory and consistent with the goals and intent of the approved master plan. *[Clearly indicates the 21.90.030 exemption is only for building permits for Phase I of the BLEP MP. Of the 129 units only the 75 unit Rosalena development applied for and received building permits under this exemption. There are some very interesting issues related to this Rosalena Phase I development relative to GM complaint Open Space along the bluff edge that can be expanded on later if the CTGMC has questions.]*
- (5) Prior to the approval of the final map for Phase I the master plan developer shall have agreed to participate in the restoration of a significant lagoon and wetland resource area and made any dedications of property necessary to accomplish the restoration. *[Again clearly notes the exemption only allows a final map for Phase I to be processed. The “lagoon and wetland resource area” are part of the same constrained/undevelopable lands already pre-zoned prior to the BLEP MP being incorporated into the City of Carlsbad]*

The Aviara Master Plan (directly adjacent and east of Ponto) and was also being developed at the same time as Ponto/BLEP MP. 21.90.030 also provided the Aviara Master Plan a similar exemption (h) and similar lagoon related quid-pro-quo for that exemption. But Aviara did not receive a GM Open Space Standard Exemption. :

“(iv) Prior to any processing on the [Aviara] master plan the applicant shall grant an easement over the property necessary for the lagoon restoration and the right-of-way necessary for the widening of La Costa Avenue and its intersection with El Camino Real. (Ord. NS-63 § 1, 1989; Ord. 9837 § 1, 1987; Ord. 9808 § 1, 1986)”

Some City staff have incorrectly stated to the City Council that they believe 21.90.030 exempts Ponto/LFMP-9 from the Growth Management Ordinance/Program or Growth Management Open Space Standard. RESOLUTION NO. 8666- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING TWO AGREEMENTS FOR BATIQUITOS LAGOON EDUCATIONAL PARK also shows the 21.90.030 exemption was only for development permits during the temporary building moratorium.

In 1986 the City falsely exempted in the Citywide Facilities Plan all Ponto developers from providing 15% of their useable/developable land as GM required Open Space. The City’s documented/adopted rationale in the Citywide Plan was that Ponto/LFMP-9 was 1) in 1986 already developed, or 2) in 1986 the developer had already met the GM Open Space Standard by having already dedicated 15% of the useable land as Open Space. Both situations were/are false. Any air photo map or even the 1986 LFMP-9 clearly states Ponto was NOT developed in 1986, as only the Lakeshore Gardens existed and the Ralphs Center was just starting construction. Also the City’s GIS Open Space mapping (see above) shows that SAMMIS the Ponto developer (BLEP Master Plan MP-175) in 1986 had Not dedicated as Open Space 15% of the useable land as Growth Management compliant Open Space as shown/described in the BLEP MP (i.e. the 12.8 Acre Recreation Commercial site and all the landscaped open space setbacks required in the BLEP MP-175. If that 15% was dedicated in 1986 it would show-up on the City’s inventory of Dedicated Open Space now. So how did this occur?

How Ponto’s planned GM Open Space was eliminated and replaced with Residential land use:

In late 1980’s SAMMIS the BLEP MP-175 developer started building the 75-home Rosalena Development as the first part of Phase I of the BLEP MP. The City (based on my recollection was very desirous to develop the BLEP MP) and required special time limits on the BLEP MP to actually advance building the ‘Educational Park’ with all the “initiated” land uses (including GM compliant Open Space) within a certain period of time. SAMMIS was having financial issues and difficulty delivering the BLEP MP land uses. Amendments (A, B, and C) to BLEP MP reflected on these difficulties:

- MP 175(A) to allow minor accessory structures within the rear yards of all Phase I single family lots located in Planning Area “C”. *[This is the Rosalena development that was part of Phase I for BLEP MP. This amendment has implications on the landscaped Open Space setback along the Batiquitos Lagoon bluff top, and the required Coastal access trail required by the Coastal*

Development Permit for Rosalena. This is an interesting history that can be explained later if the CTGMC would like.]

- MP 175(B) to realign Carlsbad Blvd., between North Batiquitos Lagoon and west of I-5 to accommodate the Sammis Development was WITHDRAWN January 12, 1990, and
- MP 175(C) a request for 5-year extension of time for Master Plan approval related to educational uses on this project was Approved Planning Commission Resolution No. 2841, April 19, 1989 and approved City Council Ordinance No. NS-83, September 5, 1990.

SAMMIS went bankrupt around 1990 and Kaiza Development purchased the BLEP MP. Kaiza completed the Rosalena development started by SAMMIS. Kaiza then sought to completely change the planned land uses on all the remaining unconstrained/developable land in the BLEP MP.

General Plan and Master Plan Amendments eliminated/reduced BLEP's Growth Management compliant Open Space and replace with Residential uses in the "amended" Poinsettia Shores Master Plan:

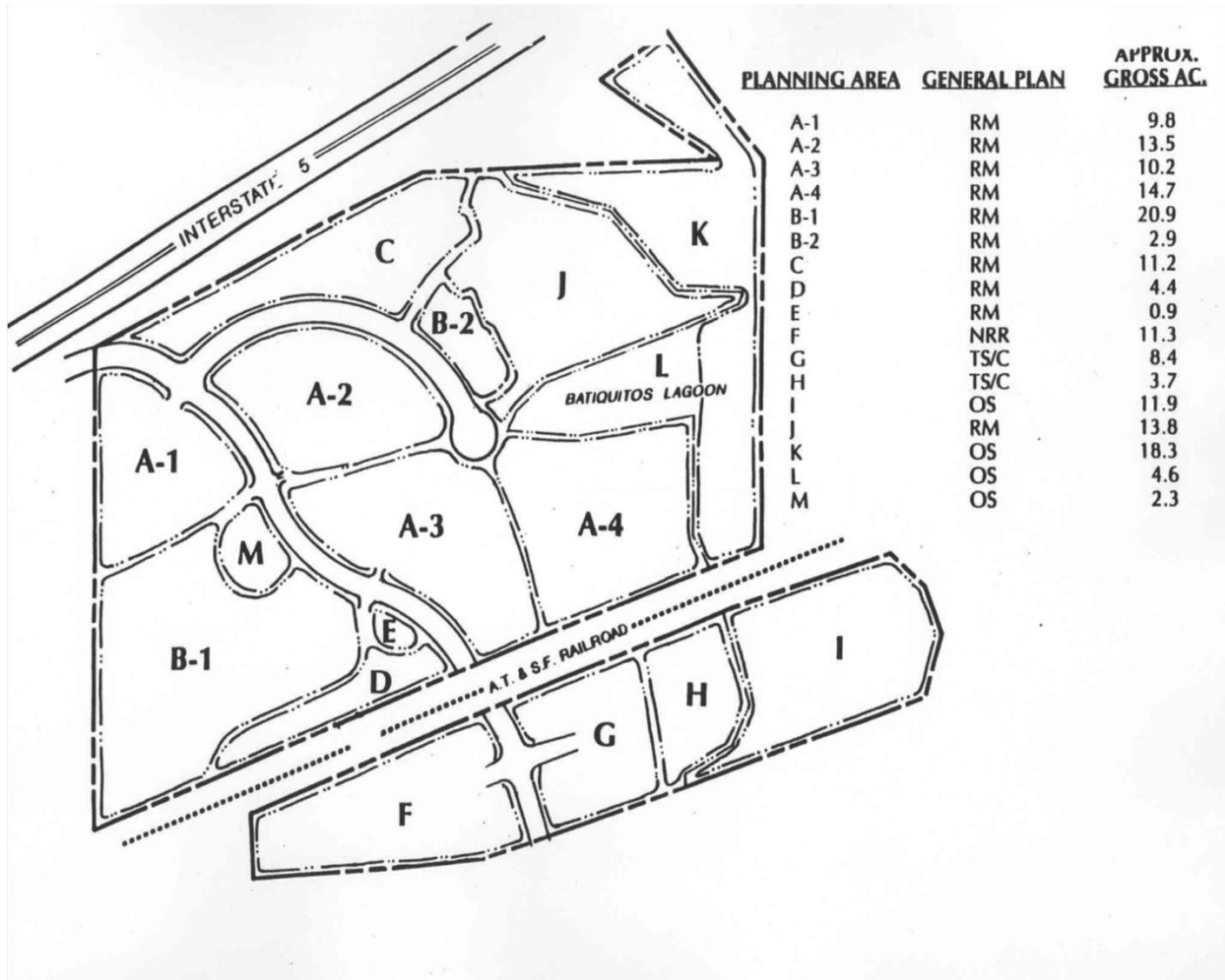
When Kaiza acquired the BLEP MP-175 and its vacant land only the State Campground, Lakeshore Gardens, Ralphs Center, and now Rosalena were approved/existing developments at Ponto. Kaiza proposed a Master Plan Amendment to delete the BLEP MP-175 and all its developable land uses, except for the only portion of Phase I developed – the 75 unit Rosalena subdivision. The pre-BLEP MP pre-zoned (and General Planned) constrained/undevelopable Lagoon waters and lagoon bluff Open Spaces and the CA Coastal Act (LCP) required bluff top setbacks were the only Open Spaces retained in Kaiza's proposed General Plan land use and Master Plan Amendments.

Most all of the BLEP MP-175 (and Ponto/LFMP-9) land area was still undeveloped at the time Kaiza proposed changing all the General Plan land uses at Ponto and eliminating the usable Open Space in BLEP MP.

Kaiza's General Plan land use and Master Plan 'Amendments' made radical land use changes that converted some critical Useable GM Open Space to residential land use and also reduced some GM Open Space provided in BLEP MP. Following is Kaiza's Amended General Plan land use map and bullet summary of the major Open Space changes without getting into a very detailed forensic analysis:

- Eliminated the 12.8 acre Recreation Commercial land use.
- Eliminated the minimum 30' wide landscaped Open Space on both sides of Windrose Circle for the large unbuilt portions of Windrose Circle
- Reduced by 10' the landscaped Open Space on the smaller built portion of Windrose Circle
- Eliminated on 40.3 acres the additional minimum 30' wide landscaped setbacks between buildings
- Reduced BLEP's 2.8 acres of private recreation open space to 2.3 acres
- Except for the Rosalena (BLEP Area C) and (PSMP Area J), maintained the 45' to 50' landscaped setbacks from the Batiquitos Lagoon Bluff edge
- Eliminated the 75' landscaped separation between BLEP MP Areas C and D

- Eliminated the 70' landscaped separation between BLEP MP Areas D and E
- Maintained the 25' landscaped setback along Avenida Encinas. [However new Master Plan Amendments MP-175L propose reducing the setback to 10' on the undeveloped frontage of Avenida between PCH and the railroad tracks]
- Placed a road in most of the 80' landscape setback between Lakeshore Gardens
- Eliminated the 50' landscaped setback between BLEP MP Areas F and I
- Eliminated the 75' landscaped separation between BLEP MP Areas G and H
- Added a 20' wide by 1,000' long landscaped strip for an HOA trail



Kaiza's Master Plan Amendment MP 175 (D) eliminated the 12.8 acre Open Space land use (with an associated General Plan Amendment to add more residential land use) and reduced the other useable Open Spaces required in the BLEP MP. When the 1994 Kaiza MP 175 (D) General Plan Amendments were proposed, it seemed they voided the '1986 GM Open Space exemption' that was clearly specific only to the 1986 BLEP MP land uses and regulation. Although this was a false exemption, the exemption only applied to the complete/integrated land use and open space provided in the 1986 BLEP MP. The 1986 exemption specific to BLEP MP could not apply to a different and later 1994 General Plan land use plan that eliminated the 12.8 acre Recreation Commercial (Open Space) site to add residential land use

and that also reduced the GM compliant Open Space provided in the 1986 BLEP MP. 21.90.030(b) notes that:

“(b) No zone change, general plan amendment, master plan amendment or specific plan amendment which would increase the residential density or development intensity established by the general plan in effect on the effective date of this chapter shall be approved unless an amendment to the citywide facilities management plan and the applicable local facilities management plan has first been approved.”

The 1994 Kaiza General Plan land use and Master Plan (MP 175(D)) Amendments removed 12.8 acres of Recreation Commercial (GM compliant Open Space) to add residential land use. This violated 21.90.030(b) by doing so without a first providing a Citywide Facilities Plan Amendment that analyzed the actual amount of GM compliant Open Space being proposed in the 1994 Kaiza MP 175(D) relative to the 1986 BLEP MP on which the 1986 GM Open Space exemption for LFMP-9 was based. MP 175(D) is noted in the MP as follows:

- “MP 175 (D) Kaiza Poinsettia Master Plan To **replace educational uses with residential land uses** And rename to Poinsettia Shores Master Plan (was) Approved Planning Commission Resolution No. 3552, November 3, 1993, Approved City Council Ordinance No. NS-266, January 18, 1994.”

Kaiza’s MP 175(D) inaccurately and bizarrely claimed BLEP MP’s prior false exemption from the GM Open Space Standard as the justification that Kaiza’s new 1994 Open Space land use changes that seem to reduce the amount of GM complaint Open Space in the 1986 BLEP MP are also exempt from the GM Open Space Standard. **Kaiza’s MP 175(D) claims the pre-Growth Management and pre-BLEP MP Constrained/Undevelopable lagoon waters and bluff habitat that per the 15% Growth Management Open Space Standard CAN NOT be counted as meeting the 15% GM Open Space Standard can be magically counted as meeting the 15% GM Open Space Standard. The GM Open Space Standard specifically states that only Unconstrained/Developable lands CAN BE counted as meeting the GM Open Space Standard.** The stated principles of Growth Management, the Growth Management Ordinance 21.90 and the Growth Management Open Space Standard DO NOT allow a developer or the City to count already documented Constrained and unbuildable habitat (and water) as Unconstrained and developable land. You can’t just turn ‘an apple into a banana by saying it’, or turn ‘Constrained/Undevelopable land into Unconstrained/Developable land by just saying it.

Compliance with the law in this Open Space issue is a part of a current lawsuit by North County Advocates a group of Citizens watchdogs. The City has unsuccessfully tried to diminish this lawsuit. A judge/jury will determine the outcome.

Additional MP 175 Amendments have been proposed by and approved to further modify land use and regulatory limitations at Ponto. These include:

- MP 175(E) Poinsettia Shores Master Plan, Redefinition of minor amendment to provide a flexible regulatory procedure to encourage creative and imaginative planning of coordinated communities, WITHDRAWN November 1, 1994

- MP 175(F) Poinsettia Shores Master Plan minor amendment to actualize off-site option for provision of 90 affordable housing dwelling units, Approved Planning Commission Resolution No. 3774, April 19, 1995
- MP 175(G) Poinsettia Shores Master Plan minor amendment to adopt Coastal Commission Suggested modifications, Approved Planning Commission Resolution No. 3922, June 5, 1996 Approved City Council July 16, 1996, NS-367
- MP 175(H) Poinsettia Shores Master Plan - major amendment FOR HOTEL AND TIMESHARE USES, WITHDRAWN January 16, 2003
- MP 175(I) Poinsettia Shores Master Plan – Rosalena Trail Amendment, WITHDRAWN January 8, 2002
- MP 175(J) Poinsettia Shores Master Plan – major amendment for Carlsbad Coast Residential project to allow RM land use on Poinsettia Shores, WITHDRAWN January 8, 2002
- MP 175 (K) Poinsettia Shores Master Plan – Ponto Area Specific Plan Mixed use consisting of residential, commercial and retail uses, WITHDRAWN August 19, 2004
- MP 175(L) Poinsettia Shores Master Plan – Major amendment for commercial and residential development on Planning Area F, Still being proposed by developers and being processed by the City.

The false exemption for the BLEP MP based LFMP-9 should never have occurred. However, completely eliminating BLEP MP’s OpenSpace land use (12.8 acre Recreation Commercial) and reducing BLEP MP’s required Open Space while at the same time claiming the false BLEP MP Open Space Exemption is a violation of common sense, 21.90, and the very founding principles Growth Management.

The CA Coastal Commission in MP 175 (G) in part recognized the elimination of the 12.8 acre Recreation Commercial land use and maybe some of the Open Space land use changes and added the following land use regulations for 11.1 acre Planning Area F in the Carlsbad’s Local Coastal Program LCP). The LCP as per State Law and referenced in Carlsbad’s General Plan is the controlling land use regulation over the General Plan, Poinsettia Shores Master Plan and in the Coastal Zone:

“PLANNING AREA F: Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to nonresidential, however, since the City's current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned”

General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

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.”

In 2010 the CA Coastal Commission in 2010 rejected the Ponto Beachfront Village Vision Plan on which MP 175(K) was based. MP 175(K) was withdrawn.

On July 3, 2017 the CA Coastal Commission provided direction to the City of Carlsbad regarding MP 175(G), Carlsbad’s 2015 General Plan Update, Carlsbad proposed Local Coastal Program Amendment Land Use Plan (LUP) . CA Coastal Commission wrote to the City the following. Notes on the context of communication are in bracketed italics *[example]*:

“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. *[the discussion of the need for the City to conduct a citywide analysis of the location and amount of these uses in the Coastal Zone to assure the City General Plan within the Coastal Zone is providing the adequate amounts and locations of these land uses to fulfill the long-term population/visitor needs for these uses according to the CA Coastal Act]* **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.”**

In 2017 the City conducted the first Sea Level Rise (SLR) Vulnerability Assessment <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=33958> . That first initial analysis, shows significant SLR impacts that will reduce existing Ponto Open Space - the State beach and Campground and along the Batiquitos Lagoon. The City identified SLR impacts on Ponto Open Space are summarized in the next section of this history.

In 2023 the CA Coastal Commission will consider the data and public input and decide the appropriate land use for 11.1 acre Planning Area F based the CA Coastal Act and Coastal Act land use policies.

You can determine the Open Space and Park Quality of Life Standards that will be applied to this and other future land uses.

[City assessment of Sea Level Rise impacts on reducing Ponto Open Space](#)

The City's 2017 SLR assessment shows SLR will significantly reduce or eliminate only existing Open Space land at Ponto. The City's assessment quantifies the sporadic/episodic loss of Ponto/Coastal South Carlsbad Open Space land and land uses being at the State Campground, Beaches, and Batiquitos Lagoon shoreline – about 32 acres by the year 2100, this would be an average loss of 17,000 square feet of Open Space per year. Following (within quotation marks) is a description, quantification and images of the City's projected loss of Ponto/Coastal South Carlsbad Open Space land and land use due to SLR. *[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]:

Asset	Horizon			Vulnerability
<u>Category</u>	<u>[time]</u>	<u>Hazard Type</u>	<u>Impacted Assets</u>	<u>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,</i>	High
<i>See Figure 5.]</i>				
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

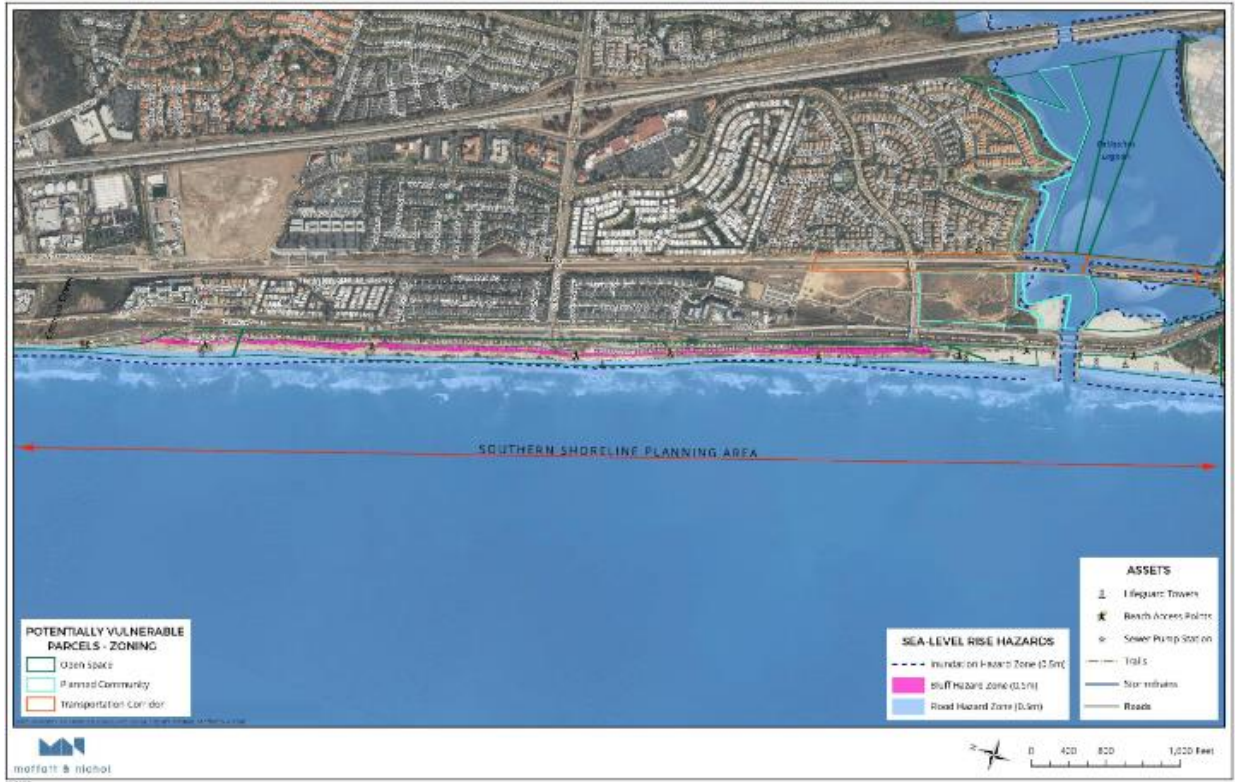


Figure 7: Southern Shoreline Planning Area – Year 2050

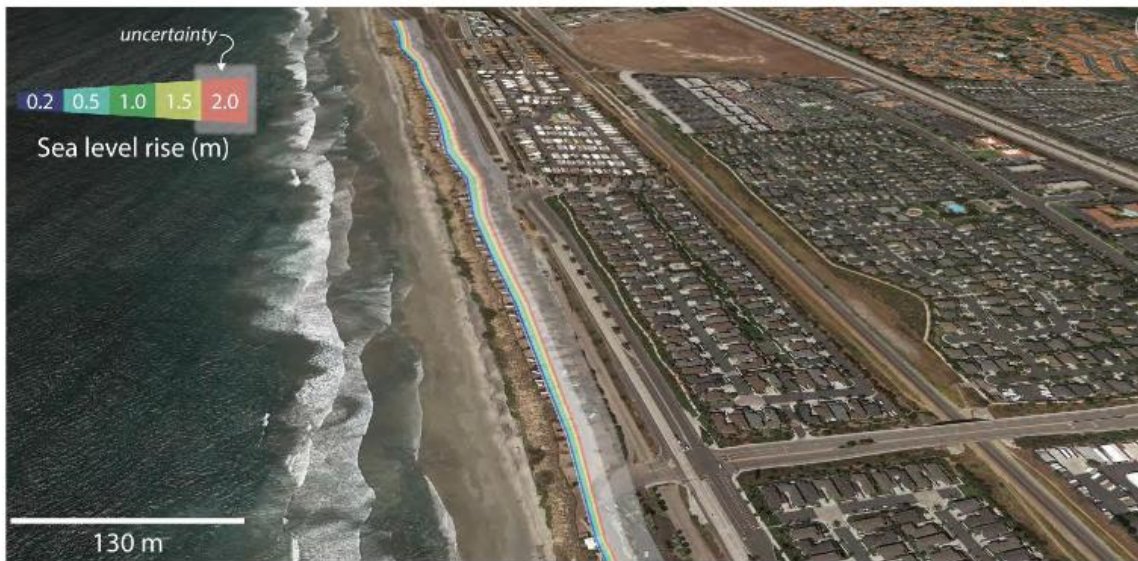
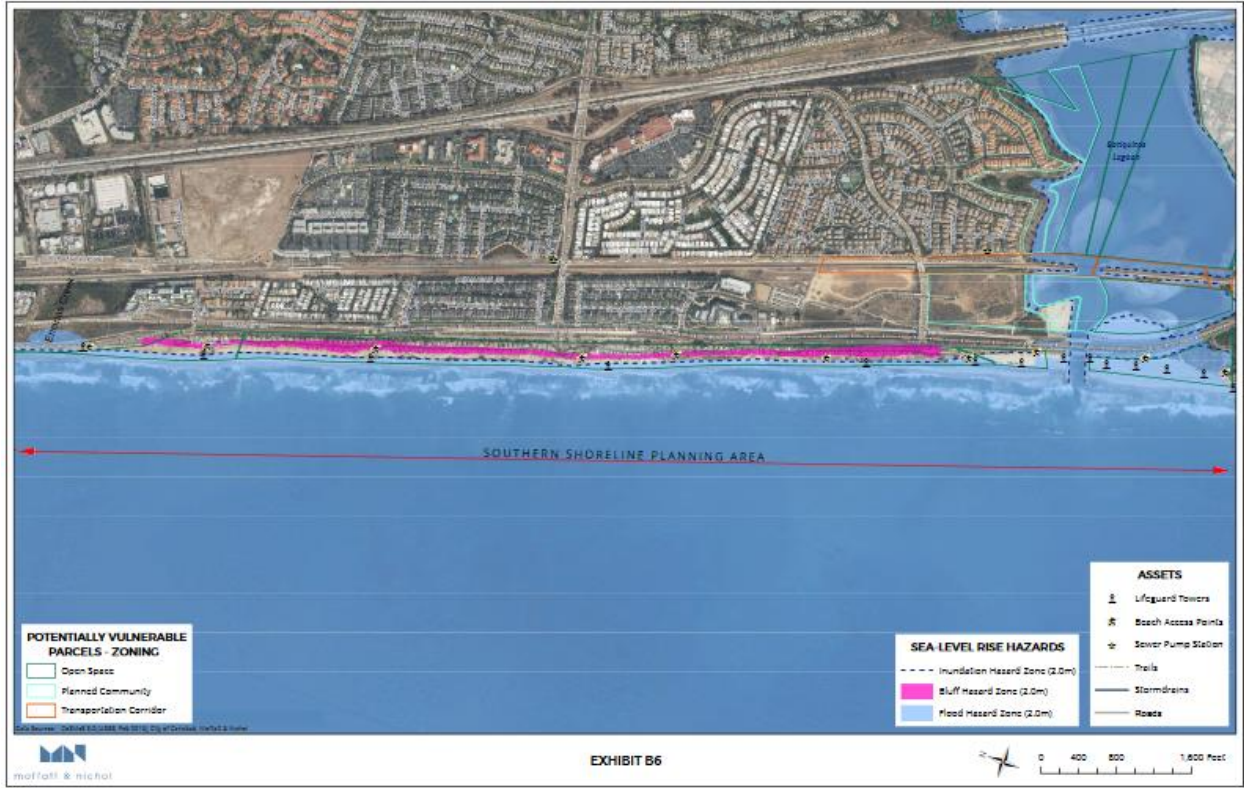


Figure 5: CoSMoS Bluff Erosion Projections by 2100
(CoSMoS-COAST 2015)

[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.]”

This 2017 SLR data and quantified losses of Ponto/Coastal South Carlsbad Open Space land and land uses was not considered in the City’s rejected (by CCC) Ponto Beachfront Village Vision Plan. The Ponto Vision Plan is the basis for the City’s 2015 General Plan Update that is now being proposed in the City’s Local Coastal Program Amendment now before the CA Coastal Commission.

Summary:

LFPM-9 was clearly not developed in 1986, and did not then or now dedicate 15% of the unconstrained/developable land as Open Space as required by the Growth Management Open Space Standard. These two reasons for the City to “exempt” LFMP-9 from Open Space Standard were/are False. Saying Constrained/undevelopable land can be counted as Unconstrained/developable land is also false and clearly not allowed according to the Growth Management Ordinance, Standards, principles, and common-sense honesty to Carlsbad Citizens. LFMP-9, as the City’s own maps/data base show is clearly missing 30-acres of GM Open Space. In addition in 2017 we learned that Ponto/Coastal South Carlsbad will lose about 32 acres of existing Open Space due to SLF.

Closing thoughts:

Growth Management is based on the type/amount/location of General Plan land use designations, the development potential of those land use designations in creating the demand for the type/amount/location of facilities, and supply of the type/amount/distribution of facilities – like Open Space and Parks. If the type/amount/location of supply of facilities does not meet the demand for those facilities then growth management fails and Quality of Life is reduced.

Quality of Life Standards are used to assure supply and demand for facilities is properly balanced with respect to type/amount/location.

Ponto is clearly unbalanced. The Ponto Census Tract is at a 40% higher population density than the rest of Carlsbad, yet is Ponto is NOT meeting the Open Space Standard and has NO Park (see City Open Space maps and Park Master Plan). Ponto and all South Carlsbad have higher population demand for Parks and Open Space facilities yet Ponto (that is the only place to provide Coastal Park and Open Space needs for South Carlsbad) has lower or none of those two most critical GM Facilities needed to balance and mitigate the 40% higher population density at Ponto and also the higher residential density in South Carlsbad.

Ponto and Coastal South Carlsbad also have additional State and regional responsibilities to provide Coastal Recreation and Open Space for populations of people and visitors from outside of Ponto and Carlsbad.

This failure to honestly and adequately balance the type/amount/location higher population density by providing higher levels of Parks and Open Space in those areas will lead to a slow and but eventual reduction of the Quality of Life for those areas.

Common sense and the Carlsbad's Growth Management law say if you change the land use (like what was done and is still being proposed at Ponto) you change the type/amount/location of potential development and population and the Growth Management impacts. Land use changes require and honest/accurate/balanced update to Citywide and Local Growth Management Plans to accurately reflect those changes and provide an updated plan to provide facilities that meet the Standards for those land use changes. This is the fundamental heart of any Growth Management.

The Carlsbad Tomorrow Growth Management Committee, and City Commissions and Council are all now facing the same issues and responsibility that we faced in the 1980's at the beginning of Growth Management. We established New Quality of Life Standards – for Open Space and Parks – that required New investments in Parks and Open Space by both the City and developers.

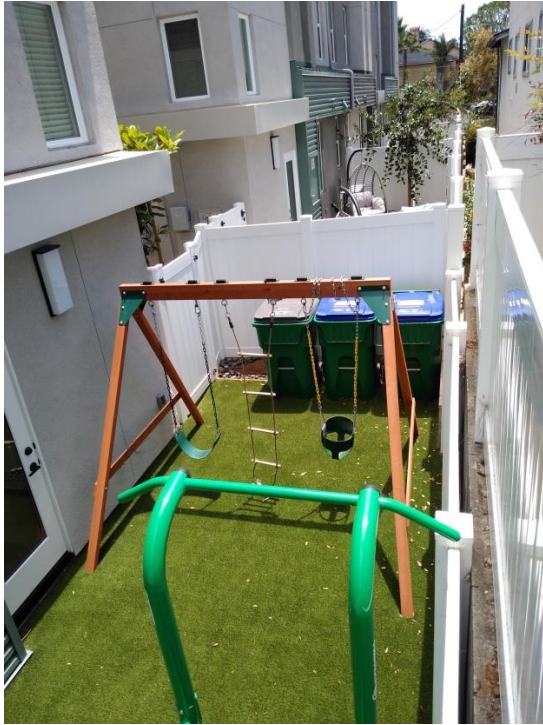
Open Space and Parks have always been identified as most critical for Carlsbad's quality of life. The Carlsbad Tomorrow Growth Management Committee, and City Commissions and Council, and Carlsbad Citizens are all at a critical crossroad.

- Do we, or don't we, enforce and set new standards that achieve the quality of life we desire?
- Do we or don't we, fix existing past errors and below desired standard situations?
- Do we or don't we, roll-up our sleeves a work together to a better Quality of Life?

As a long-time Carlsbad Citizen I am extremely disappointed by some who say we can't fulfill our Community Vision, we can't fix things, can't make things better, and can't add more Parks and Useable Open Space. This can't attitude is not out Community Vision. We can and we did before, and we can do it again and better.

Great cities for hundreds of years have Upgraded their Quality of Life Facility Standards, made and implemented/funded facilities to fix things up to those Standards. A City is just like a business or person - If you don't improve you decline. Examples of Upgrading and funding to New Parks and Open Space are many but include – Carlsbad's Buena Vista Reservoir Park, additions to Pine Park, Village H Park, and Aura Circle Open Space acquisition; and SDSU's major new Park at the redeveloped Qualcomm Stadium site.

Now like at the beginning of Carlsbad Growth Management the City can “despite previous city council actions” make improvements to its Growth Management and Quality of Life Standards to address past and future needs. Following illustrates existing R-23 (up to 23 dwellings per acre) development in Carlsbad – most of our future residential development will be required to be like this or more dense.



High-density housing can be great, but it requires MORE Parks and MORE useable Open Space within walking distance to balance the density and provide large places for families and kids to really play. In Carlsbad's high-density residential future with no backyards and stacked flat multi-family homes the need for both more Parks and Useable Open Space is much greater than in 1980's.

The time to fix the Parks and Useable Open Space problems at Ponto (LFMP-9) is now. Already Ponto is developed at a density that is 40% great than the rest of Carlsbad. New proposed and even higher-density developments (developer driven Amendments) propose to make Ponto even more dense, yet there are not Parks at Ponto and Ponto is missing 30-acres of Useable Open Space past developers should have provided.

A doable, time-tested, accountable, tax-payer saving, strongly citizen desired, accountable, and honest way to fix this was presented to you in 8/8/22 and 12/27/22 emails with attached "CTGMP Key Issues and Suggestions – 2022-12-6". Over 5,000 petitions expressing the need to fix the Park and Open Space problems at Ponto have been sent to the City and the City should have provided these to you in considering Park and Open Space issues.

Ponto Park and Open Space needs your help fixing NOW. If not Carlsbad Tomorrow will be less than it is today, and tragically will have failed our Community Vision.

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

Introduction:

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

Open Space and City Park demand at Ponto:

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

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

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

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



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

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

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

472 Acres
(197 Acres)
 275 Acres
X 15%
 41 Acres
(11 Acres)
30 Acres

Total land in LFMP Zone 9 [Ponto]
 Constrained land excluded from GMP Open Space
 Unconstrained land in LFMP Zone 9 [Ponto]
 GMP Minimum Unconstrained Open Space requirement
 GMP Minimum Unconstrained Open Space required
 GMP Open Space provided & mapped per City GIS data
Missing Unconstrained Open Space needed in LFMP Zone 9 [Ponto] to meet the City's minimum GMP Open Space Standard per City's GIS map & data

73% of the City's minimum 15% required Open Space Standard is missing due to over development of LFMP Zone 9 [Ponto]

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

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

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

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

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

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

5.3.1. Beaches

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

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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

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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
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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
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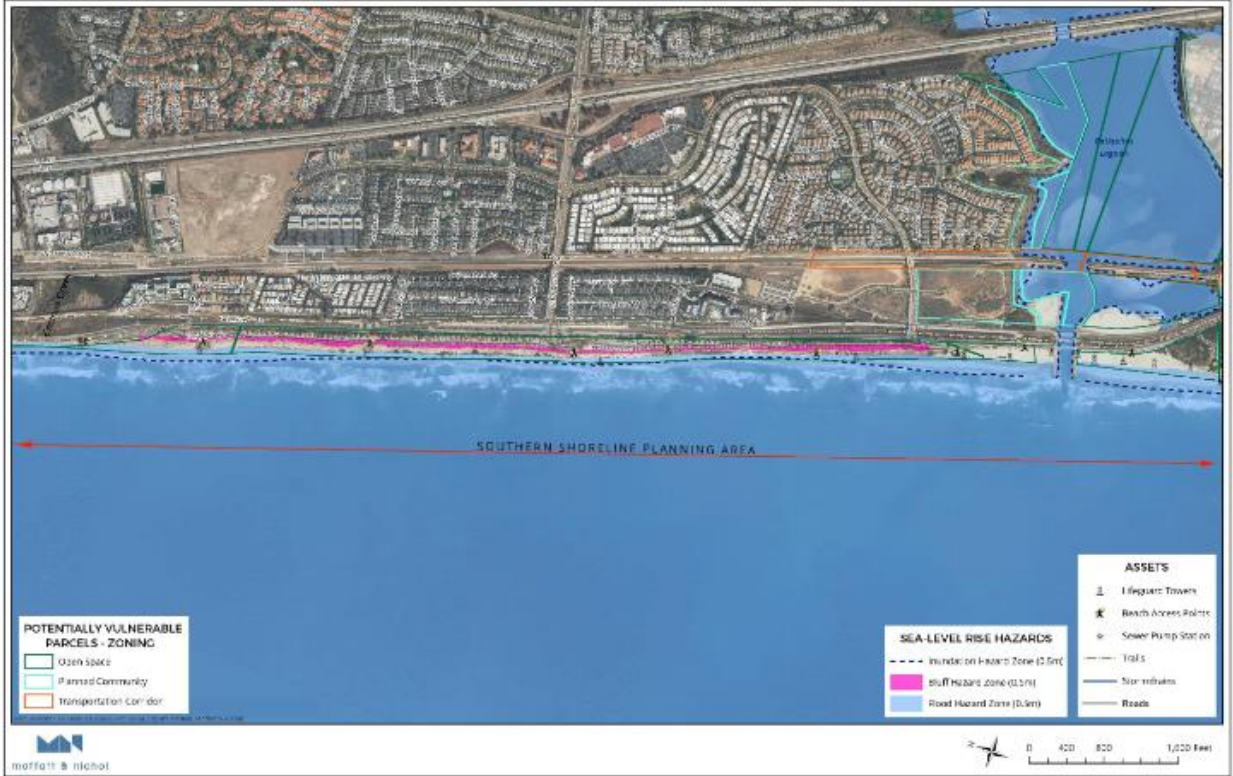


Figure 7: Southern Shoreline Planning Area – Year 2050

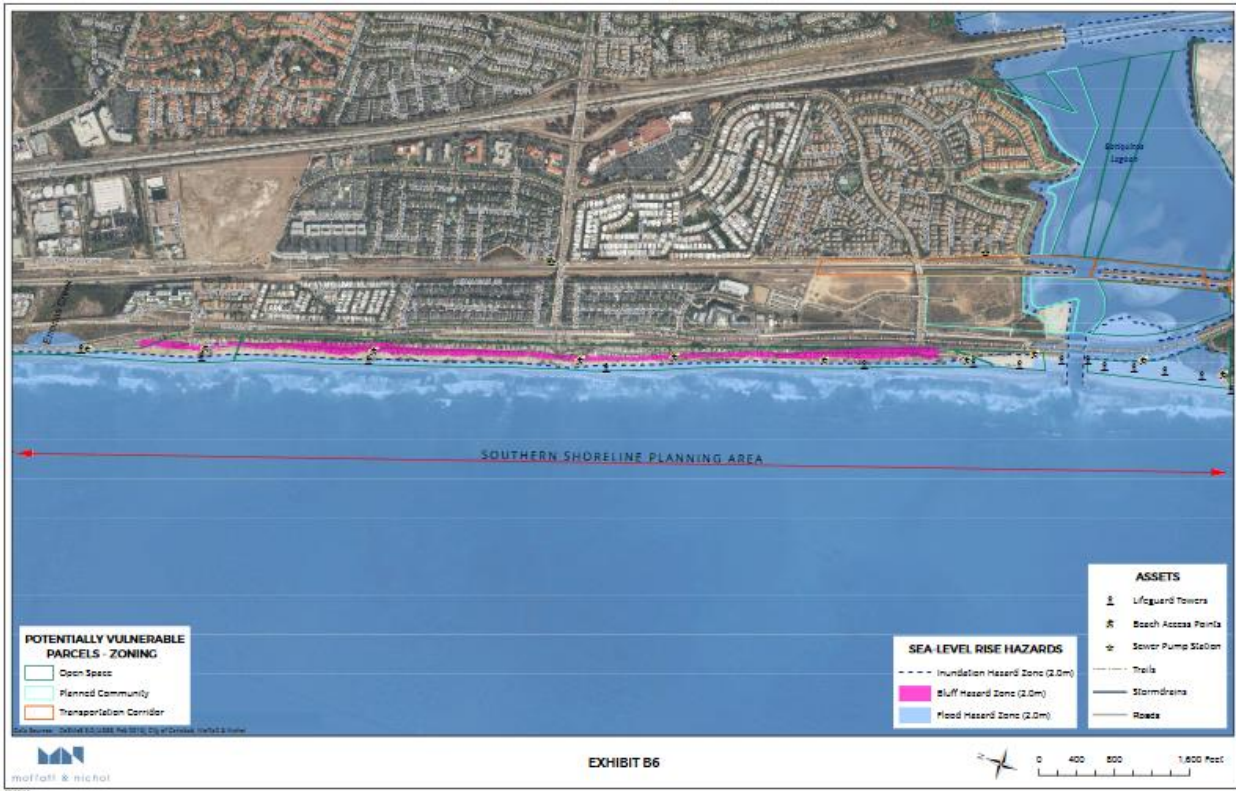




Figure 5: CoSMoS Bluff Erosion Projections by 2100
(CoSMoS-COAST 2015)

[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.



March 11th, 2022

Carlsbad City Council
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Support creation of Ponto Park – a needed park for South Carlsbad

Dear Mayor Hall,

The Trust for Public Land (TPL) is strongly supporting the efforts of ‘People for Ponto’ and thousands of Carlsbad residents to build Ponto Park in the 11-acre coastal parcel known as ‘Planning Area F’ in South Carlsbad. For over 40-years TPL has been designing and building parks in California and although we have world-class parks and beaches, the fact remains 3.2 million Californians don’t have access to a park, and some of those Californians are residents of South Carlsbad. While the National Recreation and Park Association calls for 10-acres of park lands per 1000 residents as standard metric for healthy and vibrant cities, Carlsbad has a comparatively and relatively low park standard of only 3-acres/1,000 population and no requirement to provide accessible parks within walking distance.

And according to our own Trust for Public Land 2020-21 ‘City Parkscore’, Carlsbad is also below national averages both providing park land acreage and in providing residents a park within a 10-minute walk.

The City of Carlsbad’s Park Master Plan on pages 86-89 documents park service and park equity/inequity. Carlsbad’s Park Master Plan documents that Ponto area has no park and all of South Carlsbad (over 61% of the entire city population) has no Coastal Park while . Carlsbad provides 10 City Coastal Parks (totaling over 35-acres) in North Carlsbad, while South Carlsbad has no coastal parks to serve the 64,000 residents, many of which are children. Ponto Park at 11-acre Planning Area F is the last remaining reasonable bit of vacant and currently unplanned Coastal land to provide a Coastal Park for South Carlsbad. Ponto Park would also be in the middle of a 6-mile long section of North San Diego County coastline without Coastal Park, and would help address a regional need for a Coastal Park for these 6-miles of coastline.

The CA Coastal Act has numerous policies that support the creation of Ponto Park and Coastal Recreation land use. The City of Carlsbad’s history of following these CA Coastal Act polies now and over the past 40-years in its Local Coastal Program should be considered now in the City’s proposed Local Coastal Program Amendment. Over the past 40-years Carlsbad and California residents have forever

lost numerous opportunities to create vital Coastal Parks and Coastal Recreation for our growing population.

In addition to the clear need for coastal parks in South Carlsbad, the citizens are overwhelmingly supporting the creation of Ponto Park in Planning area F. As you know during the past 2-years during the City Budget and Local Coastal Program Amendment processes, residents strongly demonstrated their desire that the City Council purchase and build Ponto Park. In 2019, 2020 and 2021 over 90% of citizen input expressed need was for Ponto Park, along with extensive verbal and written citizen testimony.

As COVID-19 vividly pointed out, parks are not an amenity, but a key component to human physical and mental health. Parks also provide environmental benefits and contribute to cleaner air and water, climate adaptation and social cohesion. TPL think you have a great opportunity to address equity and access to park space and improving the lives of thousands of Carlsbad residents and strongly urge you to support the building of Ponto Park for families and community.

Sincerely,

Rico Mastrodonato
Government Relations Director