



Public Comment

Andrea Jones

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Comments

How much of the LCP's

new plan is dedicated to

the protection & preservation

of the Beaches & Lagoons

of Carlsbad?

continue on back if needed >



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

January 31, 2020

Melanie Saucier
Associate Planner
1635 Faraday Avenue
Carlsbad, CA 92008

Subject: Comments on Carlsbad's Updated *Local Coastal Program Land Use Plan*

Dear Ms. Saucier:

The Batiquitos Lagoon Foundation (BLF) is pleased to offer our comments on the draft Local Coastal Program Update.

Background

The BLF provided comments and spoke at the Carlsbad Planning Commission hearing on November 20, 2019 which included the following background, recommendations and rationale for them:

The Batiquitos Lagoon Foundation (BLF) has been engaged in the LCP Update project for some time, and has also participated in a number of public workshops and other project-related events. The draft Local Coastal Program Update (DLCP) being considered for eventual adoption represents a number of years of hard work and the city staff is to be commended in preparing such complex and far reaching document. Much public input was solicited and received so far during the process with the critical success factor of fostering transparency, ownership and stewardship. Add to that, all of the laws, regulations and coordination with involved and concerned agencies at all levels, the [effort] represents the an extremely difficult project and [ambitious] timeline.

The BLF, however, is concerned with the timeline and what appears to be a rush to simply meet that timeline. At the public workshop held October 29, 2019 at the Faraday Administrative Center, we attended, expected to participate in a true workshop where the public would again have the opportunity to discuss the draft document, voice areas of concerns, ask questions, and explore areas of agreement and areas where more work is required with City staff and contractors/consultants. Facilitated small group discussions and summaries of the results, in our opinion, would have provided staff with some valuable additional information. Instead, the public workshop was a facilitated presentation by staff and contractor/consultants, followed by a public comment period. While staff and contractors/consultants were most engaged and response, we feel an opportunity lost, with the perception that significant public input was not a high priority and a meeting intended to just satisfy a project task.

Earlier this week, we learned that many city officials and the PC members had not received the latest marked-up version of the document, especially a redlined version to depict what changes had been made. The BLF also feels that such a redlined version would be most helpful in our review of the draft document.

Accordingly, the BLF very strongly recommends that the public review period be extended for 6 months and that a series of facilitated public workshops be scheduled to ensure that the Carlsbad community has the opportunity to ensure that their input is provided. This document is simply too important to rush to the finish line simply to adhere to a project schedule. We need this document to be the best product that we can develop.

As with any extremely complex project and strategic documents, there always remains some issues and questions that need to be addressed. The BLF recognizes that some issues, questions and concerns will be resolved via individual tactical plans, design details, permits, and other project refinements are prepared and made available for further review.

The BLF comments by proposed projects are attached in table form for your review and consideration at November 20, 2019 hearing.

The BLF very strongly recommends:

- 1. A red line Version of the Existing 2016/Proposed LCP land use Plan and Policies.*
- 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.*
- 3. 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.*

Our rationale for our 3 requests is:

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 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.

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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 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

- *Strawberry Fields Area at Aqua Hedionda Lagoon*
- *Encina Power Plant property near the Poinsettia Coaster Station*
- *The Ponto area*

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.

The Existing 2016 LCP is 150-pages long; the proposed draft LCPA is 360-pages long with numerous 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!

GENERAL OBSERVATIONS AND COMMENTS

The BLF has been involved for many years in developing strategic plans and key guidance documents for the city. For example, we served on the Open Space Citizens Advisory Committee which developed and identified potential open space properties within Carlsbad that could be acquired, and a scoring and model for evaluating and prioritizing them. We also served on the committee that developed the Envision Carlsbad Plan, a ~ 3.5-year project. We also served on the committee that developed the Ponto Beachfront Vision Plan. During meetings and deliberations on all of these committees strived to get public input during the process and consider what the citizens of Carlsbad and other interested parties had to say and ideas they wanted to present. While this approach worked, we observed that as the timeline and the project end-point milestone approached, the need to finish our work seemed to take precedent over the need to do it right. What fell by the wayside was the input by the public and just get the final products completed accord. It often felt at times that other hidden agendas clouded the process in which a desired result being suggested or changes being made that did not seem to represent what the committee had decided. In essence, a well-intentioned strategic project process went off-course! Meaningful workshops and involvement of the citizens of Carlsbad turned into simply a staff report with public comment periods and the optic from the public's standpoint that the workshop was just satisfying a check-box item for something that had to be done.

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.

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. 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.

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!

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.

The BLF is very concerned that the DLCP does not recognize that the whole Batiquitos Lagoon is an *impaired estuary*, 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(D) 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 *promised* 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 (CDP'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!

Finally, consider the timeline for how the zoning has evolved for Planning Area F to the extreme numbers proposed in the DLCP. The BLF suspects that the citizens of Carlsbad and, more specially those who reside in the southwest Ponto Beach area, fully understand the impacts of what is being proposed (i.e., Carlsbad Zoning Maps identify Area F as: VC, NRR; C-T; RD-M; Q/G; T-Q; C2; PC; R-8). This is an example of what can result when the process used is flawed!

SPECIFIC COMMENTS

The BLF comments relative to the proposed projects are described in Table 1, included below for your review and consideration.

ITEM No.	REFERENCE	EXISTING	CHANGE
1	Shared Boundary City Coordination: Encinitas	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 (CDP).

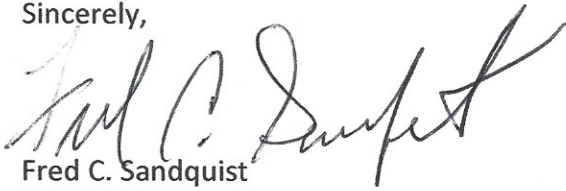
2	Protection of Batiquitos Lagoon	No pollution controls on surface water runoffs along north shore of Batiquitos Lagoon & where Lower San Marcos Creek, drains to Batiquitos Lagoon. See LCP-6 Pg.21	Mandate Installation of hydromodification basins/bio-basins, water quality treatment systems. Apply TMDLS to surface waters discharges/outfalls entering the lagoon as required per CFR40 CWA 303(d)(e).
3	Carlsbad Watershed Management MS4 Water Quality Improvement Plan	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.
4	Flower Fields at Camino del Norte & Strawberry Fields at Aqua Hedionda Lagoon	Agricultural use	Transition Zoning from Ag to Residential/Ag to RD-M/Ag to RD-M/C-L; Ag. To R-T, etc.
5	Encina Power Plant	Operational	Scheduled to be decommissioned: Transition Zoning to RD-M/to RD-M/C-L; To R-T, etc.
6	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.
7	Re: Draft LCP Land Use Plan- Area 4 as shown on Figure 2-2C	Indicates the silting basin "may be maintained on the site."	Change the wording to "the silting basin to shall be maintained on the site."
8	Wildlife Corridor	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.
9	Dam Inundation	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.
10	Geologic Hazards Section 7.4	A slip fault is located on La Costa Avenue approximately 200 yards east of I-5 on the southside of Batiquitos Lagoon.	This much-studied slip fault has been acknowledged by the City of Encinitas & is recoded with the Office of the State Geologist as a potential Geologic Hazard. The fault transition is in a NE direction through Batiquitos Lagoon.
11	Sea Level Rise 5.0 Vulnerability & Risk Assessment	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.

The BLF strongly recommends that the table changes be considered and incorporated in the updated LCP. 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!

Thank you in advance for your consideration. Please feel free to contact me at (760) 710-9644 (Mobile phone) or email at sandquist2@earthlink.net, or BLF Board Member, David Hill, (619) - 540-1778 (Mobile phone) or email dashill4551@gmail.com if you have any questions or require any further information. We look forward to hearing from you!

Sincerely,

A handwritten signature in black ink, appearing to read "Fred C. Sandquist". The signature is fluid and cursive, with the first name "Fred" being the most prominent.

Fred C. Sandquist

President and Board Member

cc:

Mayor and City Council Members

Gary Barberio, Deputy City Manager, Community Services

Scott Chadwick, City Manager

Jennifer Jesser, Planner

Elaine Lukey, Chief Operations Officer

Mayor and City Council

Don Neu, City Planner

Erin Prahler, California Coastal Commission



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

November 20, 2019

Chairwoman Carolyn Luna and Commissioners
Planning Commission
City of Carlsbad
Faraday Administration Center
1633 Faraday Avenue
Carlsbad, CA 92008

Subject: Planning Commission Department Report Agenda Item 1., LCPA 15-0007 (DEV 15-0061) Overview of Local Coastal Program (LCP) Land Use Plan Update, Scheduled for Hearing Wednesday, November 20, 2019 at 6:00 PM., City Council Chambers

Dear Chairwoman Luna and Commissioners:

The Batiquitos Lagoon Foundation (BLF) is pleased to offer our comments for your consideration during the subject hearing. The draft Local Coastal Program Land Use Plan and Policies Amendment being reviewed and discussed represents the proposed change to the coastal plan and policies that will forever define our City's most precious and limited resource – our coast and coastal lands. The issues are so significant that a fully transparent document comparing the existing and proposed LCP Amendments (LCPA), coupled with sufficient time for citizens, City Commissions, business and community organizations, and the City Council to FULLY understand the existing LCP and proposed LCPA, and community workshops (not just presentations to citizens with a public comment period) to fully discuss the land use plan and policy implications on future generations.

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:

1. A redline Version of the Existing 2016/Proposed LCP land use Plan and Policies.
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.

3. Extend the public comment period 6-months to allow for citizen review of the redline version of the LCPA and for a series of facilitated citizen workshops to ensure document completeness and continuity.

Our rationale for our 3 requests is:

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 redline version of the existing 2016/Proposed Amendment to LCP Land Use Plan and Policies.
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 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:
 - Strawberry Fields Area at Aqua Hedionda Lagoon
 - Encina Power Plant property near the Poinsettia Coaster Station
 - The Ponto area

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.

3. The Existing 2016 LCP is 150-pages long; the proposed draft LCPA is 360-pages long with numerous 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!

Thank you in advance for your consideration and we very strongly recommend you support and recommend the 6-month extension and holding a facilitated series of public workshops. Please feel free to contact me at (760) 710-9644 (Mobile phone) or email at sandquist2@earthlink.net, or BLF Board Member, David Hill, (619) 540-1778 (Mobile phone) or email dashill4551@gmail.com, if you have any questions or require any further information. We look forward to hearing from you!

Sincerely,

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Fred C. Sandquist
President and Board Member

cc:

Gary Barberio, Deputy City Manager, Community Services
Scott Chadwick, City Manager
Jennifer Jesser, Planner
Elaine Lukey, Chief Operations Officer
Mayor and City Council
Don Neu, City Planner
Erin Prahler, California Coastal Commission
Melanie Saucier, Associate Planner

From: ruthben@roadrunner.com
To: [Melanie Saucier](#)
Subject: FW:
Date: Thursday, January 30, 2020 8:15:39 AM

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.

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.

Say hello to Mike Peterson and Matt Hall for me, those paragons of civic communication; those exemplars of plutocracy. Ben Mijuskovic

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

From: ruthben@roadrunner.com
To: [Melanie Saucier](#)
Date: Tuesday, October 29, 2019 2:02:26 PM

Ms. Saucier I just received the email announcing your meeting this evening at the Faraday Center.

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.

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.

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.

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.

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.

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.

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.

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.

Respectfully submitted, Ben Mijuskovic Ph. D. (Philosophy), MA (Literature), both from UCSD.

From: [Joan Herskowitz](#)
To: [Melanie Saucier](#)
Subject: BVAS Comments on Carlsbad LCP
Date: Monday, November 25, 2019 8:27:16 AM

Hi Melanie - The following are comments on the LCP on behalf of the Buena Vista Audubon Society:

We support the goals of the draft Carlsbad Local Coastal Plan for protection of marine resources, water quality, and environmentally sensitive habitat in the Carlsbad coastal zone. At this time, our main concern is with the artificial weir at the mouth of the Buena Vista Lagoon (BVL) that blocks the lagoon's natural tidal connection to the ocean environment.

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.

The LCP also states that "property owners and other stakeholders agreed to pursue a modified hybrid saltwater enhancement option." Although this is true, it should be made clear that the proposed new saltwater alternative, consisting of features of two alternatives analyzed in the EIR, was never actually analyzed in this new design configuration. At present, SANDAG is conducting studies, including hydrology modeling, to determine the feasibility of this new saltwater alternative. Final support among stakeholders will depend on the outcome of these studies.

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.

Thank you and please reply that you have received this email.

Joan Herskowitz
Chair, Conservation Committee
Buena Vista Audubon Society

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



January 24, 2020

Don Neu
City Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Re: City of Carlsbad LCP Planning and Sea Level Rise Grant

Dear Mr. Neu,

In our coordination meeting last week, you mentioned that City staff would be reporting to your City Council on the status of the Planning Department's work on the update to the City's Local Coastal Program (LCP). 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.

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.

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.

Sincerely,

A handwritten signature in black ink that reads "Deborah N. Lee".

Deborah N. Lee
District Manager



DEPARTMENT OF PARKS AND RECREATION
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Lisa Ann L. Mangat, Director

January 10, 2020

Melanie Saucier
Associate Planner
1635 Faraday Avenue
Carlsbad, CA 92008
Email: melanie.saucier@carlsbadca.gov

City of Carlsbad

JAN 14 2019

Planning Division

RE: Draft Local Coastal Program Land Use Plan Update

Dear Ms. Saucier,

Thank you for the opportunity to comment on the Draft Local Coastal Program Land Use Plan Update (LCP) for the City of Carlsbad (City). The State of California, Department of Parks And Recreation is a Trustee Agency and mandated by law to protect the natural, cultural and recreational resources found within the State Park system. We are encouraged that there are many avenues we can work together in support of the goals of the LCP and improve the Coastal Zone within the City and on Department owned and managed Land. Department lands and facilities are important assets to the City in terms of economic and recreation value, but also have a moderate-high vulnerability to sea level rise by 2050. The Department looks forward to collaboration with the City to protect these assets into the future.

However, the Department has concerns that some of the proposed land use elements within the LCP substantially constrain the opportunities for maintaining public access, lower-cost accommodations, and recreation with respect to coastal erosion and sea level rise.

Most of the coastal corridor in southern Carlsbad between Interstate 5 and the ocean has been built with residential and commercial developments or transportation right-of-way. Almost all of the open space in this corridor either is owned by the Department or is directly adjacent to coastal estuaries. Sea level rise and accelerated coastal erosion rates will reduce the amount of open space in this corridor. This loss of usable land will reduce, impact, or constrain many of the priorities of the California Coastal Act and proposed LCP. Large-scale armoring or hardening of this coastline is not currently feasible given the costs of constructing and maintaining the structures and the impacts to recreational and natural resources. While some armoring may be necessary to preserve key public access amenities, managed retreat is currently an important adaptation tool. Preserving and increasing public open space in this corridor is critical to future coastal access and recreational opportunities and requires a multitude of opportunities to defend or work with sea level rise.

The Department's specific comments and recommended revisions are detailed below:

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.

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.

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.

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.

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.

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. The Department also suggests working together to implement a streamlined permitting process for coastal access projects.

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.

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.

Finally, *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.

Should you have any questions, please contact Darren Smith at Darren.Smith@parks.ca.gov or (619) 688-3260.

Sincerely,



Gina Moran
District Superintendent II



January 28, 2020

Via Email: Melanie.Saucier@Carlsbadca.gov

Melanie Saucier
Associate Planner, City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

SUBJECT: Comments to Draft Local Coastal Program

Dear Ms. Saucier:

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.

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.

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.

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.

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.

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 exist 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.

On behalf of our hospitality and tourism members, we thank you for your consideration.

Sincerely,



Bret Schanzenbach
President and CEO

Cc: City Manager Scott Chadwick
Mayor Matt Hall
Mayor Pro Tem Priya Bhat-Patel
Council Member Keith Blackburn
Council Member Cori Schumacher

From: [Chris Calkins](#)
To: [Melanie Saucier](#)
Cc: [Jim Bornemann](#)
Subject: Comments to Proposed LCPA 2015-0007
Date: Tuesday, November 05, 2019 12:37:00 PM

Following are comments to the draft LCPA published October 18,2019, submitted on behalf of CB Ranch Enterprises (The Flower Fields at Carlsbad Ranch™).

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.

2. Chapter 5 Agricultural, Cultural, and Scenic Resources.

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:

“(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)

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.

b. Cannon Road Open Space, Farming, and Public Use Corridor

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.

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:

- i. 4-G.12 Recognize the important value of agriculture and horticultural lands in the city, and support their productive use
- 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)
- 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

Please let us know if you require further information, or a different format for the comments.

Chris Calkins

President, CB Ranch Enterprises

Tel: 760 310 7935

From: [Jayme Timberlake](#)
To: [Melanie Saucier](#)
Subject: Carlsbad Draft LCP Update -- comments on Batiquitos Lagoon maintenance
Date: Thursday, January 30, 2020 4:23:29 PM

Hi there,

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 not 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.

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.

Please consider refining the LCP to reflect this recommendation.

Thank you!

Jayme Timberlake
Coastal Zone Program Administrator
(760) 633-2632
jtimberlake@encinitasca.gov



505 South Vulcan Ave, Encinitas, CA 92024
www.encinitasca.gov

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Public Comment

DAVID HILL

name | organization

BATIKUITOS LAGOON FOUNDATION

email

dashill4551@gmail.com

phone

619-540-1778

1760 BURGUNDY RD, CARLSBAD 92008

street address

ZIP

Comments

BATIKUITOS LAGOON IS AN
IMPAIRED BODY OF WATER AS PER
THE STATE WATER RESOURCES
CONTROL BOARD — & PER CWA § 303 (d)

CITY OF CARLSBAD WATERSHED
REPORT MS4 NEEDS TO BE UPDATED.

continue on back if needed >

From: [Dianne Boldt](#)
To: [Melanie Saucier](#)
Date: Saturday, October 26, 2019 2:26:26 PM

Dear Melanie:

I recently received a notice from the City of Carlsbad regarding the "Local Coastal Program Update," and your email was provided as a contact for comments.

I have lived in Carlsbad for nearly 32 years, and currently live in the gated community of Harbor Pointe. My neighborhood falls under the remit of the California Coastal Commission, hereinafter referred to as "Coastal Commission," and I and my neighborhood are experiencing the negative effects of the Coastal Commission's policies on Short Term Vacation Rentals, hereinafter referred to as "STVR's."

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 *own* the STVR's, exploit the "neighborhood" that we have slowly, and purposefully created over the years. The individuals who *rent* 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.

The Coastal Commission indicates that STVR's are "to provide affordable lodging for visitors to enjoy the beach." According to the "Visit Carlsbad" website there are 44 hotels in Carlsbad. The average hotel has 115 rooms (Legoland hotel has 250 rooms & Cape Rey has 150) with more hotels being built, and the number of hotel rooms available in our area only increasing. Within the city of Carlsbad, the average occupancy rate of a hotel is approximately 62.2% (according to the Hotel Industry Statistics). The average hotel room costs \$125.00 per night (according to the hotel industry), much lower than many of the STVR's in Carlsbad within the coastal zone, and all a few minutes' drive to the beach. There are more than enough hotel beds at competitive prices to house any visitor to the City.

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.

Respectfully submitted,

Dianne Boldt



Virus-free. www.avg.com

Public Comment

FRED SANDQUIST,

name | organization

BATIQUITOS LAGOON
FOUNDATION

email

phone

street address

ZIP

Comments

BATIQUITOS LAGOON IS AN
IMPAIRED BODY OF WATER
IN ACCORD W/ CWA 303(d).

continue on back if needed >



GRAND PACIFIC RESORTS
Time Away...Time Together...

January 20, 2020

Don Neu, City Planner
1635 Faraday Avenue
Carlsbad, CA 92008

RE: Comments on the City of Carlsbad Draft Local Coastal Program Update

Dear Mr. Neu:

Thank you for the opportunity to review the City of Carlsbad Draft Local Coastal Program update. 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 which states:

"Prohibit new timeshares or other limited-use overnight accommodations on land designated as Visitor Commercial (VC) on the Local Coastal Program land use map."

The Coastal Act was enacted in 1976 to enhance public access to the shoreline, protect coastal natural resources, and balance development and conservation. It prioritizes preservation of public access to the coast and enhancement of access where possible. We feel that the time share product meets or exceeds the requirements and intent of the Coastal Act.

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.

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.

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.

To explain and illustrate our position, we have used the actual 2019 results from the MarBrisa by Hilton Grand Vacations Resort, developed and managed by Grand Pacific Resorts. The MarBrisa Resort consists of 232 units. The property is affiliated with and licensed by Hilton Grand Vacations Club.

Sale and Use of the Product

The MarBrisa product is positioned as a leisure vacation membership that is sold as a “points package” to individual consumers. The consumer purchases a specific amount of points which are then used by the consumer to vacation not only at the MarBrisa Resort, but at other destinations within the Hilton Resorts system. The points that the consumer purchases are a one-time purchase that the consumer then owns in perpetuity. The consumer has the flexibility to use the points based on a multiple resort redemption grid that includes: 1) a list of HGV Resorts, 2) location of the resort, 3) season of the year (summer vs. winter), and 4) the type of accommodations that the points owner chooses to use (studio, 1 BR, 2 BR). The points owner then uses the points they own by selecting a specific resort and the related variables. Some of the locations in the resort redemption grid include Hawaii, Carlsbad, Las Vegas, Orlando, Colorado, the Caribbean, Washington D.C., and New York. Hilton Grand Vacations has over 75 resorts and is affiliated with the largest time share vacation exchange network, RCI, with over 6300 affiliated resorts in 110 countries. The guests who would utilize the “points package” would be no different than any other people looking to book a vacation at a hotel at the same location. Each of the points packages that are sold are “backed” by a grant deed consisting of an individual interest in the real estate and improvements and title insurance that protects the general public.

Occupancy/Usage of the Product

The occupancy at the MarBrisa Resort was 84% as compared to the City-wide hotel occupancy of about 71% for 2019.

The flexibility in the usage of the product based on points usage has created a built-in vacancy factor that has resulted in room nights being made available that are advertised as transient rental to the general public, primarily on Hilton.com. Again, these units would be available to the same people looking to book hotel rooms for short term stays.

The actual MarBrisa occupancy results by segment for 2019 are as follows:

Table 1

Segment	Check-Ins	Room Nights	Percent of Occupancy	Average Length of Stay
Time Share Owners	16,876	78,412	73%	4.6
Transient (Renters)	13,758	27,915	27%	2.0
Total	30,634	106,327	100%	3.5

It is interesting to note that the length of stay for the time share owner has decreased from the historical seven night stay to 4.6 nights per stay. Also note that the transient occupancy was 27% of total property occupancy. Had the balance of the available inventory of 16% (100% - 84%) been rented, the transient occupancy could have increased to 43% of the total annual inventory in the project.

Rate Paid by the Transient Guest

The current time share environment provides desirable and “affordable” accommodations to the general public. For 2019 the MarBrisa Resort rented, on a transient basis, 27,915 room nights at an

average rate of \$133.31. The typical affordable lodging product in the market today is a standard hotel room consisting of about 350 square feet that accommodate two people and has minimal, if any, cooking/food preparation area or appliances. The time share product, on the other hand, starts at over 400 square feet for a studio unit and increases to about 1,300 square feet for a 3-bedroom unit. Additionally, all MarBrisa units contain a kitchen/food prep area complete with a stove, cook top and refrigerator. These kitchen accommodations make the time share unit even more affordable and conducive to a great vacation experience. AAA estimates that the average spent per day for food & beverage while traveling is \$63 per person in 2017 dollars. (Loofburrow, Doreen, "AAA Survey: 22 Million Americans Will Take A Culinary Vacation This Year", *Oregon.aaa.com*, March 2017). Much of this per-day spend can be reduced if food preparation can be done in the timeshare accommodations unit.

Table 2 below outlines the key rental statistics for the MarBrisa Resort for 2019:

Table 2

	Room Nights	Average Daily Rate	# of People Accommodated	Cost per Occupant	Square footage per Unit
Studios	12,758	\$111.05	2	\$55.52	405
1-Bedrooms	13,331	\$150.46	4	\$37.61	675
2-Bedrooms	775	\$172.33	6	\$28.72	1075
3-Bedrooms	663	\$171.06	8	\$21.38	1300
Total	27,527	\$133.31			

Note that the per day expense per occupant ranges from \$21.38 to \$55.52 in a time share unit and clearly demonstrates time share units as an affordable accommodations product.

Occupancy/Guest Mix

The occupancy at a time share property, compared to a hotel property, is usually about 10 to 12 %higher in the time share property. In 2019, the occupancy at the MarBrisa Resort was 84% while the overall hotel occupancy in Carlsbad was about 71%. This additional occupancy creates greater usage of affordable, short term accommodations in the coastal zone. Additionally, the property occupancy rate in a time share resort tends to be static and even on a month to month basis, as compared to a hotel that can fluctuate during seasonal times of the year.

The guest count in a time share room is greater than the guest count in a hotel room. This is primarily due to the accommodation mix (standard hotel room compared to a 2-bedroom time share unit). The average number of guests per unit/per night at MarBrisa in 2019 was 3.1. The Palisades Hotel (a comparable property) had 1.6 guests per occupied room per night.

Another misconception is that time share owners are annual, repeat users at the same resort. This would imply that repeat stays eliminates other members of the general public from using the resort accommodations. Contrary to this misconception, in 2019, only 18% (3,037) of the 16,876 time share owner check-ins (see Table 1) were time share owners who bought the MarBrisa time share product. The other 82% (13,838) were time share owners who bought at another time share property and "exchanged" to stay at the MarBrisa Resort. In 2019, only 10% of all MarBrisa check-ins (owner, exchange and transient guests; reference Table 1) represented timeshare owners who "own" at the

MarBrisa Resort. (16,876 x 18% = 3,038/30,634 total check-ins is equal to 10 %.) This statistic indicates that the property enhances public access to the coastal area and does not promote usage by a limited group of people.

Existing/Future Time Share Development in Carlsbad

Currently, our research indicates that there are 5 time share properties located within the City of Carlsbad as shown below:

Table 3

Property Name	Approx. Date Completed	Number of Hotel Rooms	Number of Time Share	Total Rooms	% of Time Share
Carlsbad Inn	1985	66	132	198	66%
Tamarack Beach Resort	1987	23	54	77	70%
Seapointe Resort	1994	0	95	95	100%
Grand Pacific Palisades	1999	119	161	280	58%
MarBrisa, Westin and Sheraton Resorts	2019	409	380 *	789	48%
Total:		617	822	1439	57%

*Number of time share units upon completion of project. Currently there are 232 units completed.

It is interesting to note that, of the five time share products in the city, the unit mix consists of 43% hotel rooms and 57% time share units. Grand Pacific has been involved in 4 of the 5 projects and we can state that none of the four properties would have been developed without the time share component. The time share component not only supports the financial development of each property, but also supports the financial operations of the hotel component of each property on an ongoing year by year basis. Simply stated, without the timeshare units, there would be far less hotel rooms in the coastal zone of the City of Carlsbad.

Summary:

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.

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:

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.

Grand Pacific Resorts would be glad to volunteer to be an active participant in the development of such guidelines.

Again, thank you for this opportunity to review the draft document and your consideration of modifying the draft LCP update to allow timeshares within the Visitor Commercial designation of the General Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Stripe". The signature is fluid and cursive, with the first name being the most prominent.

Timothy J. Stripe
Co President, Grand Pacific Resorts

From: [james mcintosh](#)
To: [Melanie Saucier](#)
Subject: local coastal program
Date: Sunday, November 17, 2019 4:46:58 PM

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.

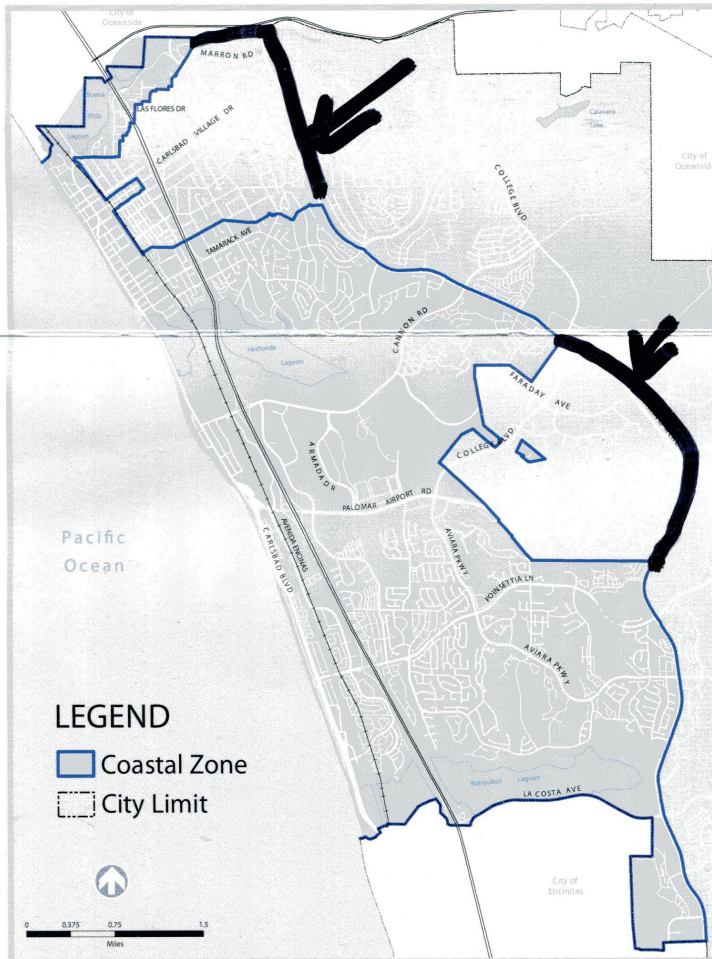
James H. McIntosh
2285 Morgan Rd
Carlsbad, CA 92008
410-382-1705

LOCAL COASTAL PROGRAM | Update

The City of Carlsbad has released an updated plan for how land can be used in its coastal zone, one of the final steps in the process of updating city land use policies to adapt to evolving community needs, state laws and other changes affecting Carlsbad's future.

WHO DOES THIS AFFECT?

- Everyone who lives, does business or owns property in Carlsbad's coastal zone.
- Everyone who cares about our coastal resources and how they are protected.



PUBLIC REVIEW

Community members and property owners are encouraged to review the draft document at www.carlsbadca.gov/coastalupdate and provide comments.

INFORMATIONAL MEETING

Tuesday, Oct. 29, 2019

6 to 8 p.m.

Faraday Administration Center
1635 Faraday Ave., Carlsbad, CA 92008

HOW TO PROVIDE COMMENTS

Comments should be provided via mail or email by **Nov. 29, 2019**, to:

Melanie Saucier
Associate Planner, City of Carlsbad
1635 Faraday Ave., Carlsbad, CA 92008

melanie.saucier@carlsbadca.gov
760-602-4605



Melanie Saucier
Associate Planner City of Carlsbad
1635 Faraday Ave.
Carlsbad, CA 92008

Melanie.Saucier@Carlsbad.ca.gov
(760) 602-4605

To Whom it May Concern,

My name is James (Jimmy) Ukegawa. I have been a Carlsbad resident for 59 years. I currently reside at 1270 Plum Tree Road, Carlsbad. 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. My family and I have been farming in Carlsbad continuously since the 1950's.

I have been a proponent of trails in Carlsbad. Besides working on numerous trail cleanups with my equipment and employees I have also been an active member/chair of the trail committee for the Agua Hedionda Lagoon Foundation.

In this letter 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.

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 farmers perspective.

If you have any questions, please don't hesitate to contact me.

Thank you,

James (Jimmy) Ukegawa
President Carlsbad Strawberry Co., Inc.
Jimmy@Aviarafarmsinc.com
Cell (760) 519-5349

From: [Jayme & Matt Moldovan](#)
To: [Melanie Saucier](#)
Subject: Carlsbad LCP Update -- comments
Date: Thursday, January 30, 2020 9:13:38 PM

Hi there,

Thanks for receiving my comments. I am concerned about this statement in the draft LCP, regarding the future state of the South Carlsbad State Beach:

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 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.

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.

Thank you,

Jayme, Matt, Bowie and Jules Moldovan

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

From: [Jeanette Cushman](#)
To: [Melanie Saucier](#)
Subject: comments for Local Coastal Program Land Use Plan
Date: Friday, January 31, 2020 11:41:11 AM

To City Planners:

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.

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.

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"!

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.

Submitted by
Jeanette Cushman Stroh
Resident of District 1

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

From: [Jeanette Cushman](#)
To: [Melanie Saucier](#)
Subject: local coastal program
Date: Tuesday, October 29, 2019 11:53:40 AM

Hello Melanie,

I am Jeanette Stroh at 2469 Ocean St. I have read the update of the LCP, plan to attend the meeting this evening, and hope some of the following concerns/questions will be covered:

1. 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?

2. 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.

3. 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.

4. 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:

LCP-4-19 No curfews allowed for beach access. How does this mesh with the city ordinance that prohibits sleeping overnight?

5. LCP-4-6 Livable Streets. What is the future plan for Ocean Street?

6. 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?

My hope is that these questions will be answered this evening. In lieu of that, a reply will be well received!

Jeanette Stroh

COMMENTS REGARDING LOCAL COASTAL PROGRAM

Submitted by
Jeanette Cushman Stroh
Resident District 1

To: Carlsbad City Council and the Planning Commission:

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 specially 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.

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.

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.

Thank you for your attention to the thoughts and opinions of a long time resident and voter in our special town.
Jeanette Cushman Stroh
2469 Ocean Street

From: [Jennifer](#)
To: [Melanie Saucier](#)
Subject: LOCAL COASTAL PROGRAM feedback
Date: Wednesday, October 23, 2019 2:03:38 PM

Melanie,

Thank you for keeping the residents of Carlsbad informed and seeking feedback regarding the local coastal program. 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.

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.

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?

I plan on attending the meeting on October 29th to seek more information and answers to my question.

Sincerely,

Jennifer Baer

6800 Watercourse Drive,

Carlsbad

James L. Strickland Jr.
4747 Marina Drive #30
Carlsbad, CA 92008
Jim.Strickland1@SBCGlobal.net

January 29, 2020

By email

Mayor Matt Hall
Matt.Hall@Carlsbadca.gov
Council@Carlsbad.gov
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92009

Re: Local Coastal Program Land Use Plan, LCP

Dear Mayor Hall,

Thank you for your service and dedication to our City of Carlsbad!

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”. <https://carlsbadca.swagit.com/play/01282020-2176>

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”.

Please exclude / “pull out” three properties, “Ponto Park”, Encina Power Plant, and “Strawberry Fields” from the current draft LCP for special consideration.

Thank you,

Jim Strickland

cc (by email)

Keith Blackburn Keith.Blackburn@CarlsbadCA.gov Council member
Priya Bhat-Patel priya.bhat-patel@carlsbadca.gov Council member
Cori Schumacher cori.schumacher@carlsbadca.gov Council member
Melanie Saucer Melanie.Saucier@carlsbadca.gov City Planner
Don Neu Don.Neu@Carlsbadca.gov City Planner
Jennifer Jesser Jennifer.Jesser@Carlsbadca.gov City Planner

From: [Joe Sardina](#)
To: [Melanie Saucier](#)
Subject: Local Coastal Program Update
Date: Wednesday, November 06, 2019 5:24:44 PM

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?

Thanks.

~ Joe Sardina
4009 Canario St.

Sent with [ProtonMail](#) Secure Email.

From: [Jonnie Johnson](#)
To: [Melanie Saucier](#)
Subject: comments for Coastal Plan
Date: Wednesday, November 13, 2019 9:23:09 AM

Subj: Carlsbad Coastal Plan

After attending the presentation re: the draft Coastal Plan, I see a glaring omission. 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 *west*. The same area where sea caves are collapsing, pushing the bluffs *east*.

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 *east* 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.

January 31, 2020

Dear City of Carlsbad Planning Department:

Thank you for extending the deadline for responses to the City of Carlsbad Draft Local Coastal Plan (LCP) for Carlsbad. When large planning documents or policies are submitted for public review over the December holiday period, it many times goes unnoticed by the public and may diminish the public response, so I appreciate the delay.

EDUCATION

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.

SPECIFIC DETAILS

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 *Sea Level Rise Adaptation Plan* (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.

SETBACK POLICY AND LANDSCAPE STANDARDS - COASTAL HAZARD OVERLAY ZONE

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.

SEAWALLS AND COASTAL ARMORING

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 publics 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. 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.

COASTAL CORRIDOR

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.**

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.

I appreciate all the work that has been done to prepare the Draft LCP and the effort to incorporate the best available science into the planning process. Please consider the comments of the citizens of Carlsbad and revise the document that will be a guiding document for Carlsbad in the challenges we face along the coast in the years ahead.

Respectfully,
Kathy Steindlberger

Public Comment

Kathy Steindlberger

name | organization

kathyan dan@yahoo.com

email

phone

3479 Corvallis St

street address

92010

ZIP

Comments

Coastal commission staff report for Del Mar
Local Coastal Plan update (which was denied)
stated that Del Mar's LCP was an "informational
document written in narrative form", and
Coastal cannot rely on content in an
informational document to determine

continue on back if needed >

over →

whether an LCP is consistent with the Coastal Act. Carlsbad's Draft LCP seems informational, ~~not~~ and does not include specific language. Why do you expect this LCP will be approved when Del Mar's was not.

Coastal wanted language to include triggers, for future updates, impact thresholds, overlay zone maps, etc. Carlsbad's LCP refers in 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.

From: [Kenneth Barnett](#)
To: [Melanie Saucier](#)
Subject: LCP Plan
Date: Wednesday, October 30, 2019 4:00:23 PM

Ms Saucier:

I live in the Solamar Mobile Estates community located immediately south of the Hilton Garden Inn. I attended the October 29 LCP meeting.

We at Solamar have been monitoring the potential realignment of Carlsbad Blvd. west of us for many years. In recent years, we have been in regular contact with Gary Barberio, Assistant City Manager, on this issue. He has visited us at Solamar, and we have visited him at his office. Additionally, I regularly ask him to update the Coastal Corridor plans so I can report to our HOA board of directors. Gary has been of immense help, and we appreciate his direct and forthright approach, which keeps the bureaucratic double talk to a minimum. I'm sure he gets tired of me bugging him on behalf of the HOA, but we are determined to be the "squeaky wheel" to be sure our presence is not forgotten. Obviously, any changes to the roadway immediately west of us would have a major impact on our quality of life in terms of noise, viewscape, etc.

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.

My question for you (finally!) 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.

Thank you for any information you can supply.

Best,

Ken Barnett
760-975-8631
Kensallybarnett@sbcglobal.net

Sent from my iPhone

From: [Lance Schulte](#)
To: [Melanie Saucier](#); [Council Internet Email](#)
Cc: [Cort Hitchens](#); [Erin Prahrer](#); [Gabriel Buhr](#)
Subject: Need an editable copy of the Draft LCPA

Melanie & City Council:

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.

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.

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?

Sincerely,
Lance Schulte

Need an editable copy of the Draft LCPA

Lance Schulte <meyers-schulte@sbcglobal.net>

To: Melanie Saucier <Melanie.Saucier@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>

Cc: Cort Hitchens <cort.hitchens@coastal.ca.gov>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Gabriel Buhr <gbuhr@coastal.ca.gov>

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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?

Sincerely,
Lance Schulte

From: [Lance Schulte](#)
To: [Jennifer Jesser](#)
Cc: [Melanie Saucier](#); [Celia Brewer](#); [Council Internet Email](#); ["Cort Hitchens"](#); ["Erin Prahler"](#); ["Gabriel Buhr"](#); ["Mike Sebahar"](#); ["Harry Peacock"](#); ["John Gama"](#); ["John Gama"](#); ["Chas Wick"](#); ["Stacy King"](#); ["Don Neu"](#); ["Nika Richardson"](#); ["WILLIAM VAN CLEVE"](#); ["Jim Nardi"](#); ["Lisa Urbach"](#); [Fred Sandquist](#); [David Hill](#); ["David Hill"](#)
Subject: LCPA public Comment - Existing and LCPA Proposed policy-requirement to move Carlsbad Blvd inland in South Carlsbad & movement of High-Priority uses to respond to a new-natural shoreline-bluff
Date: Monday, November 18, 2019 8:30:17 AM

Jennifer:

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:

1. What Local Coastal Program (LCP) and/or City policy, ordinance, or criteria required the developers to move the Carlsbad Boulevard lanes inland?
2. What is/was the specific language and location citation for such policy, ordinance, or criteria?
3. Is that language being maintained in the Proposed LCP Amendment, and if so where and what is the language?
4. If not, why is it being eliminated or altered in the LCPA?
5. 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?
6. I understand that the landscape frontage of the Cape Rey Resort is actually City property, is that true?
7. Will the City be required to fund and move Carlsbad Boulevard lanes inland along the Cape Rey Resort frontage at a later date?
8. 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?
9. 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?
10. 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?
11. 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?

Thank you for including and responding to these LCPA Public Comment questions.
Lance Schulte

November 20, 2019 [hand delivered]

Chairwoman Carolyn Luna and Commissioners
Planning Commission
City of Carlsbad

Subject: Planning Commission Department Report Agenda Item 1., LCPA 15-0007 (DEV 15-0061) Overview of Local Coastal Program (LCP) Land Use Plan Update, Wednesday, November 20, 2019 at 6:00 PM., City Council Chambers

Dear Chairwoman Luna and Commissioners:

People for Ponto (P4P), a group of caring Carlsbad Citizens and other concerned parties, provides the following written comments and requests for your consideration. P4P has since 2017:

- conducted over 30 Official Carlsbad Public Records Requests that identified fundamental flaws in the prior/current planning process at Ponto,
- submitted over 40-pages of data expressing multiple Citizen concerns/recommendations about the city's proposed planning changes at Ponto,
- Provided surveys of community consensus desires,
- Sent over 2,000 emails to the City Council and CA Coastal Commission, and
- Proposed and repeatedly asked for a clear-honest-sound Community-based planning process to address Coastal planning at Ponto.

The proposed Draft Local Coastal Program Land Use Plan and Policies 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.

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.

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:

1. A Redline Version of the Existing 2016/Proposed LCP land use Plan and Policies
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.
3. Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and for Citizen Workshops.

Reasons for these 3 requests:

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
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:
 - Strawberry Fields Area at Aqua Hedionda Lagoon
 - Encina Power Plant
 - Ponto.

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.

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

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.

Thank you for your consideration. Please feel free to contact us at info@peopleforponto.com People for Ponto as technical experts with decades of high-level experience in city management and city/urban planning, Coastal (LCP/CDP) planning, law and other professions. If you have any questions, require more information, or wish to talk with us, we look forward to hearing from you!

Sincerely,

Lance Schulte
People for Ponto

cc:

Mayor and City Council
Jennifer Jesser, Planner

Cort Hitchens, Gabriel Buhr and Erin Prahler, California Coastal Commission

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.

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.

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).

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

From: [Laura Walsh](#)
To: [Melanie Saucier](#); [Jennifer Jesser](#)
Subject: Fwd: Local Coastal Program Informational Meeting Tonight
Date: Friday, November 01, 2019 3:54:42 PM

Hi Melanie and Jennifer,





Thanks for hosting this meeting earlier this week. 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.

Best,
Laura W.

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

From: City of Carlsbad <planning@carlsbadca.gov>
Date: Tue, Oct 29, 2019 at 11:30 AM
Subject: Local Coastal Program Informational Meeting Tonight
To: <lauraw@surfridersd.org>

Having trouble viewing this email? [Click here](#)

	
	<h2>Local Coastal Program Informational Meeting Tonight</h2> <p>The City of Carlsbad has released an update to the Local Coastal Program, a plan for how land can be used in the coastal zone. The draft plan is now available for review and comment.</p> <p>An informational meeting will be held tonight to provide an overview of the updates to the plan and answer questions.</p> <h3>Informational Meeting</h3> <p>Tuesday, Oct. 29, 6 to 8 p.m. Faraday Administration Center 1635 Faraday Avenue Carlsbad, CA 92008</p> <h3>How to Provide Comments</h3> <p>Comments should be provided via mail or email by Nov. 29, 2019:</p> <p>Melanie Saucier Associate Planner 1635 Faraday Avenue</p>
<h4>Quick Links</h4> <ul style="list-style-type: none">Meeting CalendarLaws & PoliciesPublic RecordsCity CharterBoards & Commissions <hr/> <h4>Contact Us</h4> <p>City of Carlsbad planning@carlsbadca.gov 760-602-4610</p> <p>1635 Faraday Ave. Carlsbad, CA 92008</p> 	

Carlsbad, CA 92008
melanie.saucier@carlsbadca.gov
760-602-4605

What's New?

The latest updates to the plan include new sections on the following:

- **Sea Level Rise:** What hazards affect Carlsbad's coastline due to sea level rise and how the city will address these hazards
- **Lower-Cost Visitor Accommodations:** Protection of lower-cost visitor accommodations to provide access to the coast at a range of affordability levels
- **Scenic Coast Viewshed Protection:** How the city will protect public views of the coast

More Information

- View the [Draft Local Coastal Program Update](#)
- See a map of [Carlsbad's coastal zone](#)
- Read the [Local Coastal Program fact sheet](#)



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

[SafeUnsubscribe™](#) lauraw@surfridersd.org

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Sent by planning@carlsbadca.gov

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For our oceans, waves, and beaches

Laura Walsh | Policy Coordinator | [Surfrider Foundation San Diego County](#) |

702.521.8196 | lauraw@surfridersd.org

From: [Linda](#)
To: [Melanie Saucier](#)
Subject: Coastal Plan
Date: Thursday, January 30, 2020 8:02:33 AM

Dear Melanie,

Not knowing exactly how to phrase this in more general and applicable terms, I'll just tell you about my personal concern.

I live within the coastal zone in an older home which is not in a development.

Part of my land is deeded as non-developable. This is one of the reasons we bought the property.

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?

Thank you in advance for your response.

Linda Petrucci

Sent from Xfinity Connect Application

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

From: [Lloyd Elliott](#)
To: [Melanie Saucier](#)
Subject: Coastal program
Date: Wednesday, November 06, 2019 8:33:30 AM

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? Lloyd Elliott

Sent from my iPad

From: [jpsantoro](#)
To: [Melanie Saucier](#)
Subject: Reverse Parking Issues (Status?)
Date: Thursday, November 21, 2019 6:07:58 AM

Dear Melanie Saucier,

We own a home in Carlsbad directly off of Carlsbad Blvd (5285 Shore Dr).

Over a year ago I started a dialog via email with Jonathan (Jonathan.Schauble@carlsbadca.gov). For some reason he stopped responding to our dialog. Then unfortunately, my Dad who was battling cancer, passed away this year so I was unable to follow up with our conversation. I recently tried to email Jonathan again and he has not replied. Maybe he has a new email address?

I was voicing our concerns regarding the Reverse Parking Plans which my neighbors had called to my attention. They also thought the idea was bad. I have not been able to find online the status of the Reverse Parking Plans.

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 are regarding the potential for:

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.

I have Googled reports of other cities who have tried reverse parking. I saw videos of drivers honking and displaying poor behavior due to frustrations. We have bumper to bumper traffic any time of the year along the boulevard already. I just don't see how the flow of traffic will be improved with people stopping to have to back into a parking spot. I don't believe that roundabouts will alleviate this issue either.

Also, people enjoy the views of the shoreline while driving down the boulevard. I expect that there will be more fender benders with people not seeing stopped vehicles ahead because they have to come to a full stop to back into a spot. Just doesn't seem like a smooth flow. Seems like the flow of traffic would be better if a forward moving car could just pull straight into a spot rather than stopping-putting into reverse-backing in (multiple attempts?)...

I realize that it might be thought that reverse parking will be safer for the bike lane but with rear view cameras on cars, that doesn't make sense. If you have a reverse parked truck with a big hood, one needs to pull out 1/2 way to get a view of bikers due to a car parked next to them obstructing the direct view. Most cars DON'T have cameras on the front bumpers. This does not make sense.

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>

Please let me know the status of the Reverse Parking Plan.

Thank you for your input and assistance.

Marina Santoro

[951-264-0521](tel:951-264-0521)

Sent from my Verizon, Samsung Galaxy smartphone

From: [Mike Colvin](#)
To: [Melanie Saucier](#)
Subject: local coastal plan
Date: Wednesday, October 16, 2019 4:30:03 PM
Attachments: [image547000.png](#)

Hello Melanie,

I'm unable to make the meeting on 10/29 due to working at night. However, I would like to give my input. There are two issues I see that I think Carlsbad needs to address.

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.

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.

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:

- 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.

I know it will cost money but I think our community is worth it.

Mike Colvin
Superintendent

1801 Penhall Way, Anaheim, CA 92801
Office: 714.589.2270 | Mobile: 619.840.0066
Fax: 714.589.2270
mcolvin@penhall.com | www.penhall.com

Penhall Company Image



Concrete Sawing, Drilling, Scanning and Breaking

January 28, 2020

Melanie Saucier
1635 Faraday Avenue
Carlsbad, CA 92008

RE: Draft Local Coastal Plan – Policy LCP-5-P-28 – Retaining Walls

Dear Ms. Saucier,

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.

I understand staff’s 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:

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.

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.

We look forward to the opportunity to work with you to address this concern. Please feel free to contact me if you have any questions.



Mike Howes

RECEIVED

JAN 28 2020

CITY OF CARLSBAD
PLANNING DIVISION

January 23, 2020

Melanie Saucier, Associate Planner

City of Carlsbad

Sent via email to melanie.saucier@carlsbadca.gov

Subject: Comments on Local Coastal Program Update

Dear Ms. Saucier:

These comments about the local coastal program update (LCP) are submitted on behalf of North County Advocates. Our mission is: To preserve and protect the quality-of-life, environment and character of Coastal North County of San Diego, especially La Costa and Encinitas, from the negative impacts of excessive development, increased traffic, increased zoning density, increased intensity of use, pollution (air, water, land, light) or similar detrimental factors whether proposed or initiated by private or public entities.

We appreciate that this long awaited LCP update has been delayed by the schedule for the Village and Barrio Master Plan and that it has been a complex task to integrate that, and the 2015 General Plan into a coordinated document. However, in spite of this long time in process, we are concerned about the number of controversial issues that have not been through an adequate public review process. We request that there be a robust public outreach to address the issues raised in these comments.

The following are our specific comments:

Land Use

- 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.
- 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?
- 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.
- 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.

-

Parks and Recreation

- 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.

-

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.”

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.

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.

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.

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.

- 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.

Accommodations

- 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.
- 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.

North County Advocates

7668 El Camino Real, Suite 104-258, Carlsbad CA 92009

- 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.
- 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.
- LCP-3-P.21 might require higher than a 1:1 replacement in order to achieve the 2% annual increase in demand.

Coastal Access

- The discussion of vehicular access fails to discuss TDM and efforts to shift mode share from single occupant vehicles to alternative transportation. Please add.
- 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.

Agriculture

- 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.

Scenic and Visual Resources

- 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.

Environmental Sensitive Areas and Water Quality

- 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.

North County Advocates

7668 El Camino Real, Suite 104-258, Carlsbad CA 92009

- 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.
- Add reference to the recently adopted Heritage Tree Program.
- Add reference to and relevant policy related to ongoing implementation of Water Quality Improvement Plan (WQIP).

Coastal Hazards

- 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.
- 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.
- 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 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.
- 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.

Thank you for considering our comments and incorporating our recommendations.

Sincerely,



Howard Krausz, M.D.

President, North County Advocates

From: [Paul Illingworth](#)
To: [Melanie Saucier](#)
Subject: Local Coastal Program
Date: Thursday, October 17, 2019 8:24:45 PM

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.

Sent from my iPhone

Jennifer Jesse
Senior Planner
Community Development Department
Planning
1635 Faraday Avenue
Carlsbad, CA 92008
760-602-4637
Jennifer.jesser@carlsbadca.gov

RE: Draft Local Coastal Program Land Use Plan

Dear Jennifer,

We own Special Planning Subarea 3 as depicted in Figure 2-2c – Special Planning Areas – Ponto/Southern Waterfront B.

After reviewing the Draft LCP Land Use Plan, we have the following comments:

1. Section 3.4 – Recreation and Visitor-Serving Uses Policies.
 - 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.
2. Section 5.5 – Agricultural, Cultural and Scenic Resources Policies.
 - 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.

Phil Wolfgramm
Newage Carlsbad Resort, LLC

From: [Richard Walsh](#)
To: [Melanie Saucier](#)
Subject: Public Review Comments Local Coastal Program
Date: Wednesday, October 30, 2019 12:53:51 PM

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 nights presentation I had the feeling that the 'Retreat Approach' was dismissed out of hand. Hopefully I got the wrong impression.

Yours,

Richard F Walsh
907 Caminito Estrada Unit B, Carlsbad, CA 92011

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



January 20, 2020

Jennifer Jesser
Senior Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Response sent via email:
Jennifer.jesser@carlsbadca.gov

Re: Local Coastal Program Land Use Plan Update/LCPA 2015-0007

Dear Ms. Jesser,

This letter is written on behalf of the Rincon Band of Luiseño Indians. This letter is to follow up on our phone consultation and we thank you for the opportunity to further consult on this project.

Embedded in the Luiseño territory are Rincon's history, culture and identity. Rincon has knowledge of cultural resources within or in close proximity to the proposed project site. We have the following comments and concerns regarding the Plan Update:

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.

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.

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".

Bo Mazzetti
Chairman

Tishmall Turner
Vice Chair

Laurie E. Gonzalez
Council Member

Alfonso Kolb, Sr.
Council Member

John Constantino
Council Member

Again, per our conversation 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.

- 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.
- 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.
- 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.
- 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.

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.

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). 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.

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.

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.

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.

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.

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.

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.

Additionally, we ask that any cultural surveys pertaining to the project sites, will be provided to the Rincon Band.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cheryl Madrigal', is written over a light blue horizontal line.

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resource Manager

From: shantyod@gmail.com
To: [Melanie Saucier](#)
Subject: Carlsbad Dog Beach
Date: Monday, October 21, 2019 12:03:37 PM
Attachments: [image001.png](#)

We spoke briefly last week Melanie with the French last name.

I wonder what it would take to get a vote on a Carlsbad Dog Beach?

We certainly have our fair share of beachline here in Carlsbad. More than most I reckon.

Please point me in the right direction.



Robert O'Donnell
1129 Scrub Jay Court
760-212-0072

From: [sean.de.gruchy](#)
To: [Melanie.Saucier](#)
Subject: Status of Local Coastal Program Land Use Plan Update
Date: Wednesday, October 16, 2019 2:10:17 PM

Melanie

I recently received a notice from the city regarding the " Local Coastal Program Update" and your email was provided as a contact for comments.

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.

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.

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.

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.

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 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.

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 :-

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).

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.

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.

Yours, Sean De Gruchy



Explore, Enjoy &
Protect the Planet

January 29, 2020

Melanie Saucier, Associate Planner
City of Carlsbad
melanie.saucier@carlsbadca.gov

Subject: Comments on City of Carlsbad Local Coastal Program Update

Dear Ms. Saucier:

These comments on the Local Coastal Program (LCP) update are submitted on behalf of the Sierra Club.

There are many new policies which will help guide future development along the coast. 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). In addition, there are several other issues which should also be addressed before the LCP is finalized which are included below.

The following are our specific comments:

Sea Level Rise/Adaptation

- 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 place prior to 2050, vulnerable.
- 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:

"...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"

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:

"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."

- 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.
- # 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.
- # 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.
- # 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.
- # 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.

- 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.

Other Issues

- 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 I-5 freeway. The LCP should provide a framework for this future SP, including what would and would not be allowed.
- 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.
- 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 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.
- 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.

- 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.

<https://mail.google.com/mail/u/0/#inbox/FMfcgxwGCtFVHlIDftRJQSFdzGSXfhpg>

<https://www.ydr.com/in-depth/news/2019/11/18/old-artificial-turf-fields-pose-huge-waste-problem-environmental-concerns-across-nation/2314353001/>

<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/2019/12/fields-of-waste-artificial-turf-mess/>

http://maeresearch.ucsd.edu/kleissl/pubs/YaghoobianetalJAM2010_AT.pdf

Thank you for considering our comments. Please feel free to contact our Conservation Co-Chair, Diane Nygaard, at dnygaard3@gmail.com, with questions regarding our comments.

Sincerely,



Sally Prendergast
Chairperson, Sierra Club North County Coastal Group

From: [Stanley D. Prowse](#)
To: [Melanie Saucier](#)
Subject: RE: Scare Photo
Date: Wednesday, November 06, 2019 7:13:05 PM

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.

Stanley D. Prowse
Law Office of Stanley D Prowse
7206 Aviara Dr.
Carlsbad, CA 92011
760-438-8460
sprowse@stanprowse.com

From: Stanley D. Prowse
Sent: Wednesday, November 6, 2019 5:59 PM
To: 'Melanie Saucier' <Melanie.Saucier@carlsbadca.gov>
Subject: RE: Scare Photo

Dear Ms. Saucier,

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.

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.

Stan Prowse

Stanley D. Prowse
Law Office of Stanley D Prowse
7206 Aviara Dr.

Carlsbad, CA 92011
760-438-8460
sprowse@stanprowse.com

From: Melanie Saucier <Melanie.Saucier@carlsbadca.gov>
Sent: Wednesday, November 6, 2019 4:23 PM
To: Stanley D. Prowse <sprowse@stanprowse.com>
Subject: RE: Scare Photo

Stanley,

Thank you for your email. The photo you reference was taken a few years ago during storm conditions. It was not our intent to scare anyone with this photo. Thank you for bringing your concern to our attention.

Planning Commission and City Council public hearings on the draft update are anticipated to be scheduled in early 2020. Your comments will be included in the staff reports to the Commission and City Council for their consideration.

Thank you for your interest and feedback.

Sincerely,

City of Carlsbad Planning Division

From: Stanley D. Prowse <sprowse@stanprowse.com>
Sent: Wednesday, November 06, 2019 1:14 PM
To: Melanie Saucier <Melanie.Saucier@carlsbadca.gov>
Cc: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>
Subject: Scare Photo

Dear Ms. Saucier:

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 an 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.

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.

It is a sad day when my City government stoops so low.

Stan Prowse

Stanley D. Prowse
Law Office of Stanley D Prowse
7206 Aviara Dr.
Carlsbad, CA 92011
760-438-8460
sprowse@stanprose.com



LOFTIN | BEDELL
ATTORNEYS AT LAW

Via Email: Melanie.Saucier@Carlsbadca.gov

November 26, 2019

Melanie Saucier
Associate Planner, City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

RE: Comments to Draft Local Coastal Program, Land Use Plan Update (“**Comments**”)

Dear Ms..Saucier:

These Comments to the proposed City of Carlsbad (“**City**”) Local Coastal Program Land Use Plan Update (“**Plan**”) are submitted by me, L. Sue Loftin, individually. My interest in Carlsbad are varied: (i) I own my home and live in Carlsbad in the Coastal Zone; (ii) My two daughters with their families own their homes and live in Carlsbad; and (iii) I own a business in Carlsbad with one of my daughters, the law firm of Loftin|Bedell P.C. and my other daughter and her husband operate their business from Carlsbad.

In preparation for these Comments, I attended the October 29, 2019 Information Meeting and the presentation by staff to the Chamber of Commerce Board of Directors, and reviewed the Draft Plan but due to the timing of the issuance of the Plan have not reviewed the components of the Local Coastal Program Implementation Plan as indexed in the Plan, section 1.5, p. 1-25(“implementation Plan”).

GENERAL COMMENTS

1. Assumptions:
 - a. The purpose of this Plan is to consolidate the various amendments to the Existing Plan into one document, the Plan;
 - b. There will be no amendments or “new” Implementation Plan which means that review of the Plan would also require a review.
2. Comments: Preparing and coordinating this Plan with the Coastal Staff is a challenging, time consuming and expensive effort on the part of City staff. These comments are made in recognition of those efforts.
 - a. 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

Melanie Saucier
Associate Planner, City of Carlsbad
November 26, 2019
Page 2 of 8

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.

- b. 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.
- c. 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.

ADDITIONAL COMMENTS

1. Balance of All Interests, Including Property Owners. 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. See, *LCP-7-P20*. 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”.
 - a. 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

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Associate Planner, City of Carlsbad
November 26, 2019
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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.

- b. 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.

2. Chapter 2: Land Use.

- a. Land Use: Nonconforming Uses. 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.
- b. Distinction between City and Coastal permit Authority after Plan Certified. 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.”¹

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.

- c. Conflict with State Housing Mandate: 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

¹ 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).

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residential; however, the same issues apply to multi-family housing and commercial uses. *See, also*, LCP-3-P.-15; LCP-3-P.-16.

- d. **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 *supra and prior*. The United States Supreme Court applied the unconstitutional conditions doctrine in the land-use context in *Nollan, supra*, 483 U.S. 825, and *Dolan v. City of Tigard* (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. (*Nollan, supra*, 483 U.S. at p. 837 [requiring an “essential nexus” between a permit condition and the adverse impacts caused by the proposed project]; *Dolan, supra*, 512 U.S. at p. 391 [requiring “rough proportionality”].) Otherwise, the condition is unconstitutional. (*Dolan*, at p. 385.) *See*, LCP.-3P.-16 through LCP-3-P.21, inclusive.
3. **Chapter 3. Recreational and Visitor Serving Uses.** The concept of this section is consistent with the general desire to provide recreational opportunities and amenities to draw visitors. The implementation through this document is objectionable.

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.

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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.

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

4. Chapter 4 Public Access.

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]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....*

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.

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.

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.

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

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efforts to prohibit trespassing, the state uses LCP-4.P.21 to obtain an easement by use (prescriptive rights).

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.

5. Chapter 5 Agriculture/Scenic Coastal Viewsheds.

The objections set forth above 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.

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.

6. Section 6. Environmentally Sensitive Habitat Areas and Water Quality.

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.

7. Chapter 7. Coastal Hazards.

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.

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 *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....* Again, the

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issue is what is the definition of “existing structure?” There is no definition applicable throughout the Plan. *See, LCP-7-20*; and as discussed *supra* 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.²

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:

- a. managed retreat LCP-7-P9, LCP-7-P2, LCP-7-P22, LCP-7-P.27;
- 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;
- 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);
- d. limitation on duration of uses on coastal real property LCP-7-P.9³ ;
- 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;
- 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

² 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.

³ 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. (*Wooster v. Department of Fish & Game* (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." (*Wolford v. Thomas* (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. (*Southern Cal. Edison Co. v. Bourgerie* (1973) 9 Cal.3d 169, 172-173.)

LOFTIN | BEDELL, P.C.

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- 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.

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.

Thank you, in advance, for reviewing and responding to these comments. As a closing reminder, I recommend you provide the residents of the City of Carlsbad with additional time to respond to the Draft Plan. If you would like to discuss any of the above comments, please feel free to contact me.

Sincerely,

LOFTIN | BEDELL P.C.


L. Sue Loftin



City of Carlsbad
Attn: Mr. Scott Chadwick, City Manager
1635 Faraday Ave.
Carlsbad, CA 92008
schadwick@carslbadca.gov

Dear City Manager Chadwick,

The Surfrider Foundation's San Diego Chapter (Surfrider San Diego) appreciates this opportunity to provide comments on the proposed amendment of the Land Use Plan (LUP) element of the Local Coastal Program (LCP) for Carlsbad.

Surfrider Foundation (Surfrider) is a nonprofit environmental organization that engages a vast volunteer network of ocean users to protect the ocean, waves, and beaches. Surfrider San Diego represents thousands of ocean recreation users — from surfing to seabird watching and beachgoing — as well as the coastal communities and economies that rely on them throughout the region.

Background

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.

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.

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.

LCP-7-P.20 directs the city to:

*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]).*

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):

"...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)

Section 30235 of the Coastal Act defines existing development:

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. (Coastal Act Section 30235)

Section 30253 of the Coastal Act denies new development the right to future armoring:

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. (Coastal Act Section 30253)

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.

In addition, the definition of "redevelopment" needs to be established in the LUP.

Scenario-based planning

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.

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.

Mitigation of impacts from seawalls

We appreciate that the LUP demonstrates the need to mitigate the use of new shoreline protective devices, particularly in LCP-7-P.23, which:

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.

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.

Flood maps and flood preparation

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:

*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.***

Geologic setbacks

Geologic setbacks are mentioned in Chapter 7 and consider erosion, including erosion due to sea level rise. LCP-7-P .14B states:

*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.***

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 “*Establishing development setbacks from coastal bluffs,*”¹ a 2003 memorandum to the Coastal Commission completed by a staff geologist.

Land use and sea level rise

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:

“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.” (Carlsbad Local Coastal Program)

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.

¹ <https://www.coastal.ca.gov/W-11.5-2mm3.pdf>

Conclusion

In closing, we acknowledge the thoughtful work that has been done in Carlsbad to put forth a Land Use Plan that takes meaningful steps to include the best science on sea level rise in the planning process. We strongly urge the City to remove the proposed re-definition of 'existing development'. The City should also clarify how scenario-based planning will be achieved, either in this plan or through the implementation plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Walsh". The signature is fluid and cursive, with the first name "Laura" written in a larger, more prominent script than the last name "Walsh".

Laura Walsh
Policy Manager
San Diego Chapter, Surfrider Foundation

From: [Tom White](#)
To: [Melanie Saucier](#)
Subject: INPUT LOCAL COASTAL PROGRAM
Date: Thursday, November 28, 2019 5:37:59 PM
Attachments: [2019 11 28 - Map Showing La Costa Downs Sub-division.pdf](#)

Please see attachment.

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.

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.

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?

Thank you,

Tom White

6453 Franciscan Road

Carlsbad, CA 92011

City of Oceanside

City of Oceanside

Calavera Lake

COLLEGE BLVD

MARRON RD

CAS FLORES DR

CARLSBAD VILLAGE DR

Buena Vista Lagoon

TAMARACK AVE

Aqua Hedionda Lagoon

CANNON RD

FARADAY AVE

EL CAMINO REAL

COLLEGE BLVD

AVIARA DR

PALOMAR AIRPORT RD

AVIARA PKWY

POINSETTA LN

AVIARA PKWY

Pacific Ocean

SEAPORT RESORT

LA COSTA Downs (SURREY) DE LN FRANCISCAN RD

AVIARA BLVD

AVIARA BLVD


Batiquitos Lagoon

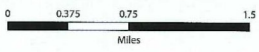
LA COSTA AVE

City of Encinitas

LEGEND

 Coastal Zone

 City Limit



From: [Tommy Dean](#)
To: [Melanie Saucier](#)
Subject: Coastal Program
Date: Thursday, January 30, 2020 8:17:04 AM

Part 1.

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.

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 vagrants. My Ocean Street is adjacent to Magee Park and there is a slow but surely increase in vagrants. 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.

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 commission has such power over the coast line, they should step up and create and enforce laws that would protect these vagrants from our land if they camp without permits overnight.

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

From: [Tommy Dean](#)
To: [Melanie Saucier](#)
Subject: coastal project part 2
Date: Thursday, January 30, 2020 8:20:35 AM

Part 2.

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.

Go check out the coastal trails in San Clemente and see how bad this will get unless action is taken.

Thank you for your hard work,

Tommy Dean
8588292304

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

From: [Vickey Syage](#)
To: [Melanie Saucier](#)
Cc: [Council Internet Email](#); [Scott Chadwick](#); [Celia Brewer](#); [Matthew Hall](#); [Cori Schumacher](#); [Keith Blackburn](#); [Priya Bhat-Patel](#)
Subject: LCP Comments
Date: Friday, January 31, 2020 9:30:54 AM
Attachments: [TR vs VC memo.pdf](#)

Dear Ms. Saucier,

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.

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.

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. This LCP may NOT override the will of the Carlsbad voters.

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.

I've attached both the April 6, 2016 letter and a link to Proposition D, both of which are to be included with my comment letter.

Thank you.

Kind Regards,
Vickey Syage

Attachments: April 6, 2016 letter from Jennifer Jesser, Senior Planner -City of Carlsbad to Kevin Crawford, City Manager - City of Carlsbad

City of Carlsbad Proposition D links:

<https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=34877> (Link NOT working on City of Carlsbad's website at the time of writing this email).

<http://www.smartvoter.org/2006/11/07/ca/sd/prop/D/> - Archived link to original voter material

<https://www.carlsbadca.gov/cityhall/clerk/summaries/propD.asp> City of Carlsbad Proposition Overview Link

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

Memorandum

April 6, 2016

To: Kevin Crawford, City Manager
From: Jennifer Jesser, Senior Planner
Via: Gary Barberio, Assistant City Manager
Re: **Visitor Commercial (VC) Land Use Designation**

The attached exhibits (described below) were prepared in response to recent community concerns and questions regarding the new Visitor Commercial (VC) General Plan land use designation applicable to numerous properties, including the property located at the northeast corner of Cannon Road and Interstate 5 (related to the Agua Hedionda South Shore Specific Plan (AHSP) initiative). The information describes the intent of the changes adopted with the General Plan update, which changed the “Travel Recreation Commercial (TR)” land use designation to “Visitor Commercial (VC)”, and describes how those changes relate to the AHSP initiative.

Exhibits (attached):

Exhibit A – Summary of TR to VC land use designation changes

This exhibit provides information with answers to questions regarding the land use designation changes that were approved with the General Plan update, as well as how those changes were separate from and unrelated to the AHSP initiative.

Exhibit B – Map of TR vs VC designated properties

This exhibit shows the properties designated TR (prior to the General Plan update) and the properties designated VC (after the General Plan update). This shows that the TR to VC changes applied to numerous properties citywide, not just the AHSP initiative property.

SUMMARY

TRAVEL RECREATION COMMERCIAL (TR) VS. VISITOR COMMERCIAL (VC) LAND USE DESIGNATIONS

A. Background –General Plan Update

In January 2008, the city initiated a comprehensive update to its General Plan. On September 22, 2015, the Carlsbad City Council approved the comprehensive General Plan update (text and land use map), including, for consistency with the General Plan, amendments to the city’s Zoning Ordinance, Zoning Map, and Local Coastal Program Land Use Map. The comprehensive General Plan update consisted of numerous changes to General Plan policies and information throughout all elements of the plan, including revisions to the Travel Recreation Commercial (TR) land use designation (part of the Land Use and Community Design Element), as described below.

B. Compliance with Coastal Act – visitor serving commercial recreation is a priority land use

Section 30222 of the California Coastal Act states:

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.

Consistent with the Coastal Act, as part of the city’s Local Coastal Program, the city has identified which lands are suitable for visitor-serving commercial recreational facilities. Historically, the city has utilized the Travel Recreation Commercial (TR) land use designation (or, prior to the 1994 General Plan update, the Travel Service Commercial (TS) land use designation) to identify the lands intended for visitor-serving commercial recreational land uses.

C. What did the GP Update TR to VC land use designation changes include and why where the changes proposed?

1. General Plan text changes

a. Land use designation title change

The title “Travel Recreation Commercial (TR)” was replaced with “Visitor Commercial (VC)”.

The title change did not change the primary intent of the land use designation. In fact, the new “Visitor Commercial (VC)” title was intended to be more intuitive and user-friendly by more directly describing the intended land use of the designation. The title change also more directly reflects the expressed Coastal Act land use priority, and more clearly represents how the designation is different than the city’s other commercial land use designations (Local Shopping Center (L), General Commercial (G), and Regional Commercial (R)). Whether the designation is titled TR or VC, the primary difference when compared to the other commercial designations is the focus on visitor-serving commercial and recreation uses.

b. Minor changes to land use designation description

All of the city’s commercial designations provide sites for commercial uses that serve residents, as well as visitors. However, VC (or TR) is a designation that provides sites for uses that are more oriented to those that serve the needs of visitors; such as, hotels, visitor-

serving retail, restaurants, gas stations, and recreation uses. The General Plan update included minor revisions to the description of the land use designation for reasons of clarity and consistency with the writing style of the updated General Plan; however, those changes did not change the intent of the designation. As shown below, both the “TR” and “VC” designations are intended for commercial uses that serve visitors.

Table 1 – Descriptions of TR and VC Land Use Designations

TR Land Use Designation Description (per previous General Plan Land Use Element)	VC Land Use Designation Description (per 2015 General Plan Land Use and Community Design Element)
<i>This land use category designates areas for visitor attractions and commercial uses that serve the travel and recreational needs of tourists, residents, as well as employees of business and industrial centers.</i>	<i>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, as described in Table 2-4.</i>

c. Refined description of visitor commercial uses

In addition to the title and the description of the VC land use designation changes, the General Plan update also refined the description of typical land uses allowed in the VC land use designation. The changes added “visitor-attracting/serving retail” and “cinemas and other entertainment uses” to the description of the typical land uses allowed within the VC designation. The General Plan update also added the ability to include residential uses in combination with a visitor commercial development, provided the primary use of the property is visitor-serving.

Table 2 – Descriptions of TR and VC Land Uses

TR: Description of Travel Recreation Land Uses (per previous General Plan Land Use Element)	VC: Description of Visitor Commercial Land Uses (per 2015 General Plan Land Use and Community Design Element)
<i>...uses may include, but are not limited to, hotels and motels, restaurants, recreation facilities, museums, travel support services, and specialty retail uses catering to tourists.</i>	<i>...uses may include, but are not limited to hotel/ motel, restaurant, recreation facilities, museums, travel support uses (e.g. gas station, car rental, grocery, convenience store, etc.), visitor-attracting/ serving retail, amusement parks, cinemas and other entertainment uses.</i>

- Addition of “visitor-attracting/serving retail” and “cinemas and other entertainment uses”

Since the last General Plan update in 1994, it has become evident that the types of uses that serve the travel, recreation and shopping needs of visitors (as well as tourists and residents) has expanded from the uses traditionally thought of as visitor-serving (i.e., hotels, restaurants, gas stations, souvenir shops). Commercial development in Carlsbad since 1994 has shown that visitors are also served (and drawn to the city) by specialty, visitor-serving and attracting retail developments, such as the Carlsbad Premium Outlets and The Forum Carlsbad. Entertainment uses (such as cinemas), like recreation uses, also serve the needs of visitors. The addition of “visitor-attracting/serving retail” and “cinemas and other entertainment uses” provides a more comprehensive and updated description of the types of uses that serve visitors, as well as tourists and residents, in Carlsbad today.

- Residential uses

The updated General Plan specifies that residential may be permitted in the VC designation (in combination with a visitor commercial use), provided the primary use of the property is visitor-serving. Allowing residential uses in combination with a visitor commercial use:

- Allows flexibility in project design
- May assist in the viability of a commercial development
- Promotes housing close to shopping and jobs (which reduces vehicle miles traveled and vehicle emissions)
- Provides an opportunity to meet demands for different housing types
- Is consistent with other commercial designations (all other commercial designations allow residential in the form of mixed use).

Prior to approving any residential use on a site designated for commercial use, the city must find the proposal consistent with City Council Policy 43 (to allow a dwelling unit allocation from the Excess Dwelling Unit Bank) and that the proposal is consistent with the Growth Management Program dwelling unit limitations.

The TR to VC land use designation text changes described above were drafted concurrent with revisions to other land use designations that involved similar changes (title change and refined descriptions) – the titles of all residential designations were changed, all public designations (utility, schools, government) were combined into a single new designation titled “Public”, and minor description changes were made to most designations.

2. General Plan Land Use Map changes

On the Land Use Map, the land use designation title on all properties previously designated TR was changed to VC, which ensures consistency with the changes made to the General Plan text, described above.

D. What is the approval status of the GP Update TR to VC land use designation changes?

The City Council’s approval of the updated General Plan became effective on October 22, 2015; however, the Local Coastal Program Land Use Map changes are not yet effective, as they are pending approval by the California Coastal Commission. Coastal Commission staff is currently reviewing the city’s amendment proposal. Until approved by the Coastal Commission, there is inconsistency between the General Plan VC land use designation and Local Coastal Program Land Use Map TR land use designation.

E. What properties were/are designated TR vs. VC?

The attached Exhibit B shows the properties that were designated TR (prior to the General Plan update) and the properties designated VC after the approval of the General Plan update.

Citywide, the General Plan update resulted in a net increase of 21 acres of land designated VC compared to the acres of land designated TR prior to the General Plan update. This increase is primarily due to the power plant site where the land use designation was changed from Utility (U) to Visitor Commercial (VC)/Open Space (OS) on approximately 70 acres.

Prior to the General Plan update, there were approximately 25 areas (single properties or contiguous groupings of parcels) designated TR (including sites that were designated TR in combination with other designations).

After the General Plan update, there are approximately 23 areas (single properties or contiguous groupings of parcels) designated VC (only one site is designated VC in combination with another designation – VC/OS on the power plant site).

F. Were the GP Update TR to VC changes proposed to allow for implementation of the Agua Hedionda South Shore Specific Plan (AHSP) initiative?

No. The AHSP initiative was a completely separate process from the GP Update. The AHSP Initiative proposed a stand-alone General Plan change that included the creation of a new “Visitor-Serving Commercial (VSC)” land use designation for a specific 203-acre property. The proposed VSC designation was a stand-alone designation for that particular property and was entirely different from and not dependent upon the GP Update TR to VC land use designation changes.

The TR to VC land use designation changes were conceived, proposed and approved by the city as part of the General Plan update. The General Plan update was initiated by the city, was completely independent and unrelated to the AHSP initiative, and began nearly seven years prior to the AHSP initiative. The General Plan update was comprehensive, as it addressed the entire city geographically, updated the community’s vision for the future and incorporated that vision into every element of the General Plan.

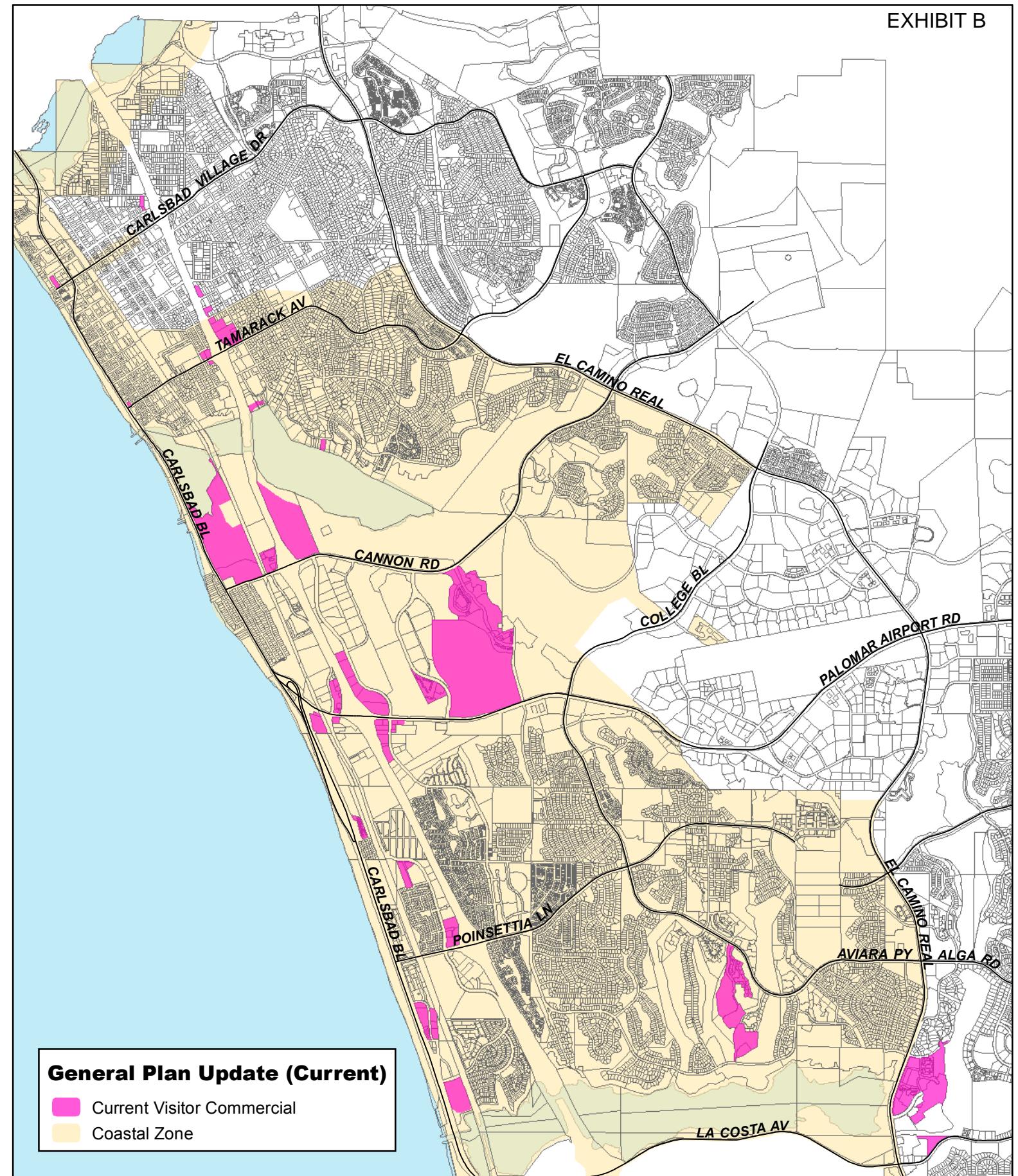
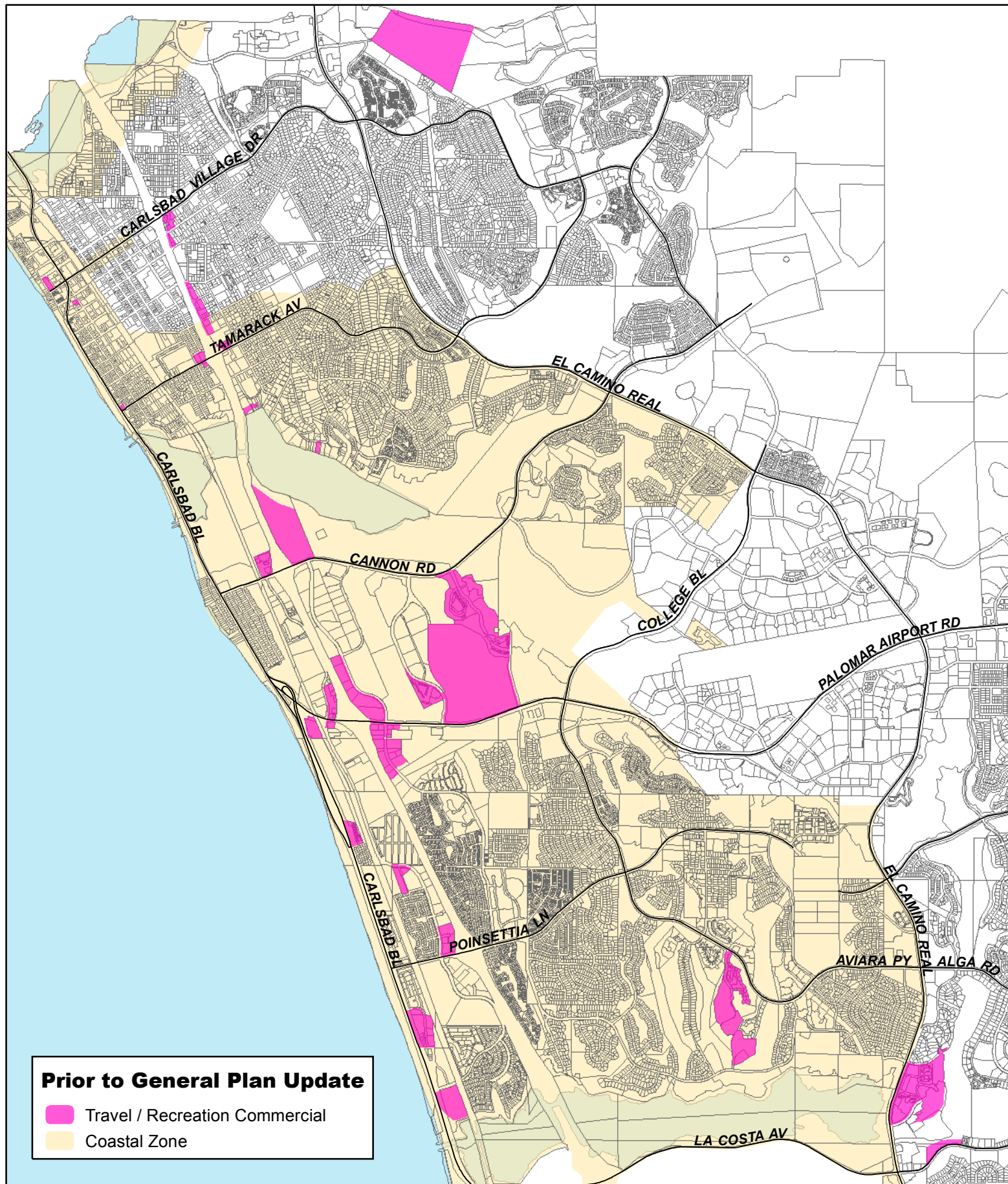
The General Plan update involved extensive community involvement, including a 19 member citizens committee, numerous workshops and stakeholder meetings, two citywide surveys, and public hearings, which culminated in the City Council’s approval of the comprehensive update in September 2015.

G. HSP initiative

The AHSP initiative was initiated on May 12, 2015, and culminated in the special election held on February 23, 2016, where Measure A was defeated, and on March 22, 2016 the rescission of the City Council prior approval of the AHSP. The initiative was proposed by Carlsbad residents, with the financial backing of Caruso Affiliated, completely independent of and not reliant upon the city’s General Plan update.

The AHSP initiative only addressed a specific and limited 203-acre geographic area east of Interstate-5, north of Cannon Road, and south of the Agua Hedionda Lagoon. The initiative proposed a new, detailed, specific, and unique General Plan land use designation titled “Visitor-Serving Commercial (VSC)”, along with unique and specific standards and regulations for development of the property. The VSC designation proposed in the AHSP initiative was not the same as and was completely independent of the new General Plan VC land use designation adopted as a part of the General Plan update. As mentioned above, the initiative’s proposed VSC designation was not dependent upon the GP Update TR to VC land use designation changes.

The VSC designation is not in effect, as Measure A was defeated on March 22, 2016. Therefore, the General Plan VC land use designation applies to the property where the AHSP initiative was proposed. The property was designated TR prior to the General Plan update, and along with the numerous other TR properties, is now designated VC.



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Previous Travel / Recreation Commercial and Current Visitor Commercial Land Use

