

FW: COMMENTS FOR HOUSING ELEMENT ADVISORY COMMITTEE MEETING 9/9/20

Planning <Planning@CarlsbadCA.gov>

Wed 9/9/2020 1:34 PM

To: Scott Donnell <Scott.Donnell@carlsbadca.gov>

From: Michele Staples <MStaples@jacksontidus.law>**Sent:** Wednesday, September 9, 2020 11:25 AM**To:** Planning <Planning@CarlsbadCA.gov>**Subject:** COMMENTS FOR HOUSING ELEMENT ADVISORY COMMITTEE MEETING 9/9/20**PLEASE READ THESE COMMENTS INTO THE RECORD****Item No. 1, Update of Staff's Presentation to City Council on Site Selection Methodologies**

- Please consider this correspondence official confirmation that the landowner of the vacant Ponto property (APN 216-140-43) at Avenida Encinas (Poinsettia Shores Master Plan Planning Area F) is supportive of land use policies that would increase housing units allocated to the property.
- Specifically, the Ponto landowner stands ready to advance the City's and State's housing goals including accommodating an allocation of affordable housing units as part of any proposed residential development of the site and utilizing the density bonus law consistent with the City's Inclusionary Housing Ordinance that was just updated in January.
- Thus, the Ponto landowner would like to inform the Committee of its interest in upzoning to enable the City to meet its RHNA housing requirements.
- The Ponto site contributes to the land capacity to accommodate Carlsbad's share of housing units and should be included on the maps that show proposed specific locations where new housing could be built in the future.
- We have observed the emails in the public comment section of the Update of Staff's Presentation calling for the downzoning of the Ponto site to create a coastal park. The landowner would strongly oppose this effort. Further, such downzoning would work against the City's housing goals and would violate the strict State housing laws recently enacted to address California's housing crisis.
- We look forward to working with the City to do our part to further its goal of properly planned development to produce safe, decent and affordable housing.

Thank you

Michele A. Staples

Shareholder

mstaples@jacksontidus.law

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Jackson Tidus is a recognized Partner in ABA-EPA's Law Office Climate Challenge

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Dear City Council, Planning-Parks-Housing Commissions, and Housing Element Advisory Board:

Many Citizens of Carlsbad again ask that the City Council, City Planning-Parks-Housing Commissions and Housing Element Advisory Committee stop and rethink spending more Citizen tax-dollars on a suboptimal Veterans Park, and creating City 'Park Inequity' for many SW, SE and NE Quadrant children, citizens, and neighborhoods including the SW quadrant Coastal Ponto area, and instead we citizens request the City Council:

1. Provide and spend tax-payer money on parks where they are needed. The City Parks Master Plan (PMP) already has identified and documents areas 'unserved' by City Parks, and areas of City 'park inequity'. [the City has a mapping error in the PMP in that Veterans Park's park service area is inaccurately located and should be accurately mapped as being about 1-mile NE of its location as shown in the PMP]
 - a. Veterans Park will be .5 mile away from both the Existing and Planned Zone 5 City Parks, and within about 1-mile of future Robinson Ranch Park. These 3-4 parks totaling 125-acres (per City data) will have overlapping and redundant service areas. It is great to have 125-acres of multiple park opportunities within about 1-mile within each other within overlapping park service areas, so long as **the City Council can/will confirm that Veterans Park it is not coming at the cost of denying any (let alone overlapping) park services to other Carlsbad neighborhoods, and planning to create and creating permanent "City Park Deserts" and 'park inequity' for those SW, SE, NE neighborhoods and children 'unserved' by City Parks as already documented in the City's Park Master Plan; and particularly in the Ponto area where Ponto Park is the most cost-efficient and appropriate City Park solution).**
 - b. The park funds to pay for Veterans Park came mostly from homeowners in the new homes build since 1991. Most all these new homes are in the SW, SE, and NE quadrants of the City. Citizens in the SW, SE, and NE quadrants are paying for park in the NW that does not best, or even reasonably, serve their park needs. These unmet or comparatively underserved park needs are from of the majority of Carlsbad Citizens that live in the SW, SE, and NE quadrants. This majority of Carlsbad Citizens that actually paid for Veterans Park live in the SW, SE and NE quadrants yet many SW, SE and NE quadrant Citizens, children and neighborhoods are not within a City Park Service Area, and certainly are not within an overlapping City Park Service Area as being proposed by Veterans Park. The City Council should address more critical documented SW, SE, and NE Quadrant 'City Park Inequity' and fill gaps in the 'City park service' in the SW, SE, and NE Quadrants as documented in the Parks Master Plan before spending tax-payer money (that mostly came from SW, SE, and NE tax-payers) on Veterans Park.
2. Direct Park expenditures and City Staff to provide more city parks within a 10-minute walk to ALL neighborhoods in Carlsbad, and particularly SW, SE and NE Quadrant neighborhoods that are currently 'unserved' by City parks.
 - a. The City Council says Veterans Park 'on paper' is supposed to provide for SW, SE and NE neighborhoods and children's future park needs even though the distance between the

park and the SW, SE, and NE neighborhood need for a park is between 2-14 miles away and out of functional access to most Carlsbad citizens and the children. Citizens and common sense knows that that Veterans Park is not the solution – and a piece of paper saying it is does not really change that fact.

- b. The Cities of Encinitas and Oceanside both park requirements to provide a City Park within a 10-minute walk to all their Citizens. This is a very traditional park planning concept that is reemerging nationwide as a logical park planning policy. Carlsbad is behind the times and continues to deny walkable City Park accessibility to Carlsbad Children and force citizens to have to drive and drive their children (increasing VMT) to get to a City Park.
 - c. Also, Carlsbad provides 40% less City parkland than both Encinitas and Carlsbad. Carlsbad only plans for and requires 3-acres of City park land per 1,000 population. Encinitas and Oceanside plan for and require 5-acres of City park land per 1,000 population.
3. Invest tax-payer Park money on actual usable parkland. Please don't invest in unusable land that falsely gets counted as being actual usable park land
- a. Veterans Park is very hilly and not actually useable as parkland by citizens and their children. About 50% of Veterans Park is unusable as park due to steep slopes. This is the same illogical and expensive to tax-payers situation as the adjacent Carlsbad Crossings Golf Course. Parks like golf courses are logically located on flatter useable land for them to function as a park and golf course area intended to function. This is not the case at Veterans Park and the Crossings, and tax-payers pay the price twice in both lost usable land for Parks due to useable slopes and by having to pay increased park maintenance costs to maintain these unusable slopes. By advancing Veterans Park the City Council is paying more (tax-payer money) for park construction and maintenance costs to actually get less usable parkland. The City Council should as many citizens have suggest and all 4 City Council members have suggested – stop and rethink Veterans Park and use our tax-payer money and stop trying to put a Park that by its nature and function should be flat or flatter, on hilly land that by its nature and to provide vehicle and A City can through large amounts of money and land area to try to overcome the fact that Parks, like golf courses, should be located on less hill and constrained land. The City should have learned more from the Crossings and not replicate the reduced functional usability, loss of functional land area, and expense in building and maintaining Veterans Park.
 - b. Veterans Park, like many City Parks (particularly those in South Carlsbad) is also less practical as a Park, because it not in convenient walking distance to its intended users. So much of Veterans Park as other City Parks has to be used as paved parking to provide any amount of accessibility and usability. It appears about 25% of Veterans Park is lost to parking lots, about 30% of Alga Norte Park is lost to parking lots, and about 20% of Poinsettia Park is lost to parking lots. Parks that are substantially parking lots indicate those parks also are creating and accommodating unnecessary and excessive Vehicle Miles Traveled (VMT) in violation of both City and State policy.

4. Listen to and responsibly respond to the many Carlsbad Citizens that have expressed their City Park needs and desires.
 - a. During both the 2019 and 2020 City Budget processes the most cited Citizen need and desire for the City to budget for was the purchase of Ponto Park (the most bang-for-the buck solution) and provide South Carlsbad Citizens (and businesses) with their only Coastal Park.
 - i. In the 2019 Budget Public Input process 90% of Carlsbad Citizen Input requested the City Council budget to address the Ponto Park need. This was also documented a May 28, 2020 communication to the Carlsbad City Council, Carlsbad Planning and Parks Commissions, and CA Coastal Commission. The 2019 City Budget Public Input process documented 85 specific verbatim citizen comments on Ponto area park needs. These expressed needs representing 90% of all Citizen input into the City Budget was unaddressed by the City Council.
 - ii. In the 2020 Budget Public Input process again Carlsbad Citizens overwhelming expressed need and desire for Ponto Park (the most bang-for-the buck solution). At the 6/2/20 Budget meeting over 30-minutes of condensed verbal public testimony and over 130-pages of written public testimony and data was delivered to the City Council. This Citizen input again was, by an overwhelming majority, the most cited need and budget request by Carlsbad Citizens. Again, the City Council failed, this time in a 2-2 tie vote, to address this overwhelming Citizen (and tax-payer) Input, Need and Request.
5. Coordinate City Park, Coastal land use, and Housing planning to address Carlsbad's documented "City Park Inequity" and Carlsbad Citizens-children-neighborhoods "Unserved by City Parks" The City Council said in the City Budget Process that "Public involvement planning is coordinated across all city departments to ensure consistency and avoid process fatigue."
 - a. Although the over 2,700 emails to the City and City Council expressing and documenting the need and desire for Ponto Park, the over 200-pages of public testimony and data documenting the need for Ponto Park, the numerous citizen presentations before the City Council; the City has not in fact shown it is coordinating this most significant Citizen and public involvement issue across all city departments and to all relevant City Citizen Commissions and Committees to 'ensure consistency and avoid (citizen) process fatigue'. People for Ponto Citizens have repeated examples citizen communications not delivered and not being 'coordinated across all city departments', and having since 2017 to repeatedly re-ask for City reply/confirmation or conduct public records requests to determine if and when Citizen communications are 'coordinated across all city departments'. The most recent example is from 9/14/20.

The above 5 requests are all the more surprising and confusing for Carlsbad Citizens in that for some time all four (4) of the current City Council members have on multiple occasions publicly stated they think Carlsbad's current General Plan and Growth Management Plan that are guiding Veterans Park actions both need comprehensive updating.

As one of our current Council members recently said: “I believe that our best strategy is to support a new Growth Management Plan and General Plan that will reflect the desires of today’s residents. Our old plan has served us well but has become outdated. A revised plan could address a variety of services and infrastructure, including parks. I support an updated plan that is built on the desires of our current residents.” The extensive Citizen need, desire, and requests for Ponto park, that are reflective of the Park needs for other neighborhood areas in SW, SE, NE and also NW Carlsbad that the City already documents are ‘unserved by City Parks’ and the many Carlsbad Citizens and their children that have no or only limited City Park access due to Carlsbad’s City Park policy of documented and mapped “City Park Inequity” that is exemplified by Veterans Park and how and who is funding Veterans Park.

The tax-payer money the City is proposing to send paying consultants to draw paper plans for Veterans Park could instead actually buy an acer of Ponto Park, where a park is needed, and where Citizens have overwhelmingly told the City over many years they need and want the park. Why is the City Council not even listening to itself in recognizing they should put Veterans Park on-hold and do as the quote from the Councilmember above revise the plans/path?

If however, the City Council decides to use tax-payer dollars on a Veterans Park that creates redundant overlap of park service, provide limited actual usable parkland due to excessive slopes and need for parking lots, is less prudent of tax-payer dollars, and is not addressing neighborhoods, citizens, and children in Carlsbad that are unserved by City Parks; then **the City Council should clearly document that their decision will in no way policy wise or fiscally hinder, prevent or discourage the City Council from actually funding City Parks where they are needed, where Citizens have overwhelming requested they be provided – Ponto Park.**

Thank you for receiving, coordinating dissemination, and considering this citizen input, that is reflective of the extensive People for Ponto citizen input the City and City Council has received since 2017. We love Carlsbad, and hope you truly see that love in the input we have provided. As always since 2017, we ask you to create a process to allow us to meet to have the open, honest, community discussion.

Sincerely,

Lance Schulte

People for Ponto Carlsbad Citizen

Copy: CA Coastal Commission

Carlsbad citizen input on Ponto park Coastal land use Park and Housing issues

Lance Schulte <meyers-schulte@sbcglobal.net>

Mon 11/16/2020 1:59 PM

To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; 'Scott.Donnell@carlsbadca.gov' <'Scott.Donnell@carlsbadca.gov'>; Erin.Prahler@coastal.ca.gov <Erin.Prahler@coastal.ca.gov>; Toni.Ross@coastal.ca.gov <Toni.Ross@coastal.ca.gov>; cort.hitchens@coastal.ca.gov <cort.hitchens@coastal.ca.gov>; lisa.urbach@parks.ca.gov <lisa.urbach@parks.ca.gov>; info@peopleforponto.com <info@peopleforponto.com>; Bret Schanzenbach <Bret@carlsbad.org>
Cc: 'Kris Doan' <kris@tdoan.com>

Dear Carlsbad, and CA Coastal Commission:

Unfortunately our People for Ponto website is having some issues. Our Citizen volunteers are working on them.

The Carlsbad Citizen email below apparently did not get sent to you, so we are including it below.

I hope you truly and thoughtfully consider these words. They are heartfelt and reflective of the over 2,700 email communications and over 200-pages of public testimony sent to you already. These are from Carlsbad Citizens and visitors that truly care about Carlsbad, our Coast and want to leave a better place for future generations.

Thank you,

Lance

From: Kris Doan [mailto:kris@tdoan.com]
Sent: Monday, November 16, 2020 9:37 AM
To: Lance Schulte
Subject: Re: Ponto

Thanks for following up with me, Lance! I have added my comments on this email for your use...and included a few pictures. You have my permission to recreate this information into a form or however you'd like to present it to the city. I am so appreciative of your team's efforts on our behalf.

Best wishes — Kris Doan

Here's how I filled out the online form:

In the Accordingly, I am requesting an making my position know section:

I checked all boxes but the very last one:

I want the draft Local Coastal Program Amendment to provide for a coastal park at Ponto.

I want the City to provide a true citizen-based Park Planning process for Ponto.

I want the City of Carlsbad to budget money in their Capital Improvement program to purchase planning Area F

I want to preserve what little Coastal Open Space Carlsbad has for future generations and our visitor industry

Additional Comments:

It is well past time that south coastal carlsbad families have access to a park/recreation space that is safely within walking distance of our homes. The nearest park is a substantial distance away, requiring travel over a very busy freeway overpass and into very heavily traveled streets before you even reach the park. It is not a journey that the average parent with a child in a bike or even in a wagon can safely accomplish! Having a park in south Carlsbad would finally give our community reasonable access to a park that should have been built


many years ago as part of the Carlsbad Development Plan. Having a park at South coastal Carlsbad would enhance family and visitor visits to our local beach, by offering an key alternate area to enjoy. It is also more in line with what has been offered in other areas of Carlsbad, including the coastal park area at Coast Highway & Cannon Road and the green space provided adjacent to Carlsbad state beach of Tamarrack. We absolutely could use a section as a fenced in dog park, which would be a boon for area families!

I request that my comments be put on record in the official public records for Planning Area F.

Further, I agree for peopleforPonto.com to send this letter & any of my comments on my behalf and my opinion to be shared with city officials:

Kristen Doan
Doanfamily@tdoan.com
7330 Starboard Street, Carlsbad CA 92011
Homeowner at this location since 1999
Carlsbad resident since 1983

9:10 ↗

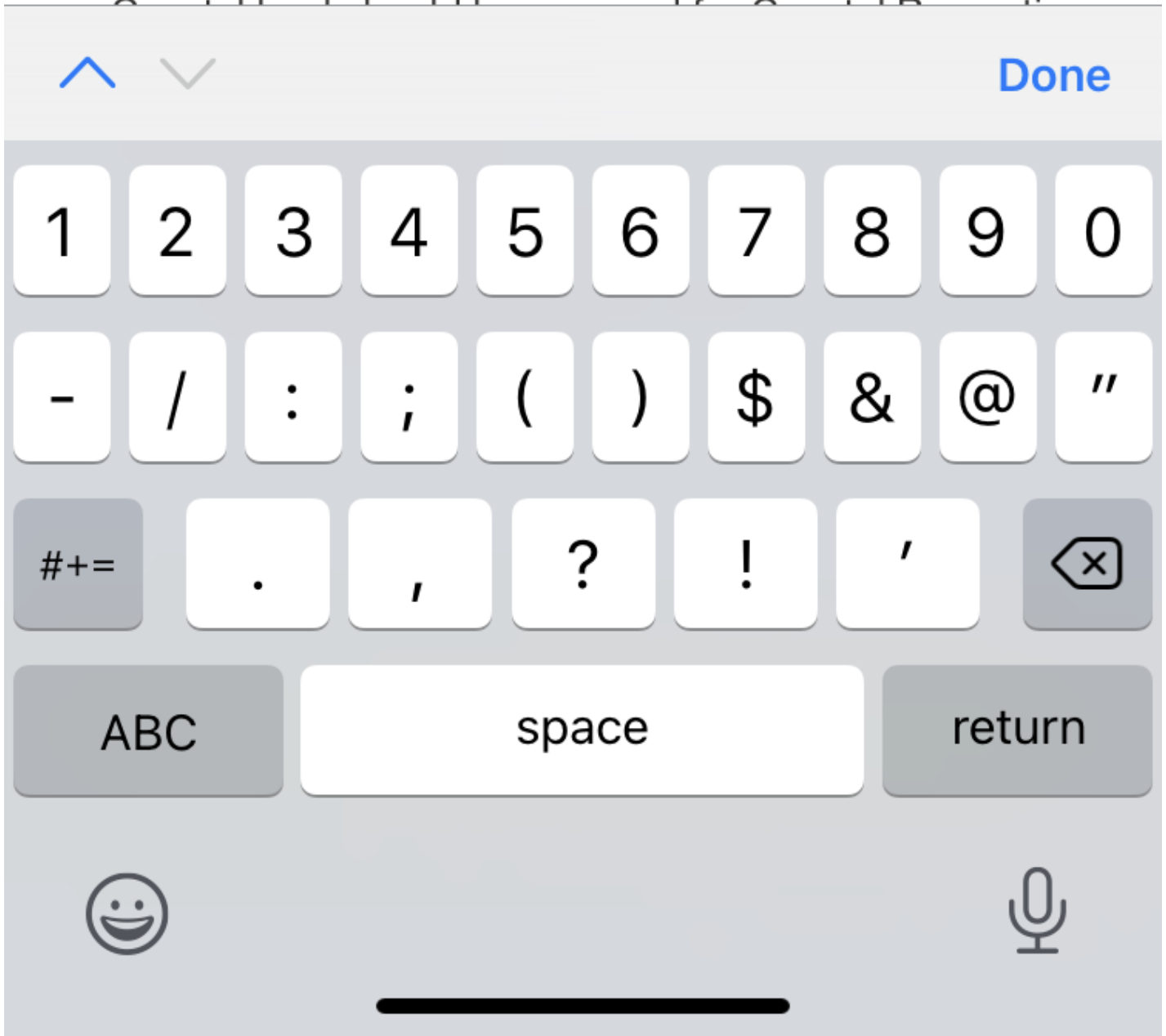
 peopleforponto.com

Accordingly, I am requesting and making my position known that:

- I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto.
- I want the City to provide a true Citizen-based Park Planning process for Ponto.
- I want the City of Carlsbad to budget money in their capital improvement program to purchase Planning Area F and build a park at Ponto to serve residents and visitors alike.
- I want to preserve what little Coastal Open Space

Carlsbad has remaining for future generations and our visitor industry.

I am not in favor of future residential development at Ponto, but think this last small amount of vacant



9:10 ↵



peopleforponto.com

visitor industry.

- I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Additional Comments:

It is time for south coastal carlsbad citizens to have access to a park in our area that is actually

I request that my comments be put on record in the official public records for Planning Area F.

Name:

Kristen Doan

Email:

Doanfamily@tdoan.com

Address:

7330 Starbord Street, Carlsbad CA 92011

I agree for peopleforponto.com to send this letter on my behalf and my opinion to be shared with city officials:



Submit

*Personal information will be kept private and only share



Sent from my iPhone

On Nov 15, 2020, at 11:36 PM, Lance Schulte <meyers-schulte@sbcglobal.net> wrote:

Kris:

Can you resend your email to me?

We are transitioning platforms, and your email may have been missed. I will resend to the addresses and copy you for your records.

Thanks, and sorry for the mishap. All our web services are by citizen volunteers so, we are not the most professional.

Lance

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DATE: February 8, 2019

TO: Carlsbad City Council
Carlsbad Parks & Recreation Commission
Carlsbad Planning Commission
Scott Chadwick, Carlsbad City Manager
Debbie Fountain, Community Development Director
Chris Hazeltine, Parks and Recreation Director
Don Neu, Planning Director
California Coastal Commission

FROM: Board of Directors, San Pacifico Community Association

RE: Development of Ponto Beach Area / People for Ponto

Over the past several years the San Pacifico Community Association Board of Directors has supported the efforts made by the “People for Ponto” public interest group <http://www.peopleforponto.com> in their efforts to provide reasonable solutions to the development of the Ponto Beach Area that borders the San Pacifico Communities.

The following statement was provided to the San Pacifico Community Board of Directors by the People for Ponto Committee requesting continuing support. On January 31, 2019, during a scheduled Board of Directors meeting, the San Pacifico Community Board of Directors voted and approved the continuing support of the People of Ponto and are in support of the following statement:

The proposed Ponto Developer Shopoff has inappropriately and selectively used a portion of the 2015 letter from our San Pacifico Community Association Board that is out of date and out of context to the consensus views of the Community and Board.

The 2015 letter was only our initial comments on the proposed planning changes at Ponto in the General Plan update. Because our San Pacifico Community Association was not directly invited to participate during the General Plan Update process on proposed changes to the planned land use in one of our San Pacifico Community's Planning Areas (Planning Area F), and we as citizens

and a Board had little time to provide any input/response, we did the best we could under a short '11th hour' timeline to understand the issues and reply with some sense of our Community input in 2015.

This failure, at the beginning and throughout the General Plan Update process, to invite and engage our Community Association on facts relevant to the proposed land use changes to one of our Master Planned Community's Planning Areas is a fundamental flaw in the General Plan Update planning effort for our area. To respond to that process flaw the Board endorsed a Ponto Beachfront Development Committee to:

- Gather factual information on Ponto/Coastal South Carlsbad land use planning issues*
- Provide that information to the Community and gather Community consensus*
- Present that consensus to the City, CA Coastal Commission and developers*

The Committee then started researching the planning issues at Ponto. The Committee found several key issues that were not disclosed or accurately represented during both the City's and Developer's Ponto Beachfront Village Vision Plan and General Plan Update planning efforts. Most notably are:

- A prior inaccurate exemption given to developers in LFMP Zone 9 that so far has allowed developers to inaccurately avoid complying with the Growth Management Open Space Standard. This resulted in developers over building in LFMP Zone 9 and not providing 30-acres of open space needed to meet the Minimum Growth Management Standard for Open Space. Shopoff the proposed developer has to formally amend the LFMP Zone 9 to account for their proposed change in LCP Land Use Zoning from the existing "Non-residential Reserve" to a proposed Residential and Commercial land use. The developer is currently proposing to not address the Open Space facility standard deficit with their proposed LFMP Zone 9 Amendment.*
- The failure to follow the Carlsbad Local Coastal Program (General Plan and Zoning requirements of the City of Carlsbad and the California Coastal Commission) for Planning Area F that required a formal consideration of a "Public Park and/or Low-cost Visitor Accommodations" prior to "any planning effort to change the "non-residential land use on our Community's Planning Area F. The failure to consider a "Public Park and/or Low-cost Visitor Accommodations" occurred both at the Ponto Beachfront Village Vision Plan and General Plan Update planning efforts.*

To confirm facts, the Committee requested over 20 official Carlsbad Public Records Requests to get answers to questions and then used accurate and documented data to ask our Community members on their opinions and desires on proposed planning and development of our Community's remaining vacant San Pacifico Community Association Planning Areas, and define a Community consensus on planning and development options.

Since 2015 numerous communications documenting Community consensus on the issues has been sent have been including emails of 8/31/18, 12/4/17, 12/5/17, 3/6/18, 3/22/18, and 8/15/18, along with numerous individual emails.

As planning issues progress we kindly request to be proactively invited and involved in the processes.

Sincerely,
San Pacifico Community Association Board
People for Ponto Committee

cc: Dave de Cordova, Principal Planner
Jennifer Jesser, Senior Planner
Jason Goff, Senior Planner
Lance Schulte, People for Ponto
San Pacifico Community Association

RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Lance Schulte <meyers-schulte@sbcglobal.net>

Sat 11/14/2020 9:33 AM

To: Scott Donnell <Scott.Donnell@carlsbadca.gov>

Cc: Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; People for Ponto <info@peopleforponto.com>; 'Nika Richardson' <nrichardson@waltersmanagement.com>; Chas Wick <chaswick@reagan.com>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>; Zachary.Olmstead@hcdca.gov <Zachary.Olmstead@hcdca.gov>; Megan.Kirkeby@hcd.ca.gov <Megan.Kirkeby@hcd.ca.gov>

 1 attachments (240 KB)

San Pacifico Community Association Letter to City re Ponto Beach Area - 2-8-19.pdf;

Scott:

Thank you. Could you and the rest of the applicable City Staff please include the Nov 10th and these Nov 13 & 14 follow-up emails to the City Council, Commissions and HEAC as addressed?

Your comment however on being 'overlooked' raises significant questions as to who, how and why it was 'overlooked'? What is the City Staff process for taking in Citizen input and deciding how to distribute that Citizen input to the right City Staff person and Citizen Commissions or Committees for consideration of the issues expressed in that Citizen input? In most cities, the City Clerk as the official keeper of City documents and communications has this role. Is that how it is done in Carlsbad? Can the City explain how the City's process works and how that process 'overlooked' these communications?

Also, if there was questions by the City Staff on who the emails were addressed to and what the Citizen issues were, a simple reply email to me asking for clarification could have resolved the situation. Is such a procedure a part of the City communication receipt and distribution process? I hope the City Council, Commissions, Committees, and City staff can appreciate the that lay citizens may not fully understand who, how, when communications of Citizen concern should be sent to the City. We People for Ponto Citizens get this question all the time from our fellow Carlsbad Citizens – how can I let the City know my feelings, who should I send it to, and importantly HOW DO I KNOW 1) the City actually received and considered my input. 2) if they have any questions they want to ask me on my input, and 3) what is the next-step or follow-up events/inputs on my input that I as a Citizen can be involved with? We have tried to organize that extensive Citizen concern and input (along with conducting and communicating official public records research) as part of our People for Ponto efforts.

If I can offer the City a suggestions on the above, when I was City Planner at the City of Dana Point and the project manager of both the City's first comprehensive General Plan and Local Coastal Program and Zoning Ordinance, the City received many Citizen letters and emails. I formally responded to each one with a documented letter or email explaining how, who, when their issues are being addressed, how they could further participate in that open and public discussion, and who (me) they could contact if they had any questions. This created productive two-way communication which is the entire point of communication. We hear from our fellow Carlsbad Citizens that communication with the City of Carlsbad many times is a one-way-street, or that Citizen input goes into a 'black hole', and there is limited or no public accountability by the City of the Citizen input the City receives. When Citizens provide input to the City Council the City only sends the following Robo reply of: "Thank you for your email. City staff are currently working in shifts – at home, from city offices and the Emergency Operations Center following the 6-foot distance rule – to maintain all essential city services. For questions related to COVID-19, please visit our dedicated COVID-19 webpage which is updated daily with important information and resources. <https://www.carlsbadca.gov> If this is regarding another topic, we appreciate the time you have taken

to share it with the Carlsbad City Council. If an action is required from your email, the appropriate person will be in contact with you soon. Thank you". Unfortunately this almost always the only response Citizens will get back from the City Staff and City Council on their Citizen input. Citizens don't know who, how, when, were, etc. their input is being considered. Citizens don't know if-how-when their message is being considered, or if was/is 'overlooked' or simply discarded. Having worked as a City Planner for decades I fully understand the challenges of public Citizen input and participation in City decision making. However, I also know there are likely much better ways the City of Carlsbad could use to dialog and account. The 'overlooked' communication we are discussing and the fact, that if I did not follow-up with the Nov 10th email and these emails, the emails would never have been delivered by the City Staff is an example of opportunities to learn from and improve City systems. Perhaps the City Staff could amend the Robo reply to include the Key City Staff email contacts for each of the City's key functions along with Commission/Committee Liaisons, and provide a reply back to Citizens who in that email contact list Citizens show resend the Citizen input to with a cc to that/those City Staff Contacts.

Please know I love Carlsbad, as do all the People for Ponto Citizens that have send the City over 2,700 of their heartfelt needs, desires, and public input to City Staff to distribute to the applicable City Commissions/Committees, and to the City Council; and have been the most Citizen requested need/desire in the last two (2019 and 2020) City Budget processes. We Carlsbad Citizens truly care about Carlsbad and its future, and the City's community actions that will forever leave for future generations.

I found a 2/8/2019 email from our San Pacifico Community Association that was addressed to the City Council and several Commissions, and Commission Liaisons you noted, but did not reference the Housing Commission and HEAC (although the HEAC Liaison was copied). Although dated and there has been additional Citizen communications on the issues. We would like to the attached 2019 email also distributed to include the Housing Commission and the HEAC. Our San Pacifico Community Association does not know if or when the don know if or when this email was distributed in 2019 or if/how it is being considered by the City Staff and Housing-Planning-Parks Commissions and HEAC.

Thanks again. Please know People for Ponto Citizens truly we love our City and only want our City to be a good and great as possible, and that requires good communication and open, honest, comprehensive public engagement and dialog.

Sincerely,
Lance Schulte
Carlsbad Citizen and People for Ponto

From: Scott Donnell [mailto:Scott.Donnell@carlsbadca.gov]
Sent: Friday, November 13, 2020 4:34 PM
To: Lance Schulte
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

The delay in delivering your September 14 email wasn't intentional. The email was simply overlooked. So, I appreciate you sending your subsequent email on November 10 so I could make sure to deliver your input to the HEAC.

I did notice that both the November 10 and September 14 emails, though written to the Housing Commission and Parks and Recreation Commission, were not sent to the commission liaisons. If you wish to send emails to these as well as the Planning Commission and the HEAC, please use the contact information below:

- David De Cordova, Housing Services Manager and Housing Commission liaison, David.decordova@carlsbadca.gov.
- Mike Pacheco, Recreation Services Manager and Parks Commission liaison, Mike.pacheco@carlsbadca.gov.
- Don Neu, City Planner and Planning Commission liaison, Don.neu@carlsbadca.gov.
- Scott Donnell, Senior Planner and Housing Element Advisory Committee liaison, Scott.donnell@carlsbadca.gov.

I've already sent both emails to Mr. De Cordova and Mr. Pacheco.

A complete list of city boards, commissions, and committees with liaison contact information is available on the city's website at <https://www.carlsbadca.gov/cityhall/clerk/meetings/boards/default.asp>.

With regards to whether prior citizen input on Ponto has been received by the Housing, Parks and Recreation, and Planning commissions, I would ask you to please contact each commission liaison.

The earliest correspondence from you I've shared with the HEAC is dated September 9, 2020. I'm not aware of any other correspondence meant for the HEAC prior to that. If you have more information for the HEAC's consideration, please let me know.

Finally, the HEAC and Housing Commission will be holding a joint meeting next Thursday, November 19, at 3 p.m. The agenda provided as part of that packet will include how the public may participate in the meeting. The packet will be posted on the city's website at <https://www.carlsbadca.gov/services/depts/planning/housing/committee.asp>. Or, simply contact me and I will email you the packet.

Have a good weekend.

Scott Donnell
Senior Planner
1635 Faraday Avenue
Carlsbad, CA 92008-7314
www.carlsbadca.gov

760-602-4618 | 760-602-8560 fax | scott.donnell@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Wednesday, November 11, 2020 10:05 AM
To: Scott Donnell <Scott.Donnell@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Celia Brewer <Celia.Brewer@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Teresa Acosta <Teresaforcarlsbad@gmail.com>; Gary Barberio <Gary.Barberio@carlsbadca.gov>
Cc: 'Erin Prahler' <Erin.Prahler@coastal.ca.gov>; 'Ross, Toni@Coastal' <Toni.Ross@coastal.ca.gov>; 'Cort Hitchens' <cort.hitchens@coastal.ca.gov>; Jeff Murphy <Jeff.Murphy@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philipdiehl@sduniontribune.com>; Mike Sebahar <sebbiesixpack@att.net>
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott, City management, and City Council:

Thank you for the documentation that the Sept 14th email and attachments and the Nov 10th email have just now been transmitted as addressed to the HEAC and Housing Commission. Just curious, was there a reason for the delay in delivery? If I had not followed up with the Nov 10th email would the Sept 14th email and attachments ever been delivered to the HEAC and Housing Commission?

As a long-time Carlsbad citizen I am very concerned however in that the many other fellow prior Carlsbad Citizen communications to the City dating back to 2017 concerning Ponto and its associated and interconnected land use planning-housing-parks issues and that were specifically resubmitted to the City to be included as official public input into the City's Draft LPC-LUPA, Housing Element Update and Parks Master Plan Update processes, and addressed to be delivered to the Planning, Housing, and Parks Commissions may not have been delivered by City Staff. Can the City Staff provide documented verification that the citizen input submitted to the City since 2017 concerning Ponto and addressed to the Planning, Housing and Parks Commissions has in fact been delivered to those commissions?

As citizens we are concerned that our communications to the City on the Ponto issues are not being delivered the Citizen Commissions for their evaluation and public discussions. Also, As citizens formally submitting public comments on the LCP-LUPA, Housing Element Update and Parks Master Plan Update, it would be nice to know if/when the HEAC and Housing and Planning Commissions will be publicly considering that input so we may attend and participate in that discussion.

A citizens we are concerned in that years ago we found the City Staff previously failed to deliver citizen input citizens specifically addressed to the Planning and Parks Commissions on these issues. We spoke at a Commission meetings and asked the Commissions about the data and citizen input we addressed to the Commission and submitted to the City Staff leadership and City Council. The Commission members looked at us with blank stares and indicated they never received the communication addressed to them. When we followed up with Debbie Fountain as to why these were not delivered as addressed and only then did she acknowledge those citizens communications would be delivered to the Commissions they were addressed to.

As Citizens we do know what our citizen issues, needs and desires are. And a laymen we try to as best we can convey those to the City Council and City Staff. Many of these issues/needs/desires are interconnected/interrelated and connect multiple City planning efforts that the City distributes to different staff members. Citizens depend on the City Manager and his staff to make sure citizen input gets to the right City staff members working on the issue(s). It seems reasonable that we citizens should have received a reply to our communications to the City on these issues, to 1) acknowledge receipt of the communication, 2) document who at the City Staff is responsible for the issues in the communication, 3) confirmation of delivery of the citizen communication to the City Staff, City Commission and/or Advisory or ad-hoc Committee responsible for the issues. I offer this protocol suggestion to the City and City Council to improve communication accountability, particularly for integrated/interconnected issues that span multiple City Staff and Department functions.

Thank you. Could our People for Ponto Citizens get a reply to this and documented confirmation that all the citizen Ponto related input received by the City since 2017 has in fact been delivered to the Planning, Housing and Parks Commissions, HEAC, and properly input into the public record as public input for the staff proposed Draft LCP-LUPA, Housing Element Update, and Parks Master Plan Update?

Since 2017 citizens has asked for a true honest open and coordinated truly citizen-based planning process to address the acknowledged prior City planning mistakes at Ponto and properly address the interconnected Coastal land use planning issues and significant Parks and Open Space deficient issues at Ponto. As noted in the emails below, Ponto is the last bit of remaining vacant Coastal land to provide much needed high-priority Coastal Recreation land use per the CA Coastal Act for not only the current park deficit at Ponto, SW Carlsbad, and the 6-mile regional Coastal Park Gap, but also for what appears to be maybe a specific State Law requirement for unlimited (i.e. the City is prevented form planning for a 'Buildout" population or visitor accommodation) population and visitor growth in Carlsbad. This makes planning for accommodating an unlimited amount of Coastal Park and City Park land within a finite amount of vacant Coastal and non-coastal land. This issue as stated in the Sept and Nov emails below if FUNDEMNTAL to all the work the City is doing on the interrelated LCP-LUPA-

Housing Element Update-Parks Master Plan Updates. This fundamental issue should be fully, openly, honestly and publicly communicated and addressed. The 4 current City Council members have unanimously recognized the need to revisit and update both the General Plan that the City is trying to get the CA Coastal Commission to Certify in the LCP-LUPA; along with the Growth Management Plan that relates to the Land Use in the General Plan and City Staff proposed Draft LCP-LUPA to reflect in part the issues noted below, yet the City Staff and City Council are advancing an LCP-LUPA amendment that is trying to cement the land uses in the very General Plan the Council unanimously agree needs comprehensive revisiting and updating. As Citizens this is confusing and makes no sense why is the City seeking CA Coastal Commission Certification of General Plan and LCP_LUPA that all 4 of the City Council members acknowledge needs revisiting and revision? Is this something the City Staff or City Council could explain?

Thanks. Please know I love our City of Carlsbad. I am very concerned we are missing the forest for the trees, ignoring some major fundamental and common-sense issues, and are not providing an open, honest, truly citizen-based process to address these issues. Carlsbad only has a very small amount of vacant land on which to provide much needed Parks, and a much smaller amount of vacant Coastal Land to provide Coastal Parks. Carlsbad's coast and its Coastal Parks are critical Quality of Life issue for our citizens, businesses, and for the State of California. We have precious little vacant Coastal land to work with and we should be very-very-very thoughtful on how we plan and use those last remaining small pieces for demands from an unlimited amount of future population and visitor growth.

Sincerely,
Lance Schulte
Carlsbad citizen and People for Ponto

From: Scott Donnell [<mailto:Scott.Donnell@carlsbadca.gov>]
Sent: Tuesday, November 10, 2020 8:20 PM
To: Lance Schulte; Scott Chadwick; Celia Brewer; City Clerk
Cc: Erin Prahler; Ross, Toni@Coastal; Cort Hitchens; Jeff Murphy
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

I have forwarded the email you sent Tuesday morning, November 10, at 6:22 a.m. to the Housing Element Advisory Committee (HEAC). I've also forwarded the email to the Housing Commission liaison, David De Cordova, so he may distribute it to the Housing Commission. The forwarded email contains both the November 10 text and attachments as well as the September 14, 2020, email and attachments.

It appears the September 14, 2020 email was not sent to the HEAC. I don't believe the email was received by the Housing Commission either as Mr. De Cordova, the commission's liaison, is not identified as a recipient of the email. The email has been forwarded to the HEAC.

The HEAC did receive an email from you dated September 9, 2020.

Please let me know if you have any questions.

Thank you.

Scott Donnell
Senior Planner
1635 Faraday Avenue
Carlsbad, CA 92008-7314
www.carlsbadca.gov

760-602-4618 | 760-602-8560 fax | scott.donnell@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>

Sent: Tuesday, November 10, 2020 11:31 AM

To: Scott Donnell <Scott.Donnell@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Celia Brewer <Celia.Brewer@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Teresa Acosta <Teresaforcarlsbad@gmail.com>

Cc: Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastalca.gov>

Subject: FW: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

Could you kindly provide documentation on if/when the Housing Commission & Housing Element Advisory Committee were provided the Sep 14, 2020 email below that included first two attachments, and when the Nov 10 email will be provided to the Committee and Commission?

In watching the Housing Element Advisory Committee discuss Coastal land use issues, there appeared no staff communication to the Committee on the concurrent Draft LCP-LUPA issues and issues noted below. It appears the Housing Element Update is operating in a silo and not disclosing, discussing or concerning the higher-priority Coastal land use issues of the CA Coastal Act, and CA Coastal Commission direction to the City regarding the State of CA high-priority coastal land use issues vis-a-vis CA affordable housing laws.

As noted in the 3rd attached file regarding citizens questions regarding the 1/28/20 City Council meeting Staff report on the Draft LCP-LUPA there were several documented errors and misrepresentations regarding Carlsbad's General Plan and Housing Element of the General Plan and on the CA State law (both statutory and case law) regarding primacy of the Coastal Act over affordable housing laws within the CA Coastal Zone. As noted these are important fundamental issues. These fundamental issues do not seem to be being fully communicated to Carlsbad citizens, the Housing Element Advisory Committee, the Planning-Housing-Parks Commissions, and the City Council.

Thank you for providing documentation on then the emails have/will be provided to those addressed.

Sincerely,
Lance Schulte

From: Jennifer Jesser [<mailto:Jennifer.Jesser@carlsbadca.gov>]

Sent: Tuesday, November 10, 2020 8:59 AM

To: Lance Schulte

Subject: Re: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Good morning, Lance.

The comments you submitted in the emails below have been received and will be included in the staff report to the Planning Commission on the LCP update. The Planning Commission is scheduled to consider the update on December 2nd.

Best regards,

**Jennifer Jesser**

Senior Planner

Community Development Department

Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

www.carlsbadca.gov760-602-4637 | jennifer.jesser@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>**Sent:** Tuesday, November 10, 2020 6:22 AM**To:** Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>; Lisa Urbach <lisa.urbach@parks.ca.gov>; Zachary.Olmstead@hcdca.gov; Megan.Kirkeby@hcd.ca.gov; Scott Donnell <Scott.Donnell@carlsbadca.gov>**Cc:** Brhiggins1@gmail.com; Phil Urbina <philipur@gmail.com>; Lela Panagides <info@lelaforcarlsbad.com>; Team Teresa for Carlsbad <teamteresaforcarlsbad@gmail.com>; People for Ponto <info@peopleforponto.com>; Laura Walsh <lauraw@surfridersd.org>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philip.diehl@sduniontribune.com>**Subject:** RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Dear Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department:

It has been about 1.5 months since the following email [and attachments] was sent. As yet there has been no response from anyone. Is it possible to get a reply to the questions? Again, we request this and the September 14th email be included in the formal public comments for Carlsbad's Draft Local Coastal Program Land Use Plan Amendment, Carlsbad's Housing Element Update Process, Carlsbad's Park Master Plan Update process; and that the City staff provide documentation of the transmittal of these emails and documents to those processes and to Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee for their consideration in those processes.

The questions in the emails relate to the most basic and fundamental CA and City Coastal and affordable housing Laws; and how priorities are established by CA Law for potentially infinite population and visitor growth in a

State/County/City with finite Coastal land resources and few remaining vacant Coastal lands. Due to the basic and policy foundation nature of these questions, as a California citizen, I would assume there is clear established CA State Law, or precedent case law that answers the questions.

I am aware of both CA State Law and CA case law logically notes the supremacy of CA Coastal Law over CA affordable housing laws. However it would be very appropriate to have clear confirmation from the State of California, as the City of Carlsbad is both in the process of both Amending its Local Coastal Program Land Use Plan, and updating its Housing Element of the General Plan (and Parks Master Plan)

The clear communication of this does not seem to be percolating down to City level and is not being clearly communicated by the City of Carlsbad to citizens and to the City Council, Planning-Housing and Parks Commissions, and to the Housing Element Advisory Committee; as these fundamental issues are not being clearly publicly disclosed and presented in staff reports on the staff proposed Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update. Without a clear, open, honest and fully public disclosure and discussion of the fundamental Buildout issue of the finite amount of last remaining vacant Coastal land in accommodating the State of California's high-priority Coastal Recreation and Low-cost Visitor Accommodation land use needs for an infinite amount of future population and visitor growth in the aforementioned planning efforts, how can citizens, Commissioners, and Councilmembers make informed and wise decisions on the final developed use of our last remaining fragments of vacant Coastal land?

In reviewing how the Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update processes are being conducted, there seems no clear comprehensive public communication of the questions raised in these emails and attachments, nor clear, comprehensive and open discussion by the City processes of these issues. How can true CA and City Coastal and affordable housing planning be done without a clear documented citation from CA State Law regarding those questions raised.

I sincerely hope you will fully and publicly reply and make sure all the processes fully consider the formally submitted questions asked in these emails and attachments.

Lance Schulte

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

Sent: Monday, September 14, 2020 10:46 AM

To: Council Internet Email (CityCouncil@carlsbadca.gov); Scott Chadwick (Scott.Chadwick@carlsbadca.gov); Erin Prahler (Erin.Prahler@coastal.ca.gov); Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Cort Hitchens (cort.hitchens@coastal.ca.gov); Lisa Urbach (lisa.urbach@parks.ca.gov); 'Zachary.Olmstead@hcd.ca.gov'; 'Megan.Kirkeby@hcd.ca.gov'; 'scott.donnell@carlsbadca.gov'

Cc: Brhiggins1@gmail.com; Phil Urbina (philipur@gmail.com); Lela Panagides (info@lelaforcarlsbad.com); Team Teresa for Carlsbad (teamteresaforcarlsbad@gmail.com); People for Ponto (info@peopleforponto.com); Laura Walsh (lauraw@surfridersd.org); 'Steve Puterski'; Philip Diehl (philip.diehl@sduniontribune.com)

Subject: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Dear Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department:

As one of the many People for Ponto (www.peopleforponto.com), we wanted to make sure this email and attachments have been provided to you and that the issues/data in this email be publicly presented/discussed during both the City's and State's consideration of the above planning and any other related activities.

1. Legality of 'Buildout' and quality of life standards in both California and a City within California; and if planning for "buildout" is illegal, can we California Citizens be provide the specific citation in CA State Law that forbids the State and/or Cities within California from land use and public

infrastructure planning to cap to a finite or “buildout” population/development condition. As California and Carlsbad citizens it important to know the State’s legal policy on “buildout”; and State policy laws on how are an infinite amount of Coastal Recreation and other high-priority Coastal land uses can be correspondently provided for infinite population growth within a largely developed and finite (and shrinking due to sea level rise) Coastal Zone?

The following public testimony and questions were presented the 6/23/20 Carlsbad Budget meeting. Coordinated answers from the State of CA and City of Carlsbad on how State Coastal and Housing planning priorities are ordered and reconciled is important. Carlsbad has a very small fragment of remaining vacant coastal land and once it is developed it essentially lost forever. This is being planned now with the above mentioned planning efforts. Most all of Carlsbad’s Coastal lands are already developed with Low-Coastal-Priority residential land use, or off-limits due to endangered habitat preservation Coastal Parks or Campgrounds can only be provided along the Coast and they are currently very crowded, and will continue to get more crowd and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: *“6-23-20 City Council Budget meeting – pubic testimony by Lance Schulte: People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City’s LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy’s scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area. The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad’s neighborhoods and extensive Visitor Industry; and Carlsbad’s 1st and 3rd highest revenue sources. Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad’s proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide ‘buildout’ need for Coastal Recreation land. It is not clear if ‘buildout’ is a set and final amount of City and State population and development or if ‘buildout’ represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If ‘Buildout’ is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth? Until these questions can be authoritatively answered by the City and State of California the preservation and acquisition of vacant Coastal land should be a City priority. Because once land is developed it will never be available for Park and Coastal Recreation use. Continual population and development growth without corresponding Park and Open Space growth will lead to a gradual but eventual undermining of the quality of life for Carlsbad and California, and our Carlsbad economy. It is for these and other important reasons People for Ponto ask the City to budget for the purchase of Planning Area F for Coastal Recreation and City Park needs – needs that City has documented exist now, and needs that will only grow more critical and important in the future. Thank you, People for Ponto love Carlsbad and our California Coast. We hope you love Carlsbad also and you take responsibility as a steward of our California Coast.”*

2. Attached is and email regarding clarification of apparent City errors/misrepresentations on 1/28/20 regarding a) the CA Coastal Act’s relationship with CA Housing laws regarding CA land use priorities and requirements within the CA Coastal Zone, and b) City planning documents and City planning and public disclosure mistakes regarding Ponto. The clarification of the issues noted on 1/28/2 should be comprehensive, and holistically and consistently disclosed/discussed in each of the City’s and State’s Coastal-Land Use Planning-Parks-Housing planning efforts showing the principles and legal requirements for how potential conflicts within State/City Policies are to be resolved.

3. Similar to #2 above, People for Ponto has provided public testimony/input of over 200-pages of documented data on the need for a "Public Park" and over 2,500 Citizens' requests for that Park. Those 200+ pages and the email requests from 2,500 citizens, and the CA Coastal Commission direction to the City as noted below should also be shared with the Carlsbad's Planning-Parks-Housing Commissions, and the City's Housing Element as part of the respective land use-parks-housing discussions

The CA Coastal Commission has also provided direction to the City regarding some of the City's planning mistakes at Ponto, and those directions should also be shared with the City's Planning-Parks-Housing Commissions and Housing Element Advisory Committee regarding Coastal Land Use planning at Ponto Planning Area F. CA Coastal Commission has provided the following direction to the Carlsbad:

- a. Following is from a 7/3/17 CCC letter to City Staff on the City's proposed land use changes at Planning Area F. City Staff provided this to City Council on 1/28/20: "The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. **For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad.** This is an issue that the San Pacifico HOA community group is raising in regards to the Shopoff/Ponto development proposal, and this study should be undertaken as a part of the visitor serving use inventory analysis described above. **If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed"**
- b. In 2017 after citizens received the City's reply to Public Records Request 2017-260, citizens meet with CCC staff to reconfirm the City failed since before 2010 to publicly disclose and comply with Planning Area F's LCP requirements CCC Staff acknowledged the City has not yet complied with the LCP and in an 8/16/2017 email said: "The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. **The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Please do not misinterpret these comments as anti-housing or anti-development, it is the exact opposite, they are in support of existing and future development. It is a logical recognition of what is the best use of very limited (and shrinking) vacant Coastal Land resources. It is prudent and sustainable State and City Coastal Land Use planning to best serve all CA residents – now and in the future Housing can be developed in many large inland areas that are better connected with job centers and transit. New Coastal Parks can only be located on the last few remaining vacant parcels within a short distance to the coast. This very small area (vis-a-vis) large inland areas must serve all the coastal Park and recreation needs of California's almost 40 million residents and the additional millions of annual visitors to California's coast. This very small amount of Coastal land drives a lot what makes CA desirable and successful, but it is getting very overcrowded due to population/visitor growth while at the same time shrinking due to coastal erosion and sea level rise. Squandering the few remaining Coastal vacant land resources, and not reserving (planning) these lands for more high-priority Coastal Recreation Land Uses will ultimately undermine CA both socially and economically. The attached 'Carlsbad 2019 proposed Draft LCP Amendment' file should be provided to and reviewed by Carlsbad's Planning-Parks-Housing Commissions and the Housing Element Advisory committee in their consideration of Carlsbad's proposed Housing Element update and proposed Draft LCP Land Use Plan Amendment, and also jointly by CA HCD and CCC in providing Carlsbad direction on CA Coastal Land Use priorities in the Coastal Zone relative to those two (2) City proposals.

Thank you all for your consideration and comprehensive inclusion of the various issues in both the City and States upcoming evaluation of proposed Coastal land use plan, Housing Element and Parks Master Plan updates. There is precious little vacant Coastal land left and how it is planned to be used and developed is critical and needs full public disclosure/involvement and a comprehensive and coordinated approach.

Sincerely,

Lance Schulte

www.peopleforponto.com

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RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Lance Schulte <meyers-schulte@sbcglobal.net>

Wed 11/11/2020 10:04 AM

To: Scott Donnell <Scott.Donnell@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Celia Brewer <Celia.Brewer@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Teresa Acosta <Teresaforcarlsbad@gmail.com>; Gary Barberio <Gary.Barberio@carlsbadca.gov>
Cc: 'Erin Prahler' <Erin.Prahler@coastal.ca.gov>; 'Ross, Toni@Coastal' <Toni.Ross@coastal.ca.gov>; 'Cort Hitchens' <cort.hitchens@coastal.ca.gov>; Jeff Murphy <Jeff.Murphy@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philip.diehl@suniontribune.com>; Mike Sebahar <sebbiesixpack@att.net>

Scott, City management, and City Council:

Thank you for the documentation that the Sept 14th email and attachments and the Nov 10th email have just now been transmitted as addressed to the HEAC and Housing Commission. Just curious, was there a reason for the delay in delivery? If I had not followed up with the Nov 10th email would the Sept 14th email and attachments ever been delivered to the HEAC and Housing Commission?

As a long-time Carlsbad citizen I am very concerned however in that the many other fellow prior Carlsbad Citizen communications to the City dating back to 2017 concerning Ponto and its associated and interconnected land use planning-housing-parks issues and that were specifically resubmitted to the City to be included as official public input into the City's Draft LPC-LUPA, Housing Element Update and Parks Master Plan Update processes, and addressed to be delivered to the Planning, Housing, and Parks Commissions may not have been delivered by City Staff. Can the City Staff provide documented verification that the citizen input submitted to the City since 2017 concerning Ponto and addressed to the Planning, Housing and Parks Commissions has in fact been delivered to those commissions?

As citizens we are concerned that our communications to the City on the Ponto issues are not being delivered the Citizen Commissions for their evaluation and public discussions. Also, As citizens formally submitting public comments on the LCP-LUPA, Housing Element Update and Parks Master Plan Update, it would be nice to know if/when the HEAC and Housing and Planning Commissions will be publicly considering that input so we may attend and participate in that discussion.

A citizens we are concerned in that years ago we found the City Staff previously failed to deliver citizen input citizens specifically addressed to the Planning and Parks Commissions on these issues. We spoke at a Commission meetings and asked the Commissions about the data and citizen input we addressed to the Commission and submitted to the City Staff leadership and City Council. The Commission members looked at us with blank stares and indicated they never received the communication addressed to them. When we followed up with Debbie Fountain as to why these were not delivered as addressed and only then did she acknowledge those citizens communications would be delivered to the Commissions they were addressed to.

As Citizens we do know what our citizen issues, needs and desires are. And a laymen we try to as best we can convey those to the City Council and City Staff. Many of these issues/needs/desires are interconnected/interrelated and connect multiple City planning efforts that the City distributes to different staff members. Citizens depend on the City Manager and his staff to make sure citizen input gets to the right City staff members working on the issue(s). It seems reasonable that we citizens should have received a reply to our communications to the City on these issues, to 1) acknowledge receipt of the communication, 2) document who at the City Staff is responsible for the issues in the communication, 3) confirmation of delivery of the citizen communication to the City Staff, City Commission and/or Advisory or ad-hoc Committee responsible for the issues. I offer this protocol suggestion to the City and City Council to improve communication accountability, particularly for integrated/interconnected issues that span multiple City Staff and Department functions.

Thank you. Could our People for Ponto Citizens get a reply to this and documented confirmation that all the citizen Ponto related input received by the City since 2017 has in fact been delivered to the Planning, Housing and Parks Commissions, HEAC, and properly input into the public record as public input for the staff proposed Draft LCP-LUPA, Housing Element Update, and Parks Master Plan Update?

Since 2017 citizens has asked for a true honest open and coordinated truly citizen-based planning process to address the acknowledged prior City planning mistakes at Ponto and properly address the interconnected Coastal land use planning issues and significant Parks and Open Space deficient issues at Ponto. As noted in the emails below, Ponto is the last bit of remaining vacant Coastal land to provide much needed high-priority Coastal Recreation land use per the CA Coastal Act for not only the current park deficit at Ponto, SW Carlsbad, and the 6-mile regional Coastal Park Gap, but also for what appears to be maybe a specific State Law requirement for unlimited (i.e. the City is prevented from planning for a 'Buildout' population or visitor accommodation) population and visitor growth in Carlsbad. This makes planning for accommodating an unlimited amount of Coastal Park and City Park land within a finite amount of vacant Coastal and non-coastal land. This issue as stated in the Sept and Nov emails below is FUNDAMENTAL to all the work the City is doing on the interrelated LCP-LUPA-Housing Element Update-Parks Master Plan Updates. This fundamental issue should be fully, openly, honestly and publicly communicated and addressed. The 4 current City Council members have unanimously recognized the need to revisit and update both the General Plan that the City is trying to get the CA Coastal Commission to Certify in the LCP-LUPA; along with the Growth Management Plan that relates to the Land Use in the General Plan and City Staff proposed Draft LCP-LUPA to reflect in part the issues noted below, yet the City Staff and City Council are advancing an LCP-LUPA amendment that is trying to cement the land uses in the very General Plan the Council unanimously agree needs comprehensive revisiting and updating. As Citizens this is confusing and makes no sense why is the City seeking CA Coastal Commission Certification of General Plan and LCP_LUPA that all 4 of the City Council members acknowledge needs revisiting and revision? Is this something the City Staff or City Council could explain?

Thanks. Please know I love our City of Carlsbad. I am very concerned we are missing the forest for the trees, ignoring some major fundamental and common-sense issues, and are not providing an open, honest, truly citizen-based process to address these issues. Carlsbad only has a very small amount of vacant land on which to provide much needed Parks, and a much smaller amount of vacant Coastal Land to provide Coastal Parks. Carlsbad's coast and its Coastal Parks are critical Quality of Life issue for our citizens, businesses, and for the State of California. We have precious little vacant Coastal land to work with and we should be very-very-very thoughtful on how we plan and use those last remaining small pieces for demands from an unlimited amount of future population and visitor growth.

Sincerely,
Lance Schulte
Carlsbad citizen and People for Ponto

From: Scott Donnell [mailto:Scott.Donnell@carlsbadca.gov]
Sent: Tuesday, November 10, 2020 8:20 PM
To: Lance Schulte; Scott Chadwick; Celia Brewer; City Clerk
Cc: Erin Prahler; Ross, Toni@Coastal; Cort Hitchens; Jeff Murphy
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

I have forwarded the email you sent Tuesday morning, November 10, at 6:22 a.m. to the Housing Element Advisory Committee (HEAC). I've also forwarded the email to the Housing Commission liaison, David De Cordova, so he may distribute it to the Housing Commission. The forwarded email contains both the November 10 text and attachments as well as the September 14, 2020, email and attachments.

It appears the September 14, 2020 email was not sent to the HEAC. I don't believe the email was received by the Housing Commission either as Mr. De Cordova, the commission's liaison, is not identified as a recipient of the email. The email has been forwarded to the HEAC.

The HEAC did receive an email from you dated September 9, 2020.

Please let me know if you have any questions.

Thank you.

Scott Donnell
Senior Planner
1635 Faraday Avenue
Carlsbad, CA 92008-7314
www.carlsbadca.gov

760-602-4618 | 760-602-8560 fax | scott.donnell@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>

Sent: Tuesday, November 10, 2020 11:31 AM

To: Scott Donnell <Scott.Donnell@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Celia Brewer <Celia.Brewer@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Teresa Acosta <Teresaforcarlsbad@gmail.com>

Cc: Erin Prahler <Erin.Praher@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>

Subject: FW: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

Could you kindly provide documentation on if/when the Housing Commission & Housing Element Advisory Committee were provided the Sep 14, 2020 email below that included first two attachments, and when the Nov 10 email will be provided to the Committee and Commission?

In watching the Housing Element Advisory Committee discuss Coastal land use issues, there appeared no staff communication to the Committee on the concurrent Draft LCP-LUPA issues and issues noted below. It appears the Housing Element Update is operating in a silo and not disclosing, discussing or concerning the higher-priority Coastal land use issues of the CA Coastal Act, and CA Coastal Commission direction to the City regarding the State of CA high-priority coastal land use issues vis-a-vis CA affordable housing laws.

As noted in the 3rd attached file regarding citizens questions regarding the 1/28/20 City Council meeting Staff report on the Draft LCP-LUPA there were several documented errors and misrepresentations regarding Carlsbad's General Plan and Housing Element of the General Plan and on the CA State law (both statutory and case law) regarding primacy of the Coastal Act over affordable housing laws within the CA Coastal Zone. As noted these are important fundamental issues. These fundamental issues do not seem to be being fully communicated to Carlsbad citizens, the Housing Element Advisory Committee, the Planning-Housing-Parks Commissions, and the City Council.

Thank you for providing documentation on then the emails have/will be provided to those addressed.

Sincerely,
Lance Schulte

From: Jennifer Jesser [<mailto:Jennifer.Jesser@carlsbadca.gov>]
Sent: Tuesday, November 10, 2020 8:59 AM
To: Lance Schulte
Subject: Re: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Good morning, Lance.

The comments you submitted in the emails below have been received and will be included in the staff report to the Planning Commission on the LCP update. The Planning Commission is scheduled to consider the update on December 2nd.

Best regards,



Jennifer Jesser

Senior Planner

Community Development Department

Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

www.carlsbadca.gov

760-602-4637 | jennifer.jesser@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Tuesday, November 10, 2020 6:22 AM
To: Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>; Lisa Urbach <lisa.urbach@parks.ca.gov>; Zachary.Olmstead@hcdca.gov; Megan.Kirkeby@hcd.ca.gov; Scott Donnell <Scott.Donnell@carlsbadca.gov>
Cc: Brhiggins1@gmail.com; Phil Urbina <philipur@gmail.com>; Lela Panagides <info@lelaforcarlsbad.com>; Team Teresa for Carlsbad <teamteresaforcarlsbad@gmail.com>; People for Ponto <info@peopleforponto.com>; Laura Walsh <lauraw@surfridersd.org>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philip.diehl@sduniontribune.com>

Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Dear Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department:

It has been about 1.5 months since the following email [and attachments] was sent. As yet there has been no response from anyone. Is it possible to get a reply to the questions? Again, we request this and the September 14th email be included in the formal public comments for Carlsbad's Draft Local Coastal Program Land Use Plan Amendment, Carlsbad's Housing Element Update Process, Carlsbad's Park Master Plan Update process; and that the City staff provide documentation of the transmittal of these emails and documents to those processes and to Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee for their consideration in those processes.

The questions in the emails relate to the most basic and fundamental CA and City Coastal and affordable housing Laws; and how priorities are established by CA Law for potentially infinite population and visitor growth in a State/County/City with finite Coastal land resources and few remaining vacant Coastal lands. Due to the basic and policy foundation nature of these questions, as a California citizen, I would assume there is clear established CA State Law, or precedent case law that answers the questions.

I am aware of both CA State Law and CA case law logically notes the supremacy of CA Coastal Law over CA affordable housing laws. However it would be very appropriate for have clear confirmation from the State of California, as the City of Carlsbad is both in the process of both Amending its Local Coastal Program Land Use Plan, and updating its Housing Element of the General Plan (and Parks Master Plan)

The clear communication of it does not seem to be percolating down to City level and is not being clearly communicated by the City of Carlsbad to citizens and to the City Council, Planning-Housing and Parks Commissions, and to the Housing Element Advisory Committee; as these fundamental issues are not being clearly publicly disclosed and presented in staff reports on the staff proposed Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update. Without a clear, open, honest and fully public disclosure and discussion of the fundamental Buildout issue of the finite amount of last remaining vacant Coastal land in accommodating the State of California's high-priority Coastal Recreation and Low-cost Visitor Accommodation land use needs for an infinite amount of future population and visitor growth in the aforementioned planning efforts, how can citizens, Commissioners, and Councilmembers make informed and wise decisions on the final developed use of our last remaining fragments of vacant Coastal land?

In reviewing how the Draft Local Coastal Program Land Use Plan Amendment, proposed Housing Element Update, and Proposed Parks Master Plan Update processes are being conducted, there seems no clear comprehensive public communication of the questions raised in these emails and attachments, nor clear, comprehensive and open discussion by the City processes of these issues. How can true CA and City Coastal and affordable housing planning be done without a clear documented citation from CA State Law regarding those questions raised.

I sincerely hope you will fully and publicly reply and make sure all the processes fully consider the formally submitted questions asked in these emails and attachments.

Lance Schulte

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

Sent: Monday, September 14, 2020 10:46 AM

To: Council Internet Email (CityCouncil@carlsbadca.gov); Scott Chadwick (Scott.Chadwick@carlsbadca.gov); Erin Prahler (Erin.Prahler@coastal.ca.gov); Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Cort Hitchens (cort.hitchens@coastal.ca.gov); Lisa Urbach (lisa.urbach@parks.ca.gov); 'Zachary.Olmstead@hcd.ca.gov';

'Megan.Kirkeby@hcd.ca.gov'; 'scott.donnell@carlsbadca.gov'

Cc: Brhiggins1@gmail.com; Phil Urbina (philipur@gmail.com); Lela Panagides (info@lelaforcarlsbad.com); Team Teresa for Carlsbad (teamteresaforcarlsbad@gmail.com); People for Ponto (info@peopleforponto.com); Laura Walsh (lauraw@surfridersd.org); 'Steve Puterski'; Philip Diehl (philip.diehl@suniontribune.com)

Subject: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Dear Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department:

As one of the many People for Ponto (www.peopleforponto.com), we wanted to make sure this email and attachments have been provided to you and that the issues/data in this email be publicly presented/discussed during both the City's and State's consideration of the above planning and any other related activities.

1. Legality of 'Buildout' and quality of life standards in both California and a City within California; and if planning for "buildout" is illegal, can we California Citizens be provide the specific citation in CA State Law that forbids the State and/or Cities within California from land use and public infrastructure planning to cap to a finite or "buildout" population/development condition. As California and Carlsbad citizens it important to know the State's legal policy on "buildout"; and State policy laws on how are an infinite amount of Coastal Recreation and other high-priority Coastal land uses can be correspondently provided for infinite population growth within a largely developed and finite (and shrinking due to sea level rise) Coastal Zone?

The following public testimony and questions were presented the 6/23/20 Carlsbad Budget meeting. Coordinated answers from the State of CA and City of Carlsbad on how State Coastal and Housing planning priorities are ordered and reconciled is important. Carlsbad has a very small fragment of remaining vacant coastal land and once it is developed it essentially lost forever. This is being planned now with the above mentioned planning efforts. Most all of Carlsbad's Coastal lands are already developed with Low-Coastal-Priority residential land use, or off-limits due to endangered habitat preservation Coastal Parks or Campgrounds can only be provided along the Coast and they are currently very crowded, and will continue to get more crowed and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: *"6-23-20 City Council Budget meeting – pubic testimony by Lance Schulte: People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City's LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy's scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area. The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad's neighborhoods and extensive Visitor Industry; and Carlsbad's 1st and 3rd highest revenue sources. Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad's proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide 'buildout' need for Coastal Recreation land. It is not clear if 'buildout' is a set and final amount of City and State population and development or if 'buildout' represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If 'Buildout' is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth?"*

Until these questions can be authoritatively answered by the City and State of California the preservation and acquisition of vacant Coastal land should be a City priority. Because once land is developed it will never be available for Park and Coastal Recreation use. Continual population and development growth without corresponding Park and Open Space growth will lead to a gradual but eventual undermining of the quality of life for Carlsbad and California, and our Carlsbad economy. It is for these and other important reasons People for Ponto ask the City to budget for the purchase of Planning Area F for Coastal Recreation and City Park needs – needs that City has documented exist now, and needs that will only grow more critical and important in the future.

Thank you, People for Ponto love Carlsbad and our California Coast. We hope you love Carlsbad also and you take responsibility as a steward of our California Coast."

2. Attached is an email regarding clarification of apparent City errors/misrepresentations on 1/28/20 regarding a) the CA Coastal Act's relationship with CA Housing laws regarding CA land use priorities and requirements within the CA Coastal Zone, and b) City planning documents and City planning and public disclosure mistakes regarding Ponto. The clarification of the issues noted on 1/28/20 should be comprehensive, and holistically and consistently disclosed/discussed in each of the City's and State's Coastal-Land Use Planning-Parks-Housing planning efforts showing the principles and legal requirements for how potential conflicts within State/City Policies are to be resolved.
3. Similar to #2 above, People for Ponto has provided public testimony/input of over 200-pages of documented data on the need for a "Public Park" and over 2,500 Citizens' requests for that Park. Those 200+ pages and the email requests from 2,500 citizens, and the CA Coastal Commission direction to the City as noted below should also be shared with the Carlsbad's Planning-Parks-Housing Commissions, and the City's Housing Element as part of the respective land use-parks-housing discussions

The CA Coastal Commission has also provided direction to the City regarding some of the City's planning mistakes at Ponto, and those directions should also be shared with the City's Planning-Parks-Housing Commissions and Housing Element Advisory Committee regarding Coastal Land Use planning at Ponto Planning Area F. CA Coastal Commission has provided the following direction to the Carlsbad:

- a. Following is from a 7/3/17 CCC letter to City Staff on the City's proposed land use changes at Planning Area F. City Staff provided this to City Council on 1/28/20: "The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. **For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad.** This is an issue that the San Pacifico HOA community group is raising in regards to the Shopoff/Ponto development proposal, and this study should be undertaken as a part of the visitor serving use inventory analysis described above. **If this analysis determines that there is a deficit of low cost visitor accommodations or recreation facilities in this area, then Planning Area F should be considered as a site where these types of uses could be developed"**
- b. In 2017 after citizens received the City's reply to Public Records Request 2017-260, citizens meet with CCC staff to reconfirm the City failed since before 2010 to publicly disclose and comply with Planning Area F's LCP requirements. CCC Staff acknowledged the City has not yet complied with the LCP and in an 8/16/2017 email said: "The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. **The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Please do not misinterpret these comments as anti-housing or anti-development, it is the exact opposite, they are in support of existing and future development. It is a logical recognition of what is the best use of very limited (and shrinking) vacant Coastal Land resources. It is prudent and sustainable State and City Coastal Land Use planning to best serve all CA residents – now and in the future. Housing can be developed in many large inland areas that are better connected with job centers and transit. New Coastal Parks can only be located on the last few remaining vacant parcels within a short distance to the coast. This very small area (vis-a-vis) large inland areas must serve all the coastal Park and recreation needs of California’s almost 40 million residents and the additional millions of annual visitors to California’s coast. This very small amount of Coastal land drives a lot what makes CA desirable and successful, but it is getting very overcrowded due to population/visitor growth while at the same time shrinking due to coastal erosion and sea level rise. Squandering the few remaining Coastal vacant land resources, and not reserving (planning) these lands for more high-priority Coastal Recreation Land Uses will ultimately undermine CA both socially and economically. The attached ‘Carlsbad 2019 proposed Draft LCP Amendment’ file should be provided to and reviewed by Carlsbad’s Planning-Parks-Housing Commissions and the Housing Element Advisory committee in their consideration of Carlsbad’s proposed Housing Element update and proposed Draft LCP Land Use Plan Amendment, and also jointly by CA HCD and CCC in providing Carlsbad direction on CA Coastal Land Use priorities in the Coastal Zone relative to those two (2) City proposals.

Thank you all for your consideration and comprehensive inclusion of the various issues in both the City and States upcoming evaluation of proposed Coastal land use plan, Housing Element and Parks Master Plan updates. There is precious little vacant Coastal land left and how it is planned to be used and developed is critical and needs full public disclosure/involvement and a comprehensive and coordinated approach.

Sincerely,
Lance Schulte
www.peopleforponto.com

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11/13/2020

Via E-Mail

Jennifer Jesser, Senior Planner
Community Development Department
City of Carlsbad Planning Division
1635 Faraday Ave.
Carlsbad, CA 92008

Re: Draft Local Coastal Program Land Use Plan

Dear Ms. Jesser:

I am writing on behalf of the Bristol Cove Property Owners Association (“Association”) to identify significant - and we believe unintended - harm that proposed policies in the Draft Local Coastal Program Land Use Plan (“LUP”) would have on the unique Bristol Cove development. Specifically, we believe LUP policies directed towards reducing development on the coastline because of concerns regarding sea level rise, coastal processes, etc. have been improperly extended to include portions of Bristol Cove. Bristol Cove does not dispute the need to consider the impacts of sea level rise in the LUP. However, Bristol Cove is an inland development and the potential impact of sea level rise on this community are far different from those faced by properties directly on the coast. It follows that Bristol Cove should not be subject to the same LUP policies as properties along the coast. I explain our concerns in more detail below.

Brief History of Bristol Cove

Bristol Cove is a community of 281 homes. Originally called Shelter Cove, it is a unique development that predates the Coastal Act, having been



approved as a Tentative Map by City Resolution 767 on December 6, 1960, with actual construction being completed in the late 1960’s. At the heart of the community is the Bristol Cove Marina, a man-made marina fed by waters from Agua Hedionda Lagoon. The marina is a coastal dependent land use permitted by the Coastal Act. It defines the Bristol Cove community and is an integral part of the development.

Areas Of Practice

- Real Estate
- Estate Planning & Administration
- Business
- Land Use & Environmental
- Litigation
- Public Agency

Attorneys

- D. Wayne Brechtel
- Kristen McBride
- Jason R. Schingler
- Tomer T. Gutman

- D. Dwight Worden
Retired
- W. Scott Williams
Retired

Office

462 Stevens Avenue
Suite 100
Solana Beach
California 92075
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Agua Hedionda Lagoon is the only lagoon in San Diego where recreational boating is permitted, and Bristol Cove is the only community with a manmade marina adjacent to the lagoon.

LUP Policies of Concern

Appendix B, the City of Carlsbad Sea Level Rise Vulnerability Assessment has identified portions of the Bristol Cove Community as potentially within the sea level rise inundation zone. This is based upon a study that concludes some portions of Bristol Cove could experience flooding during high tide events due to sea level rise in 80-years, i.e. year 2100¹. As a result of this finding, Bristol Cove has been lumped into what is referred to as a “sea level rise hazard zone”, a zone that includes properties directly on the coast. For properties within this zone, the LUP has policies that are clearly directed toward preventing new- and eliminating existing-development. For example, existing development within the sea level rise inundation zone that is inconsistent with the new policies would be considered “legally non-conforming”. This designation would subject the development to LCP-7-P.16 which is designed to prevent improvements that would extend the useful life of existing structures.

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

The Association is understandably concerned that application of the policy quoted above, and others in the Draft LUP, could be applied in a manner that prevents Bristol Cove homeowners from improving and protecting their most significant and important asset. The Association submits that policies for properties potentially impacted by sea level rise should not be a one size fits all proposition. Many of the concerns related to sea level rise such as the loss of sandy beaches, bluff erosion, and natural shoreline migration are inapplicable Bristol Cove. Bristol Cove is an inland development that is not impacting shoreline processes and as such, should not be subject to policies that have elimination of existing development as their primary focus.

For example, there should be no presumption that Bristol Cove is a “legally nonconforming” development. Measures to protect Bristol Cove homes from the impacts of sea level rise should be permitted. There is no credible case to be made that allowing Bristol Cove to take reasonable steps to protect existing homes from

¹ The study did not identify flooding impacts within Bristol Cove in the year 2050.

the potential flooding impacts of sea level rise would have an adverse impact on the natural shoreline process, coastal resources, public trust resources or public access to the shoreline. Bristol Cove should be considered a situation in which some form of protection from flooding may represent a reasonable strategy to adapt to sea level rise.

Requested Action

The Association asks that the LUP not be considered for approval in its current form. The Association appreciates that LUP policies to address sea level rise are necessary. However, it respectfully submits that as currently drafted, the LUP policies improperly apply rules intended for development on coastline to Bristol Cove, which is an inland development. The policies as currently written would have a devastating impact on Bristol Cove. They would unnecessarily limit the ability to improve and protect homes within Bristol cove based upon concerns and assumptions that have nothing to do with the development. The potential sea level rise impacts with regard to Bristol Cove are completely different from those presented by properties on the coast. To correct this problem, the Association asks for an opportunity to work with the City to develop LUP policies that are tailored to the unique circumstances of Bristol Cove.

Respectfully Submitted,

WORDEN WILLIAMS LLP

D. Wayne Brechtel

D. Wayne Brechtel, Esq.

dwb@wordenwilliams.com

cc: Bristol Cove Property Owners Association