



Staff Report

Item No.

1

P.C. AGENDA OF: December 2, 2020

Application complete date: N/A

Project Planner: Jennifer Jesser

Project Engineer: N/A

SUBJECT: **LCPA 15-07/ZC 2020-0002/AMEND 2020-0016 (DEV15061)/AMEND 2020-0014 (DEV08014) – Local Coastal Program Update** – A request for a Planning Commission recommendation of approval of a comprehensive Local Coastal Program Land Use Plan update, including associated amendments to other components of the Local Coastal Program – Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan. The preparation and adoption of a local coastal program by a local government is statutorily exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15265.

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No. 7389 **RECOMMENDING APPROVAL** of a Local Coastal Program Land Use Plan update (LCPA 15-07) and associated Zone Change (LCPA 15-07/ZC 2020-0002), Poinsettia Shores Master Plan Amendment (LCPA 15-07/AMEND 2020-0016) and Village and Barrio Master Plan Amendment (LCPA 15-07/AMEND 2020-0014), based on the findings contained therein.

II. PROJECT DESCRIPTION

The draft City of Carlsbad Local Coastal Program Land Use Plan (Attachment 1, Exhibit 1A), with associated zone changes, Poinsettia Shores Master Plan amendment (Attachment 1, Exhibit 1C) and Village and Barrio Master Plan amendment (Attachment 1, Exhibit 1D), reflect a comprehensive update to the city’s Local Coastal Program. The objectives of the update are to be consistent with the California Coastal Act, recent guidance from the California Coastal Commission, and the city’s General Plan (adopted in 2015).

III. BACKGROUND

A. California Coastal Act and Purpose of Local Coastal Programs

The California Coastal Act of 1976 was approved by a voter initiative to “ensure maximum public access to the coast and public recreation areas.” Ever since, cities along the California coast (within the Coastal Zone) have been required to prepare a Local Coastal Program to show how the cities will implement the act. In Carlsbad, about 37% of the city is in the Coastal Zone (Figure 1-2 of the draft Local Coastal Program Land Use Plan shows the Coastal Zone boundary in Carlsbad).

Per the Coastal Act, a local coastal program is required to address the following topics:



Table 1: Topics Addressed in a Local Coastal Program

Topic	Description
Public access	Protection of public access to the sea, coastal beaches and recreational opportunities
Recreation	Protection of certain water-oriented activities and land for recreational use
Marine environment	Protection of marine resources, including biological productivity and water quality
Land Resources	Environmentally sensitive habitat areas, agriculture, archaeological and paleontological resources
Development	Location, scenic and visual qualities, maintenance and enhancement of public access, minimization of adverse impacts, public facilities to meet needs of development, and priority of coastal-dependent development

Local coastal programs are basic planning tools that allow local governments to permit development in the coastal zone consistent with the Coastal Act. After a local coastal program land use plan and an implementation plan (such as a zoning ordinance) are certified by the Coastal Commission, the authority to approve or deny coastal development permits is transferred to the local government; however, the Coastal Commission retains permanent authority to approve or deny coastal development permits for development proposed on tidelands, submerged lands, and public trust lands.

Following adoption and certification of the city's draft Local Coastal Program Land Use Plan, Carlsbad's implementation plan (zoning ordinance) will be updated consistent with the updated land use plan policies.

B. History of Carlsbad's Local Coastal Program Land Use Plan

The city's existing Local Coastal Program consists of six land use plans that apply to six specific geographic segments of the city's Coastal Zone:

- Agua Hedionda Lagoon segment
- Mello I segment
- Mello II segment
- East Batiquitos Lagoon/Hunt Properties segment
- West Batiquitos Lagoon/Sammis Properties segment
- Village and Barrio segment

Draft Local Coastal Program Land Use Plan Figure 1-3 shows the boundaries of the existing Local Coastal Program segments. The draft Local Coastal Program Land Use Plan proposes to merge all six segments and create one unified plan for all of Carlsbad's Coastal Zone. Policies related to specific geographic or resource areas (e.g., the Village and Barrio, and areas subject to the Habitat Management Plan) are still important components of the plan and are clearly identified in each chapter.

Draft Local Coastal Program Land Use Plan Chapter 1 provides more information about the history of Carlsbad's Local Coastal Program.

C. Relationship to the General Plan

Carlsbad's Local Coastal Program Land Use Plan and General Plan both provide policies that guide the physical development of Carlsbad's Coastal Zone; however, the General Plan is not a component of the Local Coastal Program. While they are two separate documents, some of the descriptive text and some of the policies are the same. Detailed discussion of Coastal Act requirements and goals is included only in the Local Coastal Program Land Use Plan, while issues that are not directly relevant to the Coastal Act are covered only in the General Plan. The Coastal Commission does not have authority to take any action related to the General Plan.

D. Why Update Carlsbad's Local Coastal Program Land Use Plan

The primary reasons and objectives for updating the Local Coastal Program Land Use Plan are:

1. State Grants

In November and December 2014, the Coastal Commission and Ocean Protection Council awarded the city two grants (\$228,000 total) to conduct a sea level rise vulnerability analysis and comprehensively update the city's Local Coastal Program. The draft Local Coastal Program Land Use Plan and City of Carlsbad Sea Level Rise Vulnerability Assessment (Appendix B of the draft Local Coastal Program Land Use Plan) were partially funded by the state grants.

2. Current Conditions and Coastal Commission Guidance

The city's Local Coastal Program has not been comprehensively updated since its original adoption in the 1980s and does not adequately address all current topics/requirements, such as sea level rise hazards. The Coastal Commission has, in recent years, provided guidance on information to be included in a local coastal program update. The update of the Local Coastal Program Land Use Plan, including the sea level rise vulnerability assessment, were prepared in consultation with local Coastal Commission staff and are based, in part, on adopted and draft guidance from the California Coastal Commission:

- California Coastal Commission Sea Level Rise Policy Guidance; August 2015; revised November 2018 (<https://www.coastal.ca.gov/climate/slrguidance.html>)
- Draft California Coastal Commission Residential Adaptation Policy Guidance – Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs; March 2018 (<https://documents.coastal.ca.gov/assets/climate/slr/vulnerability/residential/RevisedDraftResidentialAdaptationGuidance.pdf>)
- California Coastal Commission Local Coastal Program (LCP) Update Guide Part I – Updating LCP Land Use Plan (LUP) Procedures; April 2007; revised July 2013 (<https://www.coastal.ca.gov/rflg/lcp-planning.html>)

3. Consistency with the 2015 General Plan

The scope of work for the General Plan update, which was approved by the city in 2015, originally included a corresponding comprehensive Local Coastal Program Land Use Plan update to ensure consistency between the two land use policy documents. The two policy documents address many of

the same topics and it is important that the policies align and do not conflict. However, due to the complexity of the General Plan update, it was not feasible to comprehensively update the Local Coastal Program and the General Plan at the same time. Therefore, the Local Coastal Program update was deferred until after the General Plan update. The Local Coastal Program Land Use Map was updated concurrently with the General Plan update, but the policies of the Local Coastal Program Land Use Plan were not updated. A primary focus of the proposed Local Coastal Program update is to update its policies consistent with the 2015 General Plan update.

4. Obsolete and Repetitive Policies

The existing Local Coastal Program land use plans contain site-specific policies that have been implemented (through development) or are repeated numerous times for various sites throughout the Coastal Zone (e.g. existing policies related to water quality protection are repeated multiple times on a site-specific basis). The draft Local Coastal Program Land Use Plan proposes to replace most of these obsolete/repetitive site-specific policies with policies that protect coastal resources and access to the coast on a Coastal Zone-wide basis. However, site/area-specific policies that are still relevant and unique to a site/area are addressed in the draft Local Coastal Program Land Use Plan.

E. Scope of Local Coastal Program Land Use Plan Update

The scope of work for the Local Coastal Program Land Use Plan update is limited to updating existing Local Coastal Program policies to be consistent with the California Coastal Act, recent guidance from the California Coastal Commission, and the city's 2015 General Plan. The scope of work for the update does not include revisioning of land uses in the Coastal Zone, as the Local Coastal Program update relies on the land use planning done for the 2015 General Plan. The land use planning completed for the 2015 General Plan included development of the Carlsbad Community Vision, as well as analysis of the future use of vacant and underdeveloped lands throughout the city, which resulted in a "preferred land use plan" recommended by a 19-member citizens committee and approved by the City Council.

Although five years has passed since the General Plan was adopted, the General Plan land use planning process remains relevant and applicable to the Local Coastal Program Land Use Plan update. The General Plan and Local Coastal Program Land Use Plan are long-range land use planning documents. The land use policies are intended to guide development for at least 20 years. Long-range, comprehensive land use planning efforts are not conducted on a regular basis and require significant time and resources. On occasion, however, in between comprehensive updates, the city may decide there is a need to reevaluate land use policies for a specific site or area and initiate a site/area-specific planning effort. The scope of work for the Local Coastal Program Land Use Plan update does not reevaluate land use for any site, except in the context of updating existing Local Coastal Program land use policies to be consistent with the General Plan.

F. Community Participation

As mentioned above, the Local Coastal Program Land Use Plan update relies on the land use planning completed as part of the 2015 General Plan update. The land use policies of the General Plan, and now proposed as part of the Local Coastal Program, were established through an extensive community participation effort. Approximately 8,000 community members directly participated in activities such as workshops, community surveys, and other public meetings. The following is a summary of the community participation activities conducted during the preparation of the General Plan land use policies:

Table 2: Land Use Policy - Community Participation Activities

19-member Envision Carlsbad Citizens Committee (EC3) meetings (18 meetings)	Two community workshops on land use alternatives
Stakeholder meetings (business organizations, developers, interest groups)	A citywide survey on land use alternatives
Meetings with the Planning Commission and City Council regarding the Carlsbad Community Vision, land use alternatives, the preferred land use plan, and draft General Plan	Website, media, newspaper, notices

In addition to the previous community involvement, the following community participation activities occurred during the Local Coastal Program Land Use Plan update:

Table 3: Additional Community Participation Activities

One community meeting introducing the Local Coastal Program update process and the topic of sea level rise	One community meeting and panel discussion regarding sea level rise adaptation
One community meeting introducing the draft Local Coastal Program Land Use Plan and initiating the public review process	Stakeholder meetings
Website, media, newspaper, notices	

IV. ANALYSIS

The following information is addressed in this analysis section:

- A. Format of proposed draft Local Coastal Program Land Use Plan
- B. Highlights of draft Local Coastal Program Land Use Plan
- C. Land use and zone changes
- D. Village and Barrio Master Plan and Poinsettia Shores Master Plan amendments
- E. Existing and proposed Local Coastal Program land use policies
- F. Significant new policies and hot topics
- G. Compliance with the city’s Growth Management Plan
- H. Consistency with the McClellan-Palomar Airport Land Use Compatibility Plan
- I. Recommended revisions to the draft Local Coastal Program Land Use Plan
- J. Public comments

A. Format of proposed draft Local Coastal Program Land Use Plan

The draft Local Coastal Program Land Use Plan is organized by chapters that are based on the topics addressed in the Coastal Act. Table 4 provides a summary description of the proposed draft Local Coastal Program chapters:

Table 4: Draft Local Coastal Program Land Use Plan Chapters

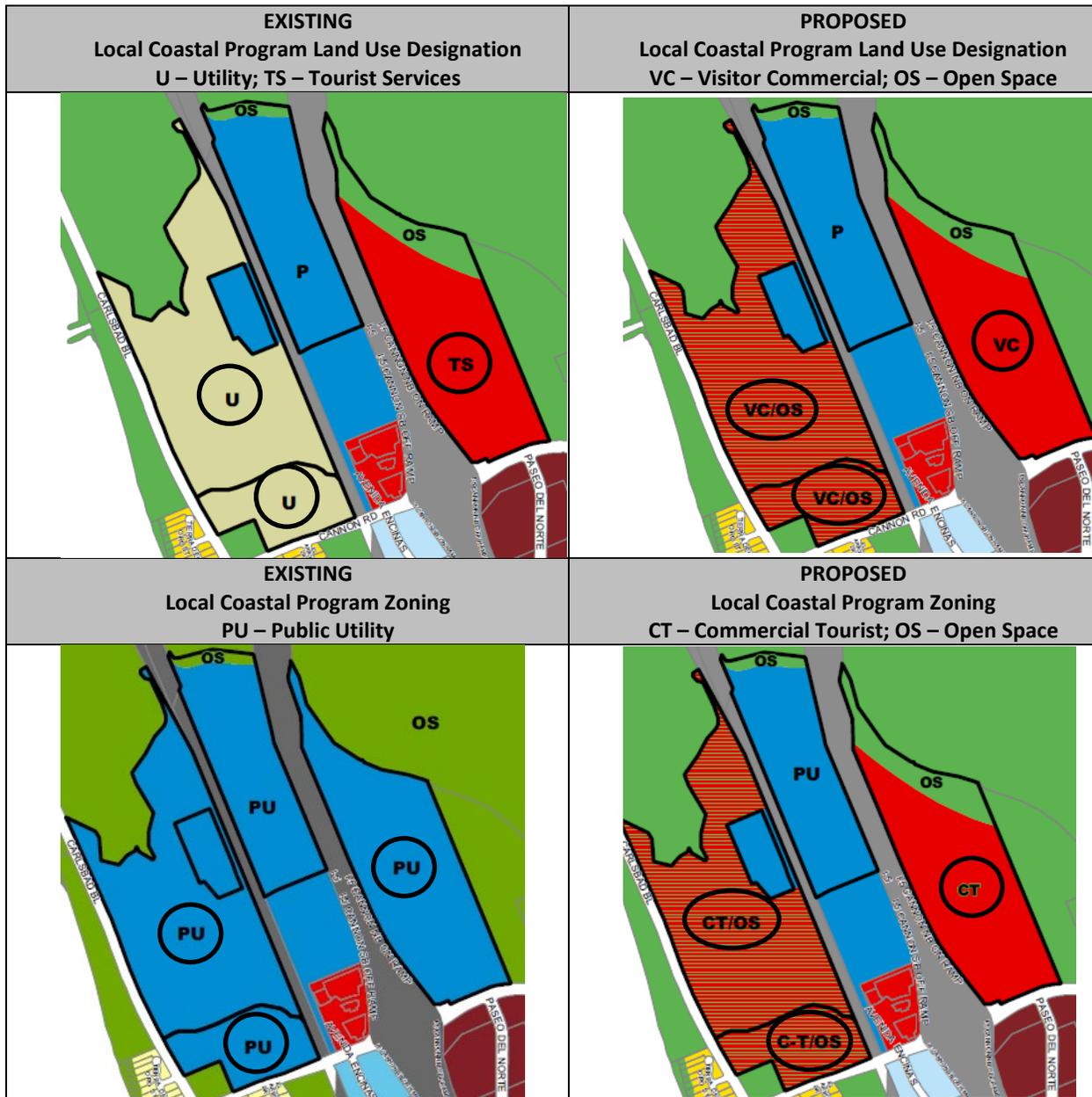
Chapter		Description
1	Introduction	Introduces and describes the purpose and organization of the Local Coastal Program Land Use Plan.
2	Land Use	Describes how land and development are regulated in Carlsbad’s Coastal Zone consistent with the Coastal Act. It includes the Local Coastal Program Land Use Map, land use designations, standards for density, and land use related policies.
3	Recreation and Visitor-Serving Uses	Describes Carlsbad’s existing public recreational resources and visitor-serving uses and attractions and identifies policies to ensure that community members and visitors have continued access to coastal recreational opportunities and accommodations.
4	Coastal Access	Describes Carlsbad’s existing and future coastal access network and provides policies that ensure coastal access is protected and enhanced, consistent with the Coastal Act.
5	Agricultural, Cultural and Scenic Resources	Describes the agricultural, cultural, and scenic resources found in Carlsbad’s Coastal Zone and provides policies that guide the city in the protection of those resources.
6	Environmentally Sensitive Habitat Areas and Water Quality	Describes the natural coastal resources found in Carlsbad’s Coastal Zone, which include environmentally sensitive habitat areas and marine and coastal water quality; also provides policies that guide the city in the protection of those resources.
7	Coastal Hazards	Identifies coastal hazards (sea level rise, flood, geologic, and fire) and provides policies that guide new development to reduce risks to life and property and to avoid substantial changes to natural landforms.
8	Glossary	Defines terms used in the Local Coastal Program Land Use Plan that are technical or specialized, or that may not reflect common usage.
Appendix A North Coast Corridor Public Works Plan Overlay		Carlsbad’s portion of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP), which is a plan prepared by Caltrans and SANDAG to authorize transportation, community and resource enhancement along I-5 and the railroad corridor from La Jolla to Oceanside.
Appendix B City of Carlsbad Sea Level Rise Vulnerability Assessment		A Carlsbad-specific sea level rise vulnerability analysis that identifies areas that are vulnerable to projected sea level rise hazards (bluff erosion, flood, inundation).

B. Highlights of draft Local Coastal Program Land Use Plan

Attachment 2 highlights and describes some of the key topics addressed in the draft Local Coastal Program Land Use Plan.

C. Land Use and Zoning map changes

As discussed further in section IV.F.5 below, changes to Local Coastal Program land use/zone designations are proposed for the power plant and strawberry fields, as shown below. The changes will ensure consistency with the General Plan land use map. No other land use or zoning map changes are proposed.



D. Village and Barrio Master Plan and Poinsettia Shores Master Plan amendments

Village and Barrio Master Plan

The Village and Barrio Master Plan is proposed to be amended to clarify the master plan’s relationship to the draft Local Coastal Program Land Use Plan, as well as which parts of the master plan and other documents comprise the Local Coastal Program for the Village and Barrio. Attachment 3 provides a strikeout/underline of the proposed amendment.

Poinsettia Shores Master Plan

The Poinsettia Shores Master Plan is proposed to be amended to be consistent with draft Local Coastal Program Land Use Plan policy LCP-2-P.20.A. The draft policy states that prior to development, the master plan shall be updated consistent with the policy for Areas 1 and 2 on draft Figure 2-2C. Staff's original intent was to include the master plan amendment as part of the LCP Implementation Plan Update (with the Zoning Ordinance update), which will follow adoption of the Local Coastal Program Land Use Plan. However, based on the community interest in the site (see section IV.F.6, below), staff recommends amending the master plan concurrently with the Local Coastal Program Land Use Plan.

Attachment 3 provides a strikeout/underline of the proposed master plan amendment. Also, as shown in Attachment 1 (Exhibit 1D), draft policy LCP-2-P.20 is proposed to be revised to remove the requirement to amend the Poinsettia Shores Master Plan prior to development.

E. Existing and proposed Local Coastal Program land use policies

As mentioned above, the proposed draft Local Coastal Program Land Use Plan merges the existing six local coastal program segments into one unified land use plan for Carlsbad's Coastal Zone. This merging of segments includes replacement of existing Local Coastal Program policies with updated policies consistent with the Coastal Act, recent Coastal Commission guidance and the 2015 General Plan.

Attachment 4 provides an analysis of how the existing Local Coastal Program policies are addressed by the draft Local Coastal Program Land Use Plan (i.e., if and how the existing policy is retained, modified or not included in the updated plan).

Note: The Village and Barrio Master Plan provides Local Coastal Program land use policies for the Village and Barrio area; those policies are not proposed to be modified. The draft Local Coastal Program Land Use Plan references the Village and Barrio Master Plan for land use planning policies and supplements the master plan with other Coastal Zone policies not addressed by the master plan. The only proposed amendment to the Village and Barrio Master Plan is described above.

F. Significant new policies and hot topics

The following describes the significant new policies proposed in the draft Local Coastal Program Land Use Plan, as well as hot topics that have generated interest in the community.

1. Sea level rise hazard policies
2. Scenic and visual resource policies
3. Lower-cost visitor accommodations
4. Timeshares
5. Power plant and strawberry fields – Visitor Commercial land use/zoning designations
6. Parks and open space in southwest Carlsbad, including Ponto – Poinsettia Shores Master Plan Planning Area F

1. Sea level rise hazard policies

In draft Local Coastal Program Land Use Plan Chapter 7, new information and policies are added that address sea level rise hazards and adaptation (a topic not addressed in the existing Local Coastal Program). The new policies are based on Coastal Commission guidance and the results of the Carlsbad Sea Level Rise Vulnerability Assessment (Appendix B of the draft Local Coastal Program Land Use Plan).

Table 5: Summary Description of Draft Sea Level Rise Policies

Sea level rise hazard analysis	To ensure that proposed development is evaluated based on the best available science, a site-specific sea level rise hazard report is required for all development that requires a coastal development permit and is within a sea level rise hazard zone, or on an oceanfront parcel outside a sea level rise hazard zone. See draft policies LCP-7-P.7 and LCP-7-P.8.
Siting new development	New development, which is within a sea level rise hazard area, is required to be located and designed to minimize risks from hazards (bluff erosion, flooding, inundation), ensure structural stability and protection of coastal resources. See draft policies LCP-7-P.9 to LCP-7-P.17.
Shoreline armoring	Consistent with the Coastal Act, draft policies clarify the limited circumstances when shoreline armoring could be permitted in Carlsbad, and the requirements to minimize impacts to coastal resources. See draft policies LCP-7-P.18 to LCP-7-P.26.
Moving development away from hazards	Draft policies identify the circumstances when development must be removed or modified to avoid risks to public health and safety, and to avoid impacts to public trust resources. See draft policy LCP-7-P.27.
Sea level rise development standards and adaptation	Several draft policies identify the need to develop sea level rise – shoreline development standards and adaptation plans. Development of adaptation plans for critical infrastructure is prioritized. See draft policies LCP-7-P.28 to LCP-7-P.36.

The draft sea level rise policies were drafted in consultation with local Coastal Commission staff and are consistent with Coastal Commission guidance on sea level rise. The following summarizes issues raised during the drafting of the policies:

- Definition of “existing” development/structure

Coastal Act Section 30235 allows construction of seawalls and other shoreline protective devices only when needed to protect “existing structures” and coastal dependent uses. The Coastal Act does not define “existing.”

Coastal Commission guidance suggests that local coastal programs should define “existing,” in the context of Section 30235, as structures that existed prior to January 1, 1977 – the date the Coastal Act became effective. Since enactment of the Coastal Act, the Coastal Commission has been inconsistent in its interpretation of the term “existing;” many seawalls and other shoreline protection have been permitted based on the interpretation of “existing” as structures existing at the time of the request for a seawall.

Using the 1977 date to define “existing” would make the majority of existing structures (existing today) along Carlsbad’s shoreline ineligible for protection by a shoreline protection device per Section 30235; some of these existing structures are currently protected by seawalls.

City staff recommends that “existing,” in the context of Coastal Act 30235, be defined using the date that the draft Local Coastal Program Land Use Plan update is certified by the Coastal Commission. This will allow for some flexibility in the ability to consider options to protect existing structures.

Staff also understands the importance of protecting the shoreline and that seawalls and other devices have a negative impact on the shoreline; therefore, draft policies are proposed that will limit the ability to protect existing structures with a seawall or other device (see draft policies LCP-7-P.18 to LCP-7-P.25. For example, a seawall or other device:

- Will not be permitted to protect structures built after certification of the draft Local Coastal Program update
- May be permitted to protect structures built before certification of the draft plan, but only if:
 - The protective device is designed to eliminate or mitigate adverse impacts to the shoreline
 - There is no less environmentally damaging alternative
 - The protective device must be removed when the structure is no longer present or no longer needs protection
- Specific sea level rise adaptation details

Coastal Commission guidance recommends that local coastal programs include sea level rise adaptation plans that identify how development, resources and other vulnerable assets can adapt to sea level rise. Information addressed in an adaptation plan includes identifying priorities of adaptation, timelines, options, specific projects to be implemented, phasing, and action triggers.

Developing adaptation plans is an important part of planning for sea level rise. However, the level of detail in a sea level rise adaptation plan is beyond the scope of this Local Coastal Program update. Therefore, the draft plan includes policies that address the need to develop sea level rise standards and adaptation plans (see draft policies LCP-7-P.28 to LCP-7-P.30).

2. Scenic and visual resource policies

Draft Local Coastal Program Land Use Plan Chapter 5 includes new information and policies that address scenic and visual resources. The new policies are based on Coastal Commission guidance and Coastal Act Section 30251, which requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas; that new development minimize the alteration of natural landforms; and that development is sited and designed to be visually compatible with the character of surrounding areas.

Draft Local Coastal Program Land Use Plan Chapter 5 describes and depicts (Figure 5-3) Carlsbad’s significant “coastal viewsheds” – the significant coastal areas (open waters of the ocean and lagoons,

sandy beaches, coastal bluffs and the natural habitat and hillsides surrounding the lagoons) – of which public views are to be protected. Draft Figure 5-3 also identifies the areas from which public views are to be protected (“public viewing areas”), which are the public streets, trails and parks adjacent to the coastal viewsheds.

Draft policies are proposed that identify how to protect scenic resources and public views, consistent with the Coastal Act and Coastal Commission guidance. The draft scenic and visual resource policies (LCP-5-P.22 to LCP-5-P.32) address:

- All areas of the Coastal Zone:
 - Siting and scale of new development to minimize alteration of natural landforms
 - Preservation of existing vegetation that provide significant scenic value
 - Sign design and location
- Areas identified on draft Figure 5-3 as a “coastal viewshed” or “public scenic viewing area”:
 - Location and design of development to avoid/minimize impact of public views of viewshed
 - Retaining wall height
 - Minimize exterior lighting
 - Maintenance of natural visual quality of coastal viewshed
- Draft Figure 5-3 identifies specific properties/areas that are subject to site/area-specific scenic resource protection policies, per draft policy LCP-5-P.32.

3. Lower-cost visitor accommodations

New information and policies are added to the Local Coastal Program that address lower-cost visitor accommodations; however, the draft policies do not fully align with Coastal Commission staff recommendations regarding the protection and provision of lower-cost visitor accommodations. The following information describes Coastal Commission staff policy recommendations, city staff concerns with those recommendations and city staff proposed draft policies.

Coastal Commission staff policy recommendations for lower-cost visitor accommodations are intended to address Coastal Act Section 30213:

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

The policies recommended by Coastal Commission staff would require:

- Protection of existing lower cost visitor accommodations. Any development proposal that results in the loss of existing lower cost rooms would be required to mitigate that loss by replacing the lower cost rooms at a 1:1 ratio or paying an in-lieu fee (see below regarding the fee); and
- Construction of new lower-cost accommodations. Any new hotel/motel development would be required to provide a minimum of 25 percent of the total rooms at a lower-cost rate or pay an in-lieu fee.
- Establish an in-lieu fee program. The city would be required to establish a program that specifies the fee amount and method to collect and utilize the fees. Coastal Commission staff have recommended that the per room in-lieu fee be sufficient to construct a lower cost room, and they estimate that the cost to construct lower cost rooms is over \$100,000 per room, including land cost. If the fee were \$100,000/room, a 200-room hotel would be required to pay a \$5-million in-lieu fee (25 percent of 200 rooms = 50 rooms x \$100,000).

City staff does not recommend that the city establish the policies recommended by Coastal Commission staff, for the following reasons:

- The Coastal Act does not specify that a minimum number or percentage of lower cost rooms be provided
- The establishment for an in-lieu fee has not been analyzed and may raise concerns regarding compliance with the State's Mitigation Fee Act. As a mitigation fee (i.e., to mitigate the loss or lack of existing lower cost rooms), the fee must comply with the state's Mitigation Fee Act.
- Regarding mitigation for loss or lack of lower cost visitor accommodations, in Carlsbad, it may be challenging to justify or show that mitigation is necessary. As stated in draft Local Coastal Program Land Use Plan Chapter 3, Carlsbad has 589 economy scale accommodations, including the campground, which is approximately 18 percent of the accommodations in Carlsbad's Coastal Zone. There may not be a need or justification to mitigate the loss or lack of lower-cost accommodations.
- As described in draft Local Coastal Program Land Use Plan Chapter 3, in Carlsbad's Coastal Zone there are over 3,000 visitor accommodations at a range of affordability, 589 of which are economy scale. The number of hotel rooms in Carlsbad's Coastal Zone is sufficient to meet Coastal Act Section 30213 requirements for lower cost accommodations. Carlsbad has already protected, encouraged and provided lower cost accommodations, and can continue to do so as described below.

The draft Local Coastal Program Land Use Plan does include a draft policy (LCP-3-P.21) that requires new development that results in a loss of existing lower-cost accommodations to mitigate the loss at a 1:1 ratio. This draft policy was included in the draft plan to address Coastal Commission staff's recommended policies, at least in part. However, after further consideration of the concerns outlined above and in response to public comments (Attachment 6), staff recommends deleting draft policy LCP-3-P.21. Also, staff recommends that lower cost accommodations and recreation can be protected, encouraged and provided, per Coastal Act Section 30213, through incentives, such as development standards modifications. Staff recommends combining draft policies LCP-3-P.14 and LCP-3-P.19 to read as follows:

Protect, encourage, and, where feasible, provide for development of new (and retention of existing) lower-cost overnight accommodations and recreation facilities, such as through regulatory incentives (e.g., development standards modifications). Consider amenities that reduce the cost of stay when evaluating the affordability of any new or redeveloped overnight visitor accommodations; and encourage and support developments that provide public recreational opportunities within the Coastal Zone.

4. Timeshares

During public review of the draft Local Coastal Program Land Use Plan, the topic of timeshares – or the potential prohibition of such uses – generated several comments objecting to a prohibition of timeshares.

The draft plan includes a policy (LCP-3-P.17) that would prohibit new timeshares or other limited-use overnight accommodations on land designated as Visitor Commercial (VC) on the land use map. The policy was drafted pursuant to Coastal Commission guidance and the commission's concerns with such uses. The Coastal Commission views timeshares and other limited-use overnight accommodations (like condo-hotels and fractional ownership hotels) as residential uses rather than visitor-serving uses, as they are not entirely available to the general public and require ownership to utilize the property.

Coastal Commission guidance provides examples of other cities that have addressed such uses to the Coastal Commission's satisfaction. Some cities prohibit such uses where visitor-serving uses are intended, as proposed by draft policy LCP-3-P.17. Other cities have policies that ensure such developments are visitor-serving.

In response to public comments objecting to the proposal to prohibit timeshares, staff is recommending a revised policy that would permit timeshares and similar uses, subject to certain criteria, as follows (see below for more information about recommended changes to the draft plan):

On land designated Visitor Commercial (VC) on the Local Coastal Program land use map, limited-use overnight accommodations, such as timeshares, shall be subject to the following:

- A. At least twenty-five (25%) percent of the units within any given facility shall be made available each day for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).*
- B. The timeshare facility shall operate in the same manner as a hotel, including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.*
- C. No person shall occupy any unit or units within a given facility for more than sixty (60) days per calendar year and no more than thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).*

5. Power plant and strawberry fields – Visitor Commercial land use/zoning designations

Changes to Local Coastal Program land use/zone designations are proposed for the power plant and strawberry fields, as shown above in Section IV.C. The proposed map changes were previously approved by the city as part of the 2015 General Plan update. However, the Coastal Commission deferred their decision on these land use/zone changes until the city provided more information on the need for visitor commercial uses; the requested information is provided below.

During public review of the draft Local Coastal Program Land Use Plan, various comment letters were submitted identifying the need for community involvement in the future land use of these sites. See below for more information about past and future community involvement in the land use of these sites.

- Need for more visitor commercial uses in Carlsbad

As described below, there is a need to designate more land in Carlsbad for visitor commercial use. There are currently limited sites designated for visitor commercial use that are not currently developed with existing visitor commercial uses. Draft Local Coastal Program Land Use Plan Figure 3-2 identifies sites where future visitor commercial uses could be developed. Without the power plant and strawberry fields, there would be few sites/acres available to accommodate the demand for future visitor commercial uses.

Draft Local Coastal Program Land Use Plan Chapter 3, Section 3.3 identifies three tourism forecast sources¹ that forecast current and future demand for visitor accommodations. Based on the referenced sources, there is a need for more hotel rooms in Carlsbad - Carlsbad's existing hotels have not met the demand for hotel rooms in recent years, and hotel demand is estimated to increase annually through 2023.

The hotel demand information described above and in the draft Local Coastal Program Land Use Plan predates the Covid-19 pandemic, which has resulted in a decline in hotel demand during 2020. However, this decline is temporary and current forecasts² anticipate that hotel demand will begin to recover in 2021 and demand will continue to grow in the years to follow.

The draft Local Coastal Program Land Use Plan is a long-range plan for land use in the Coastal Zone. Anticipating that hotel demand will recover and continue to grow, there is a need to designate sites for future visitor commercial uses; and consistent with the General Plan, the power plant and strawberry fields are proposed to be designated as shown in Section IV.C, above.

- Community participation in land use planning for the power plant and strawberry fields

As mentioned above, the power plant and strawberry fields sites (shown in Section IV.C, above) were previously designated Visitor Commercial (VC) by the city as part of the 2015 General Plan update. The land use policies of the General Plan, and now proposed as part of the Local Coastal

¹ San Diego Tourism Authority, *2017 Carlsbad Visitor Profile*; Tourism Economics, *Tourism Economics San Diego Travel Forecast* (July 2018); Hunden Strategic Partners, *Carlsbad Hotel Market, Demand, Financial, and Economic Impact Analysis* (July 2018)

² Tourism Economics, *San Diego Lodging Forecast Update* (July 2020)

Program Land Use Plan update, were established through an extensive community participation effort, as described in Section III.F, above.

During the General Plan update, the power plant and strawberry fields were identified as “opportunity sites” that could accommodate future development. The community participated in identifying a preferred land use plan through workshops, a survey and a 19-member citizens committee. With input from the community, the citizens committee recommended that the power plant be designated for visitor commercial uses (a change from public utility use), and that the strawberry fields should remain designated for commercial uses that serve visitors (changing the designation from TS – Travel Services to VC – Visitor Commercial).

In addition, based on community comments, the citizens committee recommended that the power plant site include a publicly accessible open space area along Carlsbad Boulevard and the lagoon. Draft Local Coastal Program Land Use Plan policy LCP-2-P.16.C requires the power plant to be developed with a mix of visitor commercial uses and “new community-accessible open spaces along Agua Hedionda Lagoon and the waterfront (Carlsbad Boulevard).” The draft policy also encourages community gathering spaces and other features to maximize views of the ocean and lagoon.

As mentioned above, the scope of the Local Coastal Program update relies on the land use planning completed as part of the General Plan update; the scope of the update does not include revisioning of land uses. However, the community will have future opportunities to participate in the future use of both the power plant and the strawberry fields. Draft policies LCP-2-P.16.D and LCP-2-P.27 require the development of redevelopment/specific plans for both sites prior to development; the process to develop such plans will include community participation in determining allowed uses, development standards, site planning, etc.

6. Parks and open space in southwest Carlsbad, including Ponto – Poinsettia Shores Master Plan Planning Area F

The topics of Ponto Planning Area F and parks and open space in southwest Carlsbad generated a significant number of public comment letters (see section IV.J below). Attachment 5 provides information regarding this topic and in response to public comments.

G. Compliance with the city’s Growth Management Plan

The city's Growth Management Plan establishes a limit on the number of residential dwelling units that can be built in the city and requires that adequate public facilities are provided concurrent with development. The draft Local Coastal Program Land Use Plan was prepared consistent with the land uses planned by the 2015 General Plan, which was found consistent with the Growth Management Plan. The draft Local Coastal Program Land Use Plan does not propose any policy or land use that would increase currently planned residential dwellings or increase the city’s current projected need for public facilities.

H. Consistency with the McClellan-Palomar Airport Land Use Compatibility Plan

Although the McClellan-Palomar Airport is not in the Coastal Zone, airport influence area and portions of the airport’s safety zones are within the Coastal Zone, as shown on draft Local Coastal Program Land Use Plan Figure 2-2B. The McClellan-Palomar Airport Land Use Compatibility Plan specifies the type and

intensity of development that is allow within the airport’s influence area and safety zones. In a letter dated Oct. 27, 2020 (Attachment 9), the San Diego Regional Airport Authority determined that the draft Local Coastal Program Land Use Plan is consistent with the McClellan-Palomar Airport Land Use Compatibility Plan.

I. Recommended revisions to the draft Local Coastal Program Land Use Plan

In response to public and staff comments during review of the draft Local Coastal Program Land Use Plan, staff recommends revisions to the draft plan, as shown in Attachment 1 (Exhibit 1D). Planning Commission adoption of the resolution (Attachment 1) includes a recommendation to approve the draft Local Coastal Program Land Use Plan, including staff’s recommended revisions.

J. Public comments

Numerous public comment letters were received commenting on the draft Local Coastal Program Land Use Plan. The comments are divided into two categories:

1. Comments regarding parks and open space in southwest Carlsbad, particularly on Ponto Planning Area F. Attachment 5 addresses these comments.
2. Comments regarding all other topics are addressed in Attachment 6.

Attachments 6 and 7 describe the comments received. Attachment 7 lists the majority of comments received regarding Ponto. Some comment letters were submitted after preparation of Attachment 7 and are provided in Attachment 8.6.

Copies of the comment letters are provided as Attachments 8.1 through 8.6; due to the volume of the letters received, the letters are not attached to this report, but can be viewed on the city’s website: <https://www.carlsbadca.gov/services/depts/planning/coastal/default.asp>

Comment letters received after completion of this staff report will be forwarded to the Planning Commission separately.

IV. ENVIRONMENTAL REVIEW

The draft Local Coastal Program Land Use Plan, Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan constitute, in part, the Carlsbad Local Coastal Program. Pursuant to the California Environmental Quality Act Guidelines Section 15265, the preparation and adoption of a local coastal program by a local government is statutorily exempt from the California Environmental Quality Act.

ATTACHMENTS:

1. Planning Commission Resolution No. 7389 (LCPA/ZC/AMEND/AMEND)
 - Exhibit 1A: Draft Local Coastal Program Land Use Plan (previously distributed to the Planning Commission and available in the Planning Division and on the city website: <https://www.carlsbadca.gov/services/depts/planning/coastal/update.asp>)
 - Exhibit 1B: Local Coastal Program Land Use Map
 - Exhibit 1C: Draft City Council Ordinance
 - Exhibit 1D: Staff Recommended Revisions to Draft Local Coastal Program Land Use Plan
2. Highlights of Draft Local Coastal Program Land Use Plan
3. Village and Barrio Master Plan and Poinsettia Shores Master Plan Amendments Strike-out/Underline
4. How Existing Local Coastal Program Policies are Addressed in the Draft Local Coastal Program Land Use Plan
5. Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F and Parks and Open Space in Southwest Carlsbad
6. Draft Local Coastal Program Land Use Plan Response to Public Comments [excluding comments regarding Ponto and parks/open space in southwest Carlsbad]
7. Public Comments Regarding Parks, Open Space and Ponto – Poinsettia Shores Master Plan Planning Area F
8. Public comment letters (incorporated by reference and available for review on the city website: <https://www.carlsbadca.gov/services/depts/planning/coastal/default.asp>)
 - 8.1 – Comment letters, excluding comments pertaining to Ponto and parks and open space in southwest Carlsbad
 - 8.2 to 8.6 – Comments regarding Ponto and parks and open space in southwest Carlsbad
9. Letter from San Diego Regional Airport Authority, dated October 27, 2020

PLANNING COMMISSION RESOLUTION NO. 7389

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF LOCAL COASTAL PROGRAM AMENDMENT TO COMPREHENSIVELY UPDATE THE CARLSBAD LOCAL COASTAL PROGRAM LAND USE PLAN, AND ASSOCIATED AMENDMENTS TO THE ZONING MAP AND VILLAGE AND BARRIO MASTER PLAN.

CASE NAME: LOCAL COASTAL PROGRAM UPDATE

CASE NO: LCPA 15-07/ZC 2020-0002/AMEND 2020-0016
(DEV15061)/AMEND 2020-0014 (DEV08014)

WHEREAS, **the City Planner** has filed a verified application for a comprehensive update to the Carlsbad Local Coastal Program Land Use Plan and associated amendments to the Zoning Map and Village and Barrio Master Plan; and

WHEREAS, as provided in Government Code Section 65350 et. seq., Section 21.52.020 and Section 21.90.090 of the Carlsbad Municipal Code, and Public Resources Code Section 30514 and Section 13551 of the California Code of Regulations Title 14, Division 5.5, said verified application constitutes a request for a Local Coastal Program Amendment, Zone Change and Master Plan Amendment, as shown on **Exhibit 1A: Draft Local Coastal Program Land Use Plan dated September 2019, on file in the Planning Division and incorporated by this reference; and Exhibit 1B: Local Coastal Program Land Use Plan Update – Land Use Map (LCPA 15-07) dated Dec. 2, 2020, attached hereto;** and

WHEREAS, the **Zone Change (LCPA 15-07/ZC 2020-0002), Poinsettia Shores Master Plan Amendment (LCPA 15-07/AMEND 2020-0016) and Village and Barrio Master Plan Amendment (LCPA 15-007/AMEND 2020-0014)** are set forth and attached hereto in the draft City Council Ordinance, **Exhibit 1C, dated Dec. 2, 2020;** and

WHEREAS, in November and December 2014, the California Coastal Commission and California Ocean Protection Council awarded two grants to the City of Carlsbad to conduct a sea level rise vulnerability analysis and comprehensively update the city's Local Coastal Program; and

WHEREAS, the City Council approved a comprehensive update to the Carlsbad General Plan on Sept. 22, 2015 and an update to the Local Coastal Program Land Use Plan is necessary to ensure that the city's policies, which guide development in the Coastal Zone, are consistent; and

WHEREAS, the city completed the City of Carlsbad Sea Level Rise Vulnerability Assessment in December 2017, and an update to the Local Coastal Program Land Use Plan is necessary to incorporate the assessment into the Carlsbad Local Coastal Program and establish sea level rise hazard policies; and

WHEREAS, the draft Local Coastal Program Land Use Plan was made available for public review in October 2019, and based on public and staff comments, staff proposes revisions to the **draft Local Coastal Program Land Use Plan dated September 2019, as shown in Exhibit 1D, dated Dec. 2, 2020 and attached hereto**; and

WHEREAS, the draft Local Coastal Program Land Use Plan, Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan constitute, in part, the Carlsbad Local Coastal Program, and, pursuant to the California Environmental Quality Act Guidelines Section 15265, the preparation and adoption of a local coastal program by a local government is statutorily exempt from the California Environmental Quality Act; and

WHEREAS, the Planning Commission did on **Dec. 2, 2020**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Local Coastal Program Amendment, Zone Change and amendments to the Poinsettia Shores Master Plan and Village and Barrio Master Plan; and

WHEREAS, State Coastal Commission Guidelines requires a six-week public review period for any amendment to the Local Coastal Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad, as follows:

- A) That the foregoing recitations are true and correct.
- B) Notice regarding the state-mandated six-week review period for the Local Coastal Program Amendment was issued on **Oct. 18, 2019 (Oct. 18, 2019 to Nov. 29, 2019)**; public

comments are described in the Staff Report to the Planning Commission, dated Dec. 2, 2020.

C) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS:**

1) THE CITY COUNCIL APPROVE LOCAL COASTAL PROGRAM AMENDMENT – LCPA 15-07, ZONE CHANGE – ZC 2020-0002, POINSETTIA SHORES MASTER PLAN AMENDMENT – AMEND 2020-0016 AND VILLAGE AND BARRIO MASTER PLAN AMENDMENT – AMEND 2020-0014, WITH REVISIONS RECOMMENDED BY STAFF AS SHOWN IN EXHIBIT 1D ATTACHED HERETO.

Findings:

1. That the proposed **Local Coastal Program update (LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014)** meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of the **Carlsbad Local Coastal Program** not being amended by this amendment, in that **the comprehensive update to the Local Coastal Program Land Use Plan was prepared in conformance with the Coastal Act and Coastal Commission guidance, and does not conflict with coastal zone regulations that future development must comply.**
2. That the proposed **Local Coastal Program update, including associated Zone Change and amendments to the Poinsettia Shores Master Plan and Village and Barrio Master Plan (LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014),** reflects sound principles of good planning in that **the proposed Local Coastal Program provides policies that guide future development in the Coastal Zone consistent with the Coastal Act and General Plan; ensuring that public access to the coast is provided and protected, and that impacts to coastal resources (from development and coastal hazards) are minimized.**
3. That the proposed amendment to the **Carlsbad Local Coastal Program (LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014)** is required to bring it into consistency with **Coastal Commission guidance and the Carlsbad General Plan.**
4. That the proposed amendment to the **Zoning Map (LCPA 15-07/ZC 2020-0002)** is required to bring it into consistency with **Local Coastal Program Land Use Plan update and the General Plan.**
5. That the proposed amendment to the **Poinsettia Shores Master Plan (LCPA 15-07/AMEND 2020-0016)** is required to bring it into consistency with **Local Coastal Program Land Use Plan update.**
6. That the proposed amendment to the **Village and Barrio Master Plan (LCPA 15-07/AMEND 2020-0014)** is required to bring it into consistency with **Local Coastal Program Land Use Plan update.**
7. The project is consistent with the Growth Management Plan and Citywide Facilities and Improvements Plan (CFIP). **The Local Coastal Program Land Use Plan update was prepared consistent with the land uses planned by the General Plan, which was found consistent with the Growth Management Plan and CFIP. The proposed Local Coastal Program Land Use Plan does not propose any policy or land use that would conflict with the Growth Management Plan or increase the city’s current projected need for public facilities.**

8. The project is consistent with the adopted Airport Land Use Compatibility Plan for the McClellan-Palomar Airport (ALUCP), dated October 2004, in that **the Local Coastal Program Update does not involve any actual development and thus does not impact the airport's noise contours, airspace surfaces, safety zones, or overflight notification requirements, as determined by the San Diego County Regional Airport Authority, Airport Land Use Commission in a letter dated October 27, 2020.**

9. That the City Planner has determined that the project **(the preparation and adoption of a local coastal program by a local government)** qualifies as an action that has been determined by the state Legislature, pursuant to Section **15265 of the California Environmental Quality Act (CEQA) Guidelines**, to be statutorily exempt from CEQA.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, held on **Dec. 2, 2020**, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

VELYN ANDERSON, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

DON NEU
City Planner

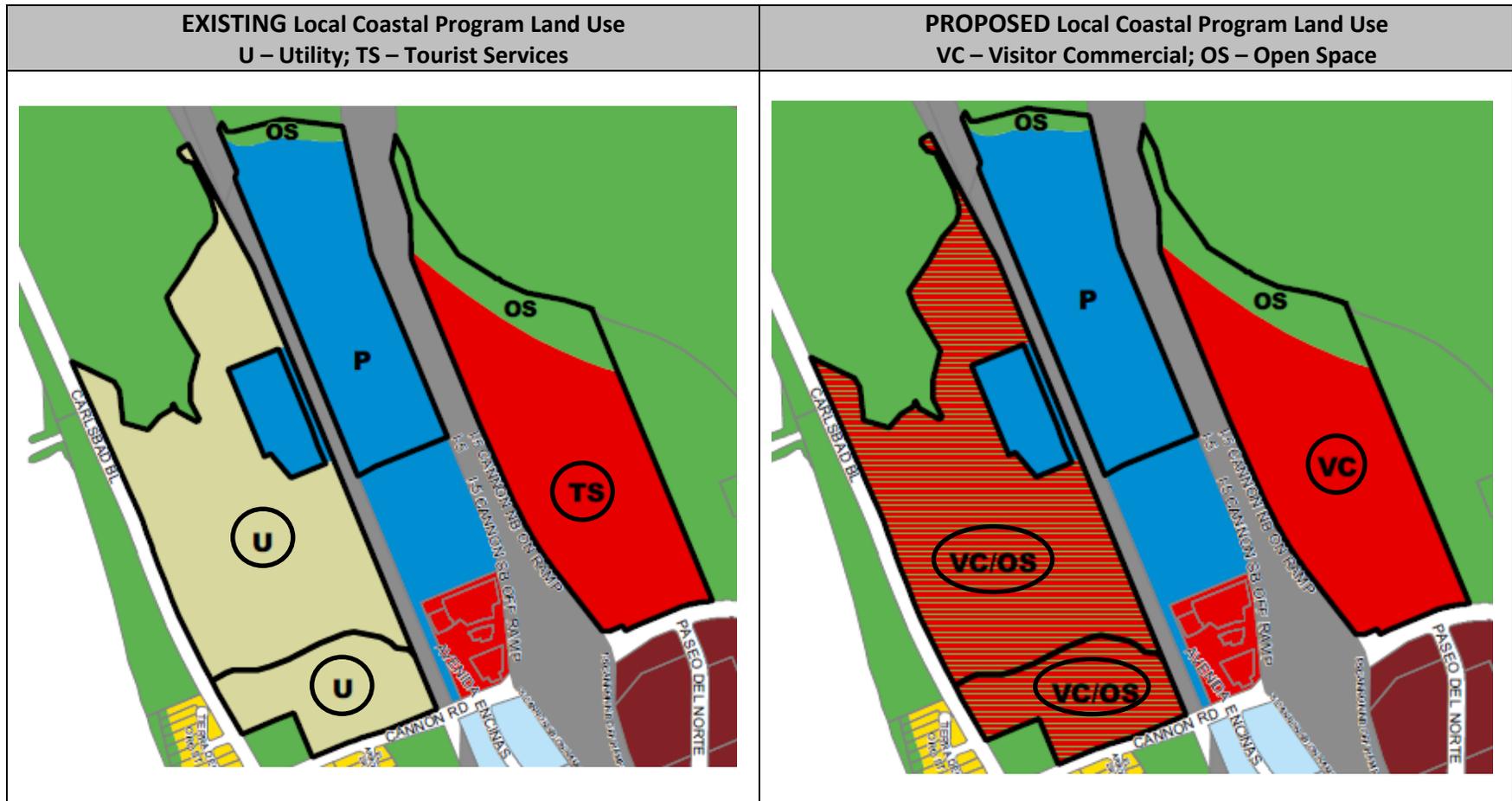


EXHIBIT 1B – LOCAL COASTAL PROGRAM LAND USE MAP

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE

Dec. 2, 2020

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A LOCAL COASTAL PROGRAM AMENDMENT CONSISTING OF A ZONE CHANGE AND AMENDMENT TO THE VILLAGE AND BARRIO MASTER PLAN FOR CONSISTENCY WITH THE LOCAL COASTAL PROGRAM LAND USE PLAN UPDATE.

CASE NAME: LOCAL COASTAL PROGRAM UPDATE
 CASE NO.: LCPA 15-07/ZC 2020-0002 (DEV15061)/AMEND 2020-0014
(DEV08014)

WHEREAS, the Carlsbad Zoning Map and Village and Barrio Master Plan are part of the Local Coastal Program Implementing Ordinance, and therefore, amendments to the Zoning Map and Village and Barrio Master Plan are amendments to the Local Coastal Program; and

WHEREAS, as provided in Government Code Section 65350 et. seq., Section 21.52.020 and Section 21.90.090 of the Carlsbad Municipal Code, and Public Resources Code Section 30514 and Section 13551 of the California Code of Regulations Title 14, Division 5.5, said verified application constitutes a request for a Local Coastal Program Amendment consisting of a Zone Change and Village and Barrio Master Plan Amendment (LCPA 15-07/ZC 2020-0002/AMEND 2020-0014); and

WHEREAS, the proposed Zone Change and Village and Barrio Master Plan Amendment (LCPA 15-07/ZC 2020-0002/AMEND 2020-0014) are necessary to ensure consistency with the associated Local Coastal Program Land Use Plan Update (Exhibit 1A of Planning Commission Resolution No. 7389); and

WHEREAS, pursuant to California Coastal Commission Regulations, a six-week public review period for the Local Coastal Program amendment occurred from Oct. 18, 2019 to Nov. 29, 2019; and

WHEREAS, on Dec. 2, 2020, the Planning Commission held a duly noticed public hearing as prescribed by law to consider LCPA 15-07/ZC 2020-0002/AMEND 2020-0014; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 7389 recommending that the City Council approve LCPA 15-07/ZC 2020-0002/AMEND 2020-0014; and

WHEREAS, the City Council did on the ___ day of _____, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors, including written public comments, if any, related to LCPA 15-07/ZC 2020-0002/AMEND 2020-0014.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, does ordain that:

1. The above recitations are true and correct.
2. The findings of the Planning Commission in Planning Commission Resolution No. 7389 also constitute the findings of the City Council.
3. Carlsbad Municipal Code Section 21.05.030, the zoning map, is amended as shown on Exhibit "LCPA 15-07/ZC 2020-0002" dated Dec. 2, 2020 and attached hereto.
4. Section 1.7.1.C of the Village and Barrio Master Plan is amended to read as follows:

C. City of Carlsbad Local Coastal Program

The Local Coastal Program guides future development in the city's Coastal Zone based on policies and requirements in the state Coastal Act. It seeks to ensure coastal resources, ranging from public views and access, to hillside and sensitive habitats, are enhanced and protected. Approximately one-third of Carlsbad, including portions of the Village and Barrio, is in the Coastal Zone. Section 6.2.1 describes the sections of the Village and Barrio Master Plan and other documents that comprise the Local Coastal Program for the Coastal Zone of the Master Plan area. The Local Coastal Program requires approval from the California Coastal Commission in addition to the City of Carlsbad City Council.

5. Section 6.2.1 of the Village and Barrio Master Plan is amended to read as follows:

6.2.1 Local Coastal Program

The Local Coastal Program for properties within the Coastal Zone of the Village and Barrio Master Plan (shown in Figure 2-1) is comprised of the sections of this Master Plan and other documents described below. In any instance where the Local Coastal Program (described below) conflicts with other provisions of this Master Plan (not described below), the Local Coastal Program provisions shall apply.

Table 6-1: Local Coastal Program for the Coastal Zone of the Village and Barrio Master Plan

Row	Documents and Provisions that Comprise the Local Coastal Program
A	<u>Village and Barrio Master Plan Sections:</u> Goals and policies in Chapter 1 Use and development standards in Chapters 2 and 3 Provisions on managing parking and increasing mobility in Section 4.5.2 Administrative processes of Chapter 6 Definitions in Appendix A
B	<u>City of Carlsbad Local Coastal Program Land Use Plan</u> In instances where the sections of this Master Plan (specified in row A of this table) conflict with the Local Coastal Program Land Use Plan, the Master Plan provisions shall apply. Where the Village and Barrio Master Plan is silent on an issue, the provisions of the Local Coastal Program Land Use Plan shall apply.
C	CMC Chapter 15.12 – Stormwater Management and Discharge Control
D	CMC Chapter 15.16 – Grading and Erosion Control

E	CMC Title 21 - Zoning Ordinance, except the zoning provisions superseded herein
---	---

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption or upon Coastal Commission approval of LCPA 15-07; whichever occurs later; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the _____ day of _____, 2021, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2021, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CELIA A. BREWER, City Attorney

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)

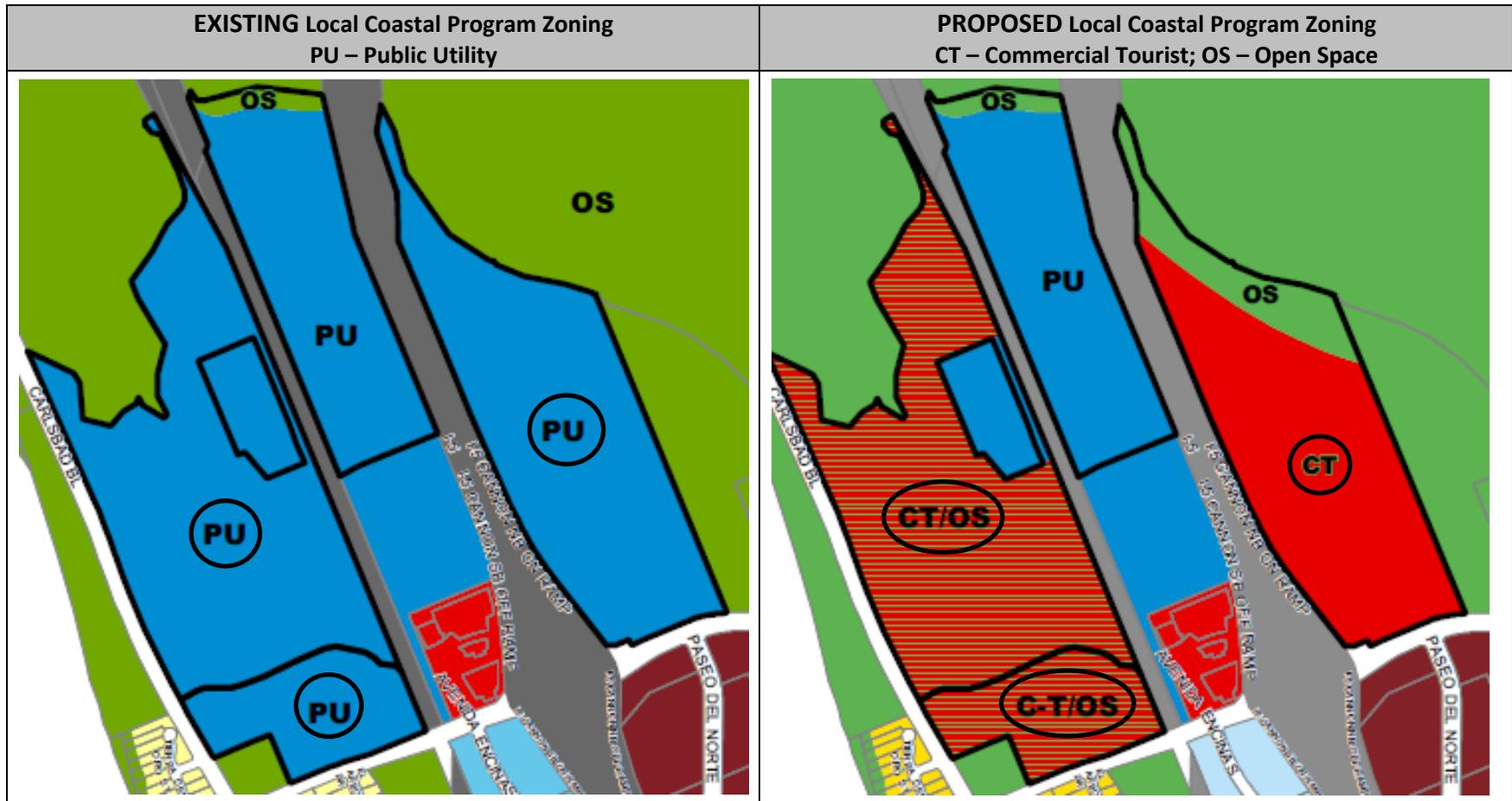


EXHIBIT 1 LCPA 15-07/ZC 2020-0002

Dec. 2, 2020

LOCAL COASTAL PROGRAM UPDATE

EXHIBIT 2 LCPA 15-07/AMEND 2020-0016 – LOCAL COASTAL PROGRAM UPDATE**Dec. 2, 2020**

1. Amend the Poinsettia Shores Master Plan Table of Contents (section titles, exhibit titles, page numbers, etc.), as needed, consistent with the amendments shown below.

2. Amend the fourth paragraph Poinsettia Shores Master Plan Section 1.A to read as follows:

Development within the Master Plan shall be subject to all present and future Growth Management plans, policies or ordinances adopted by the City Council or by Citizen Vote including but not limited to Chapter 21.90 of the Carlsbad Municipal Code (Growth Management). The residential development potential for the Master Plan area has been established by applying the density ranges and the "control points" of the General Plan Land Use designations which are applicable to the property. The Master Plan complies with the Growth Control Point of the underlying General Plan density of 6.0 du/net acres for RM areas and 19 du/net acres for R-23 areas, except where a density bonus is allowed pursuant to the provisions set forth in the affordable housing ordinance.

3. Amend the first three paragraphs of Poinsettia Shores Master Plan Section 1.B.2 to read as follows:

The Poinsettia Shores Master Plan supersedes the previous Batiquitos Lagoon Educational Park (BLEP) Master Plan. The private school and research and development uses allowed by the BLEP Master Plan on the east side of the railroad track were changed to allow for the development of single and multiple family dwelling units. The impacts of the proposed land uses identified in the BLEP Master Plan were significantly decreased with the approval of the Poinsettia Shores Master Plan. The amended Zone 9 LFMP and Chapter VI of this Master Plan identify the facility impacts of the Poinsettia Shores Master Plan.

For planning purposes, the Master Plan land uses and planning areas are generally referred to as either "east-side" or "west-side," dependent upon their location in relation to the AT&SF Railroad Right-of-Way which bisects the property. The east side features nine residential planning areas, a community recreational area, a recreational vehicle storage area, as well as various open space areas. The west-side features an open space area, visitor commercial area, general commercial area, and a multifamily residential area.

When built out, the Poinsettia Shores Master Plan will not exceed the maximum number of dwelling units as allowed by the General Plan, which as part of the 2015 General Plan update was determined consistent with the city's Growth Management Plan and the Citywide Facilities and Improvements Plan.

Dec. 2, 2020

4. Amend the last two paragraphs of Poinsettia Shores Master Plan Section 1.B.2 to read as follows:

There are 75 single family homes built within the Planning Area J that were built per the requirements of the Batiquitos Lagoon Educational Park Master Plan.

5. Amend the title and label of Poinsettia Shores Master Plan Exhibit 2 to read as follows:

Existing General Plan at adoption of MP 175 (D)

6. Amend subsection 7 of Poinsettia Shores Master Plan Section I.E to read as follows:

7. Ensure conformance with the California Coastal Act through compliance with the policies and standards of the Carlsbad Local Coastal Program.

7. Amend Poinsettia Shores Master Plan Section III.A to read as follows:

A. LAND USE

The Local Coastal Program and General Plan land use designations of the Poinsettia Shores Master Plan are shown on Exhibit 6 on page **Error! Bookmark not defined.**, and listed by planning area on the Land Use Summary Table, Exhibit 9, on page **Error! Bookmark not defined.** These designations are:

RM - Residential Medium 4-8 dwelling units per acre (Growth Control Point 6.0 du/ac)

R-23 - Residential 15-23 dwelling units per acre (Growth Control Point 19 du/ac)

GC - General Commercial

VC - Visitor Commercial

OS - Open Space

All development within the Master Plan shall be consistent with these land use designations as well as complying with all other Master Plan and Planning Area Development Standards.

Dec. 2, 2020

8. Amend Poinsettia Shores Master Plan Sections III.C.1.c and III.C.1.d to read as follows:

- c. Multi-family - Planning Area C is designated for multi-family development. The multi-family units will be developed per the Planned Development Ordinance and the development standards/design criteria set forth in this Master Plan. The multi-family units may include but are not limited to townhomes, stacked flats, carriage units, apartments and duplexes.

Part of Planning Area F is also designated for multi-family development, which shall be developed pursuant to the requirements of this Master Plan.

- d. Affordable Housing - Planning Area D is designated as the Master Plan's affordable housing site, unless an offsite location is designated through an Affordable Housing Agreement between the property owner and the City per the provisions of Chapter VII of this Master Plan. These units will be either "for sale" or rental units, subject to the discretion of the developer. For additional information, see Chapter VII.

Pursuant to City Council Resolution No. 2015-243 and Planning Commission Resolution No. 7114, affordable housing units are also required as part of the development of residential units on Planning Area F.

9. Amend Poinsettia Shores Master Plan Section III.C.2 and III.C.3 to read as follows:

2. GENERAL COMMERCIAL

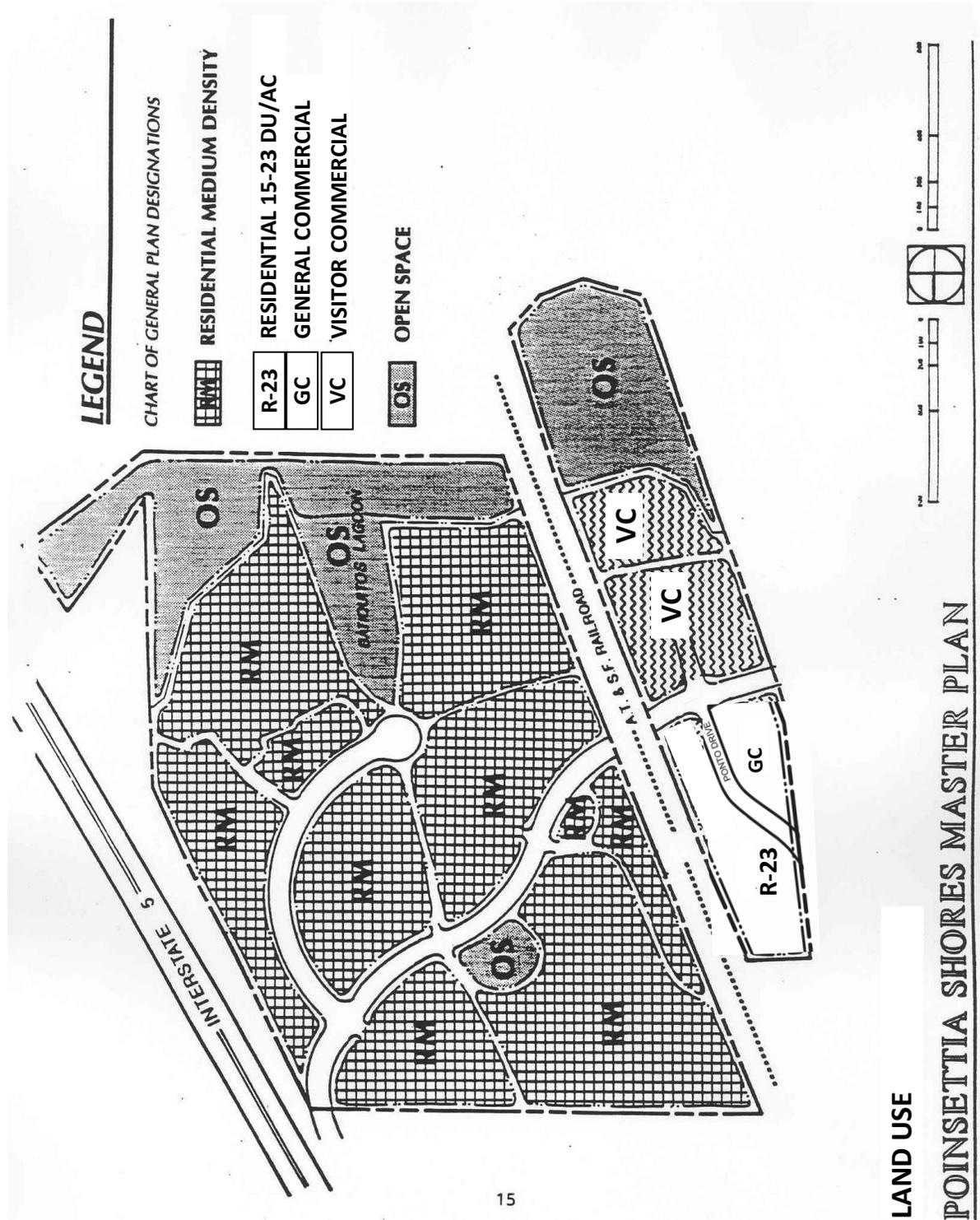
The General Commercial area is located in Planning Area F at the southeast corner of Avenida Encinas and Carlsbad Boulevard. The land uses will consist of those permitted by the General Commercial land use designation, per the Carlsbad General Plan and as specified within the Poinsettia Shores Master Plan.

3. VISITOR COMMERCIAL

The Visitor Commercial area will be located in Planning Areas F, G and H. The land uses will consist of those permitted by the Visitor Commercial land use designation as described in the City of Carlsbad General Plan and as specified within the Poinsettia Shores Master Plan.

10. Amend Poinsettia Shores Master Plan Exhibit 6 to read as follows:

Exhibit 6 Land Use



11. Amend Poinsettia Shores Master Plan Exhibit 8 to read as follows:

Exhibit 8 Planning Areas

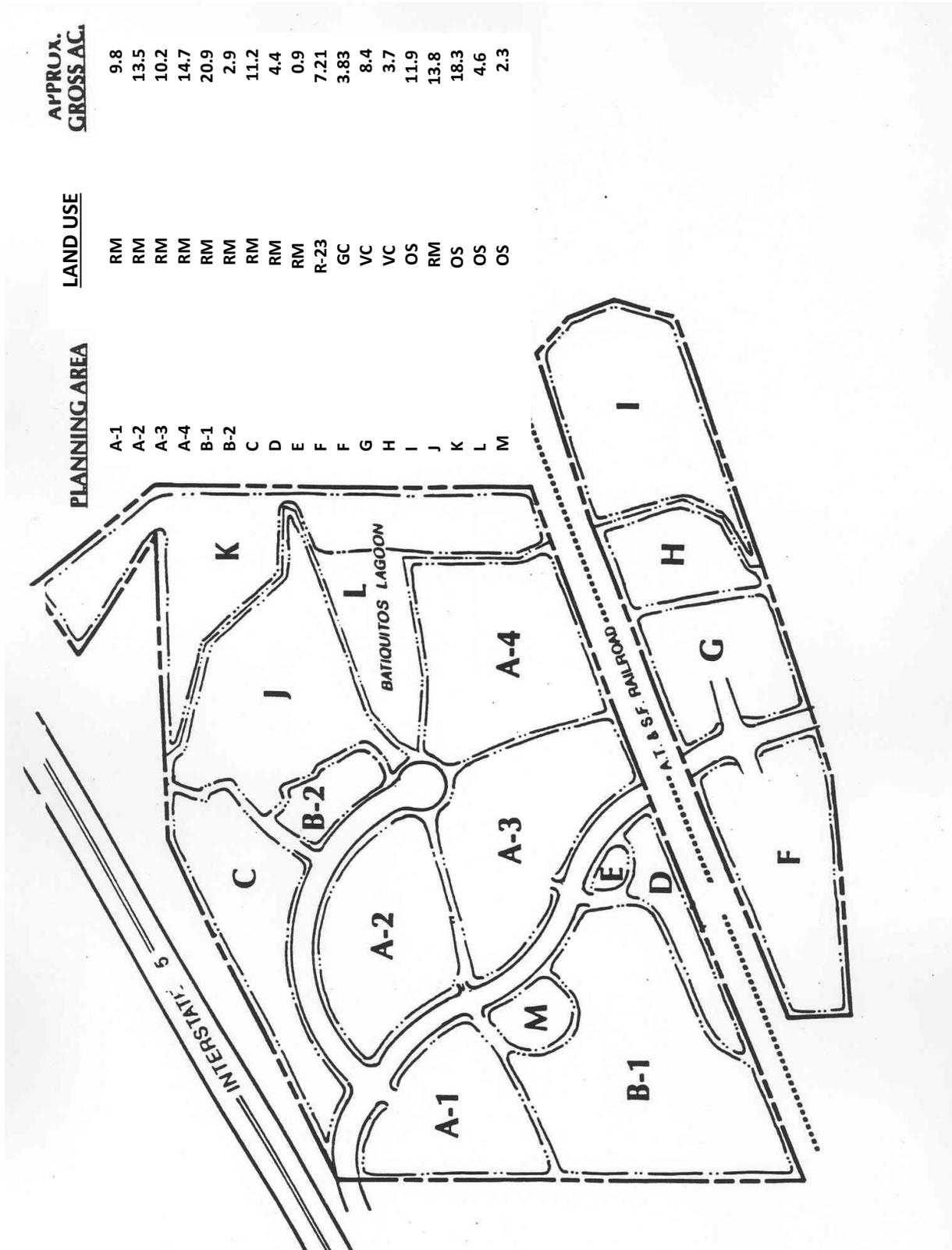


EXHIBIT 2 LCPA 15-07/AMEND 2020-0016 – LOCAL COASTAL PROGRAM UPDATE

Dec. 2, 2020

12. Amend Poinsettia Shores Master Plan Exhibit 9 to read as follows:

Planning Area	Land Use Designation	Development Type and Review Process		Acres (1)		Residential (Units)			Non-Residential (Sq. Ft.)
				Gross	Net	Growth Management Control Point	General Plan Maximum Units	Poinsettia Shores Master Plan (2)	Poinsettia Shores Master Plan
J	RM	SFD	PD	13.8	13.6	Existing-75	Existing-75	Existing-75	
SUBTOTAL EXISTING				13.8	13.6	Existing-75	Existing-75	Existing-75	
A-1	RM	SFD	PD	9.8	8.4	50	67	41	
A-2	RM	SFD	PD	13.5	11	66	88	50	
A-3	RM	SFD	PD	10.2	8.6	51	68	51	
A-4	RM	SFD	PD/SDP	14.7	14.7	88	117	62	
B-1	RM	SFD	PD/SDP	20.9	20.2	121	161	161	
B-2	RM	SFD	PD/SDP	2.9	2.6	15	20	16	
C	RM	SFD	PD/SDP	11.2	9.6	57	76	70	
D	RM	SFD	PD/SDP	4.4	4.0	24(3)	32(3)	90(4)	
E	RM	SFD	PD/SDP	0.9	0.5	3	4	0	
Residential Subtotal Future (3)				88.5	79.6	451		451	
Market Rate Density Bonus Units (5)								23	
F	R-23	Residential 15-23 du/ac	SDP	7.21	6.28	119	144	119	
F	GC	General Commercial	SDP	3.83	3.07	12	NA	12	(6)
G	VC	Visitor Commercial	SDP	8.4	7.8	0	0	0	58,600 square feet Plus 220 hotel/Timeshare Units
H	VC	Visitor Commercial	SDP	3.7	3.7	0	0	0	Total – 120,000 square feet Including 150 Hotel Rooms and 25,000 sq. ft. for a Conference Center
I	OS	Open Space		11.9	11.9	0	0	0	
K	OS	Open Space		18.3	18.3	0	0	0	
L	OS	Open Space		4.6	4.6	0	0	0	
M	OS	Recreation Center	SDP	2.3	2.0	0	0	0	
Total Master Plan (3)				162.8	152.2	657		657	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)
Total With Affordable Housing And Density Bonus				162.8	152.2	729		770	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)

- (1) The Planning Area acreage was determined by planimeter. Upon preparation of the Tentative Map, exact acreages will be determined.
- (2) Units are permitted to be transferred between the Planning Areas, however the number of units within any Planning Area may not be above or below the General Plan density range, except as allowed for utilization of density bonus unit per the affordable housing chapter of this Master Plan.
- (3) Since Planning Area D is reserved as a potential affordable housing site and the units will be provided via a density bonus, the units shown in Planning Area D are not included in the subtotal of future residential.
- (4) Under Section 21.86.060(g) of the Density Bonus Ordinance, these units may be permitted to exceed the General Plan density range.
- (5) The Market Rate Density Bonus Units are additional units allowed under Section 21.86.030 of the Density Bonus Ordinance
The figure is derived by multiplying the maximum future dwelling units (451) by 25% to arrive at a 113 unit density bonus and subtracting the amount of required affordable units (90).
The equation: 451 Maximum Future Dwelling Units x .25 = 113 Density Bonus Units; 113 Density Bonus Units - 90 Affordable Units = 23 Market Rate Units.
These units will either be utilized in Planning Area D or transferred into other Planning Areas. (See Chapter VII for more detailed information.)
- (6) The total amount of General Commercial development will be determined during city review of a development proposal.

NOTE: The number of units in Planning Areas B-1, B-2 and C exceed the Growth Control Point, however they are within the General Plan density range.
The total number of dwelling units within the Poinsettia Shores Master Plan will not exceed the total number of units allowed by Growth Management

13. Amend Poinsettia Shores Master Plan Section VIII to read as follows:

VIII. LOCAL COASTAL PROGRAM COMPLIANCE

The Poinsettia Shores Master Plan area falls within the Coastal Zone. The area falls within the West Batiquitos Lagoon Local Coastal Plan (LCP) which provides policies and development guidelines for compliance with the state coastal act.

All proposed development in the Poinsettia Shores Master Plan area shall be in compliance with the requirements of the Carlsbad Local Coastal Program (LCP) Land Use Plan policies and provisions, including guidelines for the development of steep slopes covered with native vegetation, grading and the provision of erosion control devices.

A Coastal Development Permit must be obtained prior to development of any Planning Area. Please see Section B of Chapter XI and Exhibit 31 for details on timing and requirements for such permits.

14. Add the following paragraph at the end of Poinsettia Shores Master Plan Section IX:

The designation of Planning Area F for residential and commercial use complied with CEQA through completion of the General Plan Update Environmental Impact Report (EIR 13-02). Future development of the planning area will be subject to a project specific environmental review pursuant to CEQA.

15. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F] to read as follows:

PLANNING AREA F

1. Description:

Planning Area F is located at the far northwest corner of the Master Plan area west of the NCTD Railroad right-of-way. This Planning Area is split into two sites by Ponto Drive. The eastern residential site has a gross area of 7.21 acres and a net area of 6.28 acres. The western commercial site has a gross area of 3.83 acres and a net area of 3.07 acres.

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use:

- East of Ponto Drive: R-23 (Residential 15-23 dwellings per acre)
- West of Ponto Drive: GC (General Commercial)

Residential and commercial development shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan.

Dec. 2, 2020

15. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F] to read as follows, cont.:

3. Special Development Standards and Design Criteria:

Residential and Commercial Areas:

- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
- Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding buildings and design.

R-23 Residential Area:

- Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.24 – RD-M Residential Density-Multiple Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- All structures shall be set back a minimum of 40 feet from the NCTD Railroad Right-of-Way. Allowable uses within this setback include streets, parking and landscaping.
- Development of the site shall include internal walkways that provide pedestrian access to surrounding sites.
- Future development shall comply with City Council Resolution No. 2015-243 and Planning Commission Resolution 7114, which requires a minimum of percentage of the total number of units (rental or for-sale) be affordable to lower income households. These units shall be provided on site or at an offsite location, subject to city approval.

GC Commercial Area:

- The primary use of the site is intended for general commercial uses (retail and commercial service uses) and may include a community amenity use such as an arts/nature/activity center.
- Development shall comply with the standards of Carlsbad Municipal Code Chapter 2.28 – C-2 General Commercial Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.
- Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
- Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to surrounding sites and Carlsbad Boulevard.

Dec. 2, 2020

15. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F] to read as follows, cont.:

- If the site is developed as a mixed-use site:
 - a. Residential dwellings are allowed as a secondary use at a minimum density of 15 dwelling units per acre (based on 25 percent of developable acreage).
 - b. Vertical mixed-use (commercial, office and residential in the same multi-story building) – ground floor uses shall be limited to retail and commercial service uses and upper floor uses may include uses allowed on the ground floor, as well as office and residential uses.
 - c. Horizontal mixed-use (commercial, office and residential in separate buildings) – commercial uses shall be the primary use located along primary street frontages.
 - d. Future development of residential dwellings shall comply with City Council Resolution No. 2015-243 and Planning Commission Resolution 7114, which requires a minimum of percentage of the total number of units (rental or for-sale) be affordable to lower income households. These units shall be provided on site or at an offsite location, subject to city approval.
- A multi-level above and below ground parking garage may be considered along Avenida Encinas. If a parking garage is provided, shops and services should line the first story of the garage’s north and west sides to maintain pedestrian activity along and to the planning area.
- The low-lying area in the center of the site exhibits wetland characteristics. The area should be enhanced as a wetland interpretive park with a boardwalk trail across and around the wetland area.
 - a. The wetland park trail should connect the two sides of the site divided by the wetland, unless infeasible due to site constraints or protection of environmental resources.
- Development of the site should design for the ability to provide a pedestrian underpass below Carlsbad Boulevard from the wetland area/boardwalk trail to the beach side of Carlsbad Boulevard.

4. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

Dec. 2, 2020

15. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F] to read as follows, cont.:

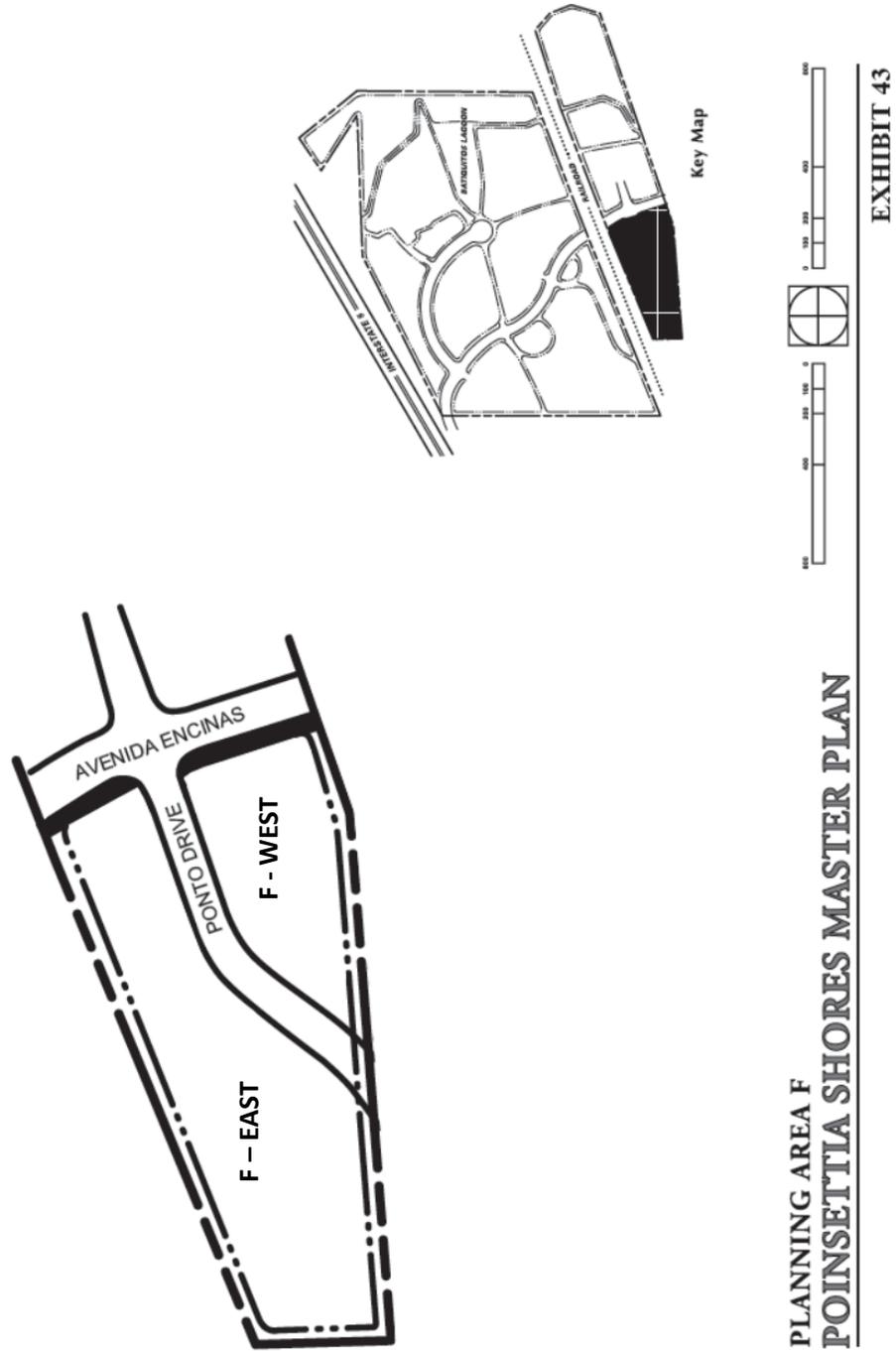
5. Environmental Mitigation Conditions

Prior to approval of further development approvals for this area, additional environmental review shall be conducted to determine whether any significant environmental impacts will occur as a result of the proposed use.

6. Other Special Conditions

Development of this Planning Area shall comply with the requirements stated in Section B of this Master Plan Chapter beginning on page 66.

16. Replace Poinsettia Shores Master Plan Exhibit 43 with the following:



Dec. 2, 2020

17. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G] to read as follows:

PLANNING AREA G

1. Description:

Planning Area G is located west of the NCTD Railroad right-of-way, east of Carlsbad Boulevard, north of Planning Area H and south of the Avenida Encinas extension. Planning Area G has a gross area of 8.4 acres and net developable area of 7.8 acres.

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use: VC (Visitor Commercial)

All development in Planning Area G shall conform to shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan.

Hotel units will be managed and maintained by a hotel management group. This area also allows for hotel units which are also permitted to be designed as vacation time share units provided that a subdivision map is recorded and the time share is processed under Section 21.42.010 of the Carlsbad Municipal Code. Up to 220 hotel or vacation time share units shall be allowable within this Planning Area. Each unit shall have the option to be designed with full kitchen facilities. These units may be sold or leased on a daily or weekly basis. In this event the facilities shall be maintained and managed by an independent management entity which may or may not be affiliated with the hotel management group.

This Planning Area provides tourist-commercial services within the Master Plan area and, in particular, the hotel and conference center. Uses within this area shall be primarily directed toward the needs of tourists visiting the hotel, timeshare, conference center and local scenic and recreation areas.

In addition to the hotel/time share units described above, this Planning Area permits, but is not limited to the following uses: restaurants, bakeries, convenience retail, barber and beauty shops, book and stationary stores, dry cleaning, laundry service for hotel, florist shops, small specialty grocery stores, novelty and/or souvenir stores, travel agencies, confectionery stores and jewelry stores. Other similar uses are also allowed upon approval of the Director of Planning.

Poinsettia Shores Master Plan permits a maximum of 220 hotel and/or time share units, private recreation facilities in conjunction with the hotel and/or time share related uses as well as 58,600 square feet of commercial area.

A maximum of 58,600 square feet of tourist commercial floor area is permitted.

17. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G] to read as follows, cont.:

3. Special Development Standards:

- Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.29 – C-T Commercial Tourist Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- 1.2 parking spaces per guest suite must be provided.
- Commercial uses shall provide a minimum of one space for each 200 square feet of gross floor area.
- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.
- All structures shall be setback a minimum of 40 feet from the NCTD Railroad right of way. Allowable uses within this setback area include streets, parking, and landscaping.
- A public trail around the perimeter of the planning areas shall be provided. The trail shall:
 - a. Provide public access to views of the lagoon and ocean.
 - b. Include interpretive signage and occasional seating.
 - c. Be designed to connect to the city’s trail system.
- Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to the commercial development to the north and Carlsbad Boulevard.
- The distance between structures shall not be less than 10 feet.
- A minimum of 10% of the required parking area, inclusive of driveways shall be landscaped subject to approval of the Planning Director.
- All buildings including accessory structures shall not cover more than 50% of the area of the lot. Parking areas shall not be counted in determining lot coverage.

Dec. 2, 2020

17. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G] to read as follows, cont.:

4. Design Criteria:

- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
- Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
- Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding building and design.
- Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the planning area.
- The perimeter pedestrian trail system shall be constructed in this area.

5. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

6. Environmental Mitigation Conditions

Prior to issuance of a grading permit for this planning area, an archaeologist shall be retained by the developer for participation in a pre-grading conference and to perform monitoring during grading operations where, and if, cultural resource sites are located in this planning area. Compliance with the City's standard paleontological mitigation is also required.

7. Other Special Conditions

- This Planning Area is required to either 1) bond for frontage improvements on Carlsbad Boulevard as specified in this Master Plan's circulation chapter on page **Error! Bookmark not defined.**, or 2) construct said improvements to the satisfaction of the City Engineer. Construction of improvements may be financed through an assessment district subject to approval by the City of Carlsbad.
- The development of this planning area shall include a public access trail system which will be designed to link with the Master Plan's trail system. Trail improvements must be installed prior to the issuance of any building permits for this planning area.
- Recordation of open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final map.

Dec. 2, 2020

18. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows:

PLANNING AREA H

1. Description:

Planning Area H is located immediately east of Carlsbad Boulevard between the Hotel to the north and an open space area to the south. This Planning Area has a gross area of 3.7 acres and a net developable area of 3.7 acres. Planning Area H is a lagoon bluff-top area which is subject to special development standards which address visual impacts to the lagoon.

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use: VC (Visitor Commercial)

All development in Planning Area H shall conform to shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan.

Planning Area H will include a hotel and conference center with recreational facilities, administrative offices, banquet facilities and accessory retail uses as approved by the Planning Director.

All development in Planning Area H shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Permitted uses within Planning Area H are those commonly found with full service hotel facilities to include, but not limited to, a conference center, swimming pool, basketball courts, tennis courts, health club, dining facilities, and accessory retail uses provided for the convenience of hotel quests when located within the hotel structure(s).

Poinsettia Shores Master Plan permits a maximum of 150 executive suite hotel, a maximum of five tennis courts and a maximum of 120,000 square feet of commercial area which includes a 25,000 conference center.

3. Special Development Standards:

- Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.29 – C-T Commercial Tourist Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- Buildings within 100' of the Batiquitos Lagoon bluff shall be limited to 25' above finished grade.
- The minimum parking requirement for hotel facilities is 1.2 spaces per hotel suite. Additional public areas including conference center banquet facilities and other accessory uses require one space for each 100 square feet of gross floor area.

Dec. 2, 2020

18. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows, cont.:

- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.
 - All structures shall have a minimum setback of 40 feet from the NCTD Railroad right of way. Allowable uses within this setback include streets, parking and landscaping.
 - A public trail around the perimeter of the planning areas shall be provided. The trail shall:
 - a. Provide public access to views of the lagoon and ocean.
 - b. Include interpretive signage and occasional seating.
 - c. Be designed to connect to the city's trail system.
 - Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to the commercial development to the north and Carlsbad Boulevard.
 - A minimum 45 foot structural setback shall be observed from the south facing lagoon bluff edge. Allowable uses within this setback include streets, parking and landscaping. However, a greater setback may be required with review and approval of specific development proposals in conjunction with review and input by the California Department of Fish and Game for this planning area.
 - The distance between structures shall not be less than 10'.
 - A minimum of 10% of the required parking area, inclusive of driveways shall be landscaped subject to approval of the Planning Director.
 - All buildings including accessory structures shall not cover more than 50% of the area of the lot. Parking areas shall not be counted in determining lot coverage.
4. Design Criteria:
- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
 - Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
 - Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding building and design.
 - Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the planning area.

Dec. 2, 2020

18. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows, cont.:

- In order to address potential visual impacts to the lagoon, specific architectural standards or designs must be proposed concurrent with the review of a Site Development Plan for this Planning Area. These development standards shall address reduction of potential visual impacts through methods which may include but are not limited to: use of varied roof heights adjacent to the lagoon bluff-top setback area, height limitations adjacent to the lagoon bluff-top setback area, etc.
5. Approval Process:
- A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.
6. Environmental Mitigation Conditions
- Prior to issuance of a grading permit for this planning area, an archaeologist shall be retained by the developer for participation in a pre-grading conference and to perform monitoring during grading operations where, and if, cultural resource sites are located in this planning area. Compliance with the City's standard paleontological mitigation is also required.
7. Other Special Conditions
- This Planning Area is required to either 1) bond for frontage improvements on Carlsbad Boulevard as specified in this Master Plan's circulation chapter on page **Error! Bookmark not defined.** or 2) construct said improvements to the satisfaction of the City Engineer. Construction of improvements may be financed through an assessment district, subject to approval by the City of Carlsbad.
 - The development of this planning area shall include a public access trail which will be designed to link with the Master Plan's trail system. Trail improvements must be installed and dedication of the trail shall be accepted by the City of Carlsbad if the City agrees and it adopts a Citywide Trails Program that includes provisions for maintenance and liability. Otherwise, prior to the issuance of any building permits, the obligation for acceptance, construction, maintenance, and liability shall be the responsibility of another agency designated by the City or the responsibility of the Homeowners Association. Upon acceptance of the dedication, including maintenance and liability responsibilities, and completion of the trail improvements, the trail shall be open for public use.
 - Recordation of open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final map.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Staff Recommended Revisions to Draft Local Coastal Program Land Use Plan
Dec. 2, 2020

RECOMMENDED REVISIONS: ALL CHAPTERS
Correct minor formatting errors, as needed.
Revise all figures, as needed, to reflect the correct location of the railroad.
RECOMMENDED REVISIONS: DRAFT CHAPTER 2 – LAND USE
Update Figure 2-1 Land Use Map, as necessary, to reflect any approved land use designation changes not reflected on the draft figure.
Revise the description of the Cannon Road Open Space Farming and Public Use Corridor (first paragraph on page 2-21 of draft Local Coastal Program Land Use Plan), as follows: <p style="margin-left: 40px;">Following voter approval of Proposition D, the <u>city conducted a public planning process that occurred from November 2007 through June 2008, which resulted in the report titled “Creating a Community Vision for the Cannon Road Agriculture and Open Space (Prop D) Lands Final Report September 23, 2008.” This community vision was used to create City Council-adopted the Cannon Road Agricultural/andOpen Space Zone, which establishes the permitted uses and standards for the corridor. to implement the proposition. In 2017, the Coastal Commission approved the Cannon Road Agricultural/Open Space Zone as part of the Local Coastal Program Implementation Plan (implementing the Open Space land use designation). However, the Coastal Commission’s approval applied the zone only to the area of the corridor located south of Cannon Road. To fully implement Proposition D, the city will need to seek Coastal Commission approval to apply the Cannon Road Agricultural/Open Space Zone to the area of the corridor located north of Cannon Road. The new zone will become effective when the associated Local Coastal Program amendment is approved by the California Coastal Commission.</u></p>
Add a new “Cannon Road Open Space, Farming, and Public Use Corridor” policy (to follow draft policy LCP-2-P.15): <p style="margin-left: 40px;"><u>Seek approval from the Coastal Commission to apply the Cannon Road Agricultural/Open Space Zone to the area of the corridor located north of Cannon Road.</u></p>

RECOMMENDED REVISIONS: DRAFT CHAPTER 2 – LAND USE, CONT.

Revise draft Policy LCP-2-P.20.A and B, as follows:

A. Area 1, as shown on Figure 2-2C

~~1. Prior to development of the site, the Poinsettia Shores Master Plan shall be updated to be consistent with this policy.~~

2.1. The primary use of the site is intended for general commercial uses (retail and commercial service uses) and may include a community amenity use such as an arts/nature/activity center.

3.2. If the site is developed as a mixed-use site:

a. Residential dwellings are allowed as a secondary use at a minimum density of 15 dwelling units per acre (based on 25 percent of developable acreage).

b. Vertical mixed-use (commercial, office and residential in the same multi-story building) – ground floor uses shall be limited to retail and commercial service uses and upper floor uses may include uses allowed on the ground floor, as well as office and residential uses.

c. Horizontal mixed-use (commercial, office and residential in separate buildings) – commercial uses shall be the primary use located along primary street frontages.

4.3. A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.

5.4. A multi-level above and below ground parking garage may be considered along Avenida Encinas. If a parking garage is provided, shops and services should line the first story of the garage's north and west sides to maintain pedestrian activity along and to the planning area.

6.5. Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to surrounding sites and Carlsbad Boulevard.

7.6. The low-lying area in the center of the site exhibits wetland characteristics. The area should be enhanced as a wetland interpretive park with a boardwalk trail across and around the wetland area.

a. The wetland park trail should connect the two sides of the site divided by the wetland, unless infeasible due to site constraints or protection of environmental resources.

8.7. Development of the site should design for the ability to provide a pedestrian underpass below Carlsbad Boulevard from the wetland area/boardwalk trail to the beach side of Carlsbad Boulevard.

B. Area 2, as shown on Figure 2-2C:

~~1. Prior to development of the site, the Poinsettia Shores Master Plan shall be updated to be consistent with this policy.~~

2.1. This site shall be developed with dwellings per the R-23 land use designation (15 to 23 dwellings per acre).

~~3. Guest houses and accessory dwelling units shall not be permitted.~~

4.2. Development of the site shall include internal walkways that provide pedestrian access to surrounding sites.

RECOMMENDED REVISIONS: DRAFT CHAPTER 2 – LAND USE, CONT.

Revise draft Policy LCP-2-P.20.C.3, as follows:

C. Area 3, as shown on Figure 2-2C

...

3. A 40-foot landscape setback shall be provided along the west side of the planning areas/ east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.

Revise draft policy LCP-2-P.20.D.3, as follows:

D. Area 4, as shown on Figure 2-2C

...

3. The existing desilting basin ~~may~~shall be maintained on the site.

RECOMMENDED REVISIONS: DRAFT CHAPTER 3 – RECREATION AND VISITOR-SERVING USES

Add the following at end of the “Public Parks, Other Recreation Facilities, and Golf Courses” section (end of page 3-7 of draft Local Coastal Program Land Use Plan):

The southbound portion of Carlsbad Boulevard may be realigned with a shift to the east, which would provide an opportunity to create additional recreation areas (e.g., parks and other recreation facilities and amenities), and area for the state campground to expand or retreat inland to adapt to sea level rise impacts. Sea level rise impacts are discussed further in Chapter 7, Coastal Hazards.

Revise draft policy LCP-3-P.12, as follows:

LCP-3-P.12 Work with the California Department of Parks and Recreation to enhance public access and recreation, ~~public access, visitor commercial services, and activity in along~~ the Carlsbad Boulevard coastal corridor. Principal objectives should be to create additional recreational opportunities, public waterfront amenities and services (e.g., restrooms and showers), ~~including as well as~~ modernization and expansion of the campgrounds to serve as lower-cost visitor and recreational facilities; improve coastal access for all; conserve coastal resources; and enhance public safety, including addressing threats to the campground from bluff erosion and sea level rise (see Chapter 7 for policies regarding seal level rise hazards).

Add the following policy after draft policy LCP-3-P.13:

Consider, as part of the evaluation of realigning the southern lanes of Carlsbad Boulevard inland, opportunities to create additional recreation areas (e.g., parks and other recreation facilities and amenities), and for the state campground to expand or retreat inland.

RECOMMENDED REVISIONS: DRAFT CHAPTER 3 – RECREATION AND VISITOR-SERVING USES, CONT.

Revise draft policy LCP-3-P.14 and delete draft policies LCP-3-P.19 (combined with P.14), LCP-3-P.20 and LCP-3-P.21, as follows:

LCP-3-P.14 Protect, encourage, and, where feasible, provide for development of new (and retention of existing)- lower-cost visitor-overnight accommodations and recreation facilities, such as through regulatory incentives (e.g., development standards modifications). Consider amenities that reduce the cost of stay when evaluating the affordability of any new or redeveloped overnight visitor accommodations; and encourage and support developments that provide public recreational opportunities within the Coastal Zone [related to Coastal Act Section 30213].

~~LCP-3-P.19—Encourage development of lower cost overnight accommodations, such as through regulatory incentives (e.g., development standards modifications).~~

~~LCP-3-P.20—Require new development and redevelopment proposals, which propose to remove, replace, or remodel existing accommodations, to provide data from Smith Travel Research that identifies whether the accommodations to be removed, replaced, or remodeled are “lower cost” as defined by policy LCP-3-P.18. The data from Smith Travel Research shall be the most recent available at the time of development application submittal.~~

~~LCP-3-P.21—Require new development and redevelopment proposals that propose to remove, replace, or remodel existing “lower cost” accommodations to mitigate the loss of any existing “lower cost” accommodations with new lower cost visitor accommodations at a 1:1 ratio and be subject to the following:~~

~~A.—Mitigation shall prioritize providing for lower cost overnight accommodations on site, where possible.~~

~~B.—If providing lower cost overnight accommodations on site is not feasible, according to a feasibility analysis submitted by the applicant and accepted by the city, then 1:1 replacement off site within the Carlsbad Coastal Zone shall be required. These off-site overnight accommodations shall be completed and ready for use prior to occupancy of the new development.~~

RECOMMENDED REVISIONS: DRAFT CHAPTER 3 – RECREATION AND VISITOR-SERVING USES, CONT.

Revise draft policy LCP-3-P.17, as follows:

- LCP-3-P.17 ~~Prohibit new~~ On land designated Visitor Commercial (VC) on the Local Coastal Program land use map, timeshares or other limited-use overnight accommodations, such as timeshares, shall be subject to the following: on land designated as Visitor Commercial (VC) on the Local Coastal Program land use map.
- A. At least twenty-five (25%) percent of the units within any given facility shall be made available each day for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).
 - B. The timeshare facility shall operate in the same manner as a hotel, including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.
 - C. No person shall occupy any unit or units within a given facility for more than sixty (60) days per calendar year and no more than thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

RECOMMENDED REVISIONS: DRAFT CHAPTER 4 – COASTAL ACCESS

Revise draft Figure 4-4 to show the correct location of the future bike path along southbound Carlsbad Boulevard, as follows:



RECOMMENDED REVISIONS: DRAFT CHAPTER 4 – COASTAL ACCESS, CONT.

Add the following to the end of draft Section 4.4 (end of page 4-30 of draft Local Coastal Program Land Use Plan):

Reduce Parking Demand

In addition to providing off-street and on-street public parking spaces, implementing methods to reduce parking demand will assist in providing public access to the coast. One method to reduce parking demand is transportation demand management (TDM). TDM consists of strategies to reduce the demand for the single-occupant vehicle. Common TDM strategies include carpool programs, car-sharing and bike-sharing programs, flexible work hours, telecommute provisions, shuttle services to nearby transit stations, installation of bicycle facilities (lockers, racks, lanes, showers at employment areas, etc.), or other measures that would reduce the demand to drive; thereby, reducing the demand for parking.

Revise policy 4-P.26, as follows:

LCP-4-P.26 Ensure that the design, location, construction, and operation of trails and bikeways avoids or minimizes adverse impacts to coastal resources, including sensitive habitats and species, and agriculture. For example, the design and operation of the future trails on the north side of Cannon Road, south of Agua Hedionda Lagoon (as shown on Figure 4-2), shall avoid or minimize impacts to the existing agriculture on the property.

Revise draft policy 4-P.37, as follows

LCP-P.37 Identify opportunities to provide additional public parking near beach areas.

Add the following policies (to follow draft policy LCP-4-P.40):

Support transportation demand management (TDM) strategies to reduce parking demand related to single-occupancy vehicle trips and to promote walking, biking, transit use, carpooling, etc.

Apply the Village and Barrio Master Plan for additional policies and provisions related to parking management strategies in the master plan area.

RECOMMENDED REVISIONS: DRAFT CHAPTER 5 – AGRICULTURAL, CULTURAL AND SCENIC RESOURCES

Revise the second paragraph of the description of “Coastal Act Section 30171.5 – Statutory Program” on page 5-7 of draft Local Coastal Program Land Use Plan, as follows:

The statutory program requires payment of a fee to mitigate the conversion of agricultural lands and specifies that the fee can be used only for restoration of Batiquitos Lagoon, an interpretive center at Buena Vista Lagoon, access to public beaches, and other projects that enhance the use of natural resources, including open field cultivated floriculture (refer to Section 5.1 for the full text of Coastal Act Section 30171.5).

Revise policies LCP-5-P.2 and 5-P.3, as follows:

LCP-5-P.2 Recognize the important value of agriculture and support the continuation of existing agriculture by minimizing conflicts with urban uses; such as by requiring new adjacent development to utilize buffers, vegetation, and other site design features that minimize impacts on the agricultural use; and by requiring farm operators to utilize methods to prevent dust and pesticide impacts on adjacent uses [related to Coastal Act Section 30241].

LCP-5-P.3 Support and encourage the continuation of agriculture within the Cannon Road Open Space, Farming and Public Use Corridor, and other areas by utilizing methods and resources to reduce the financial burdens on agricultural land, not only to prevent premature development but also to encourage its continued use for agricultural purposes. For example, consider construction of public facility improvements, such as drainage improvements, which are designed to support the continuation of agriculture.

Revise policy LCP-5-P.17, as follows:

LCP-5-P.17 Ensure that the determination of the significance of cultural or tribal cultural resources, and the development and implementation of any appropriate treatment measures and procedures, is conducted by a qualified archaeologist and, in the case of tribal cultural resources, in consultation with interested culturally- and geographically-affiliated California Native American Tribes. All Native American human remains and associated grave goods shall be returned to their most likely descendent and repatriated. The final disposition of tribal cultural resources not directly associated with Native American graves shall be negotiated during consultation with interested Tribes in accordance with the California Environmental Quality Act, Public Resources Code Section 21084.3, and any other applicable laws and regulations.

RECOMMENDED REVISIONS: DRAFT CHAPTER 5 – AGRICULTURAL, CULTURAL AND SCENIC RESOURCES, CONT.

Revise policy LCP-5-P.24, as follows:

LCP-5-P.24 Ensure that new development and redevelopment preserves, where possible, existing, mature, healthy vegetation that provides significant scenic value, such as oak trees ~~and eucalyptus stands~~.

Add the following policy (to follow policy LCP-5-P.25):

All new utility systems shall be placed underground as feasible and commonly practiced.

Revise policy LCP-5-P.28, as follows:

LCP-5-P.28 Require that retaining walls visible to the public not exceed six feet in height and incorporate veneers, texturing, and/or colors that blend with the surrounding earth materials or landscape. Stepped or terraced retaining walls ~~up to an aggregate 12 feet in height,~~ with at least a 3-foot-wide area for planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.

Revise policy LCP-5-P.32.D, as follows:

LCP-5-P.32 ...

...

D. Area 6 on Figure 5-3:

~~iv.~~ Development on the property shall provide public access to views of Batiquitos Lagoon; such as by providing a dedicated public gathering/viewing area that offers views of the lagoon and Pacific Ocean, in addition to the ~~adjacent nearby~~ existing or planned future public scenic viewing areas shown on Figure 5-3.

**RECOMMENDED REVISIONS: DRAFT CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS
AND WATER QUALITY**

Add the following at the end of Section 6.2 on page 6-14 of draft Local Coastal Program Land Use Plan:

Impacts of Beach Grooming on Beach Ecosystem

“Beach wrack” is an important part of the marine ecosystem. “Beach wrack” refers to the mounds of seaweed and other loose organic material that is brought ashore and accumulates by the natural processes of tides and waves. While these mounds may appear to beach visitors as unsightly debris, wrack is an important nutrient source for the beach ecosystem, in that it provides micro-habitat for a variety of organisms, supports the prey of many marine and terrestrial invertebrates and shorebirds, and contributes to the establishment of coastal strand and incipient dune habitat. Regular grooming of sandy beaches can destroy the wrack and degrade the near shore habitat. Research has shown that groomed beaches have lower invertebrate species richness, abundance and biomass and supports fewer birds in absolute numbers and species diversity.

Beach grooming can negatively impact sensitive shorebird species, such as the western snowy plover and the California least tern, that forage and nest on the open beach. The western snowy plover establishes nests just above the wrack line in the upper beach and coastal strand zone. These nests are very exposed and vulnerable to disturbance and predation. The California least tern breeds on exposed tidal flats, beaches and bays of the Pacific Ocean and is vulnerable to predators, natural disasters and human disturbance. Beach grooming not only removes potential plover and tern nest material, but can also flatten the subtle topographic depressions that these birds use to nest in.

Beach grooming can also negatively impact California grunion, which are a species of fish with a very unique mating ritual. Grunion come ashore in the spring and summer to reproduce during particularly high night-time tides. Female grunion dig their tails into the sand and lay their eggs. For the next ten days or so grunion eggs remain buried in the sand until the next high tide when the eggs hatch and young grunion are washed out to sea. If beach grooming occurs while grunion eggs are buried, all the eggs may be destroyed.

RECOMMENDED REVISIONS: DRAFT CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY, CONT.

Revise the first paragraph of the description of Buena Vista Lagoon starting on page 6-15 of draft Local Coastal Program Land Use Plan, as follows:

Buena Vista Lagoon is a 220-acre freshwater lagoon managed as an ecological reserve by the California Department of Fish and Wildlife. ~~The principal water quality issues in the watershed relate to t~~he lagoon, ~~which~~ is identified on the ~~2012~~-California 2014-2016 Clean Water Act (CWA) Section 303(d) ~~l~~ist of Impaired Waters for as impaired due to the presence of pollutants (nutrients, indicator bacteria, sediment toxicity, and sedimentation/siltation). Waters on the Section 303(d) list are those that do not meet water quality standards and parameters for pollutants. Buena Vista Creek, which feeds into the lagoon, is also listed as impaired for sediment toxicity, benthic community effects, bifenthrin, and selenium. The City of Vista has installed a series of check dams and a detention basin to assist in the removal of sediments traveling through Buena Vista Creek.

Revise the last paragraph of the description of Buena Vista Lagoon on page 6-16 of draft Local Coastal Program Land Use Plan, as follows:

In July 2012, the San Diego Association of Governments (SANDAG) began an environmental review process for the Buena Vista Lagoon Enhancement Project, which includeds evaluation of three enhancement alternatives (freshwater, saltwater, and a saltwater/freshwater hybrid regime) and a no project alternative. ~~In July 2019~~On May 22, 2020, SANDAG, adopted a resolution to accept the saltwater alternative, which will allow the Buena Vista Lagoon to connect directly with ocean waters to flush out sediments. ~~property owners and other stakeholders agreed to pursue a modified hybrid saltwater enhancement option.~~

Revise the first paragraph of the description of Agua Hedionda Lagoon on page 6-16 of draft Local Coastal Program Land Use Plan, as follows:

Agua Hedionda Lagoon encompasses three interconnected lagoons, divided by Interstate 5 and a railroad bridge. The Agua Hedionda Ecological Reserve was acquired in 2000 by the California Department of Fish and Wildlife and consists of 186 acres of wetland at the eastern end of the lagoon. ~~Although~~ Agua Hedionda Lagoon is ~~not~~ listed as impaired on the California 2014-2016 CWA Section 303(d) List of Impaired Waters for toxicity. ~~Sources are listed as unknown.~~ Agua Hedionda Creek, which feeds into the lagoon, is listed as impaired on the ~~2012~~-California 2014-2016 Clean Water Act CWA Section 303(d) List of Impaired Waters list as impaired for benthic community effects, indicator bacteria, enterococcus, fecal coliform, malathion manganese, bifenthrin, chlorpyrifos, cypermethrin, phosphorus, selenium, total dissolved solids, total nitrogen ~~as N~~, and toxicity.

RECOMMENDED REVISIONS: DRAFT CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY, CONT.

Revise the second paragraph of the description of Batiquitos Lagoon on page 6-17 of draft Local Coastal Program Land Use Plan, as follows:

Although Batiquitos Lagoon is ~~not~~ listed as impaired on the California 2014-2016 CWA Section 303(d) List of Impaired Waters for toxicity. Sources are listed as unknown. Additionally, two of the creeks that feed into Batiquitos Lagoon are listed as impaired on the 2012 California Clean Water Act CWA Section 303(d) List of Impaired Waters list as impaired—Encinitas Creek is impaired for benthic community effects, phosphorus, selenium, and toxicity, and San Marcos Creek is impaired for DDE (dichlorodiphenyldichloroethylene), phosphorus, sediment toxicity, benthic community effects, indicator bacteria (enterococcus and fecal coliform), and selenium.

Add “Environmentally Sensitive Habitat Area (ESHA)” policy:

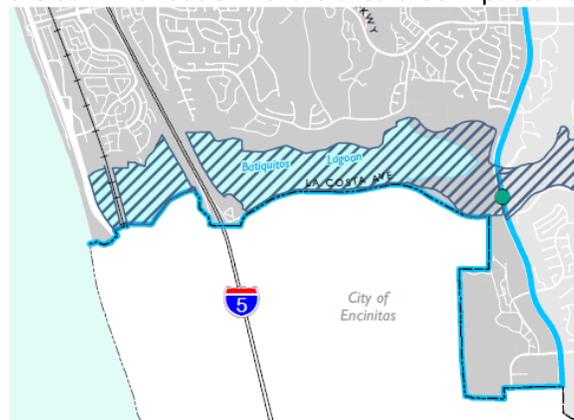
Ensure beach maintenance activities avoid adverse impacts to the beach ecosystem, including beach wrack and near shore habitat. Beach grooming should be avoided. Alternative beach maintenance activities, such as manual beach cleaning, should be restricted when sensitive species are present on the beach (e.g., grunion, western snowy plover and least tern); when sensitive species are present, limit beach maintenance to areas located more than 10 feet landward of the beach wrack habitat line or mean high tide line, whichever is farthest landward.

Add the following “Marine and Coastal Water Quality” policy, as follows:

Support the Buena Vista Lagoon Enhancement Project and enter into a project agreement with San Diego Association of Governments (SANDAG), the City of Oceanside, the California Department of Fish and Wildlife, and other affected property owners.

RECOMMENDED REVISIONS: DRAFT CHAPTER 7 – COASTAL HAZARDS

Revise Figure 7-2 to reflect the dam inundation hazard area that impacts Batiquitos Lagoon, as follows:



RECOMMENDED REVISIONS: DRAFT CHAPTER 7 – COASTAL HAZARDS, CONT.

Revise draft policy LCP-7-P.9, as follows:

LCP-7-P.9 Interpret the anticipated duration of development in the coastal zone, as shown in Table 7-~~42~~ of this chapter, as a guideline for sea level rise planning purposes, not as an entitlement to maintain development in hazardous areas. The duration of any development shall be limited by site conditions, which may result in a shorter duration of development than shown in Table 7-~~42~~.

Revise draft policy LCP-7-P.13, as follows:

LCP-7-P.13 Allow a minimum economic use and/or development of a property, as necessary to avoid an unconstitutional taking of private property without just compensation, where full adherence with all Local Coastal Program policies, including sea level rise policies and other hazard avoidance measures, would preclude a reasonable economic use of the property. Continued use of an existing structure, including with any permissible repair and maintenance (which may be exempt from permitting requirements), may provide a reasonable economic use. If development is allowed pursuant to this policy, it must be consistent with all Local Coastal Program policies to the maximum extent feasible.

Revise draft policy LCP-7-P.16, as follows:

LCP-7-P.16 Prohibit improvements (including those that do not meet the threshold of redevelopment) to an existing structure that meets all of the following (note: improvements may be permitted subject to policies LCP-7-P.12 and LCP-7-P.13): which is legally non-conforming due to a sea level rise hazard policy or standard when the improvements increase the degree of non-conformity by increasing the hazardous condition, such as by developing seaward or in a location that conflicts with the policies of this chapter, or by extending the duration that the non-conforming structure will remain non-conforming.

- a. The existing structure is located in a sea level rise hazard zone; and
- b. The existing structure would not be permitted to be constructed today based on sea level rise hazard policies; and
- c. The proposed improvements would increase the degree of sea level rise hazard to the property, such as by developing seaward or in a location that conflicts with the policies of this chapter.

RECOMMENDED REVISIONS: DRAFT CHAPTER 7 – COASTAL HAZARDS, CONT.

Revise draft policy LCP-7-P.21, as follows:

LCP-7-P.21 Prohibit the use of shoreline protective devices to protect new development, including redevelopment. If new development, including redevelopment, is protected by an existing legally authorized shoreline protective device, the new development/redevelopment shall be sited and designed in a manner that does not require or rely on the use of a shoreline protective device to ensure geologic stability. Require, as a condition of approval of a coastal development permit, that new development, including redevelopment, record a notice of restriction waiving the right, per Coastal Act Section 30235, to construct shoreline protective devices in the future. The condition shall be recorded as part of a notice of restriction per Policy LCP-7-P.17. This policy does not apply to shoreline protective devices that are part of an existing lagoon marina/boat dock.

Revise draft policy LCP-7-P.22, as follows:

LCP-7-P.22 Require, when permitting new development or redevelopment, removal of existing shoreline protective devices that are under the control of the property owner, only if (note: this policy does not apply to shoreline protective devices that are part of an existing lagoon marina/boat dock):

- A. It is feasible to remove the device and restore affected areas; and
- B. The device is causing adverse impacts to coastal or public trust resources, or will cause impacts over the anticipated duration of the development/redevelopment due to sea level rise during that time; and
- C. The device is no longer necessary to protect the remaining existing principal structure on the property or adjacent properties that are entitled to retain shoreline armoring.

Revise draft policy LCP-7-P.28, as follows:

LCP-7-P.28 Develop and implement a sea level rise hazard – shoreline development standards, as part of the Zoning Ordinance, for areas that are vulnerable to sea level rise hazards. The development standards shall minimize risks to life and property associated with sea level rise and ensure protection of the migrating shoreline.

Revise draft policy LCP-7-P.39, as follows:

LCP-7-P.39 Comply with the Federal Emergency Management Agency (FEMA) requirements to identify and regulate flood hazard areas. Cooperate with FEMA on shoreline flooding hazards and other mapping efforts, including efforts to reflect sea level rise flooding projections.

RECOMMENDED REVISIONS: DRAFT CHAPTER 8 – GLOSSARY

Add the following definitions:

Limited Use Overnight Visitor Accommodations: Any hotel, motel, or other similar facility that provides overnight visitor accommodations where a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided; such facilities include, but are not limited to, timeshare, condominium hotel, fractional ownership hotel, or uses of a similar nature.

Timeshare: See “Limited Use Overnight Visitor Accommodations.”

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Highlights of Local Coastal Program Land Use Plan Update

CHAPTER 1 – INTRODUCTION	
Chapter Highlight	Description
History	The introduction describes the history of Carlsbad’s Local Coastal Program, which resulted in six separate Local Coastal Program land use plans that applied to six geographic segments of the city’s Coastal Zone. The six segments are proposed to be merged into one single Local Coastal Program land use plan that applies Coastal Zone-wide. Site/area-specific policies, which are still relevant, are reflected in the proposed draft Local Coastal Program Land Use Plan.
Coastal Act Requirements and Permitting Authority	This chapter describes the purpose and components of a local coastal program, as required by the Coastal Act. Also, information and maps are included that clarify the areas where the city has the authority to issue coastal development permits and where the Coastal Commission has permit authority.
Implementation	The documents that implement the policies of the Local Coastal Program Land Use Plan are listed.
CHAPTER 2 – LAND USE	
Chapter Highlight	Description
General Plan Consistency	Most changes to Local Coastal Program land use policies are proposed to make the Local Coastal Program consistent with the General Plan land use policies.
Special Planning Considerations	<p>Consistent with the General Plan, the draft Local Coastal Program Land Use Plan includes policies for areas with “special planning considerations,” which include:</p> <ul style="list-style-type: none"> • Cannon Road Open Space, Farming, and Public Use Corridor • Carlsbad Boulevard/Agua Hedionda Center • Village and Barrio • Ponto/Southern Waterfront • Murphy <p>See the draft Local Coastal Program Land Use Plan for figures showing the location of these areas – Figures 2-2A, 2-2B and 2-2C.</p>
Ponto Beachfront Village Vision Plan	Consistent with the General Plan and Ponto Beachfront Village Vision Plan, policies are included that incorporate the land use related guidelines from the Ponto Beachfront Village Vision Plan.
Coastal-Dependent Uses	Consistent with the Coastal Act, new policies are added to the Local Coastal Program that support coastal-dependent uses, which include fishing, marinas/boating, aquaculture, and water desalination facilities.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Highlights of Local Coastal Program Land Use Plan Update

CHAPTER 2 – LAND USE (continued)	
Chapter Highlight	Description
Land Use Designation Changes	Changes to Local Coastal Program land use/zone designations are proposed as shown below. These changes are proposed for consistency with the General Plan. No other land use or zoning map changes are proposed.
Existing Local Coastal Program Land Use U – Utility; TS – Tourist Services	Proposed Local Coastal Program Land Use VC – Visitor Commercial; OS – Open Space
Existing Local Coastal Program Zoning PU – Public Utility	Proposed Local Coastal Program Zoning CT – Commercial Tourist; OS – Open Space
<p>This map shows the existing land use designations for the area. Utility zones (U) are shown in light green, Tourist Services (TS) in red, and Open Space (OS) in light blue. A central area is designated as 'P' (Public Use). The map includes street names such as Calle del Sur, Calle del Norte, and Calle del Este.</p>	<p>This map shows the proposed land use designations. Visitor Commercial (VC) zones are shown in red, and Open Space (OS) zones in light blue. The central area is now designated as 'VC/OS' (Visitor Commercial/Open Space) in red with diagonal hatching. The 'P' zone remains in light blue. Street names are consistent with the existing map.</p>
<p>This map shows the existing zoning designations. Public Utility (PU) zones are shown in light green, and Open Space (OS) zones in light blue. The central area is designated as 'PU'. Street names are consistent with the existing map.</p>	<p>This map shows the proposed zoning designations. Commercial Tourist (CT) zones are shown in red, and Open Space (OS) zones in light blue. The central area is now designated as 'CT/OS' (Commercial Tourist/Open Space) in red with diagonal hatching. The 'PU' zone remains in light green. Street names are consistent with the existing map.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Highlights of Local Coastal Program Land Use Plan Update

CHAPTER 3 – RECREATION AND VISITOR-SERVING USES	
Chapter Highlight	Description
Recreation	The Coastal Act addresses the protection of recreational uses, including water-oriented activities, fishing, boating, and recreational facilities. The policies of this chapter support the protection of these uses.
Timeshares	A new policy is included in the draft Local Coastal Program that prohibits new timeshares on land designated VC (Visitor Commercial). However, in response to public comments, staff recommends revising the policy to allow timeshares (see staff report for more information).
Low-Cost Visitor Accommodations	In response to Coastal Commission guidance, the draft Local Coastal Program includes new policies that protect existing lower-cost visitor accommodations. However, in response to public comments and staff concerns, staff recommends revising the draft policies (see staff report for more information).
CHAPTER 4 – COASTAL ACCESS	
Chapter Highlight	Description
Access to the Coast	Consistent with the Coastal Act, policies address the provision and protection of accessways to the coast - pedestrian access, bicycle and vehicle access, including parking.
Trails	Consistent with the recently adopted city Trails Master Plan, a trails map and design guidelines are added to the Local Coastal Program.
Livable Streets	Consistent with the General Plan, livable streets policies are added to the Local Coastal Program, which address a balanced, multi-modal transportation system.
CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES	
Chapter Highlight	Description
Agriculture	The highlight regarding agriculture, is that no change is proposed to existing policies and requirements that address the protection and conversion of agriculture. Additional information is added to clarify the various past city and state actions that apply to agriculture in Carlsbad.
Cultural Resources	Policies are updated consistent with the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines, adopted by the city in 2017.
Scenic Resources	Consistent with Coastal Commission guidance, new policies are added to the Local Coastal Program that address the protection of public coastal views. The draft plan includes maps that clarify what coastal views are to be protected and from which public viewing points. On some properties, particularly those between the ocean/lagoon and a public street, park or trail, the draft policies specify restrictions on building location, landscaping, signs, and lighting.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Highlights of Local Coastal Program Land Use Plan Update

CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY							
Chapter Highlight	Description						
Protection of Sensitive Habitat	<p>The highlight regarding protection of environmentally sensitive habitat, is that no change is proposed to the city’s current policies, which consist primarily of the city’s Habitat Management Plan.</p> <p>Additional policies are proposed that clarify how to protect sensitive habitat that is not within the boundaries of the Habitat Management Plan.</p>						
Water Quality	Policies are updated to be consistent with current regional and city water quality protection standards.						
CHAPTER 7 – COASTAL HAZARDS							
Chapter Highlight	Description						
Sea Level Rise Hazards	<p>New information and policies are added to the Local Coastal Program that address sea level rise hazards and adaptation. The new policies are based on Coastal Commission guidance and the results of the Carlsbad Sea Level Rise Vulnerability Assessment.</p> <p>Sea level rise policies address the following:</p>						
	<table border="1"> <tr> <td>Siting new development</td> <td>New development is required to be located and designed to minimize risks from hazards (bluff erosion, flooding, inundation), ensure structural stability and protection of coastal resources.</td> </tr> <tr> <td>Shoreline Armoring</td> <td>Consistent with the Coastal Act, draft policies clarify the limited circumstances when shoreline armoring could be permitted in Carlsbad, and the requirements to minimize impacts to coastal resources.</td> </tr> <tr> <td>Moving Development Away from Hazards</td> <td>Policies are included in the draft Local Coastal Program that identify the circumstances when development must be removed or modified to avoid risks to public health and safety, and to avoid impacts to public trust resources.</td> </tr> </table>	Siting new development	New development is required to be located and designed to minimize risks from hazards (bluff erosion, flooding, inundation), ensure structural stability and protection of coastal resources.	Shoreline Armoring	Consistent with the Coastal Act, draft policies clarify the limited circumstances when shoreline armoring could be permitted in Carlsbad, and the requirements to minimize impacts to coastal resources.	Moving Development Away from Hazards	Policies are included in the draft Local Coastal Program that identify the circumstances when development must be removed or modified to avoid risks to public health and safety, and to avoid impacts to public trust resources.
	Siting new development	New development is required to be located and designed to minimize risks from hazards (bluff erosion, flooding, inundation), ensure structural stability and protection of coastal resources.					
	Shoreline Armoring	Consistent with the Coastal Act, draft policies clarify the limited circumstances when shoreline armoring could be permitted in Carlsbad, and the requirements to minimize impacts to coastal resources.					
Moving Development Away from Hazards	Policies are included in the draft Local Coastal Program that identify the circumstances when development must be removed or modified to avoid risks to public health and safety, and to avoid impacts to public trust resources.						
FEMA Flood Hazards	Policies are updated to reflect current Federal Emergency Management Agency (FEMA) requirements. Also, consistent with Coastal Commission guidance, the policies clarify that development of permanent structures is prohibited in the 1-percent-annual-chance-flood area (100-year flood area).						
Geologic Hazards	Policies are updated consistent with the General Plan and Coastal Commission guidance.						
Fire Hazards	Policies are updated consistent with the General Plan; also, the city’s “fuel modification zones” maps have been included in the chapter to clarify fire safety requirements.						

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Highlights of Local Coastal Program Land Use Plan Update

CHAPTER 8 – GLOSSARY	
Chapter Highlight	Description
Definition of terms	This is a new section of the Local Coastal Program, which defines terms used throughout the document.
APPENDIX A – NORTH COAST CORRIDOR PWP OVERLAY	
Chapter Highlight	Description
No Change	No changes are proposed to the existing Local Coastal Program Appendix A, which is incorporated as Appendix A in the draft Local Coastal Program update. Appendix A consists of Carlsbad’s portion of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP), which is a plan prepared by Caltrans and SANDAG to authorize transportation, community and resource enhancement along the I-5 and railroad corridor from La Jolla to Oceanside.
APPENDIX B – CITY OF CARLSBAD SEA LEVEL RISE VULNERABILITY ASSESSMENT	
Chapter Highlight	Description
Informs policies in Chapter 7	Policies in Chapter 7 (Coastal Hazards) apply to lands located in sea level rise hazard areas identified in the City of Carlsbad Sea Level Rise Vulnerability Assessment. The vulnerability assessment includes maps that show the hazard areas (flood, inundation and erosion) that are projected in years 2050 and 2100. These hazard areas indicate when properties are subject to the sea level rise hazard policies in Chapter 7.

LCPA 15-07/AMEND 2020-0014 VILLAGE AND BARRIO MASTER PLAN AND POINSETTIA SHORES MASTER PLAN AMENDMENTS - Strike-Out/Underline

**LCPA 15-07/AMEND 2020-0014 VILLAGE AND BARRIO MASTER PLAN AND POINSETTIA SHORES MASTER PLAN AMENDMENTS
Strike-Out/Underline**

1. Village and Barrio Master Plan Amendment:

A. Amend Village and Barrio Master Plan Section 1.71.C, as follows:

C. City of Carlsbad Local Coastal Program

The Local Coastal Program guides future development in the city’s Coastal Zone based on policies and requirements in the state Coastal Act. It seeks to ensure coastal resources, ranging from public views and access, to hillside and sensitive habitats, are enhanced and protected. Approximately one-third of Carlsbad, including portions of the Village and Barrio, is in the Coastal Zone. Section 6.2.1 describes the sections of the Village and Barrio Master Plan and other documents that comprise, which serves as the Local Coastal Program for the Coastal Zone of the Master Plan planning area. The Local Coastal Program requires approval from the California Coastal Commission in addition to the City of Carlsbad City Council.

B. Amend Village and Barrio Master Plan Section 6.2.1, as follows:

6.2.1 Local Coastal Program

~~For properties within the Coastal Zone (shown in Figure 2-1), the goals and policies in Chapter 1, the use and development standards in Chapters 2 and 3, provisions on managing parking and increasing mobility in Section 4.5.2, the administrative processes of Chapter 6, and the definitions in Appendix A of this Master Plan, together with CMC Chapters 15.12 – Stormwater Management and Discharge Control, and 15.16 – Grading and Erosion Control, as well as those provisions of the Zoning Ordinance not superseded herein, shall constitute the Local Coastal Program for the Village and Barrio. If conflicts or discrepancies arise between the Local Coastal Program and other policies, standards, or guidelines of the Master Plan, the Local Coastal Program provisions shall be controlling. The Local Coastal Program for properties within the Coastal Zone of the Village and Barrio Master Plan (shown in Figure 2-1) is comprised of the sections of this Master Plan and other documents described below. In any instance where the Local Coastal Program (described below) conflicts with other provisions of this Master Plan (not described below), the Local Coastal Program provisions shall apply.~~

Table 6-1: Local Coastal Program for the Coastal Zone of the Village and Barrio Master Plan

Row	Documents and Provisions that Comprise the Local Coastal Program
A	<p><u>Village and Barrio Master Plan Sections:</u></p> <ul style="list-style-type: none"> • <u>Goals and policies in Chapter 1</u> • <u>Use and development standards in Chapters 2 and 3</u> • <u>Provisions on managing parking and increasing mobility in Section 4.5.2</u> • <u>Administrative processes of Chapter 6</u> • <u>Definitions in Appendix A</u>

B. Amend Village and Barrio Master Plan Section 6.2.1, as follows, cont.:

<p><u>B</u></p>	<p><u>City of Carlsbad Local Coastal Program Land Use Plan</u></p> <p><u>In instances where the sections of this Master Plan (specified in row A of this table) conflict with the Local Coastal Program Land Use Plan, the Master Plan provisions shall apply. Where the Village and Barrio Master Plan is silent on an issue, the provisions of the Local Coastal Program Land Use Plan shall apply.</u></p>
<p><u>C</u></p>	<p><u>CMC Chapter 15.12 – Stormwater Management and Discharge Control</u></p>
<p><u>D</u></p>	<p><u>CMC Chapter 15.16 – Grading and Erosion Control</u></p>
<p><u>E</u></p>	<p><u>CMC Title 21 - Zoning Ordinance, except the zoning provisions superseded herein</u></p>

2. Poinsettia Shores Master Plan Amendment

A. Amend the Table of Contents (section titles, exhibit titles, page numbers, etc.) consistent with the amendments shown below.

B. Amend the fourth paragraph of Poinsettia Shores Master Plan Section 1.A, as follows:

Development within the Master Plan shall be subject to all present and future Growth Management plans, policies or ordinances adopted by the City Council or by Citizen Vote including but not limited to Chapter 21.90 of the Carlsbad Municipal Code (Growth Management). The residential development potential for the Master Plan area has been established by applying the density ranges and the "control points" of the General Plan Land Use designations which are applicable to the property. The Master Plan complies with the Growth Control Point of the underlying General Plan density of 6.0 du/net acres for RM areas and 19 du/net acres for R-23 areas, except where a density bonus is allowed pursuant to the provisions set forth in the affordable housing ordinance.

C. Amend the first three paragraphs of Poinsettia Shores Master Plan Section 1.B.2, as follows:

The Poinsettia Shores Master Plan ~~will supersede~~ the ~~existing previous~~ Batiquitos Lagoon Educational Park (BLEP) Master Plan. The private school and research and development uses ~~currently~~ allowed by the BLEP Master Plan on the east side of the railroad track ~~will be~~ changed to allow for the development of single and multiple family dwelling units. The impacts of the proposed land uses identified in the BLEP Master Plan ~~will be~~ significantly decreased with the approval of the ~~changes proposed in the~~ Poinsettia Shores Master Plan. The amended Zone 9 LFMP and Chapter VI of this Master Plan ~~will~~ identify the facility impacts of the Poinsettia Shores Master Plan.

For planning purposes, the Master Plan land uses and planning areas are generally referred to as either "east-side" or "west-side," dependent upon their location in relation to the AT&SF Railroad Right-of-Way which bisects the property. The east side features nine residential planning areas, a community recreational area, a recreational vehicle storage area, as well as various open space areas. The west-side features ~~a travel service/commercial area and~~ an open space area, visitor commercial area, general commercial area, and a multifamily residential area. ~~In addition, one area of the west side has been set aside as unplanned. The ultimate uses for this area will be determined at a later date when more specific planning is carried out for areas west of the railroad tracks. Possible future uses are not being limited at this time and could include residential and/or non-residential uses. Prior to approval of specific development plans for the unplanned area, a Major Master Plan amendment will be required.~~

When built out, the Poinsettia Shores Master Plan will not exceed the maximum number of dwelling units as allowed by ~~the General Plan, which as part of the 2015 General Plan update was determined consistent with the city's Growth Management Plan and the Citywide Facilities and Improvements Plan. the amended Zone 9 LFMP which analyzes and includes the proposed density bonus which may be approved consistent with City ordinance for the provision of affordable housing.~~

D. Amend the last two paragraphs of Poinsettia Shores Master Plan Section 1.B.2, as follows:

~~There are 75 single family homes built within the Planning Area J that were built per the requirements of the Batiquitos Lagoon Educational Park Master Plan. The number of future dwelling units allowed for the Poinsettia Shores Master Plan is consistent with the preceding Batiquitos Lagoon Educational Park Master Plan. A portion of the Poinsettia Shores Master Plan Area has already been developed under the provisions of the previous Master Plan. Currently, 70 single family homes exist within Planning Area J. In addition, five vacant buildable residential lots also remain in Planning Area J. For the purposes of this Master Plan, the total of 75 will be used for the existing unit count. Subtracting the existing dwelling unit count from the 526 future units allowed under the BLEP plan leaves 451 future dwelling units allowable under the new Poinsettia Shores Master Plan. In addition, per the provisions of the Affordable Housing Chapter on page 40, this Master Plan proposes to implement its affordable housing program through a density bonus which would allow up to 113 additional dwelling units, including 90 affordable housing units and 23 market rate units. This density bonus is envisioned and planned for in this Master Plan, and may be approved through an Affordable Housing Agreement concurrent with the first final map for an individual Planning Area within the Master Plan.~~

~~The existing homes were developed to the standards of the previous Batiquitos Lagoon Educational Park Master Plan.~~

E. Amend the title and label of Poinsettia Shores Master Plan Exhibit 2, as follows:

Existing General Plan at adoption of MP 175 (D)

F. Amend subsection 7 of Poinsettia Shores Master Plan Section I.E, as follows:

7. Ensure conformance with the California Coastal Act through compliance with the ~~objectives, goals and~~ policies and standards of the ~~West Batiquitos~~Carlsbad Local Coastal Program.

G. Amend Poinsettia Shores Master Plan Section III.A, as follows:

A. ~~GENERAL PLAN~~LAND USE

The Local Coastal Program and General Plan land use designations of the Poinsettia Shores Master Plan are shown on Exhibit 6 on page ~~Error! Bookmark not defined.~~, and listed by planning area on the Land Use Summary Table, Exhibit 9, on page ~~Error! Bookmark not defined.~~. These designations are:

- RM - Residential Medium 4-8 dwelling units per acre (Growth Control Point 6.0 du/ac)
- ~~R-23 - Residential 15-23 dwelling units per acre (Growth Control Point 19 du/ac)~~
- ~~GC - General Commercial~~
- ~~VC - Visitor Commercial~~
- ~~TS/C - Travel Service/Community Commercial~~
- ~~NRR - Non-residential Reserve~~
- OS - Open Space

All development within the Master Plan shall be consistent with these land use designations as well as complying with all other Master Plan and Planning Area Development Standards.

~~It should be noted that Planning Area F carries a Non-residential Reserve (NRR) General Plan designation. As shown on Exhibit 9 (Land Use Summary Table), 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 the areas west of the railroad right-of-way. A future Major Master Plan amendment and LCP amendment will be required prior to further development approvals for Planning Area F.~~

~~The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Master Plan 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. Planning Area F is further discussed on page 105.~~

H. Amend Poinsettia Shores Master Plan Sections III.C.1.c and III.C.1.d, as follows:

c. Multi-family - Planning Area C is designated for multi-family development. The multi-family units will be developed per the Planned Development Ordinance and the development standards/design criteria set forth in this Master Plan. The multi-family units may include but are not limited to townhomes, stacked flats, carriage units, apartments and duplexes.

Part of Planning Area F is also designated for multi-family development, which shall be developed pursuant to the requirements of this Master Plan.

d. Affordable Housing - Planning Area D is designated as the Master Plan's affordable housing site, unless an offsite location is designated through an Affordable Housing Agreement between the property owner and the City per the provisions of Chapter VII of this Master Plan. These units will be either "for sale" or rental units, subject to the discretion of the developer. For additional information, see Chapter VII.

Pursuant to City Council Resolution No. 2015-243 and Planning Commission Resolution No. 7114, affordable housing units are also required as part of the development of residential units on Planning Area F.

I. Amend Poinsettia Shores Master Plan Sections III.C.2 and III.C.3, as follows:

2. GENERAL COMMERCIAL

The General Commercial area is located in Planning Area F at the southeast corner of Avenida Encinas and Carlsbad Boulevard. The land uses will consist of those permitted by the General Commercial land use designation, per the Carlsbad General Plan and as specified within the Poinsettia Shores Master Plan.

3. TRAVEL/SERVICE-VISITOR COMMERCIAL

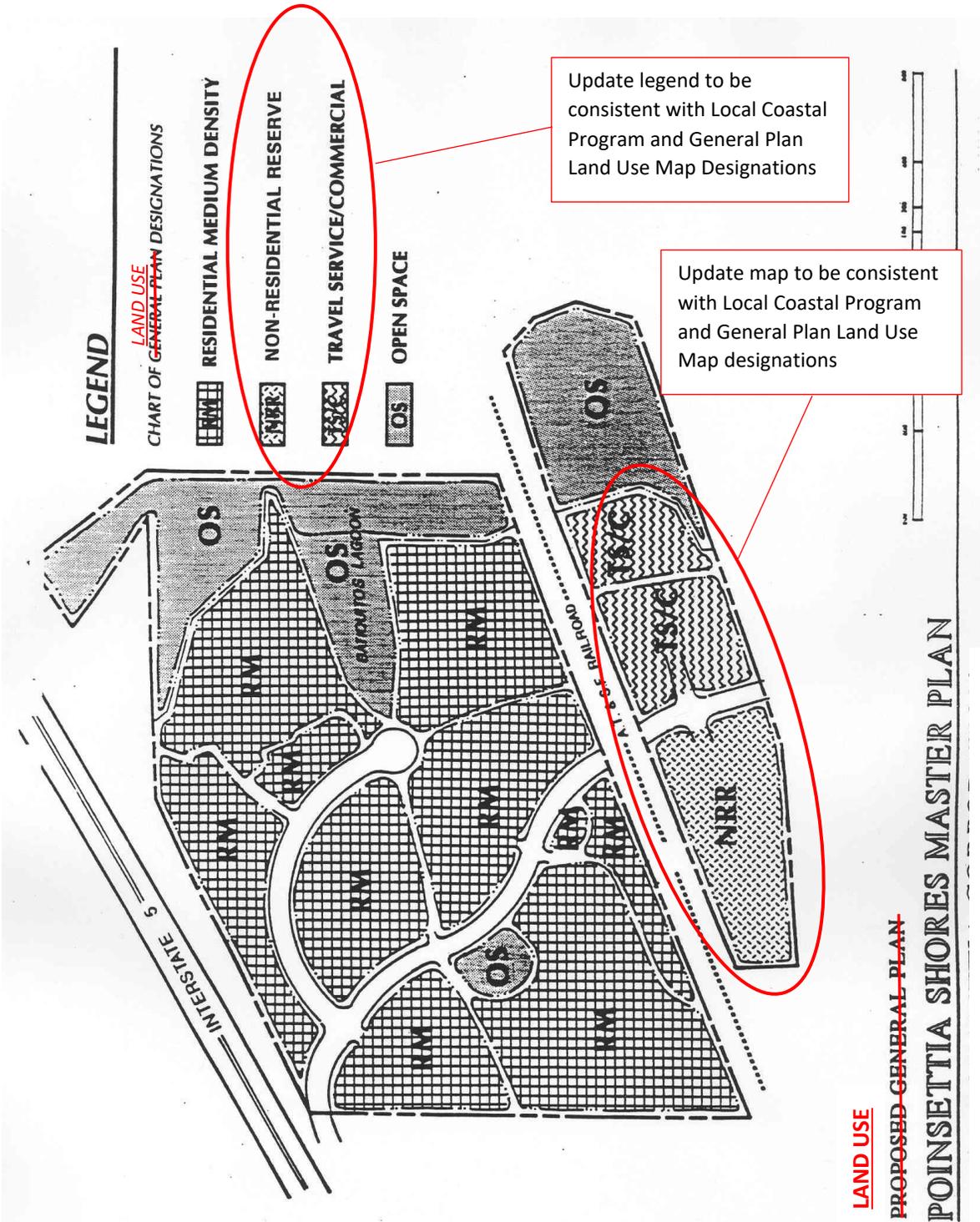
The Travel Service/Visitor Commercial area will be located in Planning Areas F, G and H. The land uses will consist of those permitted by the Travel Service and Visitor Commercial land use designations as described in the City of Carlsbad General Plan and as specified within the Poinsettia Shores Master Plan.

~~3. NON-RESIDENTIAL RESERVE~~

~~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 the west-side development areas. A future Major Master Plan amendment and LCP amendment will be required prior to further development approvals for Planning Area F.~~

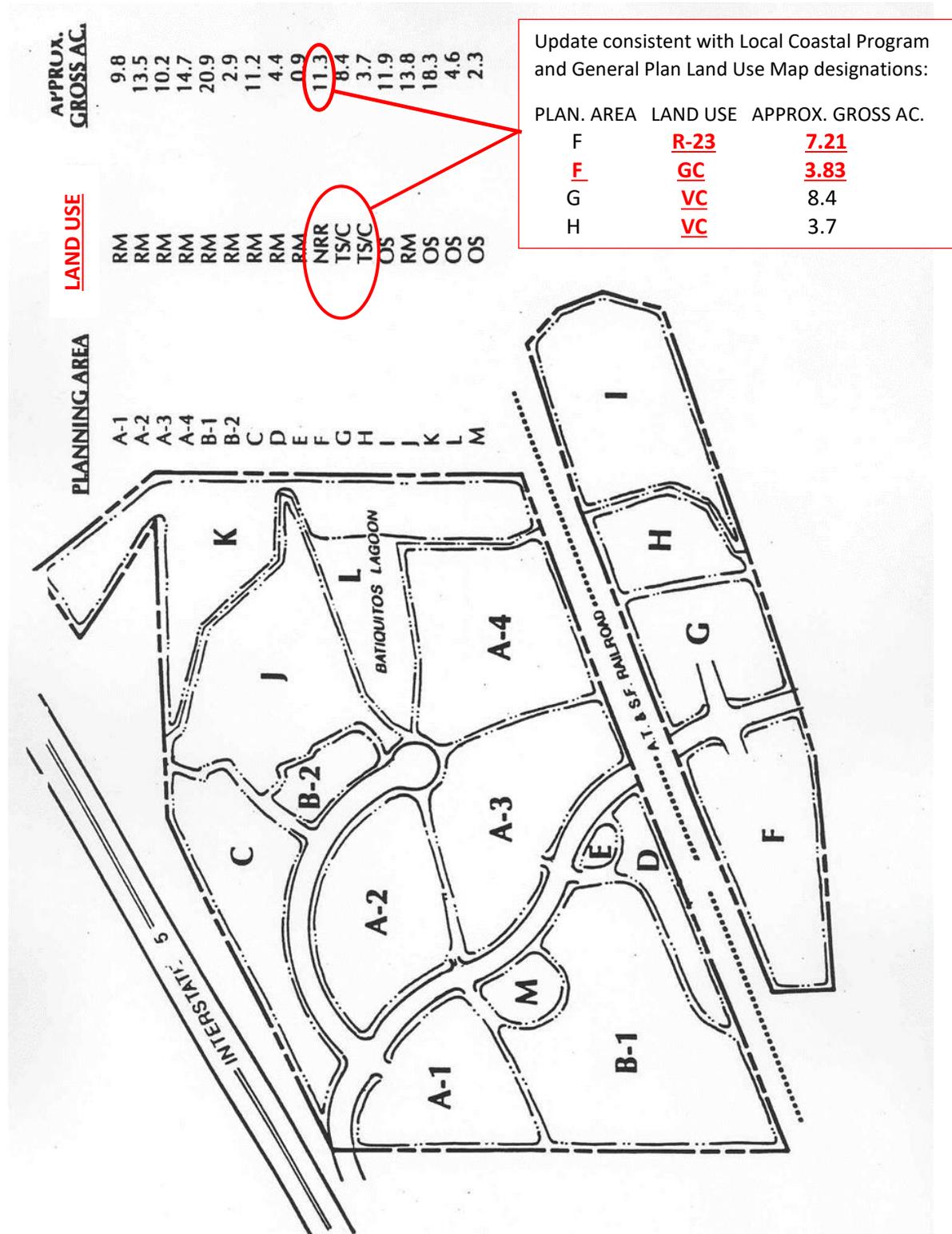
J. Amend Poinsettia Shores Master Plan Exhibit 6, as follows:

Exhibit 6 Proposed General Plan Land Use



K. Amend Poinsettia Shores Master Plan Exhibit 8, as follows:

Exhibit 8 Planning Areas



LCPA 15-07/AMEND 2020-0014 VILLAGE AND BARRIO MASTER PLAN AND POINSETTIA SHORES MASTER PLAN AMENDMENTS - Strike-Out/Underline

L. Amend Poinsettia Shores Master Plan Exhibit 9, as follows:

Planning Area	General Plan Land Use Designation	Development Type and Review Process		Acres (1)		Residential (Units)			Non-Residential (Sq. Ft.)
				Gross	Net	Growth Management Control Point	General Plan Maximum Units	Poinsettia Shores Master Plan (2)	Poinsettia Shores Master Plan
J	RM	SFD	PD	13.8	13.6	Existing-75	Existing-75	Existing-75	
SUBTOTAL EXISTING				13.8	13.6	Existing-75	Existing-75	Existing-75	
A-1	RM	SFD	PD	9.8	8.4	50	67	41	
A-2	RM	SFD	PD	13.5	11	66	88	50	
A-3	RM	SFD	PD	10.2	8.6	51	68	51	
A-4	RM	SFD	PD/SDP	14.7	14.7	88	117	62	
B-1	RM	SFD	PD/SDP	20.9	20.2	121	161	161	
B-2	RM	SFD	PD/SDP	2.9	2.6	15	20	16	
C	RM	SFD	PD/SDP	11.2	9.6	57	76	70	
D	RM	SFD	PD/SDP	4.4	4.0	24(3)	32(3)	90(4)	
E	RM	SFD	PD/SDP	0.9	0.5	3	4	0	
Residential Subtotal Future (3)				88.5	79.6	451		451	
Market Rate Density Bonus Units (5)								23	
F	<u>R-23NRR</u>	<u>Residential 15-23 du/ac</u>	<u>SDP</u>	<u>7.21</u>	<u>6.28</u>	<u>1190</u>	<u>1440</u>	<u>1190</u>	
		Unplanned (6)		11.3	10.7				
F	<u>GC</u>	<u>General Commercial</u>	<u>SDP</u>	<u>3.83</u>	<u>3.07</u>	<u>12</u>	<u>NA</u>	<u>12</u>	<u>(6)</u>
G	<u>VCTS/C</u>	<u>Visitor Commercial</u>	<u>SDP</u>	8.4	7.8	0	0	0	58,600 square feet Plus 220 hotel/Timeshare Units
H	<u>VCTS/C</u>	<u>Visitor Commercial</u>	<u>SDP</u>	3.7	3.7	0	0	0	Total – 120,000 square feet Including 150 Hotel Rooms and 25,000 sq. ft. for a Conference Center
I	OS	Open Space		11.9	11.9	0	0	0	
K	OS	Open Space		18.3	18.3	0	0	0	
L	OS	Open Space		4.6	4.6	0	0	0	
M	OS	Recreation Center	SDP	2.3	2.0	0	0	0	
Total Master Plan (3)				162.8	152.2	<u>657526</u>		<u>657526</u>	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)
Total With Affordable Housing And Density Bonus				162.8	152.2	<u>729598</u>		<u>770639</u>	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)

- (1) The Planning Area acreage was determined by planimeter. Upon preparation of the Tentative Map, exact acreages will be determined.
- (2) Units are permitted to be transferred between the Planning Areas, however the number of units within any Planning Area may not be above or below the General Plan density range, except as allowed for utilization of density bonus unit per the affordable housing chapter of this Master Plan.
- (3) Since Planning Area D is reserved as a potential affordable housing site and the units will be provided via a density bonus, the units shown in Planning Area D are not included in the subtotal of future residential.
- (4) Under Section 21.86.060(g) of the Density Bonus Ordinance, these units may be permitted to exceed the General Plan density range.
- (5) The Market Rate Density Bonus Units are additional units allowed under Section 21.86.030 of the Density Bonus Ordinance
The figure is derived by multiplying the maximum future dwelling units (451) by 25% to arrive at a 113 unit density bonus and subtracting the amount of required affordable units (90).
The equation: 451 Maximum Future Dwelling Units x .25 = 113 Density Bonus Units; 113 Density Bonus Units - 90 Affordable Units = 23 Market Rate Units.
These units will either be utilized in Planning Area D or transferred into other Planning Areas. (See Chapter VII for more detailed information.)

~~(6) A Major Master Plan Amendment is required prior to any development in this Planning Area. For purposes of public facility planning, 5.6 acres of Travel Service/Commercial use was assigned for this Planning Area. The total amount of General Commercial development will be determined during city review of a development proposal.~~

NOTE: The number of units in Planning Areas B-1, B-2 and C exceed the Growth Control Point, however they are within the General Plan density range.
The total number of dwelling units within the Poinsettia Shores Master Plan will not exceed the total number of units allowed by Growth Management

M. Amend Poinsettia Shores Master Plan Section VIII, as follows:

VIII. LOCAL COASTAL PROGRAM COMPLIANCE

The Poinsettia Shores Master Plan area falls within the Coastal Zone. The area falls within the West Batiqitos Lagoon Local Coastal Plan (LCP) which provides policies and development guidelines for compliance with the state coastal act.

All proposed development in the Poinsettia Shores Master Plan area shall be in compliance with the requirements of the ~~West Batiqitos Lagoon LCP~~Carlsbad Local Coastal Program (LCP) Land Use Plan policies and provisions, including guidelines for the development of steep slopes covered with native vegetation, grading and the provision of erosion control devices.

A Coastal Development Permit must be obtained prior to development of any Planning Area. Please see Section B of Chapter XI and Exhibit 31 for details on timing and requirements for such permits.

~~The LCP Amendment which accompanies the Poinsettia Shores Master Plan is required due to the land use changes proposed by the Poinsettia Shores Master Plan. The Poinsettia Shores Master Plan proposes to change the current land use designations from those approved with the Batiqitos Lagoon Education Park Master Plan. The proposed land use designation changes involve the redesignation of the land uses east of the AT & SF Railroad right of way from a private school with research and development to residential of varying product types. In addition, the proposed land use changes require text changes to the LCP, specifically to the land use descriptions. These proposed changes require a Major Local Coastal Program Amendment.~~

~~The development of the Poinsettia Shores Master Plan area will require the payment of the balance of the Agricultural Mitigation Fees as required by the LCP. As identified in the local Coastal Program for West Batiqitos Lagoon, a portion of the required fees were paid upon the development of Planning Area J (Rosalina). There remains a balance due to be paid to the California Coastal Conservancy for the remaining 60 acres. Agricultural Mitigation Fees are required prior to be paid to the California Coastal Conservancy for any further development on the east side of the Master Plan, except for Planning Areas C, B-2 and J for which fees equal to the conversion of 40 acres have been paid previously. In the applicable Planning Areas, these fees shall be paid for the amount of land proposed for conversion within that Planning Area. Mitigation fees collected shall be secured prior to final map recordation and paid prior to issuance of a grading permit.~~

~~This condition also applies to grading for roadway construction in that, prior to issuance of a grading permit for any roadway in the Master Plan which is not specifically within a Planning Area for which Agricultural Mitigation Fees have already been paid, payment of Agricultural Mitigation Fees shall be made for the portion of land being graded and improved for the roadway. Please see the West Batiqitos Lagoon Local Coastal Program Amendment, processed and approved concurrently with this Master Plan.~~

N. Add the following paragraph to the end of Poinsettia Shores Master Plan Section IX, as follows:

The designation of Planning Area F for residential and commercial use complied with CEQA through completion of the General Plan Update Environmental Impact Report (EIR 13-02). Future development of the planning area will be subject to a project specific environmental review pursuant to CEQA.

O. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F], as follows:

PLANNING AREA F

1. Description:

Planning Area F is located at the far northwest corner of the Master Plan area west of the ~~AT&SFNCTD Railroad~~ roadway right-of-way. This Planning Area ~~has a gross area of 11.3 acres and a net developable area of 10.7 acres.~~ is split into two sites by Ponto Drive. The eastern residential site has a gross area of 7.21 acres and a net area of 6.28 acres. The western commercial site has a gross area of 3.83 acres and a net area of 3.07 acres.

2. Land Use Allocation:

~~Local Coastal Program and~~ General Plan Land Use: NRR (Non-Residential Reserve)

- East of Ponto Drive: R-23 (Residential 15-23 dwellings per acre)
- West of Ponto Drive: GC (General Commercial)

Residential and commercial development shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan.

~~Planning Area F carries a Non-residential Reserve (NRR) General Plan designation. As shown on Exhibit 9 (Land Use Summary Table), 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 and LCP amendment will be required prior to further development approvals for Planning Area F.~~

~~The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Major Master Plan 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. For residential uses to be approved in planning area F, or any planning area west of the railroad tracks, there would have to be a determination that residential dwelling units could be available through the southwest quadrant to this property consistent with the City's Growth Management Plan as part of the Major Master Plan Amendment.~~

O. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F], as follows, cont.:

3. Special Development Standards and Design Criteria:

Residential and Commercial Areas:

- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
- Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding buildings and design.

R-23 Residential Area:

- Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.24 – RD-M Residential Density-Multiple Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- All structures shall be set back a minimum of 40 feet from the AT&SFNCTD Railroad Right-of-Way. Allowable uses within this setback include streets, parking and landscaping.
- Development of the site shall include internal walkways that provide pedestrian access to surrounding sites.
- Future development shall comply with City Council Resolution No. 2015-243 and Planning Commission Resolution 7114, which requires a minimum of percentage of the total number of units (rental or for-sale) be affordable to lower income households. These units shall be provided on site or at an offsite location, subject to city approval.

GC Commercial Area:

- The primary use of the site is intended for general commercial uses (retail and commercial service uses) and may include a community amenity use such as an arts/nature/activity center.
- Development shall comply with the standards of Carlsbad Municipal Code Chapter 2.28 – C-2 General Commercial Zone, and all other zoning standards not otherwise addressed by this Master Plan.
- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback. ~~All structures shall be set back a minimum of 40 feet from Carlsbad Boulevard. The setback shall include a link of the Citywide Trail System, if adopted. Allowable uses within this setback include streets, parking and landscaping.~~

O. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F], as follows, cont.:

- Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
- Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to surrounding sites and Carlsbad Boulevard.
- If the site is developed as a mixed-use site:
 - a. Residential dwellings are allowed as a secondary use at a minimum density of 15 dwelling units per acre (based on 25 percent of developable acreage).
 - b. Vertical mixed-use (commercial, office and residential in the same multi-story building) – ground floor uses shall be limited to retail and commercial service uses and upper floor uses may include uses allowed on the ground floor, as well as office and residential uses.
 - c. Horizontal mixed-use (commercial, office and residential in separate buildings) – commercial uses shall be the primary use located along primary street frontages.
 - d. Future development of residential dwellings shall comply with City Council Resolution No. 2015-243 and Planning Commission Resolution 7114, which requires a minimum of percentage of the total number of units (rental or for-sale) be affordable to lower income households. These units shall be provided on site or at an offsite location, subject to city approval.
- A multi-level above and below ground parking garage may be considered along Avenida Encinas. If a parking garage is provided, shops and services should line the first story of the garage’s north and west sides to maintain pedestrian activity along and to the planning area.
- The low-lying area in the center of the site exhibits wetland characteristics. The area should be enhanced as a wetland interpretive park with a boardwalk trail across and around the wetland area.
 - a. The wetland park trail should connect the two sides of the site divided by the wetland, unless infeasible due to site constraints or protection of environmental resources.
- Development of the site should design for the ability to provide a pedestrian underpass below Carlsbad Boulevard from the wetland area/boardwalk trail to the beach side of Carlsbad Boulevard.
- ~~□~~ Special development standards for this planning area will be developed through the future Major Master Plan Amendment.

O. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area F], as follows, cont.:

~~2. 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.~~

4. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

~~— Prior to approval of a tentative map or Site Development Plan for this planning area, a Major Master Plan Amendment and LCP Amendment shall be required to address any proposed use and design criteria for this site. Based on the proposed use and design criteria, additional discretionary applications may be required including but not limited to a General Plan Amendment and Local Facilities Management Plan Amendment.~~

~~— Prior to approval of further development approvals for this area, the applicant must submit one of the following:~~

~~a. An economic impact study for Planning Area F; or~~

~~b. Justification showing how the proposed use in Area F has either an equal or lower economic impact on the City than was estimated in the original Kaiza Poinsettia Master Plan Economic Impact Study. This study must be reviewed and approved the Planning Director. If the Planning Director finds that the justification does not clearly show an equal or lesser impact than previously estimated, then a full economic impact report shall be prepared as in Item "b" above.~~

5. Environmental Mitigation Conditions

- Prior to approval of further development approvals for this area, additional environmental review shall be conducted to determine whether any significant environmental impacts will occur as a result of the proposed use, ~~beyond those originally anticipated in EIR 84-3.~~

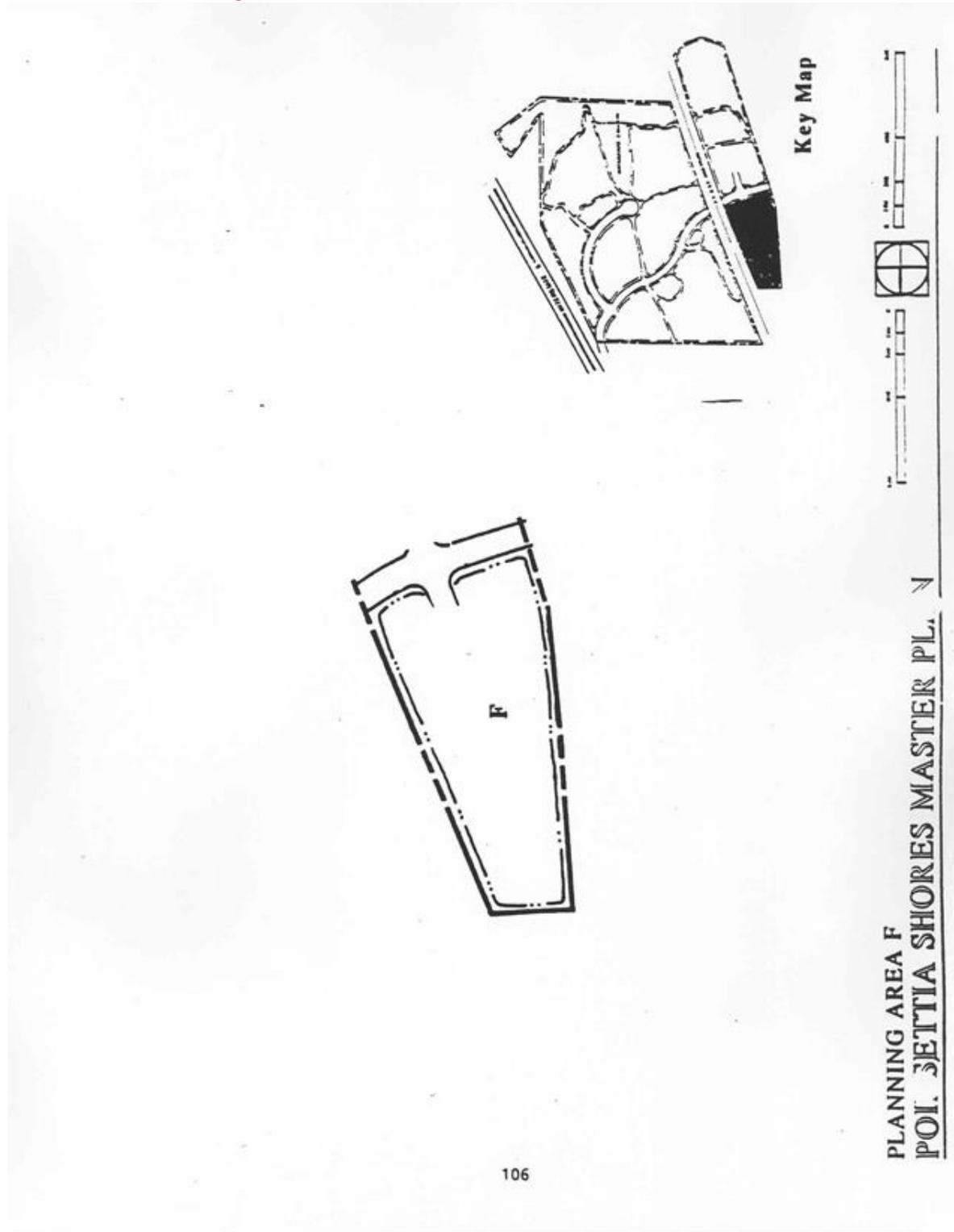
6. Other Special Conditions

~~— For residential uses to be approved in planning area F, there would have to be a determination that residential dwelling units could be available through the southwest quadrant to this property consistent with the City's Growth Management Plan as part of the Major Master Plan Amendment.~~

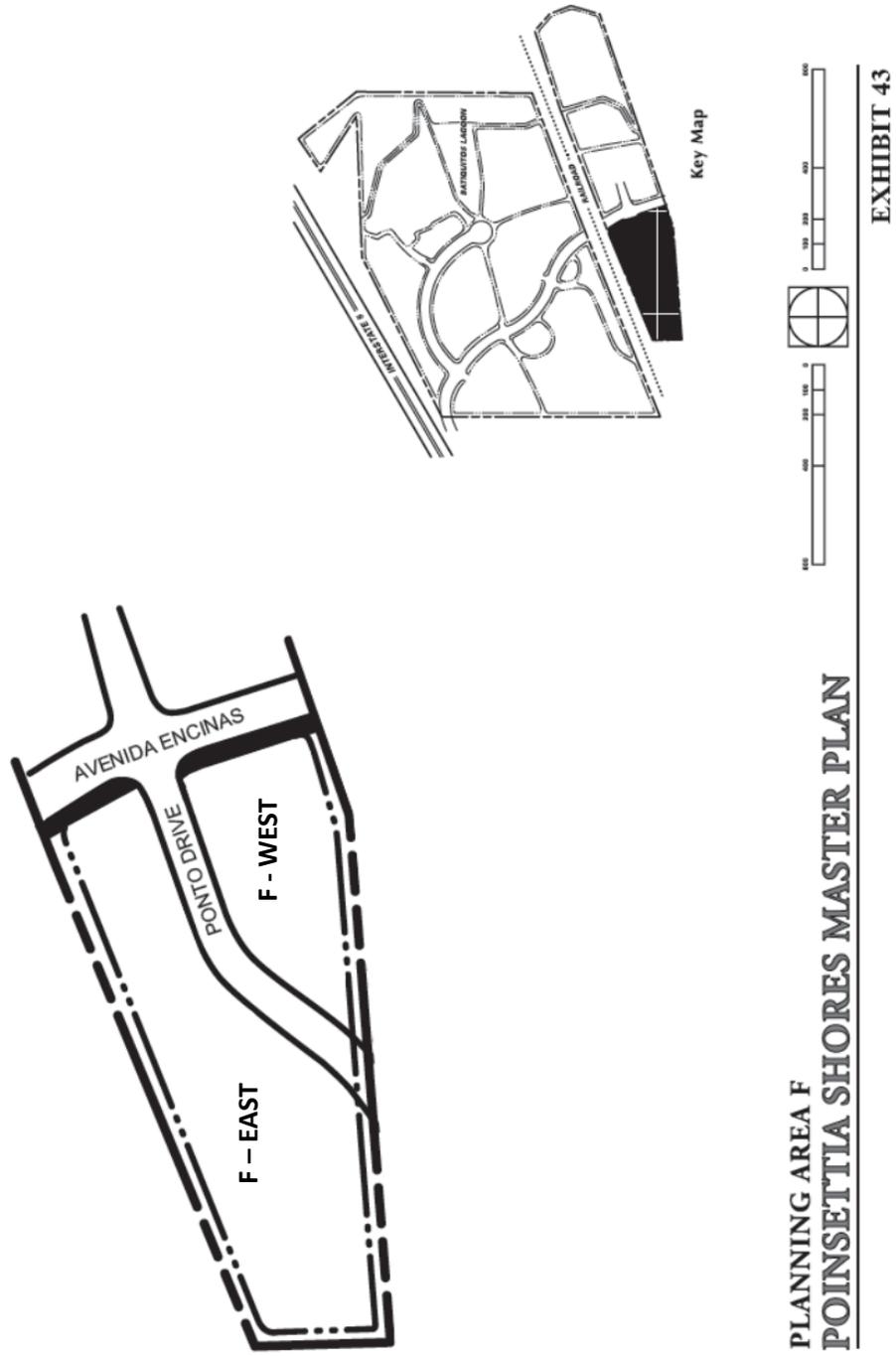
- Development of this Planning Area shall comply with the requirements stated in Section B of this Master Plan Chapter beginning on page 66.

P. Delete the existing Poinsettia Shores Master Plan Exhibit 43:

Exhibit 43 — Planning Area F



Q. Replace Poinsettia Shores Master Plan Exhibit 43 with the following:



R. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G], as follows:

PLANNING AREA G

1. Description:

Planning Area G is located west of the ~~AT&SF Railway~~NCTD Railroad right-of-way, east of Carlsbad Boulevard, north of Planning Area H and south of the Avenida Encinas extension. Planning Area G has a gross area of 8.4 acres and net developable area of 7.8 acres.

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use: ~~TS/CVC (Travel Service/Visitor Commercial)~~

All development in Planning Area G shall conform to shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan. ~~the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.~~

Hotel units will be managed and maintained by a hotel management group. This area also allows for hotel units which are also permitted to be designed as vacation time share units provided that a subdivision map is recorded and the time share is processed under Section 21.42.010 of the Carlsbad Municipal Code. Up to 220 hotel or vacation time share units shall be allowable within this Planning Area. Each unit shall have the option to be designed with full kitchen facilities. These units may be sold or leased on a daily or weekly basis. In this event the facilities shall be maintained and managed by an independent management entity which may or may not be affiliated with the hotel management group.

This Planning Area provides tourist-commercial services within the Master Plan area and, in particular, the hotel and conference center. Uses within this area shall be primarily directed toward the needs of tourists visiting the hotel, timeshare, conference center and local scenic and recreation areas.

In addition to the hotel/time share units described above, this Planning Area permits, but is not limited to the following uses: restaurants, bakeries, convenience retail, barber and beauty shops, book and stationary stores, dry cleaning, laundry service for hotel, florist shops, small specialty grocery stores, novelty and/or souvenir stores, travel agencies, confectionery stores and jewelry stores. Other similar uses are also allowed upon approval of the Director of Planning.

Poinsettia Shores Master Plan permits a maximum of 220 hotel and/or time share units, private recreation facilities in conjunction with the hotel and/or time share related uses as well as 58,600 square feet of commercial area.

A maximum of 58,600 square feet of tourist commercial floor area is permitted.

R. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G], as follows, cont.:

3. Special Development Standards:

- ~~Maximum allowable height for buildings shall be consistent with section 21.29 of the Carlsbad Municipal Code. Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.29 – C-T Commercial Tourist Zone, and all other zoning standards not otherwise addressed by this Master Plan.~~
- 1.2 parking spaces per guest suite must be provided.
- Commercial uses shall provide a minimum of one space for each 200 square feet of gross floor area.
- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.
- All structures shall be setback a minimum of 40 feet ~~from Carlsbad Boulevard and a minimum of 40 feet~~ from the AT&SF Railway/NCTD Railroad right of way. Allowable uses within this setback area include streets, parking, and landscaping. ~~The setback shall include a link of the Citywide Trail System, if adopted.~~
- A public trail around the perimeter of the planning areas shall be provided. The trail shall:
 - a. Provide public access to views of the lagoon and ocean.
 - b. Include interpretive signage and occasional seating.
 - c. Be designed to connect to the city’s trail system.
- Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to the commercial development to the north and Carlsbad Boulevard.
- The distance between structures shall not be less than 10 feet.
- A minimum of 10% of the required parking area, inclusive of driveways shall be landscaped subject to approval of the Planning Director.
- All buildings including accessory structures shall not cover more than 50% of the area of the lot. Parking areas shall not be counted in determining lot coverage.

R. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G], as follows, cont.:

4. Design Criteria:

- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
- Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
- Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding building and design.
- Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the planning area.
- The perimeter pedestrian trail system shall be constructed in this area.

5. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

~~2. A Site Development Plan shall be submitted and approved prior to the development of this planning area subject to the general and special development standards and regulation of this Master Plan. The primary purpose of the Site Development Plan shall be to determine that the planning area is being developed consistent with the standards outlined in this Master Plan and to ensure compatibility with City policies and ordinances. If timeshares are proposed, a Conditional Use Permit as well as a tentative map will be required. Upon approval of each Site Development Plan by the Planning Commission and City Council, building permits may be issued. The processing procedures set forth in Chapter 21.06, Qualified Development Overlay Zone, of the Carlsbad Municipal Code shall apply except that:~~

~~1. A tentative subdivision map, if required by the Subdivision Map Act, shall be submitted for the planning area in conjunction with the Site Development Plan.~~

~~2. The Site Development Plan and tentative map shall be acted upon by the Planning Commission and City Council. The Planning Commission and City Council shall determine that the individual Planning Area is being developed consistent with the Master Plan and appropriate City policies.~~

~~2. A Coastal Development Permit shall be obtained after City Approvals.~~

R. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area G], as follows, cont.:

6. Environmental Mitigation Conditions

- Prior to issuance of a grading permit for this planning area, an archaeologist shall be retained by the developer for participation in a pre-grading conference and to perform monitoring during grading operations where, and if, cultural resource sites are located in this planning area. Compliance with the City's standard paleontological mitigation is also required.

7. Other Special Conditions

- This Planning Area is required to either 1) bond for frontage improvements on Carlsbad Boulevard as specified in this Master Plan's circulation chapter on page **Error! Bookmark not defined.**, or 2) construct said improvements to the satisfaction of the City Engineer. Construction of improvements may be financed through an assessment district subject to approval by the City of Carlsbad.
- The development of this planning area shall include a public access trail system which will be designed to link with the Master Plan's trail system. Trail improvements must be installed prior to the issuance of any building permits for this planning area.
- Recordation of open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final map.

S. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows:

PLANNING AREA H

1. Description:

Planning Area H is located immediately east of Carlsbad Boulevard between the Hotel to the north and an open space area to the south. This Planning Area has a gross area of 3.7 acres and a net developable area of 3.7 acres. Planning Area H is a lagoon bluff-top area which is subject to special development standards which address visual impacts to the lagoon.

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use: ~~TS/CVC~~ (~~Travel Service/Visitor Commercial~~)

All development in Planning Area H shall conform to shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan.

Planning Area H will include a hotel and conference center with recreational facilities, administrative offices, banquet facilities and accessory retail uses as approved by the Planning Director.

All development in Planning Area H shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Permitted uses within Planning Area H are those commonly found with full service hotel facilities to include, but not limited to, a conference center, swimming pool, basketball courts, tennis courts, health club, dining facilities, and accessory retail uses provided for the convenience of hotel guests when located within the hotel structure(s).

Poinsettia Shores Master Plan permits a maximum of 150 executive suite hotel, a maximum of five tennis courts and a maximum of 120,000 square feet of commercial area which includes a 25,000 conference center.

3. Special Development Standards:

- Development shall comply with the standards of Carlsbad Municipal Code Title 21 (Zoning) Chapter 21.29 – C-T Commercial Tourist Zone, and all other zoning standards not otherwise addressed by this Master Plan.

S. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows, cont.:

- ~~Maximum allowable building height shall be consistent with Section 21.29 of the Carlsbad Municipal Code, except that buildings within 100' of the Batiqitos Lagoon bluff shall be limited to 25' above finished grade.~~
- The minimum parking requirement for hotel facilities is 1.2 spaces per hotel suite. Additional public areas including conference center banquet facilities and other accessory uses require one space for each 100 square feet of gross floor area.
- A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.
- All structures shall have a minimum setback of ~~40 feet from Carlsbad Boulevard~~ and 40 feet from the ~~AT&SF Railway~~NCTD Railroad right of way. Allowable uses within this setback include streets, parking and landscaping. ~~The setback shall include a link of the Citywide Trail System, if adopted.~~
- A public trail around the perimeter of the planning areas shall be provided. The trail shall:
 - a. Provide public access to views of the lagoon and ocean.
 - b. Include interpretive signage and occasional seating.
 - c. Be designed to connect to the city's trail system.
- Development of the site shall include internal public-gathering plazas and walkways that provide pedestrian access to the commercial development to the north and Carlsbad Boulevard.
- A minimum 45 foot structural setback shall be observed from the south facing lagoon bluff edge. Allowable uses within this setback include streets, parking and landscaping. However, a greater setback may be required with review and approval of specific development proposals in conjunction with review and input by the California Department of Fish and Game for this planning area.
- The distance between structures shall not be less than 10'.
- A minimum of 10% of the required parking area, inclusive of driveways shall be landscaped subject to approval of the Planning Director.

S. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows, cont.:

- All buildings including accessory structures shall not cover more than 50% of the area of the lot. Parking areas shall not be counted in determining lot coverage.
4. Design Criteria:
- All open parking areas shall be screened from adjacent roadways and structures, through a combination of planting, berming and low walls.
 - Building structures and facilities shall be well integrated, oriented and related to pedestrian scale.
 - Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with surrounding building and design.
 - Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the planning area.
 - In order to address potential visual impacts to the lagoon, specific architectural standards or designs must be proposed concurrent with the review of a Site Development Plan for this Planning Area. These development standards shall address reduction of potential visual impacts through methods which may include but are not limited to: use of varied roof heights adjacent to the lagoon bluff-top setback area, height limitations adjacent to the lagoon bluff-top setback area, etc.
5. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

~~2. A Site Development Plan shall be submitted and approved prior to the development of this planning area subject to the general and special development standards and regulation of this Master Plan. The primary purpose of the Site Development Plan shall be to determine that the planning area is being developed consistent with the standards outlined in this Master Plan and to ensure compatibility with City policies and ordinances. Upon approval of each Site Development Plan by the Planning Commission and City Council, building permits may be issued. The processing procedures set forth in Chapter 21.06, Qualified Development Overlay Zone, of the Carlsbad Municipal Code shall apply except that:~~

S. Amend Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards [for Planning Area H], as follows, cont.:

~~1. A tentative subdivision map, if required by the Subdivision Map Act, shall be submitted for the planning area in conjunction with the Site Development Plan.~~

~~2. The Site Development Plan and tentative map shall be acted upon by the Planning Commission and City Council. The Planning Commission and City Council shall determine that the individual Planning Area is being developed consistent with the Master Plan and appropriate City policies.~~

~~3. A Coastal Development Permit shall be obtained after City Approvals.~~

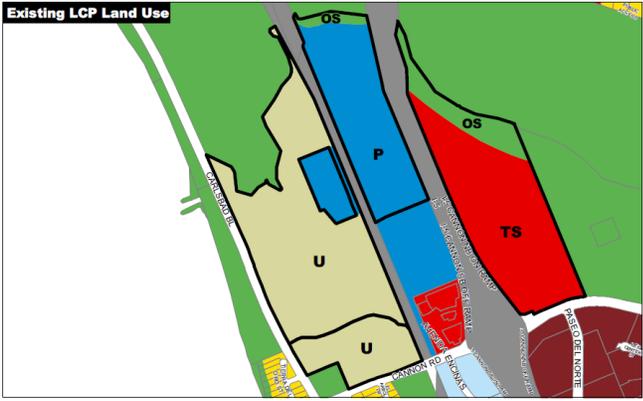
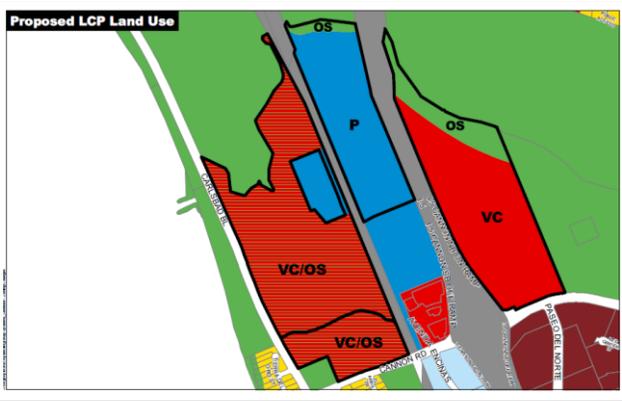
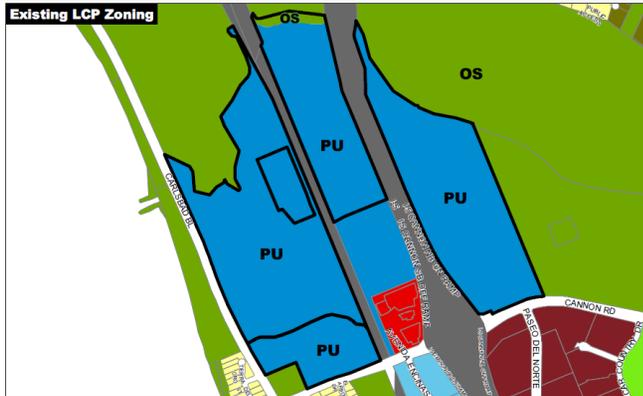
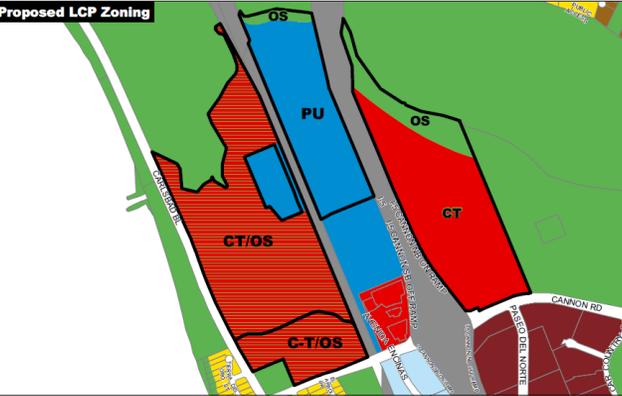
6. Environmental Mitigation Conditions

- Prior to issuance of a grading permit for this planning area, an archaeologist shall be retained by the developer for participation in a pre-grading conference and to perform monitoring during grading operations where, and if, cultural resource sites are located in this planning area. Compliance with the City's standard paleontological mitigation is also required.

7. Other Special Conditions

- This Planning Area is required to either 1) bond for frontage improvements on Carlsbad Boulevard as specified in this Master Plan's circulation chapter on page **Error! Bookmark not defined.** or 2) construct said improvements to the satisfaction of the City Engineer. Construction of improvements may be financed through an assessment district, subject to approval by the City of Carlsbad.
- The development of this planning area shall include a public access trail which will be designed to link with the Master Plan's trail system. Trail improvements must be installed and dedication of the trail shall be accepted by the City of Carlsbad if the City agrees and it adopts a Citywide Trails Program that includes provisions for maintenance and liability. Otherwise, prior to the issuance of any building permits, the obligation for acceptance, construction, maintenance, and liability shall be the responsibility of another agency designated by the City or the responsibility of the Homeowners Association. Upon acceptance of the dedication, including maintenance and liability responsibilities, and completion of the trail improvements, the trail shall be open for public use.
- Recordation of open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final map.

**LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
HOW EXISTING LOCAL COASTAL POLICIES ARE ADDRESSED IN THE DRAFT LOCAL COASTAL PROGRAM LAND USE PLAN**

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
1.	LAND USE	
1.1	Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Map (Exhibit C).	Section 2.3 of the draft LCP provides a full description and identifies the land uses allowed in the Coastal Zone, including the area currently within the Agua Hedionda segment. Figure 2-1 Land Use Map reflects the most recent certified LCP land use map, as well as proposed changes consistent with the General Plan land use map. The proposed changes are shown below, which affect land within the existing Agua Hedionda segment (these are the only land use and zoning changes proposed):
	Existing LCP Land Use Map	Proposed LCP Land Use Map
1	 <p>The Existing LCP Land Use Map shows a coastal area with several zones. A large blue area is labeled 'P'. To its left is a tan area labeled 'U'. To the right of the 'P' area is a red area labeled 'TS'. Above the 'P' area are two green areas labeled 'OS'. The map also shows 'CANNON RD' and 'PASEO DEL NORTE'.</p>	 <p>The Proposed LCP Land Use Map shows changes to the coastal area. The blue area is now labeled 'P'. The tan area is now labeled 'VC/OS'. The red area is now labeled 'VC'. The green areas above the 'P' area are still labeled 'OS'. The map also shows 'CANNON RD' and 'PASEO DEL NORTE'.</p>
	Existing LCP Zoning Map	Proposed LCP Zoning Map
	 <p>The Existing LCP Zoning Map shows a coastal area with several zones. A large blue area is labeled 'PU'. Above the 'PU' area are two green areas labeled 'OS'. The map also shows 'CANNON RD' and 'PASEO DEL NORTE'.</p>	 <p>The Proposed LCP Zoning Map shows changes to the coastal area. The blue area is now labeled 'PU'. The tan area is now labeled 'CT/OS'. The red area is now labeled 'CT'. The green areas above the 'PU' area are still labeled 'OS'. The map also shows 'CANNON RD' and 'PASEO DEL NORTE'.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
2	<p>1.2 That portion of the "Kelly" property containing wetland areas shall be designated as open space (Exhibit D) consistent with maintenance of the natural resources of the wetlands and floodplain area. Permitted uses shall include maintenance and extension of utility transmission and distribution systems, agriculture, outdoor plant nurseries, fish hatcheries, driving ranges, archery ranges, hiking and equestrian trails, apiaries, or other non-intensive recreational, scientific or educational uses compatible with resource values. No permanent structures or impermeable surfacing or filling shall be permitted within the 100-year floodplain. Any development of the property shall be subject to regulation by conditional use permit and shall be subject to the approval of the State Department of Fish and Game.</p>	<p>This policy has been implemented and is not proposed as part of the draft LCP.</p> <p>The property is currently designated as OS and is also designated as HMP hardline area, which ensure that no development occurs on the property and the natural habitat is protected.</p>
3	<p>1.3 Development of the "L and R" property shall be regulated as follows:</p> <p>a) That portion of the site agreed upon by the State Lands Commission as developable shall be permitted a maximum of 60 units of residential use (reference: State Lands Commission agenda item W503.988, 11/23/81). The developable portion of the site shall be designated RMH (10-20 units/acre), and the remainder of the site shall be designated open space (OS).</p> <p>Development of the site should reflect the lower limit of the RMH range, and should be designed to "step down" development intensity away from Bristol Cove.</p> <p>b) Beyond the south and eastern perimeter of the developable portion of the site an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. As a condition of development, the perimeter of the developable area shall be maintained/ improved in a manner to prohibit uncontrolled access into the buffer area. Any landscaping, access control or other minor improvements in the buffer area shall be subject to the approval of the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.</p> <p>c) The area beyond the developable portion of the property and buffer area shall be dedicated in fee or easement to the State Department of Fish and Game, Coastal Conservancy, State Lands Commission, or other appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>The developable portion of the site is developed with 26 residential units and is designated on the land use map as R15 (8-15 du/ac). The southern portion of the property is designated OS and is owned by the State of California.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
4	<p>1.4 Development of the "Ferrero" property shall be regulated as follows:</p> <ul style="list-style-type: none"> a) The area determined by the State Lands Commission to be developable shall be designated RMH (10-20 units per acre). The remainder of the site shall be designated Open Space (OS). b) Beyond the southern perimeter of the developable portion of the site, an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. The perimeter of the developable area shall be maintained/improved in a manner to prohibit uncontrolled access into the buffer area. Private recreation and landscape improvements in the buffer area shall be made in consultation with the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association. c) The area beyond the developable portion of the property and the buffer area shall be dedicated in fee or easement to an appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game. 	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>The developable portion of the site is developed with 42 residential units and is designated on the land use map as R15 (8-15 du/ac). The southern portion of the property is dedicated as open space through an easement.</p>
5	<p>1.5 The Hedionda Point area between the Hoover Street extension and Whitey's Landing shall be designated RLM (0-4 units per acre).</p>	<p>This policy has been implemented. This area is designated on the LCP land use map as R4 (0-4 du/ac). Section 2.3 of the draft LCP, which includes the land use map, replaces this policy.</p>
6	<p>1.6 To enhance public recreation activities, the area between Snug Harbor and Hoover Street shall be designated RC, for recreational commercial use.</p>	<p>This policy is outdated. The Snug Harbor area is currently designated as Visitor Commercial (VC). The RC land use designation no longer exists on the LCP land use map. Section 2.3 of the draft LCP, which includes the land use map, replaces this policy.</p>
7	<p>1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas.</p>	<p>This policy has been implemented; the area is currently designated as OS on the LCP land use and zoning maps. Section 2.3 of the draft LCP, which includes the land use map, replaces this policy.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
8	<p>1.8 The "Ecke" property shall be regulated as follows:</p> <ul style="list-style-type: none"> a) The primary use of the site shall be aquaculture. Other coastal dependent and visitor-serving commercial uses shall be allowed, provided they occupy no more than 50% of the site. b) As secondary uses, in the interim period while aquaculture alternatives are being studied, other uses may be permitted which would necessitate minimal site disturbance or capital investment, including active recreation (fishing, tent camping, etc.), beach access parking, short-term recreational vehicle parking, and temporary accessory commercial facilities (bait-and-tackle shop, food concession, etc.); c) All uses shall be regulated by conditional use permit. All proposed uses shall be conditioned to provide all access improvements required by this plan, and shall provide peripheral landscaping which at maturity will screen all objectionable improvements (i.e., aquaculture facility, outside storage, parking areas, etc.) as viewed from Carlsbad Boulevard. 	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>The site is developed with the Hubbs SeaWorld Research Institute fish hatchery, and the site is designated as OS on the LCP land use and zoning map.</p>
9	<p>1.9 Building height shall be limited to a maximum of 35 feet. Building setbacks and lot coverage shall be regulated by the applicable zoning designation, except as specifically modified in this plan.</p>	<p>It is not typical to specify development standards in land use policies; zoning regulations are the typical tool to specify standards. The Zoning Ordinance (LCP IP) establishes appropriate zoning standards for the area, including building height, setbacks and lot coverage.</p>
10	<p>1.10 The 45 acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.</p>	<p>Section 2.3 of the draft LCP, which includes the land use map, replaces this policy regarding the site's land use designation. The TS (Travel Services) designation is proposed to be renamed VC (Visitor Commercial), consistent with the General Plan. See row 1, above.</p> <p>Regarding the requirement for a future specific plan, see draft land use Policy LCP-2-P.27.</p> <p>Regarding agricultural conversion, see draft agricultural resource policy LCP-5-P.10.A.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
2. AGRICULTURE		
11	2.1 Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.	This policy is proposed to be replaced with draft LCP policy LCP-5-P.1.
12	2.2 The south shore agricultural lands shall be designated “Open Space”. This area shall be zoned “Exclusive Agriculture” in the implementation phase of the plan.	The designation of OS is complete per the land use map. Draft policy LCP-5-P.10.B addresses zoning (CR-A/OS zone), which specifies the uses that may be permitted if agriculture is no longer viable and is allowed to convert.
13	<p>2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:</p> <ul style="list-style-type: none"> a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations. b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property. c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area. d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program. 	<p>This policy is proposed to be replaced with draft LCP policy LCP-5-P.10A.</p> <ul style="list-style-type: none"> a) This part of the policy is proposed to be replaced with draft LCP policy LCP-5-P.10A.2, which references draft policy LCP-5-P.10.B for the uses allowed on the remaining agricultural lands. See draft LCP page 5-8 regarding the Cannon Road Open Space, Farming and Public Use Corridor. b) This part of the policy is proposed to be replaced with draft LCP policy LCP-5-P.10A.4. c) This part of the policy is proposed to be replaced with draft LCP policy LCP-5-P.10A.3. d) This part of the policy is proposed to be replaced with draft LCP policy LCP-5-P.10A.1. The city’s agriculture conversion program does not apply here. Agriculture conversion of this site is subject to Coastal Act Section 30171.5.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
14	<p>3. ENVIRONMENTALLY SENSITIVE HABITATS, WATER AND MARINE RESOURCES</p> <p>3.1 Kelly Property. No development shall occur within the boundaries of the Wetland Preserve except to the extent necessary for resource maintenance and resource management, or as approved by the State Department of Fish and Game. All allowable development within the Wetland Preserve shall be consistent with Section 30233 of the Coastal Act. No development shall occur within wetlands that are outside of the Wetland Preserve except to the extent such development is consistent with Section 30233 of the Coastal Act. Any wetlands outside of the preserve boundaries shall be delineated as part of the coastal development permit process prior to development approval.</p> <p>a) A buffer strip of at least 100 feet in width shall be maintained in a natural condition around the perimeter of all delineated wetlands to protect the functions and values of wetlands. The width of the buffer may be increased as determined on a case by case basis, in consultation with the State Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features such as topography, and the functions and values of the wetland, including the need for upland transitional habitat. In no case shall a buffer of less than 100 feet in width be permitted.</p> <p>b) Fencing shall be required near or adjacent to improved pedestrian and vehicular travelways to prevent uncontrolled access of persons or domestic animals into the wetland or environmentally sensitive areas; and</p> <p>c) No vehicle, pedestrian, or equestrian access shall be permitted within either the wetlands, environmentally sensitive habitat areas, and buffer areas, except for resource management, passive recreational uses and educational purposes. Access improvements shall be permitted only within the upper half of the required buffer.</p> <p>3.1.2 Landscaping Requirements</p> <p>Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscape plan that provides for the installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.</p>	<p>This policy pre-dates the HMP. The requirements of the HMP satisfy the objectives of this policy, including the following:</p> <p>HMP Section D.7-6:</p> <ul style="list-style-type: none"> • Prohibits impacts to wetlands [which includes the Kelly property wetland preserve and surrounding wetlands], except as allowed by PRC Section 30233. • Requires that wetlands in the Coastal Zone be delineated per CCR Section 13577. <p>HMP Section D.7-11:</p> <ul style="list-style-type: none"> • Requires a 100-foot buffer from wetlands; and prohibits development, grading, or alterations, including clearing of vegetation, within the buffer area (with limited exceptions - fuel modification, trails within first 15 feet). Buffer areas without native habitat are required to be landscaped with native plants. • Signage and physical barriers such as walls or fences are required to minimize edge effects <p>Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 satisfy the objectives of this policy by referring to and incorporating the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>Additionally, as a condition of approval of the Kelly Ranch Master Plan, the “Wetland Preserve” area was transferred to the California Department of Fish and Wildlife for preservation and management of its ecological value. The Fish and Game Commission designated this wetland as an Ecological Reserve in 2002.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
15	<p>3.2 The wetland areas mapped by the State Department of Fish and Game shall be acquired by an appropriate management agency subject to the availability of funding. Methods of acquisition of those wetlands east of I-5 shall be thoroughly explored by the city, Coastal Conservancy, State Department of Fish and Game, and property owners. Methods to be considered shall include:</p> <ul style="list-style-type: none"> a) Acquisition through purchase by the Coastal Conservancy, Department of Fish and Game, or other appropriate State or Federal agency. b) Acquisition through dedication in fee or through easement. c) Acquisition through transfer of development rights, or development agreement. 	<p>HMP Section F establishes the preserve management requirements for HMP lands, including the wetland referred to in this policy. This policy is proposed to be replaced with the provisions of the HMP, which is part of the LCP.</p> <p>Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 satisfy the objectives of this policy by referring to and incorporating the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>Additionally, as a condition of approval of the Kelly Ranch Master Plan, the “Wetland Preserve” area was transferred to the California Department of Fish and Wildlife for preservation and management of its ecological value. The Fish and Game Commission designated this wetland as an Ecological Reserve in 2002.</p>
16	<p>3.3 Maintenance dredging and channel alteration must be performed in a manner consistent with the applicable sections of the Coastal Act. All dredging activities will require a permit from the Army Corps of Engineers with review by appropriate agencies, including the Department of Fish and Game, U.S. Fish and Wildlife, etc. In addition, a Department of Fish and Game 1601-03 permit may be required.</p>	<p>HMP Section D.7-6 specifies the restrictions on impacts to wetlands with a reference to PRC Section 30233, which addresses dredging.</p> <p>Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 satisfy the objectives of this policy by referring to and incorporating the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p>
17	<p>3.4 A program for monitoring the eel grass beds in the Inner Lagoon, for the purpose of determining the need for protective measures, shall be carried out by the Department of Fish and Game in consultation with the City of Carlsbad, prior to dredging of the middle or inner lagoons.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.9.</p>
18	<p>3.5 Wetlands mapping by the Department of Fish and Game shall be further analyzed to delineate degraded wetlands capable of restoration.</p>	<p>This policy is outdated and proposed to be replaced with draft LCP policy LCP-6-P.7, which requires a site-specific biological report for restoration and development projects. The biological report must identify disturbed areas adjacent to or within sensitive habitat areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
19	3.6 The implementation phase of the LCP shall include specific provisions for assuring protection of wetlands in the design of adjacent new development, including provision of adequate buffer areas, protective fencing, revegetation, etc.	Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 satisfy the objectives of this policy by referring to and incorporating the HMP for ESHA protection inside and outside the HMP hardline and standards areas.
20	3.7 Utility transmission and distribution facilities shall be allowed in wetland areas, provided that maintenance and construction of such improvements does not adversely impact environmentally sensitive areas and is consistent with Coastal Act Policies.	This policy is outdated and not proposed as part of the draft LCP. New utility transmission and distribution facilities within wetland areas are not consistent with Section 30240 of the Coastal Act.
21	<p>3.8 L and R Property</p> <p>a) Beyond the south and eastern perimeter of the developable portion of the site an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. As a condition of development, the perimeter of the developable area shall be maintained/improved in a manner to prohibit uncontrolled access into the buffer area. Any landscaping, access control or other minor improvements in the buffer area shall be subject to the approval of the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.</p> <p>b) The area beyond the developable portion of the property and buffer area shall be dedicated in fee or easement to the State Department of Fish and Game, Coastal Conservancy, State Lands Commission, or other appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.</p>	<p>This policy is not proposed as part of the draft LCP.</p> <p>The property has been developed consistent with the requirements of this policy. A 100-foot-wide open space easement exists along the south and eastern perimeters. The HOA maintains the easement area.</p> <p>The area beyond the buffer area is owned by the State and is designated on the land use map as OS.</p> <p>The requirements of the HMP Section D.7-11 satisfy the objectives of this policy regarding buffer landscaping and use:</p> <p>HMP Section D.7-11:</p> <ul style="list-style-type: none"> • Prohibits development, grading, or alterations, including clearing of vegetation, within the buffer area (with limited exceptions - fuel modification, trails within first 15 feet). Buffer areas without native habitat are required to be landscaped with native plants. • Signage and physical barriers such as walls or fences are required to minimize edge effects

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
22	3.9 A buoy system shall be constructed and maintained by the City of Carlsbad, restricting boat usage from the eastern end of the lagoon.	This policy is proposed to be replaced with draft LCP policy LCP-6-P.28.
23	3.10 All development or uses within the 100-year floodplain shall adhere to the provisions of the Carlsbad Floodplain Zone Ordinance, except as specifically modified by this plan.	This policy is proposed to be replaced by draft policies LCP-7-P.38 and LCP-7-P.41.
24	3.11 Upon adoption of the Agua Hedionda Plan, the City shall request the County Assessor to reassess properties designated as wetland or wildlife preserve areas. Reassessment should be based upon the exceptional development restrictions placed on such properties.	This policy is outdated and is not proposed as part of the draft LCP. The wetland/habitat areas have long been identified as such and designated as OS on the city's land use map. The wetland areas have been subject to assessment by the assessor over the years since being identified/designated as wetlands/open space.
25	3.12 Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.	<p>This policy is not proposed as part of the draft LCP. The objective is adequately addressed by the HMP, particularly the buffer requirements in section D.7 and section F.3.C, which includes the following requirement:</p> <p>In the Coastal Zone, the use of invasive plant species in the landscaping for developments, such as those identified in Table 12 of the HMP, shall be prohibited.</p> <p>Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 satisfy the objectives of this policy by referring to and incorporating the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
26	<p>3-13 Protection of Sensitive Native Vegetation Areas</p> <p>The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the Coastal zone.</p> <p>The HMP has been prepared as part of the San Diego County Multiple Habitat Conservation Program (MHCP). The MHCP will establish a coordinated habitat preserve system to protect listed species and rare native vegetation while accommodating regional development needs. The HMP provides a comprehensive plan for creation and management of proposed preserve areas in the coastal zone, along with appropriate criteria for development requirements and delineation of development/preservation boundaries. The creation of an effective habitat preserve requires a careful balancing of acquisition, preservation and mitigation requirements, as well as enforceable monitoring, remediation and an adequately funded maintenance program for the preserve area.</p> <p>Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, “(e)nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values...” Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as “any area in which plant of animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”</p> <p>The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards contained in the HMP and identified in the policies below will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.</p>	<p>This policy is replaced with the description of the HMP contained in Section 6.2 of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
27	<p>3-13-1.1Habitat Management Plan</p> <p>The document titled “Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda” (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December, 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.1.</p>
28	<p>3-13-1.2Environmentally Sensitive Habitat Areas (ESHA)</p> <p>Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.2.</p>
29	<p>3-13-1.3Coastal Sage Scrub</p> <p>Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
30	<p>3-13-1.4 Oak Woodland</p> <p>An oak woodland is a closed to relatively open stand of trees within which a dominant tree species is a species of oak. In coastal southern California, that species is generally Coast Live Oak (<i>Quercus agrifolia</i>), which is commonly found on slopes and riparian situations. Shrubs vary from occasional to common, and the herb layer is often continuous and dominated by a variety of annual grasses.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
31	<p>3-13-1.5 Streams</p> <p>A stream is a topographical feature with a clear bed and bank that periodically conveys water.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
32	<p>3-13-1.6 Ephemeral Drainages and Ephemeral Streams</p> <p>Ephemeral drainages and ephemeral streams are topographic features that convey water, but only during and shortly after rainfall events in a typical year.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
33	<p>3-13-1.7 Wetlands</p> <p>Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), ‘wetland’ means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. Wetland shall include land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.</p> <p>Wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.</p> <p>Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as provided in that Section.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
34	<p>3-13-1.8 Wetland Mitigation Requirements</p> <p>If impacts to wetlands are allowed consistent with Policy 3-13-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
35	<p>3-13-1.9 No Net Loss of Habitat</p> <p>There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of the habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-13-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
36	<p>3-13-1.10 Upland Habitat Mitigation Requirements</p> <p>Where impacts to the habitats stated in 3-13-1.9 are allowed, mitigation shall be provided as follows:</p> <ol style="list-style-type: none"> a. The no net loss standard shall be satisfied as stated in 3-13-1.9. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ration of at least 1:1 as provided in the HMP. b. Onsite preservation is not eligible for mitigation credit in the coastal zone except as provided in subsection g. below. c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1 with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. e. Impacts to Southern Mixed Chaparral, Native Grassland and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1 and 3:1, with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. f. Mitigation for impacts within the coastal zone should be provided within the coastal zone, if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval. 	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
37	<p>3-13-1.10 Upland Habitat Mitigation Requirements</p> <p>...</p> <p>g. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.</p> <p>h. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.</p> <p>i. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies and the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. The preserve management plan shall be incorporated into the Implementation Plan of the LCP through and LCP Amendment within one year of Commission certification of the HMP as part of the certified LCP.</p> <p>j. If any conflict should arise between Policies of the LCP and the provisions of the HMP, the LCP shall take precedence.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
38	<p>3-13-1.11 Highly Constrained Properties</p> <p>There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:</p> <ul style="list-style-type: none"> a. If more than 80% of the property by area is conserved with ESHA at lease 75% of the property shall be conserved, OR b. If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approved a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of onsite preservation as identified in the Hardline boundary shall apply. 	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
39	<p>3-13-1.12 Buffers and Fuel Modification Zones</p> <p>Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:</p> <ul style="list-style-type: none"> a. 100 feet for wetlands b. 50 feet for riparian areas c. 20 feet for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland). <p>Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 feet between the riparian or wetland area and the toe of the slope. If the toe of the slope is less that 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.</p> <p>Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
40	<p>3-13-1.12 Buffers and Fuel Modification Zones</p> <p>...</p> <p>No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for:</p> <ol style="list-style-type: none"> a. Fuel modification Zone 3 to a maximum of 20 feet for upland and non-riparian habitat. No fuel modification shall take place within 50 feet of riparian area, wetlands or oak woodland. b. Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat, and that appropriate measures are taken for physical separation from sensitive areas. <p>Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
41	<p>3-13-1.13 Hardline Preserve Boundaries</p> <p>The purpose of the standards listed above is to ensure that future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish viable habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the onsite preservation included in the Hardline preserve boundary shall apply.</p>	<p>This policy is proposed to be replaced with the description of the HMP in Section 6.2 of the draft LCP; as well as draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3.</p> <p>HMP Section D.7-10.b includes the exact wording of the last sentence of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
42	<p>3-13-1.14 Invasive Plants</p> <p>The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section F.3.C includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
43	<p>3-14 Grading and Landscaping Requirements</p> <p>In addition to the requirements of the City of Carlsbad Drainage Master Plan, permitted new development shall also comply with the following requirements:</p> <ul style="list-style-type: none"> a. Grading activity shall be prohibited during the rainy season: from October 1st to April 1st of each year. b. All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting. c. The October 1st grading season deadline may be extended with the approval of the City Engineer subject to implementation by October 1st of special erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation. Extensions beyond November 15th may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit. d. If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate best management practices (BMPs) are incorporated to limit potential adverse impacts from winter grading activities. 	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.24.</p>
44	<p>4.1</p> <ul style="list-style-type: none"> a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. 	<ul style="list-style-type: none"> a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
45	<p>4.1</p> <p>...</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 	<p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e. (4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
46	<p>4.1</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. <p>f. Priority projects identified in the SUSMP will incorporate structural BMP's and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMP's used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p>	<p>e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e. (7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city's BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e. (9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city's BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city's BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city's BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city's BMP manuals.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
47	<p>4.1</p> <p>...</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definition of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMP’s for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Water within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p> <p>m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet, or discharging directly to an ESA, including the Pacific Ocean or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p>	<p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p> <p>m. Proposed to be replaced by draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
48	<p>4.1</p> <p>...</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMP's) found to be more protective of water quality than current BMP's or removal of BMP's found to be ineffective. (This does not include removal of BMP's or categories of BMP's on the basis that the City finds them to be infeasible or impractical). 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>n. This policy is proposed to be replaced by draft policy LCP-6-P.16 and require compliance with the city's BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city's BMP manual, which requires all development projects "to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas."</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city's Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
49	<p>4. GEOLOGIC HAZARDS</p> <p>4.2 Additionally, grading permits in the plan area shall include the following mitigation measures:</p> <ul style="list-style-type: none"> • Avoidance of clearing operations in advance of grading; • Limit grading to the minimum area necessary to accomplish the proposed development; • Construction of drainage facilities prior to or concurrently with grading activities; • Grading of surfaces so as to direct runoff toward planned drainages and, if possible, away from cut and fill slopes; • Early planting and maintenance of ground cover suitable for slope erosion control and maximum retention of natural vegetation; • Development projects shall preserve, as feasible, natural drainage swales and landforms. 	<p>The measures listed in this existing policy are intended to minimize erosion during construction (grading). Consistent with California Coastal Commission Water Quality Model Policies, draft policy LCP-6-P.23 addresses water quality impacts during construction. Draft policy LCP-6-P.15 requires compliance with Engineering Standards, which require construction BMPs that minimize erosion and water quality impacts.</p>
50	<p>4.3 Development projects shall provide for improvements indicated in the City of Carlsbad Drainage Master Plan, and shall limit the rate of runoff through the provision of onsite catchment basins, desilting basins, subsurface drains, and similar improvements as necessary. Runoff shall be controlled in such a way that the velocity and rate of runoff leaving the site shall not exceed that of the site in its natural state.</p>	<p>This policy is proposed to be replaced with draft policies LCP-6-P.15 through LCP-6-P.19.</p>
51	<p>4.4 Recognizing the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, development shall be regulated as follows:</p> <ol style="list-style-type: none"> a. Development on existing subdivided lots having all of their area in slopes of 25% or greater shall be permitted, but grading shall be limited to minimal site preparation for pole-type footings. Driveway/parking areas shall be limited in size and shall be restricted to an area adjacent to the local streets. Onsite vegetation shall not be disturbed beyond the minimal area needed to be cleared for the construction process, which shall be clearly delineated on approved site plans. b. Development, grading and landform alteration of natural steep slope areas (25%) shall be avoided, when feasible. Any unavoidable disturbance shall be minimized to the extent possible. Exceptions may include encroachments by roadway and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable City regulations. c. Use of the Planned Development (PD) mechanism and cluster development shall be required in areas containing environmentally sensitive resources, extensive steep slope areas and significant natural landform features. 	<p>This policy is proposed to be replaced by draft policies LCP-7-P.45 through LCP-7-P.49.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
	5. PUBLIC WORKS	
52	5.1 All new utility systems shall be placed underground as feasible and commonly practiced.	This policy was unintentionally not included in the draft LCP. The following policy is recommended to be added to the draft LCP (Chapter 5, Scenic and Visual Resource Policies; General policies applicable within the Coastal Zone (all parcels as applicable)): "All new utility systems shall be placed underground as feasible and commonly practiced."
53	5.2 Parking standards set forth in the Carlsbad Zoning Ordinance, shall be applied to future developments.	This policy is proposed to be replaced by draft policy LCP-4-P.39.
54	5.3 Parking shall be discouraged on arterial and collector streets.	This policy is proposed to be replaced by draft policy LCP-4-P.39. City parking standards require new development to provide parking on-site.
55	5.4 The street system for the plan area shall be constructed as indicated in Exhibit G.	This policy is outdated and not included in the draft LCP. The street system has been constructed.
56	5.5 Proposed residential development subject to street or Highway noise in excess of 60 dB shall be subject to an investigation by a qualified acoustician. This investigation shall recommend specific mitigation measures.	This policy is not included in the draft LCP. Noise impacts on residential uses do not relate to Coastal Act policies to protect coastal resources and provide public access to the coast. Policies that address noise impacts on residential uses are addressed by the Carlsbad General Plan.
57	5.6 The extension of Kelly Drive, proposed in the original Specific Plan, has been deleted. If it is determined that an additional access is needed for circulation in residential areas and/or to facilitate emergency access, a local street connecting the Laguna Riviera subdivisions to El Camino Real may be permitted. Construction of the access will involve no filling of wetlands or adverse impacts on adjacent environmentally sensitive areas.	This policy is outdated and not included in the draft LCP. The street system has been constructed.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
58	<p>5.7 The Neblina Drive extension shall be allowed if it can be demonstrated that construction of the project could proceed without significant short or long term adverse impacts on the resources of the area. The following conditions shall be fulfilled prior to approval of the road extension, subject to the approval of the City Engineer and the District Director of the San Diego Office of the State Coastal Commission:</p> <ul style="list-style-type: none"> a) A runoff control plan prepared by a licensed engineer qualified in hydrology and hydrolics demonstrating/ that there would be no significant increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of 6 hour, 10-year frequency storm. Runoff control may be accomplished by a variety of methods including such devices as catchment basins, detention basins, siltation traps, or other appropriate measures. b) Development approvals shall include detailed maintenance provisions for repair and maintenance of approved drainage and erosion control facilities. Permanent runoff control and erosion control devices shall be installed prior to or concurrent with onsite grading activities. c) Development shall meet all other requirements of this plan, including the provisions of the City of Carlsbad Grading Ordinance and Drainage Master Plan. 	<p>This policy is outdated and not included in the draft LCP. Neblina Drive has been constructed.</p>
59	<p>5.8 The conceptual alignment recommended by PRC Toups (alignment 1-B) for Cannon Road shall be incorporated into this plan (see Exhibit G). In developing the precise alignment of the proposed roadway, the following design criteria and environmental protection measures shall apply:</p> <ul style="list-style-type: none"> a) No portion of the road construction shall involve filling or dredging of fresh or saltwater marsh wetlands, except as noted in the letter from the Coastal Commission to the State Department of Fish and Game (2/17/82; Attachment 3, P. 56). b) To the extent that any portion of the road construction would occur in or adjacent to an environmentally sensitive habitat area other than a wetland, the road shall be sited and designed to prevent impacts which would significantly degrade such areas, shall avoid significant disruption of habitat values, and shall be sited and designed to be compatible with the continuance of habitat values. c) To the extent that there are no feasible less environmentally damaging alternatives and the road as designed would nonetheless result in adverse impacts to environmentally sensitive habitat areas, such impacts shall be fully mitigated in accordance with the recommendations of the State Department of Fish and Game. d) To protect agricultural lands from the growth-inducing potential of the project, no agricultural lands shall be assessed for construction of the road, and the road shall be designed so as to avoid uncontrolled access into adjacent agricultural areas. 	<p>This policy is outdated and not included in the draft LCP. Cannon Road has been constructed.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
60	<p>5.9 Public works improvements shall be provided as follows:</p> <ul style="list-style-type: none"> a) Development shall occur in an orderly fashion, with infill properties in the urbanized area (Exhibit H) receiving priority over urban fringe or outlying properties. b) Properties having the greatest availability and proximity to urban services shall be given priority for development. c) Dedication of easements and provisions for funding all public improvements required by this plan and other City plans and ordinances, shall be a requirement for new development. Improvements shall include utility extensions, roadways, bicycle and pedestrian access designated viewpoints, and any other public improvements necessary to accommodate the proposed development. Public access trails to and along the lagoon shall be provided consistent with the Pedestrian Access Plan (Exhibit J) where feasible, in consultation with the Department of Fish and Game. Public access, and parking on interior streets shall be required as a condition of coastal development approval at the subdivision stage either through a public street system, public access easements or deed restriction. No private gated communities which preclude the general public from parking and accessing public trails along the lagoon shall be permitted. 	<p>This policy is outdated and not included in the draft LCP.</p> <p>The areas referred to as “urbanized area” and “urban fringe” are developed with few developable properties remaining to be developed. The “outlying properties” are designated as open space on the LCP land use map.</p> <p>The water quality policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
61	<p>5.10 Water Quality</p> <p>All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board (Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.</p> <p>In addition the following shall apply:</p> <p>New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:</p> <p>Residential Development</p> <p>Development plans for, which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:</p> <ol style="list-style-type: none"> a. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies; b. Use porous materials for or near walkways and driveways where feasible; c. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways. 	<p>This policy is outdated and not included in the draft LCP.</p> <p>The areas referred to as “urbanized area” and “urban fringe” are developed with few developable properties remaining to be developed. The “outlying properties” are designated as open space on the LCP land use map.</p> <p>The water quality policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
62	<p>5.10 Water Quality</p> <p>...</p> <p>d. Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.</p> <p>e. Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal).</p> <p>11. The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.</p> <p>Parking Lots</p> <p>Development plans for, or which include parking lots greater than 5,000 sq. ft. in size and/or with 25 or more parking spaces, susceptible to stormwater, shall:</p> <p>a. Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination thereof. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Practices Handbooks (Commercial and Industrial).</p> <p>All Development</p> <p>a. A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs;</p> <p>b. A landscape management plan that includes herbicide/pesticide management.</p> <p>Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of coastal development permit approval at the subdivision and/or development stage, as appropriate.</p>	<p>This policy is outdated and not included in the draft LCP.</p> <p>The areas referred to as “urbanized area” and “urban fringe” are developed with few developable properties remaining to be developed. The “outlying properties” are designated as open space on the LCP land use map.</p> <p>The water quality policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
	6. RECREATION AND VISITOR-SERVICING FACILITIES	
63	6.1 Whitey's Landing and Snug Harbor shall be designated for continued recreational-commercial use. Expansion of existing facilities at these locations shall be encouraged (Exhibit "B").	Section 2.3 of the draft LCP includes the LCP land use map, which designates these sites for visitor commercial use. This policy is proposed to be replaced with policies that promote visitor serving uses throughout the coastal zone, not just specific sites. See draft LCP policies LCP-3-P.14 to 16.
64	6.2 Construction of private docks, boat storage and launching facilities shall be subject to approval by the U.S. Army Corp of Engineers, the State Department of Fish and Game, the City of Carlsbad and the California Coastal Commission, consistent with Coastal Act Policies.	This policy is proposed to be replaced by draft policy LCP-3-P.11.
65	6.3 The SDG&E agricultural conversion property adjacent to the I-5 freeway, shall be designated Travel Services. This will allow for 45 acres of additional visitor-serving commercial uses.	Section 2.3 of the draft LCP, which includes the land use map, replaces this policy regarding the site's land use designation. The TS (Travel Services) designation is proposed to be replaced with VC (Visitor Commercial), consistent with the General Plan. See row 1, above.
66	6.4 If demand for boating/launching facilities cannot be accommodated by existing development, and it can be demonstrated that the lagoon will not be adversely affected by additional boating access and is consistent with Coastal Act Policies, the City should develop public or joint public/private boat facilities in the area of Hoover Street.	This policy is proposed to be replaced by draft policy LCP-3-P.7.
67	6.5 The Encina fishing area on the outer lagoon should be maintained as a public activity area.	This policy is proposed to be replaced by draft policy LCP-3-P.8.
68	6.6 If boating activities on the inner lagoon reach such a high level of use that public safety is endangered or the lagoon ecosystem is being adversely impacted, the City may act to restrict maximum carrying capacity, reduce maximum speeds and limit the horse-power of boats.	This policy is proposed to be replaced by draft policy LCP-3-P.7.
69	6.7 The present recreational uses of the lagoon shall be maintained and where feasible, expanded.	This policy is proposed to be replaced by draft policy LCP-3-P.6.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
7. SHORELINE ACCESS		
70	7.1 Bicycle routes, and accessory facilities such as bike racks, benches, trash containers and drinking fountains shall be installed at the locations indicated on Exhibit I.	<p>This policy is outdated. Exhibit I (referenced in this policy) is not consistent with the city’s bicycle and trails network plans. Draft LCP Figures 4-2 and 4-4 show the location of existing and future trails and bikeways. Most of the “bicycle routes” shown on Exhibit I are reflected on either Figure 4-2 or 4-4 (as a trail or bikeway). Bikeways are generally limited to streets, while trails include off-road pedestrian and multi-use pathways.</p> <p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.22 to 27. Draft LCP “complete streets” policies (LCP-4-P.28 to 36) provide additional guidance regarding pedestrian and bicycle connectivity.</p>
71	7.2 Pedestrian access ways shall be located as shown on Exhibit J.	<p>This policy is outdated. Draft LCP Figure 4-2 shows the location of existing and future trails and Draft LCP Figures 4-1A-C show the location of vertical and lateral pedestrian access.</p> <p>The provision of shoreline (vertical and lateral) pedestrian access is proposed to be addressed through policies LCP-4-P.1 to 21.</p> <p>Proposed “complete streets” policies (LCP-4-P.28 to 36) provide additional guidance regarding pedestrian and bicycle connectivity.</p>
72	7.3 All pedestrian trails shall be constructed to a minimum width of 5 feet. Combination bicycle/pedestrian trail shall be a minimum 10 feet wide.	This policy is not proposed as part of the updated LCP. Trails standards are specified in the Trails Master Plan.
73	7.4 Vertical pedestrian access easements shall be a minimum 10 feet in width. Combination bicycle/pedestrian easements and lateral easements shall be a minimum 25 feet in width.	This policy is proposed to be replaced with draft LCP policies LCP-4-P.4 and 7.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
74	<p>7.5 Bike route and pedestrian improvements shall be financed according to the following criteria:</p> <p>(1) Routes through established neighborhoods such as Carlsbad Boulevard and Tamarack Avenue shall be financed with City, State or Federal funds.</p> <p>(2) Routes adjacent to undeveloped properties shall be constructed at the expense of the developer at the time of development, or may be constructed by the City, subject to the availability of funding.</p>	<p>Regarding bikeway and pedestrian improvements on city streets, the city addresses the need for funding through its CIP process. Funding of improvements on private land is addressed during project approval and conditions. The draft LCP proposes policies that state bikeways and pedestrian access shall be provided; the policies do not say how such improvements will be funded, as that is determined at a later stage.</p> <p>Draft LCP policy LCP-4-P.11 is proposed, which addresses the objective to seek funding from various agencies to provide more access points.</p>
75	<p>7.6 Access to and along the north shore of the lagoon shall be made continuous, to the maximum extent feasible, and shall be provided as a condition of development approval for all shorefront properties. All access ways shall be designed in such a manner as to allow for reasonable use by any member of the general public, and shall be designed to accommodate bicycle as well as pedestrian use. Access ways under the railroad and I-5 bridges may be designed for pedestrian use only, if bicycles could not feasibly be accommodated. If the City of Carlsbad cannot provide access under the two bridges through its best efforts, such access shall be required only if funding assistance is forthcoming from the Coastal Conservancy or other public or private source and the relevant agencies (Caltrans and the railroad company) have given the necessary approvals.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.8 and 14 (the topic of providing additional access to the lagoons and funding is addressed by draft policy LCP-4-P.11).</p>
76	<p><i>[There is no policy 7.7 in the Agua Hedionda Segment Land Use Plan]</i></p>	

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
AGUA HEDIODA SEGMENT		
77	<p>7.8 Design of Access Easements, Buffer Areas, and Adjacent Development</p> <p>All access ways should be designed to enhance recreational use, and should include adequate open spaces for light and air, adequate signing, inviting design, and provision of adequate buffer areas and buffer landscaping to minimize conflicts with adjacent private property. All lateral public access easements shall be at least 25 feet in width landward of the mean high tide line, unless infeasible due to extreme topographic limitation. The portion of the easement which is actually developed for access purposes may be less than the complete 25-foot width, provided that the developed area is sufficient to reasonably accommodate anticipated access demand. To meet these objectives, the following design criteria shall apply to all structures proposed to be located within 100 feet of any access easement or other public recreational use area:</p> <ul style="list-style-type: none"> a) All portions of such structures shall be set back from the point nearest any public use area a distance equivalent to twice the height of the structure above finished grade; and b) New development shall provide landscaping adequate to minimize visual intrusion upon public use areas. 	<p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.7, 9, 15 and 16.</p>
78	<p>7.9 Access Signing</p> <p>All public use areas shall be clearly identified through a uniform signing program, to be carried out by the City of Carlsbad or as a condition of individual private developments. Signs or other devices on public or private property which might deter use of public access areas shall be prohibited within the Agua Hedionda Plan area.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.16.</p>
79	<p>7.10 Bristol Cove</p> <p>To minimize potential traffic conflicts development in Bristol Cove should discourage parking design which necessitates backing out into the street. A single driveway with adequate onsite turning area would contribute to traffic safety, and would also permit enhancement of the visual aesthetics of the area by providing room for buffer landscaping.</p>	<p>This policy is outdated and has been implemented; it is not proposed as part of the draft LCP. Bristol Cove has been developed; parking and vehicle circulation were designed consistent with the city's parking and engineering requirements, which ensure public safety.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
80	<p>7.11 “Pannonia” Property To achieve consistency with Sections 30221 and 30252(b) of the Coastal Act, design of a residential subdivision on the Pannonia property shall preserve the bluff face and provide for a landscaped recreational access way around the south and west perimeter of the blufftop. Such a trail shall be of adequate width and designed to facilitate public use for bicycling, strolling and other passive recreational purposes.</p>	<p>This policy is outdated and has been implemented; it is not proposed as part of the draft LCP. As part of the residential development on the subject site, a public pedestrian/bicycle access easement/trail (per CT 85-18) was constructed and is existing along the south and west perimeter of the blufftop.</p>
81	<p>7.12 Public transit availability shall be provided as follows:</p> <ul style="list-style-type: none"> a) As land within the Specific Plan area develops, the North County Transit Company bus system should be expanded to provide optimum levels of service. b) Future street systems within the Specific Plan area shall be constructed in a manner which can accommodate the public bus system. c) Accessory facilities, such as bus turnouts, shelter and benches shall be provided at key locations along the existing and future bus routes. 	<p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.28, and 34 to 36.</p>
82	<p>7.13 Informal vertical beach access through the SDG&E beach front property should be improved and dedicated to the appropriate management agency (i.e., City of Carlsbad, Coastal Conservancy or State Department of Parks and Recreation).</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.13.</p>
83	<p>8. VISUAL RESOURCES AND HISTORIC PRESERVATION</p> <p>8.1 Park Avenue, Adams Avenue and Carlsbad Boulevard are designated as scenic roadways. Development adjacent to these roads shall maintain a minimum 20-foot landscaped buffer between the street and parking areas. Required landscaped setbacks may include sidewalks and bikeways, but shall not include parking areas. Parking areas shall be screened from the street utilizing vegetation, tree forms, and berms, as appropriate.</p>	<p>This policy is proposed to be replaced with draft LCP Figures 5-3A, B and C, and policy LCP-5-P.26 to 30.</p> <p>The existing policy treats the street as the scenic resource; the proposed new policies treat the street as a public area from which to view the coastal viewshed. The existing policy requirement to screen parking areas with landscaping could conflict with the new policies, which specify that landscaping shall not block views of the coastal viewshed.</p>
84	<p>8.2 Special vista points and viewing areas shall be preserved, and made available to the public, as indicated on Exhibit K.</p>	<p>This policy is proposed to be replaced with draft LCP Figures 5-3A, B and C, and policy LCP-5-P.26 to 30. Figures 5-3A, B and C identify “scenic viewing areas” from which views of the coastal viewshed are to be protected. The scenic viewing areas shown on Figures 5-3A, B and C are more comprehensive than the vista points and viewing areas referenced in this existing policy.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
85	<p>8.3 Development located adjacent to scenic roadways, or located between the road and shoreline, shall be regulated as follows:</p> <ul style="list-style-type: none"> a. Where a significant elevation difference (e.g., 35 feet) exists between the shoreline and the first parallel public road, as in the case of Hedionda Point and Snug Harbor, no portion of a structure in the intervening area shall be permitted to exceed the elevation of the roadway. b. Where no significant elevation difference exists between the shoreline and the first parallel public road, permitted development in the intervening area shall provide a view corridor, of a width equivalent to at least one-third of the road frontage of the parcel, which shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable view line from vehicles passing on the public road. c. On all property adjoining the shoreline, permitted development shall be designed to "step down" in height, to avoid casting shadows on shoreline areas and to produce a perceived transition from open space areas to developed areas; and d. Any development proposed to be located on or near a significant landform (e.g., Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variation of roof lines to complement the topography. e. Any residential subdivision on Planning Area A shall be designed to preserve natural landforms and shall provide a public view corridor at the western property line of sufficient width to preserve the existing view towards the lagoon in that location. At least one additional view corridor shall be provided across the central portion of the site, such that the total width of at least two view corridors is not less than 200 feet. The public view corridor(s) shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor shall be secured through deed restriction or easement as a condition of subdivision approval. 	<ul style="list-style-type: none"> a. This policy is proposed to be replaced with draft LCP policy LCP-5-P.31.A. b. This policy is proposed to be replaced with draft policy LCP-5-P.31.B c. This policy is proposed to be replaced with draft LCP policies LCP-5-P.23. d. This policy is proposed to be replaced with draft LCP policy LCP-5-P.22. e. It's not clear where Planning Area A is. This policy is the only reference to the area. Since the policy requires two 200-foot view corridors, it likely originally applied to a large undeveloped parcel. There no longer remains any single large undeveloped parcel (that is developable). Planning Area A is likely now subdivided and developed. This policy is not proposed as part of the draft LCP. <p>Draft policy LCP-5-P.31B ensures new development will provide view corridors of the coastal viewshed from scenic streets.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	AGUA HEDIODA SEGMENT	
86	8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.	<p>This policy is not proposed as part of the draft LCP.</p> <p>The Scenic Preservation Overlay Zone states that the city can adopt standards or guidelines for areas where the overlay zone is applied. The SP overlay zone was not applied to the Agua Hedionda Segment; and therefore, no scenic standards have been established for the area.</p> <p>Draft LCP policies LCP-5-P.22 through 32 provide specific guidance on protection of public views of scenic areas; whereas the SP overlay zone does not provide any specific guidance for this area.</p>
87	8.5 Archaeological sites in the plan area shall be preserved or excavated as provided in Attachment 2.	<p>This policy is proposed to be replaced with draft LCP policies LCP-5-P.12 through LCP-5-P.21.</p> <p>Note: Attachment 2 of the Agua Hedionda LUP refers to specific cultural resource sites and the importance of resources at the sites. While the site locations are not identified, the level of information and reference to specific sites may not be consistent with laws that protect the confidentiality of Native American resources. Also, the methods that Attachment A identify to protect the resources were based on methods utilized in the late 70s/early 80s; the proposed draft LUP includes policies that are consistent with new state laws and require that qualified professionals determine the appropriate measures to protect resources.</p>
88	8.6 The regulation of signs shall be in accordance with the Carlsbad Zoning Ordinance. Additionally, no freestanding, roof or pole signs shall be permitted. Commercial uses shall provide wall or monument signs.	This policy is proposed to be replaced with draft LCP policy LCP-5-P.25.
89	8.7 To achieve consistency with Sections 30221 and 30252(b) of the Coastal Act, design of a residential subdivision on the Pannonia property shall preserve the bluff face and provide for a landscaped recreational access way around the south and west perimeter of the blufftop. Such a trail shall be of adequate width and designed to facilitate public use for bicycling strolling and other passive recreational purposes.	This policy has been implemented and is not proposed as part of the draft LCP.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
90	<p>1. Standard Pacific</p> <p>Policy 1 - Maximum Density of Development</p> <p>The Standard Pacific property shall be designated for a medium density residential development with a maximum density of 7 dwelling units per gross acre. The property shall be developed using the City's RD-M (Residential-Multiple Zone) or PC (Planned Community) in effect at the date of certification. An overlay zone shall be established incorporating the Coastal Act requirements. All permitted uses in the underlying zone shall be conditional uses in the overlay zone. Divisions of land and other developments as defined in the Coastal Act shall be in accord with the requirements of the Policies contained herein. Poinsettia Lane shall be extended only as generally shown on the PRC Toups land use map to the eastern boundary of the site. The location of Poinsettia Lane is in no way determined by this Local Coastal Program (LCP), however, this LCP is not intended to preclude access to agricultural areas to the east.</p> <p>Development of the property may occur only under the provisions of the Pacific Rim Country Club and Resort Master Plan, and shall be subject to the requirement of Policy 2 "Agriculture/Planned Development."</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>The LCP land use designations for the property are R-8 (4-8 du/ac) and OS; LCP zoning is RD-M and OS.</p> <p>Poinsettia Lane has been extended beyond the eastern boundary of the property; the policy language is out dated.</p>
91	<p>1. Standard Pacific</p> <p>...</p> <p>Policy 2 – Buffers</p> <p>A sturdy fence capable of attenuating noise and dust impacts, generally to be a concrete block wall a minimum of 6 feet in height, shall be provided between residential development and agricultural areas to the north and east. As a partial alternative, utilization of natural topographic separations such as trees, Chaparral, and existing slopes is encouraged, to the extent that such separations can be incorporated into site planning and would accomplish adequate attenuation to noise and dust. Permanent maintenance of this area and any structures, through a homeowners association or other acceptable means, shall be provided as a condition of development.</p>	<p>This policy is no longer relevant. The agricultural areas north and east of the Standard Pacific property have converted and are now developed with residential uses.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
92	<p>1. Standard Pacific - ... Policy 3 – Drainage, Erosion Control</p> <p>a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdiction Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project and shall be installed prior to the initial grading. At a minimum, such mitigation shall require construction of all improvements shown in the City of Carlsbad Drainage Master Plan between the project site and the lagoon (including the debris basin), revegetation of all graded areas immediately after grading, and mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district or through any similar arrangement that allots costs among the various landowners in an equitable manner.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases to pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
93	<p>1. Standard Pacific -</p> <p>...</p> <p>Policy 3 – Drainage, Erosion Control</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1) Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2) To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4) Provide development-free buffer zones for natural water bodies. 5) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6) Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7) Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8) Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10) Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. 	<p>e. (1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e. (4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e. (7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e. (9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
94	<p>1. Standard Pacific -</p> <p>...</p> <p>Policy 3 – Drainage, Erosion Control</p> <p>...</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of the publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p>	<p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
95	<p>1. Standard Pacific -</p> <p>...</p> <p>Policy 3 – Drainage, Erosion Control</p> <p>...</p> <p>i. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Project Discharging to Receiving Water within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p> <p>m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable). 2) Addition of new development categories as Priority Projects. 3) Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4) Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>i. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p> <p>m. Proposed to be replaced by draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced by draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
96	<p>1. Standard Pacific</p> <p>...</p> <p><u>Policy 4</u> - Parking</p> <p>Parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.39.</p>
97	<p>1. Standard Pacific</p> <p>...</p> <p>Policy 5 – Environmental Impact Report</p> <p>Biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.</p>	<p>This policy is no longer relevant. The Standard Pacific property is developed with residential uses or is designated open space. The development was subject to environmental review per CEQA, which included evaluation and mitigation of any significant impacts to biological and cultural resources.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
98	<p>2. Occidental Land, Inc.</p> <p><u>Policy 1</u> - Land Uses</p> <p>The “Occidental Land, Inc.” landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the “Occidental Land, Inc.” properties to be developed in accordance with the land uses described below.</p> <p>Pursuant to State Legislation in 1984, the Agricultural Subsidy Program was replaced with the Agriculture Conversion Mitigation Fee (Public Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy 2-1 Option 3).</p> <p>As per Public Resource Code Section 30171.2, the land use policies established in 1981 by the adoption of the Mello II Segment remained “operative” even though the Agricultural Subsidy Program was replaced.</p> <p>The Occidental Land parcels are hereby designated as follows:</p> <ol style="list-style-type: none"> (1) The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre. (2) The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre. (3) The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance. (4) The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses. 	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <ol style="list-style-type: none"> 1. The area east of I-5 and north of Poinsettia Lane is developed per the R-8 (4-8 du/ac) and OS LCP land use designations. 2. The area east of I-5 and south of Poinsettia Lane is developed per the R-8 (4-8 du/ac) and OS LCP land use designations. 3. The area west of I-5 and south of Poinsettia Lane is developed per the Local Shopping Center (L) LCP land use designation. 4. The area west of I-5 and north of Poinsettia Lane is developed per the Visitor Commercial (VC) and General Commercial (GC) LCP land use designations. Approximately 60% of the area is developed with visitor serving uses (hotels and a restaurant).

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
99	<p>2. Occidental Land, Inc.</p> <p>...</p> <p>Policy 2 – Drainage, Erosion Control</p> <p>a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project and shall be installed prior to initial grading. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments thereto between the project site and the lagoon (including the debris basin), revegetation of all graded areas immediately after grading, and a mechanism for permanent maintenance if the City declines to accept responsibility. The offsite drainage improvements shall be reimbursable to Occidental by use of assessment districts, development agreements or other appropriate means acceptable to the City.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases to pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases to peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm water system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>...</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
100	<p>2. Occidental Land, Inc. ... Policy 2 – Drainage, Erosion Control ... e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. 	<ol style="list-style-type: none"> e. (1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies. e. (2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2. e. (4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP. e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies. e. (7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind. e. (9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies. e. (10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
101	<p>2. Occidental Land, Inc.</p> <p>...</p> <p><u>Policy 2</u> – Drainage, Erosion Control</p> <p>...</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to “Environmentally Sensitive Areas” (ESA) identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>...</p>	<p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
102	<p>2. Occidental Land, Inc.</p> <p>...</p> <p><u>Policy 2</u> – Drainage, Erosion Control</p> <p>...</p> <p>i. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p> <p>m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical). 2) Addition of new development categories as Priority Projects. 3) Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4) Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>i. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p> <p>m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
103	<p>2. Occidental Land, Inc.</p> <p>...</p> <p><u>Policy 3</u> – Parking</p> <p>In the event of commercial and/or residential development pursuant to a coastal development permit; parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.39.</p>
104	<p>2. Occidental Land, Inc. –</p> <p>...</p> <p><u>Policy 4</u> – Environmental Impact Report</p> <p>In the event of commercial and/or residential development pursuant of a coastal development permit, biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.</p>	<p>This policy is no longer relevant. The Occidental Land property is developed with residential uses or is designated open space. The development was subject to environmental review per CEQA, which included evaluation and mitigation of any significant impacts to biological and cultural resources.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
105	<p>3. Rancho La Costa (Hunt Property)</p> <p><u>Policy 1</u> – Not Used</p> <p><u>Policy 2</u> – Not Used</p> <p>(1) Development of the property may occur only under the provisions of Master Plan, and shall be subject to the requirements of Policy 2 “Agriculture/Planned Development.”</p> <p>(2) The land uses allowed by the Master Plan shall be compatible with the City of Carlsbad General Plan as amended to provide a combination of residential, commercial (including visitor serving) and open space uses.</p> <p>(3) Residential density permitted through the Master Plan shall not exceed that allowed by the City of Carlsbad General Plan.</p> <p>(4) All land uses and intensity of use shall be compatible with the protection of sensitive coastal resources.</p> <p>(5) Land use intensity shall be consistent with that allowed by the Carlsbad Growth Management Ordinance (Chapter 21.90, Carlsbad Municipal Code).</p> <p>The property shall be developed using the existing planned community zone with the additional requirements contained in the policies herein. All developments as defined by the Coastal Act require a coastal development permit and master plan that is consistent with the Carlsbad General Plan. Conversion of any portion of these non-prime agricultural lands as shown on the PRC Toups maps (See Exhibit 3.3) to urban uses pursuant to the master plan shall be allowed if the following findings are made:</p> <p>(1a) Conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 of the Public Resources Code; or</p> <p>(1b) Continued or renewed agriculture is no longer feasible; or</p> <p>(1c) Payment of an agricultural conversion mitigation fee in an amount not less than \$5,000 and not more than \$10,000 per net converted acre has been made; and</p> <p>(2) Conversion would be compatible with continued agricultural use on surrounding lands;</p> <p>(3) The master plan provides overriding benefits to the resources of Batiquitos Lagoon;</p> <p>(4) The master plan provides significant protection and enhancement of environmentally sensitive habitats above and beyond the existing land use control's current requirements.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>The property has developed per the Aviara Master Plan and LCP land use designations, which include a range of residential densities, visitor commercial uses and open space. The property is zoned Planned Community (PC).</p> <p>All agriculture within the Rancho La Costa/Hunt area has been converted; no agriculture remains in this area. All but two sites in this area are developed or are designated open space. One of the two undeveloped sites contains no agriculture and is designated for residential development. The other of the two sites is not yet fully developed per the VC land use designation but is being utilized for parking and recreation.</p> <p>Per the Aviara Master Plan, all agriculture mitigation fees were paid prior to recording the first final map for any of the planning areas in each phase of the project.</p> <p>See draft LCP page 5-7 for a description of the Carlsbad Agriculture Conversion Mitigation Program, which addresses the use of the conversion fees.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
106	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>The amount of agricultural conversion mitigation fee shall be determined by the City Council at the time it considers a development permit for conversion of the property to urban uses and shall reflect the per acre cost of preserving prime agricultural land pursuant to paragraph 1a. The fee shall be deposited in the State Coastal Conservancy Fund and shall be expended in the following order of priority:</p> <ol style="list-style-type: none"> (1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon, including but not limited to payment for operation and maintenance of a Lagoon enhancement program. (2) Development of an interpretive center at Buena Vista Lagoon. (3) Restoration of beaches managed for public use in the City of Carlsbad. (4) Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council. (5) Agricultural improvements which will aid in the continuation of remaining agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council 	<p>This policy has been implemented; the site has been developed consistent with the policy. The policy is not proposed as part of the draft LCP.</p> <p>All agriculture within the Rancho La Costa/Hunt area has been converted; no agriculture remains in this area. All but two sites in this area are developed or are designated open space. One of the two undeveloped sites contains no agriculture and is designated for residential development. The other of the two sites is not yet fully developed per the VC land use designation but is being utilized for parking and recreation.</p> <p>Per the Aviara Master Plan, all agriculture mitigation fees were paid prior to recording the first final map for any of the planning areas in each phase of the project.</p> <p>See draft LCP page 5-7 for a description of the Carlsbad Agriculture Conversion Mitigation Program, which addresses the use of the conversion fees.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
107	<p>3. Rancho La Costa (Hunt Property) - ...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>Under the P-C Zone requirements and the development intensities established in Policy 1 – Maximum Density of Development, the development shall conform to the following additional development standards:</p> <p>Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toups maps. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.</p> <p>(1) For those slopes mapped as possessing endangered plant/animal species and/or Coastal Sage Scrub and Chaparral plant communities, the following policy language would apply:</p> <p>(a) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with all or nearly all of their area in slope area over 25% grade, encroachment may be permitted; however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads or the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.</p> <p>(b) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 10% of the total site area.</p> <p>(c) Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community.</p>	<p>1) and (2) These policies are proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
108	<p>3. Rancho La Costa (Hunt Property) - ... <u>Policy 3</u> – Drainage and Erosion Control ...</p> <p>(2) For all other steep slope areas, the City Council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:</p> <p>(a) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least 75 years, or life of structure.</p> <p>(b) Grading of the slope is essential to the development intent and design.</p> <p>(c) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.</p> <p>(d) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.</p> <p>(e) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.</p> <p>(3) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or <u>offsite</u> to prevent siltation of lagoons and other environmentally sensitive areas.</p> <p>(4) The appropriate measures shall be installed prior to onsite grading.</p> <p>(5) All undevelopable slopes shall be placed in open space easements as a condition of development approval.</p>	<p>1) and (2) These policies are proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p> <p>3) and (4) This policy is proposed to be replaced with draft LCP policies LCP-6-P.2, and LCP-6-P.15 through LCP-P.6-26, which address runoff and reflect current regional and California Coastal Commission water quality protection requirements.</p> <p>(5) This policy is proposed to be replaced with draft LCP policy LCP-7-P.49.C.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
109	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(6)</p> <p>(a) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p> <p>(b) Prior to making land use decisions, the City shall utilize methods available to estimate increase in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>(c) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>(d) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p>	<p>(6)(a) Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>(6)(b). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(c). Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(d). Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
110	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(6) ...</p> <p>(e) Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1) Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2) To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4) Provide development-free buffer zones for natural water bodies. 5) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6) Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7) Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8) Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 	<p>6)(e)(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(e)(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>(6)(e)(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>(6)(e)(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(e)(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
111	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(6) ...</p> <p>(e) Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>9) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>10) Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>(f) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>(g) Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASWA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>(h) Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p>	<p>(6)(e)(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(e)(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>(6)(f). Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>(6)(g). Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>6)(h). The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
112	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(6) ...</p> <p>(i) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>(j) The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>(k) Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>(l) Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p> <p>(m) Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating, polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p>	<p>(6)(i). Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(j) Proposed to be replaced by draft policy LCP-6-P.29</p> <p>(6)(k) Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>(6)(l) Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p> <p>(6)(m) Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
113	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(6) ...</p> <p>(n) Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p> <p>(o) The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical). 2) Addition of new development categories as Priority Projects. 3) Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4) Reduction in the area of impervious surfaces used to designate a specific category of Priority Project. <p>(p) Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>(6)(n) This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>(6)(o)(p) Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
114	<p>3. Rancho La Costa (Hunt Property) -</p> <p>...</p> <p><u>Policy 3</u> – Drainage and Erosion Control</p> <p>...</p> <p>(7) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <p>(a) Submittal of a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps and energy dissipators and shall not be concentrated in one area or a few locations.</p> <p>(b) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities.</p> <p>(c) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any onsite grading activities.</p> <p>(d) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under the supervision of a licensed landscaped architect and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90 percent coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles.</p>	<p>(7) Proposed to be replaced by draft policies LCP-6-P.15 through LCP-P.6-26, which address runoff and reflect current regional and California Coastal Commission water quality protection requirements.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
115	<p>3. Rancho La Costa (Hunt Property) ...</p> <p><u>Policy 4 - Buffer/Open Space</u> A sturdy fence, generally a minimum of a 6 ft. concrete block wall, shall be provided between residential development and agricultural areas. Natural topographic separations such as trees, Chaparral, and slopes shall be included if those features would be protected by the provisions of Policies 1 through 3. Permanent maintenance through a homeowners association or other acceptable means shall be provided as a condition of development. Roads shall be designed as much as possible to function as buffers between agriculture and residences. The P-C zone requirement of open space can be used in conjunction with this requirement.</p>	<p>This policy is no longer relevant. All agriculture within the Rancho La Costa/Hunt property has been converted to other uses.</p> <p>Regarding other agricultural areas in the Coastal Zone, draft LCP policy LCP-5-P.2 addresses buffers and other features to minimize conflicts between agriculture and urban uses.</p>
116	<p>3. Rancho La Costa (Hunt Property) ...</p> <p><u>Policy 5 - Parking/Siting</u> Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated in the master plan to minimize the paved surface area.</p>	<p>This policy is outdated. The property has been developed consistent with city regulations for parking and resource protection. This policy is not proposed as part of the draft LCP. Any future development/redevelopment in the area will be subject to proposed policy LCP-4-P.39 and all other standards applicable to resource protection, including storm water regulations that limit the amount of impervious surfaces in development.</p>
117	<p>3. Rancho La Costa (Hunt Property) ...</p> <p><u>Policy 6 - Environmental Impact Report</u> Biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.</p>	<p>This policy is no longer relevant. The Rancho La Costa/Hunt property is part of the Aviara Master Plan. An EIR for the master plan was prepared; biological and cultural resources were evaluated; the master plan area has developed pursuant to the EIR and applicable mitigation measures.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
118	<p>3. Rancho La Costa (Hunt Property) ...</p> <p><u>Policy 7</u> – Protection of Sensitive Native Vegetation Areas</p> <p>The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the Coastal zone.</p> <p>The HMP has been prepared as part of the San Diego County Multiple Habitat Conservation Program (MHCP). The MHCP will establish a coordinated habitat preserve system to protect listed species and rare native vegetation while accommodating regional development needs. The HMP provides a comprehensive plan for creation and management of proposed preserve areas in the coastal zone, along with appropriate criteria for development requirements and delineation of development/preservation boundaries. The creation of an effective habitat preserve requires a careful balancing of acquisition, preservation and mitigation requirements, as well as enforceable monitoring, remediation and an adequately funded maintenance program for the preserve area.</p> <p>Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values...” Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.</p> <p>The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards contained in the HMP and identified in the policies below will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.</p>	<p>This policy is proposed to be replaced with the description of the HMP in Section 6.2 of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
119	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.1 Habitat Management Plan</p> <p>The document titled "Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda" (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.</p>	<p>This policy is proposed to be replaced with the following draft LCP policies LCP-6-P.1 and LCP-6-P.3.</p>
120	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.2 Environmentally Sensitive Habitat Areas (ESHA)</p> <p>Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.2.</p>
121	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.3 Coastal Sage Scrub</p> <p>Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
122	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.4 Oak Woodland</p> <p>An oak woodland is a closed to relatively open stand of trees within which a dominant tree species is a species of oak. In coastal southern California, that species is generally Coast Live Oak (<i>Quercus agrifolia</i>), which is commonly found on slopes and riparian situations. Shrubs vary from occasional to common and the herb layer is often continuous and dominated by a variety of annual grasses.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
123	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.5 Streams</p> <p>A stream is a topographical feature with a clear bed and bank that periodically conveys water.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
124	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.6 Ephemeral Drainages and Ephemeral Streams</p> <p>Ephemeral drainages and ephemeral streams are topographic features that convey water, but only during and shortly after rainfall events in a typical year.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
125	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.7 Wetlands</p> <p>Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), 'wetland' means lands within the coastal zone, which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. Wetland shall include land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.</p> <p>Wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.</p> <p>Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as provided in that Section.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
126	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.8 Wetland Mitigation Requirements</p> <p>If impacts to a wetland are allowed consistent with Policy 7-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
127	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.9 No Net Loss of Habitat</p> <p>There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 7-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
128	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.10 Upland Habitat Mitigation Requirements</p> <p>Where impacts to the habitats stated in 7-1.9 are allowed, mitigation shall be provided as follows:</p> <ol style="list-style-type: none"> a. The no net loss standard shall be satisfied as stated in 7-1.9. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP. b. Onsite preservation is not eligible for mitigation credit in the coastal zone except as provided in subsection g. below. c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. 	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
129	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.10 Upland Habitat Mitigation Requirements</p> <p>...</p> <p>e. Impacts to Southern Mixed Chaparral, Native Grassland and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1 and 3:1, with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>f. Mitigation for impacts within the coastal zone should be provided within the coastal zone if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.</p> <p>g. Onsite of off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.</p> <p>h. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
130	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.10 Upland Habitat Mitigation Requirements</p> <p>...</p> <p>i. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies and the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. The preserve management plan shall be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.</p> <p>j. If any conflict should arise between the Policies of the LCP and the provisions of the HMP, the LCP shall take precedence. If any conflict should arise between the policies of the certified Mello I LUP and the certified Implementation Plan the policies of the certified Mello I LUP shall take precedence.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
131	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.11 Highly Constrained Properties</p> <p>There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:</p> <p>a. If more than 80% of the property by area is covered with ESHA at least 75% of the property shall be conserved, OR</p> <p>b. If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approved a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of onsite preservation as identified in the Hardline boundary shall apply.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO I SEGMENT	
132	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.12 Buffers and Fuel Modification Zones</p> <p>Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:</p> <ul style="list-style-type: none"> a. 100 feet for wetlands b. 50 feet for riparian areas c. 20 feet for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland). <p>Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 feet between the riparian or wetland area and the toe of the slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.</p> <p>Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.</p> <p>No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for:</p> <ul style="list-style-type: none"> a. Fuel modification Zone 3 to a maximum of 20 feet for upland and non-riparian habitat. No fuel modification shall take place within 50 feet of riparian areas, wetlands or oak woodland. b. Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat and that appropriate measures are taken for physical separation from sensitive areas. <p>Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section D.7. includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO I SEGMENT		
133	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.13 Hardline Preserve Boundaries</p> <p>The purpose of the standards listed above is to ensure that the future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish viable habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the onsite preservation included in the Hardline preserve boundary shall apply.</p>	<p>This policy is proposed to be replaced with the description of the HMP in Section 6.2 of the draft LCP; as well as draft LCP policies LCP-6-P.1 and LCP-6-P.3.</p> <p>HMP Section D.7-10.b includes the exact wording of the last sentence of the existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
134	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.14 Steep Slope Encroachments</p> <p>The percentage of steep slope encroachment allowed by the drainage and erosion control policies may be modified for development consistent with the habitat protection policies listed above and approved as part of the adopted HMP.</p>	<p>This policy is proposed to be replaced with LCP-6-P.3.</p> <p>HMP section F addresses erosion control measures to protect habitat. Development proposals must comply with both the HMP and other regulations that limit development on slopes. The most restrictive applies.</p> <p>See draft policies LCP-7-P.46 and LCP-7-P.48 to 50 for policies regarding steep slopes.</p>
135	<p>3. Rancho La Costa (Hunt Property)</p> <p>...</p> <p>7-1.15 Invasive Plants</p> <p>The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 and LCP-6-P.3, which refer to and incorporate the HMP for ESHA protection inside and outside the HMP hardline and standards areas.</p> <p>HMP Section F.3.C includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
136	<p>1. LAND USE PLAN</p> <p>Policy 1-1 ALLOWABLE LAND USES (MELLO II)</p> <p>Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.</p>	<p>Section 2.3 of the draft LCP and draft policy LCP 2-P.6 replace this policy.</p>
	<p>Policy 1-2 MAXIMUM DENSITY OF DEVELOPMENT</p> <p>Residential densities shall be permitted and based on the underlying LCP land use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.</p>	<p>Section 2.3 of the draft LCP, which includes the LCP land use map and the provisions for maximum density, replaces this policy.</p>
138	<p>2. AGRICULTURE</p> <p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p>(1) Coastal Agriculture:</p> <p>Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands. Non-prime agricultural lands identified on Map X, including the 301.38 acre Carlta Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP. Any acreage under the control of a public entity for a public recreation or open space use shall be exempt from Policy 2-1 and be permitted to convert from an agricultural use without satisfying one of the three conversion options.</p> <p>...</p>	<p>This part of the policy is proposed to be replaced by draft LCP policies LCP-5-P.1 and LCP-5-P.10.C, D, E and F.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
139	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p> ...</p> <p>(2) Conversion of Coastal Agriculture:</p> <p> Conversion of designated coastal agricultural lands shall be permitted provided that: a) conversion would preserve prime agricultural lands within the statewide coastal zone consistent with Sections 30241 and 30242 or concentrate new development consistent with Section 30250 of the Coastal Act; or b) continued or renewed agricultural use is not feasible.</p> <p> ...</p>	<p>This part of the policy is proposed to be replaced by draft LCP policy LCP-5-P.11.</p>
140	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p> ...</p> <p>(3) Conversion Options:</p> <p> Conversion of non-prime coastal agricultural lands shall be permitted pursuant to either Option 1 – Mitigation, Option 2 – (Feasibility Analysis) or Option 3 – Conversion Fee as set forth below in this policy. Consistent with Section 30242 of the Act, no feasibility analysis shall be required if a landowner selects Option 1 or Option 3.</p> <p> Option 1 – <u>Mitigation (Prime Land Exchange)</u></p> <p> Non-prime coastal agricultural lands shall be converted to urban use consistent with the Carlsbad General Plan if, prior to approval of a subdivision map, a mitigation program is in effect that permanently preserves one acre of prime agricultural land within the statewide Coastal Zone for each acre of net impacted agricultural land in the LCP that is converted. For purposes of calculating required mitigation acreage, net impacted agricultural lands are the parcels and acreages designated on Map X and the 301.38 acre Caritas Property and areas containing sensitive coastal resources that would preclude development.</p> <p> ...</p>	<p>This part of the policy is proposed to be replaced by draft LCP policy LCP-5-P.11.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
141	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p>...</p> <p> (3) Conversion Options:</p> <p> ...</p> <p> Option 1 – <u>Mitigation (Prime Land Exchange)</u></p> <p> ...</p> <p> The standards and procedures for such a mitigation program shall be set forth in LCP implementing ordinances. Recipients of prime agricultural land interests pursuant to this policy shall be limited to:</p> <p> a) local or state agencies; or,</p> <p> b) tax exempt organizations whose principal charitable purposes are consistent with the agricultural mitigation program and qualify under Section 501(c)(3) of the U.S. Internal Revenue Code. Further, mitigation priority shall be given to preserving prime agricultural lands in the coastal zones of counties selected by the State Coastal Conservancy for pilot programs funding, and other counties with similarly qualified programs.</p> <p> Option 2 – <u>Determination of Agricultural Feasibility</u></p> <p> If the feasibility of continued agriculture is questionable, either the City or involved landowners may complete an agricultural feasibility study for: a) all coastal agricultural lands in the LCP; b) 3 or 4 subareas (See Exhibit 3.3) which constitute logical subunits; or c) contiguous landholdings in a single ownership of at least 100 acres. If Option 2 is selected, that portion of the study area determined to be feasible for continued agriculture, if any, may be converted upon request of the landowner to urban use subject to compliance with the provisions of Option 1 above. That portion of the study area determined not to be feasible for continued agriculture could be converted only after: a) the City approves the feasibility study; b) an LCP amendment is prepared and submitted to the Coastal Commission that provides for the conversion; and c) the Coastal Commission certifies the LCP amendment as to its conformance with the Coastal Act.</p> <p> ...</p>	<p>This part of the policy is proposed to be replaced by draft policy LCP-5-P.11.</p> <p>Option 2 is not included in LCP-5-P.11. Per the existing policy, no feasibility analysis is required if a landowner selects option 1 or 3. Option 2 has not been utilized and much of the criteria is no longer relevant - most of the subareas referenced in the existing policy have converted to non-agriculture uses and there are no longer any contiguous lands of at least 100 acres that are subject to the policy.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
142	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p>...</p> <p>(3) Conversion Options:</p> <p> ...</p> <p> Option 3 – <u>Agricultural Conversion Mitigation Fee</u></p> <p> In lieu of the procedures established by subsection B or subsection C of this section, property may be converted to urban uses upon payment of an agricultural conversion mitigation fee.</p> <p> This fee is separate and distinct from the mitigation fee established by Section 301717.5 of the Public Resources Code, which applies to certain properties outside the Mello I and Mello II segments of the City’s local coastal program, is collected and administered by the State Coastal Conservancy and has different expenditure priorities.</p> <p> The amount of the fee shall be determined by the City Council at the time it considers a Coastal Development permit for urban development of the property. The fee shall not be less than five thousand dollars nor more than ten thousand dollars per net converted acre of agricultural land and shall reflect the approximate cost of preserving prime agricultural land pursuant to subsection B of this section. The fees shall be paid prior to the issuance of building permits for the project. All mitigation fees collected under this section shall be deposited in the City of Carlsbad LCP Agricultural Mitigation Fees Fund and shall be expended by the City of Carlsbad subject to the recommendations of an advisory committee to be established by City Council action. The advisory committee shall have city and Coastal Conservancy staff and community representation. The intent is not to establish priorities for Program use, but rather to promote equitable distribution amongst the allowable uses outlined below. The advisory committee may also develop policies or procedures for the review of requests and the allocation of funds. The allowable uses for the Agricultural Mitigation Fees are:</p>	<p>This part of the policy is proposed to be replaced by draft LCP policy LCP-5-P.11.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
143	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">Option 3 – <u>Agricultural Conversion Mitigation Fee</u></p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 20px;">a) Restoration of the coastal and lagoon environment including but not limited to acquisition, management and/or restoration involving wildlife habitat or open space preservation</p> <p style="padding-left: 20px;">b) Purchase and improvement of agricultural lands for continued agricultural production, or for the provision of research activities or ancillary uses necessary for the continued production of agriculture and/or aquaculture in the City’s Coastal Zone, including but not limited to farm worker housing</p> <p style="padding-left: 20px;">c) Restoration of beaches for public use including but not limited to: local and regional sand replenishment programs, vertical and lateral beach access improvements, trails, and other beach-related improvements that enhance accessibility, and/or public use of beaches</p> <p style="padding-left: 20px;">d) Improvements to existing or proposed lagoon nature centers</p> <p>For purposes of implementation, neither Option 1 nor Option 2 nor Option 3 shall have priority over the other.</p>	<p>This part of the policy is proposed to be replaced by draft LCP policy LCP-5-P.11.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
144	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>(a) Basic Agricultural Policies</p> <p> ...</p> <p> (4) Underlying Urban Designations of Coastal:</p> <p> To maximize and expedite the preservation of prime agricultural lands throughout the state coastal zone, all parcels designated coastal agriculture in the LCP including the 301.38 acre Caritas Property shall have an underlying urban land use designation as identified on Map Y, and the Carlsbad Ranch Specific Plan. Conversions of coastal agriculture land permitted by the City in conformance with either Option 1 or Option 2 or Option 3 as set forth in Policy 2 shall be consistent with the land use designations on Map Y and the Carlsbad Ranch Specific Plan.</p> <p> (5) Conversions of Coastal Agriculture Inconsistent with Underlying Urban Designations:</p> <p> Conversions of parcels designated coastal agriculture that are requested for uses other than the underlying land use designation on Map Y and the Carlsbad Ranch Specific Plan shall be subject to an LCP amendment to allow the City and Coastal Commission to determine the consistency of proposed urban uses with other applicable provisions of the LCP and the Coastal Act.</p>	<p>Map Y is outdated. The draft LCP land use map is a better reference to identify designated land use; and draft Figures 5-1A, B and C are an updated reference to identify agricultural lands.</p> <p>Draft policy LCP-5-P.9 specifies what uses the agricultural lands can convert to (per the LCP land use map; and in the case of the Cannon Road corridor, per the CR-A/OS zone).</p> <p>The requirement for a LCP amendment to change the designated land use is not an agricultural policy matter. All agricultural lands have an underlying land use designation. As with any other land, if proposed development is not consistent with the land use designation, a LCP amendment would be required to change the designation. It is not necessary to state that in the context of agriculture.</p>

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

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MELLO II SEGMENT																				
145	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>...</p> <p>(b) Designated Coastal Agricultural Lands</p> <p>“Designated Coastal Agricultural Lands” are those agricultural lands identified on Map X (See Exhibit 3.3) attached to the Land Use Plan certified on October 24, 1985. The following are the lands identified on Map X (See Exhibit 3.3):</p> <table style="margin-left: 100px;"> <thead> <tr> <th colspan="2" style="text-align: center;">Approximate Acres</th> </tr> </thead> <tbody> <tr> <td>Site II</td> <td style="text-align: right;">377</td> </tr> <tr> <td>Site III</td> <td style="text-align: right;">275</td> </tr> <tr> <td>Site IV</td> <td style="text-align: right;">109</td> </tr> <tr> <td>Lusk</td> <td style="text-align: right;">93</td> </tr> <tr> <td>Bankers</td> <td style="text-align: right;">27</td> </tr> <tr> <td>Hunt (Mello I LCP Segment)</td> <td style="text-align: right;">200</td> </tr> <tr> <td>Carlitas</td> <td style="text-align: right;">301.38</td> </tr> <tr> <td colspan="2" style="text-align: right; border-top: 1px solid black;">TOTAL: 1,382.38</td> </tr> </tbody> </table>	Approximate Acres		Site II	377	Site III	275	Site IV	109	Lusk	93	Bankers	27	Hunt (Mello I LCP Segment)	200	Carlitas	301.38	TOTAL: 1,382.38		<p>This policy is outdated. Draft Figures 5-1A, B and C identify the agricultural areas that are currently subject to agriculture mitigation requirements.</p>
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HOW THE EXISTING CITY OF CARLSBAD LOCAL COASTAL PROGRAM (LCP) POLICIES ARE ADDRESSED IN THE DRAFT LOCAL COASTAL PROGRAM UPDATE

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
146	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>...</p> <p>(c) Permitted Uses on Designated Coastal Agricultural Lands</p> <p>The land uses described below shall apply to any designated coastal agricultural land which has <u>not</u> been approved for development.</p> <p>(1) On any Class I through Class IV Agricultural Lands: (See Exhibit 4.2) the following uses only are permitted:</p> <ul style="list-style-type: none"> a) Cattle, sheep, goats and swine production, provided that the number of anyone or combination of said animals shall not exceed one animal per half acre of lot area. Structures for containing animals shall not be located within fifty feet of any habitable structure on the same parcel, nor within three hundred feet of an adjoining parcel zoned for residential uses. b) Crop production. c) Floriculture. d) Horses, private use. e) Nursery crop production. f) Poultry, rabbits, chinchillas, hamsters and other small animals, provided not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, nor within three hundred feet of an adjoining parcel zoned for residential uses. g) Roadside stands for display and sale of products produced on the same premises, with a floor area not exceeding two hundred square feet, and located not nearer than twenty feet to any street or highway. h) Tree farms. i) Truck farms. j) Wildlife refuges and game preserves. k) Other uses or enterprises similar to the above customarily carried on in the field of general agriculture including accessory uses such as silos, tank houses, shops, barns, offices, coops, stables, corrals, and similar uses required for the conduct of the uses above. l) One single family dwelling per existing legal building parcel. 	<p>This policy is proposed to be replaced with draft policy LCP-5-P.9. The list of uses is not proposed to be included in the draft LCP, as it is redundant with the zoning regulations (Coastal Agriculture Overlay Zone).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
147	<p>POLICY 2-1 <u>CONSERVATION OF AGRICULTURAL LANDS</u></p> <p>...</p> <p> (c) Permitted Uses on Designated Coastal Agricultural Lands</p> <p> ...</p> <p> (2) On any Class V through VIII Agricultural Lands (See Exhibit 4.2) the following uses only are permitted:</p> <p> a) All of the permitted uses listed above.</p> <p> b) Hay and feed stores.</p> <p> c) Nurseries, retail and wholesale.</p> <p> d) Packing sheds, processing plants and commercial outlets for farm crops, provided that such activities are not located within 100 feet of any lot line.</p> <p> e) Greenhouses, provided all requirements for yard setbacks and height as specified in Chapter 21.07 of the Code are met.</p>	<p>This policy is proposed to be replaced with draft policy LCP-5-P.9. The list of uses is not proposed to be included in the draft LCP, as it is redundant with the zoning regulations (Coastal Agriculture Overlay Zone).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
148	<p>POLICY 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT</p> <p>This policy provides conditional development standards for the area of approximately 423 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3). All such lands owned either by Carltas or Ecke or their successors in interest shall be permitted, pursuant to approval of a Specific Plan to convert certain agricultural lands to residential and/or non-residential (including tourist-serving commercial) development as a means of providing supplementary uses which will assist in the retention of agricultural and public recreation uses on the remaining portions of these parcels. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where they are compatible with adjacent uses.</p> <p>(a) Basic Permitted Uses on Existing Legal Parcels. Where each existing legal parcel as of July 14, 1987, (See Exhibit 4.3) is developed individually, permitted uses shall be those described above in Policy 2-1 C Permitted Uses on Designated Coastal Agricultural Lands.</p> <p>(b) Uses Conditionally Permissible Pursuant to the Development of the Entire Area Subject to a Specific Plan.</p> <p>(1) Consistent with the Carlsbad General Plan residential, commercial (including tourist serving commercial), and other non-residential uses may be developed on up to 92.6 acres of the approximately 423 acre site subject to a Specific Plan for the entire site. Development of land within the Agricultural Preserve will be subject to the provisions of the Williamson Act and specifically the Land Conservation Contract in effect at the time of development. Additional acreage beyond the 92.6 acres shall be permitted to be developed subject to approval of a Local Coastal Program Amendment, Specific Plan Amendment and compliance with Policy 2-1 of the Mello II Land Use Plan.</p> <p>(2) Development shall be clustered along Palomar Airport Road, Paseo del Norte, and Cannon Road and clustered on the first major ridge area as designated on Exhibit 4.3A.</p> <p>(3) Any amendment to the location of the developable area shall be required to prove that the new area for development is not more suitable for agriculture than the previously developable area. The intent of this requirement is to cluster development on lands least suitable for agriculture.</p> <p>(4) All remaining lands as shown on Exhibit 4.3 shall as a condition of the Specific Plan be preserved in agriculture and/or public recreation for as long as feasible. Feasibility shall be determined for the entire area covered by this restriction. Further, feasibility shall be subject to the requirements of the Mello II Coastal Agricultural Overlay Zone Section 21.82.060(c).</p> <p>...</p>	<p>This policy has been implemented per the LCP land use map and the approval of the Carlsbad Ranch Specific Plan, which establishes the development standards for the area. The policy is not proposed as part of the draft LCP.</p> <p>The specific plan area has been developed or is in the process of developing, except for planning areas 8 and 5, which are subject to the draft Policies LCP-2-P.10 to LCP-2-P.15 (for the Cannon Road Open Space, Farming, and Public Use Corridor). These draft policies and the CR-A/OS zone replace this policy.</p> <p>The areas to be retained for agriculture are subject to conversion policies. Draft policies LCP-5-P.9, 10 and 11 address the use and conversion of agricultural lands in the specific plan area.</p> <p>Also, the Williamson Act contract for the Flower Fields and all other land within the specific plan area is expired and no longer in effect.</p>

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

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	MELLO II SEGMENT	
149	<p>POLICY 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT</p> <p>...</p> <p>(5) Pursuant to Section 51257 of the Government Code, the boundaries of the lands designated for agriculture may be amended.</p> <p>(6) As an interim step (prior to a complete Specific Plan) up to a 35 acre portion of the 137 acres of developable land located adjacent and easterly to Phase I of Carlsbad Car Country may be developed as a Phase II expansion of Carlsbad Car Country pursuant to a Specific Plan.</p> <p>(7) The 92.6 acres of developable land includes the remaining developable portion of the original 482 acre site (See Exhibit 4.3A) that has not been developed.</p> <p>(8) The Specific Plan shall provide a mix, location and intensity of land uses that are compatible with and will not adversely impact the long term viability of agricultural and/or public recreation uses.</p> <p>(9) All development shall include special treatment buffers either through design or through physical barriers that stabilize the urban-agricultural boundaries and limit to a level of insignificance agricultural impacts on the urban uses.</p> <p>(10) All tenants of developable portions of the site shall be notified as to the requirements of the Specific Plans and agricultural uses on the designated land.</p> <p>(11) In implementing the Specific Plan all land owners and tenants within the 423 acre site shall waive any right to file nuisance claims against normal agricultural operations.</p> <p>(12) All development shall be located so as to not interfere with normal agricultural operations including but not limited to cultivation, irrigation, and spraying.</p> <p>(13) As a condition of approval of either the Specific Plan or the Specific Plan for the Phase II expansion of Carlsbad Car Country, whichever occurs first, the property owners (Carlitas and/or Ecke or their successors in interest) shall record a deed restriction endorsed by the Coastal Commission or it successor in interest and the City of Carlsbad that the agricultural lands identified on Exhibit 4.3 are designated for agricultural uses and any modification of use shall require an LCP amendment. As a condition to any amendment to the developable area, the property owner shall execute an amendment to the deed restriction reflecting the modification to restricted and unrestricted lands.</p> <p>(14) It is recognized that roads can function as buffers between dissimilar land uses as well as providing access to uses. Therefore, roads may be located entirely or partially or not at all within areas designated for agricultural use. The decision to include or exclude (either partially or entirely) roads shall be a condition of the coastal development permit that includes the construction of the road.</p> <p>...</p>	<p>This policy has been implemented per the LCP land use map and the approval of the Carlsbad Ranch Specific Plan, which establishes the development standards for the area. The policy is not proposed as part of the draft LCP.</p> <p>The specific plan area has been developed or is in the process of developing, except for planning areas 8 and 5, which are subject to the draft Policies LCP-2-P.10 to LCP-2-P.15 (for the Cannon Road Open Space, Farming, and Public Use Corridor). These draft policies and the CR-A/OS zone replace this policy.</p> <p>The areas to be retained for agriculture are subject to conversion policies. Draft policies LCP-5-P.9, 10 and 11 address the use and conversion of agricultural lands in the specific plan area.</p> <p>Also, the Williamson Act contract for the Flower Fields and all other land within the specific plan area is expired and no longer in effect.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
150	<p>POLICY 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT</p> <p>...</p> <p>(15) In order to tie the eastern and western agricultural areas together the proposed north/south road shall incorporate a grade separation at its northerly portion. The grade separation shall be of sufficient dimensions to allow farm vehicles and equipment to move freely between the east and west and shall remain in place so long as agriculture is continued east and west of the north-south road.</p> <p>(16) Concurrent with the construction of the proposed north/south road the developer shall grade area Y as shown on Exhibit "A," subject to the satisfaction of the Planning Director so as to create an area level enough to allow the same type of agriculture that occurs westerly of the west ridge to continue around the ridge on the south facing slopes of said ridge. In order to ensure agricultural viability the developer shall amend the soils after grading the area to be equivalent to the existing Class III Marina soils in capability. (17) All structures to be located in the future developable area shall be set back a minimum of 25 feet from the adjacent area designated for agriculture.</p> <p>(18) A solid wall or fence shall be installed around the entire perimeter of the developable area. The wall (fence) shall be a minimum 6 feet in height and shall be incorporated into the grading where feasible. The intent of this measure is to provide a physical barrier between agricultural and urban uses. The wall or fence shall function to both restrict uncontrolled access into agricultural areas and to reduce drift of dust and spray materials into urban areas. The perimeter wall or fence shall be constructed concurrent with development of the property, except that, if the road is built in one phase, which would open the access through the agricultural lands, an appropriate barrier shall be incorporated along the roadway. Alternative forms of barriers may be considered provided they satisfy the intent of this measure.</p> <p>(19) Windbreaks (landscaped) shall be installed on the developable portions to aid in reducing the effects of farm spraying and dust generation.</p> <p>(20) Landscape plant material in the developable area shall be selected for resistance to pests, particularly aphids, thrips, white fly and spider mites. Landscape plantings shall be inspected routinely for presence of pests and treated as required to control them. All pests shall be eliminated by means that do not adversely impact agricultural crops.</p> <p>(21) Landscaping with herbaceous plantings shall be discouraged, since they are likely to be hosts of the pests likely to invade the farm crops.</p> <p>(22) Drainage water from buildings, streets, parking areas and landscape in the development shall be disposed of through storm drains or otherwise in a manner that will avoid any runoff onto farming areas whether planted or fallow.</p> <p>...</p>	<p>This policy has been implemented per the LCP land use map and the approval of the Carlsbad Ranch Specific Plan, which establishes the development standards for the area. The policy is not proposed as part of the draft LCP.</p> <p>The specific plan area has been developed or is in the process of developing, except for planning areas 8 and 5, which are subject to the draft Policies LCP-2-P.10 to LCP-2-P.15 (for the Cannon Road Open Space, Farming, and Public Use Corridor). These draft policies and the CR-A/OS zone replace this policy.</p> <p>The areas to be retained for agriculture are subject to conversion policies. Draft policies LCP-5-P.9, 10 and 11 address the use and conversion of agricultural lands in the specific plan area.</p> <p>Also, the Williamson Act contract for the Flower Fields and all other land within the specific plan area is expired and no longer in effect.</p>

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

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	MELLO II SEGMENT	
151	<p>POLICY 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT</p> <p>...</p> <p>(23) If development of the proposed developable portion impacts water rates on the agricultural land then the developer shall subsidize the water rates to the extent that they equal farm water rates.</p> <p>(24) The developer shall notify in a manner satisfactory to the City Attorney all tenants/users of this proposed developable portion that the area is subject to dust, pesticides, and odors associated with adjacent farm operations and that the tenants/users occupy the area at their own risk.</p> <p>(25) The cost of the above mitigation measures shall be borne by the developer and shall not be passed on to the agricultural operators (existing or future). For all agricultural land that Caritas or its successor in interest chooses not to farm on a yearly basis, a reasonable effort shall be made to offer the agricultural land for lease or rent at a value equal to or less than the average prevailing market rents for similarly situated coastal agricultural land found within a 30 mile radius of the Caritas property.</p> <p>(26) As part of a farm operator's lease, there shall be a requirement to keep dirt roads watered regularly to minimize dust impacts on crops as well as on adjacent non-agricultural uses.</p> <p>(27) The approximately 72.07 acres contained in areas 3 and 5 as shown on Exhibit 4.3 shall be used for agriculture or open space subject to the provisions of Carlsbad Municipal Code Chapter 21.209 - Cannon Road Agricultural/Open Space (CR-A/OS) Zone.</p>	<p>This policy has been implemented per the LCP land use map and the approval of the Carlsbad Ranch Specific Plan, which establishes the development standards for the area. The policy is not proposed as part of the draft LCP.</p> <p>The specific plan area has been developed or is in the process of developing, except for planning areas 8 and 5, which are subject to the draft Policies LCP-2-P.10 to LCP-2-P.15 (for the Cannon Road Open Space, Farming, and Public Use Corridor). These draft policies and the CR-A/OS zone replace this policy.</p> <p>The areas to be retained for agriculture are subject to conversion policies. Draft policies LCP-5-P.9, 10 and 11 address the use and conversion of agricultural lands in the specific plan area.</p> <p>Also, the Williamson Act contract for the Flower Fields and all other land within the specific plan area is expired and no longer in effect.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
152	<p>POLICY 2-3 LANDS HISTORICALLY IN AGRICULTURE YET NOT DESIGNATED COASTAL AGRICULTURE</p> <p>The following properties which have been in agricultural production in the past shall be permitted to convert to urban uses. Because of unique circumstances associated with these parcels, conversion to urban uses would not create any significant adverse impact on the area's agricultural economy, directly or indirectly, and such conversion would therefore not require the mitigation.</p> <p>(a) State owned parcel northerly of the intersection of Palomar Airport Road and Carlsbad Boulevard</p> <p>The 20-acre parcel owned by the State of California, APN 210-09-7, located west of the AT&SF Railroad tracks at the Palomar Airport Road/Carlsbad Boulevard interchange, may be converted to Public Recreation use. This property is surrounded by major streets and the railroad, with residential development conflicts arising on the northern and western boundaries. The site will be needed for beach parking facilities as the demand for beach access increases in the future. The property should remain in agricultural production until such time as parking facilities can be constructed by the State of California. Approximately 1,500 parking spaces could be provided on the site, giving excellent public access to the entire stretch of underdeveloped South Carlsbad State Beach. (See also Policy 7-9)</p> <p>(b) Burroughs and Ecke Parcels.</p> <p>The 50-acre parcel owned (APN 210-09-0) by Burroughs Corporation and the 6-acre parcel (APN 210-09-0) owned by Ecke located south of Cannon Road between I-5 and the AT&SF Railroad tracks may be converted to commercial uses. These properties are in effect isolated vacant properties within a developed commercial area. The San Diego Gas and Electric Co. power plant is located to the north, a major retail commercial development ("Car Country") is immediately across the freeway to the east, industrial development is on the southern boundary, and residential development is to the west separated by the AT&SF Railroad tracks and the State-owned property described in Policy 2-3 a. above.</p>	<p>The policy is outdated and not consistent with the LCP land use map. The policy is not proposed as part of the draft LCP.</p> <p>a. State owned land – still owned by the state. The site is not used for agriculture and should not be addressed in the context of agriculture policies. The site is designated OS per the LCP land use and zoning maps. Any future use of the site will be limited to OS uses, such as recreation or parking. The provision of parking is addressed in the policies of Chapter 4.</p> <p>b. Burroughs & Ecke – property is fully developed with commercial uses.</p>

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

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	MELLO II SEGMENT	
153	<p>POLICY 2-3 LANDS HISTORICALLY IN AGRICULTURE YET NOT DESIGNATED COASTAL AGRICULTURE</p> <p>...</p> <p>(c) Ukegawa Parcel.</p> <p>The 13.89 acre parcel (APN 212-040-25) owned by Ukegawa, located on the south side of Palomar Airport Road, may be converted to industrial uses that should be supportive of the agricultural economy. The site has not been in use for field crop production for many years, and has been the subject of numerous authorized and unauthorized fills in recent years. Because of the substantial importation of fill dirt, the site cannot be designated as possessing agricultural soils. Because of the access available to Palomar Airport Road on the parcel, and its location between agricultural lands and developed industrial uses to the east, the site shall be designated for Planned Industrial use, and should be developed for agricultural processing purposes. Conversion of these parcels to urban uses will complete the development of established developed areas, thereby contributing to the creation of stable urban/rural boundaries. Such conversion should reduce market pressures for the conversion to urban uses of other agricultural lands suitable for continued agricultural production.</p>	<p>The policy is outdated and not consistent with the LCP land use map. The policy is not proposed as part of the draft LCP.</p> <p>c. Ukegawa – Coastal Commission approved a land use and zone change on the property to allow high density residential.</p>
154	<p>POLICY 2-4 SMALL SCATTERED INEFFECTIVE AGRICULTURAL LANDS</p> <p>Approximately 100 acres of agricultural use are located in scattered parcels along El Camino Real both north and south of Aqua Hedionda Lagoon. The small individual size of these parcels, together with the fact that they are not contiguous, precludes their effective use as agricultural land in the future. These lands are therefore designated for residential development, at a maximum density of one dwelling unit per acre as rural residential estate Section 21.09 or as residential agriculture zone, Section 21.08 of Carlsbad Zoning Ordinance. No further land divisions shall be allowed in the area under current agricultural production except in compliance with these policies.</p>	<p>This policy is no longer relevant. No agricultural lands remain along El Camino Real that are subject to this policy. Draft LCP Figures 5-1A, B and C identify the agricultural lands subject to the policies of the LCP; these lands have underlying land use designations, per the LCP land use map, that specify all uses and densities.</p>
155	<p>POLICY 2-5 CITY SUPPORT OF FARM COOPERATIVE/FLOWER AUCTION</p> <p>The City supports the efforts of the floriculture industry and/or the University of California Extension Service to establish a farm cooperative and/or flower auction in the North San Diego County area.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-5-P.5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
156	<p>POLICY 2-6 CITY SUPPORT OF EFFICIENT AGRICULTURAL WATER USAGE</p> <p>The City will take measures to reduce the reliance of agricultural users on imported water. The City will seek reductions in per capita water consumption and will support efforts at reclaiming sewage effluent for re-use in agricultural production, and will seek to capture runoff waters in appropriate areas for use in agricultural production.</p>	This policy is proposed to be replaced with draft LCP policy LCP-5-P.6.
157	<p>POLICY 2-7 CITY SUPPORT OF LOW COST AGRICULTURAL WATER</p> <p>The City supports the policy of the Metropolitan Water District and its member agencies to provide water to agricultural users at a lower rate than to domestic users, and recommends that the Metropolitan Water District offer its agricultural water rate only to lands designated for agricultural use in the Land Use Element of the General Plan of the City. The City also encourages the San Diego County Water Authority and the local retail water agencies to consider additional reductions in the agricultural water rate.</p>	This policy is outdated and does not reflect current water conservation efforts, which do not include reduced water rates. The policy is proposed to be replaced with draft policy LCP-5-P.6.
158	<p>POLICY 2-8 CITY SUPPORT OF AGRICULTURAL DRAINAGE PROJECTS</p> <p>The City will support proposals for public expenditures for minor drainage improvements and other similar projects which are designed to make land more suitable for agricultural use, within areas designated in the Land Use Element of the General Plan for continued agricultural use.</p>	This policy is proposed to be replaced with draft policy LCP-5-P.3.
159	<p>POLICY 2-9 AGRICULTURAL LABOR FORCE</p> <p>The City intends to keep the Federal Government well-informed regarding local agriculture's reliance on a foreign labor force, and will ensure that Federal officials are cognizant of local needs so that any contemplated changes in Federal immigration laws or policies will not be made without consideration of those needs.</p>	<p>This is a federal immigration issue that is beyond the scope of the LCP. This policy is not proposed as part of the draft LCP.</p> <p>Draft policy LCP-5-P.7 supports the provision of farmworker housing, which is a way that the city can help support the agricultural labor force.</p>
160	<p>POLICY 2-10 CITY SUPPORT OF COUNTY FARM ADVISOR AND AGRICULTURAL COMMISSION</p> <p>The City will continue to support the County Farm Advisor and the Agriculture Commissioners in their respective educational and regulatory roles intended to provide advice to agriculturists and home gardeners, to direct the 4-H program, and to ensure that pesticides are properly used.</p>	This policy is proposed to be replaced with draft policy LCP-5-P.8.

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

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	MELLO II SEGMENT	
161	<p>3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS</p> <p>POLICY 3-1 CARLSBAD HABITAT MANAGEMENT PLAN</p> <p>Certain areas of Carlsbad coastal zone have very high habitat value. These areas are not suitable for farming. These areas exhibit a large number and diversity of both plant and animal species, several of which are threatened because of extensive conversion of mixed Chaparral and Coastal Sage Scrub habitats to urban or agricultural uses. Also, well-established and well-maintained vegetation is a major deterrent to soil erosion and attendant difficulties.</p> <p>The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the Coastal zone.</p> <p>The HMP has been prepared as part of the San Diego County Multiple Habitat Conservation Program (MHCP). The MHCP will establish a coordinated habitat preserve system to protect listed species and rare native vegetation while accommodating regional development needs. The HMP provides a comprehensive plan for creation and management of proposed preserve areas in the coastal zone, along with appropriate criteria for development requirements and delineation of development/preservation boundaries. The creation of an effective habitat preserve requires a careful balancing of acquisition, preservation and mitigation requirements, as well as enforceable monitoring, remediation, and an adequately funded maintenance program for the preserve area.</p> <p>Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, "(e)nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values..." Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."</p> <p>The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards contained in the HMP and identified in the policies below will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.</p>	<p>This policy is proposed to be replaced with the description of the HMP in Section 6.2 of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
162	<p>3-1.1 Habitat Management Plan The document titled "Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda" (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.</p>	This policy is proposed to be replaced with draft LCP policy LCP-6-P.1.
163	<p>3-1.2 Environmentally Sensitive Habitat Areas (ESHA) Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p>	This policy is proposed to be replaced with draft LCP policy LCP-6-P.2.
164	<p>3-1.3 Coastal Sage Scrub Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite, Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7.2 includes the exact wording of this existing policy. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
165	<p>3-1.4 Oak Woodland Oak woodland is a closed to relatively open stand of trees within which a dominant tree species is a species of Oak. In coastal southern California, that species is generally Coast Live oak (<i>Quercus agrifolia</i>), which is commonly found on slopes and riparian situations. Shrubs vary from occasional to common, and the herb layer is often continuous and dominated by a variety of annual grasses.</p>	This policy (which is a description not a policy) is proposed to be replaced with the description of "woodland" in Section 6.2 of the draft LCP.
166	<p>3-1.5 Streams A stream is a topographical feature with a clear bed and bank that periodically conveys water.</p> <p>3-1.6 Ephemeral Drainages and Ephemeral Streams Ephemeral drainages and ephemeral streams are topographic features that convey water, but only during and shortly after rainfall events in a typical year.</p>	These policies (which are descriptions not policies) are proposed to be replaced with the description of local surface waters in Section 6.3 of the draft LCP.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
167	<p>3-1.7 Wetlands Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), 'wetland' means lands within the coastal zone, which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetland shall include land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.</p> <p>Wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.</p> <p>Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as follows:</p> <p>a. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:</p> <ol style="list-style-type: none"> (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland. <p>...</p>	<p>The first paragraph of this policy is proposed to be replaced with the description of wetlands in Section 6.2 of the draft LCP, and draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7-6 include the exact wording of this existing policy.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
168	<p>3-1.7 Wetlands</p> <p>...</p> <p>(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</p> <p>(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intakes and outfall lines.</p> <p>(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>(7) Restoration purposes.</p> <p>(8) Nature study, aquaculture, or similar resource dependent activities.</p> <p>b. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.</p> <p>c. In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any lagoon alterations shall be limited to very minor incidental public facilities, restorative measures, and nature study, if otherwise in accordance with this division.</p> <p>d. Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients, which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provision of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p>	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
169	<p>3-1.8 Wetland Mitigation Requirements</p> <p>If impacts to a wetland are allowed consistent with Policy 3-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.</p> <p>3-1.9 No Net Loss of Habitat</p> <p>There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland, and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.</p>	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
170	<p>3-1.10 Upland Habitat Mitigation Requirements</p> <p>Where impacts to the habitats stated in 3-1.9 are allowed, mitigation shall be provided as follows:</p> <ol style="list-style-type: none"> a. The no net loss standard shall be satisfied as stated in 3-1.9. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP. b. Onsite preservation is not eligible for mitigation credit in the coastal zone. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP. 	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
171	<p>3-1.10 Upland Habitat Mitigation Requirements</p> <p>...</p> <p>c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>e. Impacts to Southern Mixed Chaparral, Native Grassland, and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1, and 3:1 with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>f. Mitigation for impacts within the coastal zone should be provided within the coastal zone if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.</p> <p>g. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.</p> <p>...</p>	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
172	<p>3-1.10 Upland Habitat Mitigation Requirements</p> <p>...</p> <p>h. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity.</p> <p>Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. The preserve management plan shall be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.</p> <p>i. If any conflict should arise between these Policies of the LCP and the provisions of the HMP, the LCP shall take precedence. If any conflict should arise between the policies of the certified Mello II LUP and the certified Implementation Plan, the policies of the certified Mello II LUP shall take precedence.</p>	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
173	<p>3-1.11 Highly Constrained Properties</p> <p>There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:</p> <ul style="list-style-type: none"> • If more than 80% of the property by area is covered with ESHA at least 75% of the property shall be conserved, OR • If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approves a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of onsite preservation as identified in the Hardline boundary shall apply. 	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
174	<p>3-1.12 Buffers and Fuel Modification Zones</p> <p>Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:</p> <ul style="list-style-type: none"> a. 100 ft. for wetlands b. 50 ft. for riparian areas c. 20 ft. for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland) <p>Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.</p> <p>No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area, except for:</p> <ul style="list-style-type: none"> a. Modification Zone 3 to a maximum of 20 ft. for upland and non-riparian habitat. No fuel modification shall take place within 50 ft. of riparian areas, wetlands, or oak woodland. b. For buffer areas 50 ft. or greater in width, recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat, and that appropriate measures are taken for physical separation from sensitive areas. <p>Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.</p> <p>3-1.13 Invasive Plants</p> <p>The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.</p>	<p>These existing policies are proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section D.7 and F.3.C includes the exact wording of these existing policies. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
175	<p>POLICY 3-2 BUENA VISTA LAGOON</p> <p>Developments located along the first row of lots bordering Buena Vista Lagoon, including the parcel at the mouth of the lagoon (See Exhibit 4.5), shall be designated for residential development at a density of up to 4 dwelling units per acre. Proposed development in this area shall be required to submit topographic and vegetation mapping and analysis, as well as soils reports, as part of the coastal development permit application. Such information shall be provided as a part of or in addition to any required Environmental Impact Report, and shall be prepared by qualified professionals and in sufficient detail to enable the City to locate the boundary of wetland and upland areas and areas of slopes in excess of 25%. Topographic maps shall be submitted at a scale sufficient to determine the appropriate developable areas, generally not less than a scale of 1" – 100' with a topographic contour interval of 5 feet, and shall include an overlay delineating the location of the proposed project. Criteria used to identify any wetlands existing on the site shall be those of Section 30121 of the Coastal Act and based upon the standards of the Local Coastal Program mapping regulations, and shall be applied in consultation with the State Department of Fish and Game.</p> <p>Development shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least 100 feet from wetlands shall be required in all development t, in order to buffer such sensitive habitat areas from intrusion unless otherwise permitted pursuant to Policy 3-1.12. Such buffer areas, as well as other open space areas required in permitted development to preserve habitat areas, shall be permanently preserved for habitat uses through provision of an open space easement as a condition of project approval. In the event that a wetland areas is bordered by steep slopes (in excess of 25%) which will act as a natural buffer to the habitat area, a buffer area of less than 100 feet in width may be permitted.</p> <p>The density of any permitted development shall be based upon the net developable area of the parcel, excluding any portion of a parcel which is in wetlands.</p> <p>Storm drain alignments as proposed in the City of Carlsbad Drainage Master Plan which would be carried through or empty into Buena Vista Lagoon shall not be permitted, unless such improvements comply with the requirements of Sections 30230, 30231, 30233, and 30235 of the Coastal Act by maintaining or enhancing the functional capacity of the lagoon in a manner acceptable to the State Department of Fish and Game.</p> <p>Land divisions shall only be permitted on parcels bordering the Lagoon pursuant to a single planned unit development permit for the entire original parcel.</p>	<p>The policy is not proposed as part of the draft LCP; the policy is not consistent with the LCP land use map. The Coastal Commission approved a LCP land use map change for these parcels to allow higher density development.</p> <p>Regarding habitat mapping, wetlands, buffers, and easements, draft policy LCP-6-P.7 requires a site-specific biological report, which addresses these issues.</p> <p>Also, the HMP covers the requirements to cluster development and for wetland mapping, buffers and OS easements (see draft policies LCP-6-P.1 and LCP-6-P.3).</p> <p>Draft policy LCP-6-P.13 addresses protection of lagoon water quality.</p> <p>See draft policies LCP-7-P.46 and LCP-7-P.48 to 50 for policies regarding steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
176	<p>POLICY 3-3 BATIQUITOS LAGOON</p> <p>Erosion, drainage, and sedimentation of Batiquitos Lagoon were previously addressed, in the certified Local Coastal Program prepared by the Coastal Commission for the areas subject to AB462 (Mello I Segment) (See Exhibit 1.1). Development within the area which is the subject of that plan AB462 (Mello I Segment), and of AB1971 (Mello II Segment), shall also be required to meet those same policies. Much of the Batiquitos Lagoon watershed is designated in this plan for continued agricultural use which does not require a coastal development permit. When a coastal development permit is required, however, conditions shall be imposed which will assure that the permitted development will be carried out in a manner that assures protection of the water quality of the Lagoon. Removal of major vegetation, for instance, requires a coastal development permit, and such permitted activity shall be conditioned to limit the manner, time, and location of vegetation removal so as to minimize soil erosion.</p> <p>Development shall be clustered to preserve sensitive habitat areas and maintain the maximum amount of permanent open space feasible. At a minimum, the following policies shall regulate development in areas adjacent to the lagoon:</p> <p>a) A minimum setback of 100 feet from the wetland shall be required, with the wetland area determined as described in Policy 3-2, Buena Vista Lagoon on Page 56.</p>	<p>The Batiquitos Lagoon water quality policies in the original LCP (prepared by PRC Toups for the Coastal Commission) included two policies:</p> <p>1) slopes and preservation of vegetation - limiting development on steep slopes and maintaining vegetation on slopes [see draft policies LCP-7-P.46 to 50]; and</p> <p>2) recognizing the lagoons poor water quality from chronic eutrophication [no longer relevant].</p> <p>Other original policies in the same section addressed protection of ESHA (see policies LCP-6-P.1 to 12).</p> <p>Water quality policies are proposed to be replaced with California Coastal Commission Model Water Quality Policies reflected in draft policies LCP-6-P.15 to 26; see draft policy LCP-6-P.22 regarding CDP conditions.</p> <p>Regarding habitat protection - the policies of draft Chapter 6, which require compliance with the HMP, address this. Clustering of development is also referenced in the HMP discussion section of draft Chapter 6, Section 6.2.</p> <p>a) The policy regarding a 100-foot wetland buffer is required by the HMP and is not proposed to be repeated in the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
177	<p>POLICY 3-3 BATIQUITOS LAGOON</p> <p>...</p> <p>b) At least two-thirds (2/3) of any permitted development shall be clustered on the half of the property furthest away from the lagoon at the base of the bluff.</p> <p>c) Existing mature trees shall be preserved.</p> <p>d) An offer to dedicate land for public recreation use, in favor of the City of Carlsbad or State Coastal Conservancy and irrevocable for a term of 21 years, shall be required as a condition of development. The required land dedication shall be of a size adequate to accommodate public use facilities including some picnic tables and public parking, and shall include a public access trail parallel to the lagoon shore of at least 15 feet in width with unobstructed views to the lagoon.</p> <p>e) To facilitate provision of public use areas and preservation of environmentally sensitive lands, and to maintain the outstanding visual resources in the area surrounding the lagoon, an additional density credit of one dwelling unit per acre of developed land shall be provided for each two and one half per cent (2½ %) of total lot area, excluding wetlands, which is maintained in open space and public recreation in excess of fifty per cent (50%) of the total lot area, excluding wetlands.</p> <p>f) Land divisions shall only be permitted on parcels bordering the lagoon pursuant to a single planned development permit over the entire original parcel. The base residential density shall be a maximum of 12 dwelling units per gross acre, excluding wetlands, subject to increase as provided in Policy 3-3 e) above.</p>	<p>b), c), d) and e) pertain to clustering, trees, recreation, and density. The only remaining undeveloped developable lot adjacent to Batiqitos Lagoon is the Murphy site. Draft LCP chapter 2 (draft policies LCP-2-P.21 to 23) provides policies that require the mature trees on the Murphy site to be preserved, to require an easement for a public trail, and allows the entire potential density to be clustered on the northern portion of the site, and preserve the southern third closest to the lagoon as open space.</p> <p>f) The LCP land use designations regulate density (all of which are less than 12 du/acre adjacent to the lagoon). The requirement for a PUD is not necessary for resource protection, considering all the regulations that exist today (HMP in particular). The PUD requirement is not proposed as part of the draft LCP.</p>
178	<p>POLICY 3-4 GRADING AND LANDSCAPING REQUIREMENTS</p> <p>Permitted new development shall comply with the following requirements:</p> <p>a) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
179	<p>POLICY 3-4 GRADING AND LANDSCAPING REQUIREMENTS</p> <p>...</p> <p>b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.</p> <p>c) Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>d) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>e) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>f) Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 	<p>b. Proposed to be replaced by draft policy LCP-6-P.24.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>f.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>f.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>f.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
180	<p>POLICY 3-4 GRADING AND LANDSCAPING REQUIREMENTS</p> <p>Permitted new development shall comply with the following requirements:</p> <p>...</p> <p>f) Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <ol style="list-style-type: none"> 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. <p>g) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>h) Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p>	<p>f.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>f.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>f.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>f.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>g. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
181	<p>POLICY 3-4 GRADING AND LANDSCAPING REQUIREMENTS</p> <p>Permitted new development shall comply with the following requirements:</p> <p>...</p> <ul style="list-style-type: none"> i) Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP. j) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project. k) The City will encourage and support public outreach and education regarding the potential water quality impacts of development. l) Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. m) Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%. n) Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable. 	<ul style="list-style-type: none"> i. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25. j. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies. k. Proposed to be replaced by draft policy LCP-6-P.29 l. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies. m. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25. n. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
182	<p>POLICY 3-4 GRADING AND LANDSCAPING REQUIREMENTS</p> <p>Permitted new development shall comply with the following requirements:</p> <p>...</p> <p>o) Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p> <p>p) The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project. <p>q) Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>o. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>p and q. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
183	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>(a) Maximum Density of Development</p> <p>Residential densities in the 433-acre Kelly Ranch shall be permitted and based on the underlying LCP Land Use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.</p> <p>Approximately 2.8 acres located adjacent to and west of Cannon Road, CDP 98-47 are designated Open Space with an interpretive center for Agua Hedionda Lagoon designated as an allowable use.</p> <p>(b) Coastal Commission Permit 6-84-617 Agriculture</p> <p>Agricultural preservation policies for the 433-acre Kelly Ranch have been deleted by LCP amendment of 1-85.</p> <p>...</p>	<p>a) This area is near to being fully developed. The area is designated on the LCP land use map as residential and open space. The Agua Hedionda Lagoon interpretive center has been developed and is designated as open space. Section 2.3 of the draft LCP, which includes the land use map, replaces this policy.</p> <p>(b) This policy refers to a deleted policy and is no longer relevant.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
184	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>(c) Preservation of Steep Slopes, Sensitive Vegetation and Erosion Control</p> <p>Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. The slope mapping and analysis shall be prepared during CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.</p> <p>(1) Areas and Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities – For those slopes possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:</p> <p>a) Coastal Sage Scrub and Chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch Open Space map.</p> <p>b) Restoration of the disturbed areas within the delineated open space shall be required as a condition of subdivision approval and shall be developed in consultation with the Department of Fish and Game. The disturbed areas shall be revegetated and existing vegetation enhanced with native species to serve as upland transitional habitat to low-lying wetlands and environmentally sensitive habitat areas north and west of Cannon Road. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity and continuance of the habitat value.</p> <p>c) Upon dedication of a conservation easement or in fee dedication, or upon recordation of offers to dedicate the Kelly Ranch Open Space to the City of Carlsbad or other public entity, development of steep slopes over 25% grade may occur in areas outside the designated open space. Such encroachment shall be approved by the Department of Fish and Game and the U.S. Fish and Wildlife Service as consistent with the State and Federal Endangered Species Act. Dedication will assure preservation of a viable upland habitat corridor and scenic hillsides.</p> <p>d) Slopes and habitat areas within the designated open space shall be placed in a permanent open space conservation easement or dedicated in fee as a condition of subdivision approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating authorized firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community. The easement shall be granted to the City of Carlsbad to be maintained and managed as part of the LCP open space system for Kelly Ranch.</p>	<p>(c) Proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
185	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>(c) Preservation of Steep Slopes, Sensitive Vegetation and Erosion Control</p> <p>...</p> <p>(2) Drainage and Runoff Rates – Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with the property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.</p> <p>(3) Installation Timing of Drainage and Runoff Control Measures – The appropriate measures shall be installed prior to onsite grading.</p> <p>(d) Brush Management – A fire suppression plan shall be required for all residential development adjacent to designated open space subject to approval by the City of Carlsbad Fire Department. The fire suppression plan shall incorporate a combination of building materials, sufficient structural setbacks from native vegetation and selective thinning designed to assure safety from fire hazard, protection of native habitat, and landscape screening of the residential structures. No portions of brush management Zone 1 and 2 as defined in the City of Carlsbad Landscape Manual shall occur in designated open space areas. Zone 3 may be permitted within designated open space upon written approval of the Fire Department and only when native fire retardant planting is permitted to replace high and moderate fuel species required to be removed.</p> <p>(e) Siting/Parking – Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site.</p> <p>[no (f)]</p> <p>(g) Roads in Open Space – Access roads shall be a permitted use within designated open space subject to an approved coastal development permit, only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative. Wildlife corridors shall be required when necessary to facilitate wildlife movement through the open space area.</p>	<p>(c) Proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p> <p>(d) Proposed to be replaced with draft policies LCP-7-P.55 to 58, which address fire hazards.</p> <p>(e) This policy is addressed by draft LCP policies LCP-6-P.15 to LCP-6-P.19.</p> <p>(g) This policy is outdated. The open space in Kelly Ranch is part of the HMP preserve and is subject to the access restrictions of the HMP. See draft policies LCP-6-P.1 through LCP-6-P.3.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
186	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>(h) Other Uses in Open Space – The designated open space on Planning Area D may be modified to accommodate daycare facilities and RV parking which meet the following criteria, subject to an approved coastal development permit:</p> <ol style="list-style-type: none"> 1) In no case shall the designated open space corridor be less than 800 feet including the desiltation basin on Planning Area E; 2) No development shall encroach into jurisdictional wetlands mapped by the ACOE; 3) The facilities shall be located on the least environmentally sensitive portion of the site and within non-native grassland and/or disturbed agricultural area to the maximum extent possible; and <p>The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.</p>	<p>(h) This policy has been implemented and daycare and RV parking has been developed per the provisions of the policy. The policy is no longer needed.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
187	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA ... (i) Water Quality:</p> <ul style="list-style-type: none"> a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate. c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized. d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable. 	<ul style="list-style-type: none"> a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs). b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies. c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
188	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>(i) Water Quality:</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 	<p>e. (1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e. (4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e. (7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e. (9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
189	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA ... (i) Water Quality: ... e. Development projects should be designed to comply with the following site design principles: ... 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP. g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event. h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP. i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project. j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p>	<p>e. (10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas. f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals. g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals. h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25. i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies. j. Proposed to be replaced by draft policy LCP-6-P.29</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
190	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <ul style="list-style-type: none"> k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%. m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable. n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas. 	<ul style="list-style-type: none"> k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies. l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25. m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs). n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
191	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>
192	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>In addition the following shall apply:</p> <p>New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:</p> <p>...</p>	<p>These policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
193	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p><u>Residential Development</u></p> <p>Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:</p> <ul style="list-style-type: none"> a) Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies; b) Use porous materials for or near walkways and driveways where feasible; c) Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways d) Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner. e) Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal). f) The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project. <p>...</p>	<p>These policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
194	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>Parking Lots</p> <p>Development plans for, or which include parking lots greater than 5,000 sq. ft. in size and/or with 25 or more parking spaces, susceptible to stormwater, shall:</p> <p>a) Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination thereof. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Practices Handbooks (Commercial and Industrial).</p>	<p>These policies are proposed to be replaced with updated water quality policies that are consistent with regional requirements and California Coastal Commission Water Quality Model Policies – see draft LCP policies LCP-6-P.13 through LCP-6-P.29.</p>
195	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>All Development</p> <p>a) A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs;</p> <p>b) A landscape management plan that includes herbicide/pesticide management.</p> <p>Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of coastal development permit approval at the subdivision and/or development stage, as appropriate.</p>	<p>These policies are replaced with updated water quality protection policies - see draft policies LCP-6-P.13 to 29 (also see rows 18-21 above).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
196	<p>POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA</p> <p>...</p> <p>(j) Vista Points – Public vista points shall be provided at two locations, one in Planning Area J and the other either entirely within Planning Area L or including portions of Planning Area L and the disturbed high points of adjacent Planning Area D, to provide views of the Pacific Ocean, Agua Hedionda Lagoon and its environs, and shall be accessible to the public at large. Vista points may be located in disturbed open space areas subject to approval by the Department of Fish and Game. Support parking shall be provided and may be located either on-street or off-street within close proximity to the vista point(s). Dedications necessary to provide the vista points and access to the vista points shall be a condition of coastal development permit approval at the subdivision stage.</p> <p>(k) Public Trails – A public trails system that links Agua Hedionda Lagoon, the interpretive center, the street system, open space areas and public vista point(s) shall be provided in consultation with California Department of Fish and Game. Trails provided outside of the public right-of-way shall be dedicated by easement as a condition of subdivision approval. Trail improvements may be a combination of sidewalks within the public right-of-way and, for segments located outside of the public right-of-way, as defined in the Open Space Conservation and Resource Management Plan. Trails shall be installed concurrent with residential development and are indicated on Exhibit 19 (Conceptual Open Space & Conservation Map).</p> <p>(l) Public Streets/Gated Communities – The street systems shall provide public access and support parking for the public trail system and vista points in the residential developments located in Planning Areas J, K and L of Kelly Ranch. Public access may be provided through public streets, or private streets with public access easements or deed restriction. Private gated communities shall not be permitted within those planning areas.</p>	<p>(j), (k) and (l) these policies have been implemented and are no longer needed on a site-specific basis. See draft LCP policies in Chapters 4 and 5 regarding policies for trails and scenic views throughout the Coastal Zone.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
197	<p>POLICY 3-6 SEAPOINTE / ENCINAS CREEK</p> <p>Permitted uses within the wetlands and designated upland buffer of the Ward property (portion of Parcel #214-010-01) shall be limited to access paths in uplands, aquaculture, fencing, nature study projects or similar resource dependent uses, wetland restoration projects and other improvements necessary to protect wetlands.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy.</p> <p>This policy is proposed to be replaced with draft LCP policies LCP-6-P.1 through LCP-6-P.3.</p> <p>The requirements of the HMP adequately replace the buffer requirements of the existing policy.</p>
198	<p>POLICY 3-7 CITY OWNED LANDS ADJACENT TO MACARIO CANYON AND VETERANS MEMORIAL PARK</p> <p>The City of Carlsbad owns approximately 521 acres in and adjacent to Macario Canyon. A municipal golf course has been proposed for a portion of the property, and a public park is planned for another portion. Development of the property shall be subject to the following policies regarding protection of habitat:</p> <ol style="list-style-type: none"> a. The impact and conservation areas for the Municipal Golf Course are shown as a Hardline design in the HMP (Figure 8 Revised), and which shall serve as the standard of review for determining areas in which development may occur in the future. Areas shown for conservation shall not be impacted or disturbed except for revegetation, restoration and other similar activities related to mitigation. Areas shown for impact may be fully developed with appropriate mitigation. b. Any impacts to Coastal Sage Scrub shall be mitigated by on-site creation at a rate of 2:1 in compliance with the no net loss standard stated in Policy 3-1.2. Onsite revegetation or restoration may be done on agricultural, disturbed or non-native grassland areas. For impacts to the Coastal California gnatcatcher, additional mitigation shall be provided by acquisition and preservation at a 1:1 ratio of land supporting gnatcatchers. Impacts to dual criteria slopes shall not exceed 10% in compliance with Policy 4-3(b). c. In order to provide a viable north-south wildlife corridor across Macario Canyon, the area shown on the HMP Hardline map as “Veterans Memorial Park Wildlife Corridor” shall be conserved concurrent with any impacts to the Macario Canyon property. No development shall occur within the Wildlife Corridor except a designated trail and rest areas along the trail. d. Protection and management of all mitigation areas shall be consistent with Policy 3-1.10.f and h. 	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
199	<p>POLICY 3-7 CITY OWNED LANDS ADJACENT TO MACARIO CANYON AND VETERANS MEMORIAL PARK</p> <p>...</p> <p>e. The area shown as “Veterans Memorial Park Development Area” is designated for public recreational use. It is the intent of this policy that the public park area be developed so as to maximize public access and provide a variety of recreational opportunities. Development within steep slopes and/or native vegetation shall be limited to passive recreational facilities, such as recreational trails and picnic areas. Within the proposed development areas, grading of steep slope areas with native vegetation shall be limited to the minimum amount necessary to allow such uses.</p> <p>f. Segments of the Citywide Trail System viewpoints and other opportunities for public access shall be incorporated into the development areas.</p> <p>g. In the riparian area of Macario Canyon Creek, two crossings shall be allowed, as shown in the HMP Hardline exhibit. Crossing #1 shall utilize the existing farm road. Crossing #2 shall utilize a bridge span structure. No riparian impacts shall occur for either crossing.</p> <p>h. The design of riparian buffers shall be as shown in the HMP. Buffers shall be landscaped with appropriate native, non-invasive plants to provide a natural transition between recreational areas and riparian habitat, as well as to discourage human intrusion into the riparian area. Appropriate signing and fencing will also be utilized as provided in Section 3-1.12.</p>	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
200	<p>POLICY 3-8 OTHER PARCELS – SPECIFIC HABITAT PROTECTION STANDARDS</p> <p>The following standards are intended to be guidelines for development and habitat preservation, based upon best available information at the time these standards were prepared. The standards apply to parcels primarily in Zones 20 and 21 shown on Exhibit A in the HMP Addendum #2 and that are located within the biological core and linkage areas designated in the MHCP, and are in addition to the applicable standards contained in Policy 3-1 and the HMP. The standards are intended to direct development to existing disturbed areas to the maximum extent feasible, limit impacts to native vegetation and establish viable core and linkage areas as delineated in the HMP. In general, each property shall be allowed to develop at least 25% of the site with appropriate mitigation as specified in Policies 3-1.9 through 3-1.12. When individual properties are proposed for rezoning or development, detailed biological information will be required to determine whether the proposal is consistent with Policy 3-1 and the standards below, based upon the actual type, location and condition of onsite resources, and the appropriate locations of development and preservation areas.</p> <p>3-8.1 Assessor’s Parcel No. 212-120-33 (Heatt) No impact to vernal pools. Minimize impact to vernal pool watersheds.</p> <p>3-8.2 Assessor’s Parcel No. 212-010-3 (Kirgis) Preserve 75% of property with development clustered immediately adjacent to Kelly Ranch.</p> <p>3-8.3 Assessor’s Parcel No. 215-070-38 (Fernandez) Cluster development on disturbed areas to the maximum extent feasible. Maximum 10% impact on CSS and SMC for access purposes.</p> <p>3-8.4 Assessor’s Parcel No. 215-040-03 (Muroya) Cluster development on disturbed areas to the maximum extent feasible. Maximum 10% impact on CSS and SMC for access purposes.</p> <p>3-8.5 Assessor’s Parcel No. 212-040-50 (Emerald Point) Development limited to disturbed and non-native grassland areas. No impacts to native habitat allowed.</p>	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
201	<p>POLICY 3-8 OTHER PARCELS – SPECIFIC HABITAT PROTECTION STANDARDS</p> <p>...</p> <p>3-8.6 Assessor’s Parcel No. 215-020-06 (RWSB)</p> <p>Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered to the maximum extent feasible along disturbed portions of the property adjacent to Cassia Lane and the future Poinsettia Lane extension. Impacts to SMC habitat shall be minimized. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern half of the property and designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designed corridor linkage, in addition to any other required mitigation.</p> <p>3-8.7 Assessor’s Parcel No. 215-020-07 (Maldonado)</p> <p>Development shall be concentrated along the Poinsettia Lane extension and shall be limited to the western half of the property. No impacts to the coast oak woodland and riparian area except for Poinsettia Lane extension. The eastern half of the property is recommended for offsite mitigation for other properties in Zone 21; however, at minimum a wildlife corridor linkage oriented generally north-south shall be provided on the eastern half of the property and designed to connect to neighboring properties with existing or potential wildlife corridor linkages. The corridor linkage shall include any onsite coast oak woodland area.</p> <p>3-8.8 Assessor’s Parcel No. 215-050-21 (Namikas)</p> <p>Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands except for Poinsettia Lane extension. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.</p>	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
202	<p>POLICY 3-8 OTHER PARCELS – SPECIFIC HABITAT PROTECTION STANDARDS</p> <p>...</p> <p>3-8.9 Assessor’s Parcel No. 215-050-22 (Sudduth)</p> <p>Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands except for Poinsettia Lane extension. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.</p> <p>3-8.10 Assessor’s Parcel No. 215-050-44, 45, 46, 47 (Kevane)</p> <p>Development shall be limited to a maximum of 25% of the property, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands shall be allowed. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.</p> <p>3-8.11 Assessor’s Parcel No. 215-050-12 (Reiter)</p> <p>Development shall be limited to a maximum of 25% of the property, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands shall be allowed A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.</p>	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
203	<p>POLICY 3-8 OTHER PARCELS – SPECIFIC HABITAT PROTECTION STANDARDS</p> <p>...</p> <p>3-8.12 Assessor’s Parcel No. 215-050-73 (Levatino)</p> <p>Maximum 25% development clustered on the southern portion of the property. Buffer widths may be reduced and/or additional impacts may be allowed to the extent necessary to obtain site access, and/or to accommodate Circulation Road improvements identified in the certified LCP.</p> <p>The parcel specific standards listed above are adopted because hardline preserve boundary lines were not established at the time of preparation of the HMP. The purpose of the standards is to ensure that future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish a viable habitat corridor and preserve area in Zones 20 and 21. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment, subsequently approves a hardline preserve boundary for any of the above-described properties as part of the HMP, then the onsite preservation included in the hardline preserve boundary shall apply.</p>	<p>This policy is proposed to be replaced with the draft LCP policy LCP-6-P.3</p> <p>This existing policy repeats the requirements specified in HMP Section D.7-13. The HMP is part of the LCP and it is redundant and unnecessary to repeat the provisions of the HMP within the LCP LUP.</p>
204	<p>POLICY 4-1 – COASTAL EROSION</p> <p>I. Development Along Shoreline</p> <p>a. For all new development along the shoreline, including additions to existing development, a site-specific geologic investigation and analysis similar to that required by the Coastal Commission’s Geologic Stability and Blufftop Guidelines shall be required; for permitted development, this report must demonstrate bluff stability for 75 years, or the expected lifetime of the structure, whichever is greater. Additionally, permitted development shall incorporate, where feasible, sub-drainage systems to remove groundwater from the bluffs, and shall use drought-resistant vegetation in landscaping, as well as adhering to the standards for erosion control contained in the City of Carlsbad Drainage Master Plan. A waiver of public liability shall be required for any permitted development for which an assurance of structural stability cannot be provided. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinances, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p>	<p>a. This policy is proposed to be replaced with policies that address the siting of new development and redevelopment located within a sea level rise hazard zone (LCP-7-P.9 through P.17) and geologic hazard policies LCP-7-P.45, P.46 and P.47. Regarding runoff and water quality protection, see draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
205	<p>POLICY 4-1 – COASTAL EROSION</p> <p>I. Development Along Shoreline</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 	<p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e. (4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
206	<p>POLICY 4-1 – COASTAL EROSION</p> <p>II. Development Along Shoreline</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.</p> <p>6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.</p> <p>7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system.</p> <p>8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system.</p> <p>9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from the development.</p>	<p>e. (5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e. (7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e. (9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e. (10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
207	<p>POLICY 4-1 – COASTAL EROSION</p> <p>I. Development Along Shoreline</p> <p>...</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Water within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p>	<p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
208	<p>POLICY 4-1 – COASTAL EROSION</p> <p>I. Development Along Shoreline</p> <p>...</p> <p>m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use effective irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
209	<p>POLICY 4-1 <u>COASTAL EROSION</u></p> <p>...</p> <p>II. <u>Beach Sand Erosion</u></p> <p>Pursue mitigation measures which address the causes of beach sand erosion; sand dredging and use of the Longard Tube to reduce wave energy are two such measures which have been suggested. The City should continue to participate in the Regional Coastal Erosion Committee's studies of the causes and cures for shoreline erosion.</p>	<p>II: This policy is proposed to be replaced with policies that address city support of efforts to mitigate impacts of sea level rise (LCP-7-P.32 through P.35)</p>
210	<p>POLICY 4-1 <u>COASTAL EROSION</u></p> <p>...</p> <p>III. <u>Shoreline Structures</u></p> <p>Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. As a condition of coastal development permit approval, permitted shoreline structures may be required to replenish the beach with imported sand. Provisions for the maintenance of any permitted seawalls shall be included as a condition of project approval.</p> <p>Projects which create dredge spoils shall be required to deposit such spoils on the beaches if the material is suitable for sand replenishment.</p> <p>IV. <u>Undevelopable Shoreline Features</u></p> <p>No development shall be permitted on any sand or rock beach or on the face of any ocean bluff, with the exception of accessways to provide public beach access and of limited public recreation facilities.</p>	<p>III: This policy is proposed to be replaced with policies that address shoreline protective devices (LCP-7-P.18 through P.26). Deposit of dredge spoils is addressed by LCP-7-P.35.</p> <p>IV: This policy is proposed to be replaced by LCP-7-P.11 and LCP-7-P.15.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
211	<p>POLICY 4-2 <u>LANDSLIDES AND SLOPE INSTABILITY</u></p> <p>The soils investigations now required as part of the land subdivision process are adequate to identify with specificity areas of landslide and instability. However, these investigations will need to be particularly thorough in those areas with La Jolla Group soils which have been identified for potential future development.</p> <p>Currently, soils investigations are only required for subdivisions. In the future, any development proposed for areas known to be prone to landslide shall include a geologic investigation identifying appropriate mitigation measures, and such geologic report shall be substantially as has been required by the Coastal Commission's Geologic Stability and Blufftop Development Guidelines.</p>	<p>This policy is proposed to be replaced by draft policy LCP-7-P.46.</p>
212	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>Areas West of I-5 and the Existing Paseo del Norte and Along El Camino Real Upstream of Existing Storm Drains</p> <p>For areas west of the existing Paseo del Norte, west of I-5 and along El Camino Real immediately upstream of the existing storm drains, the following policy shall apply:</p> <p>a. All development must include mitigation measures for the control of urban runoff rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project, and shall be installed prior to the initial grading. At a minimum, such mitigation shall require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments thereto between the project site and the lagoon (including the debris basin), as well as: revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allots costs among the various landowners in an equitable manner.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city's Engineering Standards Volume's 4 & 5 (construction and post-construction BMPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
213	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>Areas West of I-5 and the Existing Paseo del Norte and Along El Camino Real Upstream of Existing Storm Drains</p> <p>...</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p>

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Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
214	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>4. Provide development-free buffer zones for natural water bodies.</p> <p>5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.</p> <p>6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.</p> <p>7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system.</p> <p>8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system.</p> <p>9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p>	<p>e.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
215	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <ul style="list-style-type: none"> g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat runoff produced from each storm event up to and including the 85th percentile 24-hour storm event. h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP. i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project. j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development. k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%. 	<ul style="list-style-type: none"> g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals. h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25. i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies. j. Proposed to be replaced by draft policy LCP-6-P.29 k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies. l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.

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Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
216	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <ul style="list-style-type: none"> m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable. n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas. o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment: <ul style="list-style-type: none"> 1. Addition of new Best Management Practices (BMP) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project. p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes. 	<ul style="list-style-type: none"> m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs). n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.” o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
217	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>This policy applies to all other areas except those subject to Policies 3-5 and 3-7 (a) above.</p> <p>Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toup maps. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.</p> <p>(1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant Communities.</p> <p>For those slopes mapped as possessing endangered plant/animal species and/or Coastal Sage Scrub and Chaparral plant communities, Policies 3-1 and 3-8 and the following provisions would apply:</p> <p>a) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with all or nearly all of their area in slope area over 25% grade, encroachment may be permitted; however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads on the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.</p> <p>b) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 10% of the total site area.</p> <p>c) Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for permitted firebreaks and/or planting other fire retardant native vegetation and to protect visual resources of importance to the entire community.</p>	<p>(1)(2) These policies are proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
218	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>(1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant Communities.</p> <p>...</p> <p>d) The percentage of steep slope encroachment listed in (a) and (b) above may be modified only for development consistent with the approved HMP and the resource habitat protection policies including Policy 3 above, and approved as part of the City’s Incidental Take Permit pursuant to the adopted HMP.</p> <p>(2) All Other Steep Slope Areas:</p> <p>For all other steep slope areas, the City Council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:</p> <p>a) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least 75 years, or life of structure.</p> <p>b) Grading of the slope is essential to the development intent and design.</p> <p>c) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas and is consistent with the habitat protection policies contained in Policies 3-1 and 3-8.</p> <p>d) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.</p> <p>e) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.</p> <p>f) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.</p>	<p>(1)(2) These policies are proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
219	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(3) Drainage and Erosion Control</p> <p>a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
220	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(3) Drainage and Erosion Control</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system. 	<p>e.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
221	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(3) Drainage and Erosion Control</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice (BMPs) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p>	<p>e.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
222	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(3) Drainage and Erosion Control</p> <p>...</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p>	<p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
223	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(3) Drainage and Erosion Control</p> <p>...</p> <p>m. Although, residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
224	<p>POLICY 4-3 ACCELERATED SOIL EROSION</p> <p>...</p> <p>(b) All Other Areas</p> <p>...</p> <p>(4) Required Drainage or Erosion Control Facility Maintenance Arrangements: Development approvals shall include detailed maintenance arrangements for providing the ongoing repair and maintenance for all approved drainage or erosion-control facilities.</p> <p>(5) Installation & Timing of Permanent Runoff and Erosion Control Devices: All permanent runoff-control and erosion-control devices shall be developed and installed prior to or concurrent with any onsite grading activities.</p> <p>(6) Required Open Space Easements on Undeveloped Slopes: All undevelopable slopes shall be placed in open space easements as a condition of development approval.</p>	<p>(4)(5) Now addressed by draft policies LCP-P.22 and LCP-6-P.23, which are consistent with California Coastal Commission Model Water Quality Policies.</p> <p>(6) Proposed to be replaced by draft policy LCP-7-P.49.C.</p>
225	<p>POLICY 4-4 REMOVAL OF NATURAL VEGETATION</p> <p>When earth changes are required and natural vegetation is removed, the area and duration of exposure shall be kept at a minimum.</p>	<p>The purpose of this existing policy is to minimize erosion during construction/grading (earth changes). Consistent with California Coastal Commission Water Quality Model Policies, draft policy LCP-6-P.23 addresses water quality impacts during construction. Draft policy LCP-6-P.15 requires compliance with Engineering Standards, which require construction BMPs that minimize erosion and water quality impacts.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
226	<p>POLICY 4-5 SOIL EROSION CONTROL PRACTICES</p> <p>a. Soil erosion control practices shall be used against “onsite” soil erosion. These include keeping soil covered with temporary or permanent vegetation or with mulch materials, special grading procedures, diversion structures to divert surface runoff from exposed soils, and grade stabilization structures to control surface water. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
227	<p>POLICY 4-5 SOIL EROSION CONTROL PRACTICES</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. 	<p>e.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
228	<p>POLICY 4-5 SOIL EROSION CONTROL PRACTICES</p> <p>...</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice (BMPs) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p>	<p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
229	<p>POLICY 4-5 SOIL EROSION CONTROL PRACTICES</p> <p>...</p> <p>m. Although, residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>o and p. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
230	<p>POLICY 4-6 – SEDIMENT CONTROL PRACTICES</p> <p>a. Apply “sediment control” practices as a perimeter protection to prevent offsite drainage. Preventing sediment from leaving the site should be accomplished by such methods as diversion ditches, sediment traps, vegetative filters, and sediment basins. Preventing erosion is of course the most efficient way to control sediment runoff. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p>	<p>a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p> <p>b. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>c. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>d. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
231	<p>POLICY 4-6 – SEDIMENT CONTROL PRACTICES</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 	<p>e.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>e.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>e.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>e.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>e.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>e.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
232	<p>POLICY 4-6 – SEDIMENT CONTROL PRACTICES</p> <p>...</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p>	<p>e.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>f. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>g. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>h. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>i. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
233	<p>POLICY 4-6 – SEDIMENT CONTROL PRACTICES</p> <p>...</p> <p>j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p> <p>m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.</p>	<p>j. Proposed to be replaced by draft policy LCP-6-P.29</p> <p>k. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>l. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p> <p>m. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>n. This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
234	<p>POLICY 4-6 – SEDIMENT CONTROL PRACTICES</p> <p>...</p> <p>o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 within an LCP amendment:</p> <ol style="list-style-type: none"> 1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.) 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Projects. <p>[No "p"]</p> <p>q. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>o and q. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city's Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
235	<p>POLICY 4-7 <u>FLOOD HAZARDS</u></p> <p>(a) <u>Storm Drainage Facilities in Developed Areas</u> Storm drainage facilities in developed areas should be improved and enlarged according to the City of Carlsbad Drainage Master Plan, incorporating the changes recommended in the LCP.</p> <p>(b) <u>City's Grading Ordinance</u> The City's grading ordinance should be amended to greatly reduce the extent of onsite and offsite erosion due to construction activities. (See policies under Soil Erosion.) Although these are primarily erosion control measures, they will help to prevent sedimentation in downstream drainage facilities.</p> <p>(c) <u>Storm Drainage Facilities in Undeveloped Areas</u> Drainage improvement districts shall be formed for presently undeveloped areas which are expected to urbanize in the future. The improvement districts would serve to implement the City of Carlsbad Drainage Master Plan. Upstream areas in the coastal zone shall not be permitted to develop prior to installation of the storm drain facilities downstream, in order to assure protection of coastal resources.</p> <p>(d) <u>Financing New Drainage Facilities</u> New drainage facilities, required within the improvement districts, should be financed either by some form of bond or from fees collected from developers on a cost-per-acre basis.</p> <p>(e) <u>100-Year Floodplain</u> Development shall continue to be restricted in 100-year floodplain areas. Continuing the policy of zoning 100-year floodplains as open space will permit natural drainage to occur without the need for flood control channels. No permanent structures or filling shall be permitted in the floodplain and only uses compatible with periodic flooding shall be allowed.</p> <p>(f) <u>Drainage Master Plan</u> Adopt the provisions of the City of Carlsbad Drainage Master Plan to ameliorate flood and drainage hazards within the planning area.</p>	<p>a), b) c), d), and f): This policy is outdated. See draft policy LCP-7-P.38. Adequate drainage facilities (for existing and undeveloped planned land uses per the General Plan/LCP) are planned for all areas of Carlsbad, per the drainage master plan. It is not necessary to distinguish between developed and undeveloped areas, require improvement districts or address financing.</p> <p>e): See draft policy LCP-7-P.41.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
236	<p>POLICY 4-8 <u>SEISMIC HAZARDS</u></p> <p>The provisions of the State Uniform Building Code are not entirely adequate for earthquake protection. The City should continue to monitor the UBCs earthquake provisions and make recommendations for improvement.</p> <p>Most development in liquefaction-prone areas should have site-specific investigations done addressing the liquefaction problem and suggesting mitigation measures. New residential development in excess of four units, commercial, industrial, and public facilities shall have site-specific geologic investigations completed in known potential liquefaction areas.</p>	See draft policies LCP-7-P.46 and 54.
5. PUBLIC WORKS AND PUBLIC SERVICES CAPACITIES		
237	<p>POLICY 5-1 <u>REGIONAL SEWAGE TRANSPORTATION SYSTEM</u></p> <p>The planned improvements to the regional sewage transportation system should be undertaken and completed. These improvements are necessitated by development beyond the coastal zone.</p>	This policy is outdated and not proposed as part of the draft LCP. Sewage transportation improvements are provided concurrent with development. The city’s sewer pipelines (inside and outside of the Coastal Zone) are adequate to meet current demand for sewage transportation.
238	<p>POLICY 5-2 <u>FUTURE SEWAGE TREATMENT</u></p> <p>Future treatment demands can be met by the combined effects of enlarging the Encina Water Pollution Control Facility and implementing the City of Carlsbad Wastewater Reclamation Master Plan. The City must participate in meeting growth demands beyond the coastal zone.</p>	This policy is outdated and not proposed as part of the draft LCP. The Encina Water Pollution Control Facility Phase V Expansion was completed in 2009. The facility accommodates the ultimate buildout demand for the Carlsbad sewer service area (inside and outside the Coastal Zone) based on projections made in the City of Carlsbad Sewer Master Plan.
239	<p>POLICY 5-3 <u>UNTREATED RECLAIMED WATER</u></p> <p>Since current Regional Water Quality Control Board requirements may not permit untreated reclaimed water for certain purposes, Carlsbad should participate in the Phase IV expansion of Encina to assure capacity to meet demand both in and out of the coastal zone.</p>	This policy is outdated and not proposed as part of the draft LCP. The City of Carlsbad has approximately 79 miles of recycled water distribution pipeline. This distribution system currently supplies more than 700 recycled points of connection. Recycled water is supplied to city park, median strips, golf courses, shopping areas, freeway landscaping, HOA common areas, Legoland, the Flower Fields, Grand Pacific Palisades Hotel, and Karl Strauss Brewery.
240	<p>POLICY 5-4 <u>TEN PERCENT RESERVE SEWAGE CAPACITY FOR COASTAL DEPENDENT RECREATION AND VISITOR-SERVING USES</u></p> <p>The City of Carlsbad <u>Sewer Allocation Plan</u> which allocates limited capacity from Encina should provide a 10% reserve capacity for coastal-dependent uses that emphasize public and commercial recreation and visitor-serving facilities.</p>	This policy is outdated and not proposed as part of the draft LCP. Sewage capacity improvements are provided concurrent with development. The city’s sewage capacity (inside and outside of the Coastal Zone) is adequate to meet current demand for all land uses, including coastal dependent and visitor-serving uses.

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Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
241	<p>POLICY 5-5 <u>POINSETTIA LANE</u></p> <p>Poinsettia Lane should be completed as a major arterial as indicated on the Local Coastal Program map by 1995. It should also provide direct coastal access to Carlsbad Boulevard. No assessment of agricultural lands shall be made to support this road extension.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.32.</p>
6. <u>RECREATION AND VISITOR-SERVING USES</u>		
242	<p>POLICY 6-1 <u>ADDITIONAL CITY PARKS</u></p> <p>Additional City parks will be required in conjunction with new development. These parks should be a minimum of five acres in order to accommodate a wide variety of both active and passive uses. Locations of additional City parks are Altimira Park (12 acres) and North La Costa Park (five acres); both are listed as proposed parks in the Parks and Recreation Element of Carlsbad's General Plan.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-3-P.10.</p>
243	<p>POLICY 6-2 <u>REGIONAL PARK</u></p> <p>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.</p>	<p>This policy is outdated and proposed to be replaced with draft LCP policy LCP-3-P.10. Per the city's Growth Management park standard, adequate park acreage is planned to serve Carlsbad's population.</p>
244	<p>POLICY 6-3 <u>ENCINA FISHING AREA</u></p> <p>The water related Encina fishing area located adjacent to the San Diego Gas and Electric Company's power plant should be maintained for public use with no fees (See Exhibit 4.9) (See Policy 7-7)</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-3-P.8.</p>
245	<p>POLICY 6-4 <u>NEED FOR ADDITIONAL OVERNIGHT CAMPING</u></p> <p>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.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-3-P.14, 19 and 22.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
246	<p>POLICY 6-5 <u>NEED FOR 200 ADDITIONAL HOTEL-MOTEL ROOMS, AND VISITOR-SERVING USES</u></p> <p>Approximately 40 acres of additional visitor-serving (hotel-motel and restaurant) uses should be established. Assuming a density of approximately ten hotel-motel rooms per acre, the estimated need of 200 additional rooms can be achieved. Restaurants and other visitor-serving facilities also need to be provided. Suggested locations are the intersections of I-5 with Palomar Airport Road and/or Poinsettia Lane. Not all of this demand needs to be met with land immediately within the coastal zone.</p>	<p>This policy is outdated and has been implemented; it is not proposed as part of the draft LCP.</p> <p>The need for 200 additional hotel rooms was identified in 1980 with the city’s original LCP. In 1980, there were 312 hotel rooms in Carlsbad’s Coastal Zone, and based on tourism growth estimates at that time, an additional 200 rooms were needed by 1995.</p> <p>The city has 2,989 hotel rooms in the Coastal Zone, plus 222 campsites.</p> <p>Draft LCP policies LCP-P-3.15 to 21 are proposed to address the provision of future visitor serving uses. Section 3.3 of the draft LCP describes the future demand for hotel rooms.</p>
247	<p>POLICY 6-6 <u>ADDITIONAL VISITOR-SERVING FACILITIES AT ELM AVENUE AND CARLSBAD BOULEVARD</u></p> <p>Provision should be made for additional visitor-serving facilities, as well as retaining existing visitor uses, at the western terminus of the Elm Avenue corridor in the coastal zone. (See Exhibit 4.10).</p>	<p>This policy is outdated and has been implemented; it is not proposed as part of the draft LCP.</p> <p>Elm Avenue is now called Carlsbad Village Drive; the western terminus of which has been fully developed with visitor-serving uses (restaurants and hotels).</p>
248	<p>POLICY 6-7 <u>SMALL BOAT LAUNCHING FACILITY AT SOUTH CARLSBAD STATE BEACH</u></p> <p>The possibility of developing the southern portion of Carlsbad State Beach as a small boat launching facility should be pursued to meet this water-related need.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-3-P.3 through LCP-3-P.7.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
249	<p>POLICY 6-8 <u>DEFINITION OF VISITOR-SERVING COMMERCIAL USES, AND EAST END OF BUENA VISTA LAGOON</u></p> <p>“Visitor-serving commercial uses” shall be defined to include hotels and motels, recreational facilities, restaurants and bars, amusement parks, public parks, horticultural gardens, farmers' markets, retail uses accessory to another use which is the primary use of the site, and other accessory uses customarily catering to hotel and motel guests. The May Co. properties located at the east end of Buena Vista Lagoon (See Exhibit 4.5) will be designated for commercial, not visitor-serving commercial uses.</p>	<p>The policy is not proposed as part of the draft LCP.</p> <p>The draft LCP provides a description of the VC land use designation and the zoning ordinance regulates and specifies the types of uses allowed. The “May Co. properties” are designated Regional Commercial on the LCP land use map; that part of the policy has been implemented.</p> <p>Draft LCP policy LCP-3-P.16 specifies that land suitable for visitor-serving commercial uses shall be designated as VC on the LCP land use map.</p>
250	<p>POLICY 6-9 <u>PROPERTIES FRONTING CARLSBAD BOULEVARD ADJACENT TO AND INCLUDING SOUTH CARLSBAD STATE BEACH</u></p> <p>The South Carlsbad State Beach campground should be considered for conversion to a day use beach and upland park if other adequate campground facilities can be developed nearby.</p> <p>Mixed use development (i.e., residential and recreational-commercial) shall be permitted by right on properties fronting Carlsbad Boulevard across from South Carlsbad State Beach (See Exhibit 4.9). This policy applies only where not in conflict with the agricultural policies of the LCP.</p>	<p>The policy is not proposed as part of the draft LCP.</p> <p>The campground is a source of existing lower cost visitor accommodations. Draft LCP policies encourage expansion of the campground, not conversion of it to beach/park land.</p> <p>The provision for mixed use on property across from the state beach is addressed by the LCP land use map and policies in draft LCP Chapter 2; across from the south Carlsbad State Beach, mixed use is only permitted in the GC land use designation (Ponto area). There is no agriculture fronting Carlsbad Boulevard.</p>
251	<p>POLICY 6.10 <u>LOWER COST VISITOR-SERVING RECREATIONAL USES</u></p> <p>Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.</p> <p>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.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-3-P.14, LCP-3-P.18 and 19.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
252	<p>7. SHORELINE ACCESS</p> <p><u>POLICY 7-1 CYPRESS AVENUE AND OCEAN STREET AREA</u></p> <p>Since there is a lack of adequate access in the northern portions of the planning area, an additional access point shall be provided, of at least 10 feet in width. The site of this accessway should be the vacant parcel located adjacent to the Army/Navy Academy at Cypress Avenue (Del Mar Street), and dedication of an accessway shall be required as a condition of development approval for this site. Such dedication shall be in the form of an offer to the City of Carlsbad, State Coastal Conservancy or other appropriate public agencies, irrevocable for a term of 21 years.</p> <p><u>NOTE:</u> This site is now developed. As a part of (CCC) development approval, coastal access is open from ___ to ___.</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. A privately maintained beach access exists at Cypress and Ocean. Draft LCP policies LCP-4-P.10, 16 and 17 address maintenance of accessways.</p>
253	<p><u>POLICY 7-2 SHORELINE ACCESS SIGNAGE</u></p> <p>The Coastal Conservancy and California State Department of Transportation (CALTRANS) have undertaken a comprehensive program designed to provide appropriate signs designating the shore access points. It is recommended that they identify the existing access points in the Carlsbad coastal zone, and upon approval of the future sites of access it is recommended that these also be identified with signs.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.16.</p>
254	<p><u>POLICY 7-3 ACCESS ALONG SHORELINE</u></p> <p>The City will cooperate with the State to ensure that lateral beach access is protected and enhanced to the maximum degree feasible, and will continue to formalize shoreline prescriptive rights. Irrevocable offers of dedication for lateral accessways between the mean high tide line and the base of the coastal bluffs, and vertical accessways where applicable, shall be required in new development consistent with Section 30212 of the California Coastal Act of 1976. There is evidence of historic public use adjacent to Buena Vista Lagoon. Paths crisscross the area near the railroad tracks to the ocean shoreline. Development shall provide access and protect such existing access consistent with the needs to protect the habitat.</p> <p><u>NOTE:</u> See Exhibit 4.10</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.3, 5, 6, 20, and 21.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
MELLO II SEGMENT		
255	<p>POLICY 7-4 <u>CARLSBAD BOULEVARD AND PALOMAR AIRPORT ROAD AREA</u></p> <p>An additional access point on the South Carlsbad State Beach shall be provided at about the intersection of Carlsbad Boulevard and Palomar Airport Road.</p> <p><u>NOTE:</u> See Exhibit 4.10</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.12.</p>
256	<p>POLICY 7-5 <u>ACCESS ON SOUTH CARLSBAD STATE BEACH</u></p> <p>There is evidence of poorly-maintained and ill-defined walkways along much of the day use portion of South Carlsbad State Beach. These existing access points shall be improved as part of a State Parks and Recreation Master Plan for the Carlsbad State Beaches.</p> <p><u>NOTE:</u> See Exhibit 4.10</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.12.</p>
257	<p>POLICY 7-6 <u>BUENA VISTA LAGOON</u></p> <p>An access trail shall be provided along the southern shoreline of Buena Vista Lagoon (See Exhibit 4.10), to facilitate public awareness of the natural habitat resources of the lagoon. To protect the sensitive resources of this area, access development shall be limited and designed in consultation with the State Department of Fish and Game. In permitted development of properties adjacent to the lagoon (See Exhibit 4.5), offers of dedication of lateral accessways, irrevocable for a term of 21 years, shall be required to be provided to the City of Carlsbad, State Coastal Conservancy, or other appropriate public agencies. Such access dedications shall be of at least 25 feet in width upland from environmentally sensitive areas and any required buffers thereto. In addition, the City of Carlsbad, State Coastal Conservancy, and Wildlife Conservation Board shall seek to obtain lateral accessways across developed lands.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-4-P.3, 7 and 14.</p>
258	<p>POLICY 7-7 <u>ENCINA POWER PLANT SHORE AREA</u></p> <p>It is recommended that the shore area owned by the San Diego Gas and Electric Company (area near the Encina Power Plant) be dedicated to the State of California. This area is already heavily used by beach goers and should be maintained by the State for properly continued use.</p> <p><u>NOTE:</u> See Exhibit 4.9 and Policy 6-3.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.13.</p> <p>Regarding existing Policy 7-7's reference to dedicating the property to the state, the parcel has been dedicated/transferred to the City of Carlsbad for public access and recreation use.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
259	<p>POLICY 7-8 <u>NORTH END OF OCEAN STREET</u></p> <p>On the vacant parcel at the extreme north end of Ocean Street, when development is proposed an irrevocable offer to dedicate the beach and lowland areas shall be required pursuant to Section 30211 of the Coastal Act. Residential development shall be clustered on the highland area and the bluff face shall not be altered. There shall be appropriate blufftop setback based on geologic report taking into account the prominent location, shoreline instability and significant habitat adjacent to the lagoon.</p> <p><u>NOTE:</u> This parcel is now developed.</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. The property is developed consistent with this policy. The beach and lowland areas are separate parcels that are designated as open space.</p>
260	<p>POLICY 7-9 <u>SOUTH CARLSBAD STATE BEACH: PARKING</u></p> <p>Parking facilities are entirely inadequate in the vicinity of the South Carlsbad State Beach. To remedy this problem, the 20-acre site (APN 210-09-7) located between Carlsbad Boulevard and the railroad at the junction of Palomar Airport Road shall be developed for parking facilities of approximately 1,500 spaces. When this facility becomes heavily utilized, jitney service should be initiated between the parking area and designated points along Carlsbad Boulevard.</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. The objective to provide more beach parking is addressed draft LCP policies LCP-4-P.37 to 40.</p>
261	<p>POLICY 7-10 <u>PARKING</u></p> <p>Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.39.</p>
262	<p>POLICY 7-11 <u>STATE BEACH LANDS</u></p> <p>Certain portions of underutilized state beach lands will provide a resource to develop future recreational facilities and beach access points. These shall be developed as part of an overall master plan for the Carlsbad beaches to be accomplished by the State of California Parks and Recreation Department.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-3-P.12 and LCP-4-P.11 and 12.</p>
263	<p>POLICY 7-12 <u>SEAWARD OF OCEAN STREET</u></p> <p>New development on the seaward side of Ocean Street shall observe, at a minimum, an ocean setback based on a "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than the adjacent structure to the north and south; no decks or other appurtenances shall be permitted further seaward than those on the adjacent structures to the north and south. This policy shall be used on single-family, "infill" parcels, and a greater ocean setback may be required for geologic reasons.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-7-P.14.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
264	<p>POLICY 7-13 <u>VISUAL ACCESS</u></p> <p>Visual access over more than 80% of the Carlsbad coastline is unobstructed because of public ownership. No future public improvements which would obstruct this visual access shall be permitted.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-5-P.27.</p>
265	<p>POLICY 7-14 <u>VERTICAL SHORELINE ACCESSWAY WIDTH</u></p> <p>It is recommended that vertical accessways to the beach generally be at least ten feet in width.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-4-P.4.</p>
266	<p>POLICY 7-15 <u>SOUTH CARLSBAD STATE BEACH: CONVERSION TO A DAY USE BEACH, AND VERTICAL ACCESS ON MacMAHON PROPERTY</u></p> <p>As the demand for day beach use increases and as additional campground facilities are provided within the Carlsbad area, the existing South Carlsbad State Beach campground should be converted to a day use beach. The upland area would serve as an ideal parking and picnicking area with stairway access to the beach below. This designation shall be incorporated within future master planning efforts by the State of California.</p> <p>The California Commission-required offer of dedication for vertical access on the MacMahon property, located approximately 700 feet north of Cedar Street, shall be enforced as part of Coastal Development Permit F2875, unless the Attorney General's Office resolves the matter through an alternative acceptable to the State Coastal Commission.</p>	<p>This policy is outdated and not proposed as part of the draft LCP. Converting the campground to a day use beach conflicts with current Coastal Commission guidance on protection of low-cost visitor accommodations.</p> <p>Regarding enforcement of a Coastal Commission issued CDP on the MacMahon property, it is not clear where that property is. The offer of dedication is a Coastal Commission condition of project approval and the city does not have authority to enforce the Coastal Commission's conditions of approval.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
267	<p>8. SCENIC AND VISUAL RESOURCES, HISTORIC RESOURCES</p> <p>POLICY 8-1 <u>SITE DEVELOPMENT REVIEW</u></p> <p>The Scenic Preservation Overlay Zone should be applied where necessary throughout the Carlsbad coastal zone to assure the maintenance of existing views and panoramas. Sites considered for development should undergo individual review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area. The Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize any alterations to topography.</p>	<p>This policy is not proposed as part of the draft LCP.</p> <p>The Scenic Preservation (SP) Overlay Zone states that the city can adopt standards or guidelines for areas where the overlay zone is applied. The SP overlay zone has only been used in relation to the El Camino Real Corridor Development Standards (approved in 1984). The overlay zone has not been used elsewhere in the Coastal Zone.</p> <p>Draft LCP policies LCP-5-P.22 through 32 provide specific guidance on protection of public views of scenic areas; whereas the SP overlay zone does not provide any specific guidance for the Coastal Zone.</p> <p>As part of the Zoning Ordinance update, which will follow this LCP update, the SP overlay zone will be updated to provide standards to implement the proposed LCP scenic resource policies.</p>
268	<p>POLICY 8-2 <u>POTENTIALLY HISTORIC STRUCTURES</u></p> <p>The City's historic structures which have the potential to meet criteria for inclusion in the National Register of Historic Places appear to be economically well-used at present. The sites with historic significance of "local importance" also appear to be in active use. However, maintenance, repair and use of these properties may require special attention. The building code flexibility and tax benefits which may be available to such properties need further study. The City of Carlsbad in conjunction with individual property owners of historically significant structures should determine which local and federal programs are applicable and take advantage of them as appropriate.</p>	<p>This policy is proposed to be replaced with draft LCP policies LCP-5-P.19, 20 and 21.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	MELLO II SEGMENT	
269	<p>POLICY 8-3 <u>INFILL DEVELOPMENT DESIGN REVIEW</u></p> <p>While the Scenic Preservation Overlay Zone can be used to enhance the character of new development, the City of Carlsbad should adopt a policy whereby the unique characteristics of older communities (especially the Elm Street corridor) can be protected through their redevelopment scheme. This policy should reflect design standards which are in accordance with the flavor of the existing neighborhood.</p>	<p>This policy is outdated and not proposed as part of the draft LCP. Draft LCP Chapter 2 (land use) contains policies that address development in unique areas, such as the Village, Barrio, Ponto, and Cannon Road OS/Agriculture.</p>
270	<p>POLICY 8-4 <u>ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES</u></p> <p>The environmental impact review process will determine where development will adversely affect archaeological and paleontological resources. A site-specific review should also determine the most appropriate methods for mitigating these effects. Most importantly, the City of Carlsbad should require the implementation of these measures.</p>	<p>This policy is proposed to be replaced with LCP-5-P.13 through LCP-5-P.18</p>
271	<p>POLICY 8-5 <u>SIGNAGE</u></p> <p>On-premise signs should be designed as an integral part of new development. In addition:</p> <ul style="list-style-type: none"> (A) Each business shall be entitled to one facade sign. (B) Each shopping complex shall have only one directory sign not to exceed 15 feet in height, including mounding. (C) Monument sign` height including mounding shall not exceed 8 feet and shall apply where three (3) or fewer commercial establishments exist on a parcel. (D) Tall freestanding and roof signs shall not be allowed. (E) Off-premise signs and billboards shall not be allowed. (F) Current City regulations shall govern the number of square feet in each permitted sign. 	<p>This policy is proposed to be replaced with LCP-5-P.25.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
272	<p>A. Land Use Categories</p> <p>The following are the proposed land use “Planning Areas,” each providing a brief description. The "Planning Areas" correspond directly with the planning areas approved with the Poinsettia Shores Master Plan. All development in these planning areas are subject to the provisions of the Poinsettia Shores Master Plan as adopted by the Carlsbad City Council and certified by the California Coastal Commission. No development inconsistent with the Master Plan shall be permitted. The Planning Areas identified below will replace the former planning areas established by the BLEP Master Plan. See the attached map for the location of the Planning Areas described below.</p>	<p>This policy is not proposed as part of the draft LCP. See comments below.</p>
273	<p>1. Planning Area A-1</p> <p>Planning Area A-1 is located north of Avenida Encinas near the intersection of Avenida Encinas and Windrose Circle. It has a gross area of 9.8 acres and a net developable area of 8.4 acres. Planning Area A-1 has a land use designation of RM and allows for the development of 41 single family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
274	<p>2. Planning Area A-2</p> <p>Planning Area A-2 is located south of Avenida Encinas within the interior of the circle formed by Windrose Circle. It has a gross area of 1.5 acres and a net developable area of 11.0 acres. Planning Area A-2 has a land use designation of RM and allows for the development of 50 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
275	<p>3. Planning Area A-3</p> <p>Planning Area A-3 is located west of Planning Area A-2, east of the railroad right-of-way and adjacent to Avenida Encinas. It has a gross planning area of 10.2 acres and a net developable area of 8.6 acres. Planning Area A-3 has a land use designation of RM and allows for the development of 51 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
276	<p>4. Planning Area A-4</p> <p>Planning Area A-4 is located south of Planning Area A-3, east of the railroad right-of-way and adjacent to BatiQUITOS Lagoon. It has a gross planning area of 14.7 acres and a net developable area of 14.7 acres. Planning Area A-4 has a land use designation of RM and allows for the development of 62 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan). Planning Area A-4 is a lagoon blufftop area which is subject to special development standards to address visual impacts to the lagoon.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
277	<p>5. Planning Area B-1</p> <p>Planning Area B-1 is located north of Avenida Encinas and south of Lakeshore Gardens Mobile Home Park. It has a gross planning area of 20.9 acres and a net developable area of 20.2 acres. Planning Area B-1 has a land use designation of RM and allows for the development of 161 clustered single family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).</p> <p>The cluster single-family units are organized in groups of four air space ownership units located on common property owned by the homeowners association. These units will share in common a courtyard and private driveway leading to the individual unit garage, front yard area and the area fronting the adjacent street(s). Outdoor private use areas will also be provided for each home, within the common property.</p> <p>This product type provides many of the amenities found in standard single-family residential design including: no common walls between units, private rear yards, garages, and increased privacy. The shared common property and shared driveway allow for clustered placement of the units around a central driveway/courtyard. This effectively reduces the number of units requiring direct street frontage and provides additional spacing between units across the drive. This results in a street scene which exhibits only two units in a row spaced ten feet apart in contrast to standard design practice under the Planned Development Ordinance which allows an unlimited number of units spaced ten feet apart with certain design criteria for single story elements.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
278	<p>6. Planning Area B-2</p> <p>Planning Area B-2 is located south of and adjacent to Windrose Circle in the interior of Navigator Circle. Planning Area B-2 has a gross area of 2.9 acres with a net developable area of 2.6 acres. This Planning Area has a land use designation of RM and allows for the development of 16 clustered single-family detached homes on common lots (plus any density bonus units as provided in the Poinsettia Shores Master Plan). The cluster single-family product is discussed above under Planning Area B-1.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
279	<p>7. Planning Area C</p> <p>Planning Area C is located immediately east of Navigator Circle, to the northeast of the previously developed single-family homes of Planning Area J and immediately west of I-5. Planning Area C has a gross area of 11.2 acres and a net developable area of 9.6 acres. Planning Area C has a land use designation of RM and allows for the development of 70 multi-family dwelling units (plus any density bonus units as provided in the Poinsettia Shores Master Plan). These may include carriage-type units with garage space below portions of the living area in each unit, located on property owned in common.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
280	<p>8. Planning Area D</p> <p>Planning Area D is located immediately east of the AT&SF Railway right-of-way to the south of Lakeshore Gardens Mobile Home Park. Planning Area D has a gross area of 4.4 acres and a net developable area of 4.0 acres. Planning Area D is designated as the Master Plan’s affordable housing site, unless an offsite location is designated through an Affordable Housing Agreement between the property owner and the City per the provisions of Chapter VII of this Master Plan.</p> <p>The Poinsettia Shores Master Plan requires that 90 affordable housing units be provided either on-site within Village D or offsite as indicated in Chapter VII of the Master Plan.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
281	<p>9. Planning Area E</p> <p>Planning Area E is located east of and adjacent to the AT&SF Railway right-of-way and north of and adjacent to Avenida Encinas. Planning Area E has a gross area of 0.9 acres and a net developable area of 0.5 acres; it has a land use designation of RM. This Planning Area is intended to provide recreational vehicle storage for the Poinsettia Shores Master Plan residents.</p> <p>Per the requirements of the Planned Development Ordinance, 20 square feet per unit of recreational vehicle storage space shall be provided for all units. The Poinsettia Shores Master Plan allows for 451 market rate dwelling units, plus an additional 2 market rate units with the proposed density bonus for a total of 474 market rate units. The 90 affordable housing units are not included in this total since the residents of these units would be less likely to own luxury recreation vehicles. Therefore, the total requirement for the Master Plan is 9,840 square feet of recreational vehicle parking (20 x 474 = 9,480). The proposed RV site is .5 net developable acres or 21,780 square feet in size. This will more than satisfy the required minimum.</p> <p>This RV storage area shall be operated and maintained by the Poinsettia Shores Master Homeowners' Association. Recreational vehicle storage shall be available by use of a paved access road prior to issuance of the first Certificate of Occupancy for any residential unit in the Master Plan. If there is space available within the RV storage area, nonresidents of the Master Plan may be allowed to store their recreational vehicles in this area. The fees charged to these nonresidents shall be used to pay for the maintenance of the RV storage area. As the Poinsettia Shores Master Plan is developed, residents of the Master Plan area shall have priority over nonresidents for storage space within the Recreational Vehicle storage area.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
282	<p>10. Planning Area F</p> <p>Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres.</p> <p>Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.</p> <p>The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.</p> <p>As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.</p>	<p>As part of the General Plan update, the Coastal Commission approved residential and general commercial land use designations on the LCP land use map.</p> <p>This policy is updated to be consistent with the land use map designations and the Ponto Beachfront Village Vision Plan. See draft LCP policy LCP-2-P.20.A and B.</p> <p>Regarding the need for lower cost visitor accommodations or recreational facilities west of the railroad, see staff report Attachment 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
283	<p>11. Planning Area G</p> <p>Planning Area G is located west of the AT&SF Railway right-of-way, east of Carlsbad Boulevard, north of Planning Area H and south of the Avenida Encinas extension. Planning Area G has a gross area of 8.4 acres and net developable area of 7.8 acres.</p> <p>Planning Area G has a land use designation of TS/C. All development in Planning Area G shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.</p> <p>Hotel units will be managed and maintained by a hotel management group. This area also allows for hotel units which are also permitted to be designed as vacation time share units provided that a subdivision map is recorded and the time share is processed under Section 21.42.010 of the Carlsbad Municipal Code. Up to 220 hotel or vacation time share units shall be allowable within this Planning Area. Each unit shall have the option to be designed with full kitchen facilities. These units may be sold or leased on a daily or weekly basis. In this event the facilities shall be maintained and managed by an independent management entity which may or may not be affiliated with the hotel management group.</p> <p>...</p>	<p>As part of the General Plan update, the Coastal Commission approved a VC land use designation for planning areas G & H.</p> <p>This policy is updated to be consistent with the land use map designations and the Ponto Beachfront Village Vision Plan. See draft LCP policy LCP-2-P.20.C.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
284	<p>11. Planning Area G</p> <p>...</p> <p>This Planning Area provides tourist-commercial services and, in particular, the hotel and conference center. Uses within this area shall be primarily directed toward the needs of tourists visiting the hotel, conference center and local scenic and recreation areas.</p> <p>In addition to the hotel/time share units described above, this Planning Area permits, but is not limited to the following uses: restaurants, bakeries, convenience retail, barber and beauty shops, book and stationery stores, dry cleaning, laundry service for hotel, florist shops, small specialty grocery stores, novelty and/or souvenir stores, travel agencies, confectionery stores and jewelry stores. Other similar uses are also allowed upon approval of the Director of Planning.</p> <p>A maximum of 220 hotel and/or time share units, private recreation facilities in conjunction with the hotel and/or time share related uses as well as 58,600 square feet of commercial area.</p> <p>A maximum of 58,600 square feet of tourist commercial floor area is permitted.</p>	<p>As part of the General Plan update, the Coastal Commission approved a VC land use designation for planning areas G & H.</p> <p>This policy is updated to be consistent with the land use map designations and the Ponto Beachfront Village Vision Plan. See draft LCP policy LCP-2-P.20.C.</p>
285	<p>12. Planning Area H</p> <p>Planning Area H is located immediately east of Carlsbad Boulevard between the hotel to the north and an open space area to the south. This Planning Area has a gross area of 3.7 acres and a net developable area of 3.7 acres. Planning Area H is a lagoon blufftop area with a land use designation of TS/C. This Planning Area is subject to special development standards which address visual impacts to the lagoon.</p> <p>Planning Area H will include a hotel and conference center with recreational facilities, administrative offices, banquet facilities and accessory retail uses as approved by the Planning Director. All development in Planning Area H shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.</p> <p>Permitted uses within Planning Area H are those commonly found with full service hotel facilities to include, but not limited to, a conference center, swimming pool, tennis courts, health club, dining facilities, and accessory retail uses provided for the convenience of hotel guests when located within the hotel structure(s).</p> <p>A maximum of a 150 executive suite hotel, a maximum of five tennis courts and a maximum of 120,000 square feet of commercial area which includes a 25,000 conference center is allowed within this Planning Area.</p>	<p>See comments above.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
286	<p>13. Planning Area I</p> <p>Open Space Area I is located north of Batiquitos Lagoon, west of the AT&SF Railway right-of-way and east of Carlsbad Boulevard at the southwest corner of the Master Plan area. Planning Area I has a gross area of 11.9 acres. Planning Area I has a land use designation of OS.</p> <p>Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed. A desilting basin may be constructed in the northwest portion of Open Space Area I. The proposed desiltation basin site is outside the Batiquitos Lagoon Enhancement Plan’s implementation area. The City has reviewed a feasible design for the basin and storm drain in the review of the former Batiquitos Lagoon Educational Park (BLEP) project. In addition, the specific implementation design of the Enhancement Plan has accounted for the location of this desiltation basin.</p>	<p>The LCP Land Use map designates the site as OS consistent with this policy.</p> <p>The site has been protected and improved with a desilting basin consistent with the policy.</p> <p>Draft LCP policy LCP-2-P.20.D replaces this policy.</p>
287	<p>14. Planning Area J</p> <p>Planning Area J is located north of Batiquitos Lagoon in the eastern portion of the Poinsettia Shores Master Plan area. Planning Area J is the only portion of the Master Plan area that has been developed. There are currently 70 homes built with five lots remaining to be developed. Planning Area J has a gross area of 1.8 acres.</p> <p>This planning area has a land use designation of RM and allows for the development of 75 single-family detached units of which 70 units have already been built.</p>	<p>This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
288	<p>15. Planning Area K</p> <p>Planning Area K is located north of Batiquitos Lagoon, east of the AT&SF Railway right-of-way and West of I-5. Planning Area K has a gross area of 18. acres. This planning area has a land use designation of OS.</p> <p>Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.</p>	<p>The LCP Land Use map designates the site as OS consistent with this policy. The Poinsettia Shores Master Plan (component of the LCP) adequately addresses the limitations on activities. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
289	<p>16. Planning Area L</p> <p>Planning Area L is located north of Batiquitos Lagoon and Planning Area K and separating Planning Areas A-4 from Planning Area J. Planning Area L has a gross area of 4.6 acres. This planning area has a land use designation of O-S.</p> <p>Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.</p>	<p>The LCP Land Use map designates the site as OS consistent with this policy. The Poinsettia Shores Master Plan (component of the LCP) adequately addresses the limitations on activities. This policy is not proposed as part of the draft LCP.</p>
290	<p>17. Planning Area M</p> <p>Planning Area M has a land use designation of O-S. This area shall be developed as a private Community Recreation Center and will be located adjacent to Avenida Encinas between Planning Areas A-1 and B-1. The Recreational Facility Center has a gross acreage of 2 acres and a net acreage of 2 acres.</p> <p>This facility will be available to all homeowners within the Poinsettia Shores Master Plan area, except as outlined in the Poinsettia Shores Master Plan within the development standards of Planning Area M.</p> <p>THE ABOVE LAND USE CATEGORIES REFLECT THE PLANNING AREAS WITHIN THE POINSETTIA SHORES MASTER PLAN. THE FOLLOWING LAND USE CATEGORY COVERS THOSE AREAS OUTSIDE THE POINSETTIA SHORES MASTER PLAN.</p>	<p>The LCP Land Use map designates the site as OS consistent with this policy. This policy has been implemented; the site has been developed consistent with the policy. This policy is not proposed as part of the draft LCP.</p>
291	<p>18. West Batiquitos Lagoon</p> <p>Public Resources Code Section 30233(c) identifies Batiquitos Lagoon as one of 19 priority wetlands and limits the types of uses and activity that may occur there. This area is Open Space (O-S) in order to preserve the function of the lagoon and the immediately adjacent uplands as a viable wetland ecosystem and habitat for resident and migratory wildlife. Uses shall be limited to activities related to habitat enhancement, educational and scientific nature study, passive recreation which will have no significant adverse impacts on habitat values, and aquaculture having no significant adverse effect on natural processes or scenic quality.</p>	<p>State law and the OS land use designation adequately address the uses permitted in and near the lagoon. The policies of draft LCP Chapter 6 adequately address the protection of the lagoon habitat and water quality.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
292	<p>B. Agricultural Lands (approximately 100 acres originally identified as non-prime, of which 60 remain)</p> <p>Non-prime agricultural lands identified during the review of the Batiquitos Lagoon Educational Park Plan are shown on Map C. Of the original 100 acres, 60 acres remain undeveloped. Forty acres have been converted to urban uses in accordance with the provisions of the West Batiquitos Lagoon/Sammis Properties Local Coastal Program and the Batiquitos Lagoon Educational Park Master Plan. An agricultural conversion mitigation fee of \$5,000/acre was set by the California Coastal Commission with approval of the project. At the same time, the State Coastal Commission agreed to accept a bond and recorded deed restriction securing the balance of payment due for conversion of the remaining 60 acres of agricultural land. In September of 1986, \$200,000 was paid by the property owner to the State Coastal Conservancy for conversion of 40 acres to urban uses in accordance with the project conditions.</p> <p>The remaining 60 acres of land may be converted to urban uses as specified in this plan and the Poinsettia Shores Master Plan, upon the payment of an agricultural conversion mitigation fee. This fee implements Public Resources Code Section 30171.5. Unconverted agricultural land may be used for purposes specified in the Carlsbad E-A zone, Carlsbad Municipal Code, 21.07, or the Coastal Agricultural zone if adopted pursuant to the “Mello II” segment of the Carlsbad LCP as amended.</p> <p><u>Agricultural Conversion Mitigation Fee:</u></p> <p>Conversion of non-prime agricultural lands shall be permitted upon payment of an agricultural conversion fee which shall mitigate the loss of agricultural resources by preserving or enhancing other important coastal resources. The amount of the fee shall be determined by the City Council at the time it considers the proposal for development and shall reflect the per acre cost of preserving prime agricultural land pursuant to Option 1 of the “Mello II” portion of the Carlsbad LCP, as amended, but shall not be less than \$5,000 nor more than \$10,000 per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund and shall be expended by the State Coastal Conservancy in the following order of priority:</p> <ol style="list-style-type: none"> 1. Restoration of natural resources and wildlife habitat in Batiquitos Lagoon; 2. Development of an interpretive center at Buena Vista Lagoon; 3. Restoration of beaches managed for public use in the coastal zone in the City of Carlsbad; 4. Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council; 5. Agricultural improvements which will aid in continuation of agricultural production within the Carlsbad Coastal Zone, as determined by the Carlsbad City Council. <p><u>NOTE:</u> The fee for the remaining 60 acres of non-prime agricultural land within the Poinsettia Shores Master Plan was set with the approval of the Batiquitos Lagoon Educational Park Master Plan at \$5,000 per acre.</p>	<p>The previous agricultural land referred to in this policy has been converted to other uses. This policy is no longer relevant and is not part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
293	<p>C. Grading and Erosion Control</p> <ul style="list-style-type: none"> a. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical.) b. Drainage and runoff shall be controlled so as not to exceed the capacity of the downstream drainage facilities or to produce erosive velocities and appropriate measures shall be taken on and/or off the site to prevent the siltation of the Batiquitos Lagoon and other environmentally sensitive areas. c. All graded areas shall be hydroseeded prior to October 1st with either temporary or permanent materials. Landscaping shall be maintained and replanted if not established by December 1st. d. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earth-moving equipment, stockpiling or earthwork material, or other disturbances within the open space areas. e. Any necessary temporary or permanent erosion control devices required for the development of a specific planning area, such as desilting basins, shall be developed and installed prior to any on, or off, site grading activities within the specific planning area requiring the mitigation, or, concurrent with the grading, provided all devices required for that planning area are installed and operating prior to October 1st, and installation is assured through bonding or other acceptable means. f. The developer must provide for the long-term maintenance of drainage improvements and erosion control devices. g. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate. h. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized. i. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable. 	<ul style="list-style-type: none"> a. Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. b - f. Draft LCP policies LCP-6-P.13 through LCP-6-P.29 ensure protection of water quality throughout the coastal zone and reflect current regional and California Coastal Commission water quality protection requirements. g. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies. h. Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. i. Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
294	<p>C. Grading and Erosion Control</p> <p>...</p> <p>j. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition. 3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged. 4. Provide development-free buffer zones for natural water bodies. 5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment. 6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff. 7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system. 8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system. 9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges. 10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development. 	<p>j.(1)(3). Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>j.(2). This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>j.(4). Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p> <p>j.(5)(6). Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>j.(7)(8). These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>j.(9). Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>j.(10). Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
295	<p>C. Grading and Erosion Control</p> <p>...</p> <ul style="list-style-type: none"> k. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP. l. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event. m. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and draining directly to” that are found in the SUSMP. n. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project. o. The City will encourage and support public outreach and education regarding the potential water quality impacts of development. p. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. q. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%. 	<ul style="list-style-type: none"> k. Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals. l. Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals. m. The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25. n. Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies. o. Proposed to be replaced by draft policy LCP-6-P.29 p. Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies. q. Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.

<p>296</p>	<p>C. Grading and Erosion Control</p> <p>...</p> <ul style="list-style-type: none"> r. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable. s. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas. t. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment: <ul style="list-style-type: none"> a. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical.) b. Addition of new development categories as Priority Projects. c. Addition of new coastal waters to the map of Environmentally Sensitive Areas. d. Reductions in the area of impervious surfaces used to designate a specific category of Priority Projects. u. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes. <p>NOTE: The Poinsettia Shores Master Plan provides additional specific standards which relate to grading - see standards for individual planning areas and the Master Plan Grading and Earthwork Chapter.</p>	<ul style="list-style-type: none"> r. Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs). s. This policy is proposed to be replaced by draft policy LCP-6-P.16 and require compliance with the city's BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city's BMP manual, which requires all development projects "to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas." t and u. Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city's Engineering Standards Volumes 4 and 5.
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HOW THE EXISTING CITY OF CARLSBAD LOCAL COASTAL PROGRAM (LCP) POLICIES ARE ADDRESSED IN THE DRAFT LOCAL COASTAL PROGRAM UPDATE

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT	
297	<p>D. Landscaping</p> <p>In order to guard against introduction of any species which are inherently noxious to, or incompatible with, the adjacent lagoon habitat, drought tolerant plants and native vegetation shall be used to the maximum extent feasible.</p> <p>Landscaping adjacent to structures should provide an effective screen of urban development.</p> <p>Note: The Poinsettia Shores Master Plan provides additional specific standards which relate to landscaping - see standards for individual planning areas and the Master Plan Theme Elements Chapter.</p>	<p>This existing policy is proposed to be replaced with the draft LCP policy LCP-6-P.3.</p> <p>HMP Section F.3.C adequately addresses this existing policy.</p>
298	<p>E. Environmentally Sensitive Habitats</p> <p>The environmentally sensitive habitats located on the affected area (i.e., wetlands and bluff slopes) shall be preserved as open space.</p> <p>These sensitive areas are protected from any significant disruption through fee dedication of wetland areas and recordation of open space easements. The dedication of the designated wetland areas has been completed and accepted by the California Coastal Conservancy. Recordation of several open space easements has occurred with the existing development along the blufftop in the area identified as Planning Area J.</p> <p>Recordation of additional open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final maps for Planning Areas A-3 and A-4, G and H. Furthermore, development on the blufftops shall maintain setbacks as identified in the Poinsettia Shore Master Plan from the bluff edges to prevent possible impacts on adjacent environmentally sensitive habitats. No grading or manufactured slopes associated with the adjacent private residential developments shall occur within the public open space and setback areas.</p> <p>Any future restoration, enhancement and preservation of Batiquitos Lagoon shall be consistent with a Batiquitos Lagoon Enhancement Plan. The Batiquitos Lagoon Enhancement Plan has been adopted by the City of Carlsbad and certified by the California Coastal Commission. This plan is currently included as an attachment to the Carlsbad Local Coastal Program. Any other lagoon enhancement plans must also be approved by the City of Carlsbad and certified by the California Coastal Commission in conformance with the California Coastal Act.</p>	<p>This policy is not proposed as part of the draft LCP. Draft LCP policy LCP-6-P.3 adequately addresses the objective of this policy.</p> <p>As this existing policy states, the sensitive wetland and bluff slopes are protected as open space. The HMP provides further assurance that the sensitive habitat will remain protected.</p> <p>Regarding OS easements and bluff top setbacks, all areas have developed consistent with this policy, except for areas G & H (area F is not subject to the easement/blufftop setback requirement of this policy). Areas G & H are subject to the HMP and OS requirements of the master plan, both of which are part of the LCP. It is not necessary to retain a policy requiring OS easements – in addition to the HMP and master plan.</p> <p>Regarding the Batiquitos Lagoon Enhancement Plan, the plan has been implemented and completed. The plan is no longer relevant to current or future activities. Draft LCP policy LCP-6-P.10 addresses ongoing maintenance of the lagoon.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
299	<p>F. Public Access</p> <p>A pedestrian walkway shall be provided along the western portion of areas G and H from approximately Avenida Encinas on the north to the San Marcos Creek Bridge on the south. The walkway shall be permanently open to use by the public.</p> <p>Lagoon accessways, blufftop accessways or equivalent overlook areas, and a bike path/pedestrian walkway, shall be provided if agricultural land on the north shore of Batiquitos Lagoon is developed. Each planning area containing a segment of the trail shall be conditioned to require construction and maintenance of that portion of the trail within the planning area, unless otherwise specified in the Batiquitos Lagoon Enhancement Plan. Each planning area containing a segment of the trail shall be conditioned to construct its trail segment prior to issuance of any building permits for that planning area. Such accessways shall be preserved for public use by requiring irrevocable offers of dedication of those areas as a condition of development and, prior to the issuance of any building permits for those planning areas, the trail dedications shall be accepted by the City of Carlsbad if the City agrees and it adopts a Citywide Trails Program that includes provisions for maintenance and liability. Otherwise, prior to the issuance of any building permits, the obligation for acceptance, construction, maintenance, and liability shall be the responsibility of another agency designated by the City or the responsibility of the Homeowners Association. Upon acceptance of the dedication, including maintenance and liability responsibilities, and completion of the trail improvements, the trail shall be open for public use. The accessways shall not adversely impact environmentally sensitive habitats.</p>	<p>This policy is proposed to be replaced with draft LCP policy LCP-2-P.20.C., which is consistent with the Ponto Beachfront Village Vision Plan for this area.</p>
300	<p>F. Public Access</p> <p>...</p> <p>A Trail Construction Plan shall be provided for all planning areas containing public trails. The public trails alignment shall be as shown on the attached exhibit. The plan shall indicate that all trail alignments will be atop of the lagoon or railroad slopes and shall be constructed in the least environmentally-damaging manner. The public trail shall be a minimum width of ten feet measured inland from the top of the bluff edge or railroad embankment. The trail improvements shall include a minimum 5 foot wide improved accessway, fencing, trash receptacles and interpretive signage. In addition to the existing trailhead at Windrose Circle, two additional trailheads shall be provided: one at the southwest corner of Planning Area A-4 adjacent to the railroad right-of-way and one at the northwest corner of Planning Area A-3, adjacent to Avenida Encinas. These trailheads shall include appropriate directional signage and identification. The plan shall also include construction specifications, maintenance standards, and specify what party(ies) shall assume maintenance and liability responsibilities.</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. See comments above.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES SEGMENT		
301	<p>F. Public Access</p> <p>...</p> <p>The public facilities and improvements specified by the Poinsettia Shores Master Plan shall be provided by the developer - see the Public Facilities and Open Space Chapters of the Master Plan.</p>	<p>This policy is not proposed as part of the draft LCP. The area east of the railroad has been developed per the public facility and open space requirements of the master plan.</p> <p>For the area west of the railroad, draft LCP policy LCP-2-P.20 requires development to comply with the requirements of Poinsettia Shores Master Plan.</p>
302	<p>G. Archaeology</p> <p>A program of preservation and/or impact mitigation regarding archaeological sites located on the affected area shall be completed prior to any development.</p>	<p>This policy is proposed to be replaced with LCP-5-P.13 through LCP-5-P.18</p>
303	<p>H. State Lands Commission Review</p> <p>Prior to issuance of a coastal development permit, the permittee shall obtain a written determination from the State Lands Commission that:</p> <ol style="list-style-type: none"> 1. No State Lands are involved in the development, or 2. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or 3. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination. 	<p>This policy is outdated and is not proposed as part of the draft LCP. The state has sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways. On tidal waterways, the state’s ownership extends landward to the mean high tide line. All state sovereign ownership lands around Batiquitos Lagoon are designated as Open Space and are not developable.</p>
304	<p>I. Master Plan Approval</p> <p>The Poinsettia Shores Master Plan as adopted by the Carlsbad City Council Ordinance No. NS-266 and certified by the California Coastal Commission is approved as the Implementing Ordinance for this Local Coastal Land Use Plan. Upon final certification by the California Coastal Commission, this portion of the Carlsbad Local Coastal Program shall be deemed certified.</p>	<p>This policy is outdated. The Coastal Commission certified the Poinsettia Shores Master Plan in 1994. Draft LCP Chapter 1 identifies Poinsettia Shores Master Plan as part of the LCP Implementation Plan.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
305	<p>1. LAND USE CATEGORIES Sub-areas (see map in back of document)</p> <p>(1) North Shore Batiquitos Lagoon (outside the wetland boundary). All non-agricultural land use and development is subject to the provisions of the Pacific Rim Master Plan as adopted by Carlsbad City Council and as approved or modified by the California Coastal Commission. No development inconsistent with the Master Plan shall be permitted. To the extent that there are inconsistencies between the Master Plan and this LCP the most restrictive requirements shall prevail.</p> <p>It is understood that Sub-Area No. 1 is part of a larger holding on the north shore owned by Hunt Properties or its successors in interest. These other contiguous properties are included in the Mello I and Mello II segments of the Carlsbad LCP. All contiguous north shore properties including the lagoon which are owned by Hunt Properties or its successors shall be the subject of a single master plan.</p> <p>(a) Land Uses Permitted Pursuant to a Master Plan Unless otherwise noted herein, uses permitted by the Master Plan shall be consistent with those allowed by the Carlsbad General Plan as adopted as of March 1, 1988. In general, the Master Plan and Carlsbad General Plan allow for a combination of residential, commercial, and open space uses. Specifically, the uses shall be as follows:</p> <ol style="list-style-type: none"> 1) Residential - the Mesa (Planning Area 30) shall be designated Residential Medium Density (RM 4-8 du/ac) but constraints to development permit a maximum of 135 du. All other residential areas subject to this LCP segment are designated Residential Low-Medium density (RLM 0-4 du/ac). 2) Commercial - Portions of Planning Areas 10 and 11 that are subject to this plan are designated Recreation Commercial (RC). In addition to the uses permitted under this designation, other uses may include restaurants. 3) Open Space - Portions of Planning Area 1, 1A, and 1B are designated Open Space (OS). In addition to uses permitted under this designation, other uses may include public and/or private golf course plus accessory uses such as clubhouse facilities. Uses in this open space area shall be designated so that there will be no significant adverse impacts on environmentally sensitive habitats. Also designated for open space is the lagoon wetland and a buffer (transition habitat Planning Areas 31A and 31B). The only uses allowed within the wetland shall be consistent with Section 30233 (Public Resources Code - See discussion in Policy C-1 below). The only uses allowed within the wetland buffer is lateral public access trail system, including signing and fencing as required consistent with the Batiquitos Lagoon Enhancement Plan prepared by the California Coastal Conservancy and/or as approved by the Coastal Commission in Coastal Development Permit No. 6-87-680. The trail shall be designed so as to, maintain and preserve sensitive wetland areas from disturbance, encroachment, human or domestic pet interference. 	<p>The area is subject to the Aviara Master Plan and has developed consistent with the master plan. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
306	<p>1. LAND USE CATEGORIES</p> <p>...</p> <p>(2) Batiquitos Lagoon</p> <p>The lagoon wetland area as determined by California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (FWS) is designated Open Space (OS) with a Special Treatment Area Overlay. The general boundaries are shown on Exhibit _____. The precise wetland boundaries as determined by the above agencies are depicted on a map on file in the Carlsbad Planning Department.</p> <p>...</p>	<p>This policy is not proposed as part of the draft LCP. The LCP Land Use map designates the site as OS consistent with this policy. The city defers to the State for the boundaries of the lagoon wetland.</p>
307	<p>1. LAND USE CATEGORIES</p> <p>...</p> <p>(3) Green Valley (approximately 280 acres)</p> <p>The area south of La Costa Avenue and west of El Camino Real is designated for a combination of uses as follows:</p> <p>(a) Riparian corridor of Encinitas Creek (approximately 40 acres) designated Open Space (OS) with a Special Treatment Overlay.</p> <p>1) Steep Slopes - Slopes 40% or greater are designated Open Space (OS) and constrained from development. Slopes 25% to 40% may also be constrained from development. (See Grading Section.)</p> <p>(b) Upland (approximately 240 acres) is designated for a combination of Residential (Medium High Density - RMH - 9-15 du/ac), Commercial (C), and Office (O) uses. The maximum height of new development shall be limited to 35 feet consistent with the Carlsbad Municipal Code. Additionally, the intensity of development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a Master Plan which is consistent with the uses allowed by the Carlsbad General Plan adopted as of March 1, 1988.</p>	<p>The area is subject to the Green Valley Master Plan and is designated by the LCP land use map as OS, residential and commercial, consistent with this policy. This policy is not proposed as part of the draft LCP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
308	<p>2. AGRICULTURE/PLANNED DEVELOPMENT</p> <p>Prior to the approval (by Carlsbad and the Coastal Commission or its successor) of a master plan for either Sub-area No. 1 (Northshore) or Sub-area No. 3 (Green Valley) the uses permitted on either Sub-area shall be consistent with those allowed by the Mello II LCP Segment Policy 2-1C (Permitted Uses on Agricultural Lands). Conversion of these non-prime agricultural lands to urban uses pursuant to the approved master plan(s) shall be consistent with the Coastal Act Section 30171.5 (Public Resources Code) which requires a mitigation fee.</p> <p>Development pursuant to the approved master plan(s) shall be consistent with the provisions of the Carlsbad Planned Community Zone with the additional requirement that all development as defined by the Coastal Act shall require approval of a Coastal Development Permit.</p>	<p>The agricultural land referred to in this policy has been converted to other uses. This policy is no longer relevant.</p>
309	<p>3. Environmentally Sensitive Habitats</p> <p>The environmentally sensitive habitats (wetlands, riparian areas, and areas greater than 25% slope) shall be preserved as open space with the following additional requirements:</p> <p>(1) Batiquitos Lagoon Special Treatment Overlay - The wetlands as defined and determined by CDFG and FWS shall be constrained from development. Pursuant to Section 30233(C) (Public Resources Code) any alteration of the wetlands shall be limited to minor incidental public facilities, restorative measures, and nature studies. Furthermore, any alteration of the wetlands must be approved by the City of Carlsbad and the Coastal Commission. The latter because it will retain Coastal Development Permit jurisdiction. In addition, any wetland alteration will require federal approval through an Army Corps of Engineers (COE) permit.</p> <p>2) Wetlands Buffer - The lagoon Special Treatment Overlay shall include a buffer area outside the wetlands boundary as mapped by CDFG and FWS. The buffer shall be of sufficient width (minimum 100 feet unless approved by the Coastal Commission or its successor as part of a Coastal Development Permit) so as to provide a transition habitat as well as provide a protective area to reduce possible disruptive impacts to the lagoon's wildlife and habitats. No development shall occur within the wetlands buffer except for the lateral public access trail described in Policy A1C above.</p> <p>...</p>	<p>Draft policies LCP-6-P.3 and LCP-6-P.8 replace this policy.</p> <p>This existing policy predates the HMP. City staff is not able to find records that specify what the “special treatment area overlay” is. It may be the description provided in this policy. In any event, the HMP is the document that guides protection of the lagoon wetland.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
310	<p>3. Environmentally Sensitive Habitats</p> <p>...</p> <p>(3) Green Valley Riparian Corridor - The riparian corridor (approximately 40 acres) shall be constrained from all development. In addition, a 50 foot wide buffer area shall be preserved in open space upland of the boundaries of the riparian corridor. Unless otherwise specified herein, development within the buffer area shall be limited to the construction of a pedestrian path with fencing and other improvements deemed necessary to protect the riparian habitat in the upper (upland) half of the buffer area. Any alteration of the riparian corridor shall be limited to the following and shall require Carlsbad approval, a Coastal Development Permit, Stream Alteration Agreement, and COEP permit:</p> <p>(a) Access - A maximum of two (2) crossings shall be permitted to provide access to the developable portions of Green Valley. The access crossings shall be designed to minimize adverse impacts to the habitat value of the riparian corridor and shall be mitigated by the creation of and maintenance of new riparian habitat at a ratio of 3 square feet of new riparian area for each 1 square foot of disturbance associated with construction of the accessways. All mitigation required shall be located onsite and contiguous with the existing riparian corridor.</p> <p>b) Flood and sediment control projects - shall be allowed adjacent to the riparian corridor provided such projects do not involve any removal of riparian habitat or diversion of non-flood water flows upon which the habitat is dependent provided there are no less environmentally damaging feasible alternatives and/or public health, safety, and welfare or protection of the lagoon is found to be a mutually exclusive higher priority.</p>	<p>This policy predates the HMP and is proposed to be replaced with draft LCP policies LCP-6-P.3 and LCP 6-P.11.</p> <p>The requirements of the HMP adequately replace the buffer and habitat protection provisions of the first paragraph and subsection (b) of the existing policy. Draft policy LCP-6-P.11 addresses the access crossings in subsection (a).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
311	<p>3. Environmentally Sensitive Habitats</p> <p>...</p> <p>(4) Steep Slopes - Slopes 40% or greater shall be constrained from development. Slopes 25% to 40% may be constrained from development. (See Grading and Erosion Control below.)</p> <p>The above environmentally sensitive areas shall be protected from any significant disruptive impacts through fee dedication of the wetlands and recordation of open space easements over the lagoon buffer and riparian corridor and recordation of open space deed restrictions over the riparian corridor buffer and constrained steep slopes. For the wetlands of Batiquitos Lagoon and the upland 100 foot wide buffer area and designated steep slope areas constrained from development north of the lagoon, recordation of such open space easements and recordation of open space deed restrictions shall be required as conditions of approval of the Pacific Rim Master Plan. For the environmentally sensitive areas of Green Valley, recordation of an open space easement over the riparian corridor and recordations of open space deed restrictions over the riparian buffer area and steep slope areas constrained from development shall be required as conditions of development at the time of review of the required Master Plan for the area under the coastal development permit process.</p>	<p>This policy predates the HMP and is proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>The requirements of the HMP adequately replace the OS easement requirements (most of which have been recorded in this segment).</p>
312	<p>4. Grading, Drainage and Erosion Control</p> <p>(1) Batiquitos Lagoon is the primary coastal resource within the subject area and warrants stringent controls on upstream development activities. Downstream impacts of possible erosion and sedimentation due to development must be limited to insignificant levels. Many slope areas on the property contain sensitive vegetation and support a variety of wildlife species. Slope areas also pose possible geologic hazards and require close development review.</p> <p>(2) Any development proposal that affects slopes 25% inclination or greater, shall be required to prepare a slope map and analysis for the affected slopes. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project as is and shall be required as a condition of a coastal development permit.</p> <p>...</p>	<p>1) Proposed to be replaced with updated policies that protect water quality (policies LCP-6-P.13 to P.29), habitat (policies LCP-6-P.1 to P.12), and address geologic hazards (policies LCP-7-P.45 to P.54).</p> <p>ii. Proposed to be replaced with draft policy LCP-7-P.46.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
313	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>(a) For those slopes mapped as possessing endangered plant/animal species and/or Coastal Sage Scrub and Chaparral plant communities, the following shall apply:</p> <ol style="list-style-type: none"> 1) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with 25% grade, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available. 2) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 20% of the total site area. 3) Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community. 	<p>3)(a) and (b) Proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
314	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(b) For all other 25% and over slope areas, the City Council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:</p> <ol style="list-style-type: none"> 1) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigable for at least 75 years, or life of structure. 2) Grading of the slope is essential to the development intent and design. 3) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas. 4) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes. 5) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs. 6) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation. <p>(c) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.</p> <p>(d) The appropriate erosion control measures shall be installed prior to onsite grading.</p> <p>(e) All undeveloped slopes shall be placed in open space easements as a condition of development.</p>	<p>3)(a) and (b) Proposed to be replaced with draft LCP policies LCP-6-P.3, LCP-7-P.46 and LCP-7-P.48 to 51. LCP-P-6.3 requires compliance with the HMP; HMP section F addresses erosion control measures to protect habitat. Policies LCP-7-P.46 and LCP-7-P.48 to 51 address development restrictions on steep slopes.</p> <p>3)(c) and (d) Proposed to be replaced with draft LCP policies LCP-6-P.2, and LCP-6-P.15 through LCP-P.6-26, which address runoff and reflect current regional and California Coastal Commission water quality protection requirements.</p> <p>3)(e) This policy is proposed to be replaced with draft LCP policy LCP-7-P.49.C.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
315	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <ol style="list-style-type: none"> 1) Submittal of a runoff control plan designated by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps, and energy dissipators and shall not be concentrated in one area or a few locations. 2) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities. 3) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any onsite grading activities. 4) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said plantings shall be accomplished under the supervision of a licensed landscape architect and shall consist of seeding, mulching, fertilization, and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles. 5) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City’s Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. 	<p>3)(f)(1)to(4) Proposed to be replaced by draft policies LCP-6-P.15 through LCP-P.6-26, which address runoff and reflect current regional and California Coastal Commission water quality protection requirements.</p> <p>3)(f)(5) Proposed to be replaced by draft policies LCP-6-P.15 and LCP-6-P.16. Note that the SUSMP and the San Diego County Hydrology Manual have been replaced by the city’s Engineering Standards Volume’s 4 & 5 (construction and post-construction BMPs).</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
316	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <p>6) Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increase in peak runoff rate.</p> <p>7) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>8) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>9) Development projects should be designed to comply with the following site design principles:</p> <p>a. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.</p> <p>b. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.</p> <p>c. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.</p> <p>d. Provide development-free buffer zones for natural water bodies.</p>	<p>3)(f)(6) Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.18, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(7) Proposed to be replaced by draft policies LCP-6-P.18, LCP-6-P.19 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(8) Proposed to be replaced by draft policies LCP-6-P.16, LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(9)a. and c. Proposed to be replaced by draft policies LCP-6-P.17 and LCP-6-P.19, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(9)b. This policy is related more to protection of natural habitat. Draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3 address this. Clustering of development is also referenced in the HMP discussion section of draft LCP Section 6.2.</p> <p>3)(f)(9)d. Buffers around wetlands are addressed by draft LCP policies LCP-6-P.1, LCP-6-P.2 and LCP-6-P.3, which require compliance with the HMP.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
317	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <p>...</p> <p>9) Development projects should be designed to comply with the following site design principles:</p> <p>...</p> <p>e. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.</p> <p>f. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.</p> <p>g. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system.</p> <p>h. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system.</p> <p>i. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>j. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>10) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and SUSMP.</p>	<p>3)(f)(9)e. and f. Proposed to be replaced by draft policy LCP-6-P.19, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(9)g. and h. These policies are proposed to be replaced with draft LCP policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with SWPPP and BMP manuals, which require protection of outdoor storage and trash areas from rainfall, run-on, runoff, and wind.</p> <p>3)(f)(9)i. Proposed to be replaced by draft policies LCP-6-P.19 and LCP-6-P.20, which reflect the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(9)j. Proposed to be replaced by draft policy LCP-6-P.19 and require compliance with the city’s BMP manual (draft policy LCP-6-P.15). Draft policy LCP-6-P.19 requires development to minimize installation of impervious surfaces; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires streets, sidewalks and parking lot isles be designed to the minimum width necessary, and to reduce or eliminate curb and gutters to allow roadway runoff to drain to adjacent pervious areas.</p> <p>3)(f)(10) Proposed to be replaced by draft policies LCP-6-P.18 and LCP-6-P.25, which reflect the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p>

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

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	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
318	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <p>...</p> <p>11) Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>12) Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <p>13) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.</p> <p>14) The City will encourage and support public outreach and education regarding the potential water quality impacts of development.</p> <p>15) Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.</p> <p>16) Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.</p>	<p>3)(f)(11) Proposed to be replaced by draft policy LCP-6-P.25, which reflects the California Coastal Commission Model Water Quality Policies. The SUSMP has been replaced by the city’s BMP manuals.</p> <p>3)(f)(12) The city’s BMP manuals, which have replaced the SUSMP, refer to the city’s MS4 permit for the list of priority projects. Draft LCP Table 6-2 incorporates the list of priority projects into the draft LCP. This policy is proposed to be replaced with the definition in draft LCP Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit. Draft LCP Table 6-2 is referenced in draft policy LCP-6-P.25.</p> <p>3)(f)(13) Proposed to be replaced by draft policy LCP-6-P.22, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(14) Proposed to be replaced by draft policy LCP-6-P.29</p> <p>3)(f)(15) Proposed to be replaced by draft policy LCP-6-P.23, which reflects the California Coastal Commission Model Water Quality Policies.</p> <p>3)(f)(16) Proposed to be replaced by draft LCP Table 6-2 and draft policy LCP-6-P.25.</p>

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

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	EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT	
319	<p>4. Grading, Drainage and Erosion Control</p> <p>...</p> <p>(3) Under the Master Plan requirements, any development shall conform to the following additional standards:</p> <p>...</p> <p>(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:</p> <p>...</p> <p>17) Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.</p> <p>18) Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.</p> <p>19) The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:</p> <p>a. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be feasible or impractical.)</p> <p>b. Addition of new development categories as Priority Projects.</p> <p>c. Addition of new coastal waters to the map of Environmentally Sensitive Areas.</p> <p>d. Reduction in the area of impervious surfaces used to designate a specific category of Priority Projects.</p> <p>20) Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	<p>3)(f)(17) Proposed to be replaced by draft policies draft LCP Table 6-2 and draft policies LCP-6-P.20, and LCP-6-P.25. See the definition in draft Table 6-2 (row 5), which is consistent with current regional requirements per the MS4 permit (i.e., residential projects that increase impervious area by 2500 sq ft or more, and are within 200 feet of an ESA, and discharge directly to an ESA, are PDPs).</p> <p>3)(f)(18) This policy is proposed to be replaced draft policy LCP-6-P.16 and require compliance with the city’s BMP manuals (draft policy LCP-6-P.15). Draft policy LCP-6-P.16 requires development be designed to minimize transport of pollutants; draft policy LCP-6-P.15 requires compliance with the city’s BMP manual, which requires all development projects “to select a landscape design and plant palette that minimizes required resources (irrigation, fertilizers and pesticides) and pollutants generated from landscape areas.”</p> <p>3)(f)(19) and (20) Proposed to be replaced by draft policy LCP-6-P.27. SUSMP is now replaced by the city’s Engineering Standards Volumes 4 and 5.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
320	<p>5. Landscaping</p> <p>In order to guard against introduction of any species which are inherently noxious to or incompatible with adjacent lagoon habitat, drought tolerant plants and native vegetation shall be used in areas of proximity to the wetland, to the maximum extent feasible.</p> <p>Landscaping adjacent to structures should provide an effective screen of urban development.</p>	<p>This existing policy is proposed to be replaced with draft LCP policy LCP-6-P.3.</p> <p>HMP Section F.3.C adequately addresses this existing policy.</p>
321	<p>6. SCENIC AND VISUAL QUALITIES</p> <p>The scenic and visual qualities of the area are of great value to the region. Again, the focal point for these qualities is Batiquitos Lagoon. The viewshed to the lagoon and from the lagoon shoreline are important resources. Many of the requirements previously established by this document address visual quality components, such as:</p> <ul style="list-style-type: none"> - setbacks; - preservation of slope areas; - preservation of lagoon and riparian habitats; - enhancement of the lagoon environments; and - controlled grading. <p>(1) In addition to these provisions, the following shall be provided to further address the important scenic and visual character of the area:</p> <p>(a) La Costa Avenue should be established as scenic corridor pursuant to the City of Carlsbad General Plan Scenic Highway Element.</p> <p>(b) Scenic corridor status shall be pursued for any public roadway to be established along a part or the entire lagoon north shore.</p> <p>(c) Existing, mature, healthy vegetation such as eucalyptus stands, shall be preserved where possible.</p> <p>(d) Offsite signing along public roadways shall be prohibited.</p> <p>(e) If a Master Plan is pursued for the property, the provisions of the City of Carlsbad Scenic Preservation Overlay Zone should be utilized where appropriate.</p> <p>(f) View points shall be established along the north and south shore areas (if and where environmentally sound and physically possible) to provide varied visual access to the lagoon.</p> <p>(g) View points should offer a mix of accessibility for pedestrian, bicycle, and motor vehicles.</p>	<p>This policy is proposed to be replaced with draft LCP Figures 5-3C, which identifies La Costa Avenue as a scenic viewing area, and draft policies LCP-5-P.22 through 31.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
322	<p>7. Public Access</p> <p>La Costa Avenue is designated a major arterial providing coastal access from inland areas to the east. Construction of La Costa Avenue to major arterial standards shall be designed so as to limit environmental impacts including a limit of maximum of four traffic lanes, with a median, and pedestrian walkways/sidewalks on only the south side of the roadway. Any road construction that involves wetlands impacts shall require a coastal development permit issued by the Coastal Commission. Wetlands impact mitigation shall be a condition of the permit.</p> <p>...</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. La Costa Avenue has been constructed.</p> <p>Policies regarding resource protection are provided in draft LCP Chapter 6.</p>
323	<p>7. Public Access</p> <p>...</p> <p>A public access trail system along the north shore of Batiquitos Lagoon with adequate trailhead public parking areas shall be required as a condition of approval for any development along the north shore pursuant to the Pacific Rim Master Plan. The trail shall be conveyed to an appropriate agency or non-profit organization (subject to Carlsbad approval) through a recorded public access easement.</p> <p>...</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. The Aviara master plan (formerly Pacific Rim) has been developed and a trail constructed per this policy and the master plan along the north shore of the lagoon.</p>
324	<p>7. Public Access</p> <p>...</p> <p>Public access along the south shore shall be provided as part of La Costa Avenue improvements. Access shall include but not be limited to a pedestrian walkway and bicycle lane along the entire south shore length covered by this LCP segment.</p> <p>...</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. A pedestrian walkway and bicycle lane exist along the entire south shore of the lagoon within Carlsbad’s jurisdiction.</p>
325	<p>7. Public Access</p> <p>...</p> <p>Lagoon accessways and overlook areas along the north shore shall be provided. The responsibility for construction and maintenance of such facilities shall be with the developer as a condition of any permit approval unless otherwise specified in the Batiquitos Lagoon Enhancement Plan (on file with the City of Carlsbad) and/or as approved by the Coastal Commission in Coastal Development Permit No. 6-87-680. Such accessways shall be preserved for public use by requiring appropriate offers of entitlement of those areas as a condition of the implementation of the Batiquitos Lagoon Enhancement Plan. The accessways shall not adversely impact environmentally sensitive habitats.</p>	<p>This policy is outdated and is not proposed as part of the draft LCP. The area on the north shore within this segment has been developed and lagoon access and overlooks have been constructed.</p> <p>Draft LCP Chapter 4 provides policies related to provision and protection of ocean and lagoon accessways.</p>

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

Row	EXISTING LCP POLICIES	HOW DRAFT LCP ADDRESSES EXISTING LCP POLICIES
EAST BATIQUITOS LAGOON/HUNT PROPERTIES SEGMENT		
326	<p>8. STATE LANDS COMMISSION REVIEW</p> <p>(1) Prior to issuance of a coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:</p> <ul style="list-style-type: none"> (a) No State lands are involved in the development, or (b) State lands are involved in the development and all permits required by the State Lands Commission have been obtained, or (c) State land may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination. 	<p>This policy is outdated and is not proposed as part of the draft LCP. The state has sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways. On tidal waterways, the state’s ownership extends landward to the mean high tide line. All state sovereign ownership lands around Batiquitos Lagoon are designated as Open Space and are not developable.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding
Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

Since 2016, community members and a group called People for Ponto have been submitting letters, emails and petitions requesting that the city develop a park in southwest Carlsbad, specifically on a privately-owned, vacant 11.3-acre site in the Ponto area referred to as “Planning Area F” of the Poinsettia Shores Master Plan, as shown below:



A. PUBLIC COMMENTS REQUESTING A PARK AT PONTO

Public comments requesting a park at Ponto state that there is a need for a park due to insufficient park and open space acreage in the southwest quadrant. Public comments also state that city staff made mistakes in the past because the Local Coastal Program (policy A.10, above) requires the city, as part of future planning efforts, 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.” The following information provides information addresses:

- Uses allowed on Ponto Planning Area F
- Requirements for a Park/Open Space at Ponto
- Need for lower cost accommodations and recreation
- Need for housing

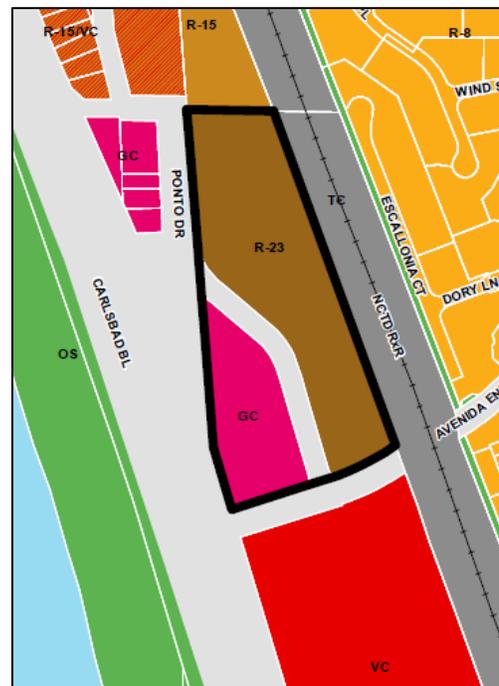
B. USES ALLOWED ON PONTO PLANNING AREA F

There are four city planning documents that guide development in the Ponto area: 1) The General Plan, which is the city’s primary long-range planning document; 2) the Local Coastal Program, which governs land in the coastal zone; 3) the Poinsettia Shores Master Plan, which identifies specific requirements for development of the subject and surrounding properties; and 4) the Ponto Beachfront Village Vision Plan, which provides additional guidance for development consistent with the Ponto area vision.

Because the Poinsettia Shores Master Plan planning area is located within the Coastal Zone, the master plan in its entirety is considered part of the Local Coastal Program (implementation plan) and therefore subject to the California Coastal Act and California Coastal Commission review.

The development potential on the site under the current General Plan and Local Coastal Program, allow for multi-family residential development (15 to 23 residential units per acre) and general commercial such as hotels, retail stores, and service businesses. In addition, under the city’s current Housing Element¹, the Ponto property was accepted by the California Department of Housing and Community Development (HCD) as a housing site that can accommodate 136 housing units for moderate income families. The importance of this will be discussed later in the report under “challenges”.

Prior to the 2015 General Plan update, Planning Area F had a General Plan and Local Coastal Program Land Use Map designation of UA (Unplanned Area) or NRR (Non-Residential Reserve). Under the master plan and Local Coastal Program, the contemplated future uses on the site include, but are not limited to commercial, residential, office, and other uses, subject to future review and approval.



The Poinsettia Shores Master Plan provides additional specificity on what and how growth can occur on the property. While the current General Plan and Local Coastal Program land use maps identify the type and level of development intensity on the site, the master plan still refers to Planning Area F as an “unplanned area.” Under the master plan, any future development occurring on the property requires that an amendment to the master plan and Local Coastal Program be processed along with a development application. This allows more scrutiny in the planning process and memorializes the ultimate development layout in the planning documents. Today, any development on the property must still comply with the requirements set forth in the General Plan and Local Coastal Program, as well as the master plan.

¹ The Housing Element is a component of the General Plan that demonstrates how the city, particularly through policies and zoning, can or will accommodate its share of the regions housing goals. Refer to the August 27, 2020 City Council hearing, agenda item #1 for more information on this topic.

C. REQUIREMENTS FOR A PARK/OPEN SPACE AT PONTO

Public Park Needs Assessment Policy

Since 2016, following the submittal of the private development project, the city received several correspondences from community members questioning whether staff complied, during the 2015 General Plan update, with an existing Local Coastal Program policy (Policy A.10 of the West Batiquitos Lagoon/Sammis Properties segment), as well as a Poinsettia Shores Master Plan policy, that requires a “public park needs assessment” for Planning Area F:

...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. [emphasis added]

It is also important to consider this policy in the context of the purpose behind the “unplanned” designation. Specifically, the policy states:

“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 and LCP 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 non-residential, however, since the City’s current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. 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. [emphasis added]

First, the General Plan and Local Coastal Program land use designations adopted in 2015 are not to be misconstrued as “development approvals” as they do not actually authorize any development on the property. The designations only identify, at a high level, the varying land uses that are allowed on the site, subject to review and approval of a development permit.

Second, the intent of the policy in question is for the city to work with a developer to determine whether lower cost visitor accommodations or recreational facilities, such as a public park, are necessary and should be included as part of the development of the site. This requirement was intended to be fulfilled as part of a private development project application. Nowhere in the policy does it require that the entire site be considered a public park.

Existing Local Coastal Program Policy A.10 did not get updated when the General Plan and Local Coastal Program Land Use Maps were updated in 2015 with the residential and commercial designations, which has led to public confusion. While this may have been an oversight, it is not a “planning mistake” as several correspondences have stated, nor does it nullify the 2015 land use designation changes. To clarify

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

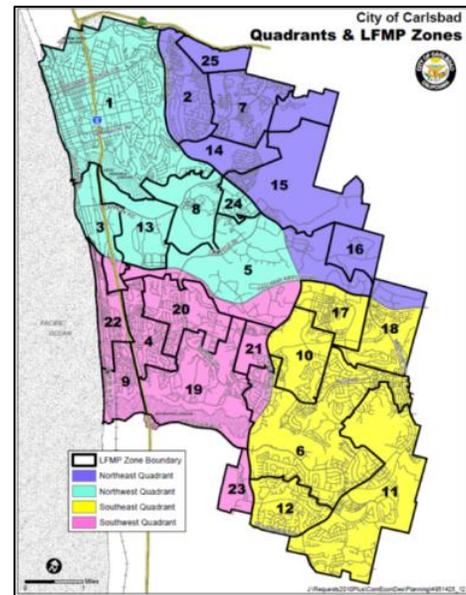
the matter, as part of the Local Coastal Program update, staff proposes to replace Policy A.10 with a policy consistent with the current land use map designations (draft policy LCP-2-P.20.A and B).

Performance Standards for City Facilities

Many of the public correspondences that the city received identified references to the California Coastal Act regarding policies on coastal recreational facilities. Additionally, comments regarding adequacy, proximity and the need for additional open space and public parks.

Carefully managing growth and development is critical to maintaining the city’s excellent quality of life. In 1986, the City Council and voters passed the Growth Management Plan (GMP), which places conditions on how growth is to occur in the city, including minimum performance standards for various public facilities, including city administrative facilities, libraries, utilities, parks, drainage, circulation, fire, open space and schools.

To ensure compliance with the standards, the city was divided into 25 Local Facilities Management Zones, known as LFMZs. Each LFMZ is required to have an adopted Local Facilities Management Plan (LFMP) that must describe how the zone will be developed, how compliance with the GMP standards will be achieved, how the necessary public facilities will be provided, and what financing mechanisms will be used for the public facilities. The Ponto area is located within the Southwest quadrant, LFMZ 9.



The Citywide Facilities and Improvements Plan (CFIP), which is a component of the GMP, is intended to make sure that the city’s basic services, or facilities, keep up with the city’s growth. The plan established standards for open space and parks and nine other types of essential city facilities.² The FY2018-19 Growth Management Plan Annual Report, which was presented to the City Council on Oct. 20, 2020 shows how the city has maintained compliance with established standards.

- Performance standard for open space

The CFIP requires that fifteen percent of the total land area in the LFMZ, exclusive of environmentally constrained non-developable land, be set aside for permanent open space and must be available concurrent with development. As reflected in prior Growth Management Plan Monitoring Reports, adequate open space has been provided to meet this performance standard.

When the Citywide Facilities and Improvements Plan was adopted in 1986, LFMZs 1 through 10 and 16 were considered to be developed or otherwise in compliance with the open space performance standard, and therefore are not subject to it. LFMZ’s 13-15 and 17-25 are the LFMZs required to comply with the open space performance standard.

² The others are city administration, wastewater treatment, library, drainage, circulation, fire, schools, sewer collection and water distribution. The plan can be found at <https://www.carlsbadca.gov/civicax/filebank/blobdownload.aspx?BlobID=24067>.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
 And Parks and Open Space in Southwest Carlsbad

In addition, the Growth Management ordinance (Ordinance No. 9808; Carlsbad Municipal Code Chapter 21.90) exempted certain projects from facility performance standards; these projects were approved or in process at the time the ordinance was adopted.

In the case of LFMZ 9, the zone boundaries coincide with the project boundaries of the Batiquitos Lagoon Educational Park Master Plan (MP 175, approved Oct. 22, 1985). Per Municipal Code Section 21.90.030(g), the City Council was authorized to determine if the facilities and improvements provided by the master plan were sufficient, subject to requirements. One requirement was restoration of a significant lagoon [Batiquitos Lagoon] and wetland resource area and dedication of property necessary for the restoration. The developer of MP 175 dedicated the necessary open space, which enabled the restoration of Batiquitos Lagoon to proceed.

Although the development planned by MP 175 was not constructed, the open space dedications were maintained and became part of the open space for the project that followed – Poinsettia Shores Master Plan (MP 175(D), approved in 1994). No additional open space was required for MP 175(D), as the previously dedicated open space had been determined to satisfy the open space need.

Per previous City Council decisions, LFMZ 9 had satisfied the need for open space prior to adoption of the open space standard, and therefore development within the zone is not required to provide the 15 percent performance standard open space.

- Performance standard for parks

The amount of park land in the southwest quadrant is consistent with longstanding city standards approved by the City Council. To date, all quadrants are in compliance with the performance standard. The city’s park performance standard is:

3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District [city quadrant] must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to August 22, 2017.

The phrase “scheduled for construction” means the park site has been selected and has been or is being acquired by the city, the improvements for the park site have been designed and a financing plan for construction of the park has been approved by the City Council (City Council Resolution No. 97-435).

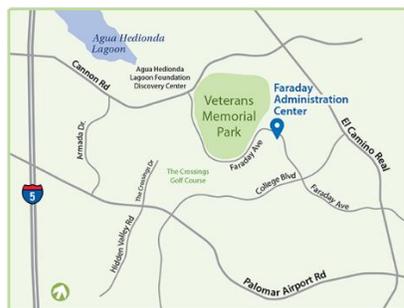
Table 1: Park Acreage Inventory

Quadrant	Existing park acreage inventory	Current park acreage needed per park standard
Northwest	105.2	91
Northeast	45.3	49.6
Southwest	70.2	77
Southeast	114.9	117.2
TOTAL	335.6	334.8

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

All quadrants, except northwest, do not currently have the amount of park acres per the park standard. Although currently in deficit of the acreage required, these quadrants are not out of compliance with the performance standard because the five-year period has not been reached. For the southwest and southeast quadrants, the five-year period began on Aug. 22, 2017 (City Council Resolution No. 2017-170). For the northeast quadrant, the FY 2017-18 Growth Management Plan Monitoring Report identified the park acreage deficit, so the five-year period began on June 30, 2018.

The completion of the Veterans Memorial Park Master Plan will address the referenced deficits in the northeast, southwest and southeast quadrants. Because of the park site's size and relatively central location, it has long been intended to help fulfill future citywide park needs. When the Citywide Facilities and Improvements Plan was approved in 1986, the acreage of Veterans Memorial Park (then known as Macario Canyon Park) acreage was specifically apportioned to all four city quadrants equally.



The Veteran's Memorial Park site is a city-owned, undeveloped property. Funding for the park's construction is identified in the city's Capital Improvement Program. Community Facilities District No. 1 was established in 1991, creating a special tax lien on vacant properties throughout the city. The purpose of Community Facilities District No. 1 was to finance the construction of specific public facilities of citywide obligation and benefit, including Veteran's Memorial Park. Therefore, consistent with the intent of the Citywide Facilities and Improvements Plan and the Community Facilities District No. 1, the 2015 General Plan Open Space, Conservation and Recreation Element credits 22.9 acres of the 91.5-acre Veteran's Memorial Park to each quadrant's future park inventory.

The master planning process for the park site commenced in December 2018, with the award of a professional services agreement and public outreach began in March 2019. The master plan is scheduled to be completed by February 2021, before the conclusion of either of the five-year periods (i.e., for the SE and SW quadrants, and for the NE quadrant). Once the master plan is adopted by the City Council, the park will be considered "scheduled for construction", and all four quadrants will be fully compliant with the performance standard.

Community members, who express a desire for a park at Ponto, disagree that Veterans Memorial Park satisfies the park standard for the southwest quadrant. However, the city's park planning is based on the park standard and the city's Citywide Facilities and Improvements Plan, which for over 30 years has specified that the Veterans Memorial Park site would count toward the required park acres for all quadrants.

D. NEED FOR LOWER COST VISITOR ACCOMMODATIONS OR RECREATIONAL FACILITIES

As stated above, policy A.10 for Planning Area F of the West Batiquitos Lagoon/Sammis Properties Local Coastal Program segment states 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.” Policy A.10 addresses Coastal Act Section 30213, which states:

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

The previous planning efforts that designated Planning Area F for residential and commercial uses (i.e., housing element updates, Ponto vision plan and General Plan update) did not specifically address policy A.10. However, significant land use analysis was conducted as part of those previous efforts:

Table 2: Previous Land Use Analysis for Ponto Planning Area F

Previous Planning Effort	Brief Description of Land Use Analysis
Two Housing Element updates 2005-2013 and 2013-2021	Involved a public process to identify sites throughout the city to accommodate the city’s share of the RHNA. Planning Area F was identified as a site needed for future housing.
Ponto Beachfront Village Vision Plan	Involved a public process to identify a land use vision for Ponto. Planning Area F was identified as a site for future housing and commercial uses.
2015 General Plan Update	Involved a comprehensive analysis of all sites throughout the city that were vacant or underutilized. The community identified the preferred use of these sites (residential and commercial) through a 19-member citizens committee, multiple workshops and a citywide survey.

The following information specifically addresses the need for lower-cost visitor accommodations or recreational facilities west of the railroad, per existing policy A.10.

- **Need for lower-cost visitor accommodations**

There is no city or state standard to determine the “need” for lower-cost visitor accommodations. Therefore, the “need” for such uses is subjective. For the following reasons, staff recommends that there is no need for additional lower-cost visitor accommodations in the Ponto area:

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

- There is a 222-space state campground (existing lower-cost visitor accommodations and recreation) along the west side of Carlsbad Boulevard directly across from the Ponto area.
- Within the Coastal Zone area of the southwest quadrant (within two miles of the Ponto area), there are nine hotels that provide 1,398 hotel rooms at a range of affordability:
 - 889 of the 1,389 hotel rooms are located west of Interstate 5
 - 302 of the 1,389 hotel rooms are economy scale (162 of which are within one mile of Ponto)
 - 231 of the 1,389 hotel rooms are midscale (within one mile of Ponto)
- In the Ponto area, the undeveloped site south of Planning Area F is designated for visitor commercial use, which provides future opportunity for additional visitor accommodations, including lower-cost accommodations. Also, just north of Planning Area F, is an undeveloped site that is designated for residential and/or visitor commercial uses.
- Future residential development on Planning Area F is required to provide 20 percent of the units at a cost affordable to lower-income households. While housing is not visitor accommodations, housing in the Coastal Zone that is affordable to lower-income households within close walking distance to the beach, does provide access to the coast for lower-income individuals and families.

Note: when the Coastal Act was enacted in 1976, Section 30213 included broad policy language requiring not only the provision of lower cost visitor and recreational facilities but also housing for persons of low and moderate income; however, at the time, regulating affordable housing at the local jurisdiction level was controversial and Section 30213 was amended to strike the affordable housing language. The original Coastal Act intended to provide lower-income persons access to the coast through housing, visitor accommodations and recreation facilities.

While there is no need for additional lower-cost accommodations in the Ponto area, there is a need for additional visitor accommodations in the city. As described in Section IV.F.3 of the Staff Report to the Planning Commission for the Local Coastal Program Update, there is unmet and projected future growth of demand for hotel rooms in Carlsbad. To help meet this demand, there are several sites in the Coastal Zone designated for future visitor commercial uses, including the Ponto area.

- **Need for recreation facilities (i.e. public park)**

The Coastal Act does not provide a standard to determine the need for recreation facilities. However, the city does have a park facility standard as described in section “B” above. Based on city standards, existing parks and the planned Veteran’s Memorial Park provide sufficient park acreage to meet the city’s park standard in all city quadrants.

In addition to city parks, there are several other recreation facilities that serve the Ponto area, including existing and future trails (see draft Local Coastal Program Land Use Plan Figure 4-2), a state

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

campground and public beach. There is also a 1.5-acre recreation facility (pool and tennis courts) that serves the San Pacifico community east of Ponto.

There is opportunity for additional recreation facilities near Ponto as part of the city's Carlsbad Boulevard realignment study. The city is currently working on the South Carlsbad Boulevard Climate Adaptation Project; the objective of the project is to develop an adaptation vision and conceptual design plan for the landward realignment and relocation of South Carlsbad Boulevard to increase resilience to sea level rise hazards and re-use of the seaward area for coastal access, recreation opportunities, natural infrastructure and habitat restoration.

Other future public recreation facilities include those identified in proposed draft policies as part of future development projects in the Ponto area:

- Draft policy LCP-2-P.20 specifies:
 - Area 1 on draft Figure 2-2C (part of Planning Area F) – the low-lying wetland area in the center of the site should be enhanced as a wetland interpretive park with a boardwalk trail across and around the wetland area.
 - Area 3 on draft Figure 2-2C – a public trail around the perimeter of the area is required
 - Area 1 and 3 on draft Figure 2-2C – development of the sites shall include public gathering plazas, and a meandering multi-use public path shall be provided on the west side of the sites
- Draft policy LCP-2-P.32.D specifies:
 - Area 6 on draft Figure 5-3 (Area 3, above) – must provide public access to views of Batiquitos Lagoon, such as a public gathering/viewing area

E. NEED FOR HOUSING

While the Coastal Act prioritizes providing public access to the coast, including access by provision of visitor accommodations and recreation, other state laws prioritize the provision of housing, in particular housing affordable to lower income households, for example:

- Regional housing needs. The state requires that local jurisdictions adopt housing elements that show how the jurisdiction can accommodate its share of the regional housing needs assessment (RHNA). The city is currently updating its housing element and the criteria to demonstrate how the city can accommodate its share of the RHNA is more difficult than in past housing element updates. For example, the city's RHNA allocation of lower income units increased. In addition, to comply with new "no net loss" requirements, the state recommends jurisdictions plan for more housing than RHNA requires, which helps ensure sufficient sites remain available for all income categories throughout the housing element planning period.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE

Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F And Parks and Open Space in Southwest Carlsbad

- Residential Density and Affordability Act (SB 166). Under the city’s current Housing Element, which covers an eight-year planning period (2013-2021) and certified by the California Department of Housing and Community Development (HCD), the Ponto property is listed as a housing site that will accommodate 136 housing units for moderate income families. Pursuant to SB166, a city cannot reduce residential density on a property without concurrently rezoning another property to make up the lost units. Furthermore, if a city approves a project that results in a density lower than the housing plan identified, it must rezone another property to make up the difference. If the city chooses to make Ponto a park, the city will have to concurrently rezone another property to make up the 136 units planned for the subject site.
- Housing Crisis Act (SB 330). In short, like SB 166, SB 330 places strict limitations on the ability for a jurisdiction to take an action that would reduce the number of planned dwelling units on a site (there can be no net loss of planned housing units), as well as other requirements to facilitate the construction of housing. The Housing Crisis Act was enacted for the following reasons:
 - Housing demand far outstrips supply and the state needs an estimated 180,000 additional homes annually to keep up with population growth
 - Consequently, existing housing has become very expensive
 - The California housing crisis:
 - Has increased poverty and homelessness
 - Has forced lower income residents into crowded and unsafe housing
 - Has forced families into moving to areas with longer commute times
 - Is exacerbated by the loss of units due to wildfires
 - Is severely impacting the economy due to difficulties securing a workforce
 - Harms the environment by increasing pressure to develop the state’s farmlands, open space, and rural interface areas; and increasing greenhouse gas emissions from longer commutes to affordable homes far from jobs

As stated above, Ponto Planning Area F has been identified, since 2005, as a site needed for future housing, and 20 percent of the homes built on the site must be affordable to lower income households. Planning Area F, as currently designated for future multifamily housing, helps the city and the state address the housing crisis and provides lower income individuals and families access to the coast. Also, a portion of Planning Area F is designated for general commercial use, which offers opportunity to provide commercial services for residents and visitors.

While existing Local Coastal Program policy (A.10, referenced above) requires the city to consider the need for lower cost visitor accommodations and recreation in the Ponto area, the city must also consider the need for other uses, such as housing, particularly affordable housing, and commercial services to serve residents and visitors.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
Information Regarding Ponto – Poinsettia Shores Master Plan Planning Area F
And Parks and Open Space in Southwest Carlsbad

Staff recommends that the need for housing on Ponto Planning Area F outweighs the need for lower cost visitor accommodations and recreation in the area. The state beach, campground, public trails, nearby hotels and other future accommodations/recreation uses in the area provide significant access and recreational opportunities for visitors and residents. Also, future housing on Ponto Planning Area F will provide additional access to the coast for lower income persons.

**LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
RESPONSE TO PUBLIC COMMENTS
[Excluding comments regarding Ponto and parks/open space in southwest Carlsbad]**

A. CHAPTER 1 - INTRODUCTION				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PURPOSE		
A-1	Sue Loftin	<p>Assumptions: The purpose of this Plan is to consolidate the various amendments to the Existing Plan into one document, the Plan;</p>		<p>The purpose of the LCP update is to:</p> <ul style="list-style-type: none"> • Ensure consistency with the Coastal Act and recent Coastal Commission guidance • Ensure consistency with the General Plan (updated in 2015) • Address current topics that affect Carlsbad, such as sea level rise <p>Consolidating the existing LCP land use plan segments into a single LCP land use plan is part of the proposed update, but is not the primary purpose of the update.</p>
IMPLEMENTATION PLAN				
A-2	Sue Loftin	<p>Assumptions: There will be no amendments or “new” Implementation Plan which means that review of the Plan would also require a review.</p>		<p>The Carlsbad Zoning Ordinance is the primary component of the LCP implementation plan. A comprehensive Zoning Ordinance update is currently being drafted to ensure consistency with the updated LCP and General Plan. The public review process for the Zoning Ordinance will begin after adoption of the LCP land use plan.</p>

A. CHAPTER 1 - INTRODUCTION			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		COASTAL PERMIT AUTHORITY	
A-3	Sue Loftin	<p>Distinction between City and Coastal permit Authority after Plan Certified.</p> <p>There is no discussion or explanation in the Plan regarding the permitting authority distinction. Pursuant to Cal. Pub. Res. Code § 30519, once the Local Coastal Program is certified and implemented, a city becomes the permit issuing body for all Coastal Development Permits including property in the “appealable area.” (The appealable area is defined as land “between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach...” Cal. Pub. Res. Code § 30603(a)).</p> <p>A City-Issued Coastal Development Permit is fully binding in the “appealable area,” unless (i) it is appealed to the Coastal Commission within 10 working days from notice of the City’s approval, (ii) for the limited grounds that “the development does not conform to the standards set forth in the certified local coastal program or the public access policies [in the Coastal Act]”, and (iii) the commission denies the permit. Cal. Pub. Res. Code § 30603.</p>	<p>Section 1.2 of the draft LCP describes city vs. Coastal Commission permit authority and when a permit can be appealed to the Coastal Commission.</p>

A. CHAPTER 1 - INTRODUCTION				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		COASTAL ZONE BOUNDARY		
A-4	Jennifer Baer	<p>I am perplexed by the actual map, also. Was the coastal corridor determined by the Coastal Commission or the city? Why is downtown Carlsbad or "The Village" not part of the coastal corridor yet neighborhoods several miles east of the coast designated as within the corridor?</p>		<p>Public Resources Code (PRC) Section 30103(a) specifically defines California's Coastal Zone as that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico depicted on maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting PRC Division 20 (the Coastal Act of 1976). PRC Section 30103(b) directed the Coastal Commission to prepare and adopt more detailed Coastal Zone Boundary (CZB) maps, which occurred March 1, 1977.</p> <p>The Coastal Zone boundary in Carlsbad was established in 1976 as part of the Coastal Act. Staff is not aware of any data that confirms why the boundary is located where it is. However, in general, the location of coastal resources, such as agriculture and sensitive habitat, as well as undeveloped areas vs. developed areas in 1976 were likely part of the process to determine where to apply the Coastal Zone boundary.</p>
A-5	Jeanette Cushman Stroh	<p>How is it that the map of the Coastal Commission map includes nothing east of the RR except for the portion of Carlsbad Village Drive, yet the LCP talks about the Village area and the plan for the Barrio?</p>		<p>See row A-4.</p> <p>Portions of the Village and Barrio areas are within the Coastal Zone. Accordingly, the LCP includes policies for development within the Village and Barrio areas of the Coastal Zone.</p>

A. CHAPTER 1 - INTRODUCTION			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		COASTAL ZONE BOUNDARY	
A-6	Lloyd Elliott	Having felt with the twits at the coastal commission before I want nothing to do with them. My place is in Sanderling. My question why so far inland? Why not use Aviara Parkway as the more natural limit?	See row A-4.
A-7	James McIntosh	I feel like we in the Camino Hills HOA were discriminated against in that the entire old Carlsbad village which is nearer to the coast and the huge industrial park and Palomar airport (see mark up below) with major environmental risks were excluded from the subject program. I am also concerned as when such a 'program' or area is designated that means additional regulations and taxes for property owners.	See row A-4. For areas outside the Coastal Zone, land uses, environmental protection and public safety are addressed by other governing documents, including the General Plan and Habitat Management Plan.
		VILLAGE FEEL	
A-8	Jeanette Cushman Stroh	CHAPTER 1. MAINTAIN THE VILLAGE FEEL The first slide shown at the informational meeting on October 29 was the Vision Statement for Carlsbad. The first icon there was “To maintain the village feel”. This goal is also stated in LCP 1.3 CARLSBAD COMMUNITY VISION where the first bullet is titled “Small Town Feel...etc.” This is a goal that I support 100%. But when I see the large and definitely “non-village” buildings go up on State St, Grand, Harding and other locations in District 1 I wonder if the Council and the Planning Commission only give this principal goal lip service. This Village Feel goal seems to be in direct conflict with the sub-bullet in the same section, “Local Economy...etc.” which states the goal of “increased specialty retail and dining opportunities”. I urge the Council and Planning Commission to keep in mind the Village Feel goal and strive to limit the incursion of more stores, and especially, restaurants into our limited Village space.	The Chapter 1 of the draft LCP references the nine core values of the Carlsbad Community Vision. One of those core values is “small town feel, beach community character and connectedness.” The comment refers to the Village; however, the core value of “small town feel” is not limited or focused on the Village. The core value does not define what “small town feel” means. During the development of the Carlsbad Community Vision, the “small town feel” value was described as a feeling – a sense of being connected to other community members, even in a city that continues to grow. While there are different opinions on what “small town feel” means, the draft LCP does not propose any policy that would intensify development in the Village, compared to what is allowed today. Draft policy LCP-2-P.18 refers to the Village and Barrio Master Plan as the guide for land use planning and design in the Village and Barrio neighborhood.

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		BARRIO		
B-1	Jeanette Cushman Stroh	<p>LCP-2 The Barrio. The LCP speaks about preserving the sense of the barrio. This does not currently seem to be the policy, with the developments that have been allowed to be constructed there. I urge the planning commission to be more watchful in the area, or the original history of Carlsbad will be wiped out as if it never existed.</p>		<p>Development in the Barrio is subject to the standards in the Village and Barrio Master Plan.</p> <p>Draft LCP policy LCP-2-P.18 states: Apply the Carlsbad Village and Barrio Master Plan as the guide for land use planning and design in the Village and Barrio neighborhoods.</p>
		VILLAGE		
B-2	Jeanette Cushman Stroh	<p>Upon reading (and re-reading) the Coastal Land Use Plan I am painfully aware that a major goal is to increase density in the Village area. I recently walked Jefferson, Madison, Roosevelt and State Streets between Grand Avenue and Laguna Drive. Each one of those streets has large, multiple story, multiple dwelling units either already under construction or in the planning stages on lots that used to have rather humble single family homes or mom and pop types of businesses on them.</p> <p>While this may be meeting some goal set by Coastal Commission, State, or City, I wonder if Carlsbad isn't shooting itself in the foot creating a sea of modern, non public, anonymous buildings in areas that were once quaint, cozy and accessible; exactly the thing that once drew visitors to our village. Gone will be the urge to meander the streets, peek over fences into gardens, poke into funky shops. Gone will be the desire to come all the way down the coast when they might as well stay in Newport Beach.</p> <p>AND, what about the Plan's stated goal of low cost housing? What about the folks displaced by the sellout of space in the Village to Development"? These are condos, not apartments being planned and constructed. One of the ominous yellow descriptive notices on a site on Madison states that the selling price will be "from \$900,000"!</p> <p>This is gentrification gone wild with no thought for the "Village Feel" or anybody earning a middle wage. Planners, City Council, and the members of the public need to take a long look at the future and see what it is they want to preserve about our Village and what it is that they are destroying.</p>		<p>The draft LCP does not address any increased density in the Village and refers to the Village and Barrio Master Plan for land use planning and design.</p> <p>Also, the draft LCP does not address or plan for affordable housing, as it is not a topic addressed by the Coastal Act.</p> <p>The city's policies on the provision of affordable housing are contained in the city's General Plan Housing Element, which is not part of the LCP.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		POWER PLANT SITE		
B-3	Jeanette Cushman Stroh	LCP-2-16 C and D Carlsbad Blvd/Agua Hedionda. I urge the city to be very, very conservative in the development that will be allowed on the power plant site. The infrastructure improvements that will have to be made to handle additional traffic pose a danger to what is now a very unique transportation lane; (Carlsbad Blvd) bordered by sea and lagoon.		<p>Any future development proposed on the power plant site will be subject to all city standards and facility requirements, as well as environmental review, including analysis of potential traffic impacts.</p> <p>Draft policy LCP-2-P.3 requires “...adequate public facilities and services are provided to accommodate the needs generated by development...”</p>
B-4	CA Parks & Rec	The Carlsbad Boulevard/ Agua Hedionda Center section (page 2-21) and Policy LCP-2-P.16 C (page 2-25) of the draft LCP refers to the decommissioning and demolition of the Encina Power Station (EPS) and the future use of the area, west of the railroad tracks as a visitor-serving commercial and open space to offer the public enhanced opportunities for coastal access and services. The Department would like to emphasize the lack of public facilities in the area and encourage improvements, infrastructure, and facilities including restrooms, rinse showers and an added pedestrian crosswalks for safe crossing to the beach in this parcel or within adjoining areas or locations.		<p>See row B-3.</p> <p>Appropriate public infrastructure and facilities on the site can be addressed as part of the required future comprehensive planning process (draft policy LCP-2-P.16.D).</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		POWER PLANT SITE		
B-5	Jim Strickland	<p>The January 28th City Council Meeting addressed the LCP. A motion was made to temporarily exclude / “pull out” three properties from the current draft LCP, the “Ponto Park”, Encina Power Plant, and “Strawberry fields”.</p> <p>Our generation, as temporary keepers of Carlsbad, could hardly create a greater legacy for future generations than to preserve these properties for the benefit and enjoyment of the people. These properties deserve special consideration. We have a golden opportunity that we must not squander. Preservationist John Muir’s favorite saying was “the greatest good for the greatest number”.</p> <p>Please exclude / “pull out” three properties, “Ponto Park”, Encina Power Plant, and “Strawberry Fields” from the current draft LCP for special consideration.</p>		<p>At its meeting on January 28, 2020, in response to public comment on an informational item (an introduction to the draft LCP), the City Council discussed the possibility of pulling the sites mentioned in the comment out of the draft LCP.</p> <p>Regarding the power plant site and the strawberry fields (45-acre parcel at northeast corner of I-5 and Cannon Road), the draft LCP includes policies consistent with the 2015 General Plan, including a requirement for future comprehensive planning (e.g., specific plan) for each site. The comprehensive planning required by the LCP will provide the community with the opportunity to focus on site-specific planning, design and land uses.</p> <p>Regarding the comment about a park at Ponto, see Attachment 6 to the Planning Commission Staff report for the draft LCP Land Use Plan.</p>
B-6	Kathy Steindlberger	<p>POWER PLANT AND STRAWBERRY FIELDS AND PONTO The people of Carlsbad feel very strongly about these sites. The public should be included in the plans to determine any change in land use and zoning. If you involve the public in the beginning and during the development of these plans instead of at the back end when the plans are already prepared in draft form, (as your “public outreach”) you would save staff’s time and taxpayer money on plans (and on consultants that prepare these plans) that the public does not have a voice in.</p>		See row B-5.

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		POWER PLANT SITE		
B-7	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	<p>The comment recommends that after the power plant is decommissioned, the site should transition to residential with some commercial.</p> <p>There is very limited residential capacity, within the Growth Management dwelling limits, to allow a residential use on the power plant site.</p> <p>As part of the General Plan update, which included a citizens committee and significant community outreach, the power plant was designated for visitor-commercial use with publicly accessible open space.</p> <p>The draft LCP includes policies consistent with the General Plan designation for this site.</p>
		Operational	Scheduled to be decommissioned: Transition Zoning to RD-M/to RD-M/C-L; to R-T, etc.	
STRAWBERRY FIELDS (45-ACRE PARCEL ADJACENT TO FREEWAY)				
B-8	North County Advocates	<p>LCP-2-P. 27 identifies a future Specific Plan (SP) for the 45 acre parcel zoned Visitor Serving Commercial along Agua Hedionda Lagoon adjacent to I-5. The LCP should provide a framework for content and process of developing this future SP. This was the site of the Caruso shopping center proposal that generated huge community opposition and remains a high priority concern. Further clarity on what would and would not be allowed and how this will be refined will provide some assurances to the community that this same proposal will not be repeated.</p>		<p>A specific plan for the referenced site will be required to be consistent with the land use policies of the General Plan and draft LCP, which designate this site for commercial use (visitor/tourist).</p> <p>The specific plan process will determine the specific uses and design requirements, provided they are consistent with the General Plan and LCP land use designations.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		STRAWBERRY FIELDS (45-ACRE PARCEL ADJACENT TO FREEWAY)		
B-9	Jim Strickland	See row B-5.		See row B-5.
B-10	Sierra Club	LCP-2-P. 27 identifies a future Specific Plan (SP) for the 45-acre parcel zoned Visitor Serving Commercial along Agua Hedionda Lagoon adjacent to the 1-5 freeway. The LCP should provide a framework for this future SP, including what would and would not be allowed.		See row B-8.
B-11	Kathy Steindlberger	See row B-6.		See row B-6.
B-12	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	<p>The comment recommends that the site (strawberry fields 45-acre parcel at I-5 and Cannon) should transition to residential, agriculture and commercial uses.</p> <p>There is very limited residential capacity within the Growth Management dwelling limits for the northwest quadrant, which limits the ability to allow a residential use on the site.</p> <p>Agriculture is a permitted use and can remain; however, the site has been designated for commercial use (travel recreation commercial) since the 1980s.</p> <p>The draft LCP includes a proposal to change the LCP land use designation from Travel Services (TS) to Visitor Commercial (VC), see row B-13.</p>
		Agricultural use	Transition zoning from Ag to Residential/Ag to RD-M/Ag to RD-M/C-L; Ag. To R-T, etc.	

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		
		STRAWBERRY FIELDS (45-ACRE PARCEL ADJACENT TO FREEWAY)		
		RESPONSE		
B-13	Vickey Syage	<p>I am very concerned with the new LCP’s use of Visitor Commercial (VC) as a land use designation throughout the LCP document, a change from the old Travel Recreation (TR) designation.</p> <p>The City of Carlsbad, in the recent past, has argued to the Coastal Commission that these two terms were “synonymous” and that the change was “not substantive.” They are not, as you can see by the attached memo dated April 6, 2016 sent by the City of Carlsbad Planning Department to then City Manager, Kevin Crawford. The memo demonstrates that there are HUGE differences in the land use designations, and outlines those differences very clearly and very definitively in plain English.</p> <p>The VC land designation wipes away the intentions set by the citizens of Carlsbad in the Proposition D voter initiative passed in 2006. Any new land designation MUST retain the definitions, limitations, and intentions of that voter initiative. Anything less is a complete overstep by the City of Carlsbad and another misrepresentation to the Coastal Commission.</p> <p>This LCP may NOT override the will of the Carlsbad voters.</p> <p>Please ensure the VC land use definitions in the LCP are in line with the intentions of Proposition D. Malls (such as the Carlsbad Forum or Carlsbad Premium Outlet Mall) and large hotels are not (see attached letter page 2). Neither is the “Addition of “visitor-attracting/serving retail” and “cinemas and other entertainment” (attached letter page 2). Residential use (attached letter page 3) is specifically prohibited by Proposition D. The list goes on. As mentioned the opening paragraph of this email, the April 6, 2016 letter does a very good job of outlining the differences in the two land use designations in plain, simple English. Please ensure that the original land use definition of TR remains, regardless of what the new LCP renames it, and that the current City of Carlsbad land use definition of VC is stricken from the Proposition D properties covered by this LCP.</p>		<p>Regarding Proposition D, the site is not part of the lands that are subject to Proposition D. While the site is currently part of the strawberry fields, it is not required to remain as an agriculture or open space use, as the strawberry fields to the east of the site are, per Proposition D.</p> <p>The site is currently designated by the existing LCP (Agua Hedionda Segment) as TS – Travel Services and is subject to this policy:</p> <p>“The 45-acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.”</p> <p>The draft LCP update proposes to change the land use designation title from TS to VC (Visitor Commercial); however, the intent of the designation remains a commercial designation that serves visitors. The draft LCP describes the proposed VC designation as:</p> <p>“This designation is intended to provide sites for commercial uses that serve the travel, retail, shopping, entertainment, and recreation needs of visitors, tourists and residents.”</p> <p>The specific uses that will be permitted on the property will be determined when a specific plan is approved for the site, per draft LCP policy LCP-2-P.27.</p> <p>The comment references a TR designation and a memo dated April 6, 2016. The TR designation and memo pertain to the 2015 General Plan update.</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		FLOWER FIELDS		
B-14	Batiqitos Lagoon Foundation	Existing	BLF Requested Change	<p>The comment recommends that the Flower Fields should transition to residential, agriculture and commercial uses.</p> <p>The Flower Fields are required to remain in agriculture use (per Carlsbad Ranch Specific Plan).</p> <p>Draft policy LCP-5-P.10.D specifies that the Flower Fields shall not convert to non-agricultural uses.</p>
		Agricultural use	Transition zoning from Ag to Residential/Ag to RD-M/Ag to RD-M/C-L; Ag. To R-T, etc.	
		CANNON ROAD OPEN SPACE, FARMING AND PUBLIC USE CORRIDOR		
B-15	CB Ranch Enterprises	<p>1. Chapter 2.5 land Use Policies. Sections LCP-2-10 to LCP-2-15 set forth the land use policies for the Cannon Road Open Space, Farming and, and Public Use Corridor, largely repeating the General Plan policies 2-P.62 to 2-P.68. However the draft LCPA does not include General Plan policies 2-P.66 & 67 which specifically provide for the creation of an overlay zoning, with a public process, which provides more detail in permitted uses and land use regulations applicable to the area. Inclusion in the LCPA, or a statement that such processes have been followed and adopted, is critically important to assure consistency with the actions taken by the Carlsbad City Council (and approved by the Coastal Commission) with the LCPA, and avoid future ambiguity.</p>		<p>The comment is correct, draft policies LCP-2-P.10 to P.15 are consistent with the Carlsbad General Plan land use policies for the Cannon Road Open Space, Farming and Public Use Corridor.</p> <p>As noted in the comment two policies from the General Plan (2-P.67 and 2-P.68) are not included in the draft LCP because they have been implemented by the city:</p> <ul style="list-style-type: none"> • 2-P.67 addresses the creation of a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone. • 2-P.68 requires a public planning process to accomplish the goals, and policies related to the corridor. <p>In response to the comment, staff recommends adding additional information and a policy to draft LCP Chapter 2.</p> <p>In draft LCP Section 2.4, revise the last paragraph of the description of the Cannon Road Open Space, Farming and Public Use Corridor, as follows:</p>

B. CHAPTER 2 – LAND USE			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		FLOWER FIELDS	
B-15, cont.	CB Ranch Enterprises		<p>“Following voter approval of Proposition D, the <u>city conducted a public planning process that occurred from November 2007 through June 2008, which resulted in the report titled “Creating a Community Vision for the Cannon Road Agriculture and Open Space (Prop D) Lands Final Report September 23, 2008.”</u> This community vision was used to create <u>City Council adopted the Cannon Road Agricultural/and Open Space Zone, which establishes the permitted uses and standards for the corridor. to implement the proposition. In 2017, the Coastal Commission approved the Cannon Road Agricultural/Open Space Zone as part of the Local Coastal Program Implementation Plan (implementing the Open Space land use designation).</u> However, the Coastal Commission’s approval applied the zone only to the <u>area of the corridor located south of Cannon Road. To fully implement Proposition D, the city will need to seek Coastal Commission approval to apply the Cannon Road Agricultural/Open Space Zone to the area of the corridor located north of Cannon Road. The new zone will become effective when the associated Local Coastal Program amendment is approved by the California Coastal Commission.”</u></p> <p>Add a new “Cannon Road Open Space, Farming, and Public Use Corridor” policy:</p> <p><u>Seek approval from the Coastal Commission to apply the Cannon Road Agricultural/Open Space Zone to the area of the corridor located north of Cannon Road.</u></p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PONTO/SOUTHERN WATERFRONT		
B-16	Batiqitos Lagoon Foundation	Draft Policy LCP-2-P.20.D Existing	BLF Requested Change	<p>As stated in the comment, draft policy LCP-2-P.20.D states that the existing desilting basin “may” be maintained on the site. This reflects a carry-forward of the language in the existing LCP. Existing West Batiqitos Lagoon/Sammis Properties LCP segment policy A.13 states that a desilting basin may be constructed; the existing policy refers to the open space designation of the site and the allowed use/activities. A desilting basin was considered an allowable use on the open space site.</p> <p>A desilting basin was constructed on the site, per a condition of approval of the subdivision map that created the subject parcel. The condition of approval requires maintenance of the desilting basin. Therefore, in response to the comment, staff recommends revising draft policy LCP-2-P.20.D.3, as follows:</p> <p>LCP-2-P.20 ... D. Area 4, as shown on Figure 2-2C ... 3. The existing desilting basin may<u>shall</u> be maintained on the site.</p>
		Indicates the silting basin “may be maintained on the site.”	Change the wording to “the silting basin to “shall be maintained on the site.”	

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PONTO/SOUTHERN WATERFRONT		
B-17	People for Ponto	<p>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.</p>		<p>Draft policy LCP-2-P.20 proposes policies to guide the design of future development in the Ponto area consistent with the Ponto Beachfront Village Vision Plan.</p> <p>The 40-foot setback is not for resource protection or protection of adjacent uses from a hazard or nuisance. The setback is for aesthetic and recreational purposes, as stated in policy LCP-2-P.20, a meandering multi-use public path shall be provided within the landscape setback.</p> <p>The draft LCP policy provides the city with the flexibility to reduce the setback based on site constraints that will be determined during the city’s discretionary review of a development proposal.</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PONTO/SOUTHERN WATERFRONT		
B-18	People for Ponto	<p>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 Batiquitos Lagoon’s adjoining steep sensitive habitat slopes directly connect along the Bluff-top. Batiquitos 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.</p>		<p>Draft policy LCP-2-P.20 provides site design guidance consistent with the Ponto Beachfront Village Vision Plan. It is not the only policy applicable to development on the property. Policies in draft Chapters 6 and 7 address requirements for habitat protection and hazards, including geologic hazards.</p> <p>Also, the Poinsettia Shores Master Plan requires a 40-foot setback from the railroad.</p>
B-19	People for Ponto	<p>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.</p>		<p>Draft policy LCP-2-P.20 proposes policies to guide the design of future development in the Ponto area consistent with the Ponto Beachfront Village Vision Plan. Additional setbacks from the railroad or other areas can be required by the city during discretionary review of a development proposal.</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MANZANO PROPERTY		
B-20	CA Parks & Rec	<p>Policy LCP-2-P.28 (page 2-30) of the draft LCP proposes to ensure that development of the state-owned property (located between the railroad and Carlsbad Boulevard, north of Palomar Airport Road and south of Manzano Drive) protects coastal resources and enhances opportunities for public recreation and access to the coast, including public parking. The Department supports these goals and proposes adding a planning effort with the City to redesign the Palomar Airport/Carlsbad Boulevard interchange to provide more opportunities for habitat restoration, coastal access, recreational opportunities, and visitor serving amenities in this area.</p>		<p>Draft LCP Policy LCP-3-P.12 addresses the suggested redesign of Palomar Airport Rd/Carlsbad Blvd. intersection. The intersection is part of the Carlsbad Blvd. corridor and policy LCP-3-P.12 states that the city policy is to work with the CA Dept. of Parks and Rec. to enhance recreation, public access, visitor-commercial services, and activity in the Carlsbad Blvd. corridor.</p>
		NONCONFORMING USES		
B-21	Sue Loftin	<p>The City’s “Land Use” advance policy document does not adequately include the impact on Nonconforming Uses. If a use of property in the Coastal zone has been permitted by a variance or special use permit, or similar approval mechanism, the rights of the owners of the land and improvements is not addressed. This may be addressed in the Implementation Plan or General Plan, but pursuant to LCP-2-P.6., this Plan prevails if there is an inconsistency.</p>		<p>Draft LCP policy LCP-2-P.6 pertains to conflicts between the LCP land use plan and the General Plan, not the LCP implementation plan (Zoning Ordinance).</p> <p>Provisions for nonconforming uses are addressed in the Zoning Ordinance, which is a component of the LCP (implementation plan). Draft policy LCP-2-P.6 does not apply to the Zoning Ordinance.</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CONFLICT WITH STATE HOUSING MANDATE		
B-22	Sue Loftin	<p>Required Additional Housing by locality imposes additional housing unit requirements. The Plan is unclear if it limits the construction of new housing in the coastal areas, particularly those areas west of the most westerly primary road, in the case Highway 101; if it limits the reconstruction of housing if permitted by a variance, special use permit or similar permit and/or is now inconsistent with the general plan and zoning designations adopted subsequent to development; if it limits the reconstruction of housing westerly of Highway 101 if 50% or more of structure is destroyed. "Housing" as used above means single family residential; however, the same issues apply to multi-family housing and commercial uses. <i>See, also</i>, LCP-3-P.-15; LCP-3-P.-16.</p>		<p>The draft LCP does not preclude construction of new housing where residential uses are allowed. The draft LCP does identify policies to protect coastal resources consistent with the Coastal Act, which may limit the developable area of a particular property.</p> <p>The draft policies referenced (LCP-3-P.15 and 3-P.16) pertain to visitor-serving uses and do not limit the development of housing on sites designated for residential use.</p> <p>The comment may have intended to refer to draft policies LCP-7-P.15 and 7-P.16, which prohibit construction on bluff faces and limit improvements to nonconforming structures if the improvement would increase a hazardous condition related to sea level rise. These policies, however, do not preclude construction of housing; the policies limit developable area.</p>

B. CHAPTER 2 – LAND USE				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PROPERTY RIGHTS		
B-23	Sue Loftin	<p>Land Use Policies. General Policies provide preferences and limitations on individual property rights without a lack of balance between individual property rights and the goals of preservation of the coastline and related uses. Additionally, each of the specified “Special Planning Considerations” and the related “Land Use Policies”, section 2.5, pp. 2-23 through 2-30 are objectionable, in part, for the same reasons as specified in these Comments <i>supra and prior</i>. The United States Supreme Court applied the unconstitutional conditions doctrine in the land-use context in <i>Nollan, supra</i>, 483 U.S. 825, and <i>Dolan v. City of Tigard</i> (1994) 512 U.S. 374. These cases hold that the takings clause allows the government to take a property interest as a condition of permit approval, but only if the condition bears an essential nexus and "rough proportionality" to adverse impacts caused by the proposed project. (<i>Nollan, supra</i>, 483 U.S. at p. 837 [requiring an "essential nexus" between a permit condition and the adverse impacts caused by the proposed project]; <i>Dolan, supra</i>, 512 U.S. at p. 391 [requiring "rough proportionality"].) Otherwise, the condition is unconstitutional. (<i>Dolan</i>, at p. 385.) <i>See</i>, LCP.-3P.-16 through LCP-3-P.21, inclusive.</p>		<p>The land use policies in draft LCP Chapter 2 guide future development consistent with the California Coastal Act and the Carlsbad General Plan. The policies are applied on a case by case basis, as applicable. Proposed development is evaluated for consistency with applicable policies and laws, including laws that protect property rights.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SHORT TERM VACATION RENTALS	
C-1	Sean De Gruchy	<p>I have lived in Carlsbad for nearly 23 years and currently live in the gated community of Harbor Pointe which, unfortunately, falls under the remit of the Coastal Commission and as such I am experiencing, first hand, the extremely negative effects that one of the Commissions policies are having on our neighborhood.</p> <p>The allowance by them of Short Term Vacation Rentals in our city is probably one of the most socially detrimental policies I've ever had the misfortune to encounter. Within the last 3 years one person has purchased TWO homes within 75 feet of my house and turned them in to full time STVR's - or hotels as I more accurately call them because that is what they have now become.</p> <p>The owner of these homes does not live in our neighborhood and does not care about our neighborhood but is merely manipulating our neighborhood - with the full support of the coastal commission - to line their own pockets. Further, although they are in fact breaking at least one of the rules (that of running a business from your home) that pertains to our CC&R's they are allowed to do so because the coastal commission, to keep STVR's in their corridor, has run roughshod over the CC&R's of our community. I would add that there is much information available that demonstrates running a STVR type situation has been proven by law to be counted as running a business as opposed to being the landlord of a normal long term rental which is not.</p> <p>I have seen in 3 short years two families with young children who were very valued members of our community move away, not to be replaced with new families that would have been equally eager to immerse themselves in the daily goings on in Harbor Pointe but by two STVR hotels, one that is licensed to house 7 people & one 9 people . So instead of having some great new neighbors to acquaint ourselves with each week we have upward of 64 strangers (16 people @ avg 2 night stay) driving on our streets, using all our facilities and generally treating our home like a glorified Best Western resort.</p> <p>I would like to add that on our street alone we have close to a dozen children under the age of 16 - some as young as 4 years old. To rent an STVR requires no background checks whatsoever so, potentially, the children in our neighborhood could well be exposed to ex murderers, rapists & pedophiles on a daily basis ...</p>	<p>The draft LCP does not specifically address short-term vacation rentals (STVRs). Draft LCP Chapter 3 includes policies that support and protect visitor accommodations, consistent with the Coastal Act. While STVRs may be considered visitor accommodations, draft LCP Chapter 3 does not identify STVRs as part of the city's inventory of visitor accommodations for purposes of the policies in the draft LCP. However, the comment is correct in that the Coastal Commission has historically not supported any local ban of STVRs because doing so unduly limits public recreational access opportunities inconsistent with the Coastal Act.</p> <p>In Carlsbad, STVRs are regulated by Carlsbad Municipal Code Chapter 5.60, which is not part of the city's LCP. Currently, Chapter 5.60 allows STVRs within the Coastal Zone, but bans them outside the Coastal Zone. Any proposal to limit STVRs in the Coastal Zone would require an amendment to the LCP and would be subject to Coastal Commission approval.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SHORT TERM VACATION RENTALS		
C-1, cont.	Sean De Gruchy	<p>...without our knowing. Please explain to me how this can be a good thing? This is as opposed to if the homes were rented to long term tenants whereby any self respecting landlord would do employment, financial & criminal background checks before renting to them. To rent an STVR all you need do is set up an account which takes about 5 minutes and you're set - no checks whatsoever.</p> <p>Further the Commission appears to ignore all common sense & hard fact and instead mindlessly repeats the mantra " to provide affordable lodging for visitors to enjoy the beach ". This mantra is nonsensical and here is why:</p> <p>According to the "Visit Carlsbad" website there are 44 hotels in Carlsbad. The average hotel has 115 rooms (the Legoland hotel actually has 250 rooms & Cape Rey 150 just as two examples so I'm being exceptionally generous with my average figure of 115. With more hotels being built as we speak the number of rooms available in our area will only increase).</p> <p>So within the city of Carlsbad there are, probably many more than but at least 5060 beds available for visitors daily and with the average occupancy rate of a hotel at 62.2% (according to the Hotel Industry Statistics) nearly 1670 of those beds are empty on any given night. All within a few minutes drive to the beach. The average hotel room costs \$125.00 per night according to the hotel industry, much lower than many of the STVR's in Carlsbad that are located within the coastal zone.</p> <p>With the above being said I would very much like an explanation as to how the commission continues to fall back on their invalid line " to provide affordable lodging for visitors to enjoy the beach " when it's plainly obvious there are more than enough hotel beds at competitive prices to house any visitors to the city. It appears the Coastal Commission does not care about those of us that actually make the coastal zone our home, chooses to ignore facts that demonstrate their mantra is illogical and inaccurate and whose aim no Carlsbad resident can work out because their behavior and actions are so blatantly anti social and destructive to the harmonious life we all want.</p>		See above.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SHORT TERM VACATION RENTALS		
C-2	Jennifer Baer	<p>I have lived in Harbor Pointe for almost 22 years. We are an older, gated community just east of Hwy 5 in South Carlsbad. We have always enjoyed rather a "throw back" atmosphere in our community with cul de sac pot lucks, 4th of July parades and holiday decorating contests. I am very concerned as I see this slipping away with the appearance of STVR homes in our neighborhood. Two of these homes are on the same street which is now plagued with speeding cars, multiple cars competing for the same limited parking, rowdy parties at our pool, etc. Our community is already challenged with keeping our gates in working condition, our pool and spa clean and safe and our streets in acceptable condition. We are having to increase dues yearly to maintain our neighborhood. With the double or even triple number of people in a STVR property obviously this becomes even more of a challenge.</p> <p>I would like the city to permit HOA's to make the decision to either permit or restrict STVR's in their community. It is an over reach of the Coastal Commission to mandate that communities cannot include a STVR restriction in their CC&R's. There are 2 Motel 6's within a few miles of my house with daily rates of less than \$100 so the "low cost visitor accommodation" argument doesn't pertain to Carlsbad.</p>		See row C-1.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SHORT TERM VACATION RENTALS		
C-3	Dianne Boldt	<p>Within the last three years, one individual/investor has turned two homes on my street into full-time STVR's - or hotels (as this is what they have now become.) The owner of these STVR's is in violation of our CC&R's--running a business from your home. Running an STVR is, in essence, running a business. Yet they are allowed to do so, because the Coastal Commission supports and permits such violations. In addition to being in violation of existing CC&R's, the allowance of aforementioned STVR's is having a negative impact on my neighborhood. Two families and valued neighbors have moved away because of the nuisance created by the two STVR hotels, one that is licensed to house seven individuals & one licensed to house nine individuals. The individuals who <i>own</i> the STVR's, exploit the "neighborhood" that we have slowly, and purposefully created over the years. The individuals who <i>rent</i> these STVR's thoughtlessly litter, speed down our streets, use and abuse our facilities (pool), and generally treat our neighborhood like a glorified Best Western.</p> <p>...</p> <p>It appears the Coastal Commission does not care about those of us that actually make the coastal zone our home, but rather supports violation of existing CC&R's and destruction of neighborhoods.</p>		See row C-1.
C-4	North County Advocates	<p>Short term vacation rentals have had a huge impact on coastal neighborhoods and have resulted in converting residential units to visitor accommodations. These impacts, and how this will be managed over time should be discussed with some specific policy framework provided.</p>		See row C-1.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		VISITOR ACCOMMODATIONS		
C-5	Jeanette Cushman Stroh	<p>CHAPTER 3. RECREATION AND VISITOR SERVING USES I am in favor of preserving and enhancing current visitor accommodations and attractions in Carlsbad. What I do not understand is the need to attract ever more people to our limited spaces. Chapter 3 of the LCP spends a lot of time cataloguing current hotel spaces and their prices and sets the goal of providing more spaces, and at economy prices. Aside from what seems to me to be a silly and futile goal of coercing hotel/motel owners to keep their prices down, I question the effort and need to continually encourage more and more visitors. There is a finite number of square feet on our beaches, sidewalks, and parking spaces and there comes a point when you just can't stuff one more body or car into those spaces. I would urge city planners to move slowly and deliberately in this area. Overcrowding in the long run will turn away visitors rather than attract them. We need our spaces to be managed carefully.</p>		<p>The draft LCP policies related to lower cost visitor accommodations are included in the LCP pursuant to Coastal Commission guidance.</p> <p>As stated in the California Coastal Commission staff report, dated October 26, 2016, "...the Coastal Act requires public access to be protected, provided, and maximized for all. Section 30213 specifically requires lower cost visitor and recreational facilities to be protected, encouraged, and where feasible, provided. This helps ensure maximum public access because without lower cost visitor serving facilities, members of the public with low or moderate incomes would be more limited in their ability to access and recreate at the coast, as compared to others who may be able to afford to pay more to access and use coastal facilities..."</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		VISITOR ACCOMMODATIONS	
C-6	Lance Schulte	<p>The proposed LCPA approach to protect existing ‘economy hotels’ but not ‘Low-cost Visitor Accommodations’ appears inappropriate. Existing hotel owners providing ‘Economy’ rooms are penalized while all other more expensive ‘non-economy hotel’ owners are not required to mitigate for their not providing more affordable accommodations. It seems like a fairer and rational approach is to use the same framework as the City’s inclusionary affordable housing requirements and have the requirement and burden of providing affordable accommodations required by all visitor accommodation providers, including short-term rentals of residential homes. Use of any per accommodation “in-lieu fee” should be SUFFICIENT TO FULLY MITIGATE for not providing a required affordable accommodation by being sufficient to fully fund a new ‘affordable accommodation’ on a one-for one basis. City Transit Occupancy Tax revenues could also potentially be used to provide a catch-up method for existing “non-low-cost and/or non-economy accommodation providers” to address what would nominally be their inclusionary contribution. It seems like the LCPA approach needs significant rethinking to provide a rational program to include reasonable long-term and sustainable affordability in visitor accommodation’s, particularly give the Sea Level Rise and Coastal Bluff Erosion impacts on Carlsbad’s Only “Low-cost Visitor Accommodations” and the State Campground and beaches and Carlsbad’s Coastal access roadways.</p>	<p>The draft Local Coastal Program Land Use Plan includes a draft policy (LCP-3-P.21) that requires new development that results in a loss of existing lower-cost accommodations to mitigate the loss at a 1:1 ratio. This draft policy was included in the draft plan in an effort to address Coastal Commission staff’s recommended policies. However, after further consideration of the concerns outlined in staff report to the Planning Commission, and in response to public comments, staff recommends deleting draft policy LCP-3-P.21. Also, staff recommends combining draft policies LCP-3-P.14 and LCP-3-P.19 as follows:</p> <p>“Protect, encourage, and, where feasible, provide <u>for development of new (and retention of existing)- lower-cost visitor-overnight accommodations</u> and recreation facilities, <u>such as through regulatory incentives (e.g., development standards modifications). Consider amenities that reduce the cost of stay when evaluating the affordability of any new or redeveloped overnight visitor accommodations;</u> and encourage and support developments that provide public recreational opportunities within the Coastal Zone [related to Coastal Act Section 30213].”</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		VISITOR ACCOMMODATIONS	
C-7	Sue Loftin	<p>The goal of the policies of this chapter [is to] protect the inventory of economy scale hotels,... See, LCP.-3P.-14 through LCP-3-P.21, inclusive. The impact of these policies to the existing economy scale hotels as identified on Table 3-1 is a partial regulatory taking of those properties by requiring those hotels maintain the annual average daily rate for economy scale hotels in that it down zones and spot down zones those properties; impacts the current and future value of the properties; due to price fixing for room rates; the ability to renovate and update those properties is limited potentially creating a financial inability to update and modernize with new technology, e.g. solar; and the “mitigation” provision provided is financially meaningless. The “mitigation” offered in exchange for the right to upgrade these properties and be permitted to increase room rates to pay for those upgrades or to demolish the existing facility and replace it with a new facility is to purchase land in the coastal area, obtain permits, pay all governmental costs, construction costs, etc., and limit the rental rate to that of an economy scale hotel is financially impossible, even assuming the real property could be located. This is a regulatory imposition of rent control for these existing properties. Fortunately, under the recent U.S. Supreme Court decision, a case for a constitutional violations including without limitation, taking (including a “partial” taking by governmental action); violation of due process, is no actionable by direct recourse to the federal courts without being imperiled by the costs, delays and other obstacles of having to first file in state court.</p> <p>The impact of these policies negatively affects the visitor housing opportunities for the middle income households who often use the time-share opportunities. A flat prohibition of time-shares or other limited-use overnight accommodations removes this category of midscale and upper midscale inventory from development thereby negatively impacting middle and lower-middle income households from using this type of accommodation which is utilized by families. There is no analyze of the usage of this category of accommodations by income level or persons, e.g. families. See, LCP-3-P.17.</p> <p>Both of these restrictions, violate Coastal Act section 30213 which states [T]he commission shall not ... (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands.... See, p.3.3</p>	See row C-6

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		VISITOR ACCOMMODATIONS		
C-8	North County Advocates	The LCP does not clearly document that the amount of low cost visitor accommodations will increase in proportion to the need. Since 222 of these low cost units are in the state campground that is at risk, there should be policy that ensures full replacement of those units.		Section 30213 of the Coastal Act requires lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. The Coastal Act does not require that cities maintain a certain number of lower cost visitor facilities or accommodations. Consistent with the Coastal Act, the draft LCP includes policies to protect and encourage such facilities and designates lands where such facilities could be developed. The draft LCP does not propose to maintain a specific number of lower cost facilities, as the Coastal Act does not require the city to do so.
C-9	North County Advocates	Specific policies need to be in place that ensure protection of at least a 2% increase in low cost units, or growth proportionate to any overall growth in visitor accommodations.		See row C-8.
C-10	North County Advocates	LCP-P.18 allows for counting some hotels in adjacent cities as part of low cost visitor accommodations. Since those cities of course will also be counting the units in their city to address their requirements for low cost units this clearly could result in multiple credits for the same unit. If there is to be sharing of low cost unit credits between cities (which would be a good thing to consider) then the mechanism for doing so should be specified.		Draft policy LCP-3-P.18 defines “lower-cost” accommodations and refers to Smith Travel Research (STR) “economy” hotel segment to determine the “lower-cost” rate for Carlsbad. To determine an annual average daily “economy” rate, the STR search tool requires a minimum number of hotels from the STR “economy” segment be within the defined search area. If Carlsbad’s Coastal Zone does not contain the required number of STR “economy” hotels, draft policy LCP-3-P.18 allows the search/market area to be expanded, to the extent necessary, to include “economy” hotels in Carlsbad outside the Coastal Zone and the nearest “economy” hotels in adjacent cities. As stated, this is only for purposes of utilizing STR to defining “lower-cost” accommodations for Carlsbad’s market area. The draft policy does not count lower-cost hotels in adjacent cities as part of Carlsbad’s inventory of lower-cost accommodations.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		VISITOR ACCOMMODATIONS		
C-11	North County Advocates	LCP-3-P.21 might require higher than a 1:1 replacement in order to achieve the 2% annual increase in demand.		See row C-8. The draft LCP estimates a 2 percent annual increase in demand for hotel rooms. This information supports designating land to accommodate development of additional hotels; however, as stated in the draft LCP, the actual number of hotel rooms that are ultimately built will depend on future market conditions and the amount of land the city decides to designate for hotel uses. The draft LCP does not propose a requirement for the city to meet the entire demand for future hotel rooms. There is limited developable land in the city and city decision-makers must balance the demand for numerous land uses, including housing, commercial services, recreation, open space, etc.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		VISITOR ACCOMMODATIONS	
C-12	Carlsbad Chamber of Commerce	<p>Regarding Policy LCP – 3.P.21, we object to the requirement that any “new development and redevelopment proposals that propose to remove, replace or remodel existing ‘lower-cost’ accommodations to mitigate the loss of any ‘lower-cost’ accommodations with new lower-cost visitor accommodations at a 1:1 ratio...” The four properties specifically named in Table 3-1 as “Economy” will be effectively condemned by this policy if it goes forward. No provision is made for the current or future property owners to get out of the hospitality business altogether on these properties, if they so desire. Under this policy, if they wanted to use these properties for anything else, they would be forced to replace these units on a 1:1 basis within the Coastal Zone. These onerous restrictions severely limit property owner rights.</p> <p>As such, we humbly request that Policy LCP - 3.P.21 be deleted from Carlsbad’s Draft Local Coastal Program as proposed. If this is not supported by staff, we request that wording be amended at the minimum to allow existing property owners to exit the hospitality business if desired and only require the “lower-cost” accommodations if the property is remodeled/redeveloped to continue its use as a hotel.</p>	See row C-6

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		TIMESHARES	
C-13	Carlsbad Chamber of Commerce	<p>The Carlsbad Chamber of Commerce has 1,100+ members making us the largest in north county and the second largest Chamber in San Diego County. Many of our members are employed in the hospitality and tourism industry, which is the largest industry sector in North San Diego County and brings in nearly \$29 million dollars a year in transit occupancy taxes (TOT) to Carlsbad on annual basis. It is safe to say this industry contributes a significant amount of revenue into the City treasury, which adds significantly to the many and varied services offered the community and provides a high-level of quality of life to those who live, work, learn and visit here.</p> <p>Many of our hospitality industry properties offer both hotel accommodations as well as timeshares, fractional ownership, residence clubs and hotel-condo opportunities. These complementary uses within hotel and resort properties provide additional rooms for transient occupants (in addition to owners), generating incremental TOT and contributing to the overall tourism industry in the region. As such, it is critically important that this industry not be categorically disallowed the ability to offer such amenities within the draft Coastal Plan as outlined in Policy LCP - 3.P.17, which states “Prohibit new timeshares or other limited-use overnight accommodations on land designated as Visitor Commercial (VC) on Local Coastal Program land-use map”. Rather, we strongly believe that these forms of accommodations be evaluated on a case by case basis and not prohibited outright.</p> <p>We strongly believe there is no justification for the prohibition for the future development of these types of accommodations which are enjoyed by many visitors to the City, and surprisingly, to residents on “staycations”. We understand the staff of the Coastal Commission is very supportive of the development of affordable visitor accommodations, but this policy will do nothing to encourage the development of affordable accommodations, while prohibiting the development of a very popular visitor accommodation...</p>	<p>As the comment states, draft policy LCP-3-P.17 prohibits new timeshares and limited-use overnight accommodations. This policy was proposed in response to Coastal Commission’s history of not supporting such uses due to the perception that such uses are residential (due to the ownership aspect) and limit general public access to the coast.</p> <p>In response to this comment and other similar comments, staff proposes to revise the draft policy, as shown below, and allow timeshares and limited-use overnight accommodations, subject to criteria (the criteria are based on the criteria supported by the Coastal Commission in other coastal cities).</p> <p>Proposed revision to draft policy LCP-3-P.17:</p> <p>Prohibit new<u>On land designated Visitor Commercial (VC) on the Local Coastal Program land use map, timeshares or other</u> limited-use overnight accommodations, <u>such as timeshares, shall be subject to the following: on land designated as Visitor Commercial (VC) on the Local Coastal Program land use map-</u></p> <p><u>A. At least twenty-five (25%) percent of the units within any given facility shall be made available each day for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).</u></p> <p><u>B. The timeshare facility shall operate in the same manner as a hotel, including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.</u></p> <p>...</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		TIMESHARES	
C-13, cont.	Carlsbad Chamber of Commerce	...As such, we humbly request that Policy LCP - 3.P.17 be deleted from Carlsbad’s Draft Local Coastal Program as proposed. If this is not supported by staff, we request that wording allowing such accommodations to be considered on a case-by-case basis, based on the justifications provided in the comprehensive plans submitted by applicants.	<u>C. No person shall occupy any unit or units within a given facility for more than sixty (60) days per calendar year and no more than thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).</u>
C-14	Grand Pacific Resorts	<p>We have reviewed the proposed changes to the LCP ordinance and concur with staff’s recommendation with one exception; we do not support the position that timeshare projects should be prohibited within the Visitor Commercial designation of the General Plan. Specifically, we object to Policy LCP-3-P.17...</p> <p>...</p> <p>We understand that the reason for this proposed prohibition is that timeshare is thought to limit the use of Coastal resources to a select few who own the timeshare product at a specific location.</p> <p>Historically, the time share product sold to the consumer, limited the use of the product to a specific unit and a specific week(s) of the year. This resulted in a timeshare owner using a specific unit for a set week of the year. In the end, each unit in a project could be limited to a maximum of 52 families in any given year.</p> <p>The time share industry has evolved and changed over the years. The product offerings now accommodate more people than a standard hotel room accommodates over any given period of time, with minimal exceptions. Additionally, the time share product tends to fall into the affordable segment of the tourism market, and is explained in more detail below.</p> <p>...</p> <p>The time share product can be a key component to a community’s development mix. As discussed, time share usage has evolved over the years and certainly meets the intent and requirements of the Coastal Act. ...</p>	See row C-13.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		TIMESHARES	
C-14, cont.	Grand Pacific Resorts	<p>...Going forward, we would urge staff to conduct an in-depth study to determine what limitations, if any, should be established. Some, but not all, considerations in their study could include:</p> <ol style="list-style-type: none"> 1. Size of site and the number of units proposed. 2. Should other real estate components other than time share, such as hotel or retail be considered in a development plan (assuming size will allow other components). 3. Should a time share development be required to establish an active rental program that targets the transient market. 	See row C-13.
C-15	Phil Wolfgramm	<p>We own Special Planning Subarea 3 as depicted in Figure 2-2c – Special Planning Areas – Ponto/Southern Waterfront B.</p> <p>After reviewing the Draft LCP Land Use Plan, we have the following comments:</p> <ol style="list-style-type: none"> 1. Section 3.4 – Recreation and Visitor-Serving Uses Policies. <ol style="list-style-type: none"> a. LCP-3-.17 – Please consider, if timeshares or other limited-use overnight accommodations on land designated as VC will not be allowed, allowing for the use of a “condominium” regime as part of the luxury hotel, that allows the owner of a condominium unit so approved, to occupy their units for up to six months of the year, and then the remaining 6 months, the “condo” units are to be managed by the resort hotel, or other third party manager, and offered to the public for overnight stays as a TOT generating hotel unit. This is a typical condo-hotel structure in the luxury hotel space. 	See row C-13.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-16	CA Parks & Rec	<p>Section 3.2 Coastal Recreation (page 3-5) of the draft LCP suggests that the City has a high proportion of dedicated open space land in the LCP area. While the City has added considerable open space in more inland portions of the LCP, the southern coastal portion of the LCP area has very little open space other than Department-owned land (South Carlsbad State Beach) and the land adjacent to the estuaries. The City should consider expanding open space zoning in the southwestern portion of the LCP area. Additional open space in this area will not only support the local community's recreational needs but could also provide for future coastal access, recreation, and camping as the shoreline progresses eastward.</p>	<p>The comment suggests the city needs to designate more open space in the southwest portion of the city. New open space is created concurrent with development. The following information describes how the southwest quadrant of the city meets the city's Growth Management Open Space standard, which is:</p> <p>“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.”</p> <p>The open space standard has been satisfied in all LFMZs, except LFMZ 22, as described below.</p> <p>In 1986, when the OS standard was adopted, LFMZs 1 through 10, and 16 were considered to be already developed or in compliance with the open space standard; and therefore, the OS standard does not apply in those LFMZs.</p> <p>In addition, Ordinance No. 9808 provided exemptions from the OS standard, and all other Growth Management performance standards, for a number of projects that were approved and/or in process at that time.</p> <p>The comment refers to open space in the southwest portion of the city. LFMZs in the city's southwest quadrant include a portion of zones 3, 5 and 6, and all of zones 4, 9, 19, 20, 21, 22, and 23. All LFMZs, except zone 22 have met the open space standard. Future development projects in zone 22 must provide open space in compliance with the performance standard.</p> <p>LFMZ 9 applies to the most southwest area of the city – between I-5 and the coast and between Batiquitos Lagoon and Poinsettia Lane. As noted above, LFMZ 9 is exempt from the OS standard, as the open space required/dedicated prior to 1986 was deemed to have satisfied the OS standard. [Continued below]</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		RECREATION AND VISITOR-SERVING USES		
C-16, cont.	CA Parks & Rec	See above.		<p>[Continued from above]</p> <p>The zone 9 boundaries coincide with the project boundaries of the Batiquitos Lagoon Educational Park Master Plan (MP 175, approved in 1985), which was exempted from growth management by Section 21.90.030(g) of Ordinance No. 9808. In anticipation of future construction, the developer of MP 175 dedicated the open space required by 21.90.030(g). Although MP 175 was never constructed, these open space dedications were maintained and became part of the open space for the project that followed, the Poinsettia Shores Master Plan, and are the basis for how LFMZ 9 (southwest portion of the city) complies with the open space standard.</p> <p>Regarding adequacy of park land (recreational open space), see row C-24, below.</p>
C-17	CA Parks & Rec	<p>Policy LCP-3-P.4 (page 3-17) proposes that the City work collaboratively with the Department to maximize public recreation. The Department is supportive of this statement and would like to work collaboratively with the City and the California Coastal Commission to develop and implement an adaptation plan to maintain public access facilities (such as, staircases, campsites, and maintenance facilities) within the LCP.</p>		<p>Comment is appreciated.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-18	CA Parks & Rec	<p>Policy LCP-3-P.12 (page 3-18) proposes that the City will work with the Department to enhance recreation, public access, visitor-commercial services, and activity in the Carlsbad Boulevard coastal corridor. The Department would request further clarification of what the City considers "visitor-commercial services" and "activity". The Department supports the principal objectives listed in this policy: improving coastal access for all, conserving coastal resources, and addressing threats to the campground from bluff erosion and sea level rise. With those objectives in mind, the Department would encourage the City to allow room for managed retreat of the campground in order to protect the area's lower-cost overnight accommodations.</p>	<p>In response to this comment, staff recommends revising draft Policy LCP-3-P.12 to clarify the intent, as shown below. Regarding managed retreat, draft Policy LCP-3-P.12 supports working with the state to address threats to the campground from sea level rise, which includes opportunities for the campground to retreat inland. In fact, the city is currently studying sea level rise impacts to and adaptation strategies for Carlsbad Blvd. from Palomar Airport Road to the southern city boundary. This study area includes the campground and may identify opportunities to move the campground inland.</p> <p>Proposed revisions to policy LCP-3-P.12:</p> <p>“Work with the California Department of Parks and Recreation to enhance <u>public access and</u> recreation, public access, visitor-commercial services, and activity in along the Carlsbad Boulevard coastal corridor. Principal objectives should be to create additional recreational opportunities, <u>public waterfront amenities and services (e.g., restrooms and showers), including as well as</u> modernization and expansion of the campgrounds to serve as lower-cost visitor and recreational facilities; improve coastal access for all; conserve coastal resources; and enhance public safety, including addressing threats to the campground from bluff erosion and sea level rise (see Chapter 7 for policies regarding seal level rise hazards).”</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-19	Lance Schulte	<p>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.</p>	<p>Regarding the proportion of land in the city dedicated to open space, 38 percent of the city is dedicated open space – see the Open Space Map on the city’s website: https://www.carlsbadca.gov/services/depts/parks</p> <p>Regarding the amount of visitor accommodations and recreation in Carlsbad. The Coastal Act does not specify a standard or minimum requirement. For recreation, the city does have a park standard and that standard is satisfied by the existing and future planned park facilities. For more information about visitor accommodations and recreation, see the Staff Report to the Planning Commission for the Local Coastal Program Update.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-20	Lance Schulte	<p>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.</p>	<p>Page 3-5 of the draft Local Coastal Program Land Use Plan describes coastal recreation in Carlsbad, including beaches and lagoons. While the beaches and lagoons are natural open space areas with sensitive habitat, they also provide recreation. The beaches are open to the public for recreational use; and as described in the draft plan, all three lagoons provide recreational opportunities.</p>
C-21	Lance Schulte	<p>Projected increases in California, San Diego County and Carlsbad population and visitor growth increases the demand for High-Priority-Coastal Recreation land use:</p> <p>a. 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 ...</p>	<p>See rows C-19 and C-22</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-21 cont.	Lance Schulte	<p>[cont. from above]</p> <p>...</p> <p>2040 4,163,688</p> <p>2050 4,384,867 = 57,700 Citizens per mile of San Diego County coastline</p> <p>2020 to 2050 = 24% increase in San Diego County population.</p> <p>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.</p> <p>b. Increasing Visitor demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:</p> <p>Yearly Visitors to San Diego County – source: <i>San Diego Tourism Authority; San Diego Travel Forecast, Dec, 2017</i></p> <p>2016 34,900,000</p> <p>2017 34,900,000</p> <p>2018 35,300,000</p> <p>2019 35,900,000</p> <p>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</p> <p>2021 37,100,000</p> <p>2022 37,700,000</p> <p>...</p>	See rows C-19 and C-22

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-21 cont.	Lance Schulte	<p>[cont. from above]</p> <p>...</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>c. 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.</p>	See rows C-19 and C-22

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-22	Lance Schulte	<p>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:</p> <p>a. 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:</p> <p>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.”;</p> <p>ii. Section 30213 “... Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...”;</p> <p>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.”</p> <p>iv. Section 30223 “Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible” ,</p> <p>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”</p> <p>...</p>	<p>The draft Local Coastal Program Land Use Plan does not plan a year 2050 buildout. Buildout is addressed in Chapter 3 in the context of future buildout of planned land uses and the estimated population at buildout (whenever that may be) and how many acres of parks will be needed to serve the future population.</p> <p>The year 2050 is addressed only in the context of sea level rise. The Carlsbad Sea Level Rise Vulnerability Assessment identifies areas vulnerable to sea level rise hazards in years 2050 and 2100.</p> <p>Regarding land for visitor accommodations and recreation, see row C-19, above.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RECREATION AND VISITOR-SERVING USES	
C-22 cont.	Lance Schulte	[Cont. from above] ... 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.	See above.
C-23	Lance Schulte	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 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.	See row C-19, above

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		AMOUNT OF PARK LAND	
C-24	North County Advocates	The figures make it clear that the city does not have adequate park lands, particularly in the southern portions of the coastal zone. Furthermore, there are no existing and only one planned park west of I-5. The SLR vulnerability assessment makes it clear that substantial coastal land will be lost, yet there is nothing in the LCP to plan for replacing the recreational value of that loss.	<p>Regarding sea level rise, the draft LCP recognizes that additional study and plans need to be developed to address future sea level rise impacts on vulnerable assets and resources. However, those detailed plans have not yet been developed and will be part of future adaptation plans. The draft LCP land use plan is not a detailed adaptation plan; rather, it establishes the broad policies to guide the city in future actions.</p> <p>Draft policy LCP-7-P.29 identifies the need to develop sea level rise adaptation plans that identify how development, resources, and other vulnerable assets can adapt to sea level rise impacts.</p> <p>Regarding the comment about adequate park lands, see Attachment 5 of the Staff Report to the Planning Commission for the Local Coastal Program Update.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		AMOUNT OF PARK LAND	
C-25	North County Advocates	<p>The GMP performance standard for open space is: “Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for open space and must be available concurrent with development.”</p> <p>The CFIP specifies that this 15% open space performance standard applies to all LFMZ’s. These performance standards set forth the required level of facilities, such as open space, the City must guarantee as Carlsbad continues to grow.</p> <p>The CFIP states that environmentally constrained non-developable land includes “beaches, wetlands, floodways, other water bodies, riparian and woodland habitats,... slopes greater than twenty-five (25) percent, major roadways, railroad tracks and major power line easements.” Thus, these types of constrained lands cannot be counted towards the 15% open space requirement.</p> <p>We have expressed our concerns about the failure to meet the open space performance standard for each LFMZ, and for not considering access/proximity to a park with the last update of the General Plan and with several projects.</p> <p>This proposed LCP fails to address this requirement within the Coastal Zone and in fact has not even mentioned this key performance standard or integrated it into the proposed policies. Please include further information about how the loss of recreational value from the loss of coastal resources will be addressed in a way that ensures compliance with this key performance standard, meets the stated goals for the LCP, and addresses recreational access for both residents and visitors.</p>	<p>The comment incorrectly states that the Citywide Facilities and Improvements Plan (CFIP) applies the open space standard to all LFMZs. The LFMZ specifically states:</p> <p>“The preceding map highlights those areas of the city which will be required to comply with the open space performance standard [the map highlights areas subject to LFMZs 11 – 15 and 17 – 25]. The other areas of the city are already developed or meet or exceed the requirement. Local Facility Management Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 16 already meet the standard while Zones 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, and 25 must detail in their local plan how they will meet this standard.”</p> <p>See row C-16, for more information regarding the open space standard.</p> <p>Regarding the request to include the open space standard in the LCP, the city’s open space standard is part of the Growth Management Program, which is not part of the Local Coastal Program (LCP). The purpose of the LCP is to ensure local consistency with the Coastal Act; the Coastal Act does not require a minimum amount of open space; the Coastal Act addresses the need to protect natural and recreational resources, which are categories of open space in Carlsbad. The draft LCP policies that protect natural resources and address recreation are consistent with Coastal Act requirements.</p>

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		AMOUNT OF PARK LAND		
C-26	North County Advocates	LCP-3-P.10 emphasis the use of Veteran’s Park to meet future park requirements. This continues to ignore the need for access to local parks and for ensuring that all neighborhoods (and visitors) have access to park land. Distance to a park matters- and is a key factor in reducing GHG as part of land use/transportation planning.		Regarding the amount park lands, see Attachment 5 of the Staff Report to the Planning Commission for the Local Coastal Program Update. The city’s park standard is not based on distance. In addition, the Coastal Act does not specify a park standard or requirement based on distance to a park.
C-27	People for Ponto	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.		Regarding the amount park lands, see Attachment 5 of the Staff Report to the Planning Commission for the Local Coastal Program Update.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		AMOUNT OF PARK LAND	
C-28	Sierra Club	<p>The LCP has not adequately evaluated or proposed any action to mitigate inequity in access to recreation in the coastal zone. The number, size and location of parks and open space in the coastal zone is key to addressing the recreational needs of residents and visitors. The City has Growth Management Plan performance standards related to parks and open space, but has exempted many Local Facilities Management Zones (LFMZ) in the coastal zone from meeting these requirements. Furthermore, the city has no guidelines for proximity to/access to a park. Many other cities have specific requirements for access to parks within both walkability and drivability zones. The figures showing existing and planned parks make it clear that much of the coastal zone does not have reasonable walkability access to a park. This is of particular concern for LFMZ 9 where there was a prior requirement to consider the use of this land for recreation that has not been addressed.</p>	See rows C-16, C-24, C-25 and C-26.

C. CHAPTER 3 – RECREATION AND VISITOR SERVING USES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		DOG BEACH		
C-29	Robert O'Donnell	<p>I wonder what it would take to get a vote on a Carlsbad Dog Beach?</p> <p>We certainly have our fair share of beachline here in Carlsbad. More than most I reckon.</p>		<p>The California Department of Parks & Recreation owns and manages most of the beaches in Carlsbad. Carlsbad North Beach is owned by the coastal property owners along that stretch.</p> <p>In order for a dog beach to be considered the California Department of Parks & Recreation and/or private owners must consent to this use. Currently, per state code and the Carlsbad Municipal Code, dogs are not allowed on beaches within the city. Instead, off leash dogs are welcome at the Ann D. L'Heureux Memorial Dog Park and the Alga Norte Dog Park. Leashed dogs are also allowed on citywide trails and portions of the Agua Hedionda Lagoon shoreline.</p> <p>California State Parks Information on Dogs https://www.parks.ca.gov/Dogs</p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES		
D-1	Mike Colvin	<p>There are two issues I see that I think Carlsbad needs to address.</p> <p>1. One is our lack of a coherent and safe pedestrian/bicycle lane network. What we have is disjointed, inconsistent and unsafe. We need a fully connected network of lanes physically blocked from vehicle traffic. People are started to use E-bikes but our bike lanes are woefully inadequate. Every year bicycle riders are killed by cars in Carlsbad.</p> <p>I know there are problems achieving this with fire lanes, cost etc., but the way the world is going with global warming etc. we need to get out of our cars and use other modes of transportation. This won't happen until there is a safe way to do it. Look at Bend OR as an example.</p>		<p>Draft LCP Chapter 4 identifies how the public accesses the coast via pedestrian accessways, trails, bikeways, and vehicular access.</p> <p>Draft policy LCP-4-P.30 requires that all public streets are designed to safely accommodate pedestrians and cyclists. All public accessways – pedestrian, trails, bikeways, and roadways – are designed to be safe per city standards.</p> <p>Regarding the comment about disjointed and inconsistent bikeways, the draft LCP recognizes this and identifies (Figure 4-4) where future bikeways are planned to improve connectivity. Draft policy LCP-4-P.24 requires trail and bikeway connectivity be improved through construction of new trails and bikeways.</p>
D-2	Mike Colvin	<p>2. Our roads are overwhelmed by our growing population especially at our freeway on-ramps, particularly access to Hwy 78. We need to address our traffic needs by improving roads. There are known ways to do this:</p> <ul style="list-style-type: none"> -Smart traffic lights. -The ability to turn left on green lights without an arrow. -Right turn pockets at intersections where cars get held up. -Bridges or grade separations for intersections so traffic doesn't have to stop. -Ped bridges to over traffic to keep traffic moving. 		<p>The comment identifies specific examples of ways to improve vehicular traffic. The draft LCP does not address specific traffic management techniques; such techniques are identified during the design of roadway improvements.</p> <p>The draft LCP does identify policies that address the general design and function of streets. In particular, draft policies LCP-4-P.28 through P.36 address livable streets and connectivity – with a primary objective of ensuring streets provide a safe, balanced, multi-modal transportation system for vehicles, pedestrians, bikes and transit.</p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES		
D-3	Jeanette Cushman Stroh	LCP-4-6 Livable Streets. What is the future plan for Ocean Street?		<p>In the context of the draft LCP, the primary objective regarding Ocean Street is to improve and maintain the existing vertical pedestrian accessways from Ocean Street to the beach. Draft LCP Figure 4-1A identifies eight vertical beach accessways off of Ocean Street.</p> <p>Plans for specific street improvements, if any, would be addressed by the city’s Capital Improvement Plan (CIP), which is not part of the LCP.</p>
D-4	Joe Sardina	<p>After reading thru the draft, I have some confusion / questions. While I went thru the entire document, I must admit that I skimmed some sections so I apologize if I just missed some things. I'm also thinking it is in part due to maps showing the RR tracks in the wrong location. See Fig's 4-2 or 4-3 for instance. The tracks are shown east of the existing Rail Trail, east of Long Place and sort of running thru the middle of the condo complex where I live. Are there no plans to give pedestrian or bike access to the beach from east of the RR tracks besides the current crossing on Carlsbad Village Dr., Tamarack and Cannon? Are there no plans for additional pedestrian crossings for Carlsbad Blvd (PCH) between Tamarack and Cannon, especially where the new trails along Aqua Hedionda will come out?</p>		<p>The location of the railroad is shown incorrectly on some graphics and will be corrected.</p> <p>The draft LCP does not identify specific improvement projects. Draft policy LCP-4-P.36 supports working with other agencies to identify opportunities for improved connections, such as across the railroad tracks and Carlsbad Boulevard.</p> <p>The city’s Pedestrian Master Plan and Bike Master Plan identify recommended pedestrian and bikeway improvements. The city’s Capital Improvement Plan identifies planned improvements.</p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES		
D-5	Marina Santoro	<p>We own a home in Carlsbad directly off of Carlsbad Blvd (5285 Shore Dr). ...</p> <p>Living along the boulevard gives us a front row seat to the constant ONGOING traffic especially during the tourist seasons and daily "Rush Hour" traffic in the mornings and evenings. Our concerns [with reverse parking on Carlsbad Blvd] are regarding the potential for:</p> <ol style="list-style-type: none"> 1. Traffic jams and driver frustrations trying to back into a spot while the car behind them is also having to try and back up to provide space due to the NON smooth flow of traffic. ... 2. Backing into a spot can be difficult for many people especially the elderly. Multiple attempts may need to be made and perhaps many scratched or hit cars will result. 3. Many people like to park their car facing towards the ocean so they can enjoy the views from their own vehicles. Reverse parking will cheapen the enjoyment of the atmosphere. 4. I realize that one thought is that unloading items from a car parked in reverse is easier but with the buffer zone of a bike lane/pedestrian path, it seems like a little common sense when unloading items should go a long way. 5. If one of the goals is to provide MORE parking spaces as compared to parallel parking, regular front angled parking should be sufficient. 6. Please watch this video of the frustration that business owners have had with customers driving off due to the inability to park with ease: https://youtu.be/j2qzRiNT3Fw 		<p>The draft LCP does not address the specific design of on-street parking. In regard to parking, the objective of the draft LCP is to establish policies that ensure public parking/access is available along the coast. Draft policies LCP-4-P.37 through P.40 are policies related to parking.</p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES		
D-6	Tom White	<p>La Costa Downs Sub-division is located adjacent to Sea Pointe Resort. My concern when the city make coastal improvement that there is adequate parking and the speed limit is addressed.</p> <p>La Costa Downs consist of homes on Surfside Lane and Franciscan Road, it is the only none HOA community between Poinsettia Lane and Palomar Airport Road. The roads listed are owned by the city and resident do not have control of parking like the HOA communities. Hopefully when coastal improvements are made it will not result in pushing excessive parking onto these two streets.</p> <p>City of Carlsbad has address speed limits in the village through to Palomar Airport Road, 35 miles per hour or less. The City of Encinitas has also address this issue from La Costa Avenue south on the 101 highway, 35 miles or less. Between Palomar Airport Road and La Costa Avenue 50 miles per hour is the speed limit. Does the City of Carlsbad have any plans to reduce speed on this stretch of Carlsbad Blvd?</p>		<p>Regarding parking, draft policy LCP-4-P.39 requires new development to provide adequate parking consistent with city standards.</p> <p>Regarding speed limits, the draft LCP does not address this topic. Information can be found on the city’s website page for Public Works (Streets and Traffic). https://carlsbadca.gov/services/depts/pw</p>
D-7	CA Parks & Rec	<p>In Section 4.3 Active Transportation Access, the draft LCP depicts a Class I bike path through the South Carlsbad State Beach Campground (Figure 4-4, page 4-27). The Department supports alternative forms of transportation and outdoor recreation; however, any public bike path would need to be located or designed so bicycle and/or pedestrian traffic does not significantly impact the campground visitor experience or disrupt public safety operations. The path may be more appropriate on the eastern edge of the campground with some opportunities for ocean views where appropriate.</p>		<p>The bike path, as identified in the city’s Bike Master Plan, is intended to be located within the Carlsbad Boulevard right-of-way, not within the campground. Draft LCP Figure 4-4 is proposed to be modified to more clearly show the correct location.</p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES		
D-8	North County Advocates	The discussion of vehicular access fails to discuss TDM and efforts to shift mode share from single occupant vehicles to alternative transportation. Please add.		<p>Draft LCP Chapter 4 is focused on how the public can access the coast – pedestrians, bicyclists, vehicles and transit. The draft LCP description of vehicle access (Section 4.4) is intended to simply identify the primary means of vehicle access to the coast. Draft Section 4.6 addresses livable streets, which addresses expansion of non-automotive modes of travel to provide public access to the coast through a variety of transportation modes.</p> <p>In the context of public access to the coast, TDM (transportation demand management) strategies can help to improve access by reducing demand for parking. TDM strategies are intended to reduce the demand to drive, thereby reducing the demand for parking, which, in the Coastal Zone, increases parking availability and access to the coast.</p> <p>In response to the comment, a description of TDM and the following policy are recommended to be added to draft LCP Chapter 4 in the context of reducing demand for parking.</p> <p>New “Parking” policy:</p> <p><u>Support transportation demand management (TDM) strategies to reduce parking demand related to single-occupancy vehicle trips and to promote walking, biking, transit use, carpooling, etc.</u></p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	
		MOBILITY – STREETS, PARKING, PEDESTRIAN AND BICYCLE FACILITIES	
		RESPONSE	
D-9	North County Advocates	The discussion on parking seems to emphasize providing more and does not address the role of easily available free parking on GHG. Parking pricing is one key way to reduce auto use. The discussion of parking needs to discuss pricing and how parking will be integrated with overall efforts to reduce VMT and resultant GHG.	Draft LCP Chapter 4 addresses public access to the coast, as required by the Coastal Act, not measures to reduce GHG. Requiring a fee for public parking could limit access to the coast and conflict with the Coastal Act. The TDM methods that the city implements must be evaluated to ensure consistency with the Coastal Act. See row D-8, regarding TDM and reducing parking demand.
D-10	Sierra Club	The adopted Parking Plan includes policies and actions that are entirely in the coastal zone. Please provide further discussion about how the LCP has integrated this parking study.	<p>Draft LCP Chapter 4, Section 4.4, refers to the results of the parking study related to number of parking spaces and capacity to meet demand.</p> <p>The parking study/plan is currently integrated into the city’s LCP as part of the Village and Barrio Master Plan, which is part of the city’s LCP.</p> <p>In response to the comment, the following policy is recommended to be added to apply the Village and Barrio Master Plan parking management strategies, which include incorporation of the parking study/plan.</p> <p>New “Parking” policy:</p> <p><u>Apply the Village and Barrio Master Plan for additional policies and provisions related to parking management strategies in the master plan area.</u></p>

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC BEACH ACCESS		
D-11	Jeanette Cushman Stroh	LCP-4-5 Lateral Pedestrian Access along the coast. It would be wonderful for once and for all to define property owners' rights along city beach front. I know my deed reads “mean high tide” but what are my rights? The LCP states “lateral access easements allow public access ACROSS these private properties”. Does that mean cross my property but don’t sit on it? Would that were so! And along those lines:		Portions of the beach from Oak Avenue to the Oceanside border (Carlsbad North Beach) is owned by the coastal property owners. The beach areas that are privately owned are open to the public via public easements.
		LCP-4-19 No curfews allowed for beach access. How does this mesh with the city ordinance that prohibits sleeping overnight?		Draft policy LCP-4-P.19 prohibits closures or curfews of public beaches. The comment refers to a city ordinance that prohibits overnight camping/parking on city streets and highways. This camping/parking limitation does not close public access to the beach.
CARLSBAD BLVD				
D-12	Kenneth Barnett	<p>The LCP plan mentions the potential eastward movement of the road plus a possible linear park. We at Solamar are in agreement that an eastward movement of the road is necessary because of rising sea levels, erosion, etc. One of the speakers at the meeting mentioned the rocks that are thrown onto the road during extreme high tides and storm surge. There are obviously many ways to accomplish this necessary task, and we at Solamar want to be sure that we are able to offer our input. According to Gary, we are still down the line in terms of planning and implementation, behind the Terramar community, which now has a plan in place, and the Tamarack intersection.</p> <p>My question for you is whether you have any recent information about the timeline for the area west of Solamar, including the likely timing of public input meetings. Solamar residents hope to influence the project in a positive way on the issues of number and elevation of traffic lanes, roundabouts, beach access, preservation of the unique center median area, etc.</p>		<p>Regarding the Carlsbad Boulevard realignment project, that project is currently on hold.</p> <p>In 2019, to support the city’s efforts to evaluate the realignment of Carlsbad Boulevard and the analysis of sea level rise impacts and adaptation, the city applied for and was awarded a Climate Ready grant from the State Coastal Conservancy. The grant-funded project was recently initiated and a community engagement plan has not yet been developed.</p> <p>Interested community members should periodically check the city website for updates www.carlsbadca.gov.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-13	Johnnie Johnson	<p>I would strongly recommend a chapter be added to address Carlsbad Blvd impact over the next few years. For instance, currently the city has 2 major road projects along the Blvd, Tamarack Ave and Terramar projects. These two projects are independent and not part of an over-all “master plan”. The Terramar project originally called for moving the parking along Carlsbad Blvd south of Cerezo would be pushed out to the <i>west</i>. The same area where sea caves are collapsing, pushing the bluffs <i>east</i>.</p> <p>As a long-time resident, I can remember the City presenting the “realignment of Carlsbad Blvd” proposal in the late 1990s. Essentially, it would “move” the Blvd to the <i>east</i> at Palomar Airport Road intersection; estimated completion approximately 2009. This was long before anyone was aware of climate change or rising seas. Any current or future plans impacting the coastal corridor, Carlsbad Blvd, needs to be addressed. I highly recommend adding a chapter to the Coastal Plan regarding the impact on a major corridor that affects all Carlsbad residents.</p>	<p>Regarding development/improvement plans for streets, such as Carlsbad Boulevard, those plans are developed as part of the city’s Capital Improvement Program (CIP), not the LCP land use plan.</p> <p>Regarding sea level rise impacts to Carlsbad Boulevard, the draft LCP recognizes that additional study and plans need to be developed to address future sea level rise impacts, such as impacts to Carlsbad Boulevard. However, those detailed plans have not yet been developed and will be part of future adaptation plans and the CIP. The draft LCP land use plan is not a detailed adaptation plan; rather, it establishes the broad policies to guide the city in future actions.</p> <p>Draft policy LCP-7-P.29 identifies the need to develop sea level rise adaptation plans that identify how development, resources, and other vulnerable assets can adapt to sea level rise impacts.</p> <p>Also, draft policy LCP-7-P.30 requires the city to prioritize the development and implementation of adaptation plans for critical infrastructure, such as Carlsbad Boulevard.</p> <p>In fact, in 2019, to support the city’s efforts to evaluate the realignment of Carlsbad Boulevard and the analysis of sea level rise impacts and adaptation, the city applied for and was awarded a Climate Ready grant from the State Coastal Conservancy. The grant-funded project will include modeling of a detailed sea level rise impact analysis of the coastline from Terramar to Batiquitos Lagoon, development of potential adaptation scenarios, and design of a roadway realignment (Carlsbad Boulevard south of Palomar Airport Road).</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-14	Lance Schulte	<p>The City required developers along Carlsbad Boulevard (aka, PCH) to move the Carlsbad Boulevard lanes inland. This can be seen on the most recent developments along Carlsbad Boulevard from Breakwater Road to Ponto Road. A few Public Comments questions on the Proposed LCPA are:</p> <p>What Local Coastal Program (LCP) and/or City policy, ordinance, or criteria required the developers to move the Carlsbad Boulevard lanes inland? What is/was the specific language and location citation for such policy, ordinance, or criteria? Is that language being maintained in the Proposed LCP Amendment, and if so where and what is the language? If not, why is it being eliminated or altered in the LCPA? For the Cape Rey Resort development south of Ponto Road, the developer was not required to move the Carlsbad Boulevard lanes inland, like the developments to the north. Why is that?</p>	<p>The requirement for a particular alignment of a roadway is not addressed by the LCP. When development is proposed adjacent to a public street, the city’s Public Works Department reviews the plans and requires street improvements consistent with the city’s plans for a particular street.</p>
		<p>I understand that the landscape frontage of the Cape Rey Resort is actually City property, is that true?</p>	<p>Yes, the majority of landscaping and meandering sidewalk along Carlsbad Boulevard adjacent to the Cape Rey Resort, is part of the city-owned Carlsbad Boulevard right-of-way.</p>
		<p>Will the City be required to fund and move Carlsbad Boulevard lanes inland along the Cape Rey Resort frontage at a later date?</p>	<p>Plans for specific street improvements, if any, would be addressed by the city’s Capital Improvement Plan (CIP), which is not part of the LCP. See row D-12 regarding the Carlsbad Boulevard realignment project.</p>
		<p>I understood the requirement of moving Carlsbad Boulevard lanes inland in South Carlsbad was to provide space for the State Campground to migrate inland as coastal bluff erosion. Is this correct or is/was there another reason for moving Carlsbad Boulevard lanes inland in South Carlsbad?</p>	<p>See rows D-12 and D-15.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTS	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-15	CA Parks & Rec	<p>The Ponto/Southern Waterfront section (page 2-22) of the draft LCP refers to the opportunity for the realignment of the southern, southbound portion of Carlsbad Boulevard to provide open space for a future linear park and promenade. This area represents the best opportunity to maintain into the future the current level of service that the South Carlsbad State Beach campground provides. The LCP should add the possibility for the Department to acquire or lease a portion of this land for adding future camping amenities. It is likely that the proposed Linear Park and Promenade could be designed to incorporate both Department and City-owned land. If implemented, this could provide resiliency to both the South Carlsbad State Beach Campground and Carlsbad Boulevard, and maintain or improve local and regional lower cost accommodation goals.</p>	<p>In response to the comment, staff recommends adding the following to draft LCP Chapter 3:</p> <p>Add new paragraph at end of “Public Parks, Other Recreation Facilities, and Golf Courses” section:</p> <p><u>The southbound portion of Carlsbad Boulevard may be realigned with a shift to the east, which would provide an opportunity to create additional recreation and public gathering areas, and area for the state campground to expand or retreat inland to adapt to sea level rise impacts. Sea level rise impacts are discussed further in Chapter 7, Coastal Hazards.</u></p> <p>Add new policy:</p> <p><u>Consider, as part of the evaluation of realigning the southern lanes of Carlsbad Boulevard inland, opportunities to create additional recreation areas (e.g., parks and other recreation facilities and amenities), and for the state campground to expand or retreat inland.</u></p>
D-16	Sierra Club	<p>The landward relocation of Carlsbad Blvd has been talked about for many years. But there still does not seem to be a plan in place to address this or even a framework for when such a plan will be finalized.</p>	<p>See row D-12.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-17	Jayme, Matt, Bowie and Jules Moldovan	<p>I am concerned about this statement in the draft LCP, regarding the future state of the South Carlsbad State Beach:</p> <p><i>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).</i></p> <p>I disagree and believe there is a high adaptive capacity for this State Park to move inland. A few years back, I heard about a plan to move southbound Carlsbad Blvd lanes eastward in some locations where there is a non-native plant barrier between the North and South lanes, which serves a very limited purpose ecologically or anthropogenically. I understood that the eastward migration of Carlsbad Blvd would allow State Parks to extend portions of the park into these new available areas. As the sea rises and removes campsites, as it's done at San Elijo State Beach (3 have been lost in the last 4 years) this should be a readily available option and should not be determined to be an area with a low adaptive capacity.</p> <p>Please consider the option of moving Carlsbad Blvd eastward to meet northbound lanes and allow for more affordable lodging options on the coast, increase open space and manage the coastline responsibly in the face of sea level rise.</p>	See rows D-13 and D-15.

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-18	Kathy Steindlberger	<p>The notion of a “linear park” along Carlsbad Blvd. has floated around the City for several years, although I am not aware that this is stated as a current goal for the City. Many changes have been proposed to Carlsbad Blvd as part of the “Complete Streets” campaign, but as yet, I have not seen a coordinated plan for any of the changes being proposed to Carlsbad Blvd. This “Linear Park” and the plans for roundabouts and additional parking and narrowing of street lanes on Carlsbad Blvd. are not presented to the citizens as a unified plan, but instead are piecemeal on a block by block basis. Where are the traffic impact studies that the public can comment on? Most people I’ve spoken to do not want Carlsbad Blvd. reduced down to one lane in each direction. Include your plans in the LCP and allow the public to comment on a unified plan for Carlsbad Blvd.</p>	See rows D-12 and D-13.
D-19	Lance Schulte	<p>Please see and include the attached City of Carlsbad’s CARLSBAD BOULEVARD REALIGNMENT STUDY PHASE II: PRELIMINARY FINANCIAL ANALYSIS dated October 4, 2001 in this public comment [see comment letter for copy of the referenced financial analysis].</p> <p>The realignment study evaluated the City selling and/or leasing portions of the exiting South Carlsbad Boulevard right-of-way for Commercial land use. This is concerning on several levels.</p> <p>This public comment requests that in the Draft Local Coastal Program Amendment (DLCPA) and Parks Master Plan Update processes:</p> <ol style="list-style-type: none"> 1. Provide clear public disclosure and discussion as to if the City’s: <ol style="list-style-type: none"> a. proposed DLCPA Land Use policies [Pages/Figures: p. 1-5 Figure 1-1, p. 2-11 Figure 2-1, pp. 2-19 & 20 Figure 2-2b & 2-2c; and Pages/Policies: p. 2-22, Ponto/Southern Waterfront, p. 2-23 Draft Policy LCP-2-P.5, p. 2-24 Draft Policy LCP-2-P.7, p. 2-26 Draft Policy LCP-2-P.19]; or b. existing General Plan Land Use Element [Pages: p. 2-35, p. 2-38, pp. 2-47-48; and Policies: 2-G.20, 2-P.51, 2-P.52, 2-P.53, 2-P.55, and 2-P.90] General Plan policies) <p>...</p>	<p>Regarding the specific alignment/realignment of Carlsbad Boulevard and use of land that results from the realignment, those details are not known, as the city is in the study phase of the realignment. See row D-15 for a proposed policy that specifies the city should consider opportunities to create recreation areas as part of the boulevard realignment.</p> <p>Any proposed future land uses related to the boulevard realignment will be evaluated for consistency with city policies and regulations. If necessary, updates to the General Plan and Local Coastal Program land use maps and policies can be proposed to reflect the land uses resulting from the realignment.</p> <p>Regarding the funding of the realignment, that is not a topic addressed by the Coastal Act or the Local Coastal Program. Funding of future street improvements is addressed through the city’s Capital Improvement Program.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-19 cont.	Lance Schulte	<p>[Cont. from above]</p> <p>...</p> <p>provide in any way the opportunity to convert South Carlsbad Boulevard right-of-way into Commercial Land Use as part of realignment. Realignment was portrayed to Citizens as an elaborate way to provide a much needed pedestrian sidewalk/pathway, or Promenade along South Carlsbad Boulevard, not a ‘pathway to change open landscaped right-of-way land to Commercial uses’.</p> <ul style="list-style-type: none"> ▪ Are the DLCPA Realignment Land Use policy and/or mapping allowing Commercial use on City designated right-of-way land like proposed in Carlsbad’s 2001 Realignment Study? ▪ Does the City’s General Plan polices allow, support or imply Commercial use in any Realignment right-of-way land? <p>2. To even start having that important public disclosure and discussion, citizens must have both clear DLCPA Land Use Policies and Land Use Maps that show exactly “what and where” the City’s potential proposed Carlsbad Boulevard Realignment “is, and what and where it is not”.</p> <ul style="list-style-type: none"> ▪ The DLCPA Land Use Policies are vague and DLCPA Land Use Maps do not show any Land Use (Open Space or Commercial) associated with the Realignment. This vagueness is counter to the some very specific land uses and areas itemized in the City’s 2001 Study – why? <p>It is requested that both the DLCPA Land Use Policies and Maps be amended to be consistent and clear as to “what” and “where” the Realignment is and what proposed DLCPA policies apply to those areas, and what Land Uses are being proposed to be assigned to those areas in the Land Use Plan(s).</p> <p>3. As part of this clear disclosure by the City and public discussion, it also seems logical to roughly update the 20-year old ‘preliminary study’ of realignment costs to have a general understanding if South Carlsbad Boulevard Realignment is even environmentally/fiscally viable. Current costs could exceed \$75 million. Carlsbad Citizens and taxpayers need to know if the ‘Realignment Promenade/Linear Park’ is a viable project the City will be implementing and when. Or is the ‘Realignment Promenade/Linear Park’ more a ‘Trojan horse’ – outside an apparently attractive celebration, while truthfully hidden inside is disappointment resulting in ruin. The City’s 20-year old 2001 Realignment Study seems to point to this concern/possibility.</p> <p>...</p>	See above.

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CARLSBAD BLVD	
D-19 cont.	Lance Schulte	<p>[Cont. from above]</p> <p>...</p> <p>4. The DLCPA should add a clear and accountable Public Coastal Access, Livable Streets and Connectivity Policy (Section 4.8, at p. 4- 1) that requires the City to fully fund and construct as soon as possible a sidewalk/pedestrian path/'Promenade' along South Carlsbad Boulevard to "Complete" and make "Livable" this street. The missing safe pedestrian Coastal Access along South Carlsbad Boulevard represents over ½ of Carlsbad's coastline. The City's CIP #60311 Budget already has \$3.2 million, which based on City costs for sidewalk construction, is sufficient to complete most of this needed sidewalk/pedestrian path/'Promenade'. The sidewalk/pedestrian path/'Promenade' can be quickly, simply and cost effectively accomplished with an existing budget for that purpose, and within the existing right-of-way configuration. The few short sections along bridges can be cost effectively addressed with vehicle/bike lane restriping and maybe a 'jersey barrier' similar to what was done at Agua Hedionda. Again, the missing sidewalk/pedestrian path/'Promenade' can be substantially completed using existing budgeted CIP funds for that purpose. Special design and landscape qualities could be budgeted and incorporated to enhance to a 'Promenade' level, or be similar to North Carlsbad Boulevard's 'Promenade' design. A community-based design process could define consensus on that.</p> <p>As supporting data that should be factored in the above 4 requests, the Mayor stated in 2020 that the South Carlsbad Boulevard Realignment would presently cost about \$75 million. This figure appears it maybe a rational estimate, but should be verified. Would South Carlsbad Boulevard Realignment be the most expensive City project ever? The \$75 million Realignment cost is \$5 million more than the City's Golf Course land acquisition and construction costs. The City Golf Course is 402.8 acres, and is understood to be the most expensive to acquire/build municipal golf course in the USA, and most expensive to-date Carlsbad City project.</p> <p>Sadly in comparison, South Carlsbad Boulevard Realignment does Not acquire or add any new land. Realignment simply realigns up to 54.5 acres of existing City owned landscaped right-of-way, to then repurpose only 4 - 10.8 acres for possible Park use under the 4 Land Use Alternatives as documented in the City's 2001 Realignment Study. The \$75 million Realignment cost would thus cost \$7 - 19 million to simply repurpose each acre of existing City right-of-way land for Park use. This cost per acre appears fiscally imprudent given much better alternatives. In comparison the Mayor stated the alternative 11 acre Ponto Coastal Park that is required to be studied under Carlsbad's Local Coastal Program would only cost \$20-22 million. The \$20-22</p>	See above.

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CARLSBAD BLVD		
D-19 cont.	Lance Schulte	<p>[Cont. from above]</p> <p>...</p> <p>million figure also appears a rational estimate given vacant land costs in the area is roughly \$1.5 – 2 million per acre. So it is actually 7 to 9.5 times more cost effective to simply purchase vacant land that actually adds New land and is also required to studied/considered for Park use. Again, the Relocation proposal’s \$7 – 19 million cost per acre is NOT to buy any new land, but simply rearrange existing land the City already owns and is already landscaped and open as part of the roadway median. It seems logical to fully and publicly vet the proposed South Carlsbad Boulevard Realignment Land Use Policies/Map/Costs. The Realignment concept seems fiscally imprudent and a significant squandering of taxpayer resources.</p> <p>These public comments are not against a much needed Coastal Park for South Carlsbad as there is none and this is vitally needed to provide a Coastal Park for ½ of Carlsbad’s citizens and for the thousands of Visitors staying at the thousands of South Carlsbad Resort and hotel rooms. As the Mayor stated this is the most cost effective solution providing MORE NEW parkland at a fraction of the cost of the Realignment. Over 2,500 emails from citizens and visitors have asked the City Council to provide this much needed Ponto Coastal Park.</p> <p>These public comments are also not against a much needed sidewalk/pedestrian pathway (including a wider than normal pathway) to provide safe (Complete-Livable Streets) pedestrian Coastal Access along South CARLSBAD Boulevard - in fact just the opposite. The public comment #4 specifically asks for a clear, accountable, funded DLCPA Policy that achieves rapid implementation of a sidewalk/pedestrian path/Promenade within the existing South Carlsbad Boulevard right-of-way configuration. This requested LCP Policy would address the critically needed Coastal Access, public safety, and mobility needs along South Carlsbad Boulevard, that has been delayed way too long. Citizens and visitors should not have to wait over 20-years for this much needed Coastal Access and public safety facility for over ½ of Carlsbad’s coastline.</p>		See above.

D. CHAPTER 4 – COASTAL ACCESS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		DEVELOPMENT ON OCEAN STREET		
D-20	Jeanette Cushman Stroh	<p>CHAPTER 4. COASTAL ACCESS In Reference to Coastal Act Section 30212 (b) (2). I read this section carefully and with interest. As I look at construction in my neighborhood (Ocean Street) I wonder if the letter of this law is being followed and enforced or has each and every structure which appears to be flouting this 10% law been granted some sort of variance? It is my hope that the city does not turn a blind eye to construction in this area of town. We are at risk of being a series of huge buildings with no beach cottage feel at all.</p>		<p>Coastal Act Section 30212 addresses the provision of public access from the nearest public road to the shoreline. Section 30212(b) lists the types of development that are not subject to the public access requirements of 30212(a).</p> <p>The comment refers to 30212(b)(2), which states the demolition and reconstruction of a single-family home, which does not exceed the size of the former home by more than 10 percent, is not considered “new development” and is therefore not subject to the public access requirements of 30212 (a).</p> <p>The comment appears to interpret 30212(b)(2) as a limit on the size of reconstructed homes. Such an interpretation is not correct; as stated above, 30212(b)(2) is a limitation on the size of a reconstructed home that is not subject to 30212(a), which pertains to public access.</p>
		STREAMLINED PERMITTING FOR COASTAL ACCESS PROJECTS		
D-21	CA Parks & Rec	<p>The Department also suggests working together to implement a streamlined permitting process for coastal access projects.</p>		<p>This can be evaluated during the update to the city’s Zoning Ordinance, which specifies the permitting process for coastal development permits.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		HOMELESS IMPACT ON COASTAL ACCESS	
D-22	Tommy Dean	<p>Part 1.</p> <p>I own two properties in the coastal program initiative. 2701 Ocean Street and 4517 Adams St. I have worked with the city on projects to enhance our community and each time I was pleased and impressed by the professionalism and attention to detail. All for the benefit of our community.</p> <p>I am also impressed by the future general plan and its goals. HOWEVER, all this work and money will fall on failure unless the homeless issues are addressed immediately. No trail, camp sites, beach access etc will work if homeless encampments exit on these sites. We are not talking about down on their luck good people, but drug addicts and mean vagerants. My Ocean Street is adjacent to Magee Park and there is a slow but surely increase in vagerants. I have had them camp at my beach stoup and in front of my house....my 7 million dollar house that I worked a lifetime to afford.</p> <p>Your efforts are to assure the coast line will fail unless immediate action is taken. Since LA, San Francisco, Seattle and other cities have done nothing and their cities are destroyed. Since the coastal commision has such power over the coast line, they should step up and create and enforce laws that would protect these vagerants from our land if they camp without permits overnight.</p> <p>Part 2.</p> <p>I suggest the city apply pressure on the coastal commission to create regulations that would prevent Carlsbad from becoming a dumping ground for LA's homelessness.</p> <p>Go check out the coastal trails in San Clemente and see how bad this will get unless action is taken.</p>	<p>The city is working to address homelessness in Carlsbad. The City of Carlsbad Homeless Response Plan establishes key principles and system responses that the city will employ to address the community impacts of homelessness. The plan provides strategies aimed at: 1. Preventing, reducing and managing homelessness in Carlsbad; 2. Supporting and building capacity within the city and community to address homelessness; 3. Encouraging collaboration within the city, community partnerships and residents. 4. Retaining, protecting and increasing the supply of housing.</p> <p>The Homeless Response Plan includes a homeless outreach team in the Police Department made up of specially trained police officers who make regular contact with people experiencing homelessness to form relationships, offer referrals to services and ensure they are complying with the law.</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTS	COMMENT TOPIC AND COMMENT	RESPONSE
		IMPACT OF TRAILS ON AGRICULTURE	
D-23	James Ukegawa	<p>I am the owner of the Carlsbad Strawberry Company, Inc. I farm strawberries, pumpkins, corn and vegetables north of Cannon Road and south of the Agua Hedionda Lagoon. ...</p> <p>My primary concern is that the proposed trails not interfere with any agricultural practices on the south side of the Agua Hedionda Lagoon. Farming in Carlsbad in the coastal zone is especially difficult and in danger of becoming unsustainable. The high cost of water, labor, loss of market due to cheap imports make it so. Any additional obstructions or impediments could be the “straw that broke the camels back” and end an iconic part of Carlsbad, The Carlsbad Strawberry Fields. Trails could allow the public to access fields, to trespass, to vandalize, to steal crops, etc... For the farmer to bear the burden of policing/guarding the fields would cause additional financial hardship.</p> <p>In order to minimize conflicts between agriculture and other land uses, I would like to serve on any committee dealing with the south side of the Agua Hedionda Lagoon to add insight from a farmer’s perspective.</p>	<p>In response to the comment, staff recommends the following revision to clarify draft policy LCP-4-P.26:</p> <p>LCP-4-P.26 Ensure that the design, location, construction, and operation of trails and bikeways avoids or minimizes adverse impacts to coastal resources, including sensitive habitats and species, <u>and agriculture. For example, the design and operation of the future trails on the north side of Cannon Road, south of Agua Hedionda Lagoon (as shown on Figure 4-2), shall avoid or minimize impacts to the existing agriculture on the property.</u></p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		PROPERTY RIGHTS	
D-24	Sue Loftin	<p>This section clearly uses the broad definition of “Development” as a tool to obtain public access which otherwise could not be obtained. See, Coastal Act section 30212 “New Development Projects”, p. 4-3 and Definition of Development, p. 8-6. Further, Coastal Act section 30214 (b) states <i>[I]t is the intent of the Legislature that the public access policies of this article...be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public’s constitutional right of access....</i></p> <p>No one disputes the right to the public to access to the beach areas. The Comments herein dispute the lack of recognition that Carlsbad, as compared to other San Diego County beach areas, has extensive beach access with free parking to all beaches, except the state owned beach for which the state charges a fee.</p> <p>The following Coastal Access Policies violate property owners’ rights: LCP-4.P.3; LCP-4-P.6; LCP-4-P.7; LCP-4-P.8; LCP-4-P.9; LCP-4-P.10; LCP-4.P.17 through LCP-4-P.21.</p> <p>How does the public agencies obtain agreement from private associations to accept responsibility for maintenance and liability of an access way? The private association seeks a Coastal Development Permit (“CDP”) for necessary maintenance, repair or replacement. The approval for such CDP permit requires as a condition of approval a dedication of public access way with private association responsibility therefor or an agreement to accept responsibility for an existing public access way. LCP-4-P.10.</p> <p>[continued below]</p>	<p>The comment states that the policies noted violate property owners’ rights. The comment also indicates that Carlsbad’s extensive beach access should be considered. Protection of property rights and consideration of existing accessways is identified in draft policy LCP-4-P.3 as reasons to not require new accessways as part of new development, as described below.</p> <p>All of the policies noted address vertical and lateral pedestrian access, which is required by the Coastal Act.</p> <p>Draft policy LCP-4-P.3 requires new development, as defined by the Coastal Act, which is located on property fronting the ocean or a lagoon shoreline, to dedicate vertical and lateral public access, EXCEPT when doing so would:</p> <ul style="list-style-type: none"> • Be inconsistent with the need to protect public safety, public rights, <u>the rights of property owners</u>, and natural resources • Agriculture would be adversely affected • <u>Adequate public access exists nearby</u> <p>Regarding the other policies noted in the comment, they address design and maintenance of accessways, and protection of public access to and use of the beach. These policies are only applicable if an accessway is required per draft policy LCP-4-P.3; as noted above, an accessway would not be required if property rights would be violated or if adequate public access exists.</p> <p>[continued below]</p>

D. CHAPTER 4 – COASTAL ACCESS			
ROW	COMMENTS	COMMENT TOPIC AND COMMENT	RESPONSE
		PROPERTY RIGHTS	
D-24, cont.	Sue Loftin	<p>[continued from above]</p> <p>A piece of property has a long standing problem with the persons trespassing across the property. The owner of the property puts up a sign. The owner of the property receives a violation notice for LCP-4-P.19 but the violation will be forgiven with no fine, if the owner of the property opens the property to the public. The other alternative is that notwithstanding the property owners’ best efforts to prohibit trespassing, the state uses LCP-4.P.21 to obtain an easement by use (prescriptive rights).</p> <p>...</p> <p>Each of the policies to which exception was noted above unreasonably interfere with the rights of property owners with a lack of balance between the property owners’ and the public’s rights.</p>	<p>[continued from above]</p> <p>Regarding the comments’ reference to prescriptive rights and draft policy LCP-4-P.21, the policy outlines the legal process required to determine if the public has prescriptive rights of access. The Attorney General must make the determination based on legal criteria.</p> <p>Along the California Coast, the public has historically used private land to access the ocean, such as by informal trails. Per California law, under certain conditions, long-term public access across private property may result in a permanent public easement – a prescriptive right of access.</p> <p>In Carlsbad, the Attorney General has not established prescriptive rights on any property. However, if an area is identified where the public has historically used the land to access the coast, the Coastal Commission and Attorney General could establish prescriptive rights, based on the criteria of California law. Draft policy LCP-4-P.21 recognizes that this can occur per state law.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PROPERTY RIGHTS		
E-1	Sue Loftin	<p>The objections set forth above [see rows H-1 and H-2, below] regarding “Development” and the taking of property rights are incorporated hereat as applicable to this section. The applicability of Policies LCP-5-P.22 through LCP-5-P.32 broaden the language to “development and redevelopment”. The impact is broadened to include rehabilitation of existing structures, repair and/or reconstruction of structures damaged due to a Natural Hazard, and may substantially alter the use, functionality of the property and financial ability of the property owner to comply.</p>		<p>Draft LCP Chapter 8 defines “development” and “redevelopment”.</p> <p>See rows H-1 and H-2 below, regarding the definition of “development”.</p> <p>“Redevelopment” is defined, in short, as alterations to a structure that result in replacement of 50 percent or more of major structural components or a 50 percent increase in floor area.</p> <p>When the two terms are used together in draft LCP policies, the terms are referenced as “new development” and “redevelopment” to indicate the policy is applicable to development that is new, as well as alterations to existing structures that meet the criteria of “redevelopment”.</p> <p>Use of the term “redevelopment” ensures that not all alterations to existing structures are subject to the policies of the LCP. Because the Coastal Act/draft LCP definition of “development” is broad, it could be interpreted to apply to any alteration to existing structures. The use of “new development and redevelopment” in the policies referenced in the comment, as well as other policies, actually narrows the applicability of the policies.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		AGRICULTURE & CANNON RD OPEN SPACE, FARMING & PUBLIC USE CORRIDOR	
E-2	CB Ranch Enterprises	<p>2. Chapter 5 Agricultural, Cultural, and Scenic Resources.</p> <p>a. Coastal Act Section 30171.5-Statutory Program. The description of the statutory provisions calls out the individual potential uses of the funds but omits the direct reference in Subsection 4 which provides as follows:</p> <p>“(4) any other project or activity benefiting or enhancing the use of natural resources, including open field cultivated floriculture, in the coastal zone of the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.” (Emphasis added)</p> <p>Floriculture and agriculture on the Carlsbad Ranch is specifically called out in the General Plan, and has been a part of the current LCP of the City. Given its importance in the resources identified by the City, it should have the same level of specific reference as the other priorities of 30171.5.</p> <p>b. Cannon Road Open Space, Farming, and Public Use Corridor</p> <p>The narrative summary only refers to Proposition D and does not include or reference some of the provisions incorporated in the implementing language of the General Plan which has previously been approved by the Coastal Commission incident to approval of the zoning changes.</p> <p>Some of these provisions in the general plan are more positive and should be reflected in the LCP under LCP 5 (currently 5-P.1 to 5-P.11) including:</p> <p>i. 4-G.12 Recognize the important value of agriculture and horticultural lands in the city, and support their productive use</p> <p>ii. 4-P.44 Allow and encourage farming operations to continue within the Cannon Road Open Space, Farming and Public Use Corridor (such as the strawberry fields) as long as they are economically viable for the landowner. (emphasis added)</p> <p>iii. 4-P46 Utilize available methods and resources to reduce the financial burden on agricultural land, not only to prevent premature development, but also to encourage its continued use for agricultural purposes.</p>	<p>In response to comment “a”, staff recommends the following revision to the second paragraph of the description of Coastal Act Section 30171.5 in draft LCP Section 5.2:</p> <p>“The statutory program requires payment of a fee to mitigate the conversion of agricultural lands and specifies that the fee can be used only for restoration of Batiquitos Lagoon, an interpretive center at Buena Vista Lagoon, access to public beaches, and other projects that enhance the use of natural resources, <u>including open field cultivated floriculture</u> (refer to Section 5.1 for the full text of Coastal Act Section 30171.5).”</p> <p>In response to comment “b”, staff recommends the following revisions to draft policies LCP-5-P.2 and 5-P.3:</p> <p>LCP-5-P.2 <u>Recognize the important value of agriculture and</u> support the continuation of existing agriculture by minimizing conflicts with urban uses; such as by requiring new adjacent development to utilize buffers, vegetation, and other site design features that minimize impacts on the agricultural use; and by requiring farm operators to utilize methods to prevent dust and pesticide impacts on adjacent uses [related to Coastal Act Section 30241].</p> <p>LCP-5-P.3 Support <u>and encourage</u> the continuation of agriculture within the Cannon Road Open Space, Farming and Public Use Corridor, and other areas by utilizing methods and resources to reduce the financial burdens on agricultural land, not only to prevent premature development but also to encourage its continued use for agricultural purposes. For example, consider construction of public facility improvements, such as drainage improvements, which are designed to support the continuation of agriculture.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		AGRICULTURE & CANNON RD OPEN SPACE, FARMING & PUBLIC USE CORRIDOR		
E-3	North County Advocates	The LCP has not assessed the results of the agricultural conversion guidelines for the coastal zone. These ostensibly were put into place to help protect agricultural lands (in addition to what was mandated by the strawberry fields initiative). The ag conversion program provides three alternatives for mitigating impacts to ag land. How frequently have each of these been used? Are the guidelines for the amount of conversion fees and the allocation of the fees actually resulting in helping to retain farmland? If they have not accomplished that goal, then what changes need to be made to actually help protect some of this coastal agricultural land? We think the LCP needs to do much more analysis of this key issue.		The purpose of the agriculture mitigation fee program is to support continuation of agriculture. However, the program is not intended to ensure or require continuation of agriculture. With the exception of the Flower Fields, all agriculture in Carlsbad is allowed to convert to non-agriculture uses, pursuant to previous provisions approved by the Coastal Commission.
E-4	Sierra Club	It is unclear if there is any intent to actually support continued agriculture in the coastal zone. In spite of having agricultural conversion mitigation in place for many years, there continues to be a loss of this land use. Please provide a clear objective regarding agriculture and the policies to ensure it can be achieved.		See row E-3.
VIEWS OF EUCALYPTUS TREES				
E-5	North County Advocates	LCP -5-P.24 includes protection of views of eucalyptus trees. These are a non-native species with high fire hazard. In Hosp grove the city has a plan in place to diversify the tree palette. The policy should be sensitive to the value of trees, but visual impacts are just one of those benefits. Please rewrite this to eliminate what sounds like a specific requirement to protect eucalyptus trees.		In response to the comment, staff recommends the following revisions to draft policy LCP-5-P.24: LCP-5-P.24 Ensure that new development and redevelopment preserves, where possible, existing, mature, healthy vegetation that provides significant scenic value, such as oak trees and eucalyptus stands.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		RETAINING WALLS	
E-6	Mike Howes	<p>RE: Draft Local Coastal Plan - Policy LCP-5-P-28- Retaining Walls</p> <p>I have concerns about the future impacts of this policy and the difficulty in understanding where it applies. The way that this policy is currently written it will cause great confusion when someone attempts to implement this policy in the future. It is not appropriate to put this type of restriction in a Local Coastal Program. On page 5-42 it appears to state that this policy is only applicable to land identified on Figure 5-3 as "coastal viewshed or scenic viewing area and land between a scenic viewing area and a coastal viewshed." Figure 5-3 is very difficult to read and determine exactly where this policy would apply.</p> <p>I understand staffs concerns about the visual impact of large retaining walls in the Coastal Zone. As written this policy is too general in nature and its future implementation will create problems. What about a below grade retaining wall or a retaining wall behind a building that does not impact public views or may not even be visible to the public? Why place a restriction on a wall that is not visible to the public? Also, there may be situations where there will be a need for a series of retaining walls that exceeds 12' in height. I recommend that this Policy be revised to read as follows:</p> <p>When feasible require that retaining walls visible to the public not exceed six feet in height and incorporate veneers, texturing, and/of colors that blend with the surrounding earth materials or landscape. Stepped or terraced retaining walls with at least a 3-foot-wide area for planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.</p> <p>This revision will provide the direction that the City needs to mandate attractive looking retaining walls where visible to the public, yet provide the flexibility needed where walls will not be visible.</p>	<p>In response to the comment, staff recommends the following revision to draft policy LCP-5-P.28:</p> <p>LCP-5-P.28 Require that retaining walls <u>visible to the public</u> not exceed six feet in height and incorporate veneers, texturing, and/or colors that blend with the surrounding earth materials or landscape. Stepped or terraced retaining walls up to an aggregate 12 feet in height, with at least a 3-foot-wide area for planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		PUBLIC ACCESS TO VIEWS AND SCENIC VIEWING AREAS	
E-7	Phil Wolfgramm	<p>We own Special Planning Subarea 3 as depicted in Figure 2-2c – Special Planning Areas – Ponto/Southern Waterfront B.</p> <p>After reviewing the Draft LCP Land Use Plan, we have the following comments:</p> <p>...</p> <p>2. Section 5.5 – Agricultural, Cultural and Scenic Resources Policies.</p> <p>a. LCP-5-P.32(D) – Please consider adding a requirement that the viewing area design needs blend in with the existing natural, or to-be improved landscape plan being developed in this area. Also, please consider deleting the last clause, “in addition to the adjacent existing or future public scenic viewing areas shown on Figure 5-3.” There is no existing or future public scenic viewing areas adjacent to parcel Area numbered 6.</p>	<p>Regarding design of a public viewing area, draft policy LCP-5-P.32.D requires public access to views, but does not specify the nature of the access other than to provide an example – a public gathering/viewing area. Design of any public access will be determined during discretionary review of a project.</p> <p>Regarding the suggestion to delete reference to adjacent public scenic viewing areas, draft Figure 5-3 does show that Carlsbad Boulevard is a public scenic viewing area, which is adjacent to the site. However, staff does recommend changing the term “adjacent” to “nearby”, as shown below:</p> <p>LCP-5-P.32 ...</p> <p>...</p> <p>D. Area 6 on Figure 5-3:</p> <p>iv. Development on the property shall provide public access to views of Batiquitos Lagoon; such as by providing a dedicated public gathering/viewing area that offers views of the lagoon and Pacific Ocean, in addition to the adjacent<u>nearby</u> existing or planned future public scenic viewing areas shown on Figure 5-3.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CULTURAL RESOURCE PROTECTION	
E-8	Rincon Band of Luiseno Indians	LCP-5-P.16 states that “during construction of development project in previously undisturbed areas and in areas with known paleontological or archaeological resources” a qualified professional is to monitor and tribal monitoring should be required “in areas with cultural resources of interest to Native American Tribes”. Rincon recommends that Luiseño Tribal Monitoring be included for ground disturbances that extends beyond previously disturbed depths, and not only upon cultural resource discoveries or if in an area of interest to Tribes. Having a Luiseño Tribal Monitor would not only save time upon discovery of cultural resources, but the determination of potential significance would be made in consultation with the Luiseño tribal monitor who has knowledge pertaining to the cultural significance of Luiseño cultural material. Also, it should be the prerogative of the culturally-affiliated tribes (such as Rincon) to determine what areas are of interest for them.	The details suggested by the comment are addressed in the review of individual projects. Staff does not recommend adding this level of detail to the draft LCP policy. The city’s Tribal, Cultural and Paleontological Resources Guidelines, which were developed in consultation with local Native American tribes, including Rincon, set forth specific methodologies and procedures for projects to follow.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CULTURAL RESOURCE PROTECTION	
E-9	Rincon Band of Luiseno Indians	<p>LCP-5-P.17 states that “All Native American human remains and associated grave goods shall be returned to their most likely descendent and repatriated.” Rincon would like to point out that much of the area affected by the plan is within the traditional territory of various Bands and Tribes and that possibly have different customs and traditions pertaining to the treatment of human remains and cultural materials. Rincon would like to recommend that the treatment of human remains and associated grave goods are also being addressed in project-to-project consultation. We therefore recommend that language being changed to reflect, that a treatment plan with the affiliated Tribes will be executed prior to approval of projects.</p> <p>Furthermore, the section mentions that “The final disposition of tribal cultural resources not directly associated with Native American graves shall be negotiated during consultation with interested Tribes ...”. Rincon recommends to replace “interested Tribes” with “affiliated Tribes”.</p>	<p>The details suggested by the comment are addressed in the review of individual projects. Treatment of human remains and associated grave goods is addressed through project’s executed treatment plans. Staff does not recommend adding this level of detail to the draft LCP policy.</p> <p>The city’s Tribal, Cultural and Paleontological Resources Guidelines and various sections of state and federal laws set forth specific procedures for projects to follow in the event Native American human remains and associated cultural resources are discovered.</p> <p>Regarding the second paragraph of the comment, staff agrees and recommends the following revision to draft policy LCP-5-P.17:</p> <p>LCP-5-P.17 Ensure that the determination of the significance of cultural or tribal cultural resources, and the development and implementation of any appropriate treatment measures and procedures, is conducted by a qualified archaeologist and, in the case of tribal cultural resources, in consultation with inter-ested<u>culturally- and geographically-affiliated California</u> Native American Tribes. All Native American human remains and associated grave goods shall be returned to their most likely descendent and repatriated. The final disposition of tribal cultural resources not directly associated with Native American graves shall be negotiated during consultation with interested Tribes in accordance with the California Environmental Quality Act, Public Resources Code Section 21084.3, and any other applicable laws and regulations.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CULTURAL RESOURCE PROTECTION		
E-10	Rincon Band of Luiseno Indians	LCP-5-P.18 C. mentions that “a cultural monitoring report...shall be submitted to the City Planner”. Rincon asks that a copy of the report be provided to the Band.		The city’s Tribal, Cultural and Paleontological Resources Guidelines set forth specific methodologies and procedures for projects to follow. Implementation of this policy is addressed in a more specific way with individual projects. Staff does not recommend adding this level of detail to the draft LCP policy.
E-11	Rincon Band of Luiseno Indians	<p>... much of the treatment of cultural resources will be done on a project-by-project basis but we recommend that the following Mitigation Measures are being included in the document. The measures can then be revised if needed.</p> <p>MM1 CULTURAL MONITORING PROGRAM: Full-time monitoring during ground disturbing activities will occur by a qualified archaeological monitor and a Luiseño tribal monitor throughout the entire project area. Ground disturbing activities include but are not limited to mass grading, trenching, brush clearance, geological excavation, conservation fence installation, and grubbing. Monitoring will occur in an effort to identify and protect any previously unknown and potentially significant/ important cultural resource(s). Special attention will be focused on any intact soils that have not been previously disturbed. Any newly discovered cultural resource(s) shall be subject to evaluation. In the event of a potential cultural resource discovery, the archaeological and tribal monitors will have the authority to temporarily divert ground disturbing activities to inspect the find. Full-time monitoring should continue until the project archaeologist, in concurrence with the tribal monitor, determines that the overall sensitivity of the project area has been reduced to low. Should the monitors determine that there is no longer any potential to impact cultural resources within the project area, all monitoring should cease. Appropriate participants should be notified and the required forms and reports should be prepared and submitted.</p> <p>[continued below]</p>		<p>Mitigation measures are addressed in the review of individual projects. Staff does not recommend adding this level of detail to the draft LCP.</p> <p>The city’s Tribal, Cultural and Paleontological Resources Guidelines include treatment and mitigation measures, which are addressed with individual projects. Individual project mitigation measures benefit from Tribal consultation under Assembly Bill 52 to ensure the measures reflect tribal cultural resource sensitivity based on tribal knowledge and input.</p>

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CULTURAL RESOURCE PROTECTION		
E-11, cont.	Rincon Band of Luiseno Indians	<p>[continued from above]</p> <p>MM2 TRIBAL MONITOR RETAINED: At least 45 days prior to pulling grading permits, the project applicant/landowner shall contact consulting affiliated Tribe(s) to enter into a Tribal Monitoring & Cultural Resources Treatment Agreement to retain a qualified tribal monitor to monitor all ground disturbing activities. The Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional tribal monitors during grading, excavation, and ground disturbing activities; project scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered during development. Upon completion, the finalized Agreement will be submitted to the City of Carlsbad Planning Department to satisfy this requirement. The contracted Native American Monitoring Tribe will also be notified at least 48 hours in advance of the pre-construction meeting so preparations can be made for a representative to attend. During the meeting, the representative, in coordination with the project archaeologist, will discuss the procedures outlined in the Cultural Resource Monitoring Plan (CRMP) as required per MM4.</p> <p>MM3 ARCHAEOLOGICAL MONITOR RETAINED: At least 45 days prior to pulling grading permits, the project applicant/landowner shall contact a qualified archaeologist to enter into an agreement to retain a qualified archaeological monitor to all monitor ground disturbing activities. The qualified archaeologist shall meet the Secretary of the Interior’s (SOI) Professional Qualifications Standards (48 Federal Register 44738-39). The completed agreement shall be submitted to the City of Carlsbad Planning Department. Upon completion, the finalized Agreement will be submitted to the City of Carlsbad Planning Department to satisfy this requirement. The project archaeologist will also be notified at least 48 hours in advance of the pre-construction meeting so preparations can be made for a representative to attend. During the meeting, the archaeologist, in coordination with the tribal representative, will discuss the procedures outlined in the CRMP as required per MM4.</p> <p>[continued below]</p>		See above.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CULTURAL RESOURCE PROTECTION	
E-11, cont.	Rincon Band of Luiseno Indians	<p>[continued from above]</p> <p>MM4 CULTURAL RESOURCES MONITORING PLAN (CRMP): The project area has a high sensitivity for cultural resources. At least 60 days prior to pulling grading permits, the Applicant will contact the project archaeologist to develop a Cultural Resources Monitoring Plan (CRMP) to guide the procedures and protocols of a mitigation-monitoring program that shall be implemented within the project boundaries during all ground disturbing activities. The CRMP will be prepared in consultation with and review from the consulting Tribes, including the Rincon Band of Luiseño Indians. It will outline the project schedule; if applicable, discuss any specific avoidance, preservation, or excavations required; address the methodology for grading activity observation by the monitors; and shall include a treatment plan, based on the project mitigation measures and conditions of approval, should any cultural resources be identified. The extent of the monitoring program will be dependent upon the project duration and complexity of ground disturbing activities. The archaeologist in concurrence with the tribal monitor shall determine the required duration and extent of monitoring.</p> <p>The final CRMP document will be submitted to the City of Carlsbad archaeologist or project planner for review and edits. Once all edits are complete and prior to pulling planning permits, the final CRMP will be submitted to the planning department, the Applicant, the construction manager, and the Rincon Band of Luiseño Indians. Construction personnel shall adhere to the stipulations of the CRMP.</p> <p>[continued below]</p>	See above.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CULTURAL RESOURCE PROTECTION		
E-11, cont.	Rincon Band of Luiseno Indians	<p>[continued from above]</p> <p>MM5 UNANTICIPATED DISCOVERIES: In the event that cultural resource(s) are unearthed during ground disturbing activities, the archeological monitor and tribal monitor shall have the authority to temporarily halt or redirect ground disturbing activities away from the vicinity of these unanticipated discoveries so that they may be evaluated. The landowner/project applicant or appropriate representative, the project archaeologist, and a tribal representative shall assess the significance of such cultural resource(s) and, if the cultural resource(s) is determined to be culturally significant, they shall meet to confer regarding the appropriate treatment for the cultural resource(s). Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation. The archaeologist and the tribal representative shall make recommendations to the Lead Agency on the measures that will be implemented to protect the newly discovered cultural resource(s), including but not limited to, avoidance in place, excavation, relocation, and further evaluation of the discoveries in accordance with California Environmental Quality Act (CEQA).</p> <p>No further ground disturbance shall occur in the area of the discovery until the Lead Agency approves the measures to protect the significant cultural resource(s). Any cultural resources recovered as a result, excluding items covered by the provisions of applicable Treatment Plans or Agreements, shall be repatriated to the consulting Tribes for reburial. If the Developer, the project archaeologist, and the consulting Tribes cannot agree on the significance or the mitigation for the newly discovered cultural resource(s), these issues will be presented to the City of Carlsbad for decision. The City of Carlsbad shall make the determination based on the provisions of CEQA with respect to cultural resources and shall take into account the religious beliefs, customs, and practices of the Rincon Band. Notwithstanding any other rights available under the law, the decision of the City of Carlsbad shall be appealable to the appropriate key staff.</p> <p>[continued below]</p>		See above.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CULTURAL RESOURCE PROTECTION	
E-11, cont.	Rincon Band of Luiseno Indians	<p>[continued from above]</p> <p>MM6 SACRED SITES: All sacred sites, should they be encountered within the Project area, shall be avoided and preserved as the preferred mitigation, if feasible.</p> <p>MM7 ARTIFACTS: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all cultural artifacts that are found on the project area to the consulting Tribes for proper treatment and disposition as outlined in the Tribal Monitoring & Cultural Resources Treatment Agreement required in MM4.</p> <p>MM8 REPATRIATION: All cultural resources that are collected during the project construction will be repatriated to the consulting Tribes for permanent onsite reburial. Excluding sacred items, human remains, and grave goods, project archaeologists will be allowed to retain the cultural resource(s) at their office to document and photograph the cultural resource(s) for inclusion in the final Phase IV monitoring report. Within 60 days after all monitoring is completed, the project archaeologist must return all cultural resources to the consulting Tribes. During those 60 days, the consulting Tribes will work with the proponent to select a location for reburial that will be free from any disturbance including but not limited to development, excavation, any landscaping that exceeds the depth of the resources, above- or below-ground utility installation, flooding, etc. Upon return of the cultural resources, the proponent will allow the Rincon Band a reasonable timeframe in which to access the agreed upon area. The Rincon Band will document the reburial location with GPS coordinates, add the data to internal GIS systems, and complete a form for submittal to the NAHC.</p> <p>[continued below]</p>	See above.

E. CHAPTER 5 – AGRICULTURAL, CULTURAL, AND SCENIC RESOURCES				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CULTURAL RESOURCE PROTECTION		
E-11, cont.	Rincon Band of Luiseno Indians	<p>[continued from above]</p> <p>MM9 REPORTING: A final Phase IV report shall be completed by the project archaeologist no later than 90 days after monitoring has been completed. The report will include the results of monitoring including a list of project personnel, a catalog of any cultural resources that were identified, any associated DPR 523 Forms and/or confidential maps, details of the location of the final disposition of cultural resources, any issues or problems that occurred during monitoring, and any other pertinent information. Once completed, the project archaeologist will submit a draft to the Lead Agency for review and approval. Upon approval by the Lead Agency, a complete final report shall be submitted to the appropriate Information Center, the Rincon Band of Luiseño Indians, any relevant curation facility, and the landowner/applicant.</p> <p>HUMAN REMAINS: If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Coroner determines the remains to be Native American, then he/she must contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC must then immediately identify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours of being notified, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Tribal Monitoring & Cultural Resources Treatment Agreement described in MM4.</p>		See above.

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CONFLICT WITH STATE AND FEDERAL STATUTES	
F-1	Sue Loftin	This section conflicts with or appears to conflict with other State and Federal Statutes, e.g. Fire Management, State and Federal Clean Water Act, State and Federal Wildlife statutes, Federal Waterways Statutes, California Lands Act. In addition to the foregoing, the Comments to all above sections are hereby incorporated.	<p>The comment does not clarify how the policies of Chapter 6 conflict with state and federal statutes. Staff is not able to respond.</p> <p>The draft LCP policies regarding protection of environmentally sensitive habitat and water quality are consistent with the Coastal Act, Coastal Commission guidance, the city’s Habitat Management Plan, and regional water quality protection requirements.</p>
		WHAT PARTS OF LCP PROTECT BEACHES AND LAGOONS	
F-2	Andrea Jones	How much of the LCP’s new plan is dedicated to the protection and preservation of the beaches and lagoons of Carlsbad?	<p>Draft LCP policies throughout the document protect beaches and lagoons:</p> <ul style="list-style-type: none"> • Chapter 2 designates beaches and lagoons as open space • Chapter 3 includes policies that protect beaches and lagoons as recreational resources • Chapter 4 includes policies that protect access to beaches and lagoons • Chapter 5 includes policies that protect the scenic value of beaches and lagoons • Chapter 6 includes policies to protect the natural resource value of beaches and lagoons • Chapter 7 includes policies that protect beaches and lagoons from hazards, such as sea level rise.

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		BUENA VISTA LAGOON	
F-3	Jeanette Cushman Stroh	LCP-6-15 Buena Vista Lagoon. I would like an explanation of the “modified hybrid saltwater enhancement program” that has been selected to improve the water quality of the lagoon. How is that different from the status quo?	<p>Draft LCP pages 6-15 and 6-16 describe Buena Vista Lagoon, and the last paragraph of the description addresses the SANDAG’s Buena Vista Lagoon Enhancement Project. As of the date the draft LCP was released for public review, SANDAG was considering a modified hybrid saltwater enhancement option (combination of freshwater and saltwater). However, on May 22, 2020, SANDAG approved the saltwater option (the existing freshwater lagoon will be modified to be a saltwater lagoon subject to tidal influence).</p> <p>Staff recommends the last paragraph of the description of Buena Vista Lagoon in draft LCP Section 6.3 be revised as follows:</p> <p>“In July 2012, the San Diego Association of Governments (SANDAG) began an environmental review process for the Buena Vista Lagoon Enhancement Project, which included ds evaluation of three enhancement alternatives (freshwater, saltwater, and a saltwater/freshwater hybrid regime) and a no project alternative. In July 2019 <u>On May 22, 2020,</u> SANDAG, <u>adopted a resolution to accept the saltwater alternative, which will allow the Buena Vista Lagoon to connect directly with ocean waters to flush out sediments.</u> property owners and other stakeholders agreed to pursue a modified hybrid saltwater enhancement option.”</p>

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		BUENA VISTA LAGOON	
F-4	Buena Vista Audubon Society	With regard to the LCP discussion of the BVL in Chapter 6, it is rightly indicated that sedimentation, nutrient loading, sewage spills, and restricted circulation from highway/road bridges and a weir at the lagoon mouth have diminished the lagoon’s value to fish, wildlife and human use. However, it is the weir that prevents tidal flushing that would ameliorate the poor water quality conditions and habitat deficiencies.	See row F-3.
F-5	North County Advocates	The Buena Vista Lagoon restoration concludes that a modified plan has been agreed to- but this needs to be carried through to actual implementation. LCP should discuss the objective to complete the lagoon restoration, the city’s role in the process, and should include relevant policy.	<p>See row F-3.</p> <p>Regarding implementation of the enhancement project and the city’s role in the project, those details have not been determined yet. In May 2020, the City Council adopted a resolution supporting the saltwater alternative and authorizing the City Manager to negotiate a project agreement with SANDAG, Oceanside, the state and other property owners.</p> <p>In response to the comment, staff recommends the following “Marine and Coastal Water Quality” policy be added to draft LCP Chapter 6:</p> <p><u>Support the Buena Vista Lagoon Enhancement Project and enter into a project agreement with San Diego Association of Governments (SANDAG), the City of Oceanside, the California Department of Fish and Wildlife, and other affected property owners.</u></p>

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		BEACH GROOMING	
F-6	North County Advocates	The city has evaluated and properly identified the adverse impacts of “beach grooming”. This should be added to the discussion and relevant policy should be added.	<p>In response to the comment, staff recommends the following description of beach grooming and policy be added to draft LCP Chapter 6:</p> <p>Add the following at the end of draft LCP Section 6.2:</p> <p><u>Impacts of Beach Grooming on Beach Ecosystem</u></p> <p><u>“Beach wrack” is an important part of the marine ecosystem. “Beach wrack” refers to the mounds of seaweed and other loose organic material that is brought ashore and accumulates by the natural processes of tides and waves. While these mounds may appear to beach visitors as unsightly debris, wrack is an important nutrient source for the beach ecosystem, in that it provides micro-habitat for a variety of organisms, supports the prey of many marine and terrestrial invertebrates and shorebirds, and contributes to the establishment of coastal strand and incipient dune habitat. Regular grooming of sandy beaches can destroy the wrack and degrade the near shore habitat. Research has shown that groomed beaches have lower invertebrate species richness, abundance and biomass and supports fewer birds in absolute numbers and species diversity.</u></p> <p><u>Beach grooming can negatively impact sensitive shorebird species, such as the western snowy plover and the California least tern, that forage and nest on the open beach. The western snowy plover establishes nests just above the wrack line in the upper beach and coastal strand zone. These nests are very exposed and vulnerable to disturbance and predation. The California least tern breeds on exposed tidal flats, beaches and bays of the Pacific Ocean and is vulnerable to predators, natural disasters and human disturbance. Beach grooming not only removes potential plover and tern nest material, but can also flatten the subtle topographic depressions that these birds use to nest in.</u></p> <p><u>Beach grooming can also negatively impact California grunion, which are a species of fish with a very unique mating ritual. Grunion come ashore in the spring and summer to reproduce during particularly high night-time tides. Female grunion dig their tails into the sand and lay their eggs. For the next ten days or so grunion eggs remain buried in the sand until the next high tide when the eggs hatch and young grunion are washed out to sea. If beach grooming occurs while grunion eggs are buried, all the eggs may be destroyed.</u></p> <p>[continued below]</p>

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		BEACH GROOMING	
F-6, cont.	North County Advocates	See above.	[continued from above] Add the following “Environmentally Sensitive Habitat Area (ESHA)” policy: <u>Ensure beach maintenance activities avoid adverse impacts to the beach ecosystem, including beach wrack and near shore habitat. Beach grooming should be avoided. Alternative beach maintenance activities, such as manual beach cleaning, should be restricted when sensitive species are present on the beach (e.g., grunion, western snowy plover and least tern); when sensitive species are present, limit beach maintenance to areas located more than 10 feet landward of the beach wrack habitat line or mean high tide line, whichever is farthest landward.</u>
		HERITAGE TREE PROGRAM	
F-7	North County Advocates	Add reference to the recently adopted Heritage Tree Program.	The Heritage Tree Program is not part of the city’s Local Coastal Program.
		WATER QUALITY	
F-8	David Hill	Batiquitos Lagoon is an impaired body of water as per the State Water Resources Control Board and per CWA Section 303(d). City’s watershed report MS4 needs to be updated.	The description of lagoon water quality in draft LCP Section 6.3 needs to be updated to reflect current water quality status. Staff recommends the following revisions. Revise the first paragraph describing Buena Vista Lagoon’s water quality: “Buena Vista Lagoon is a 220-acre freshwater lagoon managed as an ecological reserve by the California Department of Fish and Wildlife. The principal water quality issues in the watershed relate to t <u>The lagoon, which</u> is identified on the 2012 -California <u>2014-2016</u> Clean Water Act (CWA) Section 303(d) list of <u>Impaired Waters for as impaired due to the presence of pollutants</u> (nutrients, indicator bacteria, <u>sediment toxicity</u> , and sedimentation/siltation). Waters on the Section 303(d) list are those that do not meet water quality standards and parameters for pollutants. Buena Vista Creek, which feeds into the lagoon, is also listed as impaired for sediment toxicity, <u>benthic community effects</u> , <u>bifenthrin</u> , and selenium. The City of Vista has installed a series of check dams and a detention basin to assist in the removal of sediments traveling through Buena Vista Creek.” [continued below]

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		WATER QUALITY	
F-8, cont.	David Hill	Batiquitos Lagoon is an impaired body of water as per the State Water Resources Control Board and per CWA Section 303(d). City’s watershed report MS4 needs to be updated.	<p>[continued from above]</p> <p>Revise the first paragraph describing Agua Hedionda Lagoon’s water quality:</p> <p>“Agua Hedionda Lagoon encompasses three interconnected lagoons, divided by Interstate 5 and a railroad bridge. The Agua Hedionda Ecological Reserve was acquired in 2000 by the California Department of Fish and Wildlife and consists of 186 acres of wetland at the eastern end of the lagoon. Although Agua Hedionda Lagoon is not listed as impaired <u>on the California 2014-2016 CWA Section 303(d) List of Impaired Waters for toxicity.</u> Sources are listed as <u>unknown</u>. Agua Hedionda Creek, which feeds into the lagoon, is listed as <u>impaired</u> on the 2012-California Clean Water Act<u>CWA</u> Section 303(d) <u>List of Impaired Waters list as impaired for benthic community effects, indicator bacteria, enterococcus, fecal coliform, malathion</u> manganese, <u>bifenthrin, chlorpyrifos, cypermethrin,</u> phosphorus, selenium, total dissolved solids, total nitrogen as N, and toxicity.”</p> <p>Revise the second paragraph describing Batiquitos Lagoon’s water quality:</p> <p>“Although Batiquitos Lagoon is not listed as impaired <u>on the California 2014-2016 CWA Section 303(d) List of Impaired Waters for toxicity. Sources are listed as unknown. Additionally,</u> two of the creeks that feed into Batiquitos Lagoon are listed <u>as impaired</u> on the 2012-California Clean Water Act<u>CWA</u> Section 303(d) <u>List of Impaired Waters list as impaired</u>—Encinitas Creek is impaired for <u>benthic community effects, phosphorus,</u> selenium, and toxicity, and San Marcos Creek is impaired for DDE (dichlorodiphenyldichloroethylene), phosphorus, sediment toxicity, <u>benthic community effects, indicator bacteria (enterococcus and fecal coliform),</u> and selenium.”</p>
F-9	Fred Sandquist	Batiquitos Lagoon is an impaired body of water in accord with CWA Section 303(d).	See row F-8.
F-10	CA Parks & Rec	Policy LCP-6-P.13 through LCP-6-P.25 Marine and Coastal Water Quality (page 6-24 through 6-26). The Department supports all efforts to manage storm water and to prevent runoff.	Comment appreciated.

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		WATER QUALITY	
F-11	North County Advocates	Add reference to and relevant policy related to ongoing implementation of Water Quality Improvement Plan (WQIP).	<p>The WQIP establishes watershed goals and strategies that the City of Carlsbad used to guide the development of the Jurisdictional Runoff Management Plan (JRMP). The city’s JRMP contains the strategies, standards and methods to be implemented in response to the priorities and goals established in the WQIP.</p> <p>Draft policy LCP-6-P.15 requires all development to occur in accordance with the requirements of the JRMP, as well as other city requirements that ensure protection of water quality.</p> <p>It is not necessary to add reference to the WQIP, as the draft LCP requires compliance with the JRMP, which is consistent with and implements the WQIP.</p>
F-12	Sierra Club	<p>The use of artificial turf/infill and mats is of increasing concern for water quality, air quality and the associated public health issues, particularly for children. Here are links to some recent data that support eliminating the use of this material, particularly in school yards and playgrounds. Please consider including such restrictions in the LCP.</p> <p>https://mail.google.com/mail/u/0/#inbox/FMfcgxwGctFVHIIPftRJOsfDzGSXfhpg https://www.ydr.com/in-depth/news/2019/11/18/old-artificial-turf-fields-pose-huge-waste-problem-environmental-concerns-across-nation/231435300_1/ https://youtu.be/UEVeAmqHTSM http://www.synturf.org/disposal.html https://www.ehn.org/hidden-gotcha-in-artificial-turf-installations-2641507579.html https://www.fairwarning.org/20_19/12/fields-of-waste-artificial-turf-mess/ http://maeresearch.ucsd.edu/kleissl/pubs/YaghoobianetaiJAM2010AT.pdf</p>	<p>The draft LCP does not specifically address air quality or general public health, as those are not topics addressed by the Coastal Act.</p> <p>The draft LCP policies related to protection of water quality are consistent with city engineering standards, regional water quality regulations and Coastal Commission guidance. The draft LCP water quality policies are not intended to be more restrictive than existing city, regional, and Coastal Commission requirements.</p> <p>Restrictions on the use of artificial turf and mats is better addressed through regulations, such as the city’s engineering standards and regional regulations. The draft LCP policies would not preclude the city from restricting artificial turf or mats.</p>

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		WATER QUALITY	
F-13	Batiquitos Lagoon Foundation	<p>...</p> <p>The BLF is very concerned that the DLCP does not recognize that the whole Batiquitos Lagoon is an <i>impaired estuary</i>, not just San Marcos and Encinitas Creeks, and is in violation of the Federal Clean Water Act CFR-40 and the State of California's 303(0) listings which requires any development project that potentially discharges storm water run-off into the Batiquitos Lagoon study, document and mitigate any such discharge. The Planning Department at Tuesday's City Council meeting admitted this and <i>promised</i> that it would be corrected. We appreciate that admission, but remain skeptical until we see it documented. With many development projects underway or being considered near Batiquitos Lagoon by the City of Encinitas, the lagoon faces another complicating factor. The City of Encinitas relies on a number of Carlsbad documents and LCP guidance (i.e., Carlsbad's Habitat Management Plan since the Encinitas Plan has not been approved by the California Coastal Commission), errors in Carlsbad documents cascade into development applications in Encinitas when during the application approval process. This is especially important for CEQA compliance and the fact that Coastal Development Permits (COP's) may need to be applied for both in cities Encinitas and Carlsbad to be fully compliant with California requirements. The recent application in Encinitas for the La Costa 48 development project serves as a good example. The BLF's Encinitas appeal for the project was denied by both their Planning Commission and the City Council, but was set-aside on appeal to the Coastal Commission due to issues of significance (6 commissions voted that there were significant issues and a du novo hearing is expected sometime this summer). The impairment of Batiquitos Lagoon was discussed, but Carlsbad's impairment recognition error made it very difficult to make our point. During the du novo hearing, we hope to correct that before the Coastal Commission. We simply must do better!</p> <p>...</p>	See row F-8.

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		WATER QUALITY		
F-14	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	The requested mandate is a matter addressed through city engineering standard or regional water quality regulations. The draft LCP water quality protection policies are consistent with city and regional water quality regulations and Coastal Commission guidance.
		No pollution controls on surface water runoffs along north shore of Batiquitos Lagoon & where Lower San Marco Creek, drains to Batiquitos Lagoon. See LCP-6 pg. 21	Mandate Installation of hydromodification basins/bio-basins, water quality treatment systems. Apply TMDLS to surface waters discharges/outfalls entering the lagoon as required per CFR 40 CWA 303(d)(e).	
F-15	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	The WQIP is not part of the LCP land use plan. An update to the WQIP would be a separate matter addressed through the Regional Water Quality Control Board and the affected agencies within the watershed.
		City MS4 WQIP Plan does not recognize Batiquitos Lagoon as an Impaired Body of Water per State WRCB & CFR 40 CWA 303(d)(e). See LCP-6 Pg.26; LCP-6-Pg.26	Update/edit the Carlsbad Watershed Management Plan WQIP R9-2015-0100 to reflect Batiquitos Lagoon is a “Listed” Impaired Body of Water per CA-WRCB & incorporate a cleanup schedule 2020-2028 in alignment with other coastal lagoons per R9-2015-0100.	
F-16	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	All jurisdictions within the Carlsbad Watershed do coordinate together to protect water quality through regional planning, such as the Water Quality Improvement Plan and Regional Water Quality Control Board. If a project in Encinitas, or other adjacent jurisdiction, resulted in impacts to water quality in Carlsbad, those impacts would be addressed by the project applicant and City of Encinitas to ensure no significant impact to water quality in Encinitas or Carlsbad. Potential impacts to water quality in Carlsbad from a project in Encinitas would not necessitate a coastal development permit be approved by the City of Carlsbad, unless improvements or development were proposed in Carlsbad.
		No apparent coordination with the boundary City of Encinitas towards boundary projects & subsequent influences. Cities of Encinitas & Carlsbad do not recognize Batiquitos as a State WRCB Listed impaired body of water. impaired Encinitas Creek & Lower San Marcos Creek flow into Batiquitos without treatment or applied BMPs. See LCP-6 Pg.6-17; P.29 LCP-6-P21. Pg. 6-26	Provide language for inherent coordination between boundary Cities where water quality impacts will have cause & affects. Surface water pollution, SWPP projects shall have treatment/bio-basins. Comply with CFR-40, Parts 100 - 149, CWA 303(d)(e), conduct TMDLS on surface water outfalls into Batiquitos Lagoon (west/east basin) Encinitas Creek, & Lower San Marcos Creek both drain into Batiquitos, & are (known) listed as impaired. May trigger the City of Encinitas to require a developer to also require a City of Carlsbad Coastal Development Permit (COP).	

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		BATIQUITOS LAGOON DREDGING	
F-17	City of Encinitas	<p>As the Coastal Zone Program Administrator for the City of Encinitas, I am interested in maintaining our City’s eroding bluffs and beaches with as natural of processes as possible. One way to combat our constant state of erosion is with beach sand and sand nourishment. Since many of our rivers and lagoons do no naturally transport sand into our littoral current, often times sand management is necessary. Batiquitos Lagoon traps sediment flowing into the Lagoon from its inlet mouth and from its inputs, primarily San Marcos Creek. Therefore, sand needs to be regularly dredged out of the Lagoon and especially the West Basin to allow the lagoon to function properly and to allow sand to migrate south as it should be doing naturally.</p> <p>In the current draft of the LCP, the management of the Lagoon is not addressed. There is merely a statement that Batiquitos Lagoon is dredged through “ongoing maintenance.” However, the Lagoon dredging is not ongoing and is instead infrequent. I would like to see the City of Carlsbad LCP address maintenance of Batiquitos Lagoon more thoroughly and recommend in the LCP that the Lagoon be dredged on a regular, every five year schedule. If this is too static of a schedule, perhaps consider requiring a thorough bathymetric study every three years to determine a dredging maintenance schedule. Batiquitos Lagoon is being dredged in 2019/2020, which has resulted in wider beaches to the south. Prior to this year, Batiquitos Lagoon had not been dredged since 2012, approximately 9 years between dredging operations. Beaches to the south of Batiquitos Lagoon inlet become starved for sand in years when dredging does not occur.</p> <p>Please consider refining the LCP to reflect this recommendation.</p>	<p>As described in draft LCP Section 6.3, the California Department of Fish and Wildlife is responsible for ongoing maintenance (dredging) and monitoring of the lagoon, as required by Section 10 of the 1987 “Memorandum of Agreement for the Enhancement of Batiquitos Lagoon.”</p> <p>The LCP, a local city policy document, does not require a maintenance schedule for lagoon dredging, as the lagoon is owned by the state and lagoon maintenance is the state’s responsibility.</p>

F. CHAPTER 6 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND WATER QUALITY				
ROW	COMMENTS	COMMENT TOPIC AND COMMENT		RESPONSE
		WILDLIFE CORRIDOR		
		Existing	BLF Requested Change	
F-18	Batiquitos Lagoon Foundation	Discussion Only See LCP-6 Pg.5, Pg.6-22	Provide a Wildlife Corridor Map showing the intent to provide wildlife corridors complete with details or references. Provide list of species in a Table with approximate known species count. Include Fairy Shrimp and vernal pool locational map with protective details.	<p>Draft policy LCP-6-P.5 requires that functional wildlife corridors be maintained.</p> <p>Draft policy LCP-6-P.1 requires implementation of the city’s Habitat Management Plan (HMP) as a component of the Local Coastal Program. The HMP provides more detail and requirements regarding wildlife corridors and specific sensitive species.</p> <p>It is not necessary to repeat the requirements of the HMP in the LCP land use plan, as the HMP is component of the LCP.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-1	Paul Illingworth	<p>Very disappointed to see we are wasting tax dollars on “Adapting to seal level rise”. There is absolutely no proof that the sea levels are rising.</p>		<p>Sea level rise is addressed in the draft LCP, as required by Coastal Commission guidance. Draft LCP Section 7.2 and Appendix B (City of Carlsbad Sea Level Rise Vulnerability Assessment) provide information regarding the science and evidence of sea level rise.</p>
G-2	Kathy Steindlberger	<p>Coastal Commission staff report for Del Mar Local Coastal Plan update (which was denied) stated that Del Mar’s LCP was an “information document written in narrative form”, and Coastal cannot rely on “content in an informational document to determine whether an LCP is consistent with the Coastal Act. Carlsbad’s Draft LCP seems informational and does not include specific language. Why do you expect this LCP will be approved when Del Mar’s was not?</p> <p>Coastal wanted language to include triggers, for future updates, impact thresholds, overlay zone maps, etc. Carlsbad’s LCP refers to the Sea Level Rise Vulnerability Assessment on p. 46 a list of “potential adaptation options.” When and how will these adaptations be implemented? The document is too vague without specifics.</p>		<p>City staff and Coastal Commission staff met on a monthly basis throughout the preparation of the draft LCP. Coastal Commission staff has reviewed and commented on the entire draft LCP and has indicated support for the draft.</p> <p>The comment refers to the City of Del Mar’s LCP amendment to address sea level rise. Del Mar’s project included both an amendment to the LCP land use plan to include sea level rise policies and an amendment to the LCP implementation plan, which included a sea level rise adaptation plan.</p> <p>Regarding Carlsbad’s draft LCP, the draft sea level rise policies are written consistent with Coastal Commission sea level rise policy guidance and provide policy level direction to the city to guide future actions related to sea level rise.</p> <p>Carlsbad’s LCP update is an update to the land use plan only. The specifics mentioned in the comment will be provided in future sea level rise implementation and adaptation plan(s). Draft policies LCP-7-P.28 to 7-P.31 direct the city on the preparation of sea level rise standards and adaptation plans.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	
G-3	Richard Walsh	I would like to have 'The Retreat Approach', where feasible, made the preferred approach adopted by Carlsbad City in its plan to deal with increased sea levels. At last night's presentation I had the feeling that the 'Retreat Approach' was dismissed out of hand. Hopefully I got the wrong impression.	Draft policy LCP-P.27 addresses what is referred to as "retreat"; the policy requires removal or relocation of structures in certain circumstances: <ul style="list-style-type: none"> • Hazards that negatively affect public health and safety • Essential services can't be maintained • Structures are no longer on private property due to migration of public trust boundary • Structures need protection by new shoreline protective device that conflicts with city policies on shoreline protection
G-4	Stanley Prowse	<p>I am appalled by the fake photo on page 3 of your Local Coastal Program Update. It is not even labelled as a dramatization. And what a dramatization it is! Just whose idea was it to depict the beach and the seawall as entirely gone (with today's automobiles!) leaving only the sidewalk and the raging sea, with a towering dark cloudbank approaching? Just whose scientific study was relied upon for suggesting such a horrendous change in real time? "Adapting to Sea Level Rise"?! Baloney. I take it you intend to scare the hell out of everybody, so that whatever regulatory overkill you would like to impose will be accepted without pushback from any affected property owners.</p> <p>I protest. I am fed up with earnest predictions by self-interested "scientists," politicians, bureaucrats, and "journalists" that the world will end tomorrow, so that massive changes (entailing loss of liberty and property, as well as punitive taxation) must be made before it's too late! People with an axe to grind have been predicting the immanent end of the world since human consciousness showed up. So far their batting average is zero. We can do without more fear mongering.</p> <p>It is a sad day when my City government stoops so low.</p>	<p>The referenced photo is a real photo showing the Carlsbad sea wall being hit by ocean waves.</p> <p>See row G-1.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-5	Stanley Prowse	<p>Thank you for your reply. It seems I mistook the top of the seawall for the sidewalk, and that the appearance of a catastrophic loss of sand is an illusion resulting from the position of the photographer and the absence of any scale for the foreground of the photo. In other words, the photo shows the seawall doing its job, and the beach lived happily thereafter without the intercession of the Army Corps of Engineers.</p> <p>I am still not convinced that the photograph has not been doctored. A cloudbank of that magnitude running at right angles to the shoreline instead of parallel to it would be quite unusual. And I am still convinced that the photo was chosen to create fear and alarm, whereas in truth it should inspire confidence.</p>		See row G-4.
G-6	Stanley Prowse	<p>PS. The photo has nothing to do with sea level rise. All it speaks to is ordinary beach and bluff erosion, exacerbated since the construction of harbors and jetties at Oceanside and Camp Pendleton (along with development in general) reduced the natural deposit of sand southward along the coast from the rivers and streams north of Carlsbad.</p>		See row G-4.
G-7	Lance Schulte	<p>The Proposed LCPA identifies increased Coastal Bluff erosion due in part to Sea Level Rise (SLR) that will create a new-natural shoreline and coastal bluff. But what is the Proposed LCPA plan and policies for accommodating the new-natural shoreline/bluff and preserving by migrating inland “High-Coastal-Priority” features and Land Uses like the beach and State Campground subject to the LCPA’s projected and planned Coastal Bluff erosion and SLR?</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise.</p> <p>The specifics mentioned in the comment will be addressed in future sea level rise implementation and adaptation plan(s). Draft policies LCP-7-P.28 to 7-P.31 direct the city on the preparation of sea level rise standards and adaptation plans.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-8	Lance Schulte	The proposed LCPA identifies projected/planned SLR impacts on public access trails, a community nature center around East Batiquitos Lagoon. What is the Proposed LCPA plan and policies for accommodating the new-natural Batiquitos Lagoon shoreline and preserving by migrating inland “High-Coastal-Priority” features like the public access trails, and planning a new location for the community nature center subject to the LCPA’s projected and planned SLR?		See row G-7.
G-9	Lance Schulte	Are these “High-Coastal-Priority” features and Land Uses in the Proposed LCPA to be allowed and planned in the Proposed LCAP to move inland or to other locations as coastal erosion and SLR undermine, put underwater, or eliminate access to these “High-Coastal Priority” features and land uses in their current locations?		See row G-7.

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-10	Sue Loftin	<p>There are natural hazards that can affect the coastline. The issues raised by the Plan are (i) can property owners rebuild, and if so, what are the limitations imposed by this Plan upon the right to rebuild and (ii) what rights do property owners have to protect their property, particularly prior to or after a sea/ocean event.</p> <p>With regard to the property owners right to repair or rebuild, those rights are substantially limited by the policies in the prior sections and reiterated in this section. The Plan in this section again does not disclose the limitations on those rights based upon the applicable land use approval, the location within the coastal zone and extent of the damage to the structures which varies (50 %+) incorporated. The only code section cited by this report is Coastal Act section 30235 which allows <i>Revetments, breakwaters, groins, harbor channels, seawall, cliff retaining walls, and other such construction that alters natural shoreline process (“Protective Structures”) shall be permitted when required to serve coastal dependent uses or to protect existing structures....</i> Again, the issue is what is the definition of “existing structure?” There is no definition applicable throughout the Plan. <i>See, LCP-7-20;</i> and as discussed <i>supra</i> some portions of the plan limit the rights to both development and redevelopment (repair, replacement, etc.) as stated in the Coastal Hazards Policies, including without limitation LCP-7-P.1 through LCP-7-P.5 (which apply to both development and redevelopment. Additionally, there is no discussion related to Protective Structures which were constructed prior to the adoption of the Coastal Act and the exemption from the provisions of Chapter 7 requirements (it is not within the scope of this Comment document to review the Sea Level Rise assumptions. Just as a note the extreme Policies based thereon are not justified by the Sea Level Rise report, except for the Coastal Staff’s general position that the Commission advocates imposing the high-end of the range of sea level estimates, rather than the projections applicable to site specific areas, e.g. Carlsbad, and areas within the Carlsbad coastal zone. The high-end of sea level estimates is used to justify the administrative and regulatory taking of real property.)</p>		<p>Draft policies LCP-7-P.9 to 7-P.17 are the policies relative to how development can be sited or redeveloped on lots that are vulnerable to sea level rise impacts.</p> <p>Regarding protection of property, draft policies LCP-7-P.18 to 7-P.26 are the policies that address protection of property with shoreline protection devices. Draft policies LCP-7-P.21, 7-P.22, and 7-P.24 address existing shoreline protective devices.</p> <p>Regarding the definition of “existing structure”, as stated in draft LCP Chapter 8 (Glossary), the terms defined in the draft LCP are technical or specialized terms that may not reflect common usage. The term “existing structure” is used twice in the draft LCP – in policy LCP-7-P.16 the term reflects the common use of the words “existing” and “structure”, and in policy LCP-7-P.20 the term is defined within the policy for purpose of that policy only.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-11	Sue Loftin	<p>These Comments object to all Policies commencing with LCP-7-P.7 through LCP-7-36. These policies do not reflect the statutes or approved regulations of the Coastal Act but rather the new positions promoted and promulgated by the Coastal Staff. These include (not intended as an exclusive list of objections or Comments) as imposed or as attempted to impose on other jurisdictions and included in this Plan:</p> <p>a. managed retreat LCP-7-P9, LCP-7-P2, LCP-7-P22, LCP-7-P.27;</p> <p>b. No Protective Structures or repair of existing Protective Structures LCP-7-P10, PCP-7-P.14; LCP-7-P.16, LCP-7-P. 18 through LCP-7-P.16, LCP-7-P.21; LCP-7-P.22;</p> <p>c. No rebuilding of existing structures in hazardous zones or nonconforming use status (incorporate above listed subsections) and LCP-7-P. 20 (only allows to protect coastal dependent uses or public beaches);</p> <p>d. limitation on duration of uses on coastal real property LCP-7-P.9 (the expiration condition in essence requires the homeowners to convey to the Commission a negative easement across their bluffs. A negative easement imposes ""specific restrictions on the use of the property"" it covers. (<i>Wooster v. Department of Fish & Game</i> (2012) 211 Cal.App.4th 1020, 1026.) It "prevent[s] acts from being performed on the property [and] may be created by grant, express or implied." (<i>Wolford v. Thomas</i> (1987) 190 Cal.App.3d 347, 354.) A negative easement is "property" within the meaning of the takings clause, and when the government subjects land to a negative easement in its favor, it must pay for it. (<i>Southern Cal. Edison Co. v. Bourgerie</i> (1973) 9 Cal.3d 169, 172-173.));</p> <p>e. attempt to mitigate taking by allowing minimum economic use of property (partial taking) thereby transferring liability from the Coastal Commission to the City LCP-7-P.21;</p> <p>f. require a site-specific sea level rise hazard report as condition of Coastal Development Permit LCP-7-P.8 (adds additional expensive cost to obtain a CDP for any purpose); and</p> <p>g. All other Policies in Section 7 of the Plan. The requirements are not supported by statute or adopted regulations, and as such, are invalid, except those Policies related to fire protection.</p>		<p>The draft LCP policies have been drafted consistent with Coastal Commission guidance, as the comment states.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-12	Sue Loftin	<p>Section 7 is a significant violation of property owners’ constitutional rights, including without limitation, a taking and a governmental prohibition on due process, among other things. Beyond the regulatory questions, however, some local governments questioned the substantial ranges in sea-level rise projections. The objections from various Counties and Cities to use of the high-end of the range of sea level estimate is located in the Public Records of the Coastal Commission.</p>		<p>The policies in draft LCP Chapter 7 guide future development consistent with the Coastal Commission sea level rise guidance. The policies are applied on a case by case basis, as applicable. Proposed development is evaluated for consistency with applicable policies and laws, including laws that protect property rights.</p> <p>Regarding the projected range of sea level rise, draft policy LCP-7-P.8 requires a site-specific sea level rise hazard report for all development that requires a coastal development permit and is vulnerable to sea level rise. The report must be based on the best available science and state guidance applicable at the time of the report. This ensures proposed development is evaluated pursuant to the best information available.</p>
G-13	CA Parks & Rec	<p>Policy LCP-7-P.31 (page 7-46) proposes the City will support and coordinate with the Department in sea level rise adaptation planning for the state campground in Carlsbad. The Department is supportive of this policy and looks forward to collaborating with the City. The Department is greatly appreciative that the City has secured grant funding from the State Coastal Conservancy to begin collaborating on Sea Level Rise Adaptation planning for the land near to the southern portion of Carlsbad Boulevard. This effort has the potential to greatly improve and sustain important coastal amenities well into the future and develop strategies for other areas which will be affected by sea level rise.</p>		<p>Comment is appreciated.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	RESPONSE
G-14	North County Advocates	LCP -7-P.13 includes “preclude a reasonable economic use...” Please provide further guidance for that subjective determination. In the HMP it is defined as less than 25% of site.	<p>The comment references the HMP provision for a minimum use of 25% of a site that contains sensitive habitat. This standard was established through a thorough parcel-level study of sensitive habitat in Carlsbad; and through discussions with property owners and resource agencies, the 25% standard was agreed upon.</p> <p>In the case of properties vulnerable to sea level rise, it is not feasible to establish a minimum economic use standard for all properties. As each property has unique vulnerabilities to sea level rise, and the minimum economic use will need to be determined on a case by case basis based on site-specific information.</p> <p>However, to provide more guidance on how to determine a minimum economic use of a property vulnerable to sea level rise, staff recommends the following revision to draft policy LCP-7-P.13, based on Coastal Commission adaptation guidance:</p> <p>LCP-7-P.13 Allow a minimum economic use and/or development of a property, <u>as necessary to avoid an unconstitutional taking of private property without just compensation</u>, where full adherence with all Local Coastal Program policies, including sea level rise policies and other hazard avoidance measures, would preclude a reasonable economic use of the property. Continued use of an existing structure, including with any permissible repair and maintenance (which may be exempt from permitting requirements), may provide a reasonable economic use. If development is allowed pursuant to this policy, it must be consistent with all Local Coastal Program policies to the maximum extent feasible.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-15	North County Advocates	<p>There also have been years of discussion about the potential relocation of the state park campground. While this issue has not yet been resolved, the LCP should acknowledge this and identify the issues, potential impacts and plan to address them. It is not enough to just say you will continue to work with state parks.</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise.</p> <p>Regarding specifics on how impacts to the campground will be addressed, further study is needed and those specifics will be address in an adaptation plan for the campground, which the state must lead as owner of the campground. Draft policy LCP-7-P.31 directs the city to coordinate with the state in sea level rise adaptation planning for the campground. More specific information is not known yet.</p> <p>The city is currently coordinating with the state on a grant-funded project that will include modeling of a detailed sea level rise impact analysis of the coastline from Terramar to Batiquitos Lagoon, development of potential adaptation scenarios, including for the campground, and design of a roadway realignment (Carlsbad Boulevard south of Palomar Airport Road).</p> <p>See the state’s comment in row G-13.</p>
G-16	North County Advocates	<p>P 30 of Appendix A says that documenting the “ age, condition and permit conditions of both protective structures and the development they were built to protect will be important...” . LCP -7-P.26 seems to imply this will be done by the State. Please clarify the plans to complete this assessment, who is responsible and when this will be done since future actions will depend upon having this information available.</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise. The LCP land use plan is a long-range policy document, not a project work plan.</p> <p>The specifics of how the city will coordinate with the Coastal Commission on preparing a coastal armoring database are not yet known and will be determined when implementation of the policy is initiated, the timing of which is also not yet known.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-17	North County Advocates	<p>Appendix A p 46 identifies a list of adaptive management strategies that could be applied to each of the risk areas and states that the LCP will provide further detail about triggers and what strategies will be applied. But the LCP does not really do that. This is of particular concern for those items identified as having high risk of impact by 2050, including public roadways. Please clarify exactly how the city will implement the strategies recommended in the SLR Vulnerability Assessment- particularly for those impacts expected by 2050.</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise.</p> <p>The specifics regarding adaptation strategies, such as triggers, will be addressed in future sea level rise adaptation plans. Draft policies LCP-7-P.28 to 7-P.31 direct the city on the preparation of sea level rise standards and adaptation plans.</p>
G-18	Surfrider Foundation	<p>Surfrider is very pleased to see that the LUP considers science-based Sea Level Rise (SLR) predictions and incorporates realistic adaptation strategies. As is made clear in Carlsbad’s Sea Level Rise Vulnerability Assessment (Vulnerability Assessment), local sea levels are rising. Recognizing the potential need for a range of adaptation options allows the city the best chance at minimizing threats to health, safety, and property. We appreciate the city’s incorporation of language and findings from the Vulnerability Assessment in this LUP. We also applaud the city’s development of policies regarding the potential future need to manage relocation of vulnerable assets and infrastructure. Lastly, we appreciate the LUP’s recognition that there will be an ongoing need to update city policies and planning documents based on best science and evolving conditions.</p>		<p>Comment appreciated.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	
G-19	Surfrider Foundation	<p>Surfrider recognizes the extent to which the LUP adheres to and incorporates a breadth of Coastal Act policies that ensure the plan’s long-term viability and its ability to protect coastal resources that exist in the public trust (i.e., the beach.) According to the Coastal Act, the LUP must be “sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions” (Coastal Act Section 30108.5). To ensure “sufficient detail” is provided in the LCP, we outline our comments below with the understanding and expectation that some of these details may be further clarified by the LCP’s implementation component.</p> <p>Definition of existing development We are highly concerned that the LUP attempts to change the definition of ‘existing development’ as defined by the Coastal Act.</p> <p>LCP-7-P.20 directs the city to: <i>Permit shoreline protective devices, pursuant to Coastal Act Section 30235, including revetments, breakwaters, groins, seawalls, bluff retaining walls, and other such construction that alters natural shoreline processes, only when all the following criteria are met...The protective device is required to serve coastal-dependent uses or protect public beaches in danger from erosion or protect existing principal structures. "Existing" in the context of this policy refers to structures that existed prior to Coastal Commission certification of this policy ([insert date after certification]).</i></p> <p>[continued below]</p>	<p>This comment addresses the definition of “existing”, as used in the context of Coastal Act Section 30235 (“existing principle structure”).</p> <p>Coastal Act Section 30235 uses the term “existing”; however, the term is not defined in the Coastal Act, in regard to existing as of a certain date.</p> <p>Since enactment of the Coastal Act in 1976, both the Coastal Commission and local jurisdictions have inconsistently interpreted “existing” in the context of Section 30235. The term has been interpreted to mean structures existing at the time of a permit application, which resulted in local jurisdictions and the Coastal Commission permitting seawalls, revetments, etc., to protect structures that were built after 1976.</p> <p>As noted in the comment, the Coastal Commission’s sea level rise policy guidance recommends that, going forward (for purposes of Section 30235), local policies define “existing” as structures that existed at the time the Coastal Act was enacted in 1976; and therefore, structures built after 1976 would not be allowed to be protected by seawalls, revetments, etc.</p> <p>Along Carlsbad’s coast, most of the beach bluff top properties are protected by seawalls and revetments. Many of the bluff top structures that exist today, most of which were built after 1976, rely on existing seawalls and revetment.</p> <p>[continued below]</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-19, cont.	Surfrider Foundation	<p>[continued from above]</p> <p>Existing development refers to the date the Coastal Act was enacted in 1976. This definition is consistent with Coastal Act Sections 30235 and 30253, as well as the Coastal Commission’s SLR Policy Guidance Document (page 166):</p> <p>“...going forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not “existing” as that term was originally intended relative to applications for shoreline protective devices” (California Coastal Commission Sea Level Rise Policy Guidance)</p> <p>Section 30235 of the Coastal Act defines existing development:</p> <p><i>Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal- dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.</i> (Coastal Act Section 30235)</p> <p>Section 30253 of the Coastal Act denies new development the right to future armoring:</p> <p><i>New development shall...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</i> (Coastal Act Section 30253)</p> <p>Structures that were built any time after 1976 are not entitled to seawalls and were, at the time of 1976, denied the future right to armor by the Coastal Act.</p>		<p>[continued from above]</p> <p>The draft LCP proposes to define “existing,” in the context of draft policy LCP-7-P.20 and Coastal Act Section 30235, as structures that existed prior to Coastal Commission certification of policy LCP-7-P.20.</p> <p>The proposed definition would prohibit construction of seawalls to protect new structures built after the date the policy is certified. Structures built prior to the date the policy is certified could only be protected by a seawall, revetment, etc., if the device is designed to 1) mitigate adverse impact on local shoreline sand supply, 2) there is no less environmentally damaging alternative, 3) no previous waiver of rights to shoreline protective devices applies, and 4) the protective device is required to be removed when the structure is removed or no longer needs protection.</p> <p>Draft policy LCP-7-P.23 addresses the required mitigation of impacts to sand supply referred to in LCP-7-P.20.</p> <p>The draft LCP also includes other policies that address the ability to maintain existing shoreline protective devices (LCP-7-P.21, P.22, and P.24).</p> <p>Draft policy LCP-7-P.4, P.5 and P.25 establish new policies that address emergency coastal development permits for protective measures to address a hazard, including construction of shoreline protective devices. The new draft policies are intended to ensure that the emergency permit is not used as a means to construct a permanent shoreline protective device – the emergency protective device must be temporary in nature and able to be removed without adverse impacts to the affected area.</p> <p>The draft LCP policies mentioned above significantly limit the ability to construct a new shoreline protective device.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	
G-20	Surfrider Foundation	In addition, the definition of “redevelopment” needs to be established in the LUP.	The term “redevelopment” is defined in draft LCP Chapter 8.
G-21	Surfrider Foundation	<p>Scenario-based planning</p> <p>We appreciate policies in the plan that allow the city to monitor sea level rise impacts in Carlsbad, particularly policy LCP-7-P.34, which directs the city to “monitor sea level rise impacts to beaches, bluffs, natural resources, and shoreline and public trust migration” and LCP-7-P.7, which requires the city to update its Vulnerability Assessment, including sea level rise hazard maps, approximately every 10 years. Additionally we appreciate LCP-7-P.27, LCP-7-P.30, and LCP-7-P.28, which direct the city to seek funding opportunities for an SLR adaptation plan, prioritize development and implementation of adaptation plans for critical infrastructure, and implement a sea level rise hazard shoreline development standards as part of the Zoning Ordinance.</p> <p>None of these policies guarantee the creation of an SLR Adaptation Plan. Surfrider strongly recommends including a commitment to creating an SLR Adaptation plan to serve as a long-range planning guide to addressing future sea-level rise and its effects on storm surge, coastal flooding, and erosion. The Adaptation Plan should include a framework for the City to manage risks and take actions based on specific scenarios and monitoring of sea-level rise and its effects. A multi-phased adaptation strategy will save the city millions of dollars, as outlined in “Comparing Sea Level Rise Adaptation Strategies in San Diego,” the benefit-cost analysis in which Carlsbad participated in 2017. Scenario-based planning helps avoid unplanned reactions to disasters, protecting the beach as a public trust resource.</p>	<p>In response to the comment, staff recommends the following revisions to draft policy LCP-7-P.29:</p> <p>LCP-7-P.29 Seek funding opportunities to <u>Develop a sea level rise adaptation plan(s) that identifies how development, resources, and other vulnerable assets can adapt to the impacts of sea level rise. The adaptation plan should provide a framework to manage risks and take actions based on sea level rise monitoring and specific scenarios related to sea level rise impacts. Elements of an adaptation plan include, but are not limited to: including, but not limited to, the following:</u></p> <p>[see draft LCP Chapter 7 for subsections A to I of this draft policy]</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	
G-22	Surfrider Foundation	<p>Mitigation of impacts from seawalls</p> <p>We appreciate that the LUP demonstrates the need to mitigate the use of new shoreline protective devices, particularly in LCP-7-P.23, which: <i>Require(s) that new shoreline protective devices, when permitted pursuant to Policy LCP-7-P.20, are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to avoid impacts to other coastal resources and public access to the maximum extent feasible. If such impacts cannot be avoided, they shall be mitigated through options such as providing equivalent new public access or recreational facilities or undertaking restoration of nearby beach habitat. Mitigation of impacts to coastal resources and public coastal access shall ensure equitable public access to and benefits from coastal resources.</i></p> <p>We encourage the city to establish a process for ensuring that this mitigation is accounted for, especially when new public access or recreational facility opportunities may not be readily available. The City of Solana Beach has implemented Sand Mitigation Fees and Public Recreation Fees.</p>	<p>Mitigation measure associated with impacts from a project are monitored and implemented on a project-specific basis, as conditions of approval of the project.</p>
G-23	Surfrider Foundation	<p>Geologic setbacks</p> <p>Geologic setbacks are mentioned in Chapter 7 and consider erosion, including erosion due to sea level rise. LCP-7-P .14B states:</p> <p><i>The geologic setback is the location on the blufftop inland of which stability can be reasonably assured for the anticipated duration of the development without need for shoreline protective devices. The geologic setback line shall account for the erosion, including erosion due to sea level rise, anticipated during the duration of the development.</i></p> <p>Surfrider maintains that a coastal bluff setback should be calculated by incorporating 1) A 1.5 factor of safety (the industry standard for new development) or greater, and 2) erosion — including erosion caused by sea level rise. This will ensure that the setback assures safety from landsliding or block failure as well as from long-term bluff retreat. Methods for calculating a proper setback with these inputs are described in “<i>Establishing development setbacks from coastal bluffs,</i>” a 1 2003 memorandum to the Coastal Commission completed by a staff geologist.</p>	<p>The specific criteria for a sea level rise related geologic study will be addressed in the LCP implementation plan.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-24	Sierra Club	<p>We feel there are areas which require further analysis before the subject LCP should be adopted and forwarded to the California Coastal Commission by the City of Carlsbad. Of particular concern is the minimal progress being made in responding to the potential impacts associated with climate change and sea level rise (SLR).</p> <p>Table 7 of the Sea Level Rise Vulnerability Assessment identifies three key areas with high or moderate to high risk/high consequence by 2050. These are: state parks, transportation and environmentally sensitive lands. The LCP provides no plan of action to further analyze and respond to these risks. The recommendations beginning on page 320, in the electronic file, say that the city “should consider the following adaptation policy strategies...” And then it goes on to list numerous potential actions. However, there are no specifics about the actions which need to be taken, making any effort which needs to be acted on soon in order to have both a plan and funding in plan prior to 2050, vulnerable.</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise.</p> <p>The specifics regarding adaptation strategies will be addressed in future sea level rise adaptation plans. Draft policies LCP-7-P.28 to 7-P.31 direct the city on the preparation of sea level rise standards and adaptation plans. Draft policy LCP-7-P.30 requires the city to prioritize the development and implementation of adaptation plans for assets mentioned in the comment – parks, transportation (such as Carlsbad Boulevard) and other important resources.</p>
G-25	Sierra Club	<p>The LCP gives the option of armoring of the coast as a last resort alternative. There needs to be much more specific guidance about eliminating/restricting this as an adaptation strategy. And of most import, the LCP appears to be redefining the definition of existing development, thereby allowing potentially for armoring. This is critical as we believe existing development should only be defined by the Coastal Commission’s Sea Level Rise Policy Guidance Document as found on page 166:</p> <p>“...going forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not “existing” as that term was originally intended relative to applications for shoreline protective devices”</p> <p>Therefore, any structures built any time after 1976 are not entitled to seawalls and were, at the time of 1976 denied the future right to armor by the Coastal Act. Specifically, Section 30253 of the Coastal Act denies new development the right to future armoring stating:</p> <p>“New development shall...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs.”</p>		See row G-19.

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-26	Sierra Club	# 10 Building and zoning code revisions is something that likely will be addressed in phases. However, there is no timeline nor plan identified. We believe the first phase needs to be done now.		<p>The comment refers Section 6.4.1 of the Carlsbad Sea Level Rise Vulnerability Assessment, which is Appendix B of the draft LCP. Section 6.4.1 includes a broad list of possible adaptation strategies for the city to consider.</p> <p>Draft policy LCP-7-P.7 incorporates the Sea Level Rise Vulnerability Assessment (Appendix B) as part of the LCP.</p> <p>Draft policy LCP-7-P.28 requires the shoreline development standards be prepared as part of the Zoning Ordinance. While the policy doesn't specify a timeline, the standards are currently being drafted as part of a comprehensive update to the Zoning Ordinance.</p>
G-27	Sierra Club	# 15 "Continue to monitor the beach ... " and# 16 "Periodically update the Sea Level Rise Vulnerability Assessment... " need to be brought forward into very specific policy direction In the LCP. "Continue" monitoring implies there is sufficient monitoring occurring. We do not see the kind of rigorous monitoring of the beach (not just sand replacement) as well as erosion of the coastal bluffs that is necessary. At a recent state sponsored workshop on SLR National City described a comprehensive monitoring program that is in place for their city, with the assistance of Scripps. Several panelists requested further state assistance with funding rigorous monitoring programs. There needs to be more robust policy on both monitoring, and securing funds needed to implement these programs.		<p>The comment refers Section 6.4.1 of the Carlsbad Sea Level Rise Vulnerability Assessment, which is Appendix B of the draft LCP. Section 6.4.1 includes a broad list of possible adaptation strategies for the city to consider.</p> <p>Draft policy LCP-7-P.7 incorporates the Sea Level Rise Vulnerability Assessment (Appendix B) as part of the LCP, and also requires that the assessment be updated approximately every 10 years, consistent with Coastal Commission guidance.</p> <p>Regarding monitoring of the beach, this is a potential adaptation strategy that is incorporated into the LCP policies by draft policy LCP-7-P.7. When adaptation plans are developed per draft policy LCP-7-P.29, the city can consider monitoring of the beach as an adaptation strategy.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-28	Sierra Club	<p># 17 recommends an "Armoring database and action plan ... " This implies there is a project to collect existing data by the state. Please provide further clarity as to how this work is being done and when the initial assessment will be completed. It is of concern that this is characterized as an "armoring" action plan. Hopefully at least part of the intended actions is to reduce existing armoring, and develop alternatives to reduce the need for any armoring in the future.</p>		<p>Draft policy LCP-7-P.26 requires the city to coordinate with the state to prepare and maintain a coastal armoring database.</p> <p>The specifics of how the city will coordinate with the Coastal Commission on preparing a coastal armoring database are not yet known and will be determined when implementation of the policy is initiated, the timing of which is also not yet known.</p> <p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise. The LCP land use plan is a long-range policy document, not a project work plan.</p>
G-29	Sierra Club	<p># 20 is to identify triggers for action. We believe this is critical. Has any work been done to establish such triggers? If not, when will that occur? The LCP needs to make it clear that this, and many of the other actions the City was asked to consider, are actually included in policy with an action plan and timeline for implementation. Our concern is that several of them do not appear to have been incorporated into the policy. A table could help identify which were and which were not included and why they were or were not as well as prioritizing each action and perhaps providing some level of a timeline.</p>		<p>The draft sea level rise policies provide policy level direction to the city to guide future actions related to sea level rise. The LCP land use plan is a long-range policy document, not a project work plan.</p> <p>The specifics regarding adaptation strategies, such as triggers, will be addressed in future sea level rise adaptation plans. Draft policies LCP-7-P.28 to 7-P.31 direct the city on the preparation of sea level rise standards and adaptation plans.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-30	Kathy Steindlberger	<p>The Draft LCP will likely be a guiding planning document in Carlsbad for many years to come. Given the importance and longevity of this document, as well as the necessity of educating the public on such issues as sea level rise and the potential impacts to our City, the Draft LCP should be revised include many more discussions regarding impacts of the built environment on the natural environment (i.e. impacts of sea walls and their impacts to reduction of sand on the beaches and reduct). Additionally, this LCP lacks discussion and education regarding the enormous cost and impacts of sand replenishment, impacts to the natural environment along the shore, and why the sand is disappearing from our beaches. Please include more discussion to educate the public.</p>		<p>The draft LCP provides policy level direction to the city to guide future actions related to sea level rise. While the plan is an educational tool, it is not intended to provide broad education about sea level rise.</p> <p>Section 7.2 of the draft LCP provides information about sea level rise, including reference to other sources about the best available science. More information about sea level rise can be found in those referenced sources.</p> <p>Draft policy LCP-7-P.32 requires the city to continue to build community awareness about sea level rise hazards and future vulnerabilities.</p>
G-31	Kathy Steindlberger	<p>While reviewing the Coastal Commission comments for the City of Del Mar’s LCP update, the Commission noted that their document was largely written in narrative form, without adequate details. I found this to be true in the City of Carlsbad’s LCP as well. When does the City decide to implement the “philosophies” stated in Table 7-3? When do we determine whether we take a “Do Nothing” approach, or a more pro active approach to sea level rise? What are the specific scenarios that would trigger these approaches? A <i>Sea Level Rise Adaptation Plan</i> (SLR Adaptation Plan) has been prepared, but a Plan without any implementation is just information. As you know, the evidence tells us that proactively responding to sea level rise saves the taxpayers millions of dollars as opposed to reacting to emergencies once the City has been adversely impacted. Protecting the beaches and the public infrastructure is part of the public trust.</p>		See row G-2.

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-32	Kathy Steindlberger	<p>During the time that this document has remained in Draft form for several years, homeowners in Carlsbad are placing large new homes at the edge of the slope overlooking the beach. The discussion regarding setbacks is lacking as well as the idea to allow a “stringline” requirement for setbacks. Using the language “sited and designed to avoid hazards” is too general and subjective. Develop a Coastal Hazard Overlay Zone with specific requirements for homeowners along the coast. Among many considerations, attention must be paid to the existing geology of Carlsbad’s coastal slopes, and the impacts of watering landscaping and drainage on these slopes. I’ve watched many homeowners in the Terramar neighborhood watering their iceplant and other non-native, high water landscapes downslope toward the beach. Drainage should immediately be prohibited downslope toward the beaches to reduce further erosion.</p>		<p>Draft policy LCP-7-P.14 requires development be setback from a blufftop edge the greater of: a) the “string-line” distance, or b) a geologic setback that assures stability for the anticipated duration of the development without need for a shoreline protective device.</p> <p>Specific requirements for setbacks are addressed in the LCP implementation plan – Zoning Ordinance, which is currently being updated to be consistent with the LCP update.</p> <p>Blufftop projects proposed today are required to submit a geologic study that shows the development is proposed in a stable and safe location.</p>
G-33	Kathy Steindlberger	<p>Educate the public on the negative impacts caused by seawalls and coastal armoring on remaining sand along our beaches. Sea level rise and the response demands a paradigm shift in the public’s perception and requires much education of the citizenry. The Coastal Act recognizes that shoreline-altering development such as protective devices can cause significant adverse impacts to coastal resources such as sand supply, beach ecology, public access and coastal views. If the City is relying on sand replenishment as the major solution for eroding beaches, the public should know that this “solution” is very expensive, and the sand placed upon our beaches can be removed by just one or two large winter storms.</p>		<p>See row G-30.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-34	Kathy Steindlberger	The Chapter regarding approval of new or replacement seawalls places too much authority on the City to determine whether these new seal walls will impact our beaches. Additionally, if the City does approve new sea walls or refurbishment, or “permits”, the mitigation measures should be in equal benefit to the detriment caused by the sea wall or coastal armoring.		The authority to review and approve seawalls is granted pursuant to the Coastal Act. A city approval of a seawall is appealable to the Coastal Commission, which provides another level of authority in the permitting of seawalls. If a new seawall is permitted, the mitigation measures are determined on a project specific basis.
G-35	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	The comment refers to Section 5.3.4 of the Carlsbad Sea Level Rise Vulnerability Assessment – Appendix B of the draft LCP. Figure 8 of the vulnerability assessment shows the sea level rise impacts around Batiquitos Lagoon in year 2050. The bluff hazard zone is not shown around the lagoon because the assessment did not identify any bluff hazard areas around the lagoon, as a result of sea level rise, in 2050.
		Section 5.3.4 Parcels	The Fig.8 Batiquitos Lagoon Planning Area Map for year 2050 shall show the effect of SLR & the impact on line item 10 above, to wit, the described Geologic Hazard. Recommend that Fig.8 shall be marked up in red indicating the location of the potential bluff hazard zone.	

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-36	Worden Williams LLP	<p>I am writing on behalf of the Bristol Cove Property Owners Association (“Association”) to identify significant - and we believe unintended - harm that proposed policies in the Draft Local Coastal Program Land Use Plan (“LUP”) would have on the unique Bristol Cove development. Specifically, we believe LUP policies directed towards reducing development on the coastline because of concerns regarding sea level rise, coastal processes, etc. have been improperly extended to include portions of Bristol Cove. Bristol Cove does not dispute the need to consider the impacts of sea level rise in the LUP. However, Bristol Cove is an inland development and the potential impact of sea level rise on this community are far different from those faced by properties directly on the coast. It follows that Bristol Cove should not be subject to the same LUP policies as properties along the coast. I explain our concerns in more detail below.</p> <p>Bristol Cove is a community of 281 homes. Originally called Shelter Cove, it is a unique development that predates the Coastal Act, having been approved as a Tentative Map by City Resolution 767 on December 6, 1960, with actual construction being completed in the late 1960’s. At the heart of the community is the Bristol Cove Marina, a man-made marina fed by waters from Agua Hedionda Lagoon. The marina is a coastal dependent land use permitted by the Coastal Act. It defines the Bristol Cove community and is an integral part of the development. Agua Hedionda Lagoon is the only lagoon in San Diego where recreational boating is permitted, and Bristol Cove is the only community with a manmade marina adjacent to the lagoon.</p> <p>LUP Policies of Concern Appendix B, the City of Carlsbad Sea Level Rise Vulnerability Assessment has identified portions of the Bristol Cove Community as potentially within the sea level rise inundation zone. This is based upon a study that concludes some portions of Bristol Cove could experience flooding during high tide events due to sea level rise in 80-years, i.e. year 21001. As a result of this finding, Bristol Cove has been lumped into what is referred to as a “sea level rise hazard zone”, a zone that includes properties directly on the coast. For properties within this zone, the LUP has policies that are clearly directed toward preventing new– and eliminating existing– development. For example, existing development within the sea level rise inundation zone that is inconsistent with the new policies would be considered “legally non-conforming”. This designation would subject the development to LCP-7-P.16 which is designed to prevent improvements that would extend the useful life of existing structures.</p> <p>[continued below]</p>		<p>In response to the comment, staff recommends the following policy revisions, which ensure the policies do not preclude the ability for properties to be improved and maintained, and to clarify that policies that require removal of existing shoreline protective devices do not apply to existing marinas/boat docks.</p> <p>LCP-7-P.16 Prohibit improvements (including those that do not meet the threshold of redevelopment) to an existing structure <u>that meets all of the following (note: improvements may be permitted subject to policies LCP-7-P.12 and LCP-7-P.13): which is legally non-conforming due to a sea level rise hazard policy or standard when the improvements increase the degree of non-conformity by increasing the hazardous condition, such as by developing seaward or in a location that conflicts with the policies of this chapter, or by extending the duration that the non-conforming structure will remain non-conforming.</u></p> <p><u>a. The existing structure is located in a sea level rise hazard zone; and</u></p> <p><u>b. The existing structure would not be permitted to be constructed today based on sea level rise hazard policies; and</u></p> <p><u>c. The proposed improvements would increase the degree of sea level rise hazard to the property, such as by developing seaward or in a location that conflicts with the policies of this chapter.</u></p> <p>[continued below]</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION		
G-36, cont.	Worden Williams LLP	<p>[continued from above]</p> <p>LCP-7-P.16 -Prohibit improvements (including those that do not meet the threshold of redevelopment) to an existing structure which is legally non-conforming due to a sea level rise hazard policy or standard when the improvements increase the degree of non-conformity by increasing the hazardous condition, such as by developing seaward or in a location that conflicts with the policies of this chapter, or by extending the duration that the non-conforming structure will remain non-conforming.</p> <p>The Association is understandably concerned that application of the policy quoted above, and others in the Draft LUP, could be applied in a manner that prevents Bristol Cove homeowners from improving and protecting their most significant and important asset. The Association submits that policies for properties potentially impacted by sea level rise should not be a one size fits all proposition. Many of the concerns related to sea level rise such as the loss of sandy beaches, bluff erosion, and natural shoreline migration are inapplicable Bristol Cove. Bristol Cove is an inland development that is not impacting shoreline processes and as such, should not be subject to policies that have elimination of existing development as their primary focus.</p> <p>For example, there should be no presumption that Bristol Cove is a “legally nonconforming” development. Measures to protect Bristol Cove homes from the impacts of sea level rise should be permitted. There is no credible case to be made that allowing Bristol Cove to take reasonable steps to protect existing homes from the potential flooding impacts of sea level rise would have an adverse impact on the natural shoreline process, coastal resources, public trust resources or public access to the shoreline. Bristol Cove should be considered a situation in which some form of protection from flooding may represent a reasonable strategy to adapt to sea level rise.</p> <p>[continued below]</p>		<p>[continued from above]</p> <p>LCP-7-P.21 Prohibit the use of shoreline protective devices to protect new development, including redevelopment. If new development, including redevelopment, is protected by an existing legally authorized shoreline protective device, the new development/ redevelopment shall be sited and designed in a manner that does not require or rely on the use of a shoreline protective device to ensure geologic stability. Require, as a condition of approval of a coastal development permit, that new development, including redevelopment, record a notice of restriction waiving the right, per Coastal Act Section 30235, to construct shoreline protective devices in the future. The condition shall be recorded as part of a notice of restriction per Policy LCP-7-P.17. <u>This policy does not apply to shoreline protective devices that are part of an existing lagoon marina/boat dock.</u></p> <p>[continued below]</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		SEA LEVEL RISE AND RELATED HAZARDS/SHORELINE PROTECTION	
G-36, cont.	Worden Williams LLP	<p>[continued from above]</p> <p>Requested Action The Association asks that the LUP not be considered for approval in its current form. The Association appreciates that LUP policies to address sea level rise are necessary. However, it respectfully submits that as currently drafted, the LUP policies improperly apply rules intended for development on coastline to Bristol Cove, which is an inland development. The policies as currently written would have a devastating impact on Bristol Cove. They would unnecessarily limit the ability to improve and protect homes within Bristol cove based upon concerns and assumptions that have nothing to do with the development. The potential sea level rise impacts with regard to Bristol Cove are completely different from those presented by properties on the coast. To correct this problem, the Association asks for an opportunity to work with the City to develop LUP policies that are tailored to the unique circumstances of Bristol Cove.</p>	<p>[continued from above]</p> <p>LCP-7-P.22 Require, when permitting new development or redevelopment, removal of existing shoreline protective devices that are under the control of the property owner, only if <u>(note: this policy does not apply to shoreline protective devices that are part of an existing lagoon marina/boat dock)</u>:</p> <ul style="list-style-type: none"> A. It is feasible to remove the device and restore affected areas; and B. The device is causing adverse impacts to coastal or public trust resources, or will cause impacts over the anticipated duration of the development/redevelopment due to sea level rise during that time; and C. The device is no longer necessary to protect the remaining existing principal structure on the property or adjacent properties that are entitled to retain shoreline armoring.

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		DAM INUNDATION		
G-37	Batiquitos Lagoon Foundation	Existing	BLF Requested Change	In response to the comment, Figure 7-2 is proposed to be revised to reflect the dam inundation hazard area that impacts Batiquitos Lagoon.
		San Marcos Dam inundation would affect Batiquitos Lagoon.	Expand Fig 7.2 to include Batiquitos Lagoon as the recipient of a dam inundation release with hash marks. San Marcos Dam frequently “Overtops” to the detriment of Batiquitos Lagoon & contributes to the Status of an Impaired Body of Water per SWRCB. San Marcos dam's 6-inch head wall valve is open indiscriminatory & can discharge more than 1.5-acre feet in 24 hours. SDRWQCB shall control this valve via SCADA.	
FLOOD HARZARDS				
G-38	Buena Vista Audubon Society	<p>In Chapter 7.3 “Flood Hazards”, the major drainages are listed as flood prone areas due to potential flooding resulting from sea level rise. However, it should be pointed out in the Plan that as a result of the current existence of a weir at the mouth of the BVL, normal coastal tidal influences experienced at the other County lagoons have been eliminated here. During winter, because of the lack of tidal flushing at the BVL, a sand berm develops and flooding occurs on coastal roads and properties. At these times, the Buena Vista Lagoon Ecological Reserve nature trails become flooded and blocked to school children and others who use the trails for nature education programs and general recreation. The BVL is unique among the coastal lagoons in that removal of the weir is essential to reduce this increased vulnerability to flooding hazards.</p>		<p>The first sentence of the comment is not correct. Draft LCP Section 7.3 states that Section 7.2 identifies flood hazard resulting from sea level rise in years 2050 and 2100, and that Section 7.3 describes existing flood hazards. The flood hazards described in Section 7.3 are based on FEMA identified flood hazards.</p> <p>The comment recommends a specific description of the general flooding that occurs around Buena Vista Lagoon due to the weir. However, this specificity is not appropriate for draft Section 7.3, which provides a broad description of flood prone areas based on FEMA information.</p> <p>While the narrative in Section 7.3 doesn’t describe the flooding that occurs around Buena Vista Lagoon, the draft LCP does identify Buena Vista Lagoon as a flood hazard area. Draft Figure 7-1 shows the FEMA “special flood hazard areas”, including Buena Vista Lagoon.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		FLOOD HAZARDS	
G-39	North County Advocates	Underground parking and other underground facilities in high flood hazard areas is a particular concern that is not specifically addressed in the policies. Consider adding such guidelines.	<p>It is not clear what “high flood hazard areas” means. The draft LCP does prohibit/limit development in certain flood areas per FEMA regulations and Coastal Commission guidance.</p> <p>Draft policy LCP-7-P.40 prohibits development a floodway, except as specified by the policy.</p> <p>Draft policy LCP-7-P.41 prohibits development of permanent structures in the 1-percent-annual-chance flood area, except as specified in the policy.</p>
G-40	Surfrider Foundation	<p>Flood maps and flood preparation</p> <p>We support the creation of flood overlay zones, but request that the City of Carlsbad incorporate local sea level rise projections into flood planning, since The Federal Emergency Management Agency (FEMA) maps fail to account for sea level rise. The city should update LCP-7-P.39 below as indicated to include sea level rise:</p> <p><i>LCP-7-P.39: Comply with the Federal Emergency Management Agency (FEMA) requirements to identify and regulate flood hazard areas. Cooperate with FEMA on shoreline flooding hazards and other mapping efforts, supplementing this data with the most recent local sea level rise projections.</i></p>	<p>In response to the comment, staff recommends draft policy LCP-7-P.39 be revised as follows:</p> <p>LCP-7-P.39 Comply with the Federal Emergency Management Agency (FEMA) requirements to identify and regulate flood hazard areas. Cooperate with FEMA on shoreline flooding hazards and other mapping efforts, <u>including efforts to reflect sea level rise flooding projections.</u></p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		FIRE HAZARDS		
G-41	North County Advocates	<p>In response to fire severity risks the County of San Diego has developed criteria for when a developer will be requested to “voluntarily” (because ordinances do not provide a nexus to require such plans) prepare a fire protection plan that includes a fire evacuation time study. Such studies assess roadway capacity and local demographics to determine anticipated evacuation time. This information facilitates improved planning and response by Fire Department as well as local residents. It was reported to us that 100% of developers who have been asked to prepare such plans have complied. The City of Carlsbad should add such policy as part of adaptive response to fire hazards. Such a plan is also being done for a new development in Oceanside in the high severity fire zone.</p>		<p>The fire hazard policies in the draft LCP are focused on protection of coastal resources, such as sensitive habitat.</p> <p>The suggested requirement for a fire protection plan and fire evacuation study would be better addressed in other city documents that more specifically address fire safety planning.</p>
G-42	Sierra Club	<p>Increased frequency and severity of wildfires is one of the risks associated with climate change. The County of San Diego asks developers in high severity fire zones to prepare a fire protection plan that includes fire evacuation times. Such studies assess roadway capacity and local demographics to project evacuation times under varying conditions. The LCP has not really addressed clear adaptation strategies in response to the increased fire risk. We request you consider adding appropriate policy or action, as appropriate.</p>		<p>See row G-40.</p>
BRUSH CLEARING/FIRE HAZARD CONCERN				
G-43	Linda Petrucci	<p>When we were exploring the idea of putting in solar panels we asked the Coastal Commission to come over for their input. One of the things they told us is that we are not allowed to remove dead bush from the wild section of our property. In periods of drought and wildfire this is very concerning. The Fire Department recommends cutting back brush around a structure but the Coastal Commission prohibits this here. I understand that newer developments do not have this restriction. Can you help or advise me? Is this something that can be addressed in the new Plan?</p>		<p>The draft LCP does address fire/fuel modification areas that allow for clearing/trimming of native vegetation in approved “fire modification zones.”</p> <p>Draft policy LCP-7-P.57 requires fuel modification to be designed and maintained consistent with the city’s Habitat Management Plan, and subject to draft LCP Figures 7-7A, B and C.</p>

G. CHAPTER 7 – COASTAL HAZARDS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		CONCERNS ABOUT COASTAL BLUFFS	
G-44	Ben Mijuskovic	<p>I have been concerned for an extended period of time that the City of Carlsbad Engineering Department, the Planning Commission, and the City Council has put the Terra Mar coastal bluffs at risk for a number of reasons.</p> <p>First, from Pine St . to Palomar Airport Rd. there are storm drains and sewers installed all along the street to prevent flooding except the west/ocean 5000 to 5200 hundred block of Carlsbad Blvd.</p> <p>Second, currently there are two houses under construction with deep excavations for basements and garages. This, in my estimation, is a risky construction that can destabilize the bluffs.</p> <p>Third, plans have been approved by the City to erect continuous/contiguous impermeable walls along the backyards on the east side of Shore Dr. that will impede the free flow of water to lower elevations and then safely out to the ocean thus creating a flood plain on the 5000-5200 block of Carlsbad Blvd-Shore Dr. corridor.</p> <p>Four, to the best of my knowledge, City officials have never consulted or asked for information from the University of California at San Diego Institution of Oceanography for assistance. This seems programmatically incautious.</p> <p>Five, for months the residential lot at 5198 Shore Dr. has ceased construction and the deep excavation of 8-ft-to possibly 10-ft. depths lies unattended and unprotected, which presents a danger of flooding when the rains come.</p> <p>Six, I have attended the City Council meetings and the Planning Commission meetings for many, many months and have approximately submitted some 120 email emails over an extended period of time and asked questions both orally and in writing without a single response.</p> <p>Seven, more specifically. I have inquired whether the 5118 and the 5198 Shore constructions have sump pumps. They both have newly dug access to rain stormdrains. I have visited the Faraday office several times and I was informed that Mr. Geldert has instructed the staff to inform me that if I have to seek information, I need to request it by an email. And I have asked questions and I have yet to receive a single email in response. I assume there must be some sort of “freedom of information” regarding public information that should be readily available. But apparently not. I have also been informed that the City Council is “protected” by something called the Brown act that allows them to hear questions but not answer them.</p>	<p>The comment does not address the draft LCP. The draft LCP includes policies that address the protection of coastal bluffs.</p>

G. CHAPTER 7 – COASTAL HAZARDS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		CONCERNS ABOUT COASTAL BLUFFS		
G-45	Ben Mijuskovic	<p>I think your Department of Engineering, your Planning Commission, and your City Council stink. You're destroying the cliffs and the bluffs west of the 5100-5300 blocks of Carlsbad Blvd, and Shore Dr. You're excavating deep and huge foundations for basements and garages that will soon destabilize the bluffs with oversaturation; you're approving impermeable contiguous/continuous stone wall/dams that will soon create a flood plain.</p> <p>Your common sense is in the same class as the engineering experts whose foresight was blind to the danger of cliff erosion and the collapse that led to the tragic burial of three women last August in Encinitas/Leucadia.</p> <p>Say hello to Mike Peterson and Matt Hall for me, those paragons of civic communication; those exemplars of plutocracy.</p>		<p>The comment does not address the draft LCP. The draft LCP includes policies that address the protection of coastal bluffs.</p>

H. CHAPTER 8 – DEFINITIONS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		DEVELOPMENT		
H-1	Sue Loftin	<p>Ambiguous Use of Development. Generally, the City’s policy statements or material on Coastal Zone land uses references “development” or “developments” in a way that is ambiguous. The City’s land use authority over “development” is far narrower than the California Coastal Commission’s (the “Commission”) interpretation of “development” subject to the Coastal Act. In fact, the Coastal Commission is advancing opinions of “development” which include replacement of impermanent structures. It appears from the Plan that the City intends extend its coastal policies to “vested” uses, or other applications which are otherwise ministerial.</p>		<p>Draft LCP Chapter 8 defines “development” consistent with the Coastal Act definition.</p> <p>The definition is broad and encompasses activities that are not the typical construction of permanent physical structures. The purpose of the broad definition is to identify the actions that may have the potential to impact coastal resources, and are therefore, subject to the Coastal Act.</p> <p>Regarding the reference to “vested” uses, the draft LCP policies may apply if a change to the vested use is proposed. A “vested” use is not exempt from the Coastal Act or the draft LCP.</p>
H-2	Sue Loftin	<p>All sections of the Draft Plan use the broad definition of Development without providing balance with the rights of existing property owners and explanation of the impact on the rights of the existing property owners to provide disclosure to those property owners. This Comment applies therefore to all sections of the Draft Plan, including those Sections and/or Policies not specifically addressing this issue.</p>		<p>While the definition of “development” is broad, the city must comply with all laws, including those that protect property rights.</p>

H. CHAPTER 8 – DEFINITIONS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		EXISTING DEVELOPMENT		
H-3	Sue Loftin	<p>The document does not provide protection for existing property owners. Development is defined in Section 8 Glossary (p.8-6). Nowhere is the term “existing development” defined or used in the document except by non-inclusion in this definition. At the Public Meeting on October 29, 2019 and in response to my question regarding “existing development, staff responded by stating the Coastal staff had agreed that “existing development” would be defined as development in existence as of the date of the adoption of this Plan. This definition or clarification is included in the Plan in a limited application – only relating to shoreline protective devices. <i>See, LCP-7-P20.</i> In other sections, the terms used in Policies prohibiting or requiring certain activities were “development and redevelopment” thereby including new and existing structures and improvements as discussed in the following Policy Sections. The limitation provided by this definition does not apply to any other section. Further, the historical definition for “existing development” had been development in place at the time of replacement, whether necessitated by natural disaster or condition of the property. Coastal staff has been attempting to redefine this definition to different points in time other than the historical definition through conditioning Plans on Coastal Staff’s new, definition not supported by Statute or regulation. See discussion under specific sections below for further discussion of “Development”.</p>		<p>As stated in draft LCP Chapter 8 (Glossary), the terms defined in the draft LCP are technical or specialized terms that may not reflect common usage.</p> <p>The comment refers to a question raised at the October 29, 2019 public meeting. The response to the question referred to the definition of “existing” structure as used only in the context of draft policy LCP-7-P.20 (see row G-10).</p> <p>The term “existing” is not defined in the LCP, except as described in row G-10, because when used outside of policy LCP-7-P.20 its meaning is the common use of the word “existing.” See row H-1, above, regarding the definition of “development.”</p>

H. CHAPTER 8 – DEFINITIONS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		VIEW CORRIDOR	
H-4	Sue Loftin	Further, there is no stability in the definition of a “view corridor” such that the limitations imposed by this section may be applied without prior warning or disclosure to a property owner until, and only if, an application for a permit is submitted. The application of this section then becomes a “condition of approval” which condition may or may not be a condition which the property owner can comply.	Draft LCP Chapter 8 defines the term “view corridor.” The term is used only in the context of draft policy LCP-5-P.31.B, and only applies to new development. As with all development standards, a property owner will evaluate all applicable standards when they propose new development; a property owner is typically not aware of all standards applicable to their property until the owner decides to construct new development and researches what standards apply.

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		COASTAL COMMISSION GRANT AND COORDINATION		
I-1	CA Coastal Commission	<p>As you are aware, the City of Carlsbad received an LCP Grant in 2015 to complete an update to its certified LCP, including both the land use plan and implementation plan components. The planning grant also provided for work on the City's sea level rise adaptation planning efforts. In addition, a key outcome of the planning update would support the City's desire to obtain coastal development permit authority for all current areas of deferred certification, including the Agua Hedionda LCP segment.</p> <p>As I hope you and your colleagues will acknowledge, our offices have been working closely on this important work. Since the initiation of the planning grant, we have conducted monthly coordination meetings with the Planning Department, providing feedback and direction on this important work. To date, we have provided comments on the draft Land Use Plan provisions and are now reviewing the City's updated public draft. At this time, we are also reviewing sections of the draft implementation plan and preparing written comments for it as well.</p> <p>We are pleased with the progress of this critical work to update the City's land use and implementation policies. Such work is necessary in order to ensure that the City's LCP is responsive to emerging issues and protects critical coastal resources. Thank you for your commitment to this effort.</p>		Comment is appreciated.
		GRAPHICS ERRORS		
I--2	Joe Sardina	<p>While I went thru the entire document, I must admit that I skimmed some sections so I apologize if I just missed some things. I'm also thinking it is in part due to maps showing the RR tracks in the wrong location. See Fig's 4-2 or 4-3 for instance. The tracks are shown east of the existing Rail Trail, east of Long Place and sort of running thru the middle of the condo complex where I live.</p>		Corrected figures will be included in the revisions recommended for approval.

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		REDLINE AND EDITABLE VERSION OF DRAFT LCP AND COMPARISON TO GENERAL PLAN		
I-3	Lance Schulte	<p>I would like to request the City provide Citizens an easy to use editable [WORD or Text or edible PDF file] copy of the proposed Draft LCP Amendment to facilitate public comments.</p> <p>In preparing comments on an over 300-page document in the next 30-days, it seems Citizens should be provided a copy of the proposed Draft LCPA that allows cut/paste so that comments on proposed text can accurately reflect on the language in the Draft LCPA. Without a cut/paste version of the proposed draft LCPA citizens is severely handicapped in reviewing, manually transferring proposed LCPA text [and prohibited from transferring non-text] information to provide written comments. Citizens are forced to inefficiently manually retype [using two computer screens] Draft LCPA text to then provide written comments on that text.</p> <p>It would be nice if the City could provide and editable version of the Draft LCPA to facilitate public review and comments. Is this possible?</p>	<p>On August 6, 2020, the following documents were posted on the city’s website:</p> <ul style="list-style-type: none"> • A redline of the existing LCP • A table/matrix analyzing how each policy of the existing LCP is addressed in the draft LCP. <p>Regarding an editable version of the draft, the City Clerk advised that the city does not provide editable versions of documents released for public review.</p>	
I-4	Lance Schulte	<p>Regarding the LCPA public review process, I also wanted to see if citizens could be provided:</p> <ol style="list-style-type: none"> 1. an editable version of the LCPA can be provided to facilitate cut/paste of text/images into public comments, and 2. if an editable side-by-side existing LCP text and proposed LCPA text file is available? This would allow citizens a clear understanding of the proposed changes to the existing LCP text and allow citizens to effectively compare and provide comments? 	<p>See row I-3.</p>	
I-5	Laura Walsh	<p>Are you planning to post an editable version of the document? This makes it much more feasible for organizations like Surfrider as well as the public to provide meaningful comment. We would also request the city posts some version of the document that compares the new LCP language against the General Plan so that it is apparent what new policies exactly are being enacted. This was a topic of discussion at the meeting that I and hopefully others found helpful.</p>	<p>See row I-3.</p>	

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		REDLINE AND EDITABLE VERSION OF DRAFT LCP AND COMPARISON TO GENERAL PLAN		
I-6	Lance Schulte	<p>...</p> <p>The proposed Draft Local Coastal Program Land Use Plan and Polices Amendment (LCPA) being introduced represent proposed changes to Carlsbad’s Coastal plan and policies that will forever define our City’s and Region’s most precious and limited resource – our coast and coastal lands. The Draft LCPA as such needs to fully plan for the unending future needs for Coastal Priority uses such as Coastal Recreation. The LCPA will lock-in our Coastal Recreation situation and create forever impacts on future generations of Carlsbad Citizens and visitors. Such an important document requires more care and Citizen consensus.</p> <p>The issues are so significant that a fully transparent Redline document comparing the Existing and Proposed LCP Amendments is needed. The Redline document needs to be available for a sufficient time for Citizens, City Commissions, business and community organizations, and the City Council to FULLY understand/compare both the Existing LCP and Proposed LCPA; and for time to conduct true Community Workshops (not just presentations to Citizens) to fully discuss the proposed forever Coastal land use plan and policy changes proposed and the impacts and implications on future generations and future/forever growth in demand Coastal Priority land uses.</p> <p>P4P requests the Planning Commission recommend to the City Council to provide a Work Program for the proposed Draft Local Coastal Program Amendment Work program that includes:</p> <ol style="list-style-type: none"> 1. A Redline Version of the Existing 2016/Proposed LCP land use Plan and Policies <p>...</p> <p>Reasons for these 3 requests:</p> <ol style="list-style-type: none"> 1. There is no Redline version on the Existing/Proposed LCP that allows anyone – Citizen, Commissioner-Council member – to truly understand both the Existing Coastal Plan and Policy and each proposed change to Existing Coastal Plan and Policy. Without this understanding truly informed processing of the proposed Draft LCP Amendment is not possible by Citizens or decision makers. A Redline version of proposed comprehensive amendment of major land use planning and policy documents is normal and necessary. A Redline version is a fundamental prerequisite for an honest, open and accurate public review and comment on a document that will forever change Carlsbad and Carlsbad’s Coastal lands. We ask that you require Staff provide a publicly accessible/editable Redline version of the Existing 2016/Proposed Amendment to LCP Land Use Plan and Policies 		See row I-3.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE

Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		REDLINE AND EDITABLE VERSION OF DRAFT LCP AND COMPARISON TO GENERAL PLAN		
I-7	Lance Schulte	The Proposed LCPA LUP does not provide a means for citizens to understand the proposed changes to the current Existing LCP goals and policies. There are numerous current Existing LCP goals and policies regarding “Low-cost Visitor Accommodations”. These all should be listed in the Proposed LCPA LUP along with a description on how and why these current Existing LCP Goals and policies are being modified or removed in the Proposed LCPA LUP.		See row I-3.
I-8	Lance Schulte	As a city planner who has successfully completed several Complete LCP Amendments (one involving over 5 LCPs being consolidated into one LCP just like you are doing), I respectfully disagree, regarding your comments regarding the “redline”. You can’t Amend something without knowing how you are Amending what you have in the LCP. That ‘Redline’ document is the very First Part of the Amendment Process. For each Existing LCP Policy you can easily provide a statement saying that policy is 1) retained in Proposed Policy #; 2) Modified in Proposed Policy # because – in a short statement; or 3) deleted because – in a short statement. This is logical and reasonable way to create a ‘redline’ and provides for citizens, the Planning Commission and City Council, and CA Coastal Commission a simple and clear understanding of HOW the LCP is being proposed to be Amended by the Carlsbad planning staff. Is it possible for City Staff or Citizens to request the City Council to direct I staff to provide such a ‘redline’? If so can you suggest the process for that request?		See row I-3.
I-9	People for Ponto	2nd bullet: says city staff proposes to replace, amend, or retain various Existing LCP policies, so the Staff has a documented understanding how each Existing LCP policy is being treated in the proposed Amendment. Citizens asked in Oct 20, 2019 for this ‘redline’ version of the Existing LCP Policies and Land Use Maps so citizens can understand what the Amendments are so we as citizens could then provide informed public comment. This ‘redline’ version is also important for the City Council and Planning and other Commissions so they know what Amendments to Existing City LCP Land Use policy are being proposed. Citizens again request this ‘redline’ version that it appears the staff already has; as they know what Existing LCP Land Use policies are being replaced, amended, or retained.		See row I-3.
I-10	People for Ponto	V is incomplete: the community asked on Oct 20, 2019 for 3 things: 1) a ‘redline’ version as noted above, ... All 3 requests should be acknowledged in the staff report. All 3 requests are rational and reasonable considering the proposed Draft LCP Land Use Plan Amendment is the “buildout” plan for Carlsbad’s Coastal Zone, and there were multiple documented fundamental “planning mistakes” regarding past City public information and participation in the Coastal Land Use planning. Providing such a process as outlined by the 3 requests would help to correct these documented public disclosure/participation and ‘planning mistakes’ that have gone on for many years. It is the right thing to do and most productive approach for all concerned.		See row I-3.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		REDLINE AND EDITABLE VERSION OF DRAFT LCP AND COMPARISON TO GENERAL PLAN		
I-11	Lance Schulte	<p>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 followup 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:</p> <p>a. 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.</p> <p>...</p> <p>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’.</p> <p>...</p> <p>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’; ...</p>		See row I-3.

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		REDLINE AND EDITABLE VERSION OF DRAFT LCP AND COMPARISON TO GENERAL PLAN		
I-12	Lance Schulte	<p>... based on successfully managed an award-winning LCPA amendment in under 2-years that was almost the exactly the same as the City of Carlsbad. Although the City Council in a 2-2 tie failed to provide for more productive and overall more time efficient process I hope within the DLCPA processing parameters Staff has you try to advance:</p> <ol style="list-style-type: none"> 1. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult, <p>...</p>		See row I-3.
I-13	Batiquitos Lagoon Foundation	<p>The BLF very strongly recommends that the Planning Commission provide a recommendation to the City Council for a Work Program for the proposed draft Local Coastal Program Amendment Work program that includes:</p> <ol style="list-style-type: none"> 1. A red line Version of the Existing 2016/Proposed LCP land use Plan and Policies. <p>...</p> <p>Our rationale for our 3 requests is:</p> <ol style="list-style-type: none"> 1. There is no redline version on the existing/proposed LCP that allows anyone - citizen, Commissioner-Council member - to truly understand both the existing Coastal Plan and Policy and each proposed changes to it. Without this understanding, a truly informed processing of the proposed draft LCP Amendment is not possible by citizens or decision-makers. A redline version of proposed comprehensive amendment of major land use planning and policy documents is normal. A redline version is a fundamental prerequisite for honest, open and accurate public review and comment on a document that will forever change Carlsbad and Carlsbad's coastal lands. We ask that you require staff provide a publicly accessible red line version of the existing 2016/Proposed Amendment to LCP Land Use Plan and Policies. <p>...</p>		See row I-3.
I-14	Batiquitos Lagoon Foundation	<p>...</p> <p>We asked, as did the Carlsbad Planning Commission, to have a red-lined version of the DLCP provided and at both the Planning Commission hearing and at Tuesday's City Council meeting the planning staff admitted it could be done ,but it would involve staff time and impact the overall update schedule. Consequently, this helpful document was not provided and did a disservice to the public. The BLF's contention is that this would have been time well spent!</p> <p>...</p>		See row I-3.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		PUBLIC WORKSHOPS/PROCESS	
I-15	Lance Schulte	<p>...</p> <p>P4P requests the Planning Commission recommend to the City Council to provide a Work Program for the proposed Draft Local Coastal Program Amendment Work program that includes:</p> <p>...</p> <p>2. 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.</p> <p>...</p> <p>Reasons for these 3 requests:</p> <p>...</p> <p>2. There is significant outstanding Citizen Concern about Carlsbad’s Coastal lands. Carlsbad is substantially developed and the little remaining vacant Coastal land represents the last opportunity for Carlsbad to assure it has enough of the right Coastal Priority land uses to meet the needs of future Carlsbad Citizens and visitors. The Proposed LCPA represents a Forever decision on our little remaining vacant Coastal land. Such an important decision should be a true consensus decision by Carlsbad and its Citizens. Get any of this wrong and it is a forever mistake with no vacant land to fix it the future. The few significant sized vacant Coastal Lands that need individual Citizen Workshops as part of the LCPA process are:</p> <ul style="list-style-type: none"> • Strawberry Fields Area at Aqua Hedionda Lagoon • Encina Power Plant • Ponto. <p>All three of these were/are subject to multiple lawsuits by Citizens/Cities and thus clearly represent areas that require more Citizen Evaluation and discussion to build true and lasting Citizen Consensus.</p>	<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-16	Sue Loftin	<p>Presentations to Public: With deference to City staff, the presentations that I attended did not explain the consequences to the various areas within the Carlsbad Coastal zone. Rather, the explanations were general lacking in that failure to disclose the impact to residents and their properties, and to the developmental direction of the City. Developmental as used in this context does not mean solely building development. The relationship of the Implementation Plan to the Plan was not discussed or disclosed. As an example of the summary explanation of the Plan, I hereby incorporated from the Public Records the Power Point distributed and discussed at the October 29, 2019 Public Meeting regarding the Plan.</p>		<p>The potential impact of implementation of the LCP policies is evaluated on a project-specific basis.</p>
I-17	People for Ponto	<p>V is incomplete: the community asked on Oct 20, 2019 for 3 things: ... 2) true Public Workshops to help inform and resolve community concerns about the proposed LCP land Use Plan Amendments, ... All 3 requests should be acknowledged in the staff report. All 3 requests are rational and reasonable considering the proposed Draft LCP Land Use Plan Amendment is the “buildout” plan for Carlsbad’s Coastal Zone, and there were multiple documented fundamental “planning mistakes” regarding past City public information and participation in the Coastal Land Use planning. Providing such a process as outlined by the 3 requests would help to correct these documented public disclosure/participation and ‘planning mistakes’ that have gone on for many years. It is the right thing to do and most productive approach for all concerned.</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-18	Sue Loftin	<p>Presentations to Public: With deference to City staff, the presentations that I attended did not explain the consequences to the various areas within the Carlsbad Coastal zone. Rather, the explanations were general lacking in that failure to disclose the impact to residents and their properties, and to the developmental direction of the City. Developmental as used in this context does not mean solely building development. The relationship of the Implementation Plan to the Plan was not discussed or disclosed. As an example of the summary explanation of the Plan, I hereby incorporated from the Public Records the Power Point distributed and discussed at the October 29, 2019 Public Meeting regarding the Plan.</p>		<p>The potential impact of implementation of the LCP policies is evaluated on a project-specific basis.</p>
I-19	Lance Schulte	<p>... based on successfully managed an award-winning LCPC amendment in under 2-years that was almost the exactly the same as the City of Carlsbad. Although the City Council in a 2-2 tie failed to provide for more productive and overall more time efficient process I hope within the DLCPA processing parameters Staff has you try to advance:</p> <p>...</p> <p>2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and</p> <p>...</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-20	Lance Schulte	<p>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 followup 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:</p> <p>...</p> <p>b. 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.</p> <p>...</p> <p>The City also appears to reject citizen requests for true Citizen Workshops on the major remaining vacant Coastal and 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.</p> <p>...</p> <p>We again request of the City to provide: ... 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.</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-21	Batiquitos Lagoon Foundation	<p>The BLF very strongly recommends that the Planning Commission provide a recommendation to the City Council for a Work Program for the proposed draft Local Coastal Program Amendment Work program that includes:</p> <p>...</p> <p>2. A series of facilitated citizen workshops on the major remaining vacant coastal land that still have outstanding citizen concerns and objections. Citizen workshops, when done properly, offer a valuable means to openly educate, discuss and work to consensus options in a very transparent fashion.</p> <p>...</p> <p>Our rationale for our 3 requests is:</p> <p>There is significant outstanding citizen concern about Carlsbad's coastal lands. Carlsbad is substantially developed and the little remaining vacant coastal land represents the last opportunity for Carlsbad to assure it has enough of the right Coastal Priority land uses to meet the needs of future Carlsbad citizens and visitors. The Proposed LCPA represents a Forever decision on our little remaining vacant coastal land. Such an important decision should be based on a consensus decision by Carlsbad and its citizens. Get any of this wrong and it is a Forever mistake with no vacant land to fix it the future. The few significant-sized vacant coastal lands that need focused individual citizen workshops as part of the LCPA process are:</p> <ul style="list-style-type: none"> • Strawberry Fields Area at Aqua Hedionda Lagoon • Encina Power Plant property near the Poinsettia Coaster Station • The Ponto area <p>All three of these were/are subject to multiple lawsuits by citizens and organizations, and thus clearly represent areas that require more citizen evaluation and discussion to build true and lasting citizen consensus.</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-22	Batiqitos Lagoon Foundation	<p>...</p> <p>At the City of Carlsbad's January 28,2020 City Council meeting where city staff was simply presenting an DLCP update informational report, public comment and council discussion highlighted the fact that the process for updating key strategic city documents is broken and needs retooling! The council highlighted how complex these efforts are and the fact that the city has many years of experience. It is apparent that the process for getting citizen input and, more importantly, engagement and partnership has not and currently is not working. The BLF very strongly recommends that the city take a very close look at the process and think outside the box for adoption of a more transparent and engaging process where the voice of the citizens can truly be seen, with resulting products that a majority can embrace.</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		PUBLIC WORKSHOPS/PROCESS		
I-23	Batiqitos Lagoon Foundation	<p>Also, at the City Council Meeting, it became apparent that we are trying to accomplish too much in one document or project. When a project requires a strategic view, we immediately seem to include items that should be addressed at the tactical and individual project level. When this mix of objectives is addressed, the level of complexity significantly increases and the probability for errors and inconsistency increases exponentially. Some council members proposed that by taking some key project areas (i.e., Agua Hedionda Lagoon and the Strawberry properties, the properties as the Encina Power Plant is downsized or removed, the Ponto Beach Planning Area F) out of the DLCP and recognize that more study and work is needed, would make the DLCP effort a lot easier. The BLF very strongly supports this approach.</p> <p>Questions came up as to the status of a "linear park" along HWY 101-Carlsbad Blvd. which appears in some documents and was recommended by the Envision Carlsbad Committee. This was promised to be studied, but never was done. We can do better and we need to ensure that when promises are made to follow-up with one or more studies, our citizens can expect them to be completed as promised.</p> <p>...</p>		<p>The objectives of the LCP update are to be consistent with the General Plan update, the Coastal Act and recent Coastal Commission guidance. The draft LCP achieves these objectives.</p> <p>The comment refers to the January 28, 2020 City Council meeting and council discussion about the potential to defer any proposed changes to policies that affect the areas referenced in the comment. The council did not give any direction to defer policy changes for these areas.</p> <p>Regarding a linear park along Carlsbad Boulevard, opportunity for such a park is currently being evaluated as part of the South Carlsbad Boulevard Climate Adaptation Project (see row D-12).</p>
I-24	Batiqitos Lagoon Foundation	<p>...</p> <p>We also feel that the importance and far-reaching strategic nature of this document requires another round of public facilitated workshops and formal review and comments period. Citizen involvement and ultimate endorsement is considered absolutely essential. Rushing to complete issue an incomplete LCP document should not be an option!</p>		<p>See the Staff Report to the Planning Commission for the Local Coastal Program update, which describes the scope of the update and community involvement in planned land use.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		EXTEND PUBLIC REVIEW PERIOD		
I-25	Sue Loftin	<p>Timing of Distribution of Plan for Comment. The Plan was distributed for comment requiring response during a holiday intensive period. The first public meeting was held October 29, 2019 thirty (30) days prior to the end of the comment period November 29, 2019, the day after Thanksgiving. The request therefore, is to extend the comment period for an additional period of time. The optimum period would be at the end of the first week of January or at least another 45 days.</p>		<p>The review period was extended to the end of January 2020. Comments may still be submitted through the public hearing process. The initial public review that ended in January was to allow staff sufficient time to evaluate all comments and make revisions to the plan, as necessary, prior to beginning the public hearing process.</p>
I-26	Lance Schulte	<p>...</p> <p>P4P requests the Planning Commission recommend to the City Council to provide a Work Program for the proposed Draft Local Coastal Program Amendment Work program that includes:</p> <p>...</p> <p>3. Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and for Citizen Workshops....</p> <p>Reasons for these 3 requests:</p> <p>...</p> <p>3. The Existing 2016 LCP is 150-pages long; the proposed Draft LCPA is 360-pages long. Everyone – Citizens, organizations, Commissions, and the City Council needs more than 30-days to review the Existing and Proposed side-by-side to read/understand the Page 3 proposed changes/deletions/additions to be able to formulate informed questions and comments. A 6-month extension of the Public Review period to fully read and understand the Existing/Proposed LCP and also to provide time for the aforementioned Citizen Workshops is requested.</p>		<p>See row I-25.</p>

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE
 Response to Public Comments

I. OTHER TOPICS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		EXTEND PUBLIC REVIEW PERIOD	
I-27	People for Ponto	V is incomplete: the community asked on Oct 20, 2019 for 3 things: ... 3) more public review time to provide for the above two other requests. All 3 requests should be acknowledged in the staff report. All 3 requests are rational and reasonable considering the proposed Draft LCP Land Use Plan Amendment is the “buildout” plan for Carlsbad’s Coastal Zone, and there were multiple documented fundamental “planning mistakes” regarding past City public information and participation in the Coastal Land Use planning. Providing such a process as outlined by the 3 requests would help to correct these documented public disclosure/participation and ‘planning mistakes’ that have gone on for many years. It is the right thing to do and most productive approach for all concerned.	See row I-25.
I-28	Lance Schulte	... based on successfully managed an award-winning LCPA amendment in under 2-years that was almost the exactly the same as the City of Carlsbad. Although the City Council in a 2-2 tie failed to provide for more productive and overall more time efficient process I hope within the DLCPA processing parameters Staff has you try to advance: ... 3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.	See row I-25.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE

Response to Public Comments

I. OTHER TOPICS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		EXTEND PUBLIC REVIEW PERIOD	
I-29	Lance Schulte	<p>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 followup 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:</p> <p>...</p> <p>c. Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and allow time for Citizen Workshops.</p>	See row I-25.
I-30	Batiquitos Lagoon Foundation	<p>The BLF very strongly recommends that the Planning Commission provide a recommendation to the City Council for a Work Program for the proposed draft Local Coastal Program Amendment Work program that includes:</p> <p>...</p> <p>1. Extend the public comment period 6-months to allow for citizen review of the red line version of the LCPA and for a series of facilitated citizen workshops to ensure document completeness and continuity.</p> <p>Our rationale for our 3 requests is:</p> <p>...</p> <p>3. The Existing 2016 LCP is 150-pages long; the proposed draft LCPA is 360-pages long with umerous tables, exhibits and graphics that must be analyzed for completeness and consistency. Everyone - citizens, organizations, commissions, and the City Council needs more than 30-days to review the existing and proposed side-by-side to read/understand the proposed changes and formulate questions and comments. A 6- month extension to fully read, understand, and analyze the existing/proposed LCP and also to provide time for the aforementioned citizen workshops is, in our opinion, well worth the time spent!</p>	See row I-25

I. OTHER TOPICS			
ROW	COMMENTER	COMMENT TOPIC AND COMMENT	RESPONSE
		EXTEND PUBLIC REVIEW PERIOD	
I-31	Batiquitos Lagoon Foundation	<p>...</p> <p>We asked for at least a 6-month extension and that more facilitated public workshops be conducted. We commend the City Manager for at least extending the comment period to January 31, 2020, but no additional time or workshops were conducted. Our opinion is that when staff compiles and categorizes all the comments received, makes changes, publishes a new document, sends it out for final comment, has another Planning Commission hearing, has another City Council hearing, much more time than the original requested 6-month extension will have been spent! The BLF does not understand why we are rushing to produce a very far-reaching strategic document that, on the current trajectory, is not going to fit the bill and certainly not be one that the citizens of Carlsbad will embrace. We can do better.</p> <p>...</p>	See row I-25.
		PROPERTY ACQUISITION	
I-32	North County Advocates	<p>Some properties, for example Murphy, have been a high priority for acquisition for many years. We would like to see more discussion about the intent to acquire additional properties, particularly those in the coastal zone. Chapter 6 repeats information from the HMP, adopted almost 16 years ago. It would be helpful to have more clarity about continuing efforts to protect these resources through permanent acquisition.</p>	<p>Public acquisition of land for resource protection is not required by the Coastal Act or the existing LCP, and is not proposed by the draft LCP. The city’s existing Habitat Management Plan, a component of the LCP, states:</p> <p>“It is not anticipated that the HMP will require any public acquisition of privately owned habitat lands within the City unless the City chooses to acquire land or mitigation credits to provide additional mitigation for public facility projects.”</p>

I. OTHER TOPICS				
ROW	COMMENTER	COMMENT TOPIC AND COMMENT		RESPONSE
		RELOCATION OF CITY HALL		
I-33	North County Advocates	We find no discussion of relocation of the city hall/civic center complex, which at one time was planned for the land along the south shore of Agua Hedionda Lagoon. Has the location of this been finalized and, if so, how is this addressed in the LCP?		Relocation of city hall is not a topic to be addressed in the LCP, as it is not related to the Coastal Act. If the city takes action to relocate city hall, the proposal will be evaluated for consistency with all applicable policies and standards.
		CLIMATE ACTION PLAN		
I-34	Sierra Club	It does not appear that the LCP has assessed the impact of the CAP on the coastal zone. Of course, the actions in the CAP apply across the city, but are there differential impacts in the coastal zone that should be considered? Are there different priorities for action? The CAP included some key assumptions about mode shift change associated with smart growth. Much of that was expected to occur in the Village/barrio. There has been a lot of density increase in that area with more planned, but has there been any change to mode share and VMT? There needs to be further consideration of the integration of the CAP with the LCP. Improving walkability zone for parks is just one of the ways that VMT could be reduced while also improving recreational access and furthering the goals of the CAP and compliance with the Coastal Act.		The Climate Action Plan (CAP) is not part of the city’s Local Coastal Program. Potential impacts from implementation of the CAP are evaluated on a project-specific basis, and are evaluated for consistency with the LCP.
		SELECTION OF CODE SECTIONS		
I-35	Sue Loftin	Selection of Code Sections. The selection of the Coastal Act code sections provides justification for the policies in the Plan but does not disclose other pertinent and modifying code sections or the Coastal Act policies which often substantially change the plan meaning of the code sections. Therefore, to the lay person, these selections are misleading and may discourage comments.		The Coastal Act sections referenced in the draft LCP are those that are most applicable to Carlsbad and its LCP. The draft LCP is not intended to replace the Coastal Act, repeat the entire Coastal Act or interpret its many sections. The Coastal Act is independent of the LCP and must be referred to in addition to the LCP.

LCPA 15-07 LOCAL COASTAL PROGRAM UPDATE

PUBLIC COMMENTS REGARDING PARKS, OPEN SPACE AND PONTO – POINSETTIA SHORES PLANNING AREA F

All of the comments shown in the tables below address the topics of the amount of parks and open space in the city and the use of Ponto “Planning Area F” as a park. Below is a summary of the primary issues raised in the comments.

Summary of primary comments/issues:

- The existing Local Coastal Program requires the city to consider the need for a park on Ponto Planning Area F
- There is a park acre deficit in the city’s southwest quadrant
- There are no coastal parks in south Carlsbad
- There is an open space standard deficit in the Ponto area

STAFF RESPONSE TO THESE PRIMARY ISSUES IS PROVIDED IN **ATTACHMENT 5** OF THE STAFF REPORT TO THE PLANNING COMMISSION ON THE DRAFT LOCAL COASTAL PROGRAM LAND USE PLAN.

Many of the comments were submitted in the form of signed petitions or email form letters. Copies of all petitions and form letters are available on the city website: <https://www.carlsbadca.gov/services/depts/planning/coastal/default.asp>

The petition and form letters state:

FORM LETTER
<p>Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission:</p> <p>I am informed that</p> <ol style="list-style-type: none">1. Carlsbad must consider on Planning Area F at Ponto the need for a public park at Ponto as part of the Draft Local Coastal Program Amendment.2. There is no public park at Ponto even though City Park Standards requires a minimum of 6.5 acres of parkland for Ponto.3. There is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real).4. There are no Coastal Parks in all of South Carlsbad. 64,000 South Carlsbad citizens have no Coastal Park.5. Ponto is at the center of a larger 6-mile stretch of coastline in that has no Coastal Parks.6. Ponto has a city documented 30 acre open-space standard deficit that a Coastal Park would help resolves.7. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much needed Coastal Park at Ponto <p>Accordingly, I am requesting and making my position known that:</p> <p>I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto. I want the City to provide a true Citizen-based Park Planning process for Ponto. I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.</p>

FORM LETTER

I am aware there is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad and a 30-acre open-space deficit in Zone 9. **I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike.** Planning Area F is currently for sale and I request the City contact the landowner to explore purchasing the site for a needed park.

This land is the entrance to Southern Carlsbad and one of the last remaining pieces of coastal open space, it is a treasure and should be developed into a space for all to enjoy, not squandered on residential development that would do best located closer to employment at the Center of Carlsbad.

I ask you to ***Develop Ponto Right*** – I ask you to build Ponto Park.

I request that my comments be put on record in the official public records for all things Planning Area F, including the official public records for Carlsbad's City's Budget, draft Local Coastal Program Amendment, and Parks Master Plan Update; and the CA Coastal Commission's consideration of Carlsbad's draft Local Coastal Program Amendment.

FORM LETTER

I have lived in Southern CA for 30 years and in Carlsbad for the last 3. This is an amazing city but I know it can be so much more, we have an obligation to our children & all those that come to enjoy the coast line to make it more.

And I thank Council Member Priy Bhat-Patel and Council Member Cori Schumcher for listening to the community, voting yes to put funds toward Ponto Park in the 6.2.2020 meeting.

The land at Ponto (Planning area F) is a prime location to do something amazing with, something that matters and inspires joy. I am aware that the land is for sale and DO NOT wish to see a developer turn it into a condo complex when it could be the jewel of our City. I know the State of CA says we have to have a certain number of new houses, but they don't say they have to be crammed into one of the last remaining pieces of open coastal land. Build housing complexes closer to where offices and businesses are, build them inland and Project Ponto!

I know CV19 has wreaked havoc on current revenues but also know the City is well prepared and that decisions being made today will have long lasting effects so we must think beyond the current state.

I ask you to ***Develop Ponto Right*** – I ask you to put money in the upcoming budget to buy the land at planning areas F to build ***Ponto Park***.

I request that my comments be put on record in the official public records for **ALL** things Planning Area F, including the official public records for Carlsbad's City's Budget, draft Local Coastal Program Amendment, and Parks Master Plan Update; and the CA Coastal Commission's consideration of Carlsbad's draft Local Coastal Program Amendment.

PETITION

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission:

I am informed that there is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real); that there is a 30 acre open-space deficit in Zone 9 (west of I-5 and south of Poinsettia) of the Growth Management Plan; that the City is not requiring developers to first look at non-residential reserve and parks in Planning Area F (the large, undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel); and most importantly, I am informed that the City Council is currently reviewing plans to build a high-density, residential community in Planning Area F, a location perfectly situated to remedy the above deficits.

Accordingly, I am requesting and making my position known that:

- I want the City of Carlsbad to build a park at Ponto to serve residents and visitors alike.
- I believe any and all development west of I-5 should be dependent on developers providing the required and currently missing 30 acres of open-space.
- I do not want high-density, residential development at Ponto.
- I do not consider the proposed Veteran's Park, located 6 miles from Ponto, a suitable alternative to a Coastal Park and open-space for Ponto / west of I-5.

COMMENTS NOT IN SUPPORT OF A PARK AT PONTO	
Travis Galey	<p>We are a home owner for 15 years in Waters End, South Carlsbad, west of I-5, across from Benihana Restaurant. We have lived in this area for 20 years. I was born and raised in California, living in California for all of my 50 years.</p> <p>We would like to see FIRST CLASS multiple <i>4 or 5 star boutique hotels</i> built in these Ponto/Southern Waterfront areas, which are currently mostly dirt, raw land now. We believe this VERY VALUABLE ONE OF A KIND raw land provides Carlsbad the opportunity to build an ICONIC hotel resort(s) which will help the overall image, and values of property owners in all of Carlsbad. If you were to approve residential buildings in this space, we would prefer to see expensive new homes, very large square footage (ESTATE TYPE HOMES) homes in the \$2million to \$3million range.</p> <p>Again we believe this raw land is ONE OF A KIND and presents an opportunity for Carlsbad to make a statement and approve buildings that would give Carlsbad’s image a boost, to all of Carlsbad.</p> <p>North San Diego has plenty of affordable, low income housing. We believe affordable, low income housing should NOT be built on any of these VALUABLE ICONIC real estate areas.</p> <p>Also, if you wanted to rename this area, I would propose a name of “LA COSTA BEACH”. This area actually is directly west of La Costa, and so “LA COSTA BEACH” would be an accurate description, and a fair name. Granted, LA COSTA BEACH would still be part of Carlsbad.</p> <p>WALKING TRAILS ARE VALUABLE HERE I will add in these areas: the walking trails along the train tracks, and along the lagoon are very much appreciated here, as we and our neighbors often walk to the beach on these trails and thru the campgrounds, along the beach, and walk after work in these areas for exercise.</p> <p>...</p> <p>We understand there are people, haters who never want any new construction anywhere. That being said, we understand this land will be developed at some point, and we just want it to be done first class. Please develop this land first class, as it is truly an iconic land areas, that is NOT fitting for condos or townhomes.</p>

COMMENTS NOT IN SUPPORT OF A PARK AT PONTO	
Marcia Young	<p>We write to you as residents of the San Pacifico Development in the South Ponto area of Carlsbad in response to a request received by the People for Ponto and to state our opposition to their proposals.</p> <p>By way of background, we are native Californians who have seen the development along the Coast of California for the past 45 years, having owned real estate in the San Diego area for that same period of time. We descend from a family of city planners, (Eagle Rock, Los Angeles, Whittier, San Marino). He was President of Association of City Planners and author of the Laws of Zoning and is credited in 1927 with establishing court tested abilities of communities to initiate and review legislation. He helped provide for growth management and future planning when none existed in most all American cities. For years he worked on the guidelines for the organization of city governments planning regulations. Many of these guidelines are still in city charters today.</p> <p>City planning and discussions come naturally to us. We support the current draft Carlsbad Local Coastal Program/Ponto Southern Waterfront. The LCP Land Use Plan Update Dated Sept. 19, 2019 provides for the needs of the citizens of this City and offers revenue producing sources for same. Revenue producing development provides for future generations to enjoy Carlsbad as we know it and provides necessary income for flood control, sand replacement and erosion and all other issues.</p> <p>We would like to clarify our position regarding the form letter with check boxes from “People From Ponto”. We have received this letter and we disagree with all that is stated therein. In fact, we take issue with the request that residents send to everyone in their email contacts and to any strangers to gather signatures. The validity of signatures gathered in this manner speaks volumes to the lack of integrity of the process and destroys the public comments from the tax paying citizens of Carlsbad.</p> <p>Again, we support LCP-2-P.19 through LCP-2-23 as stated in the Carlsbad Local Coastal Program Land Use Plan “Ponto/Southern Waterfront” (pages 27-28-29 in above referenced document dated September 19, 2019). We support the City’s stated plans as outlined in reference to the general commercial development of this area, inclusive of mixed use with residential, public gathering plazas; walkways, revenue generating establishments such as restaurants; shops, boutiques (all of which South Carlsbad is lacking). To date, South Ponto has none of these revenue producing amenities that residents of North Carlsbad (the Village) Bressi Ranch and Aviara (the Forum) enjoy. A mixed use development would provide these much needed and lacking amenities; would support citizens of all ages from the very old to the young and provide continuous revenue source for the City for generations to come. Providing walkways, trails, access to the beach community activity center and retail provides a variety for all residents with varying interests to enjoy.</p> <p>We SUPPORT FUTURE MULTI USE DEVELOPMENT in Ponto/Southern Waterfront area. Thank you for your consideration. And thank you for the timeless effort you all provide for the residents of Carlsbad both today and future generations.</p>

COMMENTS NOT IN SUPPORT OF A PARK AT PONTO	
<p>Marcia Young</p>	<p>We watched the entire council meeting last night -- and realized you have a member of our city council who is a mouthpiece for PONTO -- I write again as I listened to the comment 2500 emails -- those emails need to be verified as to who are citizens. Cori kept saying we need community input -- indeed community input -- they have asked and I know for a fact that neighbors have sent the People of Ponto list to everyone in their email contact lists -- friends who might live in Canada or Africa for all we know. If they want community input they need to be honest -- and they have had more than 7 plus years as this was in draft form</p> <p>You the council members have done your jobs -- and you can reinvent the wheel - to remove three sections just because someone now doesn't like something that has been on the table for years is wrong.</p> <p>Stay your course -- it was so obvious of the "mole" sitting on the City Council. One needs to have the entire interests of our citizens</p>
<p>Marcia Young</p>	<p>As residents of San Pacifico and South Ponto we oppose Ponto Park and vote with the Mayor and Keith Blackburn to oppose using Contingency Funding to further pursue this issue. This has been a difficult year for the businesses of Carlsbad with Covid and no contingency funds used be used pursuing this topic. We support development of the area</p>
<p>Victoria Boswell</p>	<p>My name is Victoria Boswell and my husband Bruce and I are contacting you to let you know that we are not in favor of a park at the vacant lots at the corner of Avenida Encinas and Carlsbad Blvd, across from the campground. We are in favor of development. We were sad to see the developer hounded out from the People for Ponto group below.</p> <p>We are in favor of development because a park so close to the beach means the available parking spaces will be used for beach parking. Carlsbad has plenty of parks elsewhere in the community that don't compete with the beach.</p> <p>We believe development is a better option especially if affordable housing is baked in to the project. Living close to the beach should not be reserved for the privileged (like us, let's be honest) but also for low-income people. The beach is a natural place of beauty for ALL people.</p> <p>The People for Ponto group positions itself as speaking for all residents at the San Pacifico community and that is simply not true. They just happen to be quite vocal.</p> <p>As City of Carlsbad council members, it's your job to consider all points of view and make the decision that yields the greatest benefit to all its residents, not just a vocal few.</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>San Pacifico</p>	<p>The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:</p> <p>...</p> <p>PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Ponto locals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.</p> <p>The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>San Pacifico</p>	<p>The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:</p> <ul style="list-style-type: none"> • Children and elderly can more easily walk and bike to City Parks when they are close by and • within a safe walking and bicycling distance with properly designed access pathways; • Park supply created so far away from park demand creates the need to drive in a car to access • the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits • park access for citizens without cars or unable to drive; • When city parks are accessible to their demand by walking/bicycling then less city park land is • need to park cars. Citizens get more actual useable park space for each acre of park land; • When city parks are close to their demand busy families can quickly get to them after their • workday which allows more park time for families during busy weekends; • Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city • parks in general. Citizens watch out and care for their nearby park; • Nearby city parks that are equitably distributed and based on surrounding neighborhood • demand serve to strengthen neighborhood quality and property values by providing park • amenities close by. It is both a good neighborhood and economic development strategy to • assure park demand and supply are locationally matched; and • Fundamentally it is the right thing to do to place park demand and supply in close proximity to • each other and promote and equitable distribution public facility demand and supply. <p>In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:</p> <p>The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).</p> <p>This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>San Pacifico</p>	<p>neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions] crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their “local” beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.</p> <p>There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad’s coastal parks.</p> <p>Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.</p> <p>Coastal Southwest and all of South Carlsbad have not met their quadrant’s Park area standard since 2012 (per the City’s Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.</p> <p>From Carlsbad General Plan Community Vision:</p> <p>“...the Carlsbad Community Vision, which is the foundation for this plan.” This is the foundation for the General Plan.</p> <p>“...In the future, ... social connections will be enhanced through ... more public gathering places, family friendly activities, and open spaces within walking distance of people’s homes ...”</p> <p>“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
San Pacifico	<p>“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”</p> <p>“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”</p> <p>“ ... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”</p> <p>“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”</p> <p>“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”</p> <p>From General Plan Land Use Element:</p> <p>“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”</p> <p>General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”</p> <p>The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.</p> <p>A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks Campground issues. There are very unique and special land use compatibility</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
San Pacifico	<p>opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City’s Park and Recreation Master Plan.</p> <p>In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan’s standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.</p> <p>We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: “3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District”. We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City’s visitor serving businesses and activities. It is the right and smart thing to do.</p> <p>The San Pacifico Community Association and PBDRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>...</p> <p>We have gathered a lot of community input and desires concerning the 6.6 park deficit in the SW Quadrant since 2012 and the LCP requirements for Planning Area F to consider a Public Park at Ponto, that would effectively solve that deficit and also provide the only Coastal Park for South Carlsbad by filling a critical 4-6 mile Coastal Park gap for South Carlsbad and the North San Diego County Coastal region. A Ponto Coastal Park would also ‘double-count’ to also address the documented 30-acre Growth Management Program Open Space Standard deficit along the Coast at Ponto.</p> <p>...</p>
Jean Camp	<p>First I have some questions:</p> <ol style="list-style-type: none"> 1) How much money has the City of Carlsbad received from Southwest Carlsbad people, business owners, developers, and whomever else in taxes, facilities, Park-in-lieu fees, etc for parks and park maintenance? Where has that money gone? 2) How much of the annual Parks Department budget (total and percentage) for the past 5 years has been spent in each quadrant of Carlsbad on parks and on park maintenance? 3) How much money is available and how much is budgeted to design and develop Veteran’s Park? 4) As Philip Armstrong mentioned during Public Comments on the Council Goals Workshop on April 17, 2018, The Trust for Public Land, in partnership with the National Recreation and Park Association and the Urban Land Institute, is leading a nationwide movement to ensure that there are great parks within a 10 minute walk of every person, in every neighborhood, in every city across America. Parks are essential to the physical, social, environmental, and economic health of a community and in cities across America, mayors are coming together to endorse the 10 minute walk to a Park Standard for all. Will our City, Mayor and Council accept and embrace this challenge??? 5) How will the parks deficit within a 10 minute walk of Southwest Coastal Carlsbad be met within the next 5 years? Why is southwest coastal Carlsbad being denied a nearby park? (A lineal park is decades away from becoming a reality.)

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jean Camp	<p>My presentation and your maps clearly indicate that there is no Coastal park in Southern Carlsbad, while there are 10 Coastal Parks in Northern Carlsbad. There is a 6 mile gap between coastal parks – from Power Plant Park in the north to Moonlight Park in Encinitas. There is an obvious gap in recreational facilities (i.e. Park) services to over 64,000 southern Carlsbad residents. Southwest Carlsbad lacks recreational facilities, like a Park, which you should confirm during your required analysis for the Local Coastal Plan update.</p> <p>The City’s proposed solution of meeting the Park deficits for all quadrants by allocating acreage in Veteran’s Park is ridiculous and unacceptable to the majority of all Carlsbad residents for a number of reasons. Two obvious reasons are the location and topography – the area is over 5 miles away from our neighborhood in southwest Carlsbad and as a Community Park, it is not accessible, useful or meaningful for most residents. Anyone who is elderly or handicapped cannot use most of the hilly Park and none of us will drive there 3 times a day to walk our dogs or take our kids there to play.</p> <p>Just because Veteran’s Park has been “planned” as your solution, it is not a good decision and does not make sense. This looks to be another project like The Crossings at Carlsbad, the golf course which I understand was one of the most expensive golf courses to develop in the country – Are you now trying to repeat that experience/mistake by making Veteran’s Park one of the most expensive parks to develop in the country?</p>
Jean Camp	<p>Here are some things the City should consider when proposing Veteran’s Park as a solution: Issues with Veteran’s Park 1. Cost factors</p> <p>The Proposed Veteran’s Park site is very hilly and will require significant grading and grading costs to make any reasonably sized flat pads for recreational use. The up-front grading costs and long term manufactured slope landscape maintenance costs should be factored into the “total costs” of using the Proposed Veteran’s Park site as a Park. The total overall cost factors will be similar to the very high development costs the City paid by forcing that Crossings golf course on the same adjacent hilly topography with endangered species habitat. Like the Crossing’s golf course, the most expensive public golf course per hole to develop in the USA, the City may find they are creating a very expensive Park, and that like the adjacent Crossings golf Course is difficult to use and suboptimal in design.</p> <p>The grading and slope maintenance costs per acre of flat useable park acre should be defined up-front in a preliminary feasibility and cost estimate analysis to determine the costs per useable Park acre, and define the amount of flat useable acreage the site could yield. This critical information is needed up-front to make sure it is a smart decision to proceed to look at the site for a Park. We should have learned from the next-door Crossings golf course experience, and not recreate the high cost and suboptimal functioning of putting a flat recreational use on hilly topography adjacent to endangered habitat.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jean Camp	<p>2. Recreational Use Limitations The topography limitations of the Proposed Veteran’s Park site will effectively limit what types of potential or feasible recreation uses and park facilities/amenities can be considered for the proposed site. Based on the grading cost and following parking cost issues, the hilly site’s limitation of potential or feasible recreation uses and park facilities/amenities should be addressed in the preliminary feasibility and cost estimate analysis. Are we spending a lot of money to develop a park that can’t be used to provide the needed recreation uses and park facilities/amenities?</p> <p>3. Isolated Location The Proposed Veteran’s Park site is largely isolated from residential land uses that it is intended to serve. The Crossings golf course is to the south, endangered habitat is to the north, the Agua Hedionda Lagoon and open space is the west, and the industrial area [which already has a park to serve its needs] is the east. This isolation is particularly problematic for the majority ¾ of the City population many miles away in the SW, SE and NE Quadrants that the park is proposed to serve.</p> <p>The circuitous roadway access makes the distances between the Proposed Veteran’s Park site and all Carlsbad residents even farther and increases VMT as that is the only way to access this proposed park. Because driving a circuitous distance is the only rational means to get to Proposed Veteran’s Park the Proposed Park will require an extensive amount of parking spaces to provide access. This VMT impacts/costs should be addressed in the preliminary feasibility and cost estimate analysis.</p> <p>The amount of parking spaces needed to serve the intended users [SW, SE, NE and NW Quadrant populations], and how the parking lot grading costs, maintenance costs, and reduction in useable Park acreage due to parking needs should be factored into the in the preliminary feasibility and cost estimate analysis.</p> <p>4. Duplication of Services The Proposed Veteran’s Park site is in an area already surrounded and well served by City Parks. The existing/planned park land exiting industrial Park less that 1-mile away, future Robinson Ranch Park 1-mile away, and the future Agua Hedionda Lagoon open space and likely partial park use is .5-1-mile away. The area surrounding Proposed Veteran’s Park is rich in Park land resources [and poor in demand for park resources due to minimal surrounding residential use] and as such is not an effective, efficient means to meet Park needs in underserved areas. This overlap of park resources in the Proposed Veteran’s Park area that creates and results in gaps in park resources in underserved areas in the SW, SE, NE and NW Quadrant neighborhoods should be fully factored into the in the preliminary feasibility and cost estimate analysis. Parks to be functional must be well distributed and most accessible [best by walking/biking to reduce VMT, and reduce parking lot needs that reduce useable park acreage] to resident populations. The Proposed Veteran’s Park over concentration of park resources that will exacerbate City</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jean Camp	<p>Neighborhood park gaps should be fully factored into the in the preliminary feasibility and cost estimate analysis in that is a prime consideration in creating an equitable, efficient, accessible and functional park network.</p> <p>5. Better Use/Residential Use of Veteran’s Park The Proposed Veteran’s Park site however is a very good site for higher density residential use as smaller residential building footprints and stepped foundations can better fit into a hilly topography, there is adjacent high density residential use so land use compatibility is maintained, the site is within short walking/biking distances to major employment [industrial area], schools and parks [including a portion of Proposed Veteran’s Park’s the most Park feasible areas], and high quality visual open space resources [open space, golf course and lagoon views].</p> <p>The site provides a special, unique and highly efficient opportunity to provide high density residential and provide a ‘land swap’ site to get parks in neighborhoods that are not served by parks. The current isolated nature and size of the site provides an opportunity to master plan land use and neighborhood compatibility. The use of Proposed Veteran’s Park as a penitential master planned high density housing neighborhood that can be used as a “Land Swap Site” to trade with land owners and developers in neighborhoods without parks should be fully factored into the in the preliminary feasibility and cost estimate analysis, and should be discussed as a potentially very valuable affordable housing strategy and resource to address affordable housing needs in a location close to employment and public services [parks/schools].</p>
Jean Camp	<p>Why a Park at Ponto in Southwest Carlsbad makes sense.</p> <ol style="list-style-type: none"> 1. The letter and spirit of the City’s Growth Management Plan require the supply of 6.6 acres of City Park to be built in the same Coastal South Carlsbad Quadrant where the City Park demand was created; not 5+ miles away. 2. There are currently 947 homes with a population of 2,233 west of I-5 and South of Poinsettia that created the demand for 6.6 acres of City Park. The developers and population of this area generated taxes, facilities and park-in-lieu-fees paid to the City to buy and build 6.6 acres of City Park per the City’s Minimum Park Standard in the Growth Management Program. However there is no City Park in this area. The nearest park is not very accessible - 2.3 miles away and across I-5. 3. Not providing a Coastal South Carlsbad City Park is unfair to all Carlsbad Citizens. See the attached notated pages 87-88 from Carlsbad’s Park Master Plan. 4. The lack of a Coastal South Carlsbad City Park is a large part of a larger 6-mile Regional Coastal Park Gap – between Moonlight Park in Encinitas and the Power Plant Park at PCH/Cannon in Coastal North Carlsbad. 26,000 inland Carlsbad homes and 64,000 residents are without a Coastal South Carlsbad Park. 5. Having no Coastal South Carlsbad City Park is unfair to the thousands of Carlsbad visitors – who often come to Carlsbad for Coastal recreation. The lack of a Coastal South Carlsbad City Park is a disservice to South Carlsbad’s resorts, hotels and campground – their (and our) guests have needs for Coastal Recreation in South Carlsbad. No Coastal South Carlsbad Park is bad for our resorts/hotels.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jean Camp	<p>6. City use of development impact fees – the park-in-lieu-fees – outside the Coastal South Carlsbad impact area they were intended to serve is not right.</p> <p>7. A City park should be within a reasonable walk/bike ride away from where the demand was created. Not locating Coastal South Carlsbad’s City Park in Coastal South Carlsbad is inconsistent with the City’s core and fundamental Community Vision, inconsistent with many of the City’s General Plan Policies, inconsistent with City Council Goals to reduce driving and make our City more walk/bike able, and inconsistent with the sound park planning principle to provide parks within walking distance of park demand.</p> <p>8. The Ponto area is short 30 acres of unconstrained Open Space per the required Growth Management Program Standard. The developers and City failed to provide this required Open Space. A Ponto Coastal Park would also count as Open Space and thus efficiently apply to both the Park and Open Space deficits in Coastal South Carlsbad and Ponto.</p>
Jean Camp	<p>Solution to Correct Coastal Southwest Carlsbad City Park Deficit</p> <p>The Ponto area, specifically Planning Area F, is the only logical location that has vacant land in the size, dimensions, and location synergy to become Carlsbad’s first Coastal South Carlsbad City Park.</p> <p>The City’s and State of California Local Coastal Program requires Ponto’s Planning Area F, which is currently Coastal Planned as “Non-residential Reserve”, and areas west of it to be considered and documented for use as a Public Park before any Coastal land use is assigned to it. This Ponto Coastal Park is the most effective and efficient solution to fill a 6+ mile Regional Coastal Park gap, and addresses State Coastal Act policies to provide a more open and accessible coastline with affordable recreation.</p> <p>A Planning Area F Ponto Coastal Park is about the same size and shape as Carlsbad’s Holiday Park east of I-5 and south of Carlsbad Village Drive. Like Holiday Park, Planning Area F Ponto Coastal Park will provide a special community Coastal gathering place for events and family gatherings.</p> <p>A Planning Area F Ponto Coastal Park has a synergistic land use relationship with the surrounding Cape Rey resort, proposed Kam Sang Resort, State Campground, Hotels at I-5 and Poinsettia Lane, and a proposed adjacent restaurant and retail center. Enhancing this land use compatibility is Planning Area F’s unique location a short walk to the beach, and connection to the Batiquitos Lagoon Bluff Top Trail System. The unique opportunity to employ Planning Area F’s land use synergy and connections for special costal events by the City and Aviara Park Hyatt and La Costa Resorts are very rare and worth creating.</p> <p>An attached concept Ponto Coastal Park plan shows how a 6.3 acre portion of Planning Area F can meet the City’s High Priority Park needs with multiple formal and informal play fields, picnic areas, a walking-running path, dog park, and special community space opportunities to for events and functions.</p> <p>So as a close to this letter, on behalf of the Ponto Beachfront Development Review Committee and the local community, we do NOT support Veteran’s Park as an appropriate solution to fill the 6.6 acre Park deficit for southwest Carlsbad.</p> <p>Council needs to take action now to provide a Coastal South Carlsbad Park at Planning Area F in Ponto.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
	Please be advised that the Surfrider Foundation San Diego County chapter supports the creation of a Ponto Coastal Park.
	The Surfrider Foundation San Diego Chapter supports the protection of existing open space adjacent to South Carlsbad State Beach, Ponto North and South, and the creation of a significant Ponto Coastal Park. We believe that in doing so, the City will be able to maintain open space, coastal access, and a create a Park for long-term recreational enjoyment of the coast at Ponto while addressing a 5-mile Coastal Park gap in South Carlsbad and San Diego County.
	Ponto Beach at South Carlsbad State Beach is a popular beach destination in the City of Carlsbad that is used by many for surfing, swimming, and other coastal recreation. Just across Coast Highway/Carlsbad Boulevard from the shoreline is a stretch of vacant land that has been continuously considered for various developments over the years. It is important to note that the California Coastal Commission’s Local Coastal Program requires the eleven-acre site, known as Planning Area F, to be studied as a public park or for low-cost visitor accommodations prior to any land use plan that would allow development on that site.
	Surfrider is opposed to development in the area that would negatively impact beach access through more residential congestion and increased traffic. A Ponto Coastal Park on Planning Area F, near Ponto State Beach across Pacific Coast Highway from the State campgrounds, would ensure coastal and or beach access for generations of people in Carlsbad and North County regardless of where they live.
Surfrider Foundation	This land is one of very few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. Surfrider supports preserving this space for future Coastal Dependent uses such as viewing areas, walking trails and campgrounds. Surfrider believes that any future plans for a Ponto Coastal Park and zoning must be primarily oriented for beach and coastal uses only, including any additional parking and transit developments.
	Surfrider opposes any development of this space, such as residential development, that would impede beach use, including but not limited to blocking shoreline access, interrupting views, creating increased traffic or strains on available parking, or other similar conflicts. This includes, but is not limited to, the development of the space for housing, non-coastal oriented retail shops, or an active park primarily dedicated for organized sports (baseball, football, lacrosse, etc.), that would compete for space with those wishing to visit the beach for coastal dependent activities. High-density residential use would essentially eliminate the area’s adaptability and could be costly to move should the need arise as the coastline changes from sea level rise impacts.
	A high intensity organized sports park, despite being open space and addressing some community park needs for open play fields, would likely generate increased traffic and competition for beach parking that may hinder access for beachgoers. As such, Surfrider would not support the development of this lot [Ponto Planning Area F] for high intensity organized sports as an active use park. A more informal park, which may include open informal grass fields that can be used for playing, picnics, temporary special events, walking trails, and possibly campsites in the future, would protect the open space in a way that does not compete with beach access.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Surfrider Foundation	<p>Surfrider recognizes once the site is a park, a detailed park planning and design process will be required. This process is most successful and achieves the best outcomes when they are inclusive and consider important Coastal issues and priorities. As such Surfrider would like to participate in and contribute to the Ponto Coastal Park planning process.</p> <p>Additionally, South Carlsbad State Beach, like much of the California coastline, will face increased threats from climate change and sea level rise. Allowing the Ponto Coastal Park area to remain as an open field that is light improved for informal recreation and special events gives the City and State more options for future adaptation and continued Coastal recreation resources in the area.</p>
Lance Schulte	<p>...</p> <p>The City's Guiding Principles, that are supposed to be the foundation for the General Plan and Parks Master Plan, seem at odds with some of the past decisions made at Ponto and currently contemplated actions. The big Guiding Principles of Carlsbad are not being remotely achieved in the current Ponto situation as initially outlined in our community's 2017 email. For example to force a drive across town to access their minimally required neighborhood park acreage and putting kids on long walks and bike rides on busy arterial roadways to access a park just does not make sense with many people, and is counter to may City Policies and State Planning.</p>
Lance Schulte	<p>Attached please find three (3) presentations made in 2018 to the prior Carlsbad City Council, and CA Coastal Commission in the Carlsbad Local Coastal Program (LCP), Planning Area F LCP and Master Plan, City's Parks Master Plan and Growth Management Plan updates, amendments to the Local Facility Management Plan for Zone 9, Veterans Park, real estate, and budget issues and other interrelated issues.</p> <p>The 4th attachment is in reply to Carlsbad Councilperson Keith Blackburn's 10/23/18 request to show in an image how Poinsettia Park's service area effects the Coastal South Carlsbad park gap and deficit. The data in this attachment is from the City's Parks Master Plan and shows even with the City's 'broad abstract as the bird flies' defined service area of Poinsettia Park there remains a significant Coastal Park service gap at Ponto and in Coastal South Carlsbad.</p> <p>The unfulfilled Planning Area F LCP requirements to consider a Public Park at Ponto, the documented Growth Management Park and Open Space Standard deficits in Coastal South Carlsbad seem to justify a comprehensive, open and honest community-based planning process as initially requested by citizens in 2017.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Fix errors in Staff Report [Growth Management Status Report for FY 2016-17]</p> <ul style="list-style-type: none"> – “All other [Open Space in LFMP-9] public facilities are currently meeting their adopted growth management performance standards for FY 2016-17”, p. 5 <ul style="list-style-type: none"> • LFMP Zone 9 is missing a minimum of 30-acres of ‘developer required’ GMP Open Space per the 15% unconstrained Performance Standard. • Clearly documented in 3 Official Carlsbad Public Records Request 2017-164, 2017-289, and 2018-289; City’s Open Space data, and City documents – “In 1986, LFMZs 1 through 10, and 16 were already developed and considered to be in compliance with the open space performance standard.”, p. 41, p. 24 of monitoring report <ul style="list-style-type: none"> • LFMP-9 says in 1989 only already developed land use was Lake Shore Garden Mobile Home Park that is only 13% or 55 of the total 417 acers in LFMP-9. p. 26 • How can LFMP-9 be already developed in 1986 if in 1989 only 13% was developed? – City’s FY16/17 Growth Management Program Monitoring Report [p. 4, p. 21 in Staff Report] that says: “What Happens if Facilities Do Not Meet the Performance Standard? The Growth Management Plan requires development activity to stop if a performance standard is not being met. ... facilities (... open space ...) are analyzed on an Local Facility Management Plan Zone (LFMZ) basis. If one of these facilities falls below the performance standard in a given LFMZ, development in that LFMZ would stop“ <ul style="list-style-type: none"> • 5/7/18 met City Manager on LFMP-9’s missing 30-acres of developer required Open Space. 6/12/18 Debbie Fountain email with staff’s final position: <ul style="list-style-type: none"> – Debbie said: “... questioning the reasons [for the missing 30-acres of Open Space] is not productive...” – Debbie said developers can rely on inaccurate exemption from Growth Management Open Space Standard. – Debbie didn’t justify statements with City of Carlsbad Municipal Code - Growth Management Ordinance 21.90.130 Implementation Requirements – Debbie didn’t say if her [Staff’s] position was the City Council’s position, or if/how City Council made this decision
Lance Schulte	<p>Growth Management Ordinance 21.90.130(b) states:</p> <ul style="list-style-type: none"> • “Adoption of a facilities management plan does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal. ... • no development occurs unless adequate facilities or improvements will be available ... • The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements”.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Growth Management Ordinance 21.90.130(c) states:</p> <ul style="list-style-type: none"> • “If ... city manager ... [thinks] ... the performance standards ... are not being met he or she shall immediately report the deficiency to the council. • If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone ... and ... • an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met”
Lance Schulte	<p>Growth Management Ordinance 21.90.130(d) states:</p> <ul style="list-style-type: none"> • “The city planner shall ... prepare an annual report to the city council ...which includes ... a facilities and improvements adequacy analysis, ... and recommendation for any amendments to the facilities management plan.”
Lance Schulte	<p>In summary City’s Growth Management Ordinance:</p> <ul style="list-style-type: none"> • Requires City Staff to report facility inadequacies – report missing 30-acres of Open Space • Allows City Staff to recommend LFMP-9 Amendments to correct facility inadequacies - Why hasn’t Staff recommended addressing the missing 30-acres of Open Space? • GMP Ordinance conflicts with 6/12/18City Staff email saying developers can rely on LFMP-9 that violates Open Space Facility Standard – LFMP-9 not a developer entitlement • Allows City Council to amendment at any time the city-wide GMP & LFMP-9 to fix Facility Standard deficiency - missing 30-acres of Open Space in LFMP-9 • Says a LFMP-9 does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal
Lance Schulte	<p>Growth Management Open Space Standard</p> <ul style="list-style-type: none"> • “Open Space Standard: Fifteen percent [15%] 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”

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD		
	<p>Ponto’s Missing 30 acres of developer required Open-Space</p> <p>City data & documents show developers falsely exempted from providing Growth Management Program required open-space:</p> <p>City’s data calculations of open-space at Ponto</p>	
Lance Schulte	<p>472 Acres <u>(197 Acres)</u> 275 Acres <u>X 15%</u> 41 Acres</p> <p><u>(11 Acres)</u> 30 Acres</p>	<p>Total land in LFMP Zone 9 [Ponto] per City of Carlsbad GIS data Constrained and Excluded from GMP Open Space Calculations Area unconstrained in LFMP Zone 9 GMP Minimum unconstrained Open Space requirement GMP Minimum unconstrained Open Space required in LFMP Zone 9</p> <p>GMP Open Space provided & mapped in LFMP Zone 9 Missing unconstrained Open Space needed in LFMP Zone 9 to meet the minimum GMP Open Space Standard [73% missing]</p>
Lance Schulte	<p>We ask you to care about Carlsbad, Citizens, & Ponto; and put those interests above a developer's:</p> <ul style="list-style-type: none"> • Recognize & fix the flawed prior Ponto planning processes – twice City/developers failed to comply with Carlsbad Local Coastal Program [p. 101] requirements to first ‘consider/document Ponto as a Public Park and/or Low-cost visitor accommodations’ <ul style="list-style-type: none"> – LFMP-9 missing 30-acres of developer required Open Space – Failure to disclose LCP and Open Space issues & directly involve community about Ponto planning – a ‘planning area’ of our planned community. Developer led process was fundamentally flawed – Failure to provide any meaningful South Carlsbad Coastal Park for residents/visitors • Follow Growth Management Ordinance 21.90.130 and require LFMP-9 to provide missing 30-acres of Open Space • Require in all Update Tiers: that developers provide Open Space in LFMP-9 per the GMP Open Space Standard • Comprehensively re-plan Ponto with a Community-based [not developer based] planning process that considers our longterm Coastal needs • Consider how sea level rise and erosion will remove Coastal areas and require Coastal Open Space buffers and upland Coastal Parks • Consider how much Coastal Open Space and Coastal Park acres are needed for South Carlsbad’s 64,000 existing, and more inland future, residents. Avoid overcrowding of North Carlsbad Coastal Parks • Consider over 4 presentations & over 300 letters/emails already provided you from concerned Citizens 	

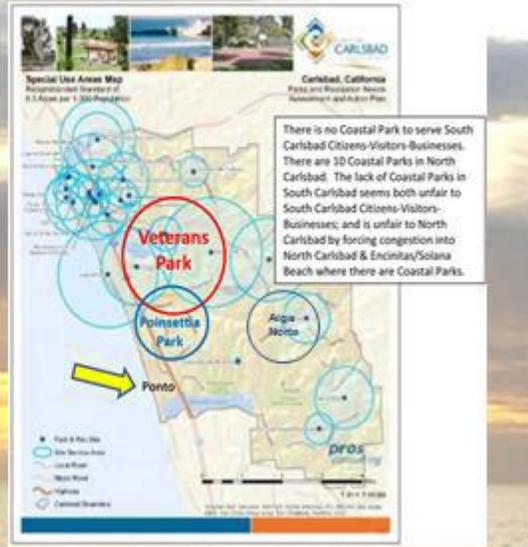
COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Updated image requested by Councilman Keith Blackburn to show Poinsettia Park’s official service area relative to the South Coastal Carlsbad Park gap and deficit. The blue circle(s) show the City’s adopted service areas from the City of Carlsbad Parks Master Plan for each City Park based on the park size and the population surrounding the park. A large circle represents a large park and/or low population surrounding the park. The image below shows all the City Parks (both Community Parks and Special Use Areas) in Coastal Carlsbad (except for Aviara Park that is east of Poinsettia Park and west of Alga Norte Park). Data is compiled from City of Carlsbad Parks Master Plan pp 87-88.

Lance Schulte

**Issue #1 – 6.6 Acre Park Deficit
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



COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Request funding for a Community based Park Planning Process & Community-based Coastal South Carlsbad Park & Gateway Planning Process</p> <ul style="list-style-type: none"> • \$250,000 for a community-based analysis of citywide park deficits and community suggested solutions • Funding for a series of southern Carlsbad community-based workshops to develop concepts and alternatives for a coastal south Carlsbad park & gateway plan.
Lance Schulte	<p>Need a coastal south Carlsbad park</p> <p>64,000 South Carlsbad Citizens & hotel visitors w/o a Coastal Park</p> <p>4-6 miles of coast w/o park is a city and regional need</p> <p>There is no coastal park to serve south Carlsbad citizens-visitors-businesses. There are 10 coastal parks in north Carlsbad. The lack of coastal parks in south Carlsbad seems both unfair to south Carlsbad citizens-visitors-businesses; and is unfair to north Carlsbad by forcing congestion into north Carlsbad & Encinitas/Solana Beach where there are coastal parks.</p> <p>Asking for a community-based planning process to address our needs</p> <p>Justification</p> <ul style="list-style-type: none"> Implements General Plan Community Vision – quality of life and economy Required by City and State land use regulations for Planning Area F – City’s Local Coastal Program Significant gap in Coastal Parks creates congestion and unfairness for entire City and San Diego Region Ponto is last vacant land opportunity to create a meaningful Coastal South Carlsbad Park Strong Community desire & wise use of resources <p>Refer to 5-page email justification and request for a Community-Based Planning Process sent to City Council, City Manager, City Parks and Planning Commissions, City Parks and Planning Directors, California Coastal Commission Staff on 8/31/17 and 3/6/18 – Community has yet to receive a reply to those emails.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>See page 101 of Carlsbad’s Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP</p> <p>Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not yet complied with – flawed PBVVP & 2015 GP Update. We can do better!</p> <p>Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use</p> <p>“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”</p> <p>Never done: Carlsbad PRR-2017-260 confirmed. Citizens not knowing this flawed the Ponto Beachfront Village Vision Plan, 2015 General Plan Update, and Carlsbad Park Processes</p> <p>California Coastal Commission told the City that “ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”</p>
Lance Schulte	<p>Coastal South Carlsbad Park Deficit</p> <p>6.6 acre Park Deficits in Southwest Carlsbad – proposed to be corrected outside SW Carlsbad around 5 miles away</p> <p>No City Coastal Park in South Carlsbad, vs. 10 City Coastal Parks in North Carlsbad – Unfair to All Carlsbad as South Carlsbad’s Coastal Park needs from 64,000 existing Carlsbad residents is pushed into North Carlsbad-Encinitas Coastal Parks increasing their traffic, parking & park congestion</p> <p>Carlsbad's 4-mile Coastal Park Gap in South Carlsbad is the majority of the 6-mile Regional Coastal Park Gap</p> <p>South Carlsbad’s Coastal Park Gap is over 8% of San Diego County’s entire Coastline – City & regional issue</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Growing Coastal Park Demand</p> <p>Regional Coastal Park demand increases. Vital for Quality of Life & Carlsbad economy to provide more Coastal Parks</p> <p>Year & Residents per Carlsbad’s 4-mile Coastal Park Gap (SANDAG): 1985 = 116,000 - when Veterans Park coastline ‘solution’ 1995 = 140,000 + 21% - Planning Area F requirement 2015 = 176,000 + 52% - when General Plan Update 2035 = 212,000 + 83% - end of 20-yr life General Plan – what then?</p> <p>Visitors per Carlsbad’s 4-mile Coastal Park Gap (SD Tourism Authority): 2018 = 5,092 visitors per day & growing 1.6% per year, 2035 = 6,669</p> <p>Ponto last chance to fix Carlsbad’s 4-mile Coastal Park gap (8% of SD County coastline) with a meaningful Coastal Park.</p>
Lance Schulte	<p>Ponto’s Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results</p> <ul style="list-style-type: none"> • 947 homes (population of 2,233) west of I-5 and South of Poinsettia Lane • City’s Minimum Park standard requires 6.7 acres of Park. • Homeowners paid City taxes and park-in-lieu-fees to buy and build 6.7 acres of City Park, but No Park in area. • Taxes/fees didn’t add Park acreage – needed Veterans • Nearest park 2.3 miles across I-5. Veteran’s Park ‘solution’ over 5-miles away & basically inaccessible. • Over 90% of Community surveyed wants a Park in Ponto • Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don’t work. We can Do Better!
Lance Schulte	<p>Veterans Park inappropriate ‘solution’ to Coastal South Carlsbad’s Park Deficit - Use a Community-based planning process</p> <p>Fix map error – the center of Veteran’s Park is incorrectly located on Palomar Airport Road...[reference to Parks and Recreation Department Master Plan page 87]</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Request City Council Consider Park & Open Space Data Presented by Citizens on 6/12/18 & missing in Staff Report</p> <p>Parks</p> <ul style="list-style-type: none"> • City & Regional need for a true South Carlsbad Coastal Park • South Carlsbad Coastal Park achieves Community Vision of GP • Coastal South Carlsbad Planning Area F Local Coastal Program requirement to study a “Public Park” & Citywide Coastal uses <p>Open Space</p> <ul style="list-style-type: none"> • Developer’s Local Facility Management Plan Zone 9 errors need correcting in Developer’s Comprehensive Zone 9 Update • City’s responsibility to Citizens & following Growth Management Ordinance, Standards and Principles
Lance Schulte	<p>Implements Community Vision – the Foundation for the General Plan</p> <ul style="list-style-type: none"> • Refer to 5-page email to City Council on 8/31/17 & 3/6/18 - Share & discuss the Issues with Citizens. <p>Community Vision, is foundation for General Plan. Just words to be ignored or guides to action?</p> <ul style="list-style-type: none"> • “...open spaces within walking distance of people’s homes ...” - nearest park over 2 miles away & over I-5 • “... strategic acquisitions to further the city’s open space system.” - fill Coastal South Carlsbad park gap • “... network of parks and recreation facilities will be improved ... Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations ...” - provide half of Carlsbad its only Coastal Park • “... protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.” - South Carlsbad has no Coastal Park, congests North Carlsbad • “ ... Access to the beach ... will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park” - Park supports residents and visitor industry • “... Tourism is an important component of the city’s economy ... it emphasizes ... resources that make the city attractive to ... residents - the ocean and beach” - Park supports residents and visitor industry • “Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to ... parks.” - Veterans Park 5-miles away from need <p>From General Plan Land Use Element:</p> <ul style="list-style-type: none"> • “...the community expressed an overwhelming preference for an active waterfront ... Access to the beach will be enhanced through ... open space, parking, and amenities ...” - Need a South Carlsbad Coastal Park • “... new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop ... recreational opportunities along the coastal corridor.” - A meaningful Coastal South Carlsbad Park provides the most opportunities

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Ponto’s (LFMP-Zone 9) Growth Management Open Space requirement</p> <ul style="list-style-type: none"> • 6/11/18 Final Staff Opinion Letter, Prior Public Records Requests, & City data confirmed Developers’ LFMP-9 did not provide required Open Space per Growth Management Standard: 30-acres short! Lets do better! • Inconsistent & incomplete information in 6/11/18 Final Staff Opinion Letter & conflicts with Growth Management Ordinance • Need to have honest Citywide discussion on this issue! • Is Staff’s Final Opinion the City Council’s direction? • You can do better
Lance Schulte	<p>...on August 27th, as part of People for Ponto I met with Mayor Hall and Councilperson Blackburn and staff Gary Barberio and Debbie Fountain on LCP issues related to the 11-acre Planning Area F site at Ponto that the existing LCP currently designates “Non-residential Reserve” and which the City’s LCPA is proposing to mostly change to low-coastal priority high density residential use. Planning Area F has [since 1996] an LCP requirement to consider and document the need for high-coastal-priority uses prior to changing the existing “Non-residential Reserve” Coastal land use and zoning. For the 11-acre Planning Area F site at Ponto the City of Carlsbad is required by the CA Coastal Act to “... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”</p>
Lance Schulte	<p>...I am concerned in that in that August 27th meeting all four refused to discuss the Parks Master Plan and LCP/LCPA related issues, stating they could not discuss these misses due to the North County Advocates lawsuit filed against the City for non-compliance with the City’s Growth Management Program. I was confused as to how the City was linking our People for Ponto Parks Master Plan and LCP/LCPA discussion with the Growth Management Plan and North County Advocates Growth Management Plan lawsuit?</p> <p>Can the City kindly provide an explanation as to why/how the City is linking the Parks Master Plan and LCP/LCPA with the Growth Management Plan and Growth Management Plan lawsuit?</p> <p>Given the linkage if the City Staff and City Council were prevented from talking about Parks Master Plan and LCP/LCPA due to the Growth Management Plan lawsuit, how can the City proceed to process the LCPA, and start the Parks Master Plan Update? As a citizen it is very confusing, and am not sure if the attached communications are being considered or can be discussed by City Staff and City Council as part of the LCPA.</p> <p>As I explained at the August 27th meeting with Mayor Hall and Councilperson Blackburn and staff Gary Barbario and Debbie Fountain People for Ponto is not a part of North County Advocates and their lawsuit against the City. However, both People for Ponto and North County Advocates found similar significant questions regarding compliance with the Growth Management Program Open Space Standard in Local Facility Management Plan Zone 9.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>For your staff analysis of “lower-cost recreation and visitor accommodations in the Ponto area” would you like images of our Ponto (San Pacifico Community Association) kids setting up play areas and playing in our streets due to lack of recreation playfields in Ponto? As you know from prior citizen comments, we have conducted several surveys of our San Pacifico Community Association that comprises the bulk of Ponto and over 90% of these Carlsbad Citizens have repeatedly said we need a Ponto Coastal Park at Planning Area F as part of the Planning Area F’s current LCP requirements. Do you have and acknowledge that San Pacifico Community Association community survey data collected by People for Ponto?</p> <p>The City’s Parks Mster Plan’s adopted Park Service Area maps also clearly shows the City’s Park Service Area gap at Ponto and Coastal South Carlsbad.</p> <p>As you know the City approved and developed land use at Ponto (west of I-5 & south of Poinsettia Lane) includes 947 home (with a population of 2,233) plus several commercial developments (Ralph Center and Cape Rey Resort). Based on the City’s minimum park standard [3-acres per 1,000 population + commercial land use park needs], this land use should have provided a minimum of 6.7 acre City Park. As noted below People for Ponto/Carlsbad citizens provided in a 7/24/18 PowerPoint presentation to the City Council meeting [council meeting 7/24/18 Agenda Item #19]on Carlsbad Parks Update” on one (1) slide with this information and questions:</p> <p>Ponto’s Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results</p> <ul style="list-style-type: none"> • 947 homes (population of 2,233) west of I-5 and South of Poinsettia Lane • City’s Minimum Park standard requires 6.7 acres of Park. • Homeowners paid City taxes and park-in-lieu-fees to buy and build 6.7 acres of City Park, but No Park in area. • Taxes/fees didn’t add Park acreage – needed Veterans • Nearest park 2.3 miles across I-5. Veteran’s Park ‘solution’ over 5-miles away & basically inaccessible. • Over 90% of Community surveyed wants a Park in Ponto • Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don’t work. We can Do Better!

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Gary: You mentioned at our meeting, that Scott did not attend, that City Staff is constraining the Parks Master Plan Update to not consider the 2017-present citizen input on the Coastal South Carlsbad Park Gap; be constrained by existing City Council policy, and only look to update things like if/where we need more pickle ball courts. We asked if the Update would look at updating things like the lack of safely accessible [walking/biking distance] parks for children and elderly in Coastal South Carlsbad and the lack of a Coastal Park for all of South Carlsbad. Constricting the Update to not address these major Parks Master Plan issues does not seem right, and does not address the Coastal South Carlsbad Park gap and Service Area issues that area discussed/documentated in the Parks Master Plan [pp 87-88] and the focus of much citizen concern. Unduly constraining the Parks Master Plan Update as you outlined also seems inconsistent with existing City Council policy statements in the City Council adopted Parks & Recreation Vision, Mission and Key Goals; such as:</p> <ul style="list-style-type: none"> · strengthening community connectivity and exceptional customer service · promote community health and wellness · building a culture that embraces change and continuous improvement. · Meet the underserved needs of the community · Build an entrepreneurial focus that supplements city contribution · staff to deliver world class offerings and exceptional customer service · Provide opportunities that promote health and wellness and active lifestyles · Develop a departmental culture that embraces change and promotes continuous improvement <p>The above Parks Vision, Mission and Key Goals; seem consistent with discussing the South Coastal Park gap, Planning Area F LCP requirements for the City to consider a ‘Public Park’ at Ponto, and the significant customer requests provided to the City. We could not understand the logic of how the City can update a “Parks Master Plan” without looking at major Parks issues like the South Carlsbad Coastal Park service area and facilities gap seems inappropriate. Can we talk about this? Is this something Staff and/or citizens should take to the City Council?</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	...maintain the Existing Carlsbad LCP land use designation of “Non-residential Reserve” on Planning Area F until a truly comprehensive and Community-based planning process can determine the Forever “High-Coastal-Priority” land use needs at Ponto, South Coastal Carlsbad, and to assure no overconcentration of “High/Low-Coastal-Priority” land uses.
	The proposed LUP defines the forever/buildout Coastal land use for Carlsbad, and as documented the prior Ponto planning processes (Ponto Beachfront Village Vision Plan [PBVVP] and the General Plan Update that is based on PBVVP) were both fundamentally flawed by not disclosing to Citizens and the San Pacifico Community Association about the Existing Carlsbad LCP requirements for Planning Area F and inviting public participation and discussion of the Existing Carlsbad LCP requirements for Planning Area F. The proposed LUP’s reliance on the fundamentally flawed prior planning (PBVVP and General Plan Update) at Ponto is inappropriate. These fundamental flaws in planning process and public participation cannot be remedied by simply a Staff Report discussion.
	It seem logical that these fundamental flaws in the PBVVP, General Plan Update, and the LUP (which is based on the PBVVP and General Plan Update) are best corrected by maintaining the Existing LCP for Planning Area F and possibly leaving the entire Ponto Area as an Area of Deferred Certification until a truly comprehensive Community-based Planning process for Ponto can be completed. This is a reasonable and logical approach as the vacant Coastal land at Ponto is some of the last remaining significant sized vacant Coastal in all North San Diego County and is the in the center of a 6-mile regional Coastal Park Gap with no Coastal Park. This logic is further amplified by the impacts of Sea Level Rise on “High-Coastal Priority” land uses at Ponto and Coastal South Carlsbad, and the CA Coastal Act policy to reserve Upland Areas for “High-Coastal Priority” land uses.
Lance Schulte	<p>Local Coastal Program requirements for Planning Area F at Ponto: - Data from Official Carlsbad Public Record Requests by citizens group People for Ponto www.peopleforponto.com</p> <p>Ponto is in the California Coastal Zone and land use and development decisions must not only be consistent with the City of Carlsbad General Plan and Ordinances but must also be consistent with the California Coastal Act (CCA). Per our Constitution, if there is a conflict between local City plans and the State’s Coastal Act the Coastal Act prevails. The California Coastal Commission (CCC) is the State commission that makes development decisions in the Coastal Zone.</p> <p>Relevant Basic Goals of the State of California for the Coastal Zone are to:</p> <ul style="list-style-type: none"> • Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. • Assure priority for coastal-dependent and coastal-related development over other development on the coast.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

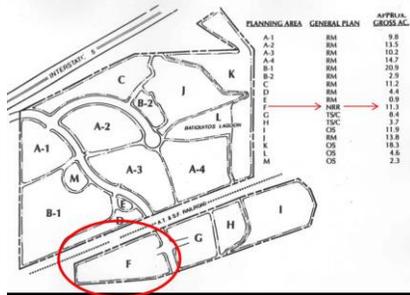
Lance Schulte

- 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 CCA priority land uses to achieve the above basic California Coastal Act goals are:

- maximize public recreational opportunities in the coastal zone
- Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- 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.
- Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- Public facilities [such as Public Parks] 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.
- Assure priority for coastal -dependent and coastal-related development [i.e. lower cost visitor accommodations or recreational facilities (i.e. public park) as noted in the Planning Area F LCP requirements]

The Poinsettia Shores Master Plan and Local Coastal Program (PSMP/LCP) adopted in 1996 is the City’s and CA Coastal Commission Existing Adopted Coastal ‘general plan land use and zoning’ and regulations for Planning Area F in the San Pacifico Community at Ponto. See the following land use zoning map from the current PSMP/LCP:



COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>The current City and CA Coastal Commission adopted land use zoning and regulations for this Planning Area F is found on page 101 Carlsbad’s Existing Local Coastal Program at (http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088) and reads as follows (bold face added for emphasis):</p> <p>“10. 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 non-residential, however, since the City’s current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”</p> <p>Planning Area F was originally agriculture, then in 1985 Planning Area F’s planned land use was changed to Travel Service Commercial uses. Then in 1996 was changed to the current Non-Residential Reserve (a blank holding zone) land use as noted above. Since Non-Residential Reserve had no planned land use associated with it a specific requirement of the PSMP/LCP for Subarea F was 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.” <i>[see Planning Area F regulations on page 101 of current Carlsbad Local Coastal Program]</i></p> <p>The City around 2005 adopted a Ponto Beachfront Village Vision Plan (PBVVP) that adopted with primarily speculative developer input a City vision for Planning Area F with a Mixed-use Commercial area west of Ponto Drive and a 2-story Townhouse Neighborhood east of Ponto Drive. The City in this 2005 PBVVP ‘planning effort’ did not fully disclose to citizens the existence of the adopted Planning Area F LCP land use zoning requirements, nor did the City comply with the LCP for Planning Area F to “consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park)”. The City submitted the PBVVP to the CCC as a Local Coastal Program Amendment for Planning Area F; and in 2010 the CCC rejected the City’s proposed LCP Amendment, Stating: “... there has been no evidence presented that would support the elimination of these areas [i.e. Planning Area F] for some lower cost overnight accommodations or public recreational amenities</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>in the future.” <i>[see pages 6-11 of CCC action item F21a denying Carlsbad proposed LCP Amendment 3-07B/RF dated July 22, 2010]</i></p> <p>The City then 5-years later updated its General Plan in 2015 after a 7-year planning process using the same PBVVP as the basis for Coastal land use changes at Ponto and Planning Area F. The updated General Plan changed the City’s proposed general planned land uses for Planning Area F from Non-Residential Reserve to General Commercial (GC) west of Ponto Drive and R-23 (Residential 15-23 dwellings an acre) east of Ponto Drive. Again, the City in this 2015 ‘planning effort’ did not as required by the Planning Area F LCP requirement publically disclose and then consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park).</p> <p>The lack of public disclosure/discussion, and compliance with the Planning Area F LCP requirements in both the City’s 2010 PBVVP and 2015 General Plan Update processes was confirmed in 2017 with the following 3 official Carlsbad Public Records Requests (sometimes referred to a freedom of information act):</p> <ul style="list-style-type: none"> • # 2017-260 • #2017-261 and • #2017-262 <p>We request that the above 3 official Carlsbad Public Records Requests, including City replies to follow-up questions, be fully included as Pubic Comments in the 2019 LCPA.</p> <p>Why didn’t the City publically disclose and follow the existing (since 1996) LCP requirements for Ponto/Planning Area F during the 2010 PBVVP and 2015 General Plan Update? The PBVVP and General Plan Update processes were/are both fundamentally flawed due to this non-disclosure and noncompliance and did not allow full and just consideration of Coastal Priority land uses for Planning Area F.</p> <p>As noted the Public Records Requests confirmed that the City did not specifically disclose and reach out to Carlsbad Citizens and the San Pacifico Community Association specifically regarding the requirements to propose changes to Planning Area F. Planning Area F is one of the planning areas of the San Pacifico Community Association.</p> <p>The City’s failure twice, both during the City’s 2010 PBVVP and 2015 General Plan Update ‘planning efforts’ to fully disclose and implement the Planning Area F LCP requirements was and still is in conflict with CA Coastal Act goal indicating 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</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>Lance Schulte</p>	<p>and implementation of programs for coastal conservation and development should include the widest opportunity for public participation”</p> <p>As noted it took until 2017 for the People for Ponto citizen group to first find the Planning Area F LCP requirements at Ponto and confirm the City’s failure to publically disclose and implement the existence of the Planning Area F LCP requirements at Ponto by getting documented confirmation through Official Carlsbad Public Records Requests and inquiries with CCC Staff. In 2017 Coastal Commission Staff indicated that: “The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”</p> <p>On 8/31/17 (see Item #1 of ‘Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission as of 8-2-18’ that was previously provided as public comment on the LCPA) People for Ponto emailed the Carlsbad City Council to ask that a Ponto Coastal Park be provided and that San Pacifico Community Association be invited and engaged in the planning discussions. The email cited numerous Carlsbad General Plan Community Vision statements and data on City Park Standard deficits at Ponto and Coastal South Carlsbad that clearly supported creation of a Ponto Coastal Park. The email was a request of the Carlsbad City Council to basically restart the Ponto Planning Effort on Planning Area F with an open and honest community-based planning effort before this last area of vacant Coastal land is committed to any development.</p> <p>The email was resent to the City Council on 3/6/18 due to no City response to the initial 8/17/17 email. Although the City Staff has responded by rejecting Citizens’ requests to reset and restart the Ponto Area Planning Effort to address the Pubic Park needs at Ponto; we did finally on 10/31/19 receive an email confirmation from City Staff that “Regarding concerns about recreation uses in the Ponto area, the staff reports will include an analysis of the need for lower-cost recreation and visitor accommodations in the Ponto area.” The actual LCP requirement notes “(i.e. Public Park)” not just ‘lower-cost recreation’. The 10/31/19 email is the first City acknowledgement since the initial 2017 People for Ponto email, that the City will follow the existing LCP requirements for Planning Area F. Unfortunately it likely is not the best way to address the of the existing LCP requirements at Ponto, and most importantly the Goals and Policies of the CA Coastal Act.</p> <p>As further public comments we would like to suggest maintaining Planning Area F’s “Non-residential Reserve” Coastal land use (LUP) and Coastal zoning designation along with considering the entire Ponto area as a Deferred Area of LCP Certification to</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>allow the City to reset the Coastal planning at Ponto and start anew with a comprehensive and open Community-based Planning Process that fully addresses CA Coastal Act Goals and Policies and openly involves San Pacifico Community Association, the Citizens of South Carlsbad, and Citizens regionally. This is vitally important given Ponto is the last major vacant land in the center of a regional 6-mile coastal Park gap, and the only vacant Upland Area to a major regional Low-cost Visitor Accommodation (South Carlsbad State Campground) that is subject to destruction from sea bluff erosion due to sea level rise and increase weather events from climate change.</p> <p>References: 1. California Coastal Act: see https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PRC&division=20.&title=&part=&chapter=&article=</p>
Lance Schulte	<p>This is part of the data People for Ponto has provided since 2017 to the Carlsbad City Council, Planning & Parks Commissions; and CA Coastal Commission regarding the Coastal 11-acre Planning Area F site at Ponto and LFMP Zone 9.</p> <p>For the 11-acre Planning Area F site at Ponto, Carlsbad’s Existing (since 1994) Local Coastal Program (p. 101) LUP currently states for Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad’s Local Coastal Program 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 and Carlsbad Public Records Requests 2017-260, 261, and 262 confirm the City and Developer never did this! The City did not disclose to Citizens the existence of this Existing LCP LUP policy nor follow the LCP LUP policy during BOTH the Ponto Beachfront Village Vision Plan and General Plan Update planning processes. Those processes are fundamentally flawed. They are built on missing information and missing Citizen input.</p> <p>The image below was requested by former Carlsbad Councilman Michael Schumacher at the Oct 23, 2018 City Council meeting. It shows how the South Coastal Carlsbad (Ponto) is not served by a Park per the City’s adopted Parks Master Plan. It shows the nearest Poinsettia Park’s official Park Service Area relative to the Ponto/South Coastal Carlsbad Park gap and deficit. The blue dots are park locations and blue circle(s) show the City’s Adopted Park Service Areas. This data, from pages 87-88 of the City of Carlsbad Parks Master Plan. The City data below 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).</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Lance Schulte

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 above information (along with a lot of other relevant data) was never disclosed to Citizens nor discussed or considered relative to City planning efforts at Ponto. The LCPA Public Review should be extended to allow time for City Staff to provide Redline version of the Existing LCP and the corresponding Draft LCPA LUP changes, full public review of this Redline Draft, and open and honest Community-based planning Workshops for specific areas of vacant Coastal Land - including a Ponto specific LCPA Community Workshop(s) to resolve issues. www.peopleforponto.com

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<p>People for Ponto</p>	<p>1. P. 3-3 cites CA Coast Act (CCA) Polices. But the City’s proposed Local Coastal Program (LCP) Land Use Plan (LUP) in the Ponto Area, particularly for Planning Area F, appears inconsistent with these CCA policies:</p> <ul style="list-style-type: none"> a. Section 30213 – protect, encourage and provide Lower-Cost Visitor & Recreation Facilities. b. Section 30221 – Visitor serving & Recreation uses have priority over Residential & General Commercial uses. c. Section 30223 – Upland areas reserved to support coastal Recreation uses d. Section 30252(6) – correlate development with Local Park acquisition & on-site recreation <p>2. Planning Area F used to be designated “Visitor Serving Commercial” as part of the original 1980’s LUP and LCP Samis Master Plan for Ponto. In the 1996 this LUP was changed to the now current LCP and LUP designation of “Non- Residential Reserve” with a specific LCP requirement to reconsider a high-priority recreation or visitor serving Coastal land use while other Ponto land uses were changed to low-priority residential uses (see Poinsettia Shores Master Plan/LCP). It seems appropriated that the LUP should re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park” in the existing LCP) to provide high-priory coastal uses v. low-priority residential/general commercial uses: in part for the following reasons:</p> <ul style="list-style-type: none"> a. Planning Area F’s existing LCP requirement requires this consideration, but the City has never disclosed this requirement to Citizens nor follow this requirement during the Cities two prior ‘planning efforts’ in 2010 and 2015 as documented by official Carlsbad Public Records Requests 2017-260, 261, 262. b. Ponto developers (both Samis and Kaisza) were both allowed to overdevelop Ponto, by not providing the minimum Open Space required by Carlsbad’s and Citizen approved Growth Management Open Space Standard. Over 30-acres of land that should have been dedicated to Growth Management Open Space (a high-priority land use) was instead allowed to be developed with low-priority residential development. If the City’s Growth Management Open Space Standard was properly applied at Ponto there would be 30-acres more open space at Ponto then there is now. This is a significant impact to CCA policies that can be corrected by changes in the Ponto LUP to properly implement City Open Space Standards and CCA policies. c. The LCPA acknowledges that past (2005-17) and near-term (2019-23) growth in Carlsbad visitor demand for coastal recreation and accommodations, and indicate high past hotel occupancy rates that implies current hotel supply is just meeting current demand. Although the LCPA does not discuss the high occupancy rates at the Low-Cost campground facilities, It is assumed the campground occupancy rate and demand is higher than that of hotels. This should be defined. Based on current and near term demand for visitor accmomodations the LCPA states on page 3-12 “... the City should identify and designate land where new hotels and other visitor-serving uses can be developed.” It is clear where he ‘City should identify and designate [this] land’? What new land(s) should be so identified and designated? However, the LCPA does not disclose longer-term visitor accommodation needs beyond 2023, nor provide a long-term plan for meeting this long-term need. The LCPA should publicly disclose, analyze and provide for the longer-term (beyond present and to beyond 2023) needs for visitor Coastal accommodations, particularly Low-Cost Accommodations and Recreation needs because the LPCA’s LUP is a long-term plan for Carlsbad’s buildout estimated to extend beyond 2035. Also, given the fact that there are very few vacant Coastal Sites (like

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Ponto) that are still available to address these long-term high priority Coastal land uses – recreation and visitor serving – reserving these vacant lands for high priority coastal land uses is consistent with the CCA Polices. Following are some longer-term projections of resident demand for Coastal park and recreation needs. It seems logical that long-term visitor will increase at a similar rate as the general population increase rate, unless our coast becomes too overcrowded and unattractive vis-à-vis other visitor destinations. A long-term visitor demand (to go with the below long-term resident demand long-term Sea Level Rise impacts) for Coastal recreation resources should be a part of the proposed LCPA and part of the long-term LUP to provide resources for those long-term needs and to mitigate for those long-term Sea Level Rise impacts.

People for Ponto



d. City in the LCPA inaccurately analyzes and misrepresents how much Visitor Serving Accommodations, particularly Low-Cost Accommodations, Carlsbad currently provides on a relative or comparative basis. The LCPA’s inaccurate and simplistic analysis does not adjust for the different sizes of the Coastal Zone in the 3 cities (Carlsbad, Oceanside and Encinitas) used in the analysis.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

People for Ponto

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

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

<u>Visitor Serving Accommodations (VSA) data</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>Data source</u>
Coastal Acres (i.e. in Coastal Zone)	9,216	1,460	7,845	Carlsbad Draft LCPA 2019 & Oceanside & Encinitas LCPs
VSA rooms: total	3,211	975	634	Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Economy	589	346	346	Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Low-Cost (campsites)	220	272	171	Carlsbad Draft LCPA 2019, State Parks, Oceanside & Paradise-by-the-sea data Carlsbad Draft LCPA 2019 does not evaluate other City’s Low-Cost Accommodations

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

					3-city	<u>Key Findings</u>
	<u>Data analysis</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>Average</u>	
People for Ponto	VSA rooms/1,000 Coastal acres	348	668	81	366	Carlsbad provides overall Visitor Accommodations at slightly below the 3-city average
	% of VSA rooms that are Economy	18%	35%	55%	36%	Carlsbad provides a percentage of Economy Accommodations about 50% below the 3-city average
	Economy VSA rooms/1,000 Coastal acres	64	237	44	115	Carlsbad provides Economy Accommodations about 50% below the 3-city average
	% VSA rooms that are Low-Cost	7%	28%	27%	21%	Carlsbad provides a percentage of Low-Cost Accommodations about 66% below the 3-city average Carlsbad LCPA also does not provide protection for loss of “Low-Cost” campground rooms, only “Economy hotel rooms”
	Low-Cost VSA rooms/1,000 Coastal acres	24	186	22	77	Carlsbad provides Low-Cost Accommodations about 70% below the 3-city average
<p>e. The LCPA is not providing for any new “Low Cost Visitor Accommodation” land uses in the proposed LUP for current/long-range needs, even though page 3-12 points out the current demand for accommodations, and the current Existing LCP has polices to increase “Low Cost Visitor Accommodation” land uses. We understand that “Low-cost Visitor Accommodation” occupancy rates at CA State Campground at near 90%. This occupancy rate is much higher [signifying higher demand] than the occupancy rates of both the hotels, and “Economy Visitor Accommodations” which the LCPA seeks to protect. The Proposed LCPA LUP should provide historic and current “Low-cost Visitor Accommodation” occupancy rate data at CA State Campground and compare to occupancy demand for other accommodations to determine the highest occupancy demands and therefore needs. Why is the Proposed LCPA LUP not protecting AND EXPANDING (for future growth and visitor demand) the supply of this higher demand for “Low-cost Visitor Accommodations” at the State Campground, particularly given the Current Existing</p>						

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Carlsbad LCP policies on this issue, long history of this issue documented in the Current Existing Carlsbad LCP Mello II Segment, and the fact that “Low-cost Visitor Accommodations” are a Statewide ‘high-Coastal-priority’ land use in CA Coastal Act Goals and Policies? Why is the proposed LUP not recognizing and incorporating these issues? The Current Existing Carlsbad LCP policies [see Existing Carlsbad LCP Mello II Segment polies 2.3, 4.1, 61, 6.4, 6.5, 6.9, 6.10, 7.5, and 7.15 for example] are not referenced and discussed in the Proposed LUP nor is a comprehensive long-term analysis of the impact of the proposed LUP’s elimination of theses Current Existing Carlsbad LCP policies vis-à-vis the CA Coastal Act Goals and Policies? How and why is the City proposing changes to these Existing Carlsbad LCP policies in the Mellow II Segment, particularly given the improved knowledge about Sea Level Rise, and Sea Level Rise and Coastal Bluff erosion impacts on the State Campground’s “Low-cost Visitor Accommodations” - High-Coastal-Priority land use under the CA Coastal Act?

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

People for Ponto



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

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Coastal South Carlsbad, more specifically at Ponto that is in the Southwest Quadrant/Park District of Carlsbad. SPCA is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program – PSMP/LCP). Planning Area F as shown in the following image from the Existing PSMP/LCP is one of the Planning Areas of SPCA, and is Currently General Planned as NRR- Non-residential Reserve in Carlsbad’s Existing Local Coastal Program.



San Pacifico

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Since 2015 we have become more educated on the City and Coastal land use planning situations at Ponto and have provided the attached 8/17/17, 12/4/17, 12/5/17, 2/20/18, 2/8/19, and 7/7/19.

In all these formal communications to the City, each which should be specifically addressed in the City and Citizens review and consideration of the PDLCPA-LUP, there are the following overriding themes that we have repeatedly asked the City to respond to in a way consistent with the City’s stated Community Vision and basic honesty and openness:

- The prior city planning processes at Ponto were fundamentally flawed by not formally inviting and including our SPCA in the City’s Ponto Beachfront Village Vision Plan (rejected by the CCC due to fundamental flaws), and the only 5 years later repeating that flaw in the City’s General Plan Update. A Community Plan should be a Community Plan, and the City should have invited/involved our SPCA in the City’s proposed changes to a Planning Area in our Community. Why our Community was not formally invited/involved by the City is an unanswered question. SPCA and other Citizens have repeatedly asked that these prior flawed processes reset land uses to the Existing LCPS’ NRR land use until a true open/honest Citizen based Community Planning Process and workshops be conducted.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

San Pacifico

- Beyond the exclusion of the SPCA in the ‘prior/current planning processes’ noted above; there were (now City acknowledged) multiple mistakes in the Coastal land use planning processes at Ponto. Specifically City mistakes in complying with Carlsbad’s Existing LCP requirements for Planning Area F that requires prior to any planning Process public discussion, consideration, and documentation of the need for a “Public Park” and/or “low-cost accommodations” [High-Coastal Priority Land Uses] prior to any proposed change to the NRR area. These mistakes fundamentally flawed these prior planning efforts, because they did not allow Citizens to know and provide input into the High-Priority Coastal Land Use Planning options available the Citizens consideration of the need for those options. These mistakes are currently being repeated in the PDLCPA-LUP as it does not contain the required public disclosure, analysis, consideration, and documentation of the need for these High-Coastal Priority Land Uses. How can Citizens provide meaningful Public Comment on the PDLCPA-LUP if the City did not fully disclose the Existing LCP requirement for Planning Area F, and provide the required data to evaluate that requirement? This is particularly concerning in that the PDLCPA-LUP does propose/plan significant loss of High-Coastal Priority and Uses due to Sea Level Rise and Coastal Bluff Erosion.
- The City has documented the Ponto area and all Coastal South Carlsbad (about 3-4 miles of coast) west of the I-5 freeway/Railroad track barriers are unserved by City Parks. The City’s Park Master Plan (see below image) documents the City Park Service Areas (shown as circles) based on all existing and proposed park locations. This lack of City Parks to serve Coastal South Carlsbad and inland citizens/visitors is the main part of a larger 6-mile Coastal Park Regional Gap centered on Ponto. The 6-mile Coastal Park Gap is 8% of SD County’s 70-mile coastline. This existing and PDLCPA-LUP proposed lack of a City Park in Coastal South Carlsbad’s significant section of coastline, seems like an violation of multiple CA Coastal Act Policies along with Carlsbad’s Community Vision – the General Plan’s foundation. The fact that the Existing LCP is supposed to consider a Public Park at planning Area F, and that Sea Level Rise and Coastal Bluff Erosion will further impact Coastal Park access for section of coastline makes the PDLCPA-LUP more alarming.

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

There is no Coastal Park to serve South Carlsbad Citizens-Visitors-Businesses. There are 32 Coastal Parks in North Carlsbad. The lack of Coastal Parks in South Carlsbad seems both unfair to South Carlsbad Citizens-Visitors-Businesses, and is unfair to North Carlsbad by having congestion into North Carlsbad & Encinitas/Solana Beach where there are Coastal Parks.

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>San Pacifico</p>	<ul style="list-style-type: none"> • In the absence of an informative and inviting Community-based planning process by the City, the People for Ponto Committee has worked hard to try informing and involving citizens about Ponto and Coastal planning issues. People for Ponto worked with limited volunteer citizen resources and time and with 30 Official Carlsbad Public Records Requests documented facts to inform citizens and find aforementioned ‘Ponto planning mistakes’. Repeatedly Community surveys document (see attached) an almost unanimous (90% plus) support for a Ponto Coastal Park. Citizens have expressed a strong documented need for a Ponto Coastal Park and the City should provide a true Community-based planning process to explore that need and develop solutions as part of the Planning Area F LCP requirements. • The City allowed Ponto area developers to not have to comply with the City’s Growth Management Open Space Standard (GMOSS). This resulted in over-development of the Ponto area. This over-development exacerbates the lack of a Coastal Park at Ponto. If the SPCA developers were required to comply with the GMOSS then there likely would have been a Park or significant sized green space provided as part of the PSMP/LCP, like in other Master Plan Communities in Carlsbad; and the Planning Area F LCP requirements could potentially be different. The first image in this letter also shows the Open Space in our San Pacifico Planned Community – all but the 2.3-acre Planning Area M is Constrained steep-endangered habitat or water that cannot be used to comply with Carlsbad’s Growth Management Standard for Open Space of a minimum of 15% (or 18.85-acres) of the 125.7-acres of Unconstrained land in our Planned Community as useable Open Space. Thus PSMP/LCP developers were allowed to develop Low-Coastal Priority Residential development on 16.55-acres of land that would have been reserved and developed as Open Space. The Growth Management Open Space Standard deficit is about 30-acres for the entire Zone 9 Local Facility Management Plan area according to documented City GIS data. The City not requiring the Zone 9 Local Facility Management Plan developers to meet GMPOSS appears to maybe impact the PSMP/LCP. Correcting over-development of the Coast, particularly with low-priority residential land uses, is one of the fundamental rationales for CA citizens voting for Prop 20 and the CA Coastal Act. <p>As noting in our initial 8/31/17 letter to you , Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision, CA Coastal Act Policies, and a needed Coastal Park legacy for future generations. We believe a much needed Ponto Coastal Park benefits not only coastal South Carlsbad but all of Carlsbad, and our North County neighbors and visitors. A High-Coastal-Priority Ponto Coastal Park is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan then Low-Coastal-Priority residential and general commercial use, and will result in a better, more valued and more socially and economically sustainable City.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
San Pacifico	<p>SPCA citizens are key Stakeholders in Ponto and the PSMP/LCP. Since 2015 we have been hearing similar concerns from other Carlsbad citizens about coastal park needs at Ponto and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We request that the PDLCPA-LUP provide for meaningful (not a strip of extra landscaping) City Coastal Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a Coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City’s visitor serving businesses and activities.</p> <p>The SPCA wishes to be formally apart of any proposed City or CCC Community-based planning process for the PDLCPA-LUP, and be provided notice of actions regarding these subjects. We would appreciate meeting with you to see how we can discuss and advance this for the benefit of South Carlsbad and all Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens.</p>
Yonatan Glassner	<p>I am informed that there is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real); that there is a 30 acre open-space deficit in Zone 9 (west of I-5 and south of Poinsettia) of the Growth Management Plan; that the City is not requiring developers to first look at non-residential reserve and parks in Planning Area F (the large, undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel); and most importantly, I am informed that the City Council is currently reviewing plans to build a high-density, residential community in Planning Area F, a location perfectly situated to remedy the above deficits.</p> <p>Accordingly, I am requesting and making my position known that: I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Krause Family and Traci Huber</p>	<p>Our family is fortunate to have called Olde Carlsbad home since the late 90's. We have attended many informative & well held meetings/presentations along the way - including the 2010 Community Vision. ~80-90% of the feedback we heard (from residents) over the decades was included in this vision, the hard part is implementing & following this well planned vision.</p> <p>On that note we feel, there is a 6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real); that there is a 30-acre open-space deficit in Zone 9 (west of I-5 and south of Poinsettia) of the Growth Management Plan; that the City is not requiring developers to first look at non-residential reserve and parks in Planning Area F (the large, undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel).</p> <p>We want the City of Carlsbad to build a natural park (integrating with the coastal environment - like the existing lagoon areas & to some extent Terramar area) at Ponto to serve residents and visitors alike. We believe any and all development west of I-5 should be dependent on developers providing the required and currently missing 30 acres of open space.</p> <p>We do not want too high-density, residential development at Ponto - one of the last easily accessible (our son enjoys Carlsbad Jr. LG's there every summer!) mostly untouched open beach/lagoon areas left along coastal Carlsbad.</p>
<p>Suzanne Berger</p>	<p>Save our open space! Please...no high density housing. A public park will benefit all of Carlsbad.</p>
<p>Patricia Hughes</p>	<p>I am informed that</p> <p>There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline. There is a 30-acre open-space deficit in Zone 9 (Ponto area - west of I-5 and south of Poinsettia). The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of Carlsbad residents and visitors. And most importantly, I am informed that the 11-acre Planning Area F is NOW available for purchase.</p> <p>Accordingly, I am requesting and making my position known that:</p> <p>I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike.</p> <p>I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry.</p> <p>I am not in favor of future residential development at Ponto.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jordan Jacobs	<p>My original message for the development a being built at Ponto. I wrote too much for it to be submitted, but I want my full message to be seen I am firmly against residential developments being built at Ponto. I, as well as many others would like to preserve what we have left. By adding more developments it takes away Carlsbads raw beauty & nature that it offers to everyone. The people who have lived here for years or the children that have grown up in the area, like myself, are slowly seeing their favorite places being ruined by developments & it takes away something special from the people that call this place home. I support the City to build a citizen-based park. It is a great way for families & children to connect, improves air quality, does not destroy animal habitat, everyone can enjoy Ponto’s beauty & nature. Many will visit & the residents will be thrilled to see a place they love be turned into something where people can connect & share what we love most about the area</p>
Lance Schulte	<p>Regarding your ‘significant public outreach’ statements; with respect to the Ponto issues, I respectfully disagree. Multiple Carlsbad Public Records Requests confirmed that both the Ponto Beachfront Village Vision Plan and General Plan Update planning processes and public outreach and participation processes were both fundamentally flawed in regards to Ponto and Ponto Planning Area F. The City did not conduct public outreach to disclose to the public and allow the public the opportunity to know and understand the Ponto Planning Area F Local Coastal Program land Use requirements and issues of over 15-years. As you know these multiple ‘planning mistakes’ in public outreach and planning process were for the first time disclosed, as a somewhat vague verbal comment, by Don during Planning Commission questioning on Oct 20, 2019. The City has in fact NOT provided any clear public outreach to citizens regarding the Ponto Planning Area F’s Existing LCP requirements and the City’s proposed land use changes, and the City’s prior ‘planning mistakes’ at Ponto. This is a key part of the reason you are receiving significant citizen opposition to Staff’s proposed Amendment to LCP LCUP at Ponto. You have received well over 2,000 via the People for Ponto website along with multiple petitions handed in and community survey results (over 90%) asking for a Ponto Coastal Park. The City Staff’s proposed Coastal land use Amendments at Ponto clearly were NOT properly and accurately publicly communicated and vetted by the City’s prior ‘public outreach’. That is why full disclosure and Public Workshops are being requested by citizens. It is documented in the City’s own Public Records Requests that the City’s prior public outreach and planning process by the City (over many years) was flawed. A new and true Public Outreach and Public Workshop on the Planning Area F Existing LCP requirements and proposed land use changes would correct the over 15-years of flawed public outreach and ‘planning mistakes’ by the City at Ponto. Again, this is a rational and reasonable request, serves your and City’s interest. If the City staff’s recommendation is not to consider these concerns, and not take the question or recommendation to the City Council on the request, then is it possible to request the City Council to direct I staff to provide the needed public outreach and a public worships on the Ponto Planning Area F issues? If so can you suggest the process for that request?</p> <p>To give you some actual understanding of the short-falls in the City’s prior and currently proposed public outreach on the Ponto Planning Area F issues. as mentioned on Oct 20, 2019 I am an over 30-year resident of Carlsbad, an over 20-year resident at Ponto, and a former Carlsbad city planner who is more aware of planning issues than a regular or shorter term citizen; and I was totally unaware of the Ponto Planning Area F LCP Land Use requirements until I dug into the Poinsettia Shores Planning</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Community LCP, then had to conduct multiple Carlsbad public records requests and meetings with City and CA Coastal Commission staff to be made aware of the these issues. How can you say ‘significant public outreach’ on the Ponto and Ponto Planning Area F issues has occurred when someone like me, a long time Ponto City resident with extensive planning knowledge was totally unaware of the Ponto Planning Area F issues? How can you say ‘significant public outreach on Ponto and Ponto Planning Area F issues has occurred when the City also failed to outreach to the Poinsettia Shores Planned Community (i.e. San Pacifico Community Association) of which Planning Area F belongs to, get our Planned Community’s input on the City’s proposed change to their Planned Community? The San Pacifico Community Association has since 2017 asked the City for public workshops to address the Ponto issues. Repeated Public Records Requests have failed to document any City public outreach on the Ponto Planning Area F issues. Fellow citizens have confirmed they also were unaware of the Ponto Planning Area F issues and have asked us why did the City not provide this information to them or outreach to get their input.</p> <p>Please know I recognize mistakes may have occurred I the past. The reasons for those mistakes is yet unknown. The key question for you as a planner and the City is how you now respond to those mistakes. By covering the issues up or by fully and publicly acknowledge prior planning mistakes, and properly correcting those mistakes by providing for the very First time a proper and accurate public outreach and a reset public participation program to create a Community-based planning process with true Community workshops, and with a ‘redline’ version of the Existing LCP/Proposed Draft LCP so citizens, and decision makers, can clearly understand the proposed Amendments and implications.</p>
People for Ponto	<p>The LCP Land Use Plan Update is in fact an Amendment to an Existing LCP Land Use Plan. The Existing LCP Land Use Plan is already certified by the CA Coastal Commission as being consistent with the CA Coastal Act, except for some Amendments needed to address Sea Level Rise impacts and some other issues.</p> <p>The LCP Amendment proposes to change the Existing CA Coastal Commission certified LCP Land Use Plan’s “Non-residential Reserve” Land Use and Policy on Planning Area F to consider and document the need for “i.e. Public Park” at Ponto.</p>
People for Ponto	<p>Staff summarizes the CA Coastal Act objectives to "ensure maximum public access to the coast and public recreation areas."</p> <ul style="list-style-type: none"> • Carlsbad’s Adopted Park Service Area/Equity Mapping shows there is no Park Service for the Ponto Area and Ponto Citizens, and no Park Service for the Coastal South Carlsbad area west of Interstate-5 and the rail corridor. • The City’s mapping of land that meets the developer required Growth Management Open Space Standard of 15% Unconstrained land shows about 30-acres of this Open Space is missing at Ponto. This missing Open Space could have provided needed Park facilities that are missing at Ponto. • Citizens in over 2,500 emails to the City Council have cited the need for a Public Park at Ponto as part of the Existing LCP Land Use Plan Amendment proposed at Ponto. These requests area consistent with the CA Coastal Act.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>Staff should accurately disclose that in 2010 the CA Coastal Commission in fact rejected the City’s proposed Ponto Beachfront Village Vision Plan for failing to disclose and comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. Carlsbad Public Record Requests confirmed the staff did not disclose to citizens the existence LCP Land Use Plan policy for Planning Area F at Ponto, so citizens had no idea a Public Park at Planning Area F at Ponto needed to be considered. How can citizens, provide input if citizens don’t have complete and accurate information to review and comment on?</p>
People for Ponto	<p>Staff should correctly disclose that the 2015 application at Planning Area F at Ponto is first for a Local Coastal Program Amendment and Master Plan Amendment. These are both applications to change City Land Use Plan Policy and Zoning regulations. The actual applications for ‘development’ permits can in fact not even be considered by the City until the Local Coastal Program Land Use of “Non-residential Reserve” is changed and Master Plan rezoning is approved. Only then can the ‘development’ permit application can applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application ‘alive’ even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdrawal the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer’s application to change the Existing LCP Land Use Plan for the developer.</p> <p>Staff notes that the Planning Area F sites now designated as Residential R-23 and General Commercial by the Carlsbad General Plan Update. However, staff fails to disclose that until the Existing LCP Land Use Plan Amendment (as proposed by City Staff) is in fact approved by both the City and the CA Coastal Commission the Existing LCP Land Use Plan for Planning Area F supersedes the City’s General Plan Update. Carlsbad’s General Plan Land Use Element clearly states this on page 2-26 stating: “The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to.” So until the City Council adopts the staff’s proposed Draft LCP Land Use Plan Amendment, AND the CA Coastal Commission “certifies” that LCP LUP Amendment; the City’s General Plan Update Land Use change cannot take effect. The General Plan Land Use at Ponto Planning Area F has in fact not been changed by the General Plan Update, but can only change with staff’s proposed Draft LCP Land Use Plan Amendment that the City Council can choose to approve or disapprove. Also official Public Records Requests have documented that the City’s General Plan Update planning process was also fundamentally flawed at Ponto. Again, like during Ponto Beachfront Village Vision Plan planning process a few years earlier the city failed to comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. The flawed General Plan Update process at Ponto prevented Citizens from knowing the facts so they could properly participate and provide review and comment during the General Plan Update. The significant citizen comments to the City Council asking for a Ponto Coastal Park is reflective of the fundamental public disclosure and processing flaws that the city is only now acknowledging as one of the repeated ‘planning mistakes’ at Ponto. This is why citizens are asking for full disclosure of the facts and a complete planning process re-</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>boot at Ponto. It also should be noted that the Existing LCP Land Use Policy for Planning Area F states that “as part of any future planning effort ... consideration of a “Public Park” is required. CA Coastal Commission Staff has indicated the City’s proposed land use planning changes at Ponto as part of the General Plan Update are subject to change.</p> <p>At the bottom of the page regarding SB 330, as noted above the “residential land use designation on the site” is not in effect until the currently proposed LCP Land Use Plan Amendment is both approved the City Council AND also certified by the CA Coastal Commission, so SB 330 does not apply. Also SB 330 has specific language that exempts land use in the Coastal Zone. SB 330 (Skinner) Section 13 states: “(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).” This language is consistent with CA case law, and other housing laws that recognize the obvious – there is very limited amount of Coastal land v. significant land area inland. Limited Coastal Land per the CA Coastal Act is needed for “High-Priority” Coastal Land Uses” - i.e. Coastal Recreation and Low-cost visitor accommodations primarily in a city such as Carlsbad. The CA Coastal Act identifies both residential and general commercial land uses as “low-priority”. So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in Carlsbad that will be needed to address the “High-Priority” Coastal Land Uses to serve Carlsbad and California’s ‘buildout’ needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in “Kalnel Gardens, LLC v. City of Los Angeles”. This case law data has already been provided to the City Council as part of Staff’s housing discussions over the past few years. The staff report should have disclosed the above information, as it appears SB 330 is not a factor at Ponto.</p>
People for Ponto	<p>2005-2010 Housing Element: As noted above the General Plan Land Use Element states the General Plan Land Use Plan is not effective until the proposed Draft LCP Land Use Plan Amendment is both approved by the City Council AND certified by the CA Coastal Commission. So, the Housing Element Cannot recognizes the proposed residential use change at Ponto until then. Also as noted before there were multiple documented fundamental ‘planning mistakes’ in public disclosure, participation and process that flawed the Housing Element. It should be noted that these flaws occurred during the time the CA Coastal Commission specifically rejected the Ponto Beachfront Village Vision Plan due to those flaws. The now City acknowledged ‘planning mistakes’ at Ponto prevented Carlsbad citizens from providing informed participation during the Housing Element.</p> <p>Also, it is unclear why the staff misrepresented the amount of housing proposed in the Housing Element on the Ponto Planning Area F site as “the Ponto site for high density residential use at a minimum density of 20 dwellings per acre (128 units minimum)”; as this is not true. The City’s General Plan promises only the minimum 15 dwelling units/acre for the R-23 Land Use designation. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 on</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

People for Ponto

page B-2 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. the 128 units mentioned by staff. Not sure why staff misrepresented the density by 17 to 30%.

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

2007 Ponto Beachfront Village Vision Plan: As noted several times above there were fundamental public disclosure and participation flaws with this plan. It was rejected by the CA Coastal Commission in 2010 in part for those reasons. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

People for Ponto

2015 General Plan Update: As noted several times above there were also fundamental public disclosure and participation flaws with this General Plan Update with regards to Ponto. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

Citizens are asking the City Staff and City Council:

- for honesty; to fully and publicly recognize and disclose the past “planning mistakes” at Ponto, and fundamental flaws from the from those mistakes that prevented citizens from knowing about and participating in the planning process for Ponto.
- To keep the Existing LCP Land Use Plan at Ponto until a new open-honest and inclusive Community-based planning process can be achieved at Ponto.
- To be honest with respect to Park Serve Area and Equity issues at Ponto and Coastal South Carlsbad west of I-5 and the rail corridor.
- Consider the needs for inland South Carlsbad citizens, visitors and business to have their ONLY Coastal Park.
- Consider the larger regional Coastal Park need, and the forever ‘buildout’ Coastal Recreation needs for future generations.
- To be true and honest in translating and implementing our Community Vision

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>These People for Ponto comments reflect the significant Coastal Recreation and Coastal Land Use Plan issues at Ponto that clearly seem to justify, particularly after the City has receive to date of 2,500 public requests (and more are coming) for a Ponto Coastal Park, that a more productive, and overall more time efficient process to address public concerns be provided in the DLCPA process.</p> <p>...</p>
People for Ponto	<p>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</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>fully acknowledge the City’s prior flawed planning at Ponto, and to correct that with either 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.</p> <p>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.</p>
People for Ponto	<p>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.</p> <p>a. 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.</p> <p>b. 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.</p> <p>c. 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:</p> <p>[see comment letter for graphic]</p> <p>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</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>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.</p>
People for Ponto	<p>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):</p> <p>[see comment letter for graphic]</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>People for Ponto</p>	<p>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.</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>People for Ponto</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<ul style="list-style-type: none"> • 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.
People for Ponto	<p>There is no Coastal Recreation/Park west of interstate 5 for all South Carlsbad, or half of the entire City. This is a 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 highspeed/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</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>[see comment letter for graphic]</p> <p>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.</p> <p>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.</p>
People for Ponto	<p>[see comment letter for graphic]</p> <p>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 is South Carlsbad that will forever determine the Coastal Recreation environment for generations of Carlsbad and California citizens and visitors to come.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>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.</p> <p>[see comment letter for graphic]</p> <p>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.</p> <p>[see comment letter for graphic]</p>
People for Ponto	<p>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.</p>
People for Ponto	<p>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.</p> <p>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,</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>People for Ponto</p>	<p>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.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>Why the Draft LCPC 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.</p> <ol style="list-style-type: none"> a. Ponto, is one of last remaining vacant and undeveloped Coastal lands in North County b. Ponto is the last remaining undeveloped Coastal land in South Carlsbad c. 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”. d. Following is a map of the Ponto area in South Carlsbad: <p>[see comment letter for graphic]</p> <p>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.</p> <p>[see comment letter for graphic]</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>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:</p> <p>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.</p> <p>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.</p>
People for Ponto	<p>The prior pre-1996 LCP for Ponto – the Baticuitos 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:</p> <p>a. Planning Area F used to be designated “Visitor Serving Commercial” as part of the original 1980’s BLEP MP/LCP for Ponto.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>b. 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.</p> <p>c. 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 “Taxincrement 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.</p> <p>d. 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.</p> <p>e. 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.</p> <p>f. 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.</p> <p>g. 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</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>significant citizen concern and the documented prior ‘planning mistakes’ at Ponto it appears reasonable and responsible for Ponto’s Planning Area F to either:</p> <ul style="list-style-type: none"> 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.
People for Ponto	<p>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.</p> <p>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</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>People for Ponto</p>	<p>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:</p> <ol style="list-style-type: none"> 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. <p>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 quality committed (mapped-shall v. unmapped-may) to a feasible and actual Plan. If not then there is No real Plan.</p> <p>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 Costal Park needs at Ponto, Coastal South Carlsbad and the regional 6-mile Coastal Park gap centered around Ponto.</p> <p>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’</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>People for Ponto</p>	<p>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.</p> <p>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.</p> <p>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.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
People for Ponto	<p>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 longterm 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.</p>
People for Ponto	<p>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.</p>
Lance Schulte	<p>Below are survey results of San Pacifico Community Association members in Mya 2017 that were submitted to the City. Ponto’s Planning Area F is one of the planning areas of our San Pacifico Community Association, so we are logically a major stakeholder in any proposed land use regulation change on Planning Area F. See in particular the level of citizen concern and % of expressed comments/desires in the survey.</p> <p>[See comment letter for survey results]</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>Please provide specific written confirmation as it is vital these public comments are part of the record. Remember it was only in 2017 when via Public Records Requests citizens First found out the Ponto ‘planning mistakes’ and fundamental public disclosure and planning process failures of the prior Ponto Beachfront Village Vision Plan and General Plan Update. We also found questions about the Growth Management Program Open Space Standard compliance at Ponto, but that is subject to a lawsuit by others. Once citizens became aware of the since 1996 City and CCC requirement on Planning Area F that required the City to disclose, consider and document the need for a Public Park, citizens have overwhelmingly voted for a Public Park. Their sudden awareness and comments to the City and CCC should be received and considered by the City during the DLCPA process. Can you please confirm you are doing that.</p>
Barbara Kesten	<p>I am writing to request your attention to important concerns. I need your attention to the absence of open space and the absence of parkland in the Southwest Coastal Carlsbad area and the Ponto area.</p> <p>Please correct serious deficiencies, and address these issues constructively,now:</p> <p>We have no city parks south of Palomar and West of I-5. Where should our families enjoy the outdoors?</p> <p>There is a 6.6-acre beachfront park deficit in the Southwest quadrant per Carlsbad’s Growth Management Plan standard of 3 acres per 1K people.</p> <p>There is a THIRTY acre open space deficit in Zone 9 per the Growth Management Open Space Standard</p> <p>There are no parks close to me. The closest park is east of I-5. Poinsettia Park is 2.5 miles away. This is not the distance I expect a child , or young teen or most adults can easily be walking, or even cycling to.</p> <p>North Carlsbad has TEN coastal parks, whereas South Carlsbad has NONE. The Ponto area is one of the last vacant areas for a coastal park and North County and is the ideal area to develop a coastal park.</p> <p>If the area known as Planning Area F (undeveloped area west of the railroad track, North of Avenida Encinas, and south of Caper Rey hotel) is to be developed, it must be looked at for “Non Residential Reserve” to residential and commercial, with a zoning of Residentials -23 units, NOT a high density residential community.</p> <p>The homeowners and businesses in the Ponto Area have paid the City of Carlsbad “Park-in-lieu development impact fees” sufficient to buy and build over 6 acres of parkland on the coast; the area’s residents WANT that parkland to be built for our use now.</p> <p>I am very concerned that public records have confirmed that the City of Carlsbad has exempted developers from providing required open-space</p> <p>Are the residents and VOTERS of Carlsbad not entitled to the open space that has been planned per the Growth Management plan, and paid for in fees?</p> <p>We want our Open Space and a Coastal Park in Southwest Coastal Carlsbad. We support more open space, and more parks in this area... NOT high-density residential development!</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>William Bradford</p>	<p>I am informed that there is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real); that there is a 30 acre open-space deficit in Zone 9 (west of I-5 and south of Poinsettia) of the Growth Management Plan; that the City is not requiring developers to first look at non-residential reserve and parks in Planning Area F (the large, undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel); and most importantly, I am informed that the City Council is currently reviewing plans to build a high-density, residential community in Planning Area F, a location perfectly situated to remedy the above deficits.</p> <p>Accordingly, I am requesting and making my position known that:</p> <ol style="list-style-type: none"> 1. I want the City of Carlsbad to build a park at Ponto to serve residents and visitors. 2. I believe any and all development west of I-5 should be dependent on developers providing the required and currently missing 30 acres of open-space. 3. I do not want high-density, residential development at Ponto. 4. I do not consider the proposed Veteran’s Park, located 6 miles from Ponto, a suitable alternative to a Coastal Park and open-space for Ponto / west of I-5. 5. Traffic in this area is already very heavy and the proposed development will exacerbate the situation.
<p>Krause Family Attached to People for Ponto (013020)</p>	<p>There is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real); that there is a 30 acre open-space deficit in Zone 9 (west of I-5 and south of Poinsettia) of the Growth Management Plan; that the City is not requiring developers to first look at non-residential reserve and parks in Planning Area F (the large, undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel); and most importantly, I am informed that the City Council is currently reviewing plans to build a high-density, residential community in Planning Area F, a location perfectly situated to remedy the above deficits.</p> <p>Accordingly, I am requesting and making our families position known that:</p> <ol style="list-style-type: none"> 1. I want the City of Carlsbad to build a park at Ponto to serve residents and visitors alike. 2. I believe any and all development west of I-5 should be dependent on developers providing the required and currently missing 30 acres of open-space. 3. I do not want high-density, residential development at Ponto. 4. I do not consider the proposed Veteran’s Park, located 6 miles from Ponto, a suitable alternative to a Coastal Park and open-space for Ponto/west of I-5. <p>Our family has been blessed with 21 years of living in coastal Carlsbad. Our son had the amazing enriching experience of Carlsbad Junior Lifeguards at Ponto this summer. I have been blessed with 100's of hours surfing this beautiful & natural area which evokes Central California with its rugged unmanicured natural setting quietly set between Leucadia & The Campgrounds.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Steven Kesten	<p>I am writing to request your attention to important concerns. I wish to express my sincere concern about the relative lack of open space and parkland in the Southwest Coastal Carlsbad area and the Ponto area.</p> <p>As a resident of Carlsbad, I am respectfully requesting that these serious deficiencies are addressed and corrected. I am aware of the following facts that need to be considered:</p> <ul style="list-style-type: none"> • We have no city parks south of Palomar and West of I-5. • There is a 6.6-acre beachfront park deficit in the Southwest quadrant per Carlsbad’s Growth Management Plan standard of 3 acres per 1K people. • There is a THIRTY acre open space deficit in Zone 9 per the Growth Management Open Space Standard • There are no parks close to my home (7476 Capstan Dr.). The closest park is east of I-5. Poinsettia Park is 2.5 miles away. • North Carlsbad has TEN coastal parks, whereas South Carlsbad has NONE. The Ponto area is one of the last vacant areas for a coastal park and North County and is the ideal area to develop a coastal park. • If the area known as Planning Area F (undeveloped area west of the railroad track, North of Avenida Encinas, and south of Caper Rey hotel) is to be developed, it must be looked at for “Non Residential Reserve” to residential and commercial, with a zoning of Residentials -23 units, NOT a high density residential community. • The homeowners and businesses in the Ponto Area have paid the City of Carlsbad “Park-in-lieu development impact fees” sufficient to buy and build over 6 acres of parkland on the coast; the area’s residents WANT that parkland to be built for our use now. <p>I am very concerned that public records have confirmed that the City of Carlsbad has exempted developers from providing required open-space with inadequate discussion and consent from the community.</p> <p>Are the residents and VOTERS of Carlsbad not entitled to the open space that has been planned per the Growth Management plan, and paid for in fees?</p> <p>We want our Open Space and a Coastal Park in Southwest Coastal Carlsbad. We support more open space, and more parks in this area... NOT high-density residential development!</p>

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>Hilton Sher</p>	<p>I am writing to request your attention to my concerns as a resident of Carlsbad.</p> <p>I wish to express my sincere concern about the lack of action on the City's part to do their jobs and look out for the community in regards to the open space and parkland in the Southwest Coastal Carlsbad area and the Ponto area.</p> <p>We do not wish to just concede to more developers that want to dump another development in a profitable space for them and leave the community with nothing to be proud of. Especially when that space could be used by the residents and general public for many years to come!</p> <p>As a resident of Carlsbad, I am demanding that you pay attention to your constituents and requesting that these serious deficiencies are addressed and corrected. I am aware of the following facts that need to be considered:</p> <p>We have no city parks south of Palomar and West of I-5. There is a 6.6-acre beachfront park deficit in the Southwest quadrant per Carlsbad's Growth Management Plan standard of 3 acres per 1K people. There is a THIRTY-acre open space deficit in Zone 9 per the Growth Management Open Space Standard There are no parks close to my home (7449 Tribul Ln). The closest park is east of I-5. Poinsettia Park is 2.5 miles away. North Carlsbad has TEN coastal parks, whereas South Carlsbad has NONE. The Ponto area is one of the last vacant areas for a coastal park and North County and is the ideal area to develop a coastal park.</p> <p>If the area known as Planning Area F (undeveloped area west of the railroad track, North of Avenida Encinas, and south of Caper Rey hotel) is to be developed, it must be looked at for "Non Residential Reserve" to residential and commercial, with a zoning of Residential -23 units, NOT a high density residential community. The homeowners and businesses in the Ponto Area have paid the City of Carlsbad "Park-in-lieu development impact fees" sufficient to buy and build over 6 acres of parkland on the coast; the area's residents WANT that parkland to be built for our use now.</p> <p>I am very concerned that public records have confirmed that the City of Carlsbad has exempted developers from providing required open-space with inadequate discussion and consent from the community.</p> <p>The residents and VOTERS of Carlsbad are entitled to the open space that has been planned per the Growth Management plan, and paid for in fees!</p> <p>We want our Open Space and a Coastal Park in Southwest Coastal Carlsbad. We support more open space and more parks in this area... NOT high-density residential development!</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Jeannie McNally	<p>My name is Jeannie McNally and I been a Carlsbad homeowner for 34 years. I want to thank both the City and the Coastal Commission for making Carlsbad the beautiful City that it is . However, there is one area that I would like improvement on and that is the development of a Coastal Park/Open Space in the Ponto area. Apparently this was overlooked in the past during development projects and I appreciate the Coastal Commission revisiting the need of this Park and considering other suitable Priority Coastal land uses.</p> <p>I would like to request that there be a Community based planning process for Ponto so that everyone is on the same page to help fulfill the need for an area that has no parks in the 4 mile stretch of coastline. Our shortfall of the 30 acre of Open Space that was required by Carlsbad’s Growth Mgmt. Program can easily be met to fulfill your Mission goals of providing public parks/open space for access for local residents as well as visitors to the Hotels. A Public Coastal Park at the Ponto area (Local Facilities Management Plan F) can be the solution to utilizing the 30 acres of minimally required Open Space per the Growth Management Open Space Standard.</p> <p>I urge that we do the right thing and follow our obligations that we have set forth in our Growth Mgmt. Plan. Conferring with the local Community only makes sense in trying to complete a successful project.</p>
John Gamma	<p>We have a documented (GIS verified mapping) that there is approximately a 7 acre park space deficit and 30 acre open space deficiency in the southwest quadrant of Carlsbad. There is a statute in the Municiple Code of the City of Carlsbad that reads as follows:</p> <p>Carlsbad Municipal Code (Growth Management Ordinance within the Zoning Code) Section 21.90.130 Implementation of facilities and improvements requirements....</p> <p>(c) If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met.</p> <p>The Mayor, City Council, City planners have all been made aware of these deficiencies (for the last 2 years) and they continue to ignore them and pursue high density/low income housing in Planning area F/Ponto. Why won’t they do the right thing and follow their own municipal code? No further development should occur until these deficiencies are addressed. Why do we as citizens have to work so hard to get the right thing to occur? Why is the Mayor and City Council more interested in the Developer’s interest versus the interests of Carlsbad citizens? It begs the question of personal gain to be made? Is a lawsuit the only thing that will get your attention?</p> <p>Please do the right thing and stop any development in Planning area F until these deficiencies are addressed.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Batiquitos
Lagoon
Foundation

The Batiquitos Lagoon Foundation (BLF) proposes in principle establishing a partnership with the City of Carlsbad for acquisition of property and creating aesthetically-pleasing development of a West Batiquitos Lagoon area associated with implementation of Carlsbad’s Local Coastal Program requirements for Planning Area F, and Coastal Priority Use and City Park planning. This very significant area is one of the last remaining areas near the beach within the City for development. This area also serves as the gateway between the cities of Encinitas and Carlsbad along Pacific Coast Highway (PCH) 101. With a boutique hotel under construction along the highway at the border between the two cities, another 5-star hotel planned in the area (i.e., by Kam Sang), existing hotels along the coast nearby, and proximity to South Carlsbad State Beach and campground (one of the most popular in the state), this area has the potential for becoming a local hot spot and tourist-serving place to visit for residents throughout the county.

The BLF had a representative nominated to and served on the City of Carlsbad’s Open-space Citizens Advisory Committee, Envision Carlsbad (EC3) project committee, the Ponto Beachfront Village Development Plan Committee, and the General Plan Update effort. This experience has provided us with significant insight into and appreciation of the challenges associated with development in the coastal zone, especially close to the beach. As part of each meeting, citizens of Carlsbad had the opportunity to voice their issues, concerns, and comment on committee discussions and decisions. Many committee meetings afforded two opportunities for the public to address the committees – an added bonus. This process provided the necessary transparency and presented the committees with valuable information. The BLF strongly endorses using this process if our proposed partnership effort is accepted.

The BLF also was recently invited to join, and has accepted a seat on, California State Assembly Member Tasha Boerner Horvath’s 76th District Advisory Council on the Environment, Water and Sustainability.

The opportunity triggering our partnership request was the recent withdrawal of plans to develop the Shopoff project and their filing of a Quitclaim Deed that formally severed project funding. The approximately 10-acre property, San Diego County APN 216-140-43, is now available and back on the market. According to the San Diego County Assessor’s office, the 2018 assessed value of the property is \$14,258,433. Due to the latest unsuccessful attempt to develop the site, the purchase price is expected to be lower.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

The BLF proposes working in partnership with the City of Carlsbad to purchase this and other properties, explore sources of funding, develop purchase and development strategies, and develop an appropriate plan of action and milestones.

We see many significant opportunities associated with this partnership to develop a true *Gateway to Carlsbad* from the south. Other properties in the area should also be considered. The BLF's vision of potential benefits associated with this opportunity are defined in the following graphic, and described in the associated table.

**South Carlsbad Property of Interest, APN 216-140-43-00
(Former ShopOff Project Site)**



Batiquitos Lagoon Foundation

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD

Batiquitos Lagoon Foundation	Opportunity	Benefit
	It is a large site and represents the City’s last opportunity to provide a meaningful coastal public park in South Carlsbad for future generations. The BLF prefers a <i>passive</i> nature-focused park that includes trails and is landscaped with indigenous trees and plants. Park benches could be placed for people to sit and enjoy the outdoors. Park design must include public input and also consider open space, habitat value, and proximity to Batiquitos Lagoon and its flora and fauna.	A public park would provide a meaningful coastal public park for South Carlsbad and address a four to six-mile gap in parks along the coast. There is a critical need for a coastal park for South Carlsbad in the West Batiquitos Lagoon Area. The BLF believes developing a coastal area park would be highly consistent with Carlsbad’s General Plan, vision, and Local Coastal Program, and would help alleviate deficiencies in coastal park and open space. Public and local community involvement in the process would create a win-win for everyone and foster a sense of ownership and sustainable partnerships.
	Provide significant public trail linkage and access to South Carlsbad State Beach and campground, with a safe public crossing of Pacific Coast Highway 101.	Provides for a more enjoyable public recreational experience for the local community and many visitors. The additional public trail segments, by linking up with others, would improve the value and usability of the other trails. It also would give pedestrians a safe <u>path</u> to the coast.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Batiqitos Lagoon Foundation	<p>Provide a sustainable <i>World Class</i> center for environmental science education. The BLF would welcome the opportunity to plan, help, design, and manage the center. The BLF would provide volunteer staffing, host school programs and other educational programs similar to those being held at our Gabbiano Lane Nature Center, and much more.</p> <p>This would provide a key public outreach hub for all visitors. Educational topics would include: marine science; the environment; our Native American heritage; local wildlife (birds, mammals, marine life); astronomy; local geology; water quality issues; the watershed; climate change and sea level rise impacts; and invasive plants and restoration issues. The center would offer internships and community service opportunities, project opportunities for Boy and Girl Scout Eagle Scouts and others, and provide summer day and overnight camping events. The proposed center would also provide a facility for special events. Area surfing history and activities could also be provided.</p> <p>Much needed and in-demand public restrooms would be available.</p>
	<p>Provide the opportunity to construct a key rail-trail link with the expanded Poinsettia Carlsbad Coaster station to the north of the site. Existing space is available for such a trail along the western side of the railroad right-of-way. The rail-trail could also continue south under the existing Avenida Encinas bridge. The bridge would provide safe railroad track crossing for trail users. Trail linkage to existing public trails along the east side of the railroad tracks would also be available.</p> <p>The public experience when using the trails would be enhanced significantly. The nearby Coaster station would provide easy regional access from Oceanside and beyond, and from San Diego stops to the south. This would also reduce the need for visitors to drive to the area, reducing traffic and harmful carbon emissions. Existing bus service to the Coaster station and the site would further reduce car traffic.</p>

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<p>Batiquitos Lagoon Foundation</p>	<p>The BLF would support the construction of an aesthetically tasteful community-blending high-end two-story restaurant with a deck overlooking the beach area. The site could also support a similarly well-designed shop offering coffee, pastries, beverage and sandwiches on the lower level.</p>
	<p>A restaurant, and a coffee and sandwich shop would provide a significant incentive for the community and many tourists to visit Carlsbad. Users of South Carlsbad State Beach would be expected to also take advantage of such a facility. Visitors would also be able to take their coffee, beverages and sandwiches to picnic in the area. Evening educational programs and movies could also be conducted and shown (e.g., environmental education, travel, wildlife, astronomy).</p>
	<p>Provide for tourist-serving and visitor industry collaborations and partnerships elsewhere in the BLER lagoon area, including east of I-5 (e.g., Park Hyatt Aviara Resort and Spa, Four Seasons Residence Club, Omni La Costa Resort and Spa, the Carlsbad Chamber of Commerce business community).</p>
	<p>Such collaborations and partnerships would establish a sustainable stakeholder cadre of supporters for area vision. Area businesses would receive economic benefits from increased visitors to the area as it becomes a local and regional <i>hot spot!</i></p>
	<p>In summary, the BLF believes we have a <i>once-in-a-generation</i> opportunity for West Batiquitos Lagoon and South Carlsbad. We would appreciate your thoughts on our proposal, and also welcome the opportunity to make a formal presentation to you and the City Council if deemed appropriate. A City Council workshop might offer an opportunity to discuss this in a more informal session to develop a strategy for moving forward.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Barbara Kesten	<p>I am informed that</p> <ol style="list-style-type: none"> 1. Carlsbad must consider on Planning Area F at Ponto the need for a public park at Ponto as part of the Draft Local Coastal Program Amendment. 2. There is no public park at Ponto even though City Park Standards requires a minimum of 6.5 acres of parkland for Ponto. 3. There is a current 6.6 acre park deficit in Coastal Southwest quadrant of Carlsbad, (south of Palomar Airport Road and west of El Camino Real). 4. There are no Coastal Parks in all of South Carlsbad. 64,000 South Carlsbad citizens have no Coastal Park. 5. Ponto is at the center of a larger 6-mile stretch of coastline in that has no Coastal Parks. 6. Ponto has a city documented 30 acre open-space standard deficit that a Coastal Park would help resolves. 7. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much needed Coastal Park at Ponto <p>Accordingly, I am requesting and making my position known that:</p> <p>I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto.</p> <p>I want the City to provide a true Citizen-based Park Planning process for Ponto.</p> <p>I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike.</p> <p>I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry.</p> <p>I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.</p> <p>One of the reasons that this lovely community continues to attract residents and tourists is the beauty of our natural surroundings, including coastline , parks and open spaces. Residential development is highly desired.. but INLAND, please!</p> <p>Protect our Coastal open spaces, for our good, and our visitors, for now AND the future. Once we squander it, it cannot easily be reclaimed...</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Lance Schulte</p>	<p>People for Ponto would like to submit the following public input for the 6/23/20 City Budget Meeting and on the City Staff proposed Draft Local Coastal Program Amendment to change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. The public input had to be divided into four (4) parts due to the file size of the 130-pages of Citizen input.</p> <p>As opposed what was said by 2 Council members on 6/2/20 the City’s LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy’s scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area.</p> <p>There is however an additional Citywide Coastal Recreation issue related to CCC concerns about Carlsbad’s proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a ‘buildout’ need for Coastal Recreation land. It is not clear if ‘buildout’ is a set final amount of City and State population and development or represents accommodating an endless amount of population and development in Carlsbad and the State of California. If ‘Buildout’ is an endless amount of population growth and development, then how is an endless amount of City Parks and Open Space provided, and how is an endless amount of Coastal Recreation provided to accommodate endless statewide growth? The preservation and acquisition of vacant Coastal land should be a City priority until these questions can permanently answered; because once land is developed it will never be available for Park and Coastal Recreation use.</p> <p>Two City Council motions [1/28/20 & 6/2/20] to specifically address Planning Area F’s site specific LCP requirements to consider and document the “Public Park” needs were rejected by a 2-2 City Council tie. These 2-2 rejections have been extremely frustrating for Carlsbad citizens, adjacent citizens in our Coastal Zone, and some visitors in that about 3,000 emailed requests/potions citing the obvious and documented Park Need at Ponto and asking the City and Council to address the City’s documented “Park Inequity” at Ponto and Ponto being outside the “Park Service Area”. Citizens provided 130-pages of additional public testimony on 6/2/20 citing the Ponto Park need and also asking the City to budget for that need.</p> <p>The City at its 1/28/20 City Council meeting for the 1st time started to acknowledge over 15-years of the City’s “Ponto planning mistakes” that the CA Coastal Commission and CA Coastal Commission Staff first identified in their 2010 rejection of the City’s proposed Ponto Beachfront Village Vision Plan LCPA.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Lance Schulte</p>	<p>These over 15-years of City “Ponto planning mistakes” were particularly destructive in that the City did not fully-openly-publicly disclose to citizens the existence of the Planning Area F LCP policy/regulations and other City Park supply/demand information. Thus the City’s “Ponto planning mistakes” perverted and prevented public participation in City and Coastal planning for over the past 15-years. Citizens can’t participate in the Coastal [or City] planning process if they are not provided correct information, and allowed to use correct information to consider and then provide informed public input. City Commissions and the City Council are also hindered in making informed decisions if citizen input is compromised by withholding or misrepresenting information used to provide Citizen Input to City Commissions and Council. The City has had a fundamentally flawed planning process at Ponto going back over 15-years. You can’t correct these significant and long-standing flaws with a quick ‘gloss-over’, or by ignoring or hiding it. The significant public input now about Ponto Coastal Park needs is due to the City’s flawed planning processes and citizens only recently, and partially, becoming aware of the City’s “Ponto planning mistakes”, documented “Park Inequity”, and City Park and Open Space deficits at Ponto.</p> <p>Citizens are concerned that after all the following public requests to address the Ponto Coastal Park needs, and the City’s now acknowledged over 15-years of City “Ponto planning mistakes” there are some on the City Council that still appear to continue to not follow the City’s and State’s site specific Planning Area F LCP policy within the Sammis/Poinsettia Shores LCP, and even after the following significant public comments into the City Council.</p> <p>Citizens can’t understand why some on the City Council, and Staff, are purposely not forthcoming or misleading Citizens on vital Ponto planning information, and then ignoring citizen input such as:</p> <ol style="list-style-type: none"> 1. Over 2,500 emails and signed petitions citing the need for Ponto Coastal Park and asking the City Council to address that need, 2. 85 citizens identifying Ponto Coastal Park as the most requested specific facility need for the City Council to budget coming out of the City’s Budget Public Input Process. 3. 130-pages of public testimony at the 6/2/20 City Council Budget meeting citing the need to fund acquisition of Ponto Coastal Park [see 4 attached files], 4. Multiple requests by citizen and Coastal related non-profits to meet with the City to try to address the Ponto Coastal Park needs and opportunities for productive collaboration to address the need. The City has not responded to these multiple requests to meet.

<p>COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD</p>	
<p>Lance Schulte</p>	<p>Documented Public input on 6/2/20 City Council Meeting Budget [agenda item #8] at City website: This link is to the same data as the attached 4 files of 130-pages of public input on the Ponto Coastal Park Needs and the request the City Council Budget for that need. We request these 130-pages of public input be included as DLCPA public input by the City and CCC, and particularly for City staff proposed land use changes to Planning Area F at Ponto: https://www.carlsbadca.gov/cityhall/clerk/meetings/default.asp</p> <p>Documented video of 1/28/20 City Staff proposed Draft LCP Amendment introduction, and 6/2/20 City Council Meeting Budget [agenda item #8] at City website: The videos present heartfelt and logical Citizen testimony, and show the City Council twice by 2-2 tie failing to addressing the specific existing LCP land use requirements/regulations for Planning Area F at Ponto. We request these City Council actions be included as DLCPA information for the CA Coastal Commission to consider on how the City is apparently not addressing existing LCP Policy regarding Planning Area F at Ponto, and not addressing high-priority Coastal Recreation needs at Ponto:</p> <p>1/28/20 City Council meeting – item #14: https://carlsbadca.swagit.com/play/01282020-2176</p> <p>6/2/20 City Council meeting – item #8: https://carlsbadca.swagit.com/play/06022020-906</p>
<p>Peter Jaquette</p>	<p>I am writing to oppose high density development of the currently vacant land in the Ponto area of Southwest Carlsbad, and to support adding park space in our part of the city.</p> <p>First, any grant of exemptions to current zoning requirements increasing density in this area would both change the character of the San Pacifico and Ponto areas and be an unjustified give away to current landowners. If any of these parcels are to be developed, they should be developed as the current zoning allows and with no higher density.</p> <p>Second, the Southwest Carlsbad area has a park deficit under city and Coastal Commission planning guidelines. I understand that the Planning Area F parcel is currently for sale. This would be a great addition to Southwest Carlsbad as a public park. This would help alleviate the park area deficit in our area of Carlsbad and be a terrific addition to the quality of life for Carlsbad citizens and visitors alike.</p> <p>How Carlsbad deals with this issue is my number one priority for the city, and will be my primary consideration in voting for Carlsbad elected officials.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Lance Schulte</p>	<p>The Oceanside Parks and Recreation Master Plan (PRMP) recently won an award from the San Diego/Imperial County Section of the American Planning Association. http://sdapa.org/2020-comprehensive-plan-large-jurisdiction-award-of-merit-city-of-oceanside/</p> <p>Oceanside’s PRMP provides a guide for the prioritization of necessary actions to meet Oceanside’s park needs. The plan took a holistic approach integrating the following key elements:</p> <ul style="list-style-type: none"> • Investigated household participation in outdoor activities, team sports, assessed community priorities and needs, and compared with nationwide fitness activity trends to inform the recommended park and amenity level of service standard; • Analyzed equitable distribution of parks, assessed the coverage of park service area, identified gaps and barriers for park access; • Evaluated park connectivity for all modes, included a trail development effort; Organized community workshops, stakeholder interviews and pop-up events to document the needs of the community; • Developed a metric and methodology to assess the level of service of parks and recreation facilities based on current and future population; • Delineated infill potential and access improvement opportunities for 25 parks, and identified 10 opportunity sites in three major geographic gaps in park facilities; • Recommend strategies that help to fill in park service coverage gaps, leverage existing parklands, amenities and school facilities, identify potential land availability for infill or new parks to keep the city up to its adopted standards for future population growth; and <p>Oceanside should be commended:</p> <ul style="list-style-type: none"> • Oceanside is addressing Park Service Gaps. Carlsbad is not addressing and has no Plan to correct Park Service Gaps (or Park Inequity) • Oceanside has a 5 acres of City Park Standard per 1,000 population while Carlsbad only has a Park Standard of 3 acres of City Park per 1,000 Population. Carlsbad’s park Standard is only providing 60% as much as Oceanside. Carlsbad requires Carlsbad developers to only provide 60% of the amount of Parks Oceanside requires of Oceanside developers. It is disappointing that Carlsbad’s Park Standards are so low relative to Oceanside. Also Encinitas also has a 5 acres per 1,000 population Park Standard and a large 15 acres of Park per 1,000 population Goal. <p>As North County residents we are happy for Oceanside.</p> <p>But as Carlsbad Citizens we ask the Carlsbad City Council, Parks, Planning and Housing Commissions:</p> <ol style="list-style-type: none"> 1. Why is Carlsbad doing so poorly relative to Oceanside in providing Park Acreage – only 3-acres v.5-acres per 1,000 population? 2. Why does Carlsbad have no Plan or Policy to fill in Park Service Gaps? 3. Why is Carlsbad not distributing parks throughout the City to be within walking distance of Citizens and children?

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<ol style="list-style-type: none"> 4. Why is Carlsbad forcing Citizens to drive to parks and then because of that loose Parkland to needed Parking lots? 30% of Alga Norte Park is parking lot and not a park. 5. Why has/is Carlsbad not addressing the documented Park Needs at Ponto as required by the existing Carlsbad Local Coastal Program before proposing to change the Coastal Land Use Plan at Ponto Planning Area F? 6. Why has the Carlsbad City Council not responded to Citizens and addressed the overwhelming Carlsbad Citizen need and specific requests for a Ponto Park on Planning Area F – over 2,500 emails and over 200-pages of public testimony? <p>Since 2017 People for Ponto Carlsbad Citizens have been documenting to the CA Coastal Commission & City Council (requesting sharing with the City Park, Planning and Housing Commissions) the overwhelming Citizen and City and Regional Coastal Recreation visitor need for a Ponto Park. We have also been expressing the Following are key data points:</p> <ol style="list-style-type: none"> 1. Since 1996 Ponto Planning Area F was/is required to studied for a needed “Public Park” but the City never told Citizens this and never did the Ponto Park Needs Study. 2. Ponto is “Unserved” and an area of “Park Inequity” per Carlsbad’s Park Master Plan (pages 86-88). 3. Ponto is in the middle of a 6-mile ‘Coastal Park Gap’. There is no Coastal Park west of the railroad tracks for 6-miles of coastline. 4. The City falsely allowed (and is continuing to falsely allow) Ponto developers to overdevelop Ponto, by falsely not requiring developers provide their required 15% unconstrained Open Space as per Carlsbad’s Growth Management Open Space Standard. The City falsely said “in 1986 that Ponto was already developed or had provided 15% of the unconstrained land at Ponto as useable open space”. This was false in 1986 and is still not true. The City falsely did not require developers to provide their required unconstrained Open Space at Ponto. City parcel maps and database documents show this falsehood, and that per Carlsbad’s Growth Management Open Space Standard Ponto is MISSING 30-acres of unconstrained Open Space at Ponto and in violation of Carlsbad’s Growth Management Standards. A Ponto Park would help correct the City’s overdevelopment of Ponto. 5. Ponto is the most significant of the few last remaining vacant Coastal lands (west of I-5/railroad tracks) that can provide the Coastal Park needed in South Carlsbad and this regional section of coastline. Once vacant Coastal land is developed it likely will never be available for Coastal Recreation or Park. 6. CA State law and multiple court cases (and basic common sense) note the CA Coastal Act and its Polices like High-Priority Coastal Recreation land use supersede other CA laws such as Housing laws. 7. Ponto homeowners paid City “park-in-lieu fees” sufficient to provide a 6.6 acre Park to meet Carlsbad’s 3-acre per 1,000 population Park Standard, but the City spent that money someplace else.

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD		
Surfrider Foundation	<p>Surfrider would like to remind the City of Carlsbad that sea levels are rising and opportunities for relocation are likely to only become more limited. We join other stakeholder groups in requesting that Planning Area F be considered for use as a public park, given the inconsistency of land-use designations for this area in Carlsbad’s approved LCP and the proposed General Plan. Carlsbad’s original LCP states:</p> <p><i>“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.”</i> (Carlsbad Local Coastal Program)</p> <p>Because this need has not been sufficiently documented; and in the context of accelerating sea level rise, inconsistencies across city planning documents, and potential impacts to recreational beach use, we urge the city to work with the community to resolve the confusion around the competing land use designations for this coastal area.</p>	
Batiquitos Lagoon Foundation	Existing	BLF Requested Change
	South Ponto Beach Area F – undeveloped. Current Zoning Maps are inconsistent with the DLCP & is extremely confusing toward accuracy. Many rezoning changes have occurred during the past 2 years, starting with a Non-Residential Reserve (NRR) designation. Carlsbad Zoning Maps identify Area F as: VC, NRR; C-T; RD-M; Q/G; T-Q; C2; PC; R-8	Transition Zoning: Reclassify Area F. Provide expanded map of Area F; for ease of understanding the intent.
Lance Schulte	The unfulfilled Planning Area F LCP requirements to consider a Public Park at Ponto, the documented Growth Management Park and Open Space Standard deficits in Coastal South Carlsbad seem to justify a comprehensive, open and honest community-based planning process as initially requested by citizens in 2017.	
Lance Schulte	<p>People for Ponto would like to submit the following and attached public input submitted at the 6/23/20 City Budget Meeting and for inclusion in the City Staff proposed Draft Local Coastal Program Amendment to change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses.</p> <p>People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City’s LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy’s scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area.</p>	

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad’s neighborhoods and extensive Visitor Industry; and Carlsbad’s 1st and 3rd highest revenue sources.</p> <p>Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad’s proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide ‘buildout’ need for Coastal Recreation land.</p> <p>It is not clear if ‘buildout’ is a set and final amount of City and State population and development or if ‘buildout’ represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If ‘Buildout’ is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth?</p> <p>Until these questions can be authoritatively answered by the City and State of California the preservation and acquisition of vacant Coastal land should be a City priority. Because once land is developed it will never be available for Park and Coastal Recreation use. Continual population and development growth without corresponding Park and Open Space growth will lead to a gradual but eventual undermining of the quality of life for Carlsbad and California, and our Carlsbad economy. It is for these and other important reasons People for Ponto ask the City to budget for the purchase of Planning Area F for Coastal Recreation and City Park needs – needs that City has documented exist now, and needs that will only grow more critical and important in the future.</p> <p>Thank you, People for Ponto love Carlsbad and our California Coast. We hope you love Carlsbad also and you take responsibility as a steward of our California Coast.</p>
Barbara Kesten	<p>I request that Carlsbad budgets for purchasing Planning Area F (the land at Ponto) for the purposes of a park for the use of residents, who desperately need open Coastal park space to enjoy. There are significant current deficiencies in Open Space and Park land in the South West Quadrant.</p> <p>Preserving this space NOW , as a public park , and coastal park will preserve space for future generations and our precious tourist and visitor industry. There are no Coastal Parks in all South Carlsbad, so 64,000 residents are without a coastal park. It's a 6 mile stretch of coastline without a park .</p> <p>I'm not in favor of future residential development at Ponto, and wish to preserve this last small amount of vacant land for Coastal recreation.</p> <p>Thank you for keeping Carlsbad green, for now, and our future generations.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Bonnie Shaw	<p>Dear Carlsbad Mayor and City Council Members:</p> <p>As the City of Carlsbad considers the FY21 budget today, I urge the City to put budget towards parks and open spaces in South Carlsbad, particularly the Ponto Beach area. The open lot at the corner of 101 and Avenida Encinas is the last open space in the Ponto Beach area. It is an important gateway to Carlsbad and provides an opportunity to create a community space/park for visitors and tourists alike.</p> <p>A high-density condo project does not make sense in the space or the neighborhood there. I'm hopeful that the city will work to create community space that will benefit citizens, visitors and keep our beach area an attractive area we can all be proud of. Our beach areas are precious and worth the investment. Thank you for your consideration.</p>
Catherine Jain	<p>My name is Catherine Jain. I have lived in South Carlsbad for 20 years. In the Ponto area, you have the exceedingly rare opportunity to thoughtfully plan a large piece of undeveloped coastal Southern California property in a way that benefits all residents. Open space must be a part of that plan. Please allocate funds to purchase Planning Area F in order to develop a public park. With this plan, you will eliminate the 6.6.-acre park deficit in the southwest quadrant of the city, but this plan represents so much more than that. A beautiful coastal park at the south entrance to the city sets a specific tone. We are not just about residential development and we are not just about attracting large employers, although those two goals are clearly important. We are also about quality of life. We are about balance. We are about equal-opportunity access to our beautiful coastline. We are about community. But without places to gather, there can be no community. Hindsight being 20/20, what will you think when this project is complete? Will you think, "I'm so happy we filled that property with more houses", or will you think, "I'm so happy we created that beautiful park."</p> <p>Embrace this opportunity. Make Ponto an exceptional place for our community to gather. Build Ponto Park.</p> <p>I request that my comments be put on record in the official public records for all things Planning Area F, including the official public records for Carlsbad's City's Budget, draft Local Coastal Program Amendment, and Parks Master Plan Update; and the CA Coastal Commission's consideration of Carlsbad's draft Local Coastal Program Amendment.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Harry Peacock</p>	<p>In your upcoming budget hearing on June 2nd you will be getting transmitted testimony from People for Ponto urging the members of the Council to take formal action when adopting the 2020-2021 budget to set aside funds for the acquisition of the current Ponto Planning Area F site to finally fulfill the City's obligation under the Growth Management Plan to provide three acres of park property per 1,000 city residents.</p> <p>The City acknowledges that a shortfall of 6.5 acres remains to be addressed to fulfill this obligation to the Ponto area and its surrounding neighborhoods to the north and east.</p> <p>This budget should address both short-term Covid-19 impacts, and both the near and longer-term investments needed for Economic Recovery and Revitalization.</p> <p>The quality of the Carlsbad coastline, existing Northern Coastal Parks and open spaces are continually rated by Carlsbad's citizens and businesses as the critical foundation of our quality of life and economic vitality which relies heavily on the hospitality industry. A Coastal Park at Ponto is a critically needed investment. As such it represents the last opportunity for the City to make an investment for Carlsbad's long-term sustainability. South Carlsbad citizens, visitors, and the hospitality Industry have no Southern Coastal Park. Ponto is the only remaining place to provide the needed investment for both residents and visitors and at the same time advance economic recovery and revitalization of South Carlsbad's significant hospitality industry. A you know and the Carlsbad Visitors Bureau has noted over and over coastal recreation is the #1 attraction for visitors even more popular than Lego Land</p> <p>As you know by now a significant number of citizens have submitted testimony to this desire at both the FY 2019-20 Budget Public Input Report (notwithstanding the dilution of specific citizen input provided at both the March 4, 2019 and 2020 Workshops).</p> <p>Citizen input on the need for a Ponto Park was the #1 specific place need and desire citizens mentioned in the Public Input process. More than 85 specific citizen comments on Ponto area park needs and over 90% of citizen's polled requested that Council budget to address this need. These comments specifically addressed how they would like their (Park) tax dollars budgeted. Additionally, some 2,500 similar public input emails and petitions have been submitted as public comments on Carlsbad's current Draft Local Coastal Program Amendment and Parks Master Plan Update speaking to the need for a Ponto Coastal Park.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Harry Peacock	<p>I have been told that the members of the Council know that the 11-acre Ponto Planning Area F site is for sale. This site is similar in size and shape to Holiday Park. The site would provide a perfect opportunity for a Coastal site for similar multipurpose community functions. Carlsbad's Local Coastal Program (and thus General Plan and Zoning Code) require the City to first consider and document the need for a "Public Park" before any land use can be planned for the Planning Area F site.</p> <p>The Park Master Plan already documents the need for a Ponto "Public Park", showing the area as "unserved" by City Parks and an area of Park "inequity" correlating well with Citizen input.</p> <p>The City has also informally received offers of potential donations, or cost-saving collaborations from Carlsbad citizens and non-profits to advance the much-needed Ponto Coastal Park. I have been told that, to date, the City disappointingly has not replied to these special opportunities.</p> <p>I have also noted that a recent report on the City's investments of funds shows the City has deposits and investments in excess of \$750,000,000. To me that means that money is not the issue, its what the priority for spending funds is to address the needs and desires of the citizens of the City and the promises made by the City in the past which it now recognizes it has failed to live up to.</p> <p>Therefore, it is my hope that the City will reserve \$11,000,000 for a Ponto Coastal Park in the upcoming year's budget and initiate contact with the current owner of Planning Area F site regarding its purchase.</p>
Jodi Marie Jones	<p>I've volunteered with People for Ponto for a few years and am amazed at the dedication, experience and the wealth of knowledge the team has. I, myself, still get confused at the difference between the Master Plan, the General Plan, the LCP, ect, ect....</p> <p>But what I am not at all confused about is how special Ponto (Planning area F) is and what a rare opportunity The City has to develop it into an epic property for all to enjoy.</p> <p>Actions the City should take to Develop Ponto Right are so obvious. The fact that the community wants Ponto Park is so obvious and has been detailed in nearly 3,000 letters sent to the City and Coastal Commission.</p> <p>And yet, People for Ponto Supporters go unheard, unanswered and unsatisfied.</p> <p>In last year's Citizen budget survey, Open Space" is mentioned 313 times, "Parks" 237 times, and "Ponto" is mentioned 87 times. "Ponto" and "Ponto Park" were also top of mind at the budget workshops as shown in the below photo and yet the City has done nothing.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
<p>Jodi Marie Jones</p>	<p>In the Carlsbad residents survey, Parks and Open Space are top priorities for Districts 2, 3 & 4 and yet the Draft LCP proposes to change zoning to allow for building on one of the last pieces of coastal open space at Ponto.</p> <p>Carlsbad’s own Community vision sets the priorities of:</p> <ul style="list-style-type: none"> • Small town feel, beach community character and connectedness, • Open space and the natural environment, • Access to recreation and active, healthy lifestyles, • Neighborhood revitalization, community design and livability <p>It’s obvious Carlsbad Citizens and visitors of have spoken – now it’s time for The Council to act.</p> <p>I ask you to Develop Ponto Right – I ask you budget money to buy the land available at Planning Area F and build Ponto Park.</p> <p>I request that my comments be put on record in the official public records for ALL things Planning Area F, including the official public records for Carlsbad’s City’s Budget, Draft Local Coastal Program Amendment, and Parks Master Plan Update; and the CA Coastal Commission’s consideration of Carlsbad’s Draft Local Coastal Program Amendment.</p>
<p>Jodi Marie Jones</p>	<p>HUGE THANK YOU to Council Member Priya Bhat -Patel and Council Member Cori Schumaker for hearing what the community has been asking for and making a motion to put funds toward Ponto Park!</p> <p>It is disappointing and sad to hear the "too busy" rhetoric from others and see lack of action.</p> <p>There is no question as to how special Ponto (Planning area F) is and what a rare opportunity The City has to develop it into an epic property for all to enjoy.</p> <p>It is obvious to so many what the City should be doing to Develop Ponto Right. The fact that the community wants Ponto Park has been detailed in nearly 3,000 letters sent to the City and Coastal Commission, thank you for finally paying attention. Yet, People for Ponto Supporters go unheard, unanswered and unsatisfied.</p> <p>In last year’s Citizen budget survey, Open Space” is mentioned 313 times, “Parks” 237 times, and “Ponto” is mentioned 87 times. “Ponto” and “Ponto Park” were also top of mind at the budget workshops as shown in the below photo and yet the City has done nothing.</p> <p>In the Carlsbad residents survey, Parks and Open Space are top priorities for Districts 2, 3 & 4 and yet the Draft LCP proposes to change zoning to allow for building on one of the last pieces of coastal open space at Ponto.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>We request this and the following email to also be included as Public Input for the City's/CCC's Draft Local Coastal Program Amendment and Parks Master Plan Update processes. An email confirmation of those inclusions is requested. Thank you.</p> <p>There is a glaring City and regional need for Coastal Park in South Carlsbad as has been well documented and expressed by a significant number of citizens and visitors. The Carlsbad City Council has the ability to address this need with a Ponto Coastal Park, as the site is required by the City's Local Coastal Program to be studied for a "Public Park", the site is for sale, and the City has the policy/regulatory justification and financial capacity/flexibility to make this much needed investment in Coastal Recreation and our important Visitor Serving Industry in South Carlsbad. Ponto Coastal Park is sound long-term investment in the fiscal sustainability and quality of life in Carlsbad.</p> <p>We love Carlsbad and our Coast. As has been communicated to the City on many occasion, but receiving no City response, citizens are working to generate donations/collaborations to help the City or State of California advance a Ponto Coastal Park.</p> <p>Citizens have also repeatedly asked for a true and honest Community-based (not developer based) Coastal planning process for Ponto. The City Staff finally after 3-years on 1/28/20 acknowledged that the City made multiple "Ponto planning mistakes" dating back over 10-years. These multiple mistakes were first documented in the 2010 CA Coastal Commission's denial of the (developer focused) Ponto Beachfront Village Vision Plan. These City "Ponto planning mistakes" denied citizens to fully understand issues so as to participate in the prior Ponto planning processes.</p> <p>I request the City Council:</p> <ul style="list-style-type: none"> • Acknowledge the multiple decade long City "Ponto planning mistakes" and those multiple City mistakes flawed prior City planning at Ponto. • Acknowledge the clear documented and significant citizen expressed need for Ponto Coastal Park in the Budget, DLCPA and PMPU processes. • Correct those City "mistakes" by providing a Ponto Coastal Park as part of this budget process • Direct staff to provide a true community-based Coastal planning process for Ponto that will correct the past City mistakes and help design Ponto Coastal Park. <p>Please know I love Carlsbad and our coast, and am fiscally prudent. Ponto Coastal Park is a valuable and cost effective investment for future generations of Carlsbad citizens and visitors.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Liz Jones	<p>Thank you for continuing the discussion around the development of Pont Park.</p> <p>My family lives in the area and frequents Ponto State beach often. We would very much like to have a park in Planning Area F and would frequent it regularly. This area of Carlsbad is lacking in public spaces and a park in that location would be an exceptional addition to enhancing our outdoor spaces and lifestyle.</p> <p>I'm asking you to approve a park in Planning Area F for the good of our South Carlsbad Community.</p>
Michael Sabahar	<p>The quality of our Carlsbad coastline, Coastal Parks, and open spaces are continually rated by Carlsbad citizens and businesses as the critical foundation of our quality of life, economic strength, and tourism industry. Ponto Coastal Park is a critically needed investment, and the last opportunity for the City to make an investment for Carlsbad's long-term sustainability. South Carlsbad Citizens, visitors, and the Visitor Industry have no Southern Coastal Park. Ponto is the only place to provide that needed investment for residents and visitors, and to advance Economic Recovery and Revitalize South Carlsbad's significant Visitor Industry. Coastal Recreation is the major attraction for visitors.</p> <p>With these understandings, we submit this testimony and attachment. The attachment highlights significant numbers of citizens asking for a Ponto Coastal Park as documented in the FY 2019-20 Budget Public Input Report; and notes concerns about Report dilution of specific citizen input provided at both the March 4, 2019 and 2020 Workshops.</p> <p>The need for a Ponto Park was the most frequent specific place need/desire citizens mentioned in the Public Input process. The attached documents 85 specific, verbatim citizen comments on Ponto area park needs and over 90% of these citizens request that Council budget to address this need. These 85 Verbatim Citizen comments specifically address how they would like their (Park) tax dollars budgeted. Additionally, 2,500 similar public input email/petitions submitted as public comments on Carlsbad's Draft Local Coastal Program Amendment and Park Master Plan Update processes spoke to the need for a Ponto Coastal Park.</p> <p>As you know, the 11-acre Ponto Planning Area F site is for sale. This site is similar in size/shape as Holiday Park, providing a Coastal site for similar multipurpose community functions. Carlsbad's Local Coastal Program (and thus General Plan and Zoning Code) requires the City to first consider and document the need for a "Public Park" before any land use can be planned for the Planning Area F site.</p> <p>The City's Park Master Plan already documents the need for a Ponto "Public Park", showing the area as "unserved" by City Parks and an area of Park "inequity" correlating well with Citizen input.</p> <p>The City also received offers of potential donations and cost-saving collaborations from Carlsbad Citizens and non-profits to advance the much needed Ponto Coastal Park. The City disappointingly has not replied to these extraordinary opportunities.</p> <p>Therefore, it is requested the City budget for a Ponto Coastal Park and contact the Planning Area F landowner regarding site purchase.</p> <p>Consistent with Budget Public Input Report page 3, please provide this testimony and attachment to the Planning and Parks Commissions; and Coastal Commission as public input on the City Staff's proposed 1) City Budget, 2) Draft Local Coastal Program Amendment, and 3) Parks Master Plan Update.</p>

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Michael Sabahar	Thousands of people in Carlsbad have spoken about their priorities and the #1 reported priority is a park at Ponto. It is owed to us. Veterans Park as a substitute will not suffice. It is too far away. It will change the look of the city in ways which will benefit not only citizens, but visitors and local businesses as well. Stop making excuses about why this can't be done and take bold action that will lead to a wonderful landmark feature for the coastal city of Carlsbad, CA.
Natalie Shapiro	I am in support of a park at Ponto and ask that either funding of the development of a park or a study on the development of a park be included in the 2020-2021 City of Carlsbad budget. This area is one of the last undeveloped coast pieces of land and should remain undeveloped.
Tom Hall	My name is Tom Hall, and I have been a current resident of Carlsbad since 2008. I have lived in the Encinitas/Carlsbad area for over 20 years. I'm an executive for a major life insurance company, and work with thousands of insurance agents around the country. I attend church locally, volunteer locally and have spent many years celebrating life with my family down at Ponto Beach. You can often find me three times a week running the stairs just below the new Encinitas Beach Hotel project, or possibly watching a sunset with my wife. And at least once a week I will park on Ponto Road and head north up on 101 for a nice jog. We are blessed to live in a beautiful area. And it is so important that we keep it beautiful, and unique, and special. Adding more shopping centers, housing, restaurants or other development is not a good solution for our community. In my humble opinion, it will only create more traffic and slowly erode the unique beauty of this area. That is why I am asking you to please consider funding for a new park. Parks and trails provide our citizens opportunities to enjoy nature, the beach, fitness and spending time with family and friends. I urge you to highly consider establishing a park in the Ponto area that is currently be considered for development. Let's do the right thing.
Lance Schulte	We request this and the September 14 th email be included in the formal public comments for Carlsbad's Draft Local Coastal Program Land Use Plan Amendment, Carlsbad's Housing Element Update Process, Carlsbad's Park Master Plan Update process; and that the City staff provide documentation of the transmittal of these emails and documents to those processes and to Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee for their consideration in those processes. The questions in the emails relate to the most basic and fundamental CA and City Coastal and affordable housing Laws; and how priorities are established by CA Law for potentially infinite population and visitor growth in a State/County/City with finite Coastal land resources and few remaining vacant Coastal lands. Due to the basic and policy foundation nature of the these questions, as a California citizen, I would assume there is clear established CA State Law, or president case law that answers the questions. I am aware of both CA State Law and CA case law logically notes the supremacy of CA Coastal Law over CA affordable housing laws. However it would be very appropriate for have clear confirmation from the State of California, as the City of Carlsbad is both in the process of both Amending its Local Coastal Program Land Use Plan, and updating its Housing Element of the General Plan (and Parks Master Plan).

COMMENTS SUPPORTING PONTO PARK; AND CONCERNS WITH PARK AND OPEN SPACE DEFICIT IN COASTAL SOUTHWEST CARLSBAD	
Lance Schulte	<p>The clear communication of is does not seem to percolating down to City level and is not being clearly communicated by the City of Carlsbad to citizens and to the City Council, Planning-Housing and Parks Commissions, and to the Housing Element Advisory Committee; as these fundamental issues are not be clearly publicly disclosed and presented in staff reports on the staff proposed Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update. Without a clear, open, honest and fully public disclosure and discussion of the fundamental Buildout issue of the finite amount of last remaining vacant Coastal land in accommodating the State of California’s high-priority Coastal Recreation and Low-cost Visitor Accommodation land use needs for an infinite amount of future population and visitor growth in the aforementioned planning efforts, how can citizens, Commissioners, and Councilmembers make informed and wise decisions on the final developed use of our last remaining fragments of vacant Coastal land?</p> <p>In reviewing how the Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update processes are being conducted, there seems no clear comprehensive public communication of the questions raised in these emails and attachments, nor clear, comprehensive and open discussion by the City processes of these issues. How can true CA and City Coastal and affordable housing planning be done without a clear documented citation from CA State Law regarding those questions raised.</p> <p>I sincerely hope you will fully and publicly reply and make sure all the processes fully consider the formally submitted questions asked in these emails and attachments.</p>
Lance Schulte	<p>As one of the many People for Ponto (www.peopleforponto.com), we wanted to make sure this email and attachments have been provided to you and that the issues/data in this email be publicly presented/discussed during both the City’s and State’s consideration of the above planning and any other related activities.</p> <ol style="list-style-type: none"> 1. Legality of ‘Buildout’ and quality of life standards in both California and a City within California; and if planning for “buildout” is illegal, can we California Citizens be provide the specific citation in CA State Law that forbids the State and/or Cities within California from land use and public infrastructure planning to cap to a finite or “buildout” population/development condition. As California and Carlsbad citizens it important to know the State’s legal policy on “buildout”; and State policy laws on how are an infinite amount of Coastal Recreation and other high-priority Coastal land uses can be correspondently provided for infinite population growth within a largely developed and finite (and shrinking due to sea level rise) Coastal Zone?

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<p>Lance Schulte</p>	<p>The following public testimony and questions were presented the 6/23/20 Carlsbad Budget meeting. Coordinated answers from the State of CA and City of Carlsbad on how State Coastal and Housing planning priorities are ordered and reconciled is important. Carlsbad has a very small fragment of remaining vacant coastal land and once it is developed it essentially lost forever. This is being planned now with the above mentioned planning efforts. Most all of Carlsbad’s Coastal lands are already developed with Low-Coastal-Priority residential land use, or off-limits due to endangered habitat preservation. Coastal Parks or Campgrounds can only be provided along the Coast and they are currently very crowded, and will continue to get more crowded and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: <i>“6-23-20 City Council Budget meeting – public testimony by Lance Schulte: People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City’s LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy’s scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area.</i></p> <p><i>The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad’s neighborhoods and extensive Visitor Industry; and Carlsbad’s 1st and 3rd highest revenue sources.</i></p> <p><i>Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad’s proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide ‘buildout’ need for Coastal Recreation land.</i></p> <p><i>It is not clear if ‘buildout’ is a set and final amount of City and State population and development or if ‘buildout’ represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If ‘Buildout’ is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth?</i></p> <p><i>Until these questions can be authoritatively answered by the City and State of California the preservation and acquisition of vacant Coastal land should be a City priority. Because once land is developed it will never be available for Park and Coastal Recreation use. Continual population and development growth without corresponding Park and Open Space growth will lead to a gradual but eventual undermining of the quality of life for Carlsbad and California, and our Carlsbad economy. It is for these and other important reasons People for Ponto ask the City to budget for the purchase of Planning Area F for Coastal Recreation and City Park needs – needs that City has documented exist now, and needs that will only grow more critical and important in the future.</i></p> <p><i>Thank you, People for Ponto love Carlsbad and our California Coast. We hope you love Carlsbad also and you take responsibility as a steward of our California Coast.”</i></p>

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Lance Schulte	<p>2. Attached is and email regarding clarification of apparent City errors/misrepresentations on 1/28/20 regarding a) the CA Coastal Act’s relationship with CA Housing laws regarding CA land use priorities and requirements within the CA Coastal Zone, and b) City planning documents and City planning and public disclosure mistakes regarding Ponto. The clarification of the issues noted on 1/28/20 should be comprehensive, and holistically and consistently disclosed/discussed in each of the City’s and State’s Coastal-Land Use Planning-Parks-Housing planning efforts showing the principles and legal requirements for how potential conflicts within State/City Policies are to be resolved.</p> <p>3. Similar to #2 above, People for Ponto has provided public testimony/input of over 200-pages of documented data on the need for a “Public Park” and over 2,500 Citizens’ requests for that Park. Those 200+ pages and the email requests from 2,500 citizens, and the CA Coastal Commission direction to the City as noted below should also be shared with the Carlsbad’s Planning-Parks-Housing Commissions, and the City’s Housing Element as part of the respective land use-parks-housing discussions.</p> <p>The CA Coastal Commission has also provided direction to the City regarding some of the City’s planning mistakes at Ponto, and those directions should also be shared with the City’s Planning-Parks-Housing Commissions and Housing Element Advisory Committee regarding Coastal Land Use planning at Ponto Planning Area F. CA Coastal Commission has provided the following direction to the Carlsbad:</p> <p>a. Following is from a 7/3/17 CCC letter to City Staff on the City’s proposed land use changes at Planning Area F. City Staff provided this to City Council on 1/28/20: “The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad. This is an issue that the San Pacifico HOA community group is raising in regards to the Shopoff/Ponto development proposal, and this study should be undertaken as a part of the visitor serving use inventory analysis described above. If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed.”</p> <p>b. In 2017 after citizens received the City’s reply to Public Records Request 2017-260, citizens meet with CCC staff to reconfirm the City failed since before 2010 to publicly disclose and comply with Planning Area F’s LCP requirements. CCC Staff acknowledged the City has not yet complied with the LCP and in an 8/16/2017 email said: “The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”</p>

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Lance Schulte	<p>Please do not misinterpret these comments as anti-housing or anti-development, it is the exact opposite, they are in support of existing and future development. It is a logical recognition of what is the best use of very limited (and shrinking) vacant Coastal Land resources. It is prudent and sustainable State and City Coastal Land Use planning to best serve all CA residents – now and in the future. Housing can be developed in many large inland areas that are better connected with job centers and transit. New Coastal Parks can only be located on the last few remaining vacant parcels within a short distance to the coast. This very small area (vis-a-vis) large inland areas must serve all the coastal Park and recreation needs of California’s almost 40 million residents and the additional millions of annual visitors to California’s coast. This very small amount of Coastal land drives a lot what makes CA desirable and successful, but it is getting very overcrowded due to population/visitor growth while at the same time shrinking due to coastal erosion and sea level rise. Squandering the few remaining Coastal vacant land resources, and not reserving (planning) these lands for more high-priority Coastal Recreation Land Uses will ultimately undermine CA both socially and economically. The attached ‘Carlsbad 2019 proposed Draft LCP Amendment’ file should be provided to and reviewed by Carlsbad’s Planning-Parks-Housing Commissions and the Housing Element Advisory committee in their consideration of Carlsbad’s proposed Housing Element update and proposed Draft LCP Land Use Plan Amendment, and also jointly by CA HCD and CCC in providing Carlsbad direction on CA Coastal Land Use priorities in the Coastal Zone relative to those two (2) City proposals.</p>
Lance Schulte	<p>People for Ponto submits this email, and the attachment that was provided to the Carlsbad City Council for Item#14 at the 1/28/20 meeting. The attachment provided at the 1/28/20 City Council meeting has not been recorded on the Carlsbad City website that documents public input provided at that 1/28/20 meeting. Consequently we request this email and attachment be provided to the Carlsbad City Council, and Planning, Parks and Housing Commissions; and CA Coastal Commission as public input on the City Staff proposed 1) Draft Local Coastal Program Amendment, 2) Parks Master Plan Update, and 3) Housing Element Update processes. The attachment documents apparent errors, omissions, and/or misrepresentations in the 1/28/20 Item #14 Staff Report/Presentation to the City Council. We wish this email and the attached public comments be provided to the Council and Commissions addressed to in this email and be included as public comments to be addressed in the 3 planning processes listed. Thank you.</p>