

From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: 121 undeliverable Protect Ponto petitions
Date: Wednesday, December 2, 2020 1:33:52 PM
Attachments: [img-0.png](#)

Please read my comments at the December 2nd Planning Commission DLCP meeting

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission:

The People for Ponto Committee would like to call attention to 121 Protect Ponto Support Petitions that came back as "undeliverable" on November 29th and 30th.

As your inboxes show, there is a lot of support for delaying today's DLCP agenda item until District 4 has representation, removing land use changes to Planning Area F and creating a Coastal Ponto Park over residential. We know some support letters went through on the dates in question and others did not- in an attempt to not overwhelm your email any more than it is by resending all the letters on those dates - we ask that you make public record of "121 additional Protect Ponto letter on Nov 29th and 30th"

Please see the below photo of the return email notifications for reference.

Thank you

People for Ponto

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<input type="checkbox"/>		Mail Delivery System	Mon 11/30 2:41 am
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Mon 11/30 2:41 am
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Mon 11/30 1:41 am
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Mon 11/30 12:31 am
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Mon 11/30 12:21 am
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Sun 11/29 11:26 pm
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Sun 11/29 11:21 pm
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Sun 11/29 11:16 pm
		Undelivered Mail Returned to Sender	
<input type="checkbox"/>		Mail Delivery System	Sun 11/29 11:11 pm
		Undelivered Mail Returned to Sender	

Support letters sent to City

Undelivered to City (121)

Add Folder

1 - 50 of 121

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

Lisa Ann L. Mangat, Director

January 10, 2020

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

RE: Draft Local Coastal Program Land Use Plan Update

Dear Ms. Saucier,

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

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

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

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

The *Carlsbad Boulevard/ Agua Hedionda Center* section (page 2-21) and *Policy LCP-2-P.16 C* (page 2-25) of the draft LCP refers to the decommissioning and demolition of the Encina Power Station (EPS) and the future use of the area, west of the railroad tracks as a visitor-serving commercial and open space to offer the public enhanced opportunities for coastal access and services. The Department would like to emphasize the lack of public facilities in the area and encourage improvements, infrastructure, and facilities including restrooms, rinse showers and an added pedestrian crosswalks for safe crossing to the beach in this parcel or within adjoining areas or locations.

The *Ponto/Southern Waterfront* section (page 2-22) of the draft LCP refers to the opportunity for the realignment of the southern, southbound portion of Carlsbad Boulevard to provide open space for a future linear park and promenade. This area represents the best opportunity to maintain into the future the current level of service that the South Carlsbad State Beach campground provides. The LCP should add the possibility for the Department to acquire or lease a portion of this land for adding future camping amenities. It is likely that the proposed Linear Park and Promenade could be designed to incorporate both Department and City-owned land. If implemented, this could provide resiliency to both the South Carlsbad State Beach Campground and Carlsbad Boulevard, and maintain or improve local and regional lower cost accommodation goals.

Policy LCP-2-P.28 (page 2-30) of the draft LCP proposes to ensure that development of the state-owned property (located between the railroad and Carlsbad Boulevard, north of Palomar Airport Road and south of Manzano Drive) protects coastal resources and enhances opportunities for public recreation and access to the coast, including public parking. The Department supports these goals and proposes adding a planning effort with the City to redesign the Palomar Airport/Carlsbad Boulevard interchange to provide more opportunities for habitat restoration, coastal access, recreational opportunities, and visitor serving amenities in this area.

Section 3.2 Coastal Recreation (page 3-5) of the draft LCP suggests that the City has a high proportion of dedicated open space land in the LCP area. While the City has added considerable open space in more inland portions of the LCP, the southern coastal portion of the LCP area has very little open space other than Department-owned land (South Carlsbad State Beach) and the land adjacent to the estuaries. The City should consider expanding open space zoning in the southwestern portion of the LCP area. Additional open space in this area will not only support the local community's recreational needs but could also provide for future coastal access, recreation, and camping as the shoreline progresses eastward.

Policy LCP-3-P.4 (page 3-17) proposes that the City work collaboratively with the Department to maximize public recreation. The Department is supportive of this statement and would like to work collaboratively with the City and the California Coastal Commission to develop and implement an adaptation plan to maintain public access facilities (such as, staircases, campsites, and maintenance facilities) within the LCP.

Policy LCP-3-P.12 (page 3-18) proposes that the City will work with the Department to enhance recreation, public access, visitor-commercial services, and activity in the Carlsbad Boulevard coastal corridor. The Department would request further clarification of what the City considers “visitor-commercial services” and “activity”. The Department supports the principal objectives listed in this policy: improving coastal access for all, conserving coastal resources, and addressing threats to the campground from bluff erosion and sea level rise. With those objectives in mind, the Department would encourage the City to allow room for managed retreat of the campground in order to protect the area’s lower-cost overnight accommodations. The Department also suggests working together to implement a streamlined permitting process for coastal access projects.

In *Section 4.3 Active Transportation Access*, the draft LCP depicts a Class I bike path through the South Carlsbad State Beach Campground (Figure 4-4, page 4-27). The Department supports alternative forms of transportation and outdoor recreation; however, any public bike path would need to be located or designed so bicycle and/or pedestrian traffic does not significantly impact the campground visitor experience or disrupt public safety operations. The path may be more appropriate on the eastern edge of the campground with some opportunities for ocean views where appropriate.

Policy LCP-6-P.13 through LCP-6-P.25 Marine and Coastal Water Quality (page 6-24 through 6-26). The Department supports all efforts to manage storm water and to prevent runoff.

Finally, *Policy LCP-7-P.31* (page 7-46) proposes the City will support and coordinate with the Department in sea level rise adaptation planning for the state campground in Carlsbad. The Department is supportive of this policy and looks forward to collaborating with the City. The Department is greatly appreciative that the City has secured grant funding from the State Coastal Conservancy to begin collaborating on Sea Level Rise Adaptation planning for the land near to the southern portion of Carlsbad Boulevard. This effort has the potential to greatly improve and sustain important coastal amenities well into the future and develop strategies for other areas which will be affected by sea level rise.

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

Sincerely,



Gina Moran
District Superintendent II

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

From: elsiewdunn@gmail.com
To: [Planning](#)
Subject: South Ponto Development
Date: Wednesday, December 2, 2020 6:17:28 PM

Please DO NOT allow South Ponto commercial and residential development. We have an obligation to protect the quality of an open beautiful coastline Carlsbad is famous for. Look for other non-coastal areas for development.

Thank you.

Alvin and Elsie Dunn
7043 Cinnamon Teal St.
Carlsbad, CA 92011

Sent from my iPhone

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 2:15:13 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 1:49pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Name

Amy Schaefer

Email

amy.c.schaefer@sbcglobal.net

Address

1044 Sagebrush Road
Carlsbad CA 92011

Sent from People for Ponto

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

From: [Barbara Diamond](#)
To: [Planning](#)
Subject: Beach~Pronto
Date: Wednesday, December 2, 2020 12:53:50 PM

This so many facets that it is difficult to address adequately. The major factors (according to me) are the environmental ramifications and sea-level rise. Access to the beach and lodging for visitors are less important. Preserving some open space and protecting it from greedy developers is imperative. Zoning and usage regulations should be in place soon.

--

~Barbara Diamond~

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 2:20:23 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 2:17pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Name

Brayden Schaefer

Email

brayden.schaefer@ymail.com

Address

1044 Sagebrush Road

Sent from People for Ponto

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From: [Lance Schulte](#)
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); ["Scott.Donnell@carlsbadca.gov"](#); [Erin.Prahler@coastal.ca.gov](#); [Toni.Ross@coastal.ca.gov](#); [cort.hitchens@coastal.ca.gov](#); [lisa.urbach@parks.ca.gov](#); [info@peopleforponto.com](#); [Bret Schanzenbach](#)
Cc: "Kris Doan"
Subject: Carlsbad citizen input on Ponto park Coastal land use Park and Housing issues
Date: Monday, November 16, 2020 1:59:14 PM
Attachments: [image001.png](#)
[image002.png](#)

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:

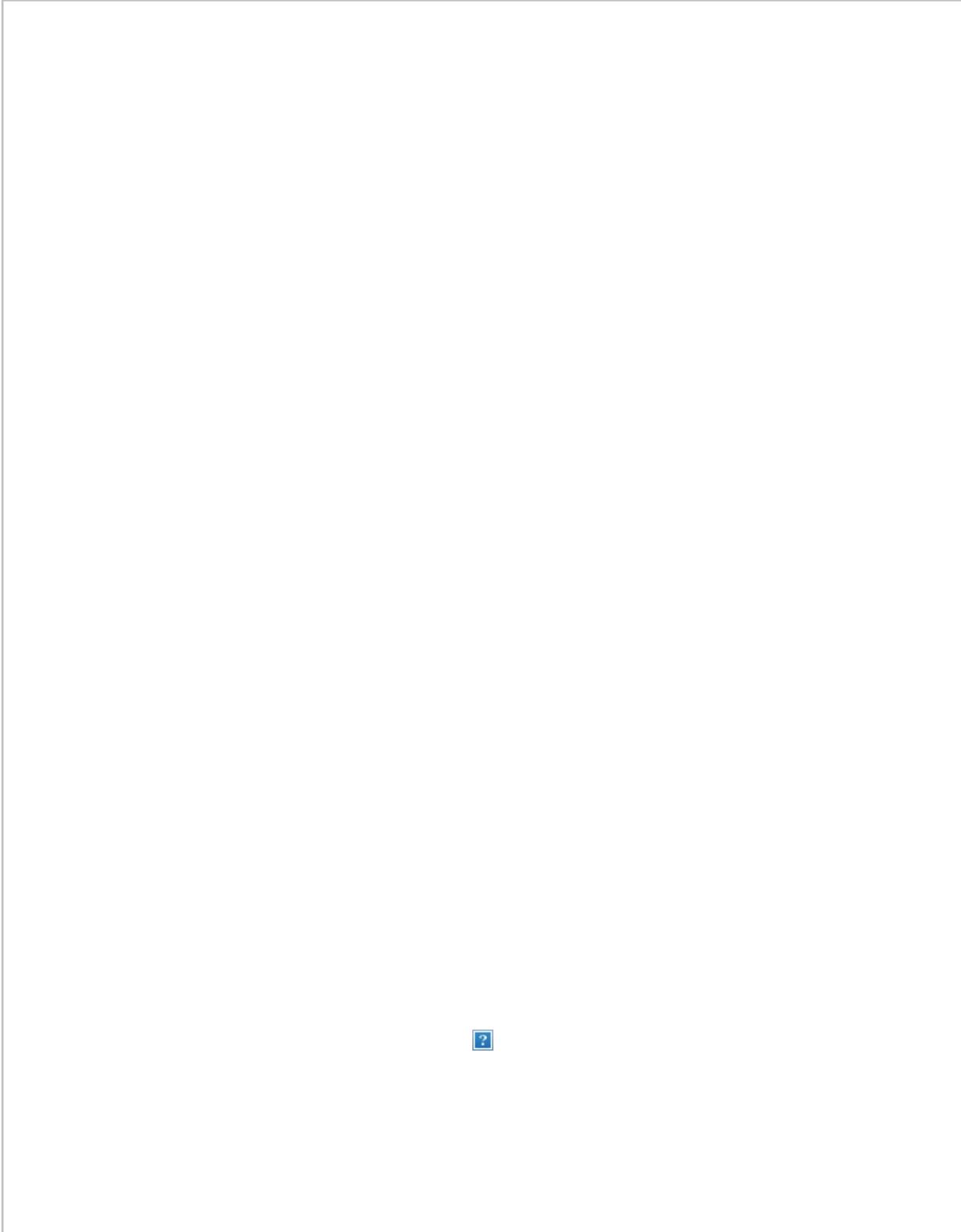
It is well past time that south coastal carlsbad families have access to a park/recreation space that is safely within walking distance of our homes. The nearest park is a substantial distance away, requiring travel over a very busy freeway overpass and into very heavily traveled streets before you even 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





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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From: [Krimmel, Cindy@Parks](mailto:Krimmel_Cindy@Parks)
To: [Planning](#)
Cc: [Moran, Gina@Parks](mailto:Moran_Gina@Parks); [Smith, Darren@Parks](mailto:Smith_Darren@Parks); [Urbach, Lisa@Parks](mailto:Urbach_Lisa@Parks); [Cazorla, Marina@Parks](mailto:Cazorla_Marina@Parks)
Subject: Carlsbad Local Coastal Plan Land Use Update - CSP Comments
Date: Wednesday, December 2, 2020 1:46:42 PM
Attachments: [2020 CSP comments Carlsbad LCP.pdf](#)

City of Carlsbad Planning Commission,

California State Parks (CSP) wishes to provide comments regarding the Local Coastal Plan (LCP) Land Use Update to be read into the record at the Planning Commission Hearing December 2, 2020.

Thank you for the opportunity to comment on the comprehensive update to the Local Coastal Program. We provided a comment letter related to the LCP update January 10, 2020 (attached). We have reviewed the responses to our comments and wish to remark on two of the responses:

Comment B4. Regarding improving public facilities in the vicinity of the former Encina Power plant. We look forward to addressing public infrastructure and facilities as part of the required future comprehensive planning process (draft policy LCP-2-P.16.D).

Comment C16. Regarding the designation of more open space in the south western portion of the City of Carlsbad (City). As part of our mission CSP supports preserving open space and recreational opportunities. Much of the dedicated open space in the southwestern portion of the LCP planning area (LFMZ9) is limited to narrow bluff and beach between coast highway and the Pacific Ocean. Much of this land is vulnerable to coastal erosional processes and sea level rise. The LCP update maintains that the planned open space in this area is consistent with established land use ordinances established in the 1985 master plan and according to 1986 open space standards. These 35-year-old standards may not be adequate given the current and future recreational needs of the community. To the extent possible the LCP Update should consider expanding open space greater than the 15% proposed to support current and future recreational opportunities of Carlsbad residents and City and CSP visitors.

Thank you for allowing CSP to be included in this process. We appreciate the effort the City is putting into this process and look forward to working together to improve and conserve open space and recreational opportunities in coastal Carlsbad.

Sincerely,

Cindy Krimmel

Environmental Coordinator

San Diego Coast District, California State Parks

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



Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 5863-99917

December 2, 2020

VIA EMAIL (planning@carlsbadca.gov; jennifer.jesser@carlsbadca.gov)

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

Re: December 2, 2020 Planning Commission Agenda Item No. 4, Local Coastal Program Land Use Plan Update

Dear Honorable Planning Commissioners:

These comments are submitted on behalf of the owner of Ponto Planning Area F located on the north side of Avenida Encinas along Ponto Drive. The Ponto owner 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 utilizing the density bonus law consistent with the City's Inclusionary Housing Ordinance. Development of the Ponto site at a higher density consistent with the density bonus law will advance the goal of affirmatively furthering fair housing and coastal access opportunities for people of all incomes.

Several corrections and clarifications are needed before approval of proposed Local Coastal Program Land Use Plan Update and Master Plan Update:

All references to wetlands in Planning Area F and the requirement for a wetlands interpretive park are errors and need to be deleted. The wetland feature is located to the northwest of Planning Area F. Carlsbad Senior Planner Jennifer Jesser has confirmed that the error is based on a misreading of the Ponto Beachfront Village Vision Plan.

References to the gross and net acreage of the Ponto site need to clarify that the acreages stated are approximate.

The calculation of density bonus residential units in the Poinsettia Shores Master Plan including Planning Area F are outdated and should be updated to reflect the City's current affordable housing ordinance.

Irvine Office
2030 Main Street, 12th Floor
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jacksontidus.law

Specific corrections and clarifications are discussed below and in the attachments:

Draft Local Coastal Program Land Use Plan:

LCP-2-P.20, Area 1, pages 2-27, 2-28 (pdf pp. 59, 60 of 360):

- Please delete the erroneous references to the low-lying area in Special Planning Area 1 (Ponto Planning Area F west) displaying wetlands characteristics and delete the related requirements for setbacks along Carlsbad Boulevard, wetland interpretive park and pedestrian underpass from the wetland area to the beach side of Carlsbad Boulevard (paragraphs A.4, A.7, A.8). As shown on Exhibit A attached to this letter, the wetlands area along Carlsbad Boulevard is located northwest of Special Planning Area 1, in the Ponto Beachfront Village Vision Plan mixed use neighborhood.

LCP-2-P.20, Area 2, page 2-28 (pdf p. 60 of 360) – The range of units in Special Planning Area 2 (Ponto Planning Area F east) designated R-23 will need to be updated to 19 to 23 units per acre (rather than 15 to 23 units), consistent with the minimum density for the R-23 designation per the existing General Plan and consistent with the Housing Element Update that the City is about to submit to the state Department of Housing and Community Development. Please confirm the process and timing for updating the Land Use Plan and Master Plan to be consistent with the City's Housing Element Update.

Staff Report, Attachment 1, Exhibit 2 to Draft Ordinance (Amendments to Poinsettia Shores Master Plan):

Page 6, Master Plan Exhibit 9 (Staff Report pdf pp. 32, 70) – Please see Exhibit A attached to this letter for corrections needed to Exhibit 9 related to Planning Area F. Corrections include:

- The Planning Area F residential units should be accounted for in the calculation of the residential total in the Master Plan including the total with affordable housing and density bonus at 35% consistent with the City's affordable housing ordinance.
- Footnote 5 calculating density bonus units is outdated and should be updated to reflect the City's affordable housing ordinance. For example, because Planning Area F has a requirement that 20% of the units be affordable at the lower-income level (see Staff Report Attachment 5, pp. 8, 10 [Staff Report pdf pp. 279, 281 of 518]), the density bonus under the City's affordable housing ordinance (section 21.86.040(B)) is 35% rather than 25% reflected in footnote 5.
- The range of allowable units in Planning Area F East designated R-23 will need to be updated to 19 to 23 units per acre (rather than 15 to 23 units noted in Table 9), consistent with the increased minimum density for the R-23 designation in the

General Plan and consistent with the Housing Element Update that the City is about to submit to the state Department of Housing and Community Development. Please confirm the process and timing for updating the Land Use Plan and Master Plan to be consistent with the City's Housing Element Update.

- For clarity, add to footnote 6 a summary of the calculation for residential units in the General Commercial portion of Planning Area F.

Page 7, Section 15 (Staff Report pdf p. 33) – Please clarify the first sentence under Planning Area F, Description, to note that the 6.28 net acreage on the east and 3.07 net acreage on the west are approximate acreages. As noted in footnote 1 of Master Plan Exhibit 9 (at Staff Report pdf pp. 32, 70), the exact gross and net acreages are to be determined. This revision is needed to be consistent with Master Plan Exhibit 9 and avoid confusion in the future.

Page 9 (Staff Report pdf p. 35) – As discussed above and shown on Exhibit A to this letter, please delete the erroneous references to the low-lying area in Planning Area F displaying wetlands characteristics and the related requirements for setbacks along Carlsbad Boulevard, wetland interpretive park and pedestrian underpass from the wetland area to the beach side of Carlsbad Boulevard in Planning Area F.

We have observed the public comments calling for the downzoning of the Ponto site to create a coastal park. The Ponto landowner agrees with the City's responses to those comments that such a downzoning is unjustified and would work against the City's housing goals in violation of the strict State housing laws recently enacted to address California's housing crisis. As noted in Exhibit B to this letter, the Ponto site is in the unique position of being within walking distance of the Poinsettia Transit Station and the beach, and includes future General Commercial development. The Ponto site would provide an opportunity for housing in the Coastal Zone that is affordable to moderate and lower-income individuals and families within walking distance to the beach. The Ponto landowner would strongly oppose any such downzoning effort.

The Ponto landowner looks forward to working with the City to do its part to further the City's goal of properly planned development to produce safe, decent and affordable housing.

Sincerely,



Michele A. Staples

Enclosure

cc: Celia Brewer, City Attorney (w/Exhibits)

EXHIBIT A



Mixed Use Center

The Mixed Use Center serves as the "heart" of the Ponto Beachfront Village. In this lively center, are a variety of small specialty shops, services, restaurants, offices, housing, and a central community amenity. The mix of uses – both horizontal and vertical – creates an active and vibrant area.

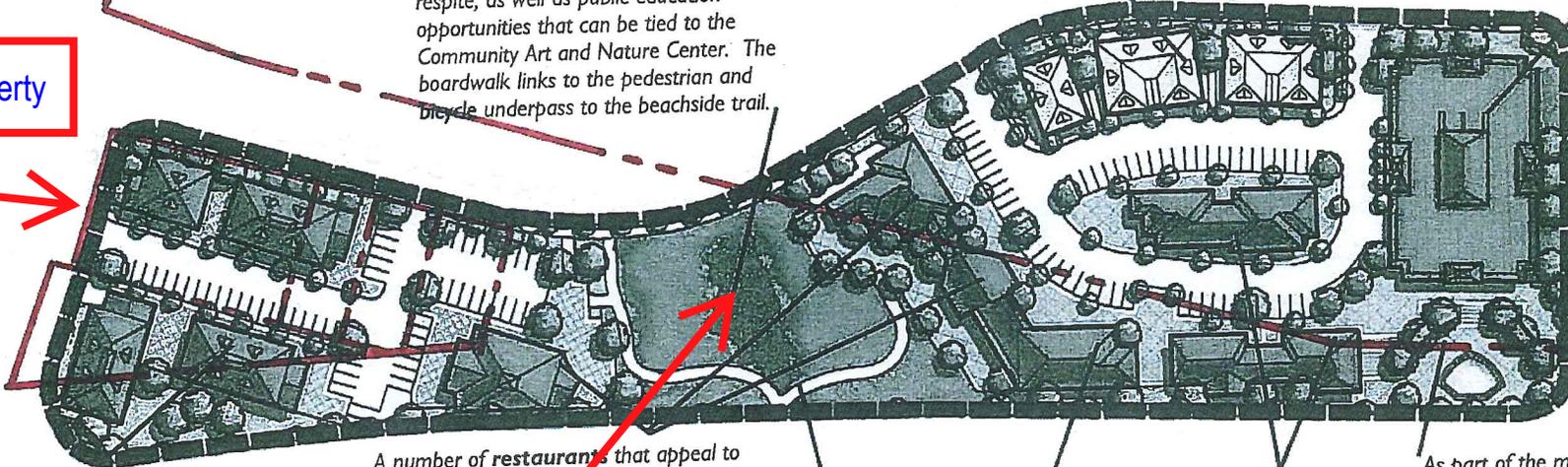
The enhanced wetland becomes a **Wetland Interpretive Park** with a boardwalk trail and offers a place for respite, as well as public education opportunities that can be tied to the Community Art and Nature Center. The boardwalk links to the pedestrian and bicycle underpass to the beachside trail.

A row of California coastal-style **townhouses or live-work units** is located along Ponto Drive, creating a concentration of housing in the Mixed Use Center. The town homes add life to the area, as well as provide a visual connection to the neighborhood across the street.

A four level **parking garage** (one level underground, three above) provides ample parking for the Beachfront Village shops and attractions. Small shops line the portion of the garage facing the plaza, heightening the level of outdoor activity. Because the garage is in a slightly depressed part of the project area, the visual impact is minimal and does not impede surrounding neighborhood views. Rooftop parking is screened through the use of landscaping and architectural features.

City Property

Ponto Planning Area F West



Additional **mixed use** opportunities are located along Ponto Drive and Beach Way. It is envisioned that a combination of office and artist uses will be developed with residential to the rear or on upper stories.

A number of **restaurants** that appeal to both residents and visitors are envisioned in the Mixed Use Center. The lower-level restaurants take advantage of large outdoor patios that overlook the enhanced wetland, while the second story restaurants do the same with balconies.

Underpass trail provides connection to west side of Carlsbad Boulevard.

Several one to three-story **mixed use** developments provide shops and services, while also providing unique housing opportunities on upper levels.

As part of the mixed use development, the **Village Plaza** provides a location for community gatherings, relaxation, or outdoor dining. With its slightly elevated center, the plaza also offers vistas of the Batiquitos Lagoon. The plaza presents an opportunity for outdoor vendors, performers, and special events.

A medium-sized community facility – ideally a **Nature and Art Center** – provides organized activities and classes, houses interpretive exhibits, and serves as a location for community-based events. A second or third story balcony provides views to the wetland.

"Shriver" Property

EXHIBIT B

POTENTIAL HOUSING SITES

Site: Ponto Property

SITE DESCRIPTION

The site is a flat, vacant approximately 11 acre property, bisected by Ponto Drive, with disturbed and highly-disturbed land cover. It is located on the north side of Avenida Encinas west of the railroad tracks. No structures or improvements exist on the property. No specific constraints encumber the property.

SITE FEATURES

- Vacant
- Adjacent to transit
- Close to the beach
- In the Coastal Zone
- Development and design standards apply
- Designated for multi-family residential and commercial
- Mixed use opportunity
- Minimal site constraints
- Close to services



SITE OPPORTUNITY

The location and physical classification (vacant and unconstrained) of the site presents a unique development opportunity in the coastal area. The property consists of a single lot, possessing two General Plan and Zoning designations. The easterly section (approximately 6.28 acres net) is designated for multi-family residential development zoned R-23, with a Growth Control Point of 19.0 dwelling units per acre (du/ac). The westerly section (approximately 3.07 acres net) is designated for General Commercial uses. General Commercial allows a minimum of 15 du/ac calculated over 25% of the acreage (allowance for a minimum of 12 residences). The entire property has the potential for increase in density whether by re-designating its zoning to R-30 as proposed in the draft Housing Element Update for similar properties, or by density bonus under the City's affordable housing ordinance. It is in the unique position of being within walking distance of the Poinsettia Transit Station and the beach, and includes future General Commercial development.

The property is in the Poinsettia Shores Master Plan (Planning Area F) and the Ponto Beachfront Village Vision Plan, shown for multifamily townhome development and Mixed Use. It is one of the last remaining undeveloped properties in this area. Per the proposed Updated Master Plan and the Updated Local Coastal Program, the property must include 20% lower-income affordable units, making 35% density bonus units applicable under the Carlsbad affordable housing ordinance. Special development standards and design criteria apply, including a 40-foot setback from the NCTD Railroad ROW (streets, parking and landscaping are allowed), convenient pedestrian access to surrounding sites, screening of parking areas, and other design requirements of the Zoning Code.

If the R-23 land use designation was raised one step to R-30 (26.5-30 du/ac) = 166 units minimum; and the GC designated land were developed at 15 du/ac (25% of the land) = 12 units minimum; a minimum total of 178 apartment units could be generated on the property. To change the easterly property's designation to R-30, amendments to the General Plan and Local Coastal Program would be necessary and would require City Council and California Coastal Commission approval. No zone change would be required.

Parcel Number	216-140-43	GMP Quadrant	Southwest
Ownership	Private	Parcel Size	7.21 + 3.83 = 11.04 acres
Current General Plan Designation	R-23 (Residential, 19-23 du/ac)	Proposed General Plan Designation	R-30 (Residential 26.5-30 du/ac)
Current Residential Opportunity with Density Bonus	Approximately 177 units (at 19 du/ac and 15.0 du/ac X 25%) [151 market rate units and 26 affordable units]	Proposed R-30 Residential Opportunity	Approximately 178 units (at 19 du/ac and 15.0 du/ac X 25%)

From: [David Cline](#)
To: [Planning](#)
Subject: Fwd: Local Coastal Plan Draft Review
Date: Wednesday, December 2, 2020 3:24:06 PM
Attachments: [Draft LCP 2020.docx](#)

Honorable Commissioners

Kindly read the attached letter into the record when the Local Coastal Plan Draft agenda item is discussed.

DC

Begin forwarded message:

From: David Cline <davidjcline7@gmail.com>
Subject: Local Coastal Plan Draft Review
Date: December 2, 2020 at 9:08:37 AM PST
To: planning@carlsbadca.gov
Cc: Lee Andelin <lee@aac.law>

Carlsbad Planning Commission

Attached please find a commentary to be considered today in the new LCP Draft review. As the total re-format makes this document impossible to totally comment on, I will voice my strong opposition to any attempt to adopt this plan without major review and revision by the public and land use lawyers representing coastal properties.

Kindest Regards

David J. Cline
5215 Shore Drive
Carlsbad, Ca.

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

From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 1:34:17 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 1:20pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Name

David Zerfing

Email

dzerfing1@comcast.net

Address

7384 escallonia court, Carlsbad, ca 92011

Sent from People for Ponto

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

From: [Emery Master](#)
To: [Planning](#)
Subject: South Ponto Beach
Date: Wednesday, December 2, 2020 6:37:17 PM

No to developing South Ponto Beach.

Emery Master
Carlsbad California

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From: [Howard Krausz](#)
To: [Planning](#)
Subject: Item #4 comment letters
Date: Wednesday, December 2, 2020 5:31:46 PM
Attachments: [NCA letter to planning commission re LCP update.pdf](#)

Dear Clerk,

Thank you for reading my letter at the meeting just now (attached). Unfortunately you only read my name at the end and did not identify as me President of North County Advocates whom I represent. I assume the entire letter including my role as NCA president will appear in the record.

Howard Krausz, MD

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 2:52:31 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 2:51pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Additional Comments

This area could and SHOULD be a beautiful gateway coming into our city from the south. Please do the right thing and make this happen.

Name

Jennifer Baer

Email

jenniferrose@roadrunner.com

Address

6800 watercourse drive 92011

Sent from People for Ponto

CAUTION: Do not open attachments or click on links unless you recognize the sender and

know the content is safe.

From: [Scanlan, Katelin](#)
To: [Planning](#)
Subject: Public Comment for LCP Update Agenda Item
Date: Wednesday, December 2, 2020 1:09:13 PM

Good afternoon,

Please enter the following into the record for today's LCP Update item on the Planning Commission agenda:

SDG&E recommends waiting to rezone our Service Center site, located on Cannon & Carlsbad Boulevard, until there is more clarity on future plans for the site.

Thank you,

Katie Scanlan
Public Affairs Manager
San Diego Gas & Electric

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

From: [Lance Schulte](#)
To: [Scott Donnell](#); [Scott Chadwick](#); [Celia Brewer](#); [City Clerk](#); [Council Internet Email](#); [Teresa Acosta](#); [Gary Barberio](#)
Cc: ["Erin Prahler"](#); ["Ross_Toni@Coastal"](#); ["Cort Hitchens"](#); [Jeff Murphy](#); [Kyle Lancaster](#); [Don Neu](#); ["Steve Puterski"](#); [Philip Diehl](#); [Mike Sebahar](#)
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment
Date: Wednesday, November 11, 2020 10:04:59 AM
Attachments: [image001.png](#)

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.Prahler@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 president case law that answers the questions.

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

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

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 crowded and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: "6-23-20 City Council Budget

meeting – public testimony by Lance Schulte: People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City’s LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy’s scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area.

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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From: [Lee Andelin](#)
To: [Planning](#)
Subject: FW: Local Coastal Program Update (Planning Commission Agenda Item No. 1, Dec. 2, 2020)
Date: Wednesday, December 2, 2020 3:31:10 PM
Attachments: [2020 12 02 Letter re Carlsbad LCPA.pdf](#)

Correction: this is now **agenda item no. 4**. Please read the letter in the hearing if possible.

From: Lee Andelin
Sent: Wednesday, December 2, 2020 2:58 PM
To: planning@carlsbadca.gov
Subject: Local Coastal Program Update (Planning Commission Agenda Item No. 1, Dec. 2, 2020)

Please see the attached letter.

Lee M. Andelin
Partner

AANNSTAD ANDELIN & CORN LLP

160 Chesterfield Drive, Suite 201
Cardiff-by-the-Sea, California 92007
(760) 944-9006

lee@aac.law

www.aac.law

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AANNESTAD ANDELIN & CORN LLP

160 CHESTERFIELD DRIVE • SUITE 201
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www.aac.law • (760) 944-9006

Coastal Property Rights, Land Use & Litigation

December 2, 2020

VIA EMAIL

Planning Commission
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008
planning@carlsbadca.gov

Re: Local Coastal Program Update (Agenda Item No. 1)

Position: Opposed

Honorable Commissioners:

As a Carlsbad resident and land use attorney focusing on coastal property rights, I write to express my serious concerns about the current draft of the updated local coastal program (LCP). The draft contains several subtle provisions, buried in the document, that together constitute a program of “managed retreat.” It is no exaggeration to say that the implementation of managed retreat in this manner would swiftly destroy Carlsbad’s existing coastal neighborhoods and infrastructure, including the Terramar neighborhood and parts of downtown. Below are several provisions of particular concern:

- **LCP-7-P.8(C), LCP-7-P.14(B), and LCP-7-P.21:** These provisions as drafted require that setbacks be calculated assuming the existence of no shore protection, even if legal shore protection actually exists. There is nothing in the Coastal Act that requires such a counterfactual assumption. This would effectively prohibit any development or redevelopment in neighborhoods like Terramar that are currently protected by seawalls and revetments.
- **LCP-7-P.12(B):** This draft provision requires the planned removal of new development and redevelopment. This is a violation of homeowners’ constitutional rights to use and enjoy their property. If any improvements are forcibly removed, property owners must receive just compensation.
- **LCP-7-P.16:** Prohibits homeowners from doing anything to “extend[] the duration” of existing legal nonconforming structures. This provision violates homeowners’ rights

under the Coastal Act to maintain, repair, and replace existing structures. (See Pub. Res. Code, §§ 30610(d), 30610(g).)

- **LCP-7-P.17:** Requires “recordation of a notice of restriction on property ...” This requirement is extremely vague and could be applied to unconstitutionally limit homeowners’ use and enjoyment of their property.
- **LCP-7-P.20(E) and LCP-7-P.22:** Require the removal of shoreline protection devices when existing upland structures are no longer present or are redeveloped. Nothing in the Coastal Act gives the Coastal Commission or the City the right to require the removal of lawfully built structures. Further, this constitutes a taking of property without due process or just compensation.
- **LCP-7-P.21:** Requires homeowners to waive their right to shore protection when they develop or “redevelop” their properties. This provision is deliberately crafted to cause the demise of long-established neighborhoods with aging homes and infrastructure, such as Terramar, which cannot continue to exist without shore protection.

Each of these provisions is contrary to the original intent of the Coastal Act to preserve already-developed urban neighborhoods and violates homeowners’ rights under the Coastal Act and the U.S. and California Constitutions.

The draft should be sent back to staff to revise at least these sections of the document. In revising the document, it is critical that staff work with representatives of coastal property owners, who are the most directly affected stakeholders.

Very truly yours,

AANNESTAD ANDELIN & CORN LLP



Lee M. Andelin

From: [Mary Hassing](#)
To: [Planning](#)
Subject: Update to Carlsbad's Local Coastal Plan
Date: Wednesday, December 2, 2020 12:51:13 PM

Dear Planning Commission members,

I hope that, in today's discussion, you are able to focus on open access to our beaches. I am concerned that the Ponto area may be developed for hotels or residences and that precious open space will be lost to us. So much of our California coastline is difficult for our families to access.

Protecting the Ponto area for parkland and recreation is, I believe, essential to keeping Carlsbad a city that welcomes visitors and residents alike, especially families that live inland and need an open space where they can spend a full day enjoying the ocean.

Sincerely,

Mary Hassing
2679 Regent Road, Carlsbad

Sent from [Mail](#) for Windows 10

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From: [maureen.master](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Wednesday, December 2, 2020 6:35:47 PM

I am opposed to developing South Ponto Beach. Please do not destroy that area.
Thank you,
Maureen Master

Get [Outlook for iOS](#)

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From: [Michele Staples](#)
To: [Planning](#); [Jennifer Jesser](#)
Cc: [Celia Brewer](#)
Subject: Comment Letter Re December 2, 2020, PC Agenda Item No. 4 Local Coastal Program LU Plan Update
Date: Wednesday, December 2, 2020 2:49:24 PM
Attachments: [Comment Letter Re December 2, 2020, PC Agenda Item No. 4 Local Coastal Program LU Plan Update.pdf](#)

Attached is our comment letter for tonight's Planning Commission hearing, Agenda Item No. 4, Local Coastal Program Land Use Plan Update. Please distribute the attached letter to the Commissioners and read the following comments into the record:

- These comments are submitted on behalf of the owner of Ponto Planning Area F.
- The Ponto site provides a unique opportunity for housing in the Coastal Zone affordable to moderate and lower-income individuals and families within walking distance of the Poinsettia Transit Station and the beach.
- We submitted a comment letter pointing out several corrections and clarifications needed to the proposed Local Coastal Program Land Use Plan Update and Master Plan Update.
- The Ponto landowner has observed the comments calling for downzoning the Ponto site to create a coastal park, and agrees that such downzoning is unjustified and would work against the City's housing goals in violation of State housing laws.
- The Ponto landowner would strongly oppose any such downzoning effort.
- The Ponto landowner stands ready to advance the City's and State's housing goals to further fair housing and coastal access opportunities for people of all incomes, including accommodating an allocation of affordable housing units consistent with the City's Inclusionary Housing Ordinance.

Thank you,

Michele Staples, Attorney

mstaples@jacksontidus.law
D: 949.851.7409
C: 949.233.5039

 **Jackson Tidus**
A LAW CORPORATION
2030 Main Street, 12th Floor
Irvine, CA 92614
O: 949.752.8585
F: 949.752.0597
www.jacksontidus.law

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

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From: [Pamela Carson](#)
To: [Planning](#)
Subject: Pinto
Date: Wednesday, December 2, 2020 5:34:01 PM

NO to multi family!!!

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From: richard.clifford
To: [Planning](#)
Subject: Carlsbad is Very special
Date: Wednesday, December 2, 2020 6:54:23 PM

Hi Planning Commission.

What makes Carlsbad stand out from other beach cities is the openness and coast line.

We beg you all, please leave Carlsbad open and beautiful.

Please don't develop South Ponto.

Please keep this area open landvtgat every one can enjoy

The City of Encinitas coast highway is so ugly.

Please leave Carlsbad open and beautiful.

Thank you for your attention in this matter

Sincerely

Rick and Susan Clifford
7027 Cinnamon Teal Street
Carlsbad, CA. 92012

Sent from my Verizon, Samsung Galaxy smartphone

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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

From: richard.clifford
To: [Planning](#)
Subject: ponto southwest development
Date: Wednesday, December 2, 2020 5:03:30 PM

Dear Planning Comission Development.

Do not develop this southwest Ponto land to commercial or multi family homes.

Please, Let this space remain open and a park area.

Thank you very much.

Susan and Rick Clifford
7027 Cinnamon Teal Street
Carlsbad, CA. 92011

Sent from my Verizon, Samsung Galaxy smartphone

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From: [Susan Walker](#)
To: [Planning](#)
Subject: Fwd: ponto southwest development
Date: Wednesday, December 2, 2020 6:12:50 PM

Planning Commission Development,
I, too, am against development of southwest ponto land to commercial or multi family homes.
We often ride bikes there and appreciate the open space.
Respectfully
Susan Walker
7023 Cinnamon Teal St
Carlsbad CA 92011

Begin forwarded message:

From: "richard.clifford" <richard.clifford@att.net>
Subject: FW: ponto southwest development
Date: December 2, 2020 at 5:07:33 PM PST
To: Susan Walker <susieorama@gmail.com>

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----
From: "richard.clifford" <richard.clifford@att.net>
Date: 12/2/20 5:03 PM (GMT-08:00)
To: planning@carlsbadca.gov
Subject: ponto southwest development

Dear Planning Comission Development.

Do not develop this southwest Ponto land to commercial or multi family homes.

Please, Let this space remain open and a park area.

Thank you very much.

Susan and Rick Clifford
7027 Cinnamon Teal Street
Carlsbad, CA. 92011

Sent from my Verizon, Samsung Galaxy smartphone

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

From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 2:15:13 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 2:03pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential. I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Name

Todd Schaefer

Email

toddschaefer@gmail.com

Address

1044 Sagebrush Road
Carlsbad, CA 92011

Sent from People for Ponto

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

From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; carrie.boyle@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Wednesday, December 2, 2020 2:51:18 PM

-----Original Message-----

From: "People for Ponto" <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 2:48pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Dear Mayor Hall, Carlsbad City Council, and California Coastal Commission,

I request this be read at the Dec 2nd Planning commission meeting.

I am informed that:

There is a current 6.6-acre park deficit in the Coastal Southwest quadrant of Carlsbad (south of Palomar Airport Road and west of El Camino Real), and that there are no Coastal Parks in all South Carlsbad and for a 4-6-mile section of San Diego County's coastline.

There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).

The State and City of Carlsbad's Local Coastal Program (LCP) require that Planning Area F at Ponto (the 11-acre undeveloped area west of the railroad tracks, north of Avenida Encinas and south of Cape Rey Hotel) be considered as a public park for the benefit of all Carlsbad residents and visitors. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density residential.

I want to preserve what little Coastal Open Space Carlsbad has remaining for future generations and our visitor industry. I am not in favor of future residential development at Ponto, but think this last small amount of vacant Coastal land should be reserved for Coastal Recreation.

Additional Comments

Given Global Warming and the associated issues we need a park that we don't have to drive to thus adding to the problems. We want a park close enough to walk to. Where we can enjoy each other in a healthy environment.

Thanks

Name

William Roush

Email

roushbill@yahoo.com

Address

7075 Whitewater St
Carlsbad 92011

Sent from People for Ponto

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