

Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission as of 8-2-18

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17 and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their “local” beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad’s coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant’s Park area standard since 2012 (per the City’s Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

“...the Carlsbad Community Vision, which is the foundation for this plan.” This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks

Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDR as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDR
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:
jeanscamp@yahoo.com
sebbiessixpack@att.net;

Concerns and requests submitted to Carlsbad City Council et. al.

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

Item #2 – Planning Area F Local Coastal Program Compliance & requesting the City Council reset the land use planning process and conduct a community based planning approach to compliance

Emailed on 12/4/17+- and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastal.ca.gov ; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes to the Poinsettia Shores Master Plan and Local Coastal Program [PSMP/LCP] and planning changes and development permits for Planning Area F of the PSMP/LCP. The City of Carlsbad's currently adopted Local Coastal Program [p. 101] for the site and the City's currently adopted PSMP/LCP zoning [p. 105] for the site is:

"PLANNING AREA F:

*Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when***

more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. [Boldface and underline highlights added]

The current Carlsbad Local Coastal Program and PSMP/LCP for Planning Area F were adopted by the City and Coastal Commission in the mid-1990s. The City in late-1990s trying to create A Redevelopment Project Area and increase land use intensity and tax increment created another layer of planning with the planning effort called the Ponto Beachfront Village Vision Plan [PBVVP]. Redevelopment [and the tax motivation to increase land use intensity] no longer exists in California.

Most importantly the PBVVP planning effort did not comply with the City's Local Coastal Program for Planning Area F as confirmed in Public Records Request 2017-260. This is a fundamental flaw in the planning effort as there is a strong desire to create a City Park in this unserved Coastal area. The additional layer of PBVVP planning effort was primarily focused on land owners/developers wants, and did not engage the San Pacifico Community even though the planning effort was looking to fundamentally change the character of the remaining portion of our Coastal Planned Community.

The 2008-2015 General Plan Update planning effort also did not follow the City's Local Coastal Program requirements for Planning Area F as confirmed in Public Records Request 2017-260. That planning effort for the site referenced the flawed PBVVP planning effort. Like the PBVVP planning effort the process did not directly involve/engage our San Pacifico Community, but instead had the developer's paid representative on the Envision Carlsbad Citizens' Committee working with City Staff to represent the developer's interests.

The failure to comply with the City Local Coastal Program when proposing the PBVVP and General Plan Update changes from the currently zoned "Non-residential Reserve" potentially invalidates those proposed changes, or at the very least seriously flawed those planning efforts. This can be corrected however in resetting the planning efforts for Planning Area F to the currently zoned "Non-residential Reserve" status and using a Community Based Planning Effort that follows the City's Local Coastal Program requirements for Planning Area F. The Community Based Planning Effort should also involve the larger Carlsbad Community of Citizens in that Planning Area F is the last significant vacant area along Carlsbad's South Coast, and our North San Diego County coast, which has critical gaps in City and Coastal Park access and acreage.

The attached August 31, 2017 letter was sent to the Carlsbad City Council, Parks and Planning Commissions and Carlsbad staff; and California Coastal Commission Staff. The letter is from the San Pacifico Community Association. The San Pacifico Community Association is the largest part of the Poinsettia Shores Planned Community of which Planning Area F is apart. The letter identifies some of

the Planning Area F park issues, provides City Policy direction that supports a Ponto Beach Park, and respectfully asks that the City provide a Community Based Planning Effort to address the issues of a Ponto Beach Park on Planning Area F. For instance:

- No City Coastal Parks west of Interstate 5 in all of South Carlsbad, while there are 10 City Coastal Parks west of Interstate 5 in North Carlsbad. This is inequitable. This also increases VMT and overcrowding at North Carlsbad Coastal Parks.
- Huge gaps in City Park access and resources in Southwest Carlsbad west of Interstate 5, as identified in the City Park and Recreation Master Plan.
- Southwest Carlsbad has an existing 6.6 acre deficient in meeting the minimum Growth management Program required City Park acreage demand from development within the Southwest Carlsbad. Planning Area F is about 6.5 acres in size.
- The City's 1980's approach to address the minimum requirements of SW Carlsbad's park deficient is to not follow the letter of the Growth Management Program and provide a City Park "within SW Carlsbad"; but to dislocate park demand and supply by providing the park 'outside SW Carlsbad' making SW Carlsbad's Park miles away from the development it is intended to serve, making it inaccessible by young and old, reducing that park size due to parking needed to serve distant users, and increasing VMT to access a distant park. We respectfully request a SW Carlsbad Park should be provided "within SW Carlsbad" to serve the needs of the development "within SW Carlsbad", consistent with the letter of the Growth Management Program.
- City policy allows and supports the creation of City Parks beyond the minimum acreage requirements of Growth Management Program minimum Park standard, and the City has created such City Parks in other areas of the City.
- The San Pacifico Community Association has conducted member meetings and a survey; and 92% wanted a park/recreational use. The complete survey was transmitted in a subsequent email.
- There appears to be a significant shortage of Growth Management Program Open Space acres in the area of Planning Area F, and a Ponto Beach Park would significantly help address this shortage.

Planning Area F is about the exact same size as Carlsbad's Holiday Park, and can provide ball and play fields, low-cost citizen and visitor recreational access to the coast, and synergistic enhancement to the surrounding and nearby commercial hotels and State Campground Coastal visitor accommodations. Like Holiday Park, Ponto Beach Park can be a special Carlsbad Community event place that is so consistent with Carlsbad's Core Values.

A Ponto Beach Park is a very positive thing for all Carlsbad and our Coast. Resetting the planning efforts at Planning Area F to follow the Carlsbad Local Coastal Program requirements and providing a Community Based Planned Effort to fully evaluate and consider a Ponto Beach Park that planning effort is the Right Thing to Do.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #3 – Growth Management Program Open Space Standard not being met in Local Facility Management Plan Zone 9 [Ponto] and requesting the City require the developer(s) to amend the Local Facility Management Plan Zone 9 to show compliance with the City’s Growth Management Program Open Space Standard

Emailed Tuesday, December 5, 2017, 2:44:16 PM PST and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastalca.gov ;
Copied to: jimn8916@gmail.com ; billvanclave@prodigy.net ; vanzyl.aakc@live.com ; tonyruffolo616@gmail.com ; chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiesixpack@att.net ; meyers-schulte@sbcglobal.net ; lleibenson@waltersmanagement.com ; gnorman_ca@yahoo.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

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Michael Sebahar: sebbiesixpack@att.net
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Gail Norman: gnorman_ca@yahoo.com
John Gama: Johngama99@gmail.com

Copy:
Lee Leibenson: lleibenson@waltersmanagement.com
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Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone. The developer applicant Shopoff has filed with the City the attached Amendment to the LFMP for Zone 9 to show their proposed compliance with the City’s Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite -

the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #4 – Provided a survey of San Pacifico Community Association on community concerns and requests of the City regarding developers' proposed development of last remaining vacant portions of our Coastal Planned Community's [Ponto] Planning Area F by Shopoff, and Planning Areas G & H

Emailed on 12/5/2017, 2/19/2018 and 3/6/18 to: council@carlsbadca.gov;
mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov;
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Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCAP-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The San Pacifico Community Association requests the community desires expressed in the following survey from our Community meeting on May 3rd be entered into the public record for the above planning applications, and any subsequent City and California Coastal Commission planning applications for the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site]. The San Pacifico Community Association is the majority property association in the Poinsettia Shores Planned Community [Poinsettia Shores Master Plan and Local Coastal Program] of which the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site] are also apart. The Community consensus does not think the above proposed land use planning and development permit

applications are compatible with the established lower density land use, lower development intensity, building height and mass, and character of our Coastal Planned Community and the Coastal Act, requirement that development be "visually compatible with the character of the surrounding area."

We wish the City would utilize a Community based planning approach vs. a developer driven and focused process to develop that last remaining vacant Coastal land in South Carlsbad.

The Community survey: On May 3rd, a San Pacifico Community meeting was held and approximately 200 citizens from San Pacifico attended. A Shopoff representative was invited and attended. The meeting provided summary information about the current planning processes and the two developers' proposals. Some paper surveys were available and about 60 were completed and returned that evening. Those unable to get a paper survey were able to complete an almost identical survey on-line at www.pontolocals.com. About 90 more surveys were completed on-line. The following tabulates both survey results.

Ponto East and Ponto West - Shopoff questions – May 3, 2017

1. **DWELLING DENSITY:** The area East of Ponto Road is now zoned R-23 (15 dwelling units per acre minimum to 23 dwelling units per acre maximum), not including State affordable housing density bonus:
 - Shopoff is proposing 137 dwellings on 6.5 net acres (= 21 dwelling units/acre)
 - Potentially with additional dwellings for an affordable housing density bonus

Should Shopoff's proposed density be reduced closer to the 15 dwelling an acre minimum as per the General Plan?

148/156 = yes = 95%

8/156 = no = 5%

2. **HEIGHT OF BUILDINGS:** currently proposed on the East side of Ponto Road are:
 - 40 feet high (3 story)
 - These buildings would be the tallest along the SW Carlsbad coast
 - Commercial buildings like hotels are limited to 35 feet tall
 - The building heights for the Poinsettia Shores Planned Community [which San Pacifico is majority of the development and the Shopoff and Kam Sang proposals are minor developments] limits building heights to 30-35 feet.
 - All San Pacifico residential buildings except Satalina [35 feet tall] are no taller than 30 feet and must have a minimum 3/12 roof pitch
 - The Ponto Beachfront Village Vision Plan that provides additional development guidance for the Shopoff proposed development specifically calls this area the "townhomes" area and shows 2-story [under 30 feet] townhomes as the 'vision' for the site.

Should the Shopoff proposed 3-story and 40 feet building heights be reduced to 2-story and/or no taller than 30-35 feet maximum to be consistent with the vision and more compatible with the Poinsettia Shores and San Pacifico community?

157/162 = yes = 97%
5/162 = no = 3%

3. **BUILDING INTENSITY:** The Shopoff proposed stack flat residential buildings have underground parking to allow more land use intensity and building mass. The proposed buildings run in a fairly contiguous cluster west of the railroad right-of-way from Avenida Encinas north to Ponto Storage.
- Shopoff's proposed residential square footage [not including any balconies, private recreation or ancillary buildings] is 247,100 square feet total in 3 stories at 40 feet high.
 - For reference the Carlsbad Costco building is about 115,500 square feet in 1 story at 35 feet high. So Shopoff's proposed residential building footprint is approximately 72% of the Carlsbad Costco, though it would be 5 feet higher than Costco.

Is Shopoff's proposed building intensity compatible with San Pacifico and the Poinsettia Shores Community and appropriate?

149/159 = no = 94%
10/159 = yes = 6%

Should Shopoff place story poles on-site to show and photo document the proposed building mass?

146/155 = yes = 94%
9/155 = no = 6%

4. **THE BEACHFRONT VILLAGE COMMERCIAL SITE:** west of Ponto Drive proposes some design issues that may be of concern:
- A driveway entrance/exit along Avenida Encinas will make pedestrian/bike travel to the beach less safe.
 - The site is proposed to filled with soil to lift the ground level at Coast Highway 9 feet higher and buildings put upon this higher 'building pad'
 - The proposed building designs and material qualities may be of concern
 - A proposed grassy park-like 'common area' that can be used by customers and community may connect with the City's land and planned trail under Coast Highway [Carlsbad Boulevard]

A. Should a driveway if needed be on Avenida Encinas or on Coast Highway?

68/108 = Coast Highway = 63%
56/98 = Ponto Road = 57%
22/108 = Avenida Encinas = 20%
4/59 = Both = 7%

3/59 = Neither = 5%

B. Should the site be filled 9 feet or to what height?

108/152 = no = 71%

14/152 = yes = 9%

30/152 = not sure = 20%

C. Are the proposed building design and qualities sufficient to be the commercial and community heart of the Ponto Beachfront Village? Suggestions?

31/43 = No = 72%

4/43 = yes = 9%

8/43 = did not respond = 19%

D. Is the proposed 'common area' desirable? If so, do you prefer seating, grass area, trail, or other?

102/150 = yes = 68%

29/150 = no = 19%

23/150 = don't know = 15%

36/91 = Grassy area = 39.6%

31/91 = Trail = 34.1%

17/91 = Other = 18.7%

16/91 = skipped = 17.6%

7/91 = Seating = 7.7%

5. **THE POINSETTIA SHORES MASTER PLAN** and Local Coastal Program require prior to any land use change on the Shopoff site [approximately 10 net acres] a documented evaluation of making the East of Ponto Drive site recreation facilities (i.e. "public park"), or lower cost beach visitor accommodations.

- Since 2012 the San Pacifico, Ponto and entire Southwest quadrant of Carlsbad have been in a Park standard deficient [not meeting the City's minimum 3 acres of Park per 1,000 population City Growth Management Program Standard].
- In 2015 our Southwest quadrant needed 6.6 acres of new City Park to comply with Growth Management Standards.

Should the Shopoff East site [or portion of the site] be: (circle one or more, give examples)

1. **Recreational,**

2. **Lower cost visitor accommodations,**

3. **Residential, or**

4. **Visitor serving commercial/recreation uses?**

5. Other

140/155 = Park/recreational = 92%

27/155 = Visitor serving commercial & recreation = 17%

6/155 = Residential = 4%

2/155 = Lower cost visitor accommodations = 1%

6. **PARKING:** There is not a lot of excess or extra parking in the current Shopoff proposal and this will not be a "Gated" community. Concerns have been raised regarding vacation rental by owner (VRBO) and beach access parking in this new development.
- Parking in this area is already a problem on weekends and during the summer
 - Additional residential units and VRBO will make this problem worse

- A. Should Shopoff modify their development plans to accommodate more parking for potential VRBO parking in their development? Yes ___ or No ___.

125/160 = yes = 78%

23/160 = no = 15%

- B. Have you experienced problems with VRBO and parking in your neighborhood and if so, explain.

79/139 = no = 57%

38/139 = yes = 27%

22/139 = did not respond = 16%

- C. What parking solutions would you propose?

Following are the replies, it appears a good study to define the needed parking supply and design solution to assure sufficient parking is desired.

- Require city standards or adhere to city vision plan.
- A professional parking study should be conducted that evaluates the current and future PUBLIC parking demands, before it is a daily problem.
- A reasonably priced parking lot/structure.
- All new buildings must have sufficient parking planned onsite.
- Amble parking within Shopoff plans to cover daily business transactions, new homeowners, and beach parking which will inevitably be in that area.
- angled parking on street, underground parking
- Below ground parking garages
- Eliminate the proposed development.
- I propose that the city better address the vacation rental issue.
- I really do favor angled parking on Ponto as an alternative, regardless of the VRBO issue.

- I think underground would be ideal, however, what about water drainage and flooding being close to the water. Would homeless people make it a new home?
- I think VRBO and AirBnb needs to be addressed like it is in our community CC&Rs. They should not allow Vacation rentals for no less than 30 days minimum. Maybe even give them stricter rules. As for parking, the city needs to regulate the people who camp and live in their vehicles on Ponto drive. Hopefully Shop off can help mitigate this growing problem with some type of solution.
- I'd propose angled parking on the street with meters and a requirement that homeowners park in their designated areas. I suggest Shopoff make the resident space sizes wide enough to include all vehicles, large and small.
- I'm not a parking expert but please don't try to use loop holes in the planning of buildings to wiggle out of providing proper parking.
- Increase parking for the airBandB demand. The issues parking, noise, use of common areas, change in neighborhood character are all fairly obvious and having to be addressed. The City needs to do its job to make sure the impacts are addressed. If City standards are out-of-date or inadequate then change them to address the impacts.
- Keep development parking to traditional Carlsbad standards. No "park in lieu" fees. Two bedroom condo or hotel suites should have two off road parking spaces. In recent history, Carlsbad has been allowing development without adequate parking!
- less buildings will mean less parking needed
- Lower density, stricter rules with rentals.
- mandatory two parking spaces/garage with no street park 11pm-5a.m
- More off-street parking.
- More parking at the beach on 101. Diagonal parking to allow for more -- explore parking on east side of 101.
- More parking spots within plan. Traffic appears to be a major problem now. More people...twice the cars.
- No VRBO should be allowed.
- Not have this development
- not sure
- parking garages
- Parking passes to hang in car window? BTW - THANK YOU for all your hard work. I am very appreciative for what you are doing for our neighborhood!
- Parking structure to the north
- Provide a larger area for VRBO as well as occasional day visitors. Only limited parking is presently provided. Lately as we have become more know more cars are parked on weekends on the streets.
- public underground parking
- rated parking in strip between Carlsbad state park and Carlsbad boulevard; train station; roadside in front of water plant on Encinas; park/ride at I-5 and La Costa Dr. in Encinitas
- Subterranean parking for all businesses and residents
- The job of a traffic engineer

- **The more underground parking the better. Security at night to enforce only residential parking. Additional storage units for residents to store bicycles & surfboards.**
- **There simply should be REQUIRED the actual needed amount of parking according to the proposed density PLUS additional accommodation for public needs.**
- **underground**
- **Underground garage.**
- **Underground parking**
- **underground parking**
- **Underground parking or drop the number of units. It's not rocket science**
- **What happened to underground parking? Look at the above ground parking structure Hilton put in do we want a series of parking structures west of the railroad?**

Item #5 – Correction of the 8/17 Shopoff mailer

Emailed: 3-22-18

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Praher@coastal.ca.gov; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com; WILLIAM VAN CLEVE billvanclave@prodigy.net; Avril van Zyl vanzyl.aakc@live.com; Tony Ruffolo tonyruffolo616@gmail.com; Chas Wick chaswick@reagan.com; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte meyers-schulte@sbcglobal.net; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community.

We request that this communication and any replies be part of the official record for the Citywide Local Coastal Program Amendment process, the City's planning to address the City Park deficit in the Southwest Quadrant [South Coastal Carlsbad], and the applications to change City ordinances and plans and then apply for development permits listed the Subject line below.

We would appreciate receiving a reply. If you have any questions regarding the communication's contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Citywide Carlsbad Local Coastal Program Amendment, City's SW Quadrant Park planning compliance, and Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-2017-01, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

Response to Shopoff mailer of August 15, 2017: The truth
Verifiable data from the Ponto Beachfront Development Review Committee

Shopoff's letter of August 15, 2017, addressed to "Dear Neighbor" was highly misleading, and so the Ponto Beachfront Development Review Committee feel compelled to shed light on the truth's and mistruth's related to Shopoff's mailer about the proposed Ponto Beachfront development.

1. NEIGHBOR AND PROPERTY OWNER

Shopoff is not, as they say, our neighbor who owns the property east of Carlsbad Blvd and north of Avenida Encinas. The actual 'property owner' is LSFS Carlsbad Holding LLC at 2711 North Haskell Avenue, Suite 700; Dallas, TX 75204.

Shopoff is a speculative land developer from Orange County, and during an initial meeting with your Ponto Beachfront Development Review Committee (PBDRC), Shopoff said that they have a 5-year option to purchase the property. Shopoff's focus is not on the best interests of our neighborhood community, but on those of their investors, as explicitly stated by Shopoff on their website (www.shopoff.com): "Shopoff Realty Investments is a private real estate investment company with a proven track record of creating wealth for our investors — and a singular commitment to placing their needs above all else."

2. MISLEADING SHOPOFF INFORMATION - CHECK THE FACTS

Shopoff's PR firm (Roni Hicks) is creating PR pieces that misrepresent the facts and hide the complete information from you. As you read through the 8/15/17 Shopoff letter, you'll notice they do not provide citations or documentation that can be cross-referenced by you to verify their statements. Our link at www.pontolocals.com has the exact language from the current City and Coastal Commission's planning and zoning for Planning Area F of Poinsettia Shores Master Plan and Local Coastal Program including Shopoff's proposed changes, and the complete Ponto Beachfront Village Vision Plan.

Please let us know the questions you may have at www.pontolocals.com and/or talk with any of your PBDRC neighbors.

3. MEETINGS WITH NEIGHBORS

There are a few key, and very core, community issues we the PBDRC have heard from you, and have communicated to Shopoff. First, you would like a Ponto Beach Neighborhood Park for the east side of Ponto Road. However, if that part of our Planned Community is to be built out as a Townhome project (like the images in the Ponto Beachfront Village Vision Plan) then it should be more compatible with San Pacifico, should have lower density and lower building heights, and should be less massive than what Shopoff is proposing. Shopoff has repeatedly said to the PBDC that Shopoff will NOT make changes to their development proposal to address your following core concerns:

- If there is to be a residential development, it should be like the images in the Ponto Beachfront Village Vision Plan: Shopoff is proposing a tall and massive wall of stacked flat condos, not 2-story Townhomes as called for and shown in the Ponto Beachfront Village Vision Plan (PBVVP). See Shopoff's Stacked Flat images compared to the PBVVP Townhome images. See the PBVVP, and the 1st and 2nd Shopoff Planning Submittals at www.pontolocals.com
- Lower density: Even though Shopoff's development would be part of our Poinsettia Shores (San Pacifico, et al.) Planned Community, Shopoff is proposing residential density (21 dwelling

units/acre) that is 250% more than, or 3.5 times San Pacifico’s residential density (6 dwelling units/acre). The City’s General Plan promises only the minimum 15 dwelling units/acre density or 71% of the density Shopoff is proposing. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. Shopoff’s proposed 136 dwellings on the east side of Ponto Road. Table B-1 is on page B-2 of the City’s Housing Element on the city’s website: <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

You can see the Poinsettia Shores Master Plan and Local Coastal Program for our San Pacifico density and the Shopoff’s planning applications on www.pontolocals.com

- **Lower building heights:** Shopoff is proposing 40-foot-tall buildings. Almost all of the buildings in the Poinsettia Shores (San Pacifico, et al.) Planned Community are around 26 feet tall, with a maximum potential height of 30 feet. Only Santalina’s maximum potential building heights exceed that, at 35 feet - as they backup to Interstate 5. Shopoff’s proposed building height is 154% the height of most of our Planned Community. See Shopoff’s 2nd planning submittal at www.pontolocals.com

Shopoff should place “story-poles” on the site to allow you to see their actual proposed height and massiveness, so you can determine the appropriateness for San Pacifico.

4. SHORT TERM RENTALS AND PARKING

San Pacifico HOA has restrictions on short term rentals. Shopoff has agreed with your PBDRC suggestions to likewise restrict short-term rentals. However, Shopoff cannot prevent a future HOA Board from amending the CC&Rs and by-laws, which could allow short-term rentals in the future. In addition, Shopoff is providing minimal private streets and minimal public street parking, so any parking shortage will spill over to San Pacifico. Their design should address short term rental impacts, including noise, high occupancy/congestion, parking, etc.

5. ZONING

Shopoff states that their plans are consistent with current zoning. This is not true. The current zoning for the site is in the Poinsettia Shores Master Plan and Local Coastal Program, in which Shopoff (or the City) needs to make major changes to this zoning before Shopoff’s development proposals can be permitted by the City and California Coastal Commission. Look at the yellow signs on the sites which show Shopoff’s applications to change zoning (MP-16-01, and LCAP-16-02 to amend 2017-01). Go to www.pontolocals.com to see Shopoff’s actual proposed changes to the zoning. Changing the Master

Plan and Local Coastal Program will require approval from both the City of Carlsbad and the California Coastal Commission.

The current zoning (in the Poinsettia Shores Master Plan and Local Coastal Program) for the site is “Non-Residential Reserve”. That zoning requires that “As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. ” The developer and City failed to consider and document these needs when the PBVVP and 2015 General Plan Update were approved. We are not sure if the Developer or City are considering and documenting this now. See page 101 of the City of Carlsbad Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088>

6. GENERAL PLAN UPDATE

The City’s General Plan update in 2015 did change the City’s General Plan land use designation to consider commercial and residential land uses for the site. However, because the site is in the California Coastal Zone, the California Coastal Commission must ‘certify’ the update to the City of Carlsbad Local Coastal Program before the City’s General Plan change is fully approved. See Carlsbad General Plan Land Use Element page 2-26 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24087> that states:

“The California Coastal Act regulates all development within the state-designated Coastal Zone. ...The Coastal Act requires that individual jurisdictions adopt local coastal programs (LCP) to implement the Coastal Act. ... Development in the Coastal Zone must comply with the LCP in addition to the General Plan. The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to. ... Within the Coastal Zone, no discretionary permit shall be issued by the city unless found to be consistent with the General Plan and the LCP. In the event of conflict between the provisions of the General Plan and LCP Land Use Plan, the terms of the LCP Land Use Plan shall prevail.”

The Coastal Commission staff has indicated that “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.**”

7. CITIZENS’ INPUT NEEDED

The City and California Coastal Commission have the discretion to approve or deny a developer’s application to change City regulations and developer’s proposed development applications. The process requires that the Carlsbad Planning Commission and City Council, and California Coastal Commission hold Public Hearings to hear community concerns before making any approval or denial of applications. If you want to provide your input and be notified of any of these upcoming Public Hearings, please contact Walters Management and www.pontolocals.com. Your PBDRC will consolidate and forward everyone’s email input to the City and Coastal Commission and notify you in advance to attend the public hearings.

8. PONTO BEACHFRONT VILLAGE VISION PLAN (PBVVP)

Shopoff claims in their letter that their design implements the 2-story Townhomes shown in the PBVVP. This is clearly not true. Shopoff is proposing 3-story, 40-foot-tall and massive, 60% lot coverage, Stacked Flats – not 2-story townhomes. The PBDRC has repeatedly asked Shopoff that if they are proposing residential dwellings, to build the Townhomes as showed on Chapter 3 pages 3-8 & 9 of the PBVVP. Shopoff has consistently refused to propose a 2-story Townhome project as shown in the PBVVP, and are misleading you. Go to www.pontolocals.com to see the PBVVP.

9. RESIDENTIAL DENSITY

Shopoff critically fails to tell you the entire truth that the minimum density for the R-23 land use category is 15 dwellings per acre. Developing at the minimum General Plan density would allow 98 dwellings on the East site of Ponto Road and 11 dwellings on the west side of Ponto Road for a total of 109 dwellings. Shopoff proposes 136 dwellings or about 125% the minimum density. See Carlsbad General Plan Housing Element “2161404300 (Ponto)” in Table B1 on page B2 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

10. AFFORDABLE HOUSING

For the site that Shopoff wants to develop, the City of Carlsbad requires at least 20% affordable housing. It is unlikely if Shopoff could even ask for a Density Bonus. The PBDC is checking into this.

11. TRAFFIC IMPACTS

Shopoff’s project will increase traffic in the area. The San Pacifico Community and its PBDRC have repeatedly asked Shopoff to lower their density, thus decreasing their traffic impacts. Shopoff has refused to reduce density and thus to reduce their traffic impacts.

12. COMMUNITY INPUT AND DESIGN

The proposal changes that Shopoff lists in their letter reflect some of the changes the PBDRC has conveyed to Shopoff as desires of the San Pacifico Community. Many of the changes that Shopoff lists were also identified by the City as needed changes to Shopoff’s proposals. Shopoff has acknowledged that these changes improved their prior proposals. However Shopoff has failed to make changes to address the most important and fundamental desires of the San Pacifico community:

- creating a Ponto Beach Neighborhood Park (the Local Coastal Program also requires that this site be considered for a park)
- reducing density to be near 15 dwelling units per acre
- withdrawing Shopoff’s proposed zoning change to transfer optional residential density from the west to the east side of Ponto Rd.
- limiting building height to no greater than 2-stories and no taller than 30-35 feet
- reducing building mass and intensity to be consistent with San Pacifico
- creating a wide public coastal view corridor along Avenida Encinas
- removing the proposed main commercial driveway entry on Avenida Encinas
- providing sufficient public beach parking

Go to www.pontolocals.com to see Shopoff’s proposed development.

13. NEXT STEPS

Concerns and requests submitted to Carlsbad City Council et. al.

In their letter's "Next Steps", Shopoff failed to disclose that they, or the City on the developer's behalf, will need to receive California Coastal Commission approval of Shopoff's needed amendments to the Local Coastal Program after all Carlsbad City approvals.

The Poinsettia Shores Master Plan and Local Coastal Program for the site requires that **"As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad."** Also the California Coastal Commission staff has stated that the City "shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. **This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Not completely disclosing the necessary and critical California Coastal Commission and public review and hearing process is yet another example of Shopoff misleading you.

The PBDRC has put on our www.pontolocals.com website the actual City and Coastal Commission Planning documents along with Shopoff's actual proposed changes to zoning and development proposal, so you can see and confirm the facts for yourself.

Thank you for caring about our coast and assuring we Develop Ponto Right.

Sincerely,
Your PBDRC

Item #6 – Questions for City and Shopoff re Shopoff Planning Applications

Emailed: 7-31-18

To: <matt.hall@carlsbadca.gov>, <council@carlsbadca.gov>, <manager@carlsbadca.gov>, <jason.goff@carlsbadca.gov>, <debbie.fountain@carlsbadca.gov>, <sheila.cobian@carlsbadca.gov>, <chrishazeltine@carlsbadca.gov>, <faviola.medina@carlsbadca.gov>, <don.neu@carlsbadca.gov>

Cc: <meyers-schulte@scglobal.net>, <chaswick@reagan.com>, Erin.Prahler@coastal.ca.gov, Gabriel.Buhr@coastal.ca.gov

Subject: Questions for City of Carlsbad and Shopoff re: Shopoff Planning Applications for Ponto Beachfront Development

Dear Matt Hall- Mayor City of Carlsbad; Council Members; City Staff,

Please find attached 3 pages of questions we have for the City Council, City staff and Shopoff regarding the Ponto Beachfront proposed development plans and applications. We thank you for taking the time to review our questions that we have attached. Please feel free to contact Lance Schulte or me with any questions you may have.

Respectfully,

Chas Wick

Ponto Beachfront Development Review Committee

Erin, Gabriel,

Please find attached the questions we sent to City Council and staff regarding Shopoff's proposed plans and applications. Thank you for taking the time to review these questions. Thank you also for meeting with us awhile back in your offices and listening to our questions. Please call/ contact Lance or me if you have any questions about anything that may fall in your purview for this project.

Thanks,

Chas Wick

909-721-1765 chaswick@reagan.com

Questions for City and Shopoff re Shopoff Planning Applications

PLANNING QUESTIONS FOR THE CITY

- 1) Please provide information on what other residential developments in Carlsbad are at the proposed intensity of Shopoff's proposed residential development on a Floor to Area(FAR) Ratio. Shopoff's proposed development has an FAR of 1.79 that will be 3.5 times the intensity of the Hilton Cape Rey and we believe, based on public records requests, will be the most intense residential development in all of Carlsbad. It will propose a new intensity of residential buildings inconsistent with the long established residential character of the surrounding community and Carlsbad's Coastal Zone.
- 2) Please provide details and justification on why the City is entertaining 3 story, 40 foot tall structures in an area that should be 2 story, 30-35 foot high to be consistent with the Ponto Beachfront Village Vision Plan images and compatible with the surrounding neighborhood and comply with the policy requirements of the Local Coastal Program and California Coastal Act ?

- 3) Please provide details and justification as to why the City is entertaining allowing 136 dwelling units on a parcel that should have a minimum requirement of 98 dwelling units.
 - a. Please confirm whether or not you are considering allowing a density transfer from the commercial parcel to the residential parcel. If so, please confirm that you will first need to amend the General Plan and make General Plan findings to properly make this transfer.
 - b. Please confirm that if the density transfer between parcels goes through a General Plan Amendment, that the 25% portion of commercial land used for residential density and being transferred is retained as Open Space on the Donor commercial site. This prevents “Double Dipping”. If a density transfer is allowed (which means you are linking parcels), that you will require that Building Completion Certificates, Final Inspections and/or Occupancy Certificates are granted for the Commercial buildings PRIOR to any Occupancy Certificates being issued for the residential units. This will help ensure that the Commercial buildings are actually going to be built and not just that the Commercial property was used to gain dwelling units on the residential site.
 - c. Please explain how the Shopoff proposal of 21 du/acre fits with the Ponto Village Vision Plan of 12-16 du/acre and why you are not having Shopoff design at the minimum of R-23 which is 15 du/acre, as shown in the Housing Element.
- 4) On the previous issue of Shopoff’s plans dwg A1-1, there was a Common Area/Open Space of 0.57 acres next to the Commercial buildings. On the current Shopoff plan dwg A1-1, the Common Area/Open Space has been eliminated or deleted. (See their plans.)

In fact, we understand from the US Fish and Wildlife, that Shopoff mowed down too much of the protected sage scrub habitat (endangered gnatcatcher habitat) that was originally in this Open Space and will be penalized – likely having to increase protected habitat by 3 to 15 times that amount that Shopoff destroyed. Please explain how the City allowed this to happen?

- a. Please explain what happened to The Commons/0.57 acres of grassy space the community was originally promised? Was the City involved in this decision?
 - b. Please explain what will happen to the Commercial site layout once the protected habitat mitigation area is increased. Will parking be put underground? Will Shopoff reduce the current size of the Commercial buildings?
 - c. There appears to be a drainage basin proposed for the protected habitat area. Is a drainage facility consistent with habitat preservation? Is the drainage basin fenced? What will happen to this basin once the protected habitat area is increased?
- 5) Please explain why the City is entertaining a subdivision of 9 lots on the residential (5) and commercial (4) sites.
 - a. Will this increase set-backs on each buildable lot and if so, by how much? Have you taken that into consideration?

- b. Since the entitlements will likely be sold off to separate developers, how will the City ensure all the plan requirements are met?
 - c. How will the City ensure that the buildings provide a cohesive and consistent construction and visible quality/fit with one another?
 - d. How will the City ensure all residential and commercial projects go forward together in the most effective and shortest timeframe for surrounding neighbors?
 - e. How will ownership/HOAs be handled if you have a multitude of different developers for the 2 current parcels?
- 6) Please strongly consider angled parking on Ponto Road to maximize beach parking. Please explain why you continue to push for parallel parking on Ponto Road and what long-term beach parking demand analysis is being used to not provide angled parking that could maximize beach parking supply. Please detail how many cars you can get with angled parking versus parallel parking.
 - 7) What other traffic measures and improvements are you having Shopoff make?
 - 8) What are the Carlsbad Boulevard frontage improvements you are having Shopoff make?

Poinsettia Shores Master Plan and Local Coastal Program requires Shopoff to provide Carlsbad Boulevard frontage improvements. The City's ROW and older PCH ROW fronts Shopoff's site.

QUESTIONS FOR SHOPOFF ON THEIR PLANS AND APPLICATION

- 1) The pedestrian and bike travel paths on the Roundabout on Avenida Encinas appears unsafe. Please review and reply on how to make this a safer situation for all concerned.
- 2) There appears to be an unsafe pedestrian path at the commercial Avenida Encinas main entry. Please review and reply on how to make this a safer situation for pedestrians and bikes. A commercial main entry on Carlsbad Boulevard is a better approach and has been done many times in Carlsbad.
- 3) What are the UBC requirements on elevators? How many are required per unit/building? Does Shopoff's plans have enough? Will elevator equipment exceed building heights or require deeper subterranean infrastructure ?
- 4) How will Shopoff sewer the property?
- 5) Can you please provide a diagram that shows trash/recycling storage and how trash/recycling vehicles will enter, manage trash / recycles and exit the sites? It appears trash and recycles will be underground on the residential site.
- 6) What is the distance of balconies to the property line at Avenida Encinas? Is that per Code?

- 7) There appears to be insufficient landscape materials proposed for the hard surfaced wall facing the railroad and San Pacifico. Please provide proper noise buffering / noise absorbing materials on the wall and provide the technical information on their ratings compared to the proposed landscape plantings.
- 8) The Landscape map and tentative map are inconsistent with the pork chop/pedestrian crossing plans.
- 9) Some lights are up-facing and/or unshielded. Please confirm all exterior lights/pole lights will be downwards facing and not provide unnecessary light "pollution" to the adjacent neighborhoods or traffic on the adjacent roadways.
- 10) Please confirm whether or not Shopoff will provide materials on the buildings to increase wireless communication/reception within their and adjoining developments.

Concerns and requests submitted to Carlsbad City Council et. al.

Item #7 Community offer to Shopoff to work towards Land Swap for Park and Open Space at Ponto and/or fundamental community desires for development

Email Sent: Wednesday, August 15, 2018 10:07 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); 'Harry Peacock'; matt.hall@carlsbadca.gov; Council Internet Email (CityCouncil@carlsbadca.gov); 'Gail Norman'; 'John Gama'; Chas Wick (chaswick@reagan.com); 'Stacy King'; Erin Prahler (Erin.Prahler@coastal.ca.gov); Gabriel Buhr (gbuhr@coastal.ca.gov); debbie.fountain@carlsbadca.gov; Chris Hazeltine

Subject: RE: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

We still have not heard back from you regarding the 2017 email below.

Recently we met with Matt Hall, and he asked we reach out to you again to restart a dialog. We want to see if we can dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad in providing equitable Open Space and Park facilities, and in providing land use intensity compatibility.

As you know last year we proposed to you an opportunity to work collaboratively for the betterment of Carlsbad in a land swap. We understand as your website says: "As a private investment firm, Shopoff Realty Investments places the needs of our investors above all else," however given the Growth Management Program Open Space and Parks issues, Local Coastal Program issues regarding priority uses and compatibility it maybe in the best interests of your investors to dialog about options.

You may think we are anti-development or anti-Shopoff, but that is not the case. We are pro Carlsbad and simply want to make sure as a City we Develop Ponto Right for present and future generations. We have already provided you creative solutions that, as your PMs indicated, were better and more resilient designs.

We offer to meet with you to dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad.

Let us know.

Lance

Included copy of email sent: Friday, August 18, 2017 10:04 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); Jean Camp (jeanscamp@yahoo.com)

Subject: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

As we believe you know from our latest community polling approximately 95% of San Pacifico residents would like to see as a public park as the best land use for the 'east proposed residential site'. If the site is developed as residential, which we think is not the best use of this coastal land, then development consistent with the images and intensities shown in the Ponto Beachfront Village Vision Plan – basically 2-story Townhomes and density closer to 15 dwellings per acre – is acceptable. However the desired land use is park and open space for an area of Coastal and South Carlsbad that is lacking in both those land uses.

John Sherritt communicated with you on June 22, and again as follow-up on July 6 2017 to communicate to you those community desires and to offer you an opportunity to work with the community in a collaborative and supportive partnership to achieve the primary and best use of the site as a public park. We researched, developed and John presented to you an approach that we could work with you to make Shopoff financially whole in creating a Ponto Beach Park on the site. That approach as outlined by John was to work with you and the City to 'land swap' the Ponto site for an equivalent land density and value on the westerly portion of Veterans Park. The sloped site provides extensive ocean/lagoon views, is adjacent to high quality high density residential, is surrounded by extensive Park and open space land uses and amenities, and is very near major employment centers and school sites – an ideal place for high density housing. A land swap approach would be similar to the Poinsettia 61 effort that can be a positive solution to all concerned. You would have community support for that solution.

John communicated back to the community that after your two meetings, that you had chosen to reject our solution and offer of collaboration. We simply would like to get your email confirmation that you rejected this solution, and if that rejection is permanent and not subject to any reconsideration in the future? Can you please confirm?

Thanks,
Lance

Citizen concerns & requests regarding Ponto emailed to the Carlsbad City Council, Planning & Parks Commissions; & CA Coastal Commission From 2017 to 1-31-2020

Item #, page, first sent, issues

- 1, 1, 8/31/17, Coastal South Carlsbad/Ponto PA F Park needs, City policy supporting Ponto Park
- 2, 7, 12/4/17, PA F LCP compliance, requested City Council reset Ponto planning with community based approach
- 3, 10, 12/5/17, Growth Management OpenSpace Standard not met at Ponto (LFMP-9) & asking Council to fix per 21.90 of CMC
- 4, 12, 12/5/17, Survey of San Pacifico Community Association members on Ponto issues within their planned community
- 5, 19, 3/22/18, Corrections to misrepresentations in Shopoff's Aug 2017 mailer to citizens
- 6, 24, 7/31/18, Questions for City and Shopoff regarding Shopoff Planning Applications
- 7, 29, 8/17 & 8/18, Community offers to Shopoff regarding collaborative Land Swap for Park & Open Space at Ponto
- 8, 30, 7/7/19, Citizen presentations asking Council on 6/12, 7/24, & 10/23/18 to correct Ponto Park & GMP Open Space defects
- 9, 33, 2/8/19, San Pacifico Community Assoc. letter to Carlsbad City Council, Planning & Parks Commissions, & City & CCC Staff
- 10, 36, 11/14/19, DLCPA public comments/requests on flawed Ponto disclosure/participation/planning process, & call to reset
- 11, 42, 11/18/19, DLCPA public comments & 11 questions on Existing LCP & Draft LCPA policy moving Carlsbad Boulevard inland
- 12, 44, 1/28/20, DLCPA public comments citing 14 errors/omissions in 1/28/20 agenda Item #14 Staff Report to City Council
- 13, 49, 11/22/19 DLCPA public comments & data on "High-Priority" Low-Cost Visitor Accommodation land use
- 14, 57, 1/29/20, DLCPA public comments & data on "High-Priority" Coastal Recreation land use & deficits at Ponto/So. Carlsbad
- 15, 90, 1/29/20, DLCPA public comments citing City Park Master Plan Park Service (Equity) maps showing Ponto is unserved
- 16, 92, 1/30/20, DLCPA public comments submitting prior public comments on Shopoff's proposed LCPA at Ponto; and asking:
 - why City Staff is keeping the Shopoff LCPA application alive, and under what authority, and
 - why the City Staff is processing the Planning Area F speculative developer's proposed LCPA to change the Existing LCP non-residential reserve land use to low-priority residential and general commercial land uses
- 17, 94, 1/31/20, DLCPA public comments on LCP & CMC 21.90.130 addressing Ponto Coastal Park & Open Space Standards
- 18, 95, ?????, DLCPA public comments via People for Ponto website & surveys. Summary of public comments submitted

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17 and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDR) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)

- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is need to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions] crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their “local” beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

"...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people's homes ..."

"The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city's open space system."

"Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community's active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind."

"Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority."

"... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ..."

"Tailored Tourism Strategy: Tourism is an important component of the city's economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ..."

"Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks."

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City’s Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan’s standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a

valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDRC
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:

jeanscamp@yahoo.com
sebbiessixpack@att.net;
meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com
Mr. Bill Van Cleve billvancleve@prodigy.net
Mr. Adriaan van Zyl Vanzyl.aakc@live.com
Mr. Tony Ruffolo tonyruffolo616@gmail.com
Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

Item #2 – Planning Area F Local Coastal Program Compliance & requesting the City Council reset the land use planning process and conduct a community based planning approach to compliance

Emailed on 12/4/17 & 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastal.ca.gov ; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:
Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes to the Poinsettia Shores Master Plan and Local Coastal Program [PSMP/LCP] and planning changes and development permits for Planning Area F of the PSMP/LCP. The City of Carlsbad's currently adopted Local Coastal Program [p. 101] for the site and the City's currently adopted PSMP/LCP zoning [p. 105] for the site is:

"PLANNING AREA F:

*Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when***

more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. [Boldface and underline highlights added]

The current Carlsbad Local Coastal Program and PSMP/LCP for Planning Area F were adopted by the City and Coastal Commission in the mid-1990s. The City in late-1990s trying to create A Redevelopment Project Area and increase land use intensity and tax increment created another layer of planning with the planning effort called the Ponto Beachfront Village Vision Plan [PBVVP]. Redevelopment [and the tax motivation to increase land use intensity] no longer exists in California.

Most importantly the PBVVP planning effort did not comply with the City's Local Coastal Program for Planning Area F as confirmed in Public Records Request 2017-260. This is a fundamental flaw in the planning effort as there is a strong desire to create a City Park in this unserved Coastal area. The additional layer of PBVVP planning effort was primarily focused on land owners/developers wants, and did not engage the San Pacifico Community even though the planning effort was looking to fundamentally change the character of the remaining portion of our Coastal Planned Community.

The 2008-2015 General Plan Update planning effort also did not follow the City's Local Coastal Program requirements for Planning Area F as confirmed in Public Records Request 2017-260. That planning effort for the site referenced the flawed PBVVP planning effort. Like the PBVVP planning effort the process did not directly involve/engage our San Pacifico Community, but instead had the developer's paid representative on the Envision Carlsbad Citizens' Committee working with City Staff to represent the developer's interests.

The failure to comply with the City Local Coastal Program when proposing the PBVVP and General Plan Update changes from the currently zoned "Non-residential Reserve" potentially invalidates those proposed changes, or at the very least seriously flawed those planning efforts. This can be corrected however in resetting the planning efforts for Planning Area F to the currently zoned "Non-residential Reserve" status and using a Community Based Planning Effort that follows the City's Local Coastal Program requirements for Planning Area F. The Community Based Planning Effort should also involve the larger Carlsbad Community of Citizens in that Planning Area F is the last significant vacant area along Carlsbad's South Coast, and our North San Diego County coast, which has critical gaps in City and Coastal Park access and acreage.

The attached August 31, 2017 letter was sent to the Carlsbad City Council, Parks and Planning Commissions and Carlsbad staff; and California Coastal Commission Staff. The letter is from the San Pacifico Community Association. The San Pacifico Community Association is the largest part of the Poinsettia Shores Planned Community of which Planning Area F is apart. The letter identifies some of

the Planning Area F park issues, provides City Policy direction that supports a Ponto Beach Park, and respectfully asks that the City provide a Community Based Planning Effort to address the issues of a Ponto Beach Park on Planning Area F. For instance:

- No City Coastal Parks west of Interstate 5 in all of South Carlsbad, while there are 10 City Coastal Parks west of Interstate 5 in North Carlsbad. This is inequitable. This also increases VMT and overcrowding at North Carlsbad Coastal Parks.
- Huge gaps in City Park access and resources in Southwest Carlsbad west of Interstate 5, as identified in the City Park and Recreation Master Plan.
- Southwest Carlsbad has an existing 6.6 acre deficient in meeting the minimum Growth management Program required City Park acreage demand from development within the Southwest Carlsbad. Planning Area F is about 6.5 acres in size.
- The City's 1980's approach to address the minimum requirements of SW Carlsbad's park deficient is to not follow the letter of the Growth Management Program and provide a City Park "within SW Carlsbad"; but to dislocate park demand and supply by providing the park 'outside SW Carlsbad' making SW Carlsbad's Park miles away from the development it is intended to serve, making it inaccessible by young and old, reducing that park size due to parking needed to serve distant users, and increasing VMT to access a distant park. We respectfully request a SW Carlsbad Park should be provided "within SW Carlsbad" to serve the needs of the development "within SW Carlsbad", consistent with the letter of the Growth Management Program.
- City policy allows and supports the creation of City Parks beyond the minimum acreage requirements of Growth Management Program minimum Park standard, and the City has created such City Parks in other areas of the City.
- The San Pacifico Community Association has conducted member meetings and a survey; and 92% wanted a park/recreational use. The complete survey was transmitted in a subsequent email.
- There appears to be a significant shortage of Growth Management Program Open Space acres in the area of Planning Area F, and a Ponto Beach Park would significantly help address this shortage.

Planning Area F is about the exact same size as Carlsbad's Holiday Park, and can provide ball and play fields, low-cost citizen and visitor recreational access to the coast, and synergistic enhancement to the surrounding and nearby commercial hotels and State Campground Coastal visitor accommodations. Like Holiday Park, Ponto Beach Park can be a special Carlsbad Community event place that is so consistent with Carlsbad's Core Values.

A Ponto Beach Park is a very positive thing for all Carlsbad and our Coast. Resetting the planning efforts at Planning Area F to follow the Carlsbad Local Coastal Program requirements and providing a Community Based Planned Effort to fully evaluate and consider a Ponto Beach Park that planning effort is the Right Thing to Do.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #3 – Growth Management Program Open Space Standard not being met in Local Facility Management Plan Zone 9 [Ponto] and requesting the City require the developer(s) to amend the Local Facility Management Plan Zone 9 to show compliance with the City’s Growth Management Program Open Space Standard

Emailed Tuesday, December 5, 2017, 2:44:16 PM PST and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Praher@coastalca.gov
Copied to: jimn8916@gmail.com ; billvanclave@prodigy.net ; vanzyl.aakc@live.com ; tonyruffolo616@gmail.com ; chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiesixpack@att.net ; meyers-schulte@sbcglobal.net ; lleibenson@waltersmanagement.com ; gnorman_ca@yahoo.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiesixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gama: Johngama99@gmail.com

Copy:
Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone 9. The developer applicant Shopoff has filed with the City the attached Amendment to the LFMP for Zone 9 to show their proposed compliance with the City’s Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status

Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite - the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #4 – Provided a survey of San Pacifico Community Association on community concerns and requests of the City regarding developers’ proposed development of last remaining vacant portions of our Coastal Planned Community’s [Ponto] Planning Area F by Shopoff, and Planning Areas G & H

Emailed on 12/5/2017, 2/19/2018 and 3/6/18 to: council@carlsbadca.gov;
mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov;
chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Prahl@coastal.ca.gov;

Copy:

Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl
vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ;
jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee
Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com
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Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCAP-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The San Pacifico Community Association requests the community desires expressed in the following survey from our Community meeting on May 3rd be entered into the public record for the above planning applications, and any subsequent City and California Coastal Commission planning applications for the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site]. The San Pacifico Community Association is the majority property association in the Poinsettia Shores Planned Community [Poinsettia Shores Master Plan and Local Coastal Program] of which the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site] are also apart. The Community consensus does not think the above proposed land use planning and development permit applications are compatible with the established lower density land use, lower development intensity,

building height and mass, and character of our Coastal Planned Community and the Coastal Act, requirement that development be "visually compatible with the character of the surrounding area."

We wish the City would utilize a Community based planning approach vs. a developer driven and focused process to develop that last remaining vacant Coastal land in South Carlsbad.

The Community survey: On May 3rd, a San Pacifico Community meeting was held and approximately 200 citizens from San Pacifico attended. A Shopoff representative was invited and attended. The meeting provided summary information about the current planning processes and the two developers' proposals. Some paper surveys were available and about 60 were completed and returned that evening. Those unable to get a paper survey were able to complete an almost identical survey on-line at www.pontolocals.com. About 90 more surveys were completed on-line. The following tabulates both survey results.

Ponto East and Ponto West - Shopoff questions – May 3, 2017

1. **DWELLING DENSITY:** The area East of Ponto Road is now zoned R-23 (15 dwelling units per acre minimum to 23 dwelling units per acre maximum), not including State affordable housing density bonus:
 - Shopoff is proposing 137 dwellings on 6.5 net acres (= 21 dwelling units/acre)
 - Potentially with additional dwellings for an affordable housing density bonus

Should Shopoff's proposed density be reduced closer to the 15 dwelling an acre minimum as per the General Plan?

148/156 = yes = 95%

8/156 = no = 5%

2. **HEIGHT OF BUILDINGS:** currently proposed on the East side of Ponto Road are:
 - 40 feet high (3 story)
 - These buildings would be the tallest along the SW Carlsbad coast
 - Commercial buildings like hotels are limited to 35 feet tall
 - The building heights for the Poinsettia Shores Planned Community [which San Pacifico is majority of the development and the Shopoff and Kam Sang proposals are minor developments] limits building heights to 30-35 feet.
 - All San Pacifico residential buildings except Satalina [35 feet tall] are no taller than 30 feet and must have a minimum 3/12 roof pitch
 - The Ponto Beachfront Village Vision Plan that provides additional development guidance for the Shopoff proposed development specifically calls this area the "townhomes" area and shows 2-story [under 30 feet] townhomes as the 'vision' for the site.

Should the Shopoff proposed 3-story and 40 feet building heights be reduced to 2-story and/or no taller than 30-35 feet maximum to be consistent with the vision and more compatible with the Poinsettia Shores and San Pacifico community?

157/162 = yes = 97%

5/162 = no = 3%

3. **BUILDING INTENSITY:** The Shopoff proposed stack flat residential buildings have underground parking to allow more land use intensity and building mass. The proposed buildings run in a fairly contiguous cluster west of the railroad right-of-way from Avenida Encinas north to Ponto Storage.
- Shopoff's proposed residential square footage [not including any balconies, private recreation or ancillary buildings] is 247,100 square feet total in 3 stories at 40 feet high.
 - For reference the Carlsbad Costco building is about 115,500 square feet in 1 story at 35 feet high. So Shopoff's proposed residential building footprint is approximately 72% of the Carlsbad Costco, though it would be 5 feet higher than Costco.

Is Shopoff's proposed building intensity compatible with San Pacifico and the Poinsettia Shores Community and appropriate?

149/159 = no = 94%
10/159 = yes = 6%

Should Shopoff place story poles on-site to show and photo document the proposed building mass?

146/155 = yes = 94%
9/155 = no = 6%

4. **THE BEACHFRONT VILLAGE COMMERCIAL SITE:** west of Ponto Drive proposes some design issues that may be of concern:
- A driveway entrance/exit along Avenida Encinas will make pedestrian/bike travel to the beach less safe.
 - The site is proposed to filled with soil to lift the ground level at Coast Highway 9 feet higher and buildings put upon this higher 'building pad'
 - The proposed building designs and material qualities may be of concern
 - A proposed grassy park-like 'common area' that can be used by customers and community may connect with the City's land and planned trail under Coast Highway [Carlsbad Boulevard]

A. Should a driveway if needed be on Avenida Encinas or on Coast Highway?

68/108 = Coast Highway = 63%
56/98 = Ponto Road = 57%
22/108 = Avenida Encinas = 20%
4/59 = Both = 7%
3/59 = Neither = 5%

B. Should the site be filled 9 feet or to what height?

108/152 = no = 71%

14/152 = yes = 9%

30/152 = not sure = 20%

C. Are the proposed building design and qualities sufficient to be the commercial and community heart of the Ponto Beachfront Village? Suggestions?

31/43 = No = 72%

4/43 = yes = 9%

8/43 = did not respond = 19%

D. Is the proposed 'common area' desirable? If so, do you prefer seating, grass area, trail, or other?

102/150 = yes = 68%

29/150 = no = 19%

23/150 = don't know = 15%

36/91 = Grassy area = 39.6%

31/91 = Trail = 34.1%

17/91 = Other = 18.7%

16/91 = skipped = 17.6%

7/91 = Seating = 7.7%

5. **THE POINSETTIA SHORES MASTER PLAN** and Local Coastal Program require prior to any land use change on the Shopoff site [approximately 10 net acres] a documented evaluation of making the East of Ponto Drive site recreation facilities (i.e. "public park"), or lower cost beach visitor accommodations.

- Since 2012 the San Pacifico, Ponto and entire Southwest quadrant of Carlsbad have been in a Park standard deficient [not meeting the City's minimum 3 acres of Park per 1,000 population City Growth Management Program Standard].
- In 2015 our Southwest quadrant needed 6.6 acres of new City Park to comply with Growth Management Standards.

Should the Shopoff East site [or portion of the site] be: (circle one or more, give examples)

1. Recreational,

2. Lower cost visitor accommodations,

3. Residential, or

4. Visitor serving commercial/recreation uses?

5. Other

140/155 = Park/recreational = 92%

27/155 = Visitor serving commercial & recreation = 17%

6/155 = Residential = 4%

2/155 = Lower cost visitor accommodations = 1%

6. **PARKING:** There is not a lot of excess or extra parking in the current Shopoff proposal and this will not be a “Gated” community. Concerns have been raised regarding vacation rental by owner (VRBO) and beach access parking in this new development.
- Parking in this area is already a problem on weekends and during the summer
 - Additional residential units and VRBO will make this problem worse

A. Should Shopoff modify their development plans to accommodate more parking for potential VRBO parking in their development? Yes ___ or No ___.

125/160 = yes = 78%

23/160 = no = 15%

B. Have you experienced problems with VRBO and parking in your neighborhood and if so, explain.

79/139 = no = 57%

38/139 = yes = 27%

22/139 = did not respond = 16%

C. What parking solutions would you propose?

Following are the replies, it appears a good study to define the needed parking supply and design solution to assure sufficient parking is desired.

- Require city standards or adhere to city vision plan.
- A professional parking study should be conducted that evaluates the current and future PUBLIC parking demands, before it is a daily problem.
- A reasonably priced parking lot/structure.
- All new buildings must have sufficient parking planned onsite.
- Amble parking within Shopoff plans to cover daily business transactions, new homeowners, and beach parking which will inevitably be in that area.
- angled parking on street, underground parking
- Below ground parking garages
- Eliminate the proposed development.
- I propose that the city better address the vacation rental issue.
- I really do favor angled parking on Ponto as an alternative, regardless of the VRBO issue.
- I think underground would be ideal, however, what about water drainage and flooding being close to the water. Would homeless people make it a new home?
- I think VRBO and AirBnb needs to be addressed like it is in our community CC&Rs. They should not allow Vacation rentals for no less than 30 days minimum. Maybe even give them stricter rules. As for parking, the city needs to regulate the people

who camp and live in their vehicles on Ponto drive. Hopefully Shop off can help mitigate this growing problem with some type of solution.

- I'd propose angled parking on the street with meters and a requirement that homeowners park in their designated areas. I suggest Shopoff make the resident space sizes wide enough to include all vehicles, large and small.
- I'm not a parking expert but please don't try to use loop holes in the planning of buildings to wiggle out of providing proper parking.
- Increase parking for the airBandB demand. The issues parking, noise, use of common areas, change in neighborhood character are all fairly obvious and having to be addressed. The City needs to do its job to make sure the impacts are addressed. If City standards are out-of-date or inadequate then change them to address the impacts.
- Keep development parking to traditional Carlsbad standards. No "park in lieu" fees. Two bedroom condo or hotel suites should have two off road parking spaces. In recent history, Carlsbad has been allowing development without adequate parking!
- less buildings will mean less parking needed
- Lower density, stricter rules with rentals.
- mandatory two parking spaces/garage with no street park 11pm-5a.m
- More off-street parking.
- More parking at the beach on 101. Diagonal parking to allow for more -- explore parking on east side of 101.
- More parking spots within plan. Traffic appears to be a major problem now. More people...twice the cars.
- No VRBO should be allowed.
- Not have this development
- not sure
- parking garages
- Parking passes to hang in car window? BTW - THANK YOU for all your hard work. I am very appreciative for what you are doing for our neighborhood!
- Parking structure to the north
- Provide a larger area for VRBO as well as occasional day visitors. Only limited parking is presently provided. Lately as we have become more know more cars are parked on weekends on the streets.
- public underground parking
- rated parking in strip between Carlsbad state park and Carlsbad boulevard; train station; roadside in front of water plant on Encinas; park/ride at I-5 and La Costa Dr. in Encinitas
- Subterranean parking for all businesses and residents
- The job of a traffic engineer
- The more underground parking the better. Security at night to enforce only residential parking. Additional storage units for residents to store bicycles & surfboards.
- There simply should be REQUIRED the actual needed amount of parking according to the proposed density PLUS additional accommodation for public needs.
- underground
- Underground garage.

- **Underground parking**
- **underground parking**
- **Underground parking or drop the number of units. It's not rocket science**
- **What happened to underground parking? Look at the above ground parking structure Hilton put in do we want a series of parking structures west of the railroad?**

Item #5 – Correction of the 8/17 Shopoff mailer

Emailed: 3-22-18

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Praher@coastal.ca.gov; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com; WILLIAM VAN CLEVE billvanclave@prodigy.net; Avril van Zyl vanzyl.aakc@live.com; Tony Ruffolo tonyruffolo616@gmail.com; Chas Wick chaswick@reagan.com; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte meyers-schulte@sbcglobal.net; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community.

We request that this communication and any replies be part of the official record for the Citywide Local Coastal Program Amendment process, the City's planning to address the City Park deficit in the Southwest Quadrant [South Coastal Carlsbad], and the applications to change City ordinances and plans and then apply for development permits listed the Subject line below.

We would appreciate receiving a reply. If you have any questions regarding the communication's contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Citywide Carlsbad Local Coastal Program Amendment, City's SW Quadrant Park planning compliance, and Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-2017-01, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

Response to Shopoff mailer of August 15, 2017: The truth
Verifiable data from the Ponto Beachfront Development Review Committee

Shopoff's letter of August 15, 2017, addressed to "Dear Neighbor" was highly misleading, and so the Ponto Beachfront Development Review Committee feel compelled to shed light on the truth's and mistruth's related to Shopoff's mailer about the proposed Ponto Beachfront development.

1. NEIGHBOR AND PROPERTY OWNER

Shopoff is not, as they say, our neighbor who owns the property east of Carlsbad Blvd and north of Avenida Encinas. The actual 'property owner' is LSFS Carlsbad Holding LLC at 2711 North Haskell Avenue, Suite 700; Dallas, TX 75204.

Shopoff is a speculative land developer from Orange County, and during an initial meeting with your Ponto Beachfront Development Review Committee (PBDRC), Shopoff said that they have a 5-year option to purchase the property. Shopoff's focus is not on the best interests of our neighborhood community, but on those of their investors, as explicitly stated by Shopoff on their website (www.shopoff.com): "Shopoff Realty Investments is a private real estate investment company with a proven track record of creating wealth for our investors — and a singular commitment to placing their needs above all else."

2. MISLEADING SHOPOFF INFORMATION - CHECK THE FACTS

Shopoff's PR firm (Roni Hicks) is creating PR pieces that misrepresent the facts and hide the complete information from you. As you read through the 8/15/17 Shopoff letter, you'll notice they do not provide citations or documentation that can be cross-referenced by you to verify their statements. Our link at www.pontolocals.com has the exact language from the current City and Coastal Commission's planning and zoning for Planning Area F of Poinsettia Shores Master Plan and Local Coastal Program including Shopoff's proposed changes, and the complete Ponto Beachfront Village Vision Plan.

Please let us know the questions you may have at www.pontolocals.com and/or talk with any of your PBDRC neighbors.

3. MEETINGS WITH NEIGHBORS

There are a few key, and very core, community issues we the PBDRC have heard from you, and have communicated to Shopoff. First, you would like a Ponto Beach Neighborhood Park for the east side of Ponto Road. However, if that part of our Planned Community is to be built out as a Townhome project (like the images in the Ponto Beachfront Village Vision Plan) then it should be more compatible with San Pacifico, should have lower density and lower building heights, and should be less massive than what Shopoff is proposing. Shopoff has repeatedly said to the PBDC that Shopoff will NOT make changes to their development proposal to address your following core concerns:

- If there is to be a residential development, it should be like the images in the Ponto Beachfront Village Vision Plan: Shopoff is proposing a tall and massive wall of stacked flat condos, not 2-story Townhomes as called for and shown in the Ponto Beachfront Village Vision Plan (PBVVP). See Shopoff's Stacked Flat images compared to the PBVVP Townhome images. See the PBVVP, and the 1st and 2nd Shopoff Planning Submittals at www.pontolocals.com
- Lower density: Even though Shopoff's development would be part of our Poinsettia Shores (San Pacifico, et al.) Planned Community, Shopoff is proposing residential density (21 dwelling

units/acre) that is 250% more than, or 3.5 times San Pacifico’s residential density (6 dwelling units/acre). The City’s General Plan promises only the minimum 15 dwelling units/acre density or 71% of the density Shopoff is proposing. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. Shopoff’s proposed 136 dwellings on the east side of Ponto Road. Table B-1 is on page B-2 of the City’s Housing Element on the city’s website: <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

You can see the Poinsettia Shores Master Plan and Local Coastal Program for our San Pacifico density and the Shopoff’s planning applications on www.pontolocals.com

- **Lower building heights:** Shopoff is proposing 40-foot-tall buildings. Almost all of the buildings in the Poinsettia Shores (San Pacifico, et al.) Planned Community are around 26 feet tall, with a maximum potential height of 30 feet. Only Santalina’s maximum potential building heights exceed that, at 35 feet - as they backup to Interstate 5. Shopoff’s proposed building height is 154% the height of most of our Planned Community. See Shopoff’s 2nd planning submittal at www.pontolocals.com

Shopoff should place “story-poles” on the site to allow you to see their actual proposed height and massiveness, so you can determine the appropriateness for San Pacifico.

4. SHORT TERM RENTALS AND PARKING

San Pacifico HOA has restrictions on short term rentals. Shopoff has agreed with your PBDRC suggestions to likewise restrict short-term rentals. However, Shopoff cannot prevent a future HOA Board from amending the CC&Rs and by-laws, which could allow short-term rentals in the future. In addition, Shopoff is providing minimal private streets and minimal public street parking, so any parking shortage will spill over to San Pacifico. Their design should address short term rental impacts, including noise, high occupancy/congestion, parking, etc.

5. ZONING

Shopoff states that their plans are consistent with current zoning. This is not true. The current zoning for the site is in the Poinsettia Shores Master Plan and Local Coastal Program, in which Shopoff (or the City) needs to make major changes to this zoning before Shopoff’s development proposals can be permitted by the City and California Coastal Commission. Look at the yellow signs on the sites which show Shopoff’s applications to change zoning (MP-16-01, and LCAP-16-02 to amend 2017-01). Go to www.pontolocals.com to see Shopoff’s actual proposed changes to the zoning. Changing the Master

Plan and Local Coastal Program will require approval from both the City of Carlsbad and the California Coastal Commission.

The current zoning (in the Poinsettia Shores Master Plan and Local Coastal Program) for the site is “Non-Residential Reserve”. That zoning requires that “As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. ” The developer and City failed to consider and document these needs when the PBVVP and 2015 General Plan Update were approved. We are not sure if the Developer or City are considering and documenting this now. See page 101 of the City of Carlsbad Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088>

6. GENERAL PLAN UPDATE

The City’s General Plan update in 2015 did change the City’s General Plan land use designation to consider commercial and residential land uses for the site. However, because the site is in the California Coastal Zone, the California Coastal Commission must ‘certify’ the update to the City of Carlsbad Local Coastal Program before the City’s General Plan change is fully approved. See Carlsbad General Plan Land Use Element page 2-26 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24087> that states:

“The California Coastal Act regulates all development within the state-designated Coastal Zone. ...The Coastal Act requires that individual jurisdictions adopt local coastal programs (LCP) to implement the Coastal Act. ... Development in the Coastal Zone must comply with the LCP in addition to the General Plan. The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to. ... Within the Coastal Zone, no discretionary permit shall be issued by the city unless found to be consistent with the General Plan and the LCP. In the event of conflict between the provisions of the General Plan and LCP Land Use Plan, the terms of the LCP Land Use Plan shall prevail.”

The Coastal Commission staff has indicated that “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.**”

7. CITIZENS’ INPUT NEEDED

The City and California Coastal Commission have the discretion to approve or deny a developer’s application to change City regulations and developer’s proposed development applications. The process requires that the Carlsbad Planning Commission and City Council, and California Coastal Commission hold Public Hearings to hear community concerns before making any approval or denial of applications. If you want to provide your input and be notified of any of these upcoming Public Hearings, please contact Walters Management and www.pontolocals.com. Your PBDRC will consolidate and forward everyone’s email input to the City and Coastal Commission and notify you in advance to attend the public hearings.

8. PONTO BEACHFRONT VILLAGE VISION PLAN (PBVVP)

Shopoff claims in their letter that their design implements the 2-story Townhomes shown in the PBVVP. This is clearly not true. Shopoff is proposing 3-story, 40-foot-tall and massive, 60% lot coverage, Stacked Flats – not 2-story townhomes. The PBDRC has repeatedly asked Shopoff that if they are proposing residential dwellings, to build the Townhomes as showed on Chapter 3 pages 3-8 & 9 of the PBVVP. Shopoff has consistently refused to propose a 2-story Townhome project as shown in the PBVVP, and are misleading you. Go to www.pontolocals.com to see the PBVVP.

9. RESIDENTIAL DENSITY

Shopoff critically fails to tell you the entire truth that the minimum density for the R-23 land use category is 15 dwellings per acre. Developing at the minimum General Plan density would allow 98 dwellings on the East site of Ponto Road and 11 dwellings on the west side of Ponto Road for a total of 109 dwellings. Shopoff proposes 136 dwellings or about 125% the minimum density. See Carlsbad General Plan Housing Element “2161404300 (Ponto)” in Table B1 on page B2 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

10. AFFORDABLE HOUSING

For the site that Shopoff wants to develop, the City of Carlsbad requires at least 20% affordable housing. It is unlikely if Shopoff could even ask for a Density Bonus. The PBDC is checking into this.

11. TRAFFIC IMPACTS

Shopoff’s project will increase traffic in the area. The San Pacifico Community and its PBDRC have repeatedly asked Shopoff to lower their density, thus decreasing their traffic impacts. Shopoff has refused to reduce density and thus to reduce their traffic impacts.

12. COMMUNITY INPUT AND DESIGN

The proposal changes that Shopoff lists in their letter reflect some of the changes the PBDRC has conveyed to Shopoff as desires of the San Pacifico Community. Many of the changes that Shopoff lists were also identified by the City as needed changes to Shopoff’s proposals. Shopoff has acknowledged that these changes improved their prior proposals. However Shopoff has failed to make changes to address the most important and fundamental desires of the San Pacifico community:

- creating a Ponto Beach Neighborhood Park (the Local Coastal Program also requires that this site be considered for a park)
- reducing density to be near 15 dwelling units per acre
- withdrawing Shopoff’s proposed zoning change to transfer optional residential density from the west to the east side of Ponto Rd.
- limiting building height to no greater than 2-stories and no taller than 30-35 feet
- reducing building mass and intensity to be consistent with San Pacifico
- creating a wide public coastal view corridor along Avenida Encinas
- removing the proposed main commercial driveway entry on Avenida Encinas
- providing sufficient public beach parking

Go to www.pontolocals.com to see Shopoff’s proposed development.

13. NEXT STEPS

Concerns and requests submitted to Carlsbad City Council et. al.

In their letter's "Next Steps", Shopoff failed to disclose that they, or the City on the developer's behalf, will need to receive California Coastal Commission approval of Shopoff's needed amendments to the Local Coastal Program after all Carlsbad City approvals.

The Poinsettia Shores Master Plan and Local Coastal Program for the site requires that **"As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad."** Also the California Coastal Commission staff has stated that the City "shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. **This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Not completely disclosing the necessary and critical California Coastal Commission and public review and hearing process is yet another example of Shopoff misleading you.

The PBDRC has put on our www.pontolocals.com website the actual City and Coastal Commission Planning documents along with Shopoff's actual proposed changes to zoning and development proposal, so you can see and confirm the facts for yourself.

Thank you for caring about our coast and assuring we Develop Ponto Right.

Sincerely,
Your PBDRC

Item #6 – Questions for City and Shopoff regarding Shopoff Planning Applications

Emailed: 7-31-18

To: <matt.hall@carlsbadca.gov>, <council@carlsbadca.gov>, <manager@carlsbadca.gov>, <jason.goff@carlsbadca.gov>, <debbie.fountain@carlsbadca.gov>, <sheila.cobian@carlsbadca.gov>, <chrishazeltine@carlsbadca.gov>, <faviola.medina@carlsbadca.gov>, <don.neu@carlsbadca.gov>
Cc: <meyers-schulte@scglobal.net>, <chaswick@reagan.com>, Erin.Prahl@coastal.ca.gov, Gabriel.Buhr@coastal.ca.gov

Subject: Questions for City of Carlsbad and Shopoff re: Shopoff Planning Applications for Ponto Beachfront Development

Dear Matt Hall- Mayor City of Carlsbad; Council Members; City Staff,

Please find attached 3 pages of questions we have for the City Council, City staff and Shopoff regarding the Ponto Beachfront proposed development plans and applications. We thank you for taking the time to review our questions that we have attached. Please feel free to contact Lance Schulte or me with any questions you may have.

Respectfully,

Chas Wick

Ponto Beachfront Development Review Committee

Erin, Gabriel,

Please find attached the questions we sent to City Council and staff regarding Shopoff's proposed plans and applications. Thank you for taking the time to review these questions. Thank you also for meeting with us awhile back in your offices and listening to our questions. Please call/ contact Lance or me if you have any questions about anything that may fall in your purview for this project.

Thanks,

Chas Wick

909-721-1765 chaswick@reagan.com

Questions for City and Shopoff re Shopoff Planning Applications

PLANNING QUESTIONS FOR THE CITY

- 1) Please provide information on what other residential developments in Carlsbad are at the proposed intensity of Shopoff's proposed residential development on a Floor to Area (FAR) Ratio. Shopoff's proposed development has an FAR of 1.79 that will be 3.5 times the intensity of the Hilton Cape Rey and we believe, based on public records requests, will be the most intense residential development in all of Carlsbad. It will propose a new intensity of residential buildings inconsistent with the long established residential character of the surrounding community and Carlsbad's Coastal Zone.
- 2) Please provide details and justification on why the City is entertaining 3 story, 40 foot tall structures in an area that should be 2 story, 30-35 foot high to be consistent with the Ponto Beachfront Village Vision Plan images and compatible with the surrounding neighborhood and comply with the policy requirements of the Local Coastal Program and California Coastal Act ?

- 3) Please provide details and justification as to why the City is entertaining allowing 136 dwelling units on a parcel that should have a minimum requirement of 98 dwelling units.
 - a. Please confirm whether or not you are considering allowing a density transfer from the commercial parcel to the residential parcel. If so, please confirm that you will first need to amend the General Plan and make General Plan findings to properly make this transfer.
 - b. Please confirm that if the density transfer between parcels goes through a General Plan Amendment, that the 25% portion of commercial land used for residential density and being transferred is retained as Open Space on the Donor commercial site. This prevents “Double Dipping”. If a density transfer is allowed (which means you are linking parcels), that you will require that Building Completion Certificates, Final Inspections and/or Occupancy Certificates are granted for the Commercial buildings PRIOR to any Occupancy Certificates being issued for the residential units. This will help ensure that the Commercial buildings are actually going to be built and not just that the Commercial property was used to gain dwelling units on the residential site.
 - c. Please explain how the Shopoff proposal of 21 du/acre fits with the Ponto Village Vision Plan of 12-16 du/acre and why you are not having Shopoff design at the minimum of R-23 which is 15 du/acre, as shown in the Housing Element.
- 4) On the previous issue of Shopoff’s plans dwg A1-1, there was a Common Area/Open Space of 0.57 acres next to the Commercial buildings. On the current Shopoff plan dwg A1-1, the Common Area/Open Space has been eliminated or deleted. (See their plans.)

In fact, we understand from the US Fish and Wildlife, that Shopoff mowed down too much of the protected sage scrub habitat (endangered gnatcatcher habitat) that was originally in this Open Space and will be penalized – likely having to increase protected habitat by 3 to 15 times that amount that Shopoff destroyed. Please explain how the City allowed this to happen?

- a. Please explain what happened to The Commons/0.57 acres of grassy space the community was originally promised? Was the City involved in this decision?
 - b. Please explain what will happen to the Commercial site layout once the protected habitat mitigation area is increased. Will parking be put underground? Will Shopoff reduce the current size of the Commercial buildings?
 - c. There appears to be a drainage basin proposed for the protected habitat area. Is a drainage facility consistent with habitat preservation? Is the drainage basin fenced? What will happen to this basin once the protected habitat area is increased?
- 5) Please explain why the City is entertaining a subdivision of 9 lots on the residential (5) and commercial (4) sites.
 - a. Will this increase set-backs on each buildable lot and if so, by how much? Have you taken that into consideration?

- b. Since the entitlements will likely be sold off to separate developers, how will the City ensure all the plan requirements are met?
 - c. How will the City ensure that the buildings provide a cohesive and consistent construction and visible quality/fit with one another?
 - d. How will the City ensure all residential and commercial projects go forward together in the most effective and shortest timeframe for surrounding neighbors?
 - e. How will ownership/HOAs be handled if you have a multitude of different developers for the 2 current parcels?
- 6) Please strongly consider angled parking on Ponto Road to maximize beach parking. Please explain why you continue to push for parallel parking on Ponto Road and what long-term beach parking demand analysis is being used to not provide angled parking that could maximize beach parking supply. Please detail how many cars you can get with angled parking versus parallel parking.
- 7) What other traffic measures and improvements are you having Shopoff make?
- 8) What are the Carlsbad Boulevard frontage improvements you are having Shopoff make?

Poinsettia Shores Master Plan and Local Coastal Program requires Shopoff to provide Carlsbad Boulevard frontage improvements. The City's ROW and older PCH ROW fronts Shopoff's site.

QUESTIONS FOR SHOPOFF ON THEIR PLANS AND APPLICATION

- 1) The pedestrian and bike travel paths on the Roundabout on Avenida Encinas appears unsafe. Please review and reply on how to make this a safer situation for all concerned.
- 2) There appears to be an unsafe pedestrian path at the commercial Avenida Encinas main entry. Please review and reply on how to make this a safer situation for pedestrians and bikes. A commercial main entry on Carlsbad Boulevard is a better approach and has been done many times in Carlsbad.
- 3) What are the UBC requirements on elevators? How many are required per unit/building? Does Shopoff's plans have enough? Will elevator equipment exceed building heights or require deeper subterranean infrastructure ?
- 4) How will Shopoff sewer the property?
- 5) Can you please provide a diagram that shows trash/recycling storage and how trash/recycling vehicles will enter, manage trash / recycles and exit the sites? It appears trash and recycles will be underground on the residential site.
- 6) What is the distance of balconies to the property line at Avenida Encinas? Is that per Code?

- 7) There appears to be insufficient landscape materials proposed for the hard surfaced wall facing the railroad and San Pacifico. Please provide proper noise buffering / noise absorbing materials on the wall and provide the technical information on their ratings compared to the proposed landscape plantings.
- 8) The Landscape map and tentative map are inconsistent with the pork chop/pedestrian crossing plans.
- 9) Some lights are up-facing and/or unshielded. Please confirm all exterior lights/pole lights will be downwards facing and not provide unnecessary light "pollution" to the adjacent neighborhoods or traffic on the adjacent roadways.
- 10) Please confirm whether or not Shopoff will provide materials on the buildings to increase wireless communication/reception within their and adjoining developments.

Item #7 Community offer to Shopoff to work towards Land Swap for Park and Open Space at Ponto and/or fundamental community desires for development

Email Sent: Wednesday, August 15, 2018 10:07 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); 'Harry Peacock'; matt.hall@carlsbadca.gov; Council Internet Email (CityCouncil@carlsbadca.gov); 'Gail Norman'; 'John Gama'; Chas Wick (chaswick@reagan.com); 'Stacy King'; Erin Prahler (Erin.Prahler@coastal.ca.gov); Gabriel Buhr (gbuhr@coastal.ca.gov); debbie.fountain@carlsbadca.gov; Chris Hazeltine

Subject: RE: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

We still have not heard back from you regarding the 2017 email below.

Recently we met with Matt Hall, and he asked we reach out to you again to restart a dialog. We want to see if we can dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad in providing equitable Open Space and Park facilities, and in providing land use intensity compatibility.

As you know last year we proposed to you an opportunity to work collaboratively for the betterment of Carlsbad in a land swap. We understand as your website says: "As a private investment firm, Shopoff Realty Investments places the needs of our investors above all else," however given the Growth Management Program Open Space and Parks issues, Local Coastal Program issues regarding priority uses and compatibility it maybe in the best interests of your investors to dialog about options.

You may think we are anti-development or anti-Shopoff, but that is not the case. We are pro Carlsbad and simply want to make sure as a City we Develop Ponto Right for present and future generations. We have already provided you creative solutions that, as your PMs indicated, were better and more resilient designs.

We offer to meet with you to dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad.

Let us know.

Lance

Included copy of email sent: Friday, August 18, 2017 10:04 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); Jean Camp (jeanscamp@yahoo.com)

Subject: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

As we believe you know from our latest community polling approximately 95% of San Pacifico residents would like to see as a public park as the best land use for the 'east proposed residential site'. If the site is developed as residential, which we think is not the best use of this coastal land, then development consistent with the images and intensities shown in the Ponto Beachfront Village Vision Plan – basically 2-story Townhomes and density closer to 15 dwellings per acre – is acceptable. However the desired land use is park and open space for an area of Coastal and South Carlsbad that is lacking in both those land uses.

John Sherritt communicated with you on June 22, and again as follow-up on July 6 2017 to communicate to you those community desires and to offer you an opportunity to work with the community in a collaborative and supportive partnership to achieve the primary and best use of the site as a public park. We researched, developed and John presented to you an approach that we could work with you to make Shopoff financially whole in creating a Ponto Beach Park on the site. That approach as outlined by John was to work with you and the City to 'land swap' the Ponto site for an equivalent land density and value on the westerly portion of Veterans Park. The sloped site provides extensive ocean/lagoon views, is adjacent to high quality high density residential, is surrounded by extensive Park and open space land uses and amenities, and is very near major employment centers and school sites – an ideal place for high density housing. A land swap approach would be similar to the Poinsettia 61 effort that can be a positive solution to all concerned. You would have community support for that solution.

John communicated back to the community that after your two meetings, that you had chosen to reject our solution and offer of collaboration. We simply would like to get your email confirmation that you rejected this solution, and if that rejection is permanent and not subject to any reconsideration in the future? Can you please confirm?

Thanks,
Lance

Item #8 Three (3) citizens' presentations made to the prior Carlsbad City Council asking they correct the Coastal Park gap and Growth Management Program Open Space defects in Coastal South Carlsbad

Sent: Sunday, July 7, 2019 10:11 AM

To: 'Matt.Hall@carlsbadca.gov'; 'CityCouncil@carlsbadca.gov'; 'Scott.Chadwick@carlsbadca.gov'; 'Kyle.Lancaster@carlsbadca.gov'; 'lisa.urbach@parks.ca.gov'; 'Kathleen@carlsbad.org'; 'mike.pacheco@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'cort.hitchens@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'info@peopleforponto.com'

Subject: prior Citizen presentation of requests and data to Carlsbad City Council to be provided to City Commissions and CCC public record regarding Coastal South Carlsbad Park and Open Space gaps-deficits and LCP requirements

Dear Mayor and Carlsbad City Council, Planning Commission, Parks Commission; and California Coastal Commission:

Attached please find three (3) presentations made in 2018 to the prior Carlsbad City Council regarding People for Ponto citizen requests to address the documented Coastal Park and Open Space gaps/deficits in Coastal South Carlsbad. We request these prior public communications along with the 4th attachment be part of the public record and be provided to and considered by the City Parks and Planning Commissions and City Council, and CA Coastal Commission in the Carlsbad Local Coastal Program (LCP), Planning Area F LCP and Master Plan, City's Parks Master Plan and Growth Management Plan updates, amendments to the Local Facility Management Plan for Zone 9, Veterans Park, real estate, and budget issues and other interrelated issues.

The 4th attachment is in reply to Carlsbad Councilperson Keith Blackburn's 10/23/18 request to show in an image how Poinsettia Park's service area effects the Coastal South Carlsbad park gap and deficit. The data in this attachment is from the City's Parks Master Plan and shows even with the City's 'broad abstract as the bird flies' defined service area of Poinsettia Park there remains a significant Coastal Park service gap at Ponto and in Coastal South Carlsbad.

The unfulfilled Planning Area F LCP requirements to consider a Public Park at Ponto, the documented Growth Management Park and Open Space Standard deficits in Coastal South Carlsbad seem to justify a comprehensive, open and honest community-based planning process as initially requested by citizens in 2017.

Thank you.

Lance Schulte
People for Ponto, and Ponto Beachfront Park 501c3



FY 18-19 O&CIP
Budget agenda item 1

#1: 6/12/18 City Council meeting presentation by citizen of Carlsbad:



Park agenda item 19
of 7-24-18 City Council

#2: 7/24/18 City Council meeting presentation by citizen of Carlsbad:



2018.10.23 Carlsbad
CC mtg - GMP Update

#3: 10/23/18 City Council meeting presentation by citizen of Carlsbad:

#4: Updated image requested by Councilman Keith Blackburn to show Poinsettia Park's official service area relative to the South Coastal Carlsbad Park gap and deficit. The blue circle(s) show the City's adopted service areas from the City of Carlsbad Parks Master Plan for each City Park based on the park size and the population surrounding the park. A large circle represents a large park and/or low population surrounding the park. The image below shows all the City Parks (both Community Parks and Special Use Areas in Coastal Carlsbad (except for Aviara Park that is east of Poinsettia Park and west of Alga Norte Park). Data is compiled from City of Carlsbad Parks Master Plan pp 87-88.

Issue #1 – 6.6 Acre Park Deficit No Coastal Park in South Carlsbad

- Appx. 6 miles of Coast without a Coastal Park is a City & Regional need
- South Carlsbad has 64,000 residents & thousands of hotel visitors without a Coastal park
- Closest park to Ponto is Poinsettia Park, approx. 2.5 miles across I-5
- Proposed Veterans Park is approx. 6 miles away



Item #9 A 2/8/19 emailed letter from San Pacifico Community Association Board of Directors to Carlsbad City Council, Planning and Parks Commissions, and Staff; and CA Coastal Commission

From: Melinda Young [mailto:myoung@waltersmanagement.com]

Sent: Friday, February 8, 2019 3:22 PM

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; don.neu@carlsbadca.gov; manager@carlsbadca.gov; debbie.fountain@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; cort.hitchens@coastal.ca.gov; gabriel.buhr@coastal.ca.gov; erin.prahler@coastal.ca.gov; david.decordova@carlsbadca.gov; jennifer.jesser@carlsbadCA.gov; jason.goff@carlsbadca.gov

Cc: Lance Schulte; Melinda Young

Subject: Correspondence supporting the People for Ponto Committee as submitted by the San Pacifico Community Association

Good Afternoon, Ladies and Gentlemen:

On behalf of the San Pacifico communities, please review the attached [below] correspondence which is extremely pertinent to the development of the Ponto Beach area.

Thank you very much.

Melinda Young, PCAM CCAM

SENIOR VICE PRESIDENT

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San Pacifico Community Association, c/o Walters Management
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
858-495-0900

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 San Pacifico 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 “Nonresidential 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 Lowcost Visitor Accommodations” occurred both at the Ponto Beachfront Village Vision Plan and General Plan Update planning efforts.*

Concerns and requests submitted to Carlsbad City Council et. al.

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"

Item #10 A 11/14/19 emailed DLCPA public comments and requests regarding flawed planning process at Ponto including critical public disclosure/participation failures by the City, proposed Ponto land use changes in conflict with CA Coastal Act, request to restart Ponto planning

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

Sent: Thursday, November 14, 2019 9:13 AM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; Lisa Urbach (lisa.urbach@parks.ca.gov)

Subject: RE: LCPA public Comment - request for receipt of public comments & documents

Jenifer:

I would like to include this email and the attached document as part of the LCPA Public Comments and Requests related to Official Carlsbad Public Records Requests and maintain the Existing Carlsbad LCP land use designation of "Non-residential Reserve" on Planning Area F until a truly comprehensive and Community-based planning process can determine the Forever "High-Coastal-Priority" land use needs at Ponto, South Coastal Carlsbad, and to assure no overconcentration of "High/Low-Coastal-Priority" land uses.

The proposed LUP defines the forever/buildout Coastal land use for Carlsbad, and as documented the prior Ponto planning processes (Ponto Beachfront Village Vision Plan [PBVVP] and the General Plan Update that is based on PBVVP) were both fundamentally flawed by not disclosing to Citizens and the San Pacifico Community Association about the Existing Carlsbad LCP requirements for Planning Area F and inviting public participation and discussion of the Existing Carlsbad LCP requirements for Planning Area F. The proposed LUP's reliance on the fundamentally flawed prior planning (PBVVP and General Plan Update) at Ponto is inappropriate. These fundamental flaws in planning process and public participation cannot be remedied by simply a Staff Report discussion.

It seem logical that these fundamental flaws in the PBVVP, General Plan Update, and the LUP (which is based on the PBVVP and General Plan Update) are best corrected by maintaining the Existing LCP for Planning Area F and possibly leaving the entire Ponto Area as an Area of Deferred Certification until a truly comprehensive Community-based Planning process for Ponto can be completed. This is a reasonable and logical approach as the vacant Coastal land at Ponto is some of the last remaining significant sized vacant Coastal in all North San Diego County and is the in the center of a 6-mile regional Coastal Park Gap with no Coastal Park. This logic is further amplified by the impacts of Sea Level Rise on "High-Coastal Priority" land uses at Ponto and Coastal South Carlsbad, and the CA Coastal Act policy to reserve Upland Areas for "High-Coastal Priority" land uses.

Confirmation receipt and any staff response are appreciated.

Thanks,

Lance

Attachment: Local Coastal Program requirements for Planning Area F at Ponto: Data from Official Carlsbad Public Record Requests by citizens group People for Ponto www.peopleforponto.com

Ponto is in the California Coastal Zone and land use and development decisions must not only be consistent with the City of Carlsbad General Plan and Ordinances but must also be consistent with the California Coastal Act (CCA). Per our Constitution, if there is a conflict between local City plans and the State's Coastal Act the Coastal Act prevails. The California Coastal Commission (CCC) is the State commission that makes development decisions in the Coastal Zone.

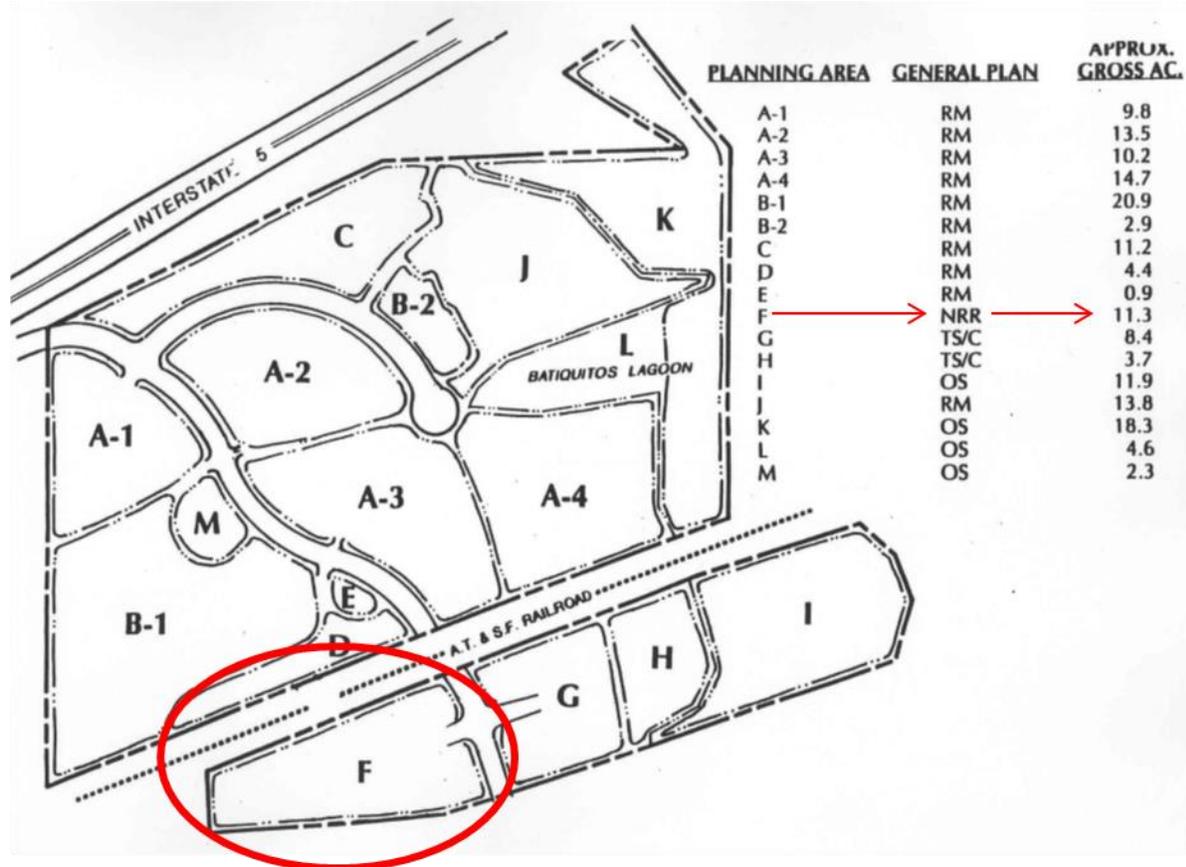
Relevant Basic Goals of the State of California for the Coastal Zone are to:

- Maximize public access to and along the coast and **maximize public recreational opportunities in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- **Assure priority for coastal-dependent and coastal-related development over other development on the coast.**
- **The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.**

The CCA priority land uses to achieve the above basic California Coastal Act goals are:

- maximize public recreational opportunities in the coastal zone
- Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- Public facilities [such as Public Parks] shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.
- Assure priority for coastal -dependent and coastal-related development [i.e. lower cost visitor accommodations or recreational facilities (i.e. public park) as noted in the Planning Area F LCP requirements]

The Poinsettia Shores Master Plan and Local Coastal Program (PSMP/LCP) adopted in 1996 is the City's and CA Coastal Commission Existing Adopted Coastal 'general plan land use and zoning' and regulations for Planning Area F in the San Pacifico Community at Ponto. See the following land use zoning map from the current PSMP/LCP:



The current City and CA Coastal Commission adopted land use zoning and regulations for this Planning Area F is found on page 101 Carlsbad’s Existing Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088> and reads as follows (bold face added for emphasis):

“10. PLANNING AREA F: Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.** The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”**

Planning Area F was originally agriculture, then in 1985 Planning Area F's planned land use was changed to Travel Service Commercial uses. Then in 1996 was changed to the current Non-Residential Reserve (a blank holding zone) land use as noted above. Since Non-Residential Reserve had no planned land use associated with it a specific requirement of the PSMP/LCP for Subarea F was that: **"As part of any future planning effort, the city and developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad."** [see Planning Area F regulations on page 101 of current Carlsbad Local Coastal Program]

The City around 2005 adopted a Ponto Beachfront Village Vision Plan (PBVVP) that adopted with primarily speculative developer input a City vision for Planning Area F with a Mixed-use Commercial area west of Ponto Drive and a 2-story Townhouse Neighborhood east of Ponto Drive. **The City in this 2005 PBVVP 'planning effort' did not fully disclose to citizens the existence of the adopted Planning Area F LCP land use zoning requirements, nor did the City comply with the LCP for Planning Area F to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park)".** The City submitted the PBVVP to the CCC as a Local Coastal Program Amendment for Planning Area F; and in 2010 the CCC rejected the City's proposed LCP Amendment, Stating: "... there has been no evidence presented that would support the elimination of these areas [i.e. Planning Area F] for some lower cost overnight accommodations or public recreational amenities in the future." [see pages 6-11 of CCC action item F21a denying Carlsbad proposed LCP Amendment 3-07B/RF dated July 22, 2010]

The City then 5-years later updated its General Plan in 2015 after a 7-year planning process using the same PBVVP as the basis for Coastal land use changes at Ponto and Planning Area F. The updated General Plan changed the City's proposed general planned land uses for Planning Area F from Non-Residential Reserve to General Commercial (GC) west of Ponto Drive and R-23 (Residential 15-23 dwellings an acre) east of Ponto Drive. Again, the City in this 2015 'planning effort' did not as required by the Planning Area F LCP requirement publically disclose and then consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park).

The lack of public disclosure/discussion, and compliance with the Planning Area F LCP requirements in both the City's 2010 PBVVP and 2015 General Plan Update processes was confirmed in 2017 with the following 3 official Carlsbad Public Records Requests (sometimes referred to a freedom of information act):

- # 2017-260
- #2017-261 and
- #2017-262

We request that the above 3 official Carlsbad Public Records Requests, including City replies to follow-up questions, be fully included as Public Comments in the 2019 LCPA.

Why didn't the City publically disclose and follow the existing (since 1996) LCP requirements for Ponto/Planning Area F during the 2010 PBVVP and 2015 General Plan Update? The PBVVP and General Plan Update processes were/are both fundamentally flawed due to this non-disclosure and non-compliance and did not allow full and just consideration of Coastal Priority land uses for Planning Area F.

As noted the Public Records Requests confirmed that the City did not specifically disclose and reach out to Carlsbad Citizens and the San Pacifico Community Association specifically regarding the requirements

to propose changes to Planning Area F. Planning Area F is one of the planning areas of the San Pacifico Community Association.

The City's failure twice, both during the City's 2010 PBVVP and 2015 General Plan Update 'planning efforts' to fully disclose and implement the Planning Area F LCP requirements was and still is in conflict with CA Coastal Act goal indicating the **"public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation"**

As noted it took until 2017 for the People for Ponto citizen group to first find the Planning Area F LCP requirements at Ponto and confirm the City's failure to publically disclose and implement the existence of the Planning Area F LCP requirements at Ponto by getting documented confirmation through Official Carlsbad Public Records Requests and inquiries with CCC Staff. In 2017 Coastal Commission Staff indicated that: "The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."

On 8/31/17 (see Item #1 of 'Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission as of 8-2-18' that was previously provided as public comment on the LCPA) People for Ponto emailed the Carlsbad City Council to ask that a Ponto Coastal Park be provided and that San Pacifico Community Association be invited and engaged in the planning discussions. The email cited numerous Carlsbad General Plan Community Vision statements and data on City Park Standard deficits at Ponto and Coastal South Carlsbad that clearly supported creation of a Ponto Coastal Park. The email was a request of the Carlsbad City Council to basically restart the Ponto Planning Effort on Planning Area F with an open and honest community-based planning effort before this last area of vacant Coastal land is committed to any development.

The email was resent to the City Council on 3/6/18 due to no City response to the initial 8/17/17 email. Although the City Staff has responded by rejecting Citizens' requests to reset and restart the Ponto Area Planning Effort to address the Public Park needs at Ponto; we did finally on 10/31/19 receive an email confirmation from City Staff that "Regarding concerns about recreation uses in the Ponto area, the staff reports will include an analysis of the need for lower-cost recreation and visitor accommodations in the Ponto area." The actual LCP requirement notes "(i.e. Public Park)" not just 'lower-cost recreation'. The 10/31/19 email is the first City acknowledgement since the initial 2017 People for Ponto email, that the City will follow the existing LCP requirements for Planning Area F. Unfortunately it likely is not the best way to address the of the existing LCP requirements at Ponto, and most importantly the Goals and Policies of the CA Coastal Act.

As further public comments we would like to suggest maintaining Planning Area F's "Non-residential Reserve" Coastal land use (LUP) and Coastal zoning designation along with considering the entire Ponto area as a Deferred Area of LCP Certification to allow the City to reset the Coastal planning at Ponto and start anew with a comprehensive and open Community-based Planning Process that fully

addresses CA Coastal Act Goals and Policies and openly involves San Pacifico Community Association, the Citizens of South Carlsbad, and Citizens regionally. This is vitally important given Ponto is the last major vacant land in the center of a regional 6-mile coastal Park gap, and the only vacant Upland Area to a major regional Low-cost Visitor Accommodation (South Carlsbad State Campground) that is subject to destruction from sea bluff erosion due to sea level rise and increase weather events from climate change.

References:

1. California Coastal Act: see https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PRC&division=20.&title=&part=&chapter=&article=

Item #11 a 11/18/19 emailed DLCPA public comments and questions regarding Existing LCP and Proposed Draft LCPA policy requirements to move Carlsbad Boulevard inland and movement of high-priority coastal land uses due to planned sea level rise and coastal erosion

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

Sent: Monday, November 18, 2019 8:30 AM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); 'David Hill'

Subject: LCPA public Comment - Existing and LCPA Proposed policy-requirement to move Carlsbad Blvd inland in South Carlsbad & movement of High-Priority uses to respond to a new-natural shoreline-bluff

Jennifer:

The City required developers along Carlsbad Boulevard (aka, PCH) to move the Carlsbad Boulevard lanes inland. This can be seen on the most recent developments along Carlsbad Boulevard from Breakwater Road to Ponto Road. A few Public Comments questions on the Proposed LCPA are:

1. What Local Coastal Program (LCP) and/or City policy, ordinance, or criteria required the developers to move the Carlsbad Boulevard lanes inland?
2. What is/was the specific language and location citation for such policy, ordinance, or criteria?
3. Is that language being maintained in the Proposed LCP Amendment, and if so where and what is the language?
4. If not, why is it being eliminated or altered in the LCPA?
5. For the Cape Rey Resort development south of Ponto Road, the developer was not required to move the Carlsbad Boulevard lanes inland, like the developments to the north. Why is that?
6. I understand that the landscape frontage of the Cape Rey Resort is actually City property, is that true?
7. Will the City be required to fund and move Carlsbad Boulevard lanes inland along the Cape Rey Resort frontage at a later date?
8. I understood the requirement of moving Carlsbad Boulevard lanes inland in South Carlsbad was to provide space for the State Campground to migrate inland as coastal bluff erosion. Is this correct or is/was there another reason for moving Carlsbad Boulevard lanes inland in South Carlsbad?
9. The Proposed LCPA identifies increased Coastal Bluff erosion due in part to Sea Level Rise (SLR) that will create a new-natural shoreline and coastal bluff. But what is the Proposed LCPA plan and policies for accommodating the new-natural shoreline/bluff and preserving by migrating inland "High-Coastal-Priority" features and Land Uses like the beach and State Campground subject to the LCPA's projected and planned Coastal Bluff erosion and SLR?
10. The proposed LCPA identifies projected/planned SLR impacts on public access trails, a community nature center around East Batiquitos Lagoon. What is the Proposed LCPA plan and policies for accommodating the new-natural Batiquitos Lagoon shoreline and preserving by migrating inland "High-Coastal-Priority" features like the public access trails, and planning a new location for the community nature center subject to the LCPA's projected and planned SLR?
11. Are these "High-Coastal-Priority" features and Land Uses in the Proposed LCPA to be allowed and planned in the Proposed LCAP to move inland or to other locations as coastal erosion and

Concerns and requests submitted to Carlsbad City Council et. al.

SLR undermine, put underwater, or eliminate access to these “High-Coastal-Priority” features and land uses in their current locations?

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

Item #12 1/28/20 emailed public comments to The City of Carlsbad and City Council documenting errors/omissions/misrepresentations in the Staff Report for Agenda Item #14 on 1/28/20 City Council meeting and the Public Comments to be included as Public Comments on the City Staff proposed Draft LCP Land Use Plan Amendment

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

Sent: Tuesday, January 28, 2020 4:29 PM

To: 'info@peopleforponto.com'; 'Matt.Hall@carlsbadca.gov'; 'CityCouncil@carlsbadca.gov'; 'Scott.Chadwick@carlsbadca.gov'; 'Kyle.Lancaster@carlsbadca.gov'; 'lisa.urbach@parks.ca.gov'; 'Kathleen@carlsbad.org'; 'mike.pacheco@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'cort.hitchens@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'Don.Neu@carlsbadca.gov'; 'Gary.Barberio@carlsbadca.gov'; 'jennifer.jesser@carlsbadca.gov'

Cc: 'Fred Sandquist'; 'David Hill'

Subject: RE: 2020 Jan 28 Carlsbad City Council meeting - Agenda item #14 citizen testimony - updated information

Dear City Council:

Please replace the prior testimony with the attached file. In the haste to get you comments ASAP before the meeting I forgot to include a correction to the Housing Element data staff provided. The actual Housing Element data is different from tonight's staff report, and the attached updated testimony includes a copy from the City Housing Element to show that correction.

Also, People for Ponto would like to request that this email and attached file be part of the official public comments on the proposed Draft LCP Land Use Plan Amendment.

Thank you.

Sincerely,
Lance Schulte

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

Sent: Tuesday, January 28, 2020 2:37 PM

To: info@peopleforponto.com; Matt.Hall@carlsbadca.gov; CityCouncil@carlsbadca.gov; Scott.Chadwick@carlsbadca.gov; Kyle.Lancaster@carlsbadca.gov; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; mike.pacheco@carlsbadca.gov; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Don.Neu@carlsbadca.gov; Gary.Barberio@carlsbadca.gov; jennifer.jesser@carlsbadca.gov

Cc: Fred Sandquist; David Hill

Subject: 2020 Jan 28 Carlsbad City Council meeting - Agenda item #14 citizen testimony

Importance: High

Dear City Council:

Please receive the attached information as part of your agenda Item #14 on 1/28/20 meeting. We apologize for the late input, but we were not aware of the agenda item or meeting. The attached notes some critical information that appears missing in the agenda report and attempts to provide more complete information. People for Ponto also asks, like other citizen groups, how we can talk with you to create a better process for the Staff proposed Draft LCP Land Use Plan Amendment.

Sincerely,
Lance Schulte
People for Ponto

Email Attachment:

Carlsbad City Council meeting of 1-28-20 agenda item #14

People for Ponto apologize for this late and hastily, review and comments. We just found out about the meeting this morning. We citizens know we can together achieve grate things if you allow us to work with you.

Staff
Report

Page clarification/correction:

1 The LCP Land Use Plan Update is in fact an Amendment to an Existing LCP Land Use Plan. The Existing LCP Land Use Plan is already certified by the CA Coastal Commission as being consistent with the CA Coastal Act, except for some Amendments needed to address Sea Level Rise impacts and some other issues.

The LCP Amendment proposes to change the Existing CA Coastal Commission certified LCP Land Use Plan's "Non-residential Reserve" Land Use and Policy on Planning Area F to consider and document the need for "i.e. Public Park" at Ponto .

- 1 Staff summarizes the CA Coastal Act objectives to "ensure maximum public access to the coast and public recreation areas."
- Carlsbad's Adopted Park Service Area/Equity Mapping shows there is no Park Service for the Ponto Area and Ponto Citizens, and no Park Service for the Coastal South Carlsbad area west of Interstate-5 and the rail corridor.
 - The City's mapping of land that meets the developer required Growth Management Open Space Standard of 15% Unconstrained land shows about 30-acres of this Open Space is missing at Ponto. This missing Open Space could have provided needed Park facilities that are missing at Ponto.
 - Citizens in over 2,500 emails to the City Council have cited the need for a Public Park at Ponto as part of the Existing LCP Land Use Plan Amendment proposed at Ponto. These requests area consistent with the CA Coastal Act.
- 3 2nd bullet: says city staff proposes to replace, amend, or retain various Existing LCP policies, so the Staff has a documented understanding how each Existing LCP policy and how each Existing policy is being treated in the proposed Amendment. Citizens asked in Oct 20, 2019 for this 'redline' version of the Existing LCP Policies and Land Use Maps so citizens can understand what the Amendments are so we as citizens could then provide informed public comment. This 'redline' version is also important for the City Council and Planning and other Commissions so they know what Amendments to Existing City LCP Land Use policy are being proposed. Citizens again request this 'redline' version that it appears the staff already has as they know what Existing LCP Land Use policies are being replaced, amended, or retained.

- 4 V is incomplete: the community asked on Oct 20, 2019 for 3 things: 1) a 'redline' version as noted above, 2) true Public Workshops to help inform and resolve community concerns about the proposed LCP Land Use Plan Amendments, and 3) more public review time to provide for the above two other requests. All 3 requests should be acknowledged in the staff report. All 3 requests are rational and reasonable considering the proposed Draft LCP Land Use Plan Amendment is the "buildout" plan for Carlsbad's Coastal Zone and there were multiple documented fundamental "planning mistakes" regarding past City public information and participation in the Coastal Land Use planning. Providing such a process would help to correct these documented 'planning mistakes' that have gone on for many years. It is the right thing to do and most productive approach for all concerned.

- 7 Staff should accurately disclose that in 2010 the CA Coastal Commission in fact rejected the City's proposed Ponto Beachfront Village Vision Plan for failing to disclose and comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. Carlsbad Public Record Requests confirmed the staff did not disclose to citizens the existence LCP Land Use Plan policy for Planning Area F at Ponto, so citizens had no idea a Public Park at Planning Area F at Ponto needed to be considered. How can citizens, provide input if they don't have complete and accurate to review and comment on?

- 8 Staff should correctly disclose that the 2015 application at Planning Area F at Ponto is first for a Local Coastal Program Amendment and Master Plan Amendment. These are both applications to change City Land Use Plan Policy and Zoning regulations. The actual applications for 'development' permits can in fact not even be considered by the City the Local Coastal Program Land Use of "Non-residential Reserve" is changed and Master Plan rezoning is approved. Then the 'development' permit application can be applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application 'alive' even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdraw the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer's application to change the Existing LCP Land Use Plan for the developer.

Staff notes that the Planning Area F sites now designated as Residential R-23 and General Commercial by the Carlsbad General Plan Update. However, staff fails to disclose that until the Existing LCP Land Use Plan is amended is in fact approved by the CA Coastal Commission the Existing LCP Land Use Plan for Planning Area F supersedes the City's General Plan Update.

Carlsbad's General Plan Land Use Element clearly states this on page 2-26 "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to." So until the City Council adopts the staff's proposed Draft LCP Land Use Plan Amendment, AND the CA Coastal Commission "certifies" that LCP LUP Amendment; the City's General Plan Update Land Use change cannot take effect. The General Plan Land Use at Ponto Planning Area F has in fact not been changed by the General Plan Update, but can only change with staff's proposed Draft LCP Land Use Plan Amendment that the City Council can choose to approve or disapprove. Also official Public Records Requests have documented that the City's General Plan Update planning process was fundamentally flawed at Ponto. Again, like during Ponto Beachfront Village Vision

Plan planning process a few years earlier the city failed to comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. The flawed General Plan Update process at Ponto prevented Citizens from knowing the facts so they could properly participate and provide review and comment during the General Plan Update. The significant citizen comments to the City Council asking for a Ponto Coastal Park is reflective of the fundamental public disclosure and processing flaws that the city is only now acknowledging as one of the repeated 'planning mistakes' at Ponto. This is why citizens are asking for full disclosure of the facts and a complete planning process re-boot at Ponto. It also should be noted that the Existing LCP Land Use Policy for Planning Area F states that **"as part of any future planning effort ... consideration of a "Public Park" is required.** CA Coastal Commission Staff has indicated the City's proposed land use planning changes at Ponto as part of the General Plan Update are subject to change.

At the bottom of the page regarding SB 330, as noted above the "residential land use designation on the site" is not in effect until the currently proposed LCP Land Use Plan Amendment is both approved the City Council AND also certified by the CA Coastal Commission, so SB 330 does not apply. Also SB 330 has specific language that exempts land use in the Coastal Zone. SB 330 (Skinner) Section 13 states: **"(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976** (Division 20 (commencing with Section 30000) of the Public Resources Code). **For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976** (Division 20 (commencing with Section 30000) of the Public Resources Code)." This language is consistent with CA case law, and other housing laws that recognize the obvious – there is very limited amount of Coastal land v. significant land area inland. Limited Coastal Land per the CA Coastal Act is needed for "High-Priority" Coastal Land Uses" - i.e. Coastal Recreation and Low-cost visitor accommodations. The CA Coastal Act identifies both residential and general commercial land uses as "low-priority". So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in Carlsbad will be needed to address the "High-Priority" Coastal Land Uses to serve Carlsbad and California's 'buildout' needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in "Kalnel Gardens, LLC v. City of Los Angeles". This case law data has already been provided to the City Council as part of Staff's housing discussions over the past few years. The staff report should have disclosed the above information, as it appears SB 330 is not a factor at Ponto.

- 13 2005-2010 Housing Element: As noted above the General Plan Land Use Element states the General Plan Land Use Plan is not effective until the proposed Draft LCP Land Use Plan Amendment is both approved by the City Council AND certified by the CA Coastal Commission. So, the Housing Element Cannot recognize the proposed residential use change at Ponto until then. Also as noted before there were multiple documented fundamental 'planning mistakes' in public disclosure, participation and process that flawed the Housing Element. It should be noted that these flaws occurred during the time the CA Coastal Commission specifically rejected the Ponto Beachfront Village Vision Plan due to those flaws. The now City acknowledged 'planning mistakes' at Ponto prevented Carlsbad citizens from providing informed participation during the Housing Element.

Also, it is unclear why the staff misrepresented the amount of housing proposed in the Housing Element on the Ponto Planning Area F site as “the Ponto site for high density residential use at a minimum density of 20 dwellings per acre (128 units minimum)”; as this is not true. The City’s General Plan promises only the minimum 15 dwelling units/acre for the R-23 Land Use designation. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 on page B-2 that lists 98 dwellings for the site on the east side of Ponto Road and 11 **optional dwellings** on the west side of Ponto Road for 109 total units for both sites, v. the 128 units mentioned by staff. Not sure why staff misrepresented the density by 17 to 30%.

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

2007 Ponto Beachfront Village Vision Plan: As noted several times above there were fundamental public disclosure and participation flaws with this plan. It was rejected by the CA Coastal Commission in 2010 part for those reasons. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

- 14 2015 General Plan Update: As noted several times above there were fundamental public disclosure and participation flaws with this Update with regards to Ponto. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

Citizens are asking the City Staff and City Council:

- for honesty, to fully and publicly recognize and disclose the past “planning mistakes” at Ponto, and fundamental flaws from the from those mistakes that prevented citizens from knowing about and participating in the planning process for Ponto.
- To keep the Existing LCP Land Use Plan at Ponto until a new open-honest and inclusive Community-based planning process can be achieved at Ponto.
- To be honest with respect to Park Serve Area and Equity issues at Ponto and Coastal South Carlsbad west of I-5 and the rail corridor.
- Consider the needs for inland South Carlsbad citizens, visitors and business to have their ONLY Coastal Park.
- Consider the larger regional Coastal Park need, and the forever ‘buildout’ Coastal Recreation needs for future generations.
- To be true and honest in translating and implementing our Community Vision

Item #13 11/22/19 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding “High-Priority” Low-Cost Visitor Accommodation land use

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

Sent: Friday, November 22, 2019 7:43 PM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'

Subject: LCPA public Comment - Low-cost Visitor Accommodations

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding Low-Cost Visitor Accommodations.

As provided in other Public Comments and expressed by several citizens at the 11-20-19 Planning Commission meeting, I along with others kindly request:

1. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

We are still working to try to review the LCP and DLCPA documents and provide public comments on the Coastal Recreation

Thank you for including and responding to these DLCPA Public Comments and questions.

Lance Schulte

Attachment:

Carlsbad’s proposed Draft Local Coastal Program Amendment – People for Ponto comments

Low Cost Visitor Accommodations:

1. P. 3-3 cites CA Coast Act (CCA) Polices. But the City’s proposed Local Coastal Program (LCP) Land Use Plan (LUP) in the Ponto Area, particularly for Planning Area F, appears inconsistent with these CCA policies:
 - a. Section 30213 – protect, encourage and provide Lower-Cost Visitor & Recreation Facilities.
 - b. Section 30221 – Visitor serving & Recreation uses have priority over Residential & General Commercial uses.
 - c. Section 30223 – Upland areas reserved to support coastal Recreation uses
 - d. Section 30252(6) – correlate development with Local Park acquisition & on-site recreation

2. Planning Area F used to be designated “Visitor Serving Commercial” as part of the original 1980’s LUP and LCP Samis Master Plan for Ponto. In the 1996 this LUP was changed to the now current LCP and LUP designation of “Non-Residential Reserve” with a specific LCP requirement to reconsider a high-priority recreation or visitor serving Coastal land use while other Ponto land uses were changed to low-priority residential uses (see Poinsettia Shores Master Plan/LCP). It seems appropriated that the LUP should re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park” in the existing LCP) to provide high-priority coastal uses v. low-priority residential/general commercial uses: in part for the following reasons:
 - a. Planning Area F’s existing LCP requirement requires this consideration, but the City has never disclosed this requirement to Citizens nor follow this requirement during the Cities two prior ‘planning efforts’ in 2010 and 2015 as documented by official Carlsbad Public Records Requests 2017-260, 261, 262.
 - b. Ponto developers (both Samis and Kaisza) were both allowed to overdevelop Ponto, by not providing the minimum Open Space required by Carlsbad’s and Citizen approved Growth Management Open Space Standard. Over 30-acres of land that should have been dedicated to Growth Management Open Space (a high-priority land use) was instead allowed to be developed with low-priority residential development. If the City’s Growth Management Open Space Standard was properly applied at Ponto there would be 30-acres more open space at Ponto then there is now. This is a significant impact to CCA policies that can be corrected by changes in the Ponto LUP to properly implement City Open Space Standards and CCA policies.
 - c. The LCPA acknowledges that past (2005-17) and near-term (2019-23) growth in Carlsbad visitor demand for coastal recreation and accommodations, and indicate high past hotel occupancy rates that implies current hotel supply is just meeting current demand. Although the LCPA does not discuss the high occupancy rates at the Low-Cost campground facilities, It is assumed the campground occupancy rate and demand is higher than that of hotels. This should be defined. Based on current and near term demand for visitor accommodations the LCPA states on page 3-12 “... the City should identify and designate land where new hotels and other visitor-serving uses can be developed.” It is clear where the ‘City should identify and designate [this] land’? What new land(s) should be so identified and designated? However, the LCPA does not disclose longer-term visitor accommodation needs beyond 2023, nor provide a long-term plan for meeting this long-term need. The LCPA should publicly disclose, analyze and provide for the longer-term (beyond present and to beyond 2023) needs for visitor Coastal accommodations, particularly Low-Cost Accommodations and Recreation needs because the LCPA’s LUP is a long-term plan for Carlsbad’s buildout estimated to extend beyond 2035. Also, given the fact that there are very few vacant Coastal Sites (like Ponto) that are still available to address these long-term high priority Coastal land uses – recreation and visitor serving – reserving these vacant lands for high priority coastal land uses is consistent with the CCA Polices. Following are some longer-term projections of resident demand for Coastal park and recreation needs. It seems logical that long-term visitor will increase at a similar rate as the general population increase rate, unless our coast becomes too overcrowded and unattractive vis-à-vis other visitor

destinations. A long-term visitor demand (to go with the below long-term resident demand long-term Sea Level Rise impacts) for Coastal recreation resources should be a part of the proposed LCPA and part of the long-term LUP to provide resources for those long-term needs and to mitigate for those long-term Sea Level Rise impacts.





- d. City in the LCPA inaccurately analyzes and misrepresents how much Visitor Serving Accommodations, particularly Low-Cost Accommodations, Carlsbad currently provides on a relative or comparative basis. The LCPA's inaccurate and simplistic analysis does not adjust for the different sizes of the Coastal Zone in the 3 cities (Carlsbad, Oceanside and Encinitas) used in the analysis. Carlsbad's Coastal Zone is significantly larger than both the other cities, so it has more land and accommodations, just like San Diego's Coastal Zone is larger than Carlsbad's and San Diego is larger than its smaller neighbors Del Mar and National City. A simplistic how many accommodations are in your adjacent cities is an inappropriate analytical method for Carlsbad-Oceanside-Encinitas; just as it is inappropriate to compare the number of San Diego's hotels with the number of hotels in San Diego's smaller neighbors Del Mar and National City. The accurate method to do a comparative analysis is based on a common denominator, such as the amount of accommodations per 1,000 acres of Coastal Zone land along with comparing each city's relative percentages. This is a more accurate and appropriate analysis that the LCPA should provide, and not that provided on page 3-13. The LCPA analysis also does not fully discuss and compare "Low-Cost" accommodations that are part of the CCA policies; nor provide a mitigation approach for "Low-Cost" accommodations lost, just 'Economy hotel rooms'. Below is data from the LCPA and other LCPs that shows the proper and more accurate comparison of existing Visitor Serving Accommodations in Carlsbad-Oceanside-Encinitas and includes Low-Cost Accommodation

numbers/comparisons that are totally missing in the LCPA analysis. As the data shows, Carlsbad does not perform as well in Visitor Accommodations, and most particularly in “Low-Cost Visitor Accommodations”, as the LCPA states and proposes in the LUP relative to Oceanside and Encinitas. An honest analysis like below should be provided in the LCPA LUP, particularly given the very limited amount of vacant Coastal land left to provide for high-priority Coastal Uses. Ponto is one of the last remaining vacant Coastal areas.

Carlsbad's proposed 2019 LCPA uses comparative 3-city data to address how Carlsbad's 2019 LCPA addresses Visitor Serving Accommodation needs. “Low-Cost” Accommodations are an important CA Coastal Act issue

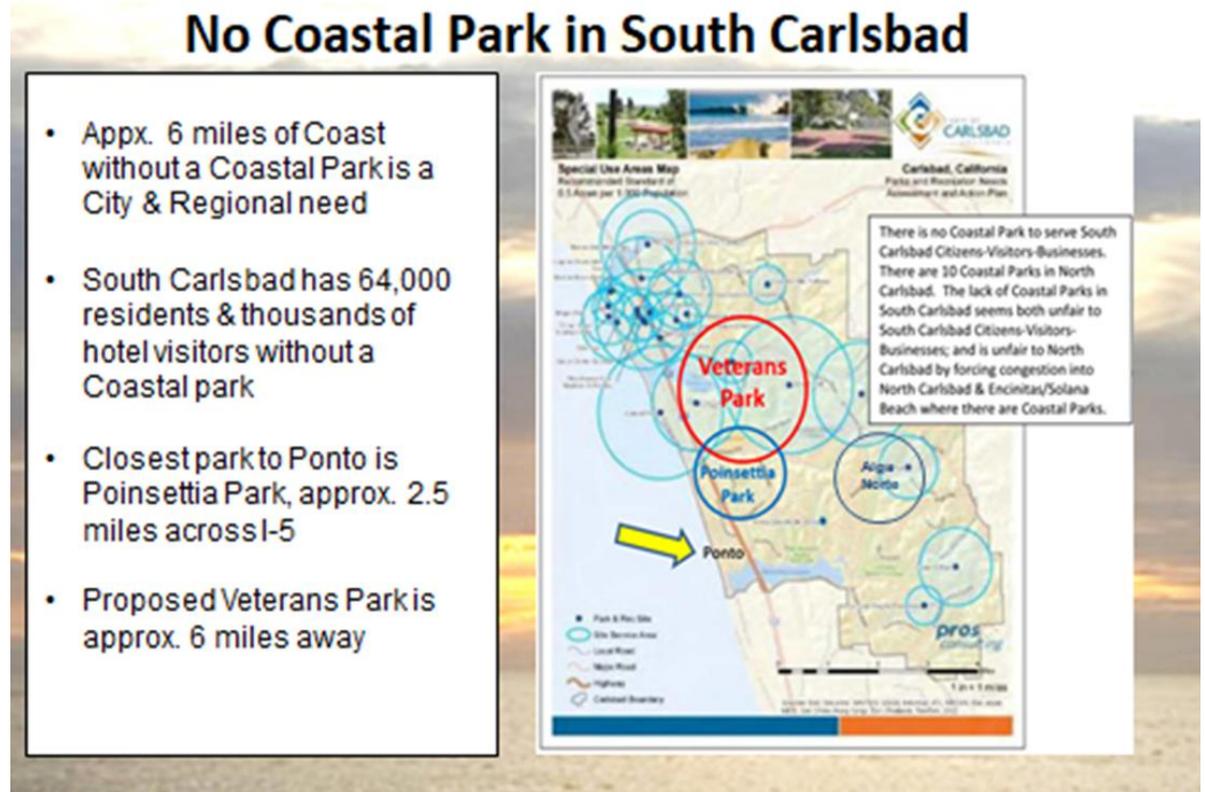
<u>Visitor Serving Accommodations (VSA) data</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>		<u>Data source</u>
Coastal Acres (i.e. in Coastal Zone)	9,216	1,460	7,845		Carlsbad Draft LCPA 2019 & Oceanside & Encinitas LCPs
VSA rooms: total	3,211	975	634		Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Economy	589	346	346		Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Low-Cost (campsites)	220	272	171		Carlsbad Draft LCPA 2019, State Parks, Oceanside & Paradise-by-the-sea data Carlsbad Draft LCPA 2019 does not evaluate other City’s Low-Cost Accommodations
				3-city	
<u>Data analysis</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>Average</u>	<u>Key Findings</u>
VSA rooms/1,000 Coastal acres	348	668	81	366	Carlsbad provides overall Visitor Accommodations at slightly below the 3-city average

% of VSA rooms that are Economy	18%	35%	55%	36%	Carlsbad provides a percentage of Economy Accommodations about 50% below the 3-city average
Economy VSA rooms/1,000 Coastal acres	64	237	44	115	Carlsbad provides Economy Accommodations about 50% below the 3-city average
% VSA rooms that are Low-Cost	7%	28%	27%	21%	Carlsbad provides a percentage of Low-Cost Accommodations about 66% below the 3-city average Carlsbad LCPA also does not provide protection for loss of “Low-Cost” campground rooms, only “Economy hotel rooms”
Low-Cost VSA rooms/1,000 Coastal acres	24	186	22	77	Carlsbad provides Low-Cost Accommodations about 70% below the 3-city average

- e. The LCPA is not providing for any new “Low Cost Visitor Accommodation” land uses in the proposed LUP for current/long-range needs, even though page 3-12 points out the current demand for accommodations, and the current Existing LCP has polices to increase “Low Cost Visitor Accommodation” land uses. We understand that “Low-cost Visitor Accommodation” occupancy rates at CA State Campground at near 90%. This occupancy rate is much higher [signifying higher demand] than the occupancy rates of both the hotels, and “Economy Visitor Accommodations” which the LCPA seeks to protect. The Proposed LCPA LUP should provide historic and current “Low-cost Visitor Accommodation” occupancy rate data at CA State Campground and compare to occupancy demand for other accommodations to determine the highest occupancy demands and therefore needs. Why is the Proposed LCPA LUP not protecting AND EXPANDING (for future growth and visitor demand) the supply of this higher demand for “Low-cost Visitor Accommodations” at the State Campground, particularly given the Current Existing Carlsbad LCP policies on this issue, long history of this issue documented in the Current Existing Carlsbad LCP Mello II Segment, and the fact that “Low-cost Visitor Accommodations” are a Statewide ‘high-Coastal-priority’ land use in CA Coastal Act Goals and Policies? Why is the proposed LUP not recognizing and incorporating these issues? The Current Existing Carlsbad LCP policies [see Existing Carlsbad LCP Mello II Segment polies 2.3, 4.1, 6.1, 6.4, 6.5, 6.9, 6.10, 7.5, and 7.15 for example] are not referenced

and discussed in the Proposed LUP nor is a comprehensive long-term analysis of the impact of the proposed LUP's elimination of these Current Existing Carlsbad LCP policies vis-à-vis the CA Coastal Act Goals and Policies? How and why is the City proposing changes to these Existing Carlsbad LCP policies in the Mellow II Segment, particularly given the improved knowledge about Sea Level Rise, and Sea Level Rise and Coastal Bluff erosion impacts on the State Campground's "Low-cost Visitor Accommodations" - High-Coastal-Priority land use under the CA Coastal Act?

- f. At Ponto there is no low-cost/no-cost Recreational use as shown by the City of Carlsbad's adopted Parks Master Plan (pp 87-89) that show the City's adopted Park Service Areas in the following image. The image's blue dots are park locations and blue circle(s) show the City's adopted service areas:



Per the current Existing LCP requirements for Planning Area F at Ponto an "(i.e. Public Park)" must be considered. How is the Proposed LCPA LUP not reserving Upland Areas at Ponto for recreational uses given Sea Level Rise and Coastal Bluff erosion impacts as shown in Proposed LCPA LUP Attachment B, and Exhibits B6 and B7? There is very limited amount of vacant Upland Coastal land at Ponto and South Coastal Carlsbad to accommodate low-cost/no-cost Recreational use "(i.e. Public Park)", so why is this last remaining vacant Coastal land at Ponto not being reserved for "high-Coastal Priority Land Uses"? Why is the Proposed LCPA LUP proposing this last remaining vacant Coastal land at Ponto be converted from "Non-residential Reserve" to 'low-coastal-priority residential and general commercial land uses'?

3. The proposed LCPA approach to protect existing 'economy hotels' but not 'Low-cost Visitor Accommodations' appears inappropriate. Existing hotel owners providing 'Economy' rooms are penalized while all other more expensive 'non-economy hotel' owners are not required to mitigate for their not providing more affordable accommodations. It seems like a fairer and rational approach is to use the same framework as the City's inclusionary affordable housing requirements and have the requirement and burden of providing affordable accommodations required by all visitor accommodation providers, including short-term rentals of residential homes. Use of any per accommodation "in-lieu fee" should be SUFFICIENT TO FULLY MITIGATE for not providing a required affordable accommodation by being sufficient to fully fund a new 'affordable accommodation' on a one-for one basis. City Transit Occupancy Tax revenues could also potentially be used to provide a catch-up method for existing "non-low-cost and/or non-economy accommodation providers" to address what would nominally be their inclusionary contribution. It seems like the LCPA approach needs significant rethinking to provide a rational program to include reasonable long-term and sustainable affordability in visitor accommodation's, particularly give the Sea Level Rise and Coastal Bluff Erosion impacts on Carlsbad's Only "Low-cost Visitor Accommodations" and the State Campground and beaches and Carlsbad's Coastal access roadways.

4. The Proposed LCPA LUP does not provide a means for citizens to understand the proposed changes to the current Existing LCP goals and policies. There are numerous current Existing LCP goals and policies regarding "Low-cost Visitor Accommodations". These all should be listed in the Proposed LCPA LUP along with a description on how and why these current Existing LCP Goals and policies are being modified or removed in the Proposed LCPA LUP.

Item #14 1/29/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding “High-Priority” Coastal Recreation land use and lack of that land use at Ponto and Coastal South Carlsbad

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Wednesday, January 29, 2020 1:56 PM
To: jennifer.jesser@carlsbadca.gov
Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'
Subject: LCPA Public Comment - Coastal Recreation at Ponto - from People for Ponto

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding “High-Priority” Coastal Recreation at Ponto.

These People for Ponto comments reflect the significant Coastal Recreation and Coastal Land Use Plan issues at Ponto that clearly seem to justify, particularly after the City has receive to date of 2,500 public requests (and more are coming) for a Ponto Coastal Park, that a more productive, and overall more time efficient process to address public concerns be provided in the DLCPA process. I provide that thought based on successfully managed an award-wining LCPA amendment in under 2-years that was almost the exactly the same as the City of Carlsbad. Although the City Council in a 2-2 tie failed to provide for more productive and overall more time efficient process I hope within the DLCPA processing parameters Staff has you try to advance:

1. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

Thank you,
Lance Schulte
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, November 22, 2019 7:43 PM
To: 'Jennifer Jesser'
Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'
Subject: LCPA public Comment - Low-cost Visitor Accommodations

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding Low-Cost Visitor Accommodations.

As provided in other Public Comments and expressed by several citizens at the 11-20-19 Planning Commission meeting, I along with others kindly request:

4. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
5. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
6. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

We are still working to try to review the LCP and DLCPA documents and provide public comments on the Coastal Recreation

Thank you for including and responding to these DLCPA Public Comments and questions.

Lance Schulte

Attachment:

Carlsbad Staff proposed Draft Local Coastal Program Amendment – People for Ponto comments

Coastal Recreation:

5. Request that the City as part of its Draft LCP Public Review process broadly-publicly disclose to all Carlsbad Citizens the City’s acknowledged prior LCPA processing and planning “mistakes” regarding the requirement that the Ponto area be considered as a public park: This disclosure is needed to correct about 20 years of City misrepresentation to the public on the since 1996 and currently Existing LCP requirements at Ponto, and the City’s prior planning mistakes at Ponto. Citizens have been falsely told by the City that all the Coastal planning at Ponto was done already and that the City followed its Existing LCP regarding the need for a park at Ponto, and that this is already decided and could not be reversed. This misinformation has fundamentally stifled public review and public participation regarding the Coastal Zone. City failure to provide such a broad-public disclosure on the documented prior, and apparently current proposed, “planning mistakes” would appear to violate the principles of Ca Coastal Act Section 30006. A broad-public disclosure would for the first time allow citizens to be accurately informed on the Existing LCP requirements at Ponto so they can provide informed public review and comment regarding the need for a Coastal Park in in this last vacant ‘unplanned’ area. The requested broad-public disclosure by the City of the City past mistakes and the Existing LCP requirements at Ponto is consistent with CA Coastal Act (CCA) “Section 30006 Legislative findings and declarations; public participation - The Legislature further finds and declares that **the public has a right to fully participate in decisions affecting coastal planning**, conservation and development; that achievement of **sound coastal conservation and development is dependent upon public understanding and support**; and that the continuing planning and implementation of **programs for coastal conservation and development should include the widest opportunity for public participation.**” The public cannot participate as outlined in CCA Section 30006 if past City ‘mistakes’ and misrepresentations on Coastal planning at Ponto go undisclosed to the public. If the public isn’t fully informed about the 20-years of LCP planning mistakes at Ponto how could the

public in the past (and now in the present) participate in the proposed LCP Amendment – **Public Participation as noted in Section 30006 above is the means to sound coastal conservation and development and is “... dependent upon public understanding ...”**. The City’s past mistakes at Ponto need to be corrected by slightly different a Draft LCP Amendment process than currently outlined by the City; a new process is needed that clearly, opening and honestly informs and engages the public on the Existing LCP Ponto issues. The City’s current Draft LCP Amendment process fails to follow CCA Section 30006 in that most all the citizens we encounter are as yet unaware of the City’s Ponto mistakes and how they can participate in in the DLCPA process without that information. We see this daily in conversations we have with our fellow citizens. We even saw at the Oct 20, 2019 Carlsbad Planning Commission meeting that the Planning Commission was unaware of the planning mistakes at Ponto. How can a decision body of the City make a decision without knowing about these prior ‘planning mistakes’ facts that surround what they are being asked to decide on? Repeatedly since 2017 Carlsbad citizens and People for Ponto have asked the City to fully acknowledge the City’s prior flawed planning at Ponto, and to correct that with ether maintaining the Existing LCP Non-residential Reserve Land Use or restarting the Coastal Planning at Ponto with a true and accurately informed Community-based Coastal Planning process consistent with Section 30006.

We request the City during the DLCPA Public Review period broadly and publicly disclose to all Carlsbad Citizens the City’s acknowledged prior LCP and other “planning efforts” public participation processing and planning “mistakes” regarding the requirement that the Ponto area be considered as a public park, and 1) provide a truly honest public participation process on that disclosure consistent with CCA Section 30006 as part of the Draft LCP Amendment process or 2) retain the Existing LCP Non-residential Reserve Land Use and require a comprehensive and honest community-based redo of Coastal Resource planning at Ponto.

6. City fully and publicly reply to and the City Council consider the 11-20-19 citizen concerns/requests regarding the City’s proposed LCP Amendment process: Lance Schulte on 1/23/20 received an email reply by the City to his follow-up email regarding the status of the 11/20/19 citizen concerns/requests public comments and letters presented to the Planning Commission. This is appreciated, however it is request that the City fully publicly reply to the 11-20-19 citizen concerns/requests regarding the City’s proposed LCP Amendment process and present the to the City Council 11/20/19 citizen concerns/requests so the City Council can consider them and provide any direction to City Staff. City Staff first presented a summary presentation of the proposed Draft LCP Amendment to the Carlsbad Planning Commission on November 20, 2019, and indicated the public comment period would close on November in less than 2-weeks. Citizens and citizen groups provided public testimony to the Planning Commission, both verbally and in two written letters. The CCC was copied on those letters. The testimony and letters noted significant concerns about the City’s proposed LCP Amendment process and made three requests:
 - a. Disclose and provide a publically accessible ‘Redline Version’ of the Existing 2016/Proposed LCP land use Plan and Policies so everyone can see the proposed changes to the Existing LCP.

- b. Provide true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern or objections. Citizen Workshops, when done right, are valuable means to openly educate, discuss and work to consensus options. These areas, including Ponto, were/are subject to multiple lawsuits, so true open and honest public workshops would provide an opportunity to openly and honestly discuss the issues and hopefully build public consensus/support for solutions. This approach seems consistent with CCA Section 30006, and common sense.
- c. Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and allow time for Citizen Workshops.

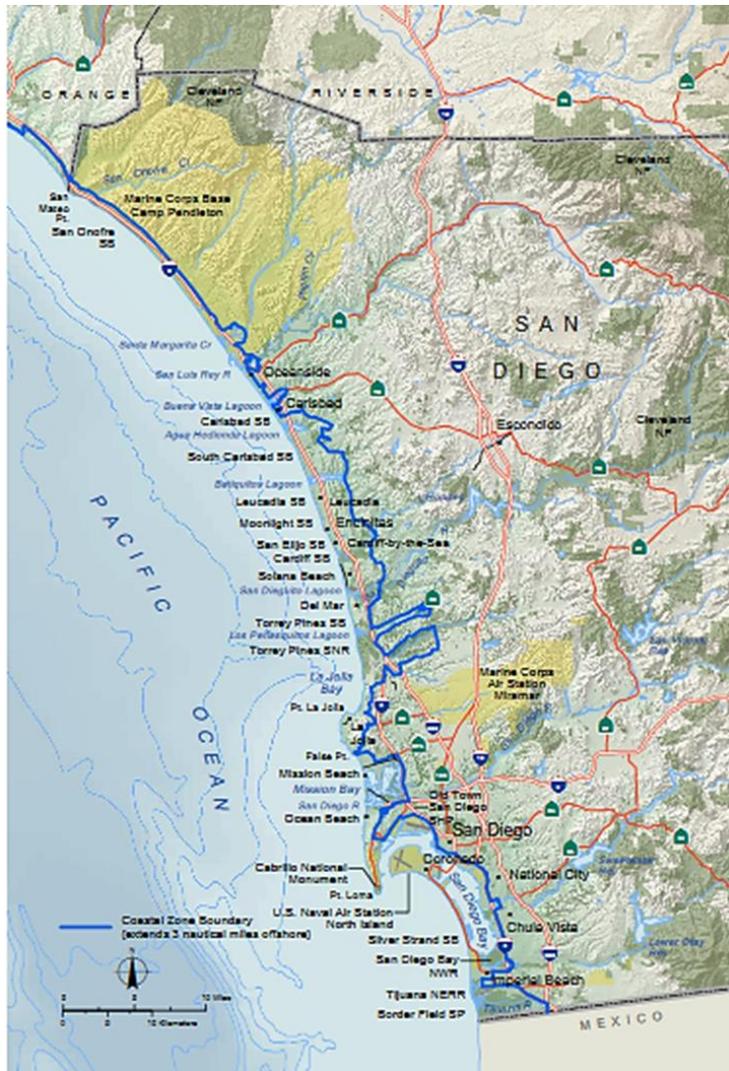
The City did extend the Public Review period 2-months over the holidays to January 31, 2020. This is appreciated although many think this is inadequate given the significance of the Proposed Land Use Plan Amendments, and lack of Redline Version to compare. The City and their consultants required several extra years beyond schedule prepare the proposed LCP Amendments. The extra years of City Staff work reflects on the volume of the over 500-pages in the documents and the time needed to understand the Existing LCP and then create an Amended LCP. Citizens need sufficient time, proper comparative tools (redline) and a process (workshops) to understand the proposed LCP Amendments that is reflective of extensive extra time needed by City Staff and consultants needed. Truncation of lay public review to a few months for an Amendment that took paid professionals many years to produce seems a more than a bit inappropriate. The City appears to be rejecting citizens' request to be provided a 'Redline Version' of the Existing 2016/Proposed LCP land use Plan. So public review comments will be tainted or will miss many issues due to having to manually cross-reference a 150-page Existing LCP LUP with a Proposed 350-page Proposed LCP LUP. There will be unknown and unconsidered changes in the Draft LCP Amendment that the public and city and CCC decision makers will not know about due to the lack of 'Redline Version'.

The City also appears to reject citizen requests for true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern – such as Ponto. Like Coastal Recreation issue #1 above the following citizen requests appear consistent with CA Coastal Act (CCA) Section 30006, and the City's rejection of that requests seem counter to the CA Coastal Act.

We again request of the City to provide: 1) a 'Redline Version' to the public and decision makers, along with sufficient time to review and comment on the 'Redline Version'; and 2) true Citizen Workshops for Ponto and the other last remaining significant vacant Coastal lands in Carlsbad as part of the Draft LCP Amendment process, or as part of deferred LCP Amendment process for those areas.

7. Coastal Zoned land is precious: the very small amount of remaining vacant Coastal land should be reserved for "High-Priority" Coastal Recreation Land Uses under the CA Coastal Act to provide for the growing and forever 'Buildout' needs of Carlsbad and CA Citizens, and our visitors.
 - a. Less than 1.8% (76 square miles) of San Diego County's 4,207 square miles is in Coastal Zone. This small area needs to provide for all the forever Coastal needs of the County, State of CA, and Visitors. Upland Coastal Recreation (Coastal Park) land use is needed to provide

- land to migrate the projected/planned loss of “High-Priority” Coastal Recreation land uses due to Sea Level Rise impacts. There is only 76 miles of total coastline in San Diego County; a significant amount is publicly inaccessible military/industrial land. So how the last few portions of Coastal Land within Carlsbad (which is about 8% of San Diego County’s Coastline) is planned for the forever needs for High-Coastal-Priority Recreation Land Use is critical for Carlsbad, San Diego, and California Statewide needs into the future.
- b. Most all the developable Coastal land in Carlsbad is already developed with Low-Coastal-Priority residential uses. Only a very small percentage of Carlsbad’s developable Coastal land, maybe 1-2%, is still vacant. This last tiny portion of fragment of vacant developable Coastal Land should be documented in the Draft LCP and reserved for “High-Priority” Coastal Land uses – most critically Coastal Recreation – to address the growing Coastal Recreation needs from a growing population and visitors. These growing needs are all the more critical in that existing Coastal Recreation lands will be decreasing due to inundation and erosion due to DLCPA planned Sea Level Rise.
 - c. This image of the western half of San Diego County graphically shows (in the blue line) the very small Coastal Zone Area that needs to provide the Carlsbad’s and California’s Coastal Recreational needs for all San Diego County residents and Visitors:



We request that 1) the amount and location of remaining vacant Coastal land in Carlsbad be documented and mapped and be reserved for high-priority Coastal Land Uses consistent with CCA Goals in Section 30001.5 “... (c) ... **maximize public recreational opportunities in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) **Assure priority for coastal-dependent and coastal-related development over other development on the coast.** ... “; 2). This data be used in the City’s analysis and the public’s review and discussion about the City’s proposed Draft ‘Buildout’ Land Use Plan. The City’s proposed Draft ‘Buildout’ Land Use Plan will forever lock in the amount “maximum public recreational opportunities in the coastal zone” and will be the final Coastal Land Use Plan that is supposed to “assure priority for coastal-dependent and coastal-related development over other development on the coast”. Most of Carlsbad’s Coastal Zone is already developed or committed to low-priority land uses contrary to these CCA Goals, so how we finally and forever plan to use of the last small remaining vacant Coastal Land is very important.

8. The proposed Draft LCP Amendment in Chapter 3 makes unfounded statements regarding the proposed Amendment to the LCP Land Use Plan provision of “High-Priority” Coastal Recreation land use: On page 3-3, at the beginning of the Chapter 3 – Recreation and Visitor Serving Uses the City correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation uses, and cites multiple CCA Sections to that effect. The City’s proposed Coastal Land Use Plan then states on page 3-5 that a high proportion of land in the City is dedicated open space available for passive and active use, yet provides no justification or accurate metric to support this statement. This is a critical unsubstantiated and speculative statement that is not supported by any comparative data (justifying the “high proportion” statement). The City later in Chapter 3 compared the adjoining cities of Oceanside and Encinitas to try to show how the proposed Draft LCP LUP Amendment provides higher levels of Visitor Serving Accommodations. That ‘non-common denominator’ comparison was fundamentally flawed, as noted in a prior separate Draft LCPA public review comment from People for Ponto regarding another high-priority Coastal land use (visitor accommodations) planned for in Chapter 3, but at least it was an attempt to compare. However, for the Coastal Recreation portion of Chapter 3, the City does not even attempt to provide any comparative data to support (or justify) the proposed Coastal Recreation Land Use Plan and statements. The Coastal Recreation Chapter also fails to disclose Carlsbad’s adopted City Park Master Plan (Park Service Area and Equity map) data that shows a clear conflict between the CA Coastal Act Policy Sections noted at the beginning of Chapter 3 and Chapter 3’s proposed Draft Coastal Recreation Land Use Plan.

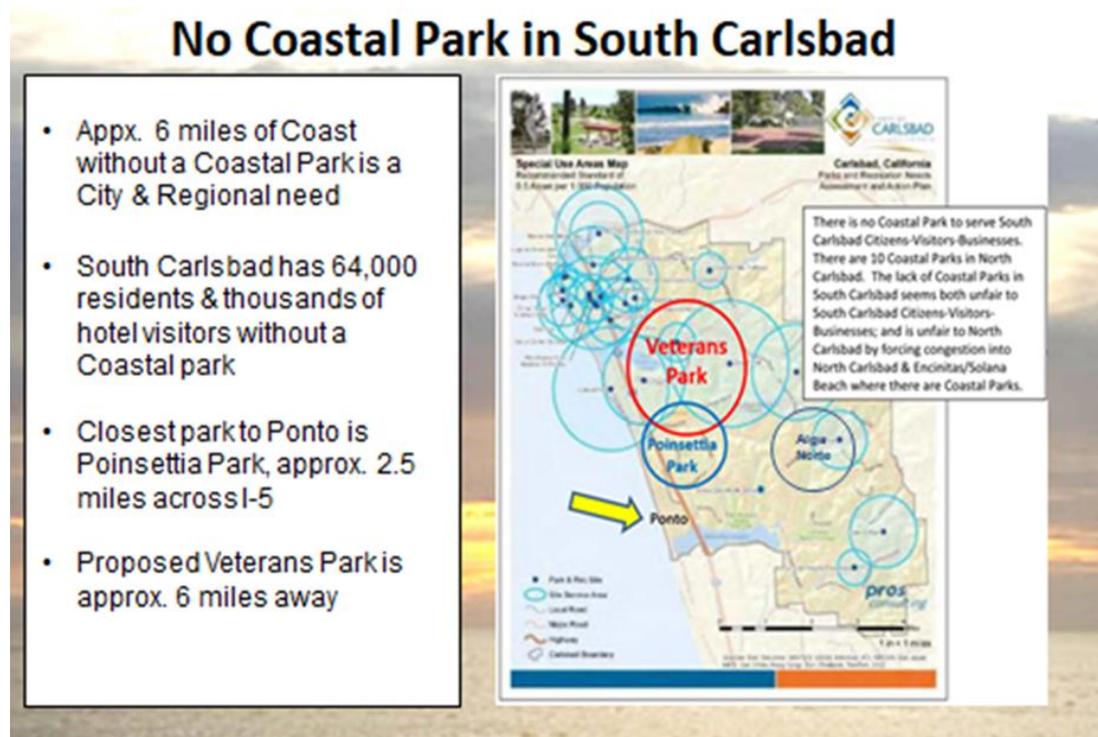
Comparative Coastal Recreation: Comparing the Land Use Plan and policies of Oceanside, Carlsbad and Encinitas, one finds Carlsbad’s proposed Coastal Recreational Plan and Policies are not “high”, but very low compared with Oceanside and Encinitas. Carlsbad has a General Plan Park Standard of 3 acres of City Park per 1,000 Population. Oceanside has a 5 acres of City Park Standard per 1,000 population, and Encinitas has a 15 acres per 1,000 population standard, and an in-lieu park fee requirement of 5 acres per 1,000 population. Carlsbad’s proposed Coastal Recreation Land Use Plan is in fact not ‘high’ but is in fact the lowest of the three cities, with Carlsbad providing only 40% of Oceanside’s park standard, and only 20% of Encinitas’s Park Standard. Citywide Carlsbad currently has 2.47 acres of developed park per 1,000 population, Oceanside currently has 3.6 acres of developed park per 1,000 population, and Encinitas currently has 5.5 acres of developed park per 1,000 population. Although this data is citywide, it shows Carlsbad’s current amount of developed parkland is less than 70% of what Oceanside currently provides, and less than 45% of what Encinitas currently provides. Carlsbad is not currently providing, nor proposing a Coastal Land Use Plan to provide, a ‘high’ proportion of Coastal Recreation Land Use compared to Oceanside and Encinitas.

On page 3-5 Carlsbad may be misrepresenting city open space that is needed and used for the preservation of federally endangered species habitats and lagoon water bodies. This open space Land cannot be Used for Coastal Recreation purposes; and in fact Land Use regulations prohibit public access and Recreational Use on these Lands and water bodies to protect those endangered land and water habitats. 78% of Carlsbad’s open space is “open space for the preservation of natural resources” and cannot be used for Coastal Parks and Recreational use. Although “open space for the preservation of

natural resources” does provide scenic or visual amenity, and this amenity is addressed as a different coastal resource. Visual open space is not Coastal Recreation Land Use. It appears Carlsbad is proposing in the Draft LCP Amendment to continue to, providing a ‘low’ percentage of Coastal Park Land Use and Coastal Recreation Land Use compared to adjoining cities.

In addition to the comparatively low amount of Coastal Park land Carlsbad plans for, Carlsbad scores very poorly regarding the equitable and fair distribution and accessibility of Coastal Parks and Coastal Recreation Land Uses. Both the City of Oceanside and Encinitas have very robust and detailed Park and Land Use plans to promote an equitable distribution of, and good non-vehicular accessibility, to their Coastal Parks. By comparison, Carlsbad’s park land use plan scores poorly, as exemplified in Ponto and South Carlsbad. Ponto’s existing population requires about 6.6 acres of City Parkland per Carlsbad’s low 3 acres per 1,000 population standard. Yet the nearest City Park is several miles away and takes over 50 minutes to walk along major arterial roadways and across Interstate 5 to access. As such this nearest park is not an accessible park for Ponto children, and thus Ponto children have to play in our local streets to find a significantly large open area to play in. Ponto residents have to drive their kids to get to a park increasing VMT and GHG emissions. The City’s proposed Coastal Recreation Land Use Plan ‘solution’ to Ponto’s no-park condition, along with the City’s need to add an additional 6.5 acres of new City parks in Southwest Carlsbad to comply with the Southwest Carlsbad’s 2012 population demand (at a ratio of 3-acre/1,000 population) is to provide a City Park – Veterans Park – over 6-miles away from the Ponto and Southwest Carlsbad population need. This makes a bad situation worse. The City’s proposed location is totally inaccessible to serve the needs of the population of children or anyone without a car, that it is intended to serve in South Carlsbad. This City proposed Coastal Recreation Land Use Plan ‘solution’ seems inappropriate and inconsistent with the CA Coastal Act and common sense. During the City’s Veterans Park and budget community workshops citizens expressed a desire for a Ponto Park to be the solution to our Ponto and Southwest Carlsbad Park deficits. Those citizen requests were not apparently considered as part of the City’s proposed Draft Coastal Recreation Land Use Plan. Following is an image summarizing the magnitude of citizen needs/desires expressed at the City’s Budget workshop. Note the number and size of the text citing Ponto Park and South Carlsbad that reflects the number and magnitude/intensity of citizen workshop groups’ input. The failure to acknowledge this public participation and data in the Coastal Recreation Land Use Plan Park seems in conflict with CCA Sections 30006 and 30252(6):

Service Area Maps (Equity Maps) clearly shows the inequity of Coastal City Park between North and South Carlsbad, and the need for Coastal Parks in South Carlsbad – particularly at Ponto. The City’s proposed Draft ‘Buildout’ Coastal Recreation Land Use Plan instead proposes to lock-in documented City Public Coastal Park inequity and unserved Coastal Park demand at Ponto and South Carlsbad forever. It does so by proposing the last vacant undeveloped/unplanned Coastal land – Ponto Planning Area F - in the unserved Ponto and South Carlsbad coastline areas instead of being planned for much needed City Park and Coastal Recreation use be converted to even more low-priority residential and general commercial land uses. These ‘low-priority’ residential uses, by the way, further increase City Park and Coastal Recreation demand and inequity in Coastal South Carlsbad. This is wrong, and a proposed ‘forever-buildout’ wrong at the most basic and fundamental levels. The proposed Draft Coastal Recreation Land Use Plan by NOT providing documented needed City parks for vast areas of Coastal South Carlsbad is inconsistent with the CA Coastal Act policies and Existing LCP LUP requirements for Ponto Planning Area F; and also inconsistent with fair/equitable/commonsense land use and park planning principles, inconsistent with CA Coastal Commission social justice goals, inconsistent with social equity, inconsistent with VMT reduction requirements, and inconsistent with common fairness. A different Coastal Recreation Land Use Plan should be provided that provides for a socially equitable distribution of Coastal Park resources so as to would allow children, the elderly and those without cars to access Coastal Parks. The proposed Draft ‘Buildout’ Coastal Recreation Land Use Plan forever locking in the unfair distribution of City Parks appears a violation of the not only CCA Sections 30213, 30222, 30223, and 30252(6) but also the fundamental values and principles of the CA Coastal Act. The Draft also appears a violation of Carlsbad’s Community Vision.



A different Coastal Recreation Land Use Plan is required to provide a more equitable distribution of City Parks with non-vehicular accessibility. Such a different plan would advance State and City requirements to reduce vehicle Miles Traveled (VMT) and greenhouse gas emissions that contribute to climate change and sea level rise impacts. Please note that the data for the above basic comparison comes from City of Carlsbad, Oceanside and Encinitas General Plan and Park Master Plan documents.

Data shows the proposed Coastal Recreation Plan conflicts with the CA Coastal Act policy Sections. As mentioned page 3-3 correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation Land Uses, and pages 3-5 list multiple CA Coastal Act (CCA) policy Sections that confirm this. However, given the significant statewide importance of Coastal Recreation Land Use, the City proposed 'Buildout' Coastal Recreation Land Use Plan does not appear to adequately address and implement these CCA Policies, and most noticeably in the Ponto area of South Carlsbad. Coastal Recreation is a significant Statewide High-Priority Land Use under the CCA. For a substantially developed non-coastal-industry city like Carlsbad Coastal Recreation is likely the biggest land use issue. This issue is even more elevated due to the fact that there are only a few small areas left of undeveloped Coastal land on which to provide Coastal Recreation, and Carlsbad is proposing a Coastal 'Buildout' Land Use Plan on those areas. The use of the last few remaining vacant portions of Coastal land for Coastal Recreation Land Use is the most important land use consideration in the proposed Draft LCP Land Use Plan Amendment as population and visitor growth will increase demands for Coastal Recreation. It is thus very surprising, and disturbing that the proposed Coastal Recreation Land Use Plan is so short, lacks any comparative and demand projection data, lacks any resource demand/distribution and social equity data, and lacks any rational and clear connection with CCA Policy and the proposed 'Buildout' Coastal Land Use plan. This is all the more troubling given that:

- The Ponto area represents the last significant vacant undeveloped/unplanned land near the coast in South Carlsbad that can provide a meaningful Coastal Park.
- The fact that the City's Existing LCP requires the city consider and document the need for a "i.e. Public Park" on Ponto's Planning Area F prior to the City proposing a change of Planning Area F's "Non-residential Reserve" land use designation. The City has repeatedly failed to comply with this LCP LUP requirement, and worse has repeatedly failed to honestly inform citizens of this LCP LUP requirement at planning Area F before it granted any land use. The City, apparently implementing speculative developer wishes, has repeatedly proposed changing Planning Area F's Coastal Land Use designation to "low-priority" residential and general commercial land uses without publically disclosing and following the Existing LCP LUP.
- The City's currently developed parks in the southern portion of the City do not meet the city's comparatively low public park standard of only 3 acres per 1,000 population. Since 2012 there has been City park acreage shortfall in both SW and SE Carlsbad.
- The Existing population of Ponto (west of I-5 and south of Poinsettia Lane) requires about 6.6 acres of Public Park based on the City's comparatively low public park standard of 3 acres per 1,000 population. There is no Public Park in Ponto. Adding more population at Ponto will increase this current park demand/supply disparity.

- Carlsbad and other citizens have since 2017 expressed to the City the strong need for a Coastal Park at Ponto, and requested the City to provide a true citizen-based planning process to consider the Public Park need at Ponto. The Citizens' requested process is fully in-line with CCA Goals, Public Participation Policy, Land Use Policies, and the Existing LCP Land Use Plan/requirements for Planning Area F and is the most appropriate means to consider and document the need for a Public Park at Ponto as required by the Existing LCP Land Use Plan.
 - Planning Area F is for sale, and a non-profit citizens group has made an offer to purchase Planning Area F for a much needed Coastal Park for both Ponto and inland South Carlsbad residents and visitors. How should these facts be considered by the City and CCC?
 - Carlsbad has no Coastal Parks west of I-5 and the railroad corridor for the entire southern half of Carlsbad's 7-mile coastline.
 - The southern half of Carlsbad's coastline is 5.7% of the entire San Diego County coastline and represents a significant portion of regional coastline without a meaningful Coastal Park west of I-5 and the Railroad corridor.
 - The City's proposed Coastal Recreation Land Use Plan provides No Documentation, No Rational, and No Supporting or Comparative Data to show the proposed Coastal Recreation Land Use Plan in fact complies with the CA Coastal Act.
9. There is no Coastal Recreation/Park west of interstate 5 for all South Carlsbad, or half of the entire City. This is a obviously unfair and inequitable distribution of Coastal Recreation/Park resources that should be corrected by changes to the Draft LCP Land Use Amendment: The following image (which was sent to the City and CCC on several prior communications) was first requested by former Carlsbad Councilman Michael Schumacher during a People for Ponto presentation/request at the Oct 23, 2018 City Council meeting. The data compiled in the image shows how the South Coastal Carlsbad (Ponto) is not served by a Park per the City's adopted Parks Master Plan. The blue dots on the map are park locations and blue circle(s) show the City's Park Master Plan adopted Park Service Areas and Park Equity. This data, from pages 87-88 of the City of Carlsbad Parks Master Plan, shows all City Parks (both Community Parks and Special Use Areas in Coastal Carlsbad (except Aviara Park east of Poinsettia Park and west of Alga Norte Park). The text on the left margin identifies the South Carlsbad Coastal Park (west of I-5) gap along with the number of South Carlsbad Citizens (over half the City's population) without a Coastal Park. The left margin also identifies more local issues for the over 2,000 Ponto area adults and children. For Ponto residents the nearest Public Park and City proposed 'solution' to the South Carlsbad and Ponto Public Park deficit are miles away over high-speed/traffic roadways and thus somewhat hazardous to access and effectively unusable by children/the elderly or those without cars. Having been a 20-year resident of Ponto I regularly see our children have to play in the street as there are no Public Park with large open fields to play at within a safe and under 1-hour walk away. Ponto citizens have submitted public comments regarding this condition and the lack of a Park at Ponto

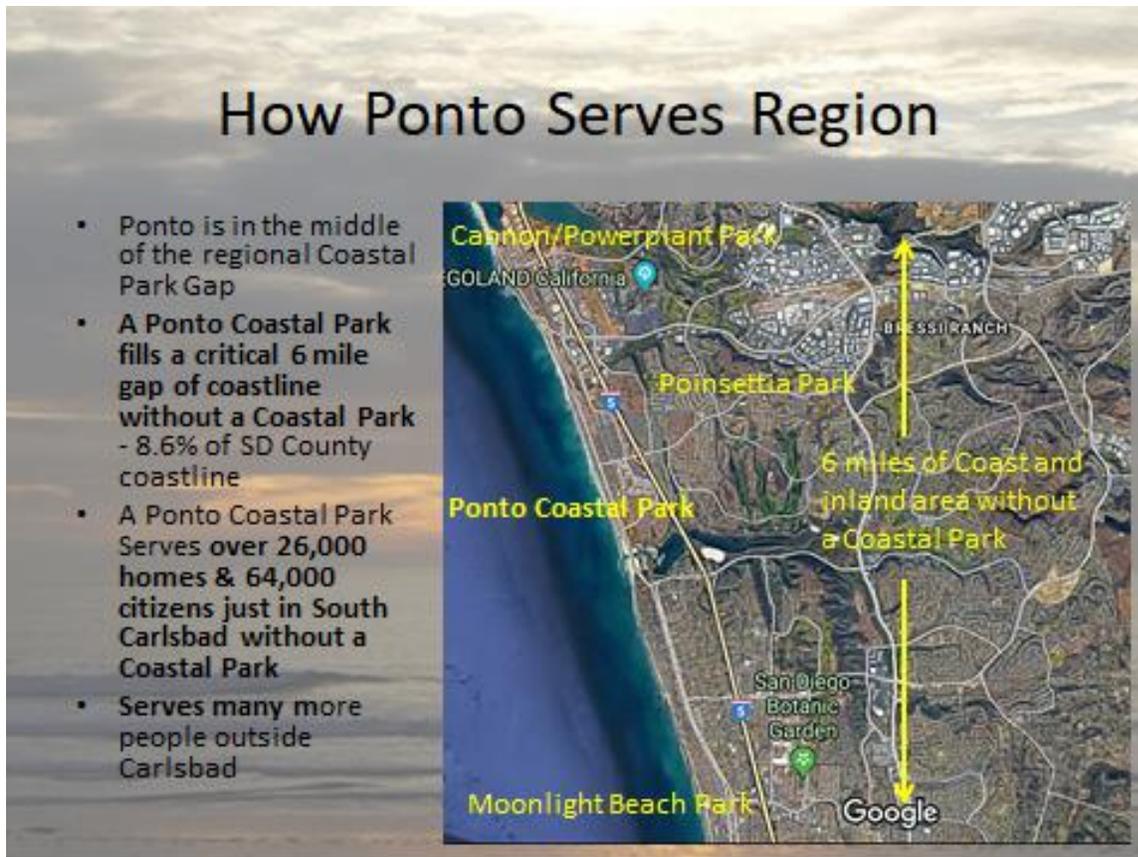
No Coastal Park in South Carlsbad

- Appx. 6 miles of Coast without a Coastal Park is a City & Regional need
- South Carlsbad has 64,000 residents & thousands of hotel visitors without a Coastal park
- Closest park to Ponto is Poinsettia Park, approx. 2.5 miles across I-5
- Proposed Veterans Park is approx. 6 miles away



Ponto is at the center of regional 6-mile Coastal Park Gap. A Coastal Park in this instance being a Public Park with practical green play space and a reasonable connection with the Coast (i.e. located west of the regional rail and Interstate-5 corridors). The following image shows this larger regional Coastal Park Gap centered on the Ponto Area, and the nearest Coastal Parks – Cannon Park to the north, and Moonlight Park to the south.

Regionally this image shows Ponto is the last remaining significant vacant Coastal land that could accommodate a Coastal Park to serve the Coastal Park current needs of over existing 2,000 Ponto residents, 64,000 existing South Carlsbad residents, and a larger regional population. It is also the only area to serve the Coastal Park needs for the thousands of hotel rooms in Upland Visitor Accommodations in South Carlsbad.

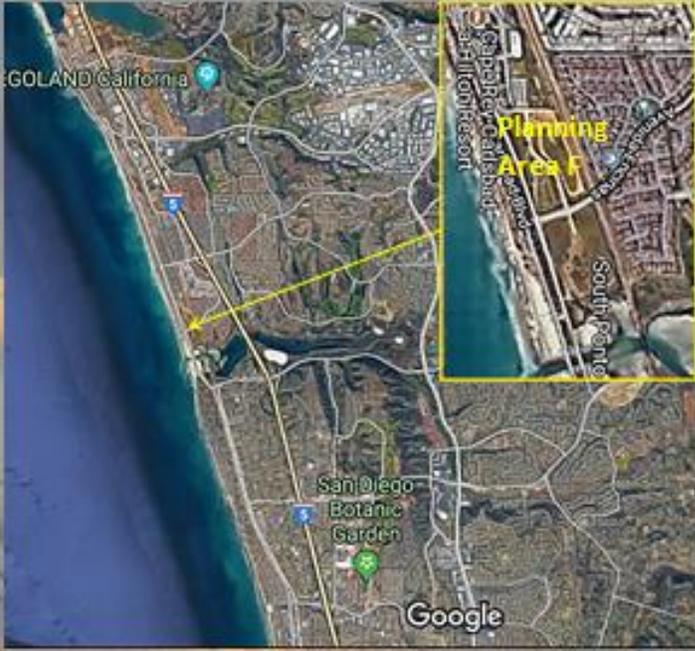


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal Program Land Use Plan states: "Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area ..." and requires that: "... **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.**" CA Coastal Commission actions, Carlsbad Public Records Requests 2017-260, 261, and 262, and 11/20/19 City Planner statements confirm the City never fully communicated to Carlsbad Citizens the existence of this LCP requirement nor did the City comply with the requirements. Of deep concern is that the City is now (as several times in the past) still not honestly disclosing to citizens and implementing this Existing LCP requirement as a true and authentic 'planning effort'. The lack of open public disclosure and apparent fear of true public workshops and Public Comment about the Existing Planning Area F LCP requirements are troubling. The point of a 'planning effort' is to openly and publically present data, publically discuss and explore possibilities/opportunities, and help build consensus on the best planning options. Citizens are concerned the city has already made up its mind and there is no real "planning effort" in the proposed Draft LCP Amendment process, just a brief Staff Report and at the end provide citizens 3-minutes to comment on the proposal. This is not the proper way to treat the last remaining significant vacant land is South Carlsbad that will forever determine the Coastal Recreation environment for generations of Carlsbad and California citizens and visitors to come.

The following data/images show how Ponto is in the center of the 6-mile (west of I-5 and Railroad corridor) regional Coastal Park gap. Ponto is the last remaining vacant and currently “unplanned” Coastal land that is available to address this regional Coastal Park Gap.

How Ponto Serves Region cont.

- **Relieves Coastal Park congestion** in North Carlsbad, Encinitas and Solana Beach
- Area currently needs Coastal Park as seen by:
 - Ponto Beach parking congestion
 - current trespass use of Planning Area F as a Park
- **6.6 acre portion of Planning Area F** addresses SW Quad City Park deficit



The image is a satellite map of the Ponto region in Carlsbad, California. The map shows the coastline on the left, with the Pacific Ocean. A yellow arrow points to a specific area on the coast, labeled 'Ponto'. To the right of Ponto is 'Planning Area F', which is highlighted in yellow. Other landmarks include 'San Diego Botanic Garden' and 'San Jose State University'. The map is credited to 'Google'.

How Ponto Serves Region cont.

- A Ponto Park helps address 2050 and beyond Regional Population and Visitor Growth demands for Coastal Parks
- A Ponto Park provides the lowest-cost coastal access and recreation opportunities for CA citizens and visitors



How Ponto Serves Region cont.

- Vital park and open space amenity for Visitor serving businesses and accommodations
- 6.6 acre unique City Coastal Park venue to stage special events: Runs, bike rides, triathlons, sports, coastal festivals, etc.



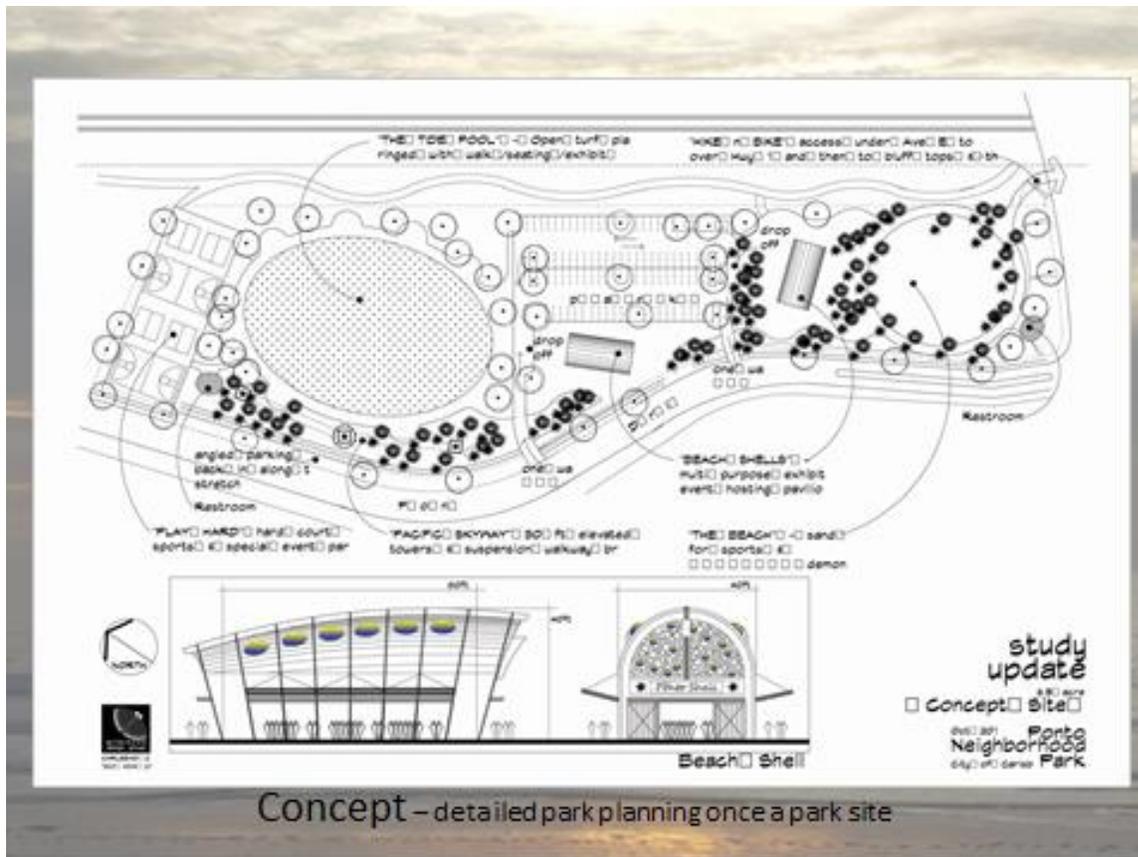
How Ponto Serves Region cont.

- Critical Park space for So. Carlsbad State Beach Campground
- Provides a big training and staging space for Junior lifeguards
- Dog walk trail





One possible Concept image of a potential Ponto Coastal Park at Planning Area F is illustrated below. The potential for a Ponto Coastal Park is real. The speculative land investment fund (Lone Star Fund #5 USA L.P. and Bermuda L.P.) that currently owns Planning Area F is selling the property, and is available for the City of Carlsbad to acquire to address the documented demand/need for a City Park and City Park inequity at Ponto and in Coastal South Carlsbad. A Ponto Beachfront Park 501c3 is working to acquire donations to help purchase the site for a Park. These situations and opportunities should be publicly discussed as part of the City Staff's proposed Local Coastal Program Land Use Plan Amendment.



Concept – detailed park planning once a park site

10. Projected increases in California, San Diego County and Carlsbad population and visitor growth increases the demand for High-Priority-Coastal Recreation land use:
 - a. Increasing Citizen demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

San Diego County Citizen Population - source: SANDAG Preliminary 2050 Regional Growth Forecast

1980	1,861,846
1990	2,498,016
2000	2,813,833
2010	3,095,313
2020	3,535,000 = 46,500 Citizens per mile of San Diego County coastline
2030	3,870,000
2040	4,163,688
2050	4,384,867 = 57,700 Citizens per mile of San Diego County coastline

2020 to 2050 = 24% increase in San Diego County population.

Citizen Population will continue beyond 2050. Carlsbad may plan for 'Buildout' in 2050, but what is San Diego County's 'Buildout'? There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for this growing population. If we do not increase our supply of Coastal Recreational Resources for these increased demands our Coastal Recreation Resources will become more overcrowded, deteriorated and ultimately diminish the Coastal Recreation quality of life for Citizens of Carlsbad and California. Ponto sits in the middle of an existing 6-

mile regional Coastal Park Gap (no Coastal Park west of Interstate 5) and there is No Coastal Park in all of South Carlsbad to address the Coastal Recreation needs of the 64,000 South Carlsbad Citizens.

- b. Increasing Visitor demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

Yearly Visitors to San Diego County – source: San Diego Tourism Authority; San Diego Travel Forecast, Dec, 2017

2016	34,900,000
2017	34,900,000
2018	35,300,000
2019	35,900,000
2020	36,500,000 = average 100,000 visitors per day, or 2.83% of County's Population per day, or 1,316 Visitors/coastal mile/day in 2020
2021	37,100,000
2022	37,700,000

This is growth at about a 1.6% per year increase in visitors. Projecting this Visitor growth rate from 2020 to 2050 results in a 61% or 22,265,000 increase in Visitors in 2050 to:

2050 58,765,000 = average 161,000 visitors per day, or 3.67% of the County's projected 2050 Population per day, or 2,120 Visitors/coastal mile/day in 2050.

The number of Visitors is likely to increase beyond the year 2050. There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for these projected 2050 61% increase, and beyond 2050, increases in Visitor demand for Coastal Recreational Resources. Increasing Coastal Recreation land is a vital and critically supporting Land Use and vital amenity for California's, the San Diego Region's and Carlsbad's Visitor Serving Industry. Ponto sits in the middle of an existing 6-mile regional Coastal Park Gap (no Coastal Park west of Interstate 5). There are thousands of hotel rooms in South Carlsbad that have NO Coastal Park to go to in South Carlsbad. This needs correcting as both a Coastal Act and also a City economic sustainability imperative.

- c. We request that the as part of the public's review, the City Staff proposed Draft LCP Amendment to the Land Use Plan clearly document if and/or how future forever 'Buildout' City, Regional and Statewide population and visitor population demand for Coastal Recreation and City Coastal Parks are adequately provided for both in amount and locational distribution in the Carlsbad proposed Amendment of the LCP Land Use Plan.

11. Carlsbad's Draft Local Coastal Program Land Use Plan Amendment says it plans to a year 2050 buildout of the Coastal Zone. The Draft Local Coastal Program Land Use Plan Amendment then is the last opportunity to create a Coastal Land Use Plan to provide "High-Priority" Coastal Recreation Land Use, and will forever impact future generations of California, San Diego County, and Carlsbad Citizens and Visitors:

- a. The Draft LCPA indicates in 2008 only 9% of All Carlsbad was vacant land. Less is vacant now in 2019. Carlsbad's Coastal Zone is 37% of the City, so vacant unconstrained land suitable for providing Coastal Recreation is likely only 3-4%. The prior request for a full documentation of the remaining vacant Coastal lands will provide a better understanding needed to begin to make the final 'buildout' Coastal Land Use Plan for Carlsbad. The Draft LCPA does not indicate the amount and locations of currently vacant unconstrained Coastal Land in Carlsbad. This final limited vacant land resource should be clearly documented and mapped in the DLCPA as it represents the real focus of the DLCPA – the Coastal Plan for these remaining undeveloped lands. These last remaining vacant lands should be primarily used to provide for and equitably distribute "High-Priority" Coastal Recreation Land Uses consistent with CCA Sections:
- i. Section 30212.5 "... Wherever appropriate and feasible, public facilities, including parking areas or facilities, **shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**";
 - ii. Section 30213 "... **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...**";
 - iii. Section 30222 "**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**"
 - iv. Section 30223 "**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible**" ,
 - v. Section 30251 ... The location and amount of new development should maintain and enhance public access to the coast by ... 6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by **correlating the amount of development with local park acquisition** and development plans with the provision of onsite recreational facilities to serve the new development"

Adopted City Park Service Area and Park Equity maps discussed earlier document the proposed Draft LCP Amendment's inconstancy with the above CCA Policy Sections. The locations and small amounts remaining vacant Coastal lands provide the last opportunities to correct the inconsistencies of City proposed Draft "buildout" LCP Land Use Plan Amendment with these Coastal Act Policies.

Currently and since 1996 there has been LCP LUP Policy/regulations for Ponto Planning Area F that require consideration of a "Public Park" prior to changing the existing "unplanned Non-residential Reserve" Land Use designation. A map and data base of vacant developable Coastal land should be provided as part of the Draft LCPA and the Draft LCPA. This map and data base should document the projected/planned loss of Coastal land use due to Sea Level Rise. Draft LCPA projects Sea Level Rise will

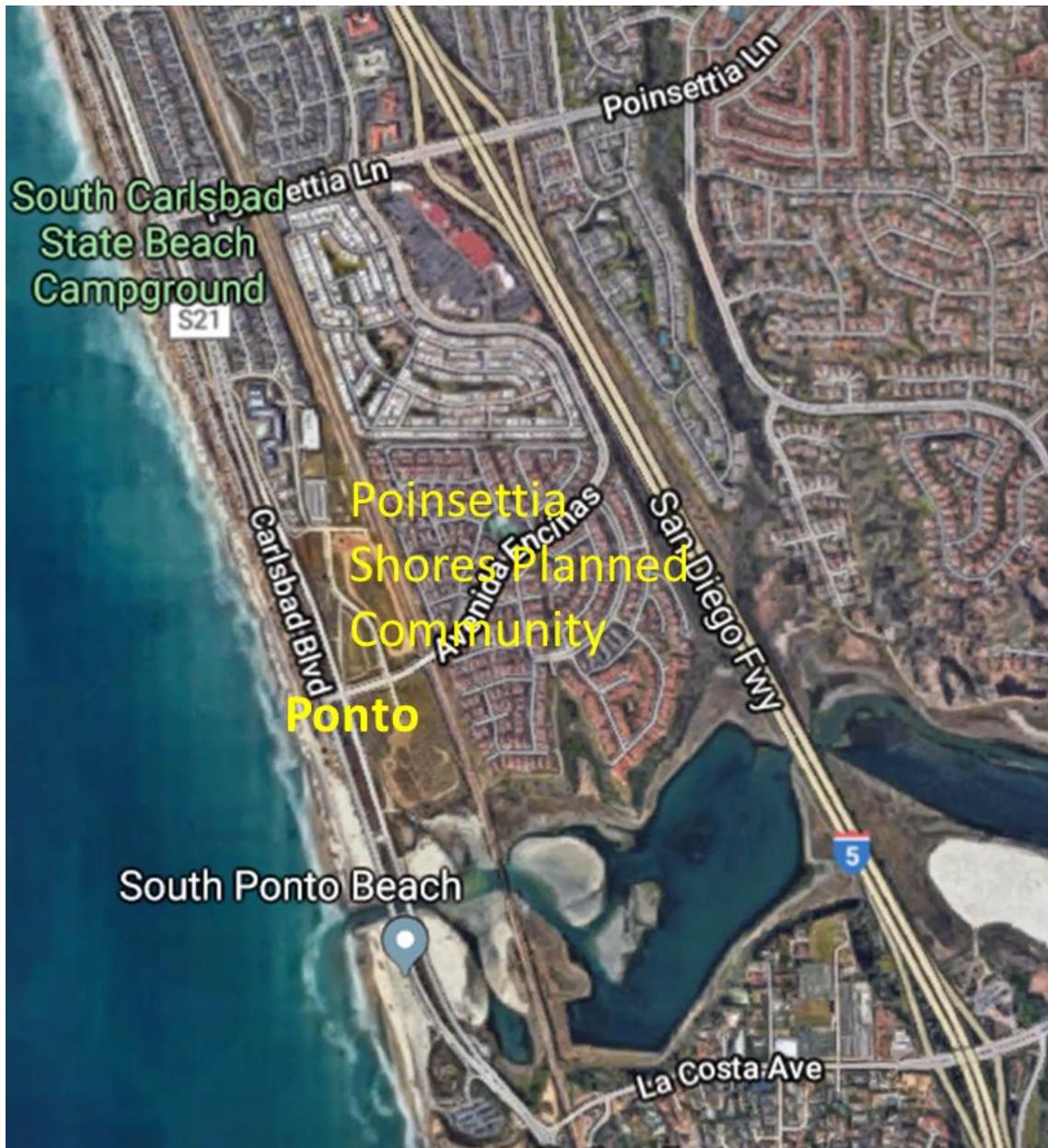
eliminate several beaches and High-Priority Coastal Land Uses like Coastal Lagoon Trails and the Campground.

- b. The LCP Land Use Plan should plan and reserve the very limited vacant developable Coastal land for the long-term 'Buildout' needs of "High-Priority" Coastal Recreation Land Use. Vacant developable Coastal land is too scarce to be squandered for "low-priority" uses. Sea Level Rise will reduce "High-Priority" Coastal Uses. So how vacant developable Upland area should be preserved for "High-Priority" Coastal Uses is a key requirement to be fully documented and discussed in the Draft LCPA. If not one of two things will eventually happen 1) any new Coastal Park land will require very expensive purchase and demolition of buildings or public facilities to create any new Coastal Park land to meet existing and growing demand; or 2) Coastal Recreation will be hemmed-in by "low-priority" uses and thus force Coastal Recreation to decrease and become increasingly concentrated and overcrowded in its current locations; and thus will promote the eventual deterioration of our current Coastal Recreation resources. A plan that fails to fix Coastal Park deficits and then increase Coastal Parks in pace with increased population/visitor demand is a plan that can only result in degradation. How the Draft LCPA documents and addresses the land use planning of the last small portions of vacant developable Coastal land is critical for the future and future generations.
12. Citizens of South Carlsbad are concerned about the City's multiple prior flawed Ponto planning processes or 'mistakes' the City has made yet is basing the City Staff's proposed Draft LCP LUP. The concerns being the City is not openly and honestly communicating information to citizens and the public, and not allowing a reasonable and appropriate community-based planning process to address the documented Park, Coastal Recreation and unconstrained open space needs in South Carlsbad. One of these groups of citizens has created a www.peopleforponto.com website to try to research and compile information and hopefully provide a better means for citizens to understand facts and then express their concerns/desires to the City of Carlsbad (City) and CA Coastal Commission (CCC). Over 2,000 emails have been sent to the City and CCC regarding Coastal Land Use Planning Issues at Ponto. The San Pacifico Planned Community (i.e. San Pacifico Community Association) has also, since 2015, sent numerous emailed letters to the City and CCC noting the significant concerns about changes in Coastal planning the City is proposing for our Planned Community.

Repeatedly over 90% of surveyed citizens (results emailed prior to both the City and CCC) have expressed the vital need and desire for a Coastal Park at Ponto to serve the current and future Coastal Recreation needs for all both Ponto and South Carlsbad and for larger regional and State Coastal Recreational needs. This desire is supported by data, CA Coastal Act Policy, and also Carlsbad's Community Vision – the foundation for the City's General Plan. Ponto is the last remaining vacant Coastal area available to provide for those needs in South Carlsbad and for a regional 6-mile stretch of coastline. Citizens have expressed deep concern about the City's flawed prior Coastal planning efforts for Coastal Recreation at Ponto, including two repeated LCP Amendment "mistakes" (Ponto Beachfront

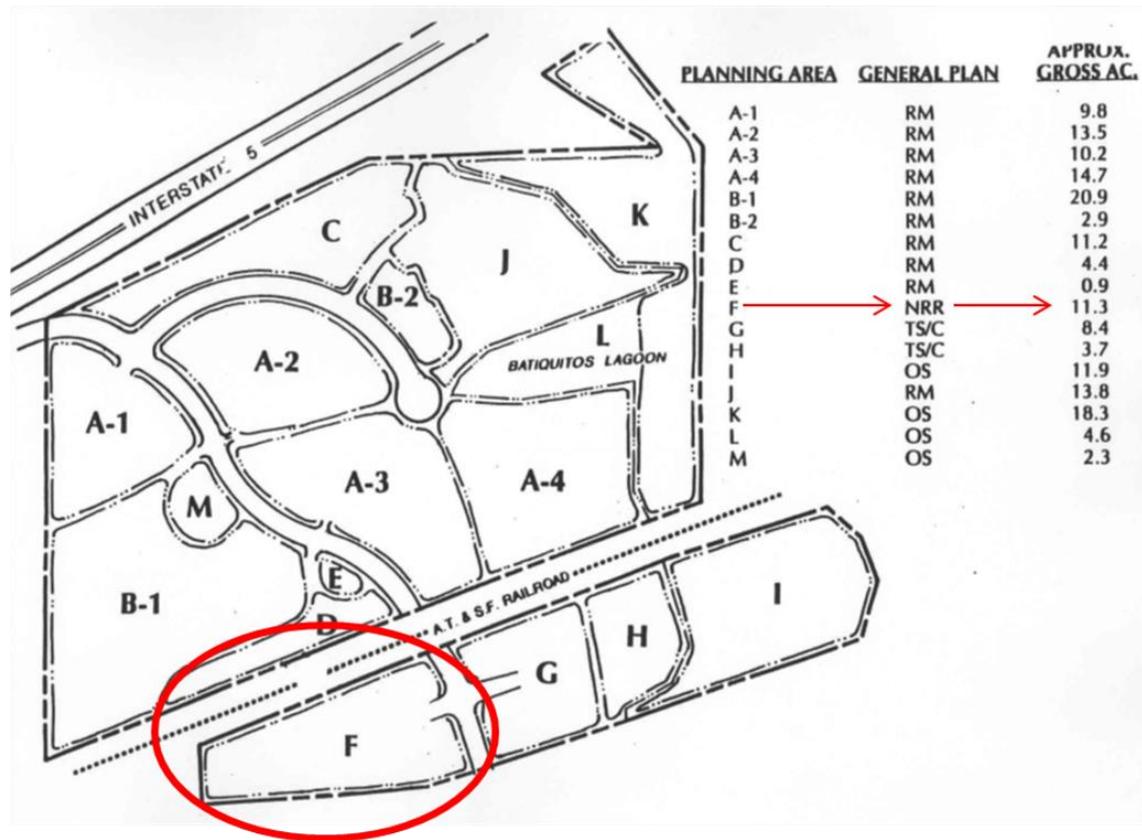
Village Vision Plan in 2010 and General Plan Update in 2015) when the City twice failed to publicly disclose/discuss and then follow the Existing LCP requirements at Ponto – specifically for Planning Area F. People for Ponto had to use multiple Carlsbad Public Records Requests in 2017 to find these “mistakes”. CCC Staff was helpful in both confirming the City “mistakes” and communicating back to the City. As citizens we are still unclear as to how/why these two repeated “mistakes” happened. There is citizen concern that the City is again repeating these two prior “mistakes” by not at the beginning of the Public Comment Period clearly and publicly disclosing the Planning Area F LCP requirements to citizens as part of the current LCP Amendment process, and also by not implementing the existing LCP requirement PRIOR to proposing an Amended Coastal Land Use Plan for Ponto. The City in its proposed LCP Amendment process is putting-the-cart-before-the-horse with respect to honest and open consideration, documentation and public discussion of the need for high-priority Coastal Recreation land use required of Planning Area F at Ponto. The City is also not clearly letting all Carlsbad citizens know about the Existing LCP requirements for Ponto’s Planning Area F so they can be informed to reasonably participate in public review and comment regarding amending that LCP requirement, and the need for Coastal Recreation land uses in South Carlsbad. Since 2017 there has been repeated citizen requests to the City (copies were provided to the CCC) to fix these multiple fundamental/foundational flaws by in the City’s prior Coastal Recreation and Public Parks and Open Space at planning, and the currently Proposed Draft LCP Land Use Plan Amendment. Since 2017 there have also been repeated citizen requests to the City to provide a truly open, honest, inclusive community-based planning process and workshops with the accurate and honest information, prior to forming a proposed Draft LCP Land Use Plan Amendment. As citizens we believe we can constructively work with the City and CCC towards a consensus or viable options on these important Coastal Recreation issues if the City allows and encourages such an open, honest and inclusive process. We request the City respond to the requests submitted to the City since 2017, and again request such a process from the City before any LCP Amendment is first considered by the Planning Commission and City Council. Such a requested process benefits all.

13. Why the Draft LCPA Land Use Plan for Ponto should provide for the current and future Coastal Park and Recreation needs for South Carlsbad, the San Diego Region and California.
 - a. Ponto, is one of last remaining vacant and undeveloped Coastal lands in North County
 - b. Ponto is the last remaining undeveloped Coastal land in South Carlsbad
 - c. Ponto has the last unplanned Planning Area of the Existing Poinsettia Shores Planned Community & Local Coastal Program that can be planned for high-priority Coastal Recreation land use. This Existing LCP requires Planning Area F be considered for a “Public Park”.
 - d. Following is a map of the Ponto area in South Carlsbad:



Following is the LCP Land Use map from the Existing Poinsettia Shores Master Plan & Local Coastal Program adopted in 1996. This is the Land Use map that the City is proposing to change in the proposed LCP Amendment to the Land Use Plan. As the Existing LCP Land Use map shows most all the land is 'low-priority' residential use at an RM Residential medium density, a small portion is 'high-priority' Visitor Serving TC/C Tourist Commercial. Most all the Open Space is constrained and undevelopable land (the steep CSS habitat bluffs above Batiquitos Lagoon) or water (the lagoon water). This land/water is owned by the State of California, like the inner lagoon east of I-5. Only Planning Area M at 2.3 acres is unconstrained Open Space and it provides a small private internal recreation facility for the approximately 450 homes and 1,000 people in the Planned Community. This small recreation area is a City requirement for 'planned developments' to off-set loss open space from planned development

impacts on housing quality. Planned developments can propose designs that reduce normal setback and open space areas – they bunch together buildings to increase development – such as the smaller lot sizes, and extensive use of “zero-setbacks” to reduce typical lot sizes that occurs at Poinsettia Shores. A private recreation facility in any of the City’s planned developments is never considered a replacement for required City Parks. Planned Developments, like unplanned developments, are required to dedicate Park land to the City, or pay a Park In-Lieu fee to the City so the City provide the developer’s obligation to provide City Park acreage to address the population increase of their proposed planned development. For Poinsettia Shores’ population the City’s minimum City Park Standard would require developers set aside 3 acres of City Park land for local park needs. For the larger Ponto area population about 6.6 acres of City Park Land is required. The Existing LCP reserves Planning Area F as an unplanned “Non-residential Reserve” Land Use until the Public Park needs for Ponto are considered and documented. Only then can the NRR land use be changed.



14. Developers have overbuilt in the Ponto area of the Coastal Zone. The City of Carlsbad has under questionable circumstances is currently choosing to ‘exempted’ Ponto developers from providing the minimum amount of unconstrained Open Space according to the City’s developer required Open Space Public Facilities Standard. The legality of these confusing circumstances is subject to a lawsuit against the City. However the City’s computerize mapping system has documented that the Ponto area of the Coastal Zone is missing about 30-acres of Unconstrained Open Space that can be used to fulfill the City’s Open Space Performance Standard that states that 15% of unconstrained and

developable land must be preserved by developers as Open Space. Following is a summary of data from the City data regarding the missing Open Space at Ponto (Local Facility Management Plan Zone 9, LFMP Zone 9) in the Coastal Zone pursuant to the City's Open Space Performance Standard. If it is desirable People for Ponto can provide the City GIS map and parcel-by-parcel data base on which the following summary is based:

City of Carlsbad GIS data calculations of Open Space at Ponto area of Coastal Zone:

472 Acres = Total land in LFMP Zone 9 [Ponto area] per City of Carlsbad GIS data
(197 Acres) = Constrained land/water/infrastructure that is excluded from the City's Open Space Standard
275 Acres = Unconstrained land in LFMP Zone 9 (Ponto) subject to the City's Open Space Standard
X 15% = Minimum unconstrained Open Space requirement per the City Open Space Standard
41 Acres = Minimum unconstrained Open Space required in LFMP Zone 9
(11 Acres) = Actual unconstrained Open Space provided & mapped by City in LFMP Zone 9
30 Acres = Missing unconstrained Open Space needed in LFMP Zone 9 [Ponto area of Coastal Zone] to meet the City's minimum GMP Open Space Standard. 73% of the required Open Space Standard is missing.

Thus the Ponto area of the Coastal Zone appears overdeveloped with 30 additional acres of "low-priority" residential land uses due to developers' non-compliance to the City's Open Space Public Facility Performance Standard's Minimum developer required Open Space requirement. As noted a citizens group has a pending lawsuit with the City over the City's current 'exempting' Ponto and future developers from meeting the Open Space Standard.

15. The prior pre-1996 LCP for Ponto – the Batiquitos Lagoon Educational Park Master Plan & LCP (BLEP MP/LCP) had significant Open Space and recreational areas. These significant Open Space and Recreational areas were removed with BLEP MP/LCP's replacement in 1996 by the currently existing Poinsettia Shores Master & LCP (PSMP/LCP) and its City Zoning and LCP LUP requirements that reserved Planning Area F with the current "Non-residential Reserve" Land Use designation. Since the BLEP MP/LCP it appears developers and the City of Carlsbad have worked to remove "High-Priority" Coastal land uses (i.e. Coastal Recreation and Park uses) out of the Ponto area and replaced them with more "low-priority" residential and general commercial land uses. For example:
- a. Planning Area F used to be designated "Visitor Serving Commercial" as part of the original 1980's BLEP MP/LCP for Ponto.
 - b. In 1996 the BLEP MP LCP was changed by developer application to the now current PSMP LCP, and the LCP LUP designation changed from "Visitor Serving Commercial" to "Non-Residential Reserve" with the requirement to study and document the need for "High-Priority" Coastal Recreation (i.e. Public Park) and/or Low-cost visitor accommodations prior to any change to Planning Area F's "Non-residential Reserve" LCP land use.
 - c. In 2005 the City started to try to change Planning Area F to low-priority residential and general commercial land use in the City's Ponto Beachfront Village Vision Plan (PBVVP). At this time the City made its first documented Coastal 'planning mistake' by not disclosing to

- the public the existence of Planning Area F's LCP requirements and then also not following those LCP requirements. The City's planning process seemed focused on addressing developer's land use desires, and increasing land use intensity to boost "Tax-increment financing" as the City had established a Redevelopment Project Area at Ponto. A short time after the State of CA dissolved Redevelopment Agencies due in part to such abuses by cities. The CCC formally rejected the PBVVP in 2010, citing the City's failure to follow the LCP requirements for Planning Area F.
- d. Five years later in 2015 the City again adopted a proposed General Plan Update to again change Planning Area F to low-priority residential and general commercial land use. The General Plan Update cited the City's PBVVP that was in fact rejected by the CCC only a few years before. The City again repeated their PBVVP's Coastal land use 'planning mistake' by again not disclosing to the public the existence of Planning Area F's LCP requirements and then not following those LCP requirements. It is unclear why the City did this only 5-years after the CCC specifically rejected the Ponto Beachfront Village Vision Plan for those same reasons.
 - e. In 2017 citizens found and then confirmed these Ponto Coastal 'planning mistakes' by the City through multiple official Carlsbad Public Records Requests and CCC Staff confirmation. The CCC readily identified the mistakes, but the City's 2019 proposed Draft LCP Land Use Plan and planning process still has yet fully disclose these prior Coastal 'planning mistakes' to ALL citizens of Carlsbad - the failure to disclose and follow the Planning Area F LCP LUP and City Zoning requirements. Full City disclosure is needed now to try to correct many years of City misrepresentation to citizens on LCP required Coastal land Use planning at Ponto. It is needed now so the public is aware at the start of the Public Comment Period. In 2017 citizens began asking the City fix the City's over 12-years of misinformation and planning mistakes by 'restarting' Coastal land use planning at Ponto with an open and honest community-based Coastal planning process. These citizens' requests have been rejected.
 - f. In 2019 the City Staff proposed citywide Draft LCP land Use Plan Amendment that again proposed to change Planning Area F to "low-priority" residential and general commercial land use, without first disclosing the Planning Area F LCP requirements with corresponding analysis of the Need for Coastal Recreation (i.e. Public Park) and/or low-cost visitor accommodations at Planning Area F and providing that Documented analysis for public review/Consideration/comment. This seems like another 3rd repeat of the prior two Coastal planning mistakes by the City. In 2019, again citizens asked for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again the City rejected citizens' requests.
 - g. In 2020 thousands of public requests again asked, and are currently asking, for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again these requests are being rejected. Based on the significant citizen concern and the documented prior 'planning mistakes' at Ponto it appears reasonable and responsible for Ponto's Planning Area F to either:

- i. Retain its current Existing LCP LUP land Use of “Non-Residential Reserve” until such time as the City’s past Ponto Beachfront Village Vision Plan and General Plan Update planning mistakes and other issues subject to current planning lawsuits against the City are resolved with a true, honest and open community-based Coastal planning process asked for by citizens since 2017. Or
- ii. Propose in the Draft LCP Land Use Plan Amendment to re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park”) to provide both “High-Priority” coastal uses v. low-priority residential/general commercial uses due to the documented Coastal Recreation and Low-cost visitor accommodation needs for both citizens and visitors at Ponto and South Carlsbad.

16. Questionable logic and inconsistency in proposed Draft land use map and policies: Chapter 2 Figure 2-2B & C on pages 2-19 & 20 proposes to Amend the existing LCP Land Use Plan Map, and policies LCP-2-P.19 and 20 on pages 2-27 to 2-29 propose Amendments to existing LCP policy and create a new added layer of policy referencing a Ponto/Southern Waterfront. The proposed Land Use Map and Policies serve to firmly plan for “low-priority” residential and general commercial land uses at Ponto with a clear regulatory Land Use Plan Map showing these land uses and by specific regulatory policy (LCP-2-20) that clearly requires (by using the words “shall”) these “low priority” uses. In contrast the “High-Priority” Coastal Recreation and Coastal Park land uses that would be designated as Open Space are not mapped at all in Figure 2-2B & C; and the proposed policy LCP-2-P.19 is both misleading and specifically does Not Require any “High-Priority” Coastal Recreation and Coastal Park land Use at Ponto and South Carlsbad. In fact page 2-22 specifically indicates two “may” criteria that would first need to occur in the positive before any potential Coastal Recreation and Coastal Park Land could then theoretically even be possible. It is highly probable that it is already known by the City that the proposed relocation of Carlsbad Boulevard (Coast Highway) is not very feasible and not cost effective, and will not yield (due to environmental habitat constraints, narrowness of the roadway median, and other design constraints) any significant dimensions of land that could potentially be designated Open Space and realistically be used as a Park.

The blank outline map (Figure 2-2B &C) provides no mapped Open Space Land Use designation, other than for the currently existing State Campgrounds’ low-cost visitor accommodations, so the proposed Land Use Plan Map is Not providing/mapping any new Open Space land use to address Coastal Recreation and Coastal Park needs. The Draft LCP Land Use Plan Amendment’s proposed/projected/planned Sea Level Rise and associated coastal erosion appears to indicate that this “High-Priority” low-cost visitor accommodation (Campground) land use designated as Open Space will be reduced in the ‘Buildout’ condition due to coastal erosion. So **the Draft LCP Land Use Plan is actually planning for a Reduction in Open Space Land Use in South Carlsbad and Ponto.** Both the blank outline map and the proposed Land Use Map Figure 2-1 DO NOT clearly map and designate both South Carlsbad’s Draft LCP Planned Loss of the Open Space Land Use and also any New or replacement unconstrained land as Open Space land use for Coastal Recreation and Coastal Park. This is an internal inconsistency in Land Use Mapping that should be corrected in two ways:

- 1) Showing on all the Land Use (Figure 2-1), Special Planning Area (Figure 2-2B & C), and other Draft LCP Maps the Draft LCP's planned loss of land area in those maps due to the Draft LCP's planned loss of land due to Sea Level Rise and Coastal Land Erosion. This is required to show how land use boundaries and Coastal Recourses are planned to change over time. or
- 2) Provide detailed Land Use Constraint Maps for the current Carlsbad Boulevard right-of-way that the City "may" or 'may not' choose (per the proposed "may" LCP-2-P.19 policy) use to explore to address the City's (Park Master Plan) documented Coastal Recreation and Coastal Park land use shortages in Coastal South Carlsbad and Ponto. Clearly showing the potential residual Unconstrained Land within a Carlsbad Boulevard relocation that have any potential possibility to add new Open Space Land Use Designations (for Coastal Recreation) is needed now to judge if the policy is even rational, or is it just a Trojan horse.

The proposed internal inconsistency in mapping and policy appears like a plan/policy 'shell game'. The proposed Land Use Plan Maps and Policies should be consistent and equality committed (mapped-shall v. unmapped-may) to a feasible and actual Plan. If not then there is No real Plan.

There is no Regulatory Policy requirement in LCP-2-P.19 to even require the City to work on the two "may" criteria. The City could choose to bury the entire Carlsbad Boulevard relocation concept and be totally consistent with Policy LCP-2-P.19 and the LCP. As such the language on 2-22, Figure 2-2C (and the proposed Land Use Map), and policy LCP-2-P.19 and 20 appear conspire to create a shell game or bait-and-switch game in that only "low-priority" residential and general commercial uses are guaranteed (by "shall" policy) winners, and "high-priority" Coastal Recreation and Coastal Park Land Uses are at best a non-committal 'long-shot' ("may" policy) that the city is specifically not providing a way to ever define, or commit to implement. The proposed Draft LCP Land Use Plan Coastal Recreation and Coastal Park statements for Ponto are just words on paper that are designed to have no force, no commitment, no defined outcome, and no defined requirement to even have an outcome regarding the documented "High-Priority" Coastal Recreation and Costal Park needs at Ponto, Coastal South Carlsbad and the regional 6-mile Coastal Park gap centered around Ponto.

Policy LCP-2-P.19 falsely says it "promotes development of recreational use" but does not in fact do that. How is development of 'recreational use promoted' when the Use is both unmapped and no regulatory policy requirement and commitment (no "shall" statement) to 'promote' that Use is provided? Policy LCP-2-19.19 appears a misleading sham that does not 'promote' or require in any way "High-Priority" Coastal Recreation and Park Land Use at Ponto. There should be open and honest public workshops before the Draft LCP Amendment goes to its first public hearing to clearly define the major environmental constraints and cost estimates involving possible relocation of Carlsbad Boulevard and constructing needed beach access parking, and sufficient and safe sidewalks and bike paths along Carlsbad Boulevard; and then map the amount and dimensions of potential 'excess land' that maybe available for possible designation as Open Space in the City General Plan and Local Coastal Program. The City should not repeat the mistakes at the Carlsbad Municipal Golf Course (resulting in the most expensive to construct maniple course in the USA) by not defining and vetting the concept first. A preliminary review of City GIS data appears the amount, dimensions and locations of any potential 'excess' land maybe modest at best. However before the City proposes a 'Buildout' Coastal Land Use

Plan this critical information should be clearly provided and considered. It is likely the City's Carlsbad Boulevard relocation concept is unfeasible, inefficient, too costly, and yields too little actual useable 'excess land' to ever approach the Coastal Recreation and Coastal Park needs for South Carlsbad. This may already be known by the City, but it surely should be publicly disclosed and discussed in the DLPCA.

The proposed Coastal Land Use Plan to address Carlsbad's, San Diego County's and California's High-Priority Coastal Recreation Land Use and Coastal Park needs should NOT be vague "may" policy that appears to be purposely designed/worded to not commit to actually providing any "High-Priority" Coastal Recreation and Coastal Park land uses on the map or in policy commitments. The Land Use Plan and Policy for High-Priority Coastal Recreation and Coastal Park Land Use should be definitive with triggered "shall" policy statements requiring and assuring that the 'Forever' "High-Priority" Coastal Recreation and Coastal Park needs are properly and timely addressed in the City's proposed 'Buildout' Coastal Land Use Plan. This "shall" policy commitment should be clearly and consistently mapped to show the basic feasibility of the planned outcomes and the resulting actual Land that could feasibly implement the planned outcome.

Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard: Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard are Coastal Access and Complete Streets issues. South Carlsbad Boulevard now and has for decades been a highly used Incomplete Street that is out of compliance with the City's minimum Street Standards for pedestrian and bike access and safety. The Coastal Access portion of the Draft Land Use Plan should strongly address the Complete Street requirements for South Carlsbad Boulevard. Those policy commitments should be reference in Policy LCP-2-P.19 and 20 as Carlsbad Boulevard in **South Carlsbad is the most Complete Street deficient portion of Carlsbad Boulevard**. Forever Coastal Access parking demand and the proposed LCP Amendment's Land Use Plan to supply parking for those demands should also be addressed as part of the Coastal Access and Complete Streets issues for South Carlsbad Boulevard. If much needed Coastal Access Parking is provided on South Carlsbad Boulevard as part of a "maybe" implemented realignment, most of the "maybe" realignment land left after constraints are accommodated for and buffered will likely be consumed with these parking spaces and parking drive aisles/buffer area needed to separate high-speed vehicular traffic from parking, a buffered bike path, and a sufficiently wide pedestrian sidewalk or Coastal Path. After accommodating these much needed Complete Street facilities there will likely be little if any sufficiently dimensioned land available for a Coastal Recreation and a Coastal Park. The needed Coastal Access and Complete Street facilities on South Carlsbad Boulevard are very much needed, but they are NOT a Coastal Park.

As mentioned the proposed Draft Coastal Land Use Plan's Maps and Policies are very specific in providing for the City's proposed LCP Land Use changes to 'low-priority' Residential and General Commercial' on Planning Area F (proposed to be renamed to Area 1 and 2). It is curious as to why the proposed Draft LCP Land Use Plan Amendment has no Land Use Map and minor vague unaccountable Land Use Policy concerning 'High-priority Coastal Recreation Land Use' at Ponto, while the very same time proposing very clear Land Use Mapping and detailed unambiguous "shall" land use policy requirements for 'low-priority' Residential and General Commercial land use at Ponto. Why is the City

Not committing and requiring (in a Land Use Map and Land Use Policy) to much needed ‘High-priority’ Coastal Recreation and Coastal Park Land Use’ needs at Ponto the same detail and commitment as the City is providing for “low-priority” uses? This is backwards and inappropriate. It is all the more inappropriate given the ‘Buildout’ Coastal Land Use Plan the City is proposing at Ponto. These issues and plan/policy commitments and non-commitments will be ‘forever’ and should be fully and publicly evaluated as previously requested, or the Existing LCP Land Use Plan of “Non-residential Reserve” for Planning Area F should remain unchanged and until the forever-buildout Coastal Recreation and Coastal Park issues can be clearly, honestly and properly considered and accountably planned for. This is vitally important and seems to speak to the very heart of the CA Coastal Act, its founding and enduring principles, and its policies to maximize Coastal Recreation. People for Ponto and we believe many others, when they are aware of the issues, think the City and CA Coastal Commission should be taking a long-term perspective and be more careful, thorough, thoughtful, inclusive, and in the considerations of the City’s proposal/request to permanently convert the last vacant unplanned (Non-residential Reserve) Coastal land at Ponto to “low-priority” land uses and forever eliminate any Coastal Recreation and Coastal Park opportunities.

17. Public Coastal View protection: Avenida Encinas is the only inland public access road and pedestrian sidewalk to access the Coast at Ponto for one mile in each direction north and south. It also hosts the regional Coastal Rail Trail in 3’ wide bike lanes. There exist now phenomenal coastal ocean views for the public along Avenida Encinas from the rail corridor bridge to Carlsbad Boulevard. It is assumed these existing expansive public views to the ocean will be mostly eliminated with any building development seaward or the Rail corridor. This is understandable, but an accountable (‘shall’) Land Use Plan/Policy addition to proposed Policy LCP-2-P.20 should be provided for a reasonable Public Coastal View corridor along both sides of Avenida Encinas and at the intersection with Carlsbad Boulevard. Public Coastal view analysis, building height-setback standards along Avenida Encinas, and building placement and site design and landscaping criteria in policy LCP-2-P.20 could also be considered to reasonably provide for some residual public coastal view preservation.

18. Illogical landscape setback reductions proposed along Carlsbad Boulevard, and Undefined landscape setback along the Lagoon Bluff Top and rail corridor in Policy LCP-2-P.20: Logically setbacks are used in planning to provide a buffering separation of incompatible land uses/activities/habitats. The intent of the setback separation is to protect adjacent uses/activities/habitats from incompatibility, nuisance or harassment by providing a sufficient distance/area (i.e. setback) between uses/activities/habitats and for required urban design aesthetics – almost always a buffering landscaping. Policy LCP-2-P.20. A.4 and C.3 says the required 40’ landscape setback along Carlsbad Boulevard “maybe reduced due to site constraints or protection of environmental resources.” The ability to reduce the setback is illogical in that setbacks are intended to protect environmental resources and provide a buffer for constraints. In the Carlsbad Boulevard right-of-way there is documented sensitive environmental habitat, along with being a busy roadway. How could reducing the protective 40’ setback in anyway better protect that habitat or provide a better landscaped compatibility or visual aesthetic buffer along Carlsbad Boulevard? It is illogical. If anything the minimum 40’ landscaped setback should likely be expanded near “environmental

resources". Regarding reducing the minimum 40' landscape setback for "site constraints" there is no definition of what a "site constraint" is or why it (whatever it may be) justifies a reduction of the minimum landscaped setback. Is endangered species habitat, or a hazardous geologic feature, or a slope, or on-site infrastructure considered a "site constraint"? There should be some explanation of what a "site constraint" is and is not, and once defined if it warrants a landscape setback reduction to enhance the buffering purpose of a landscape setback. Or will a reduction only allow bringing the defined constraint closer to the adjacent uses/activities/habitats that the landscape setback is designed to buffer. It is good planning practice to not only be clear in the use of terms; but also, if a proposed reduction in a minimum standard is allowed, to define reasonably clear criteria for that reduction/modification and provide appropriate defined mitigation to assume the intended performance objectives of the minimum landscape setback are achieved.

Policy LCP-2-P.20.C.4 is missing a critical Bluff-Top landscape setback. It seems impossible that the DLCPA is proposing no Bluff-Top setback from the lagoon bluffs and sensitive habitat. The Batiqitos Lagoon's adjoining steep sensitive habitat slopes directly connect along the Bluff-top. Batiqitos Lagoon's and adjoining steep sensitive habitat is a sensitive habitat that requires significant setbacks as a buffer from development impacts. Setbacks similar to those required for the San Pacifico area inland of the rail corridor, should be provided unless updated information about habitat sensitivity or community aesthetics requires different setback requirements.

Policy LCP-2-P.20 does not include a landscape setback standard adjacent to the rail corridor. This is a significant national transportation corridor, part of the 2nd busiest rail corridor in the USA. Train travel along this corridor is planned to increase greatly in the years to come. Now there is significant noise, Diesel engine pollution, and extensive ground vibration due to train travel along the rail corridor. Long freight trains which currently run mostly at night and weekends are particularly noisy and heavy, and create significant ground vibration (underground noise). These issues are best mitigated by landscape setbacks and other buffers/barriers. A minimum setback standard for sufficient landscaping for a visual buffer and also factoring appropriate noise and ground vibration standards for a buildout situation should be used to establish an appropriate landscape setback that should be provided along the rail corridor. Carlsbad's landscape aesthetics along the rail corridor should be factored into how wide the setback should be and how landscaping should be provided. An example for the landscape aesthetic portion of the setback standard could be landscape design dimensions of the San Pacifico community on the inland side of the rail corridor. However, noise and vibrational impacts at San Pacifico are felt much further inland and appear to justify increased setbacks for those impacts.

Item #15 1/29/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment submitting City Park Master Plan Park Service (park Equity) maps showing Ponto is unserved by City Parks, and South Carlsbad has no Coastal Park (west of I-5 and rail corridor)

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Wednesday, January 29, 2020 9:47 AM
To: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Cc: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Don Neu <Don.Neu@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; info@peopleforponto.com; Nika Richardson <richardson@waltersmanagement.com>; Chas Wick <chaswick@reagan.com>
Subject: FW: City Council reply to Citizens concerns and requests regarding Ponto development

Jenifer:

Please provide email confirmation of this email and attachments as public comments on the DLCPA for Ponto .

Thanks,
Lance

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Friday, April 6, 2018 10:00 AM
To: 'council@carlsbadca.gov'; 'mike.pacheco@carlsbadca.gov'; 'Don.Neu@carlsbadca.gov'; 'manager@carlsbadca.gov'; 'chris.hazeltine@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'debbie.fountain@carlsbadca.gov'; 'Celia Brewer'
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick'; 'jeanscamp@yahoo.com'; 'sebbiessixpack@att.net'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; 'Harry Peacock'; 'Patti Travis'; 'colinrobertsonrealestate@gmail.com'; 'Farhad Sharifi'; 'Jim Burke'; 'Stacy King'
Subject: RE: City Council reply to Citizens concerns and requests regarding Ponto development

Dear Carlsbad City Council, Planning and Parks Commissions and City Staff:

We request that the attached files also be included in the public record for any City discussion on adjusting/amending the:

- City's Growth Management Program facilities standards,
- Growth Management Ordinance CMC 21.90,
- Citywide Facilities Improvement Plan and/or
- Local facilities Management Plan for Zone 9.

We have updated the Carlsbad Parks and Rec Master Plan exhibits to include an additional image showing the wider/longer Regional Coastal Park Gap which surrounds the Coastal Park void in Coastal South Carlsbad, and the many inland homes/population without a Coastal Park. We kindly request advance notification on any staff reports or meetings on the above as we would like to most effectively participate in public review and input. We are also available and happy to meet with you to discuss these attached issues in advance of consideration of any of the above. If we could receive a confirmation reply it would be most appreciated. Thank you for your consideration.

We sincerely care about the quality of life in our City and neighborhoods.

Concerns and requests submitted to Carlsbad City Council et. al.

Sincerely,
Lance Schulte

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

Sent: Tuesday, March 6, 2018 9:14 AM

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; debbie.fountain@carlsbadca.gov; Celia Brewer

Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick'; jeanscamp@yahoo.com; sebbiessixpack@att.net; 'Lance Schulte'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; Harry Peacock; 'Patti Travis'; colinrobertsonrealestate@gmail.com; Farhad Sharifi; Jim Burke; 'Stacy King'

Subject: City Council reply to Citizens concerns and requests regarding Ponto development

Dear City Council, Planning and Parks Commissions:

The attached file includes 4 emails to you regarding Ponto development issues and requests that relate to our community concerns to Develop Ponto Right. One email was sent August 31, 2017 and three were sent December 5, 2017. As yet we have not received a reply to the requests within the emails. We respectfully request a reply soon to these 4 emails as we wish to inform our Community.

Also attached are 2 pages from the City's Park and Recreation Department Master Plan that graphically illustrate some of the Coastal Park inequalities/deficits in South Carlsbad that also impact Coastal North Carlsbad and Encinitas. Please note the Veteran's Park location mapping error on p 87, which we hope can be corrected – a response to correct this mapping would be appreciated.

It is important that we all work to Develop Ponto right as the last remaining significant vacant Coastal land to establish the long-term buildout Coastal environment for South Carlsbad and North San Diego County.

Thank you for your consideration.

Sincerely,

Lance Schulte

San Pacifico Community Association – Ponto Development Review Committee

Item #16 1/30/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment submitting the prior public comments on Shopoff's LCPA be included in the City's LCPA, questioning why City Staff is keeping the Shopoff LCPA application alive and under what authority, and why the City Staff is processing the Planning Area F speculative developer's proposed LCPA to change the existing LCP Non-residential reserve land use to low-priority residential and general commercial land uses

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

Sent: Thursday, January 30, 2020 5:32 PM

To: 'Matthew Hall'; 'Council Internet Email'; 'Scott Chadwick'; 'Kyle Lancaster'; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; 'Mike Pacheco'; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; 'Don Neu'; 'Gary Barberio'; info@peopleforponto.com; 'Jeff Murphy'; jennifer.jesser@carlsbadca.gov

Cc: People for Ponto; jodi marie jones; Mike Sebahar; 'Harry Peacock'; Chas Wick; Nika Richardson; Fred Sandquist; David Hill; Laura Walsh

Subject: DLCPA public comment - including prior LCPA 2016-0002 public comments into the City staff proposed DLCPA public comments

As shown in the attached image of Shopoff application project numbers, a Local Coastal Program Amendment (LCPA 2016-0002) was applied for by this speculative land developer before or in 2016. In the City's application file there are many significant public comments from citizens regarding this LCPA and its related effects if that proposed LCPA is approved. These public comments on the above Shopoff Application Files should be included as official public comments on the City's proposed DLCPA for this site (Planning Area F). The City's DLCPA mirrors the Applicant's proposed LCPA from 2016 by proposing to change the existing "Non-residential Reserve" land use to residential and general commercial.

- Can you please provide email confirmation that the public comments in the Shopoff Application files are also included as public comments in the City's DLCPA?

Also, this speculative developer, Shopoff, quitclaimed interest in the Planning Area F site 1-year ago (Feb 2019) as documented in the attached 2019.2.11 Quitclaim file. At that time, Shopoff formally withdrew their application and asked the City for a refund of their application fees. However, the City Staff has made a choice to not follow standard City procedure of accepting the applicant's withdrawal of their application and returning their unused fees. The City Staff is currently keeping that application 'alive'.

- As a public comment on the DLCPA, we would like to know why the City Staff is doing this.

In addition, there has been no applicant progress on that application since before Feb 2019. The City has a municipal code requirement which 'withdraws' applications if applicants fail to make progress in processing their application within 6-months. We understand that particular City and State Law requirement is not fully applicable to all the Shopoff Applications, due to the need to first change the Existing LCP and MP (Master Plan or City Zoning Code) of "Non-residential Reserve" Land Use and Zoning before development design permits can even be applied for and processed. As a public comment on the DLCPA we would like to know:

- What city standard, policy, or legal process is the City Staff using to keep the application 'alive' when no applicant progress is being made on the application?
- Is this action by the City Staff solely a City Staff responsibility or is it subject to City Council review and direction?

Concerns and requests submitted to Carlsbad City Council et. al.

- Has City Staff provided or intend to provide the City Council a status report on the status of this application?
- Under what criteria would the City Staff withdraw the application due to inaction by the applicant?

Also, it is clear that the City Staff's proposed Draft LCPA Land Use Plan Amendment for Planning Area F is basically implementing the withdrawn Shopoff LCPA Application request to change the Existing LCP Land Use on Planning Area F from "Non-residential Reserve". As a public comment on the DLCPA, we would like to know:

- Why is the City Staff processing the withdrawn speculative developer's LCPA request to change the land use?

Attachments: Shopoff Quitclaim deed dated 2/11/19 & on-site sign listing Shopoff LCPA/MPA and development application numbers

Item #17 1/31/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding Growth Management Ordinance 21.90.130 in dealing with Ponto Park and Open Space Standards deficits

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

Sent: Friday, January 31, 2020 12:15 PM

To: 'Matthew Hall'; 'Council Internet Email'; 'Scott Chadwick'; 'Kyle Lancaster'; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; 'Mike Pacheco'; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; 'Don Neu'; 'Gary Barberio'; info@peopleforponto.com; 'Jeff Murphy'; jennifer.jesser@carlsbadca.gov

Cc: John Gama; 'Hilton Sher'; jodi marie jones

Subject: FW: City feedback from this am to ponto website

Dear City of Carlsbad and CCC Staff:

Please include the attached file from John as Public Comments on the Carlsbad City Staff proposed DLCP Land Use Plan Amendment. John mentioned he sent this via the www.peopleforponto.com website earlier and for some reason his comments were not received by our People for Ponto website and then transmitted to you.

Thank you for your consideration. We apologize for any inconvenience. People for Ponto is checking to see if other public comments are similarly in this 'no-man's land' and will work to get to you ASAP. Email confirmation of receipt of this public comment is greatly appreciated.

Thanks again,

People for Ponto

Attachment:

We have a documented (GIS verified mapping) that there is approximately a 7 acre park space deficit and 30 acre open space deficiency in the southwest quadrant of Carlsbad. There is a statute in the Municipal Code of the City of Carlsbad that reads as follows:

Carlsbad Municipal Code (Growth Management Ordinance within the Zoning Code) Section 21.90.130 Implementation of facilities and improvements requirements....

(c) If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met.

The Mayor, City Council, City planners have all been made aware of these deficiencies (for the last 2 years) and they continue to ignore them and pursue high density/low income housing in Planning Area F/Ponto. Why won't they do the right thing and follow their own municipal code? No further development should occur until these deficiencies are addressed. Why do we as citizens have to work so hard to get the right thing to occur? Why is the Mayor and City Council more interested in the Developer's interest versus the interests of Carlsbad citizens? It begs the question of personal gain to be made? Is a lawsuit the only thing that will get your attention?

Please do the right thing and stop any development in Planning Area F until these deficiencies are addressed.

Concerns and requests submitted to Carlsbad City Council et. al.

Item #18 ?/?/20 Summary of DLCPA public comments and requests emailed from People for Ponto website and neighborhood surveys as of ????

Work in progress.

Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17, and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their "local" beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks

Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDRRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDRRC
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:
jeanscamp@yahoo.com
sebbiessixpack@att.net;

Concerns and requests submitted to Carlsbad City Council et. al.

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

From: [Dan Kinney](#)
To: [Planning](#)
Subject: Happy to develop South Ponto
Date: Thursday, December 3, 2020 1:17:33 PM

Hello, we moved to Carlsbad 10+ years ago hoping “Carlsbad Village South” would soon become a reality.

I’m in favor of continued development and would gladly buy a condo there immediately!

Thank you,

- dk

Dan Kinney (858) 339-3334 Kinney.Dan@gmail.com

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

From: [Doug Fiske](#)
To: [Planning](#)
Subject: Ponto
Date: Thursday, December 3, 2020 1:36:07 PM

Dear PC,

We have more than enough development.

We need more open space.

Please no more housing and/or commercial development at Ponto.

Doug Fiske
Leucadia

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

From: [eahamelin](#)
To: [Planning](#)
Subject: open space
Date: Thursday, December 3, 2020 5:22:22 PM

This is not a good location. Traffic will ruin the area. Additionally, we don't have enough open space in that particular area. You are ruining the coastline for tourists and locals. We need affordable housing near the train stops.

Sent from my Galaxy

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



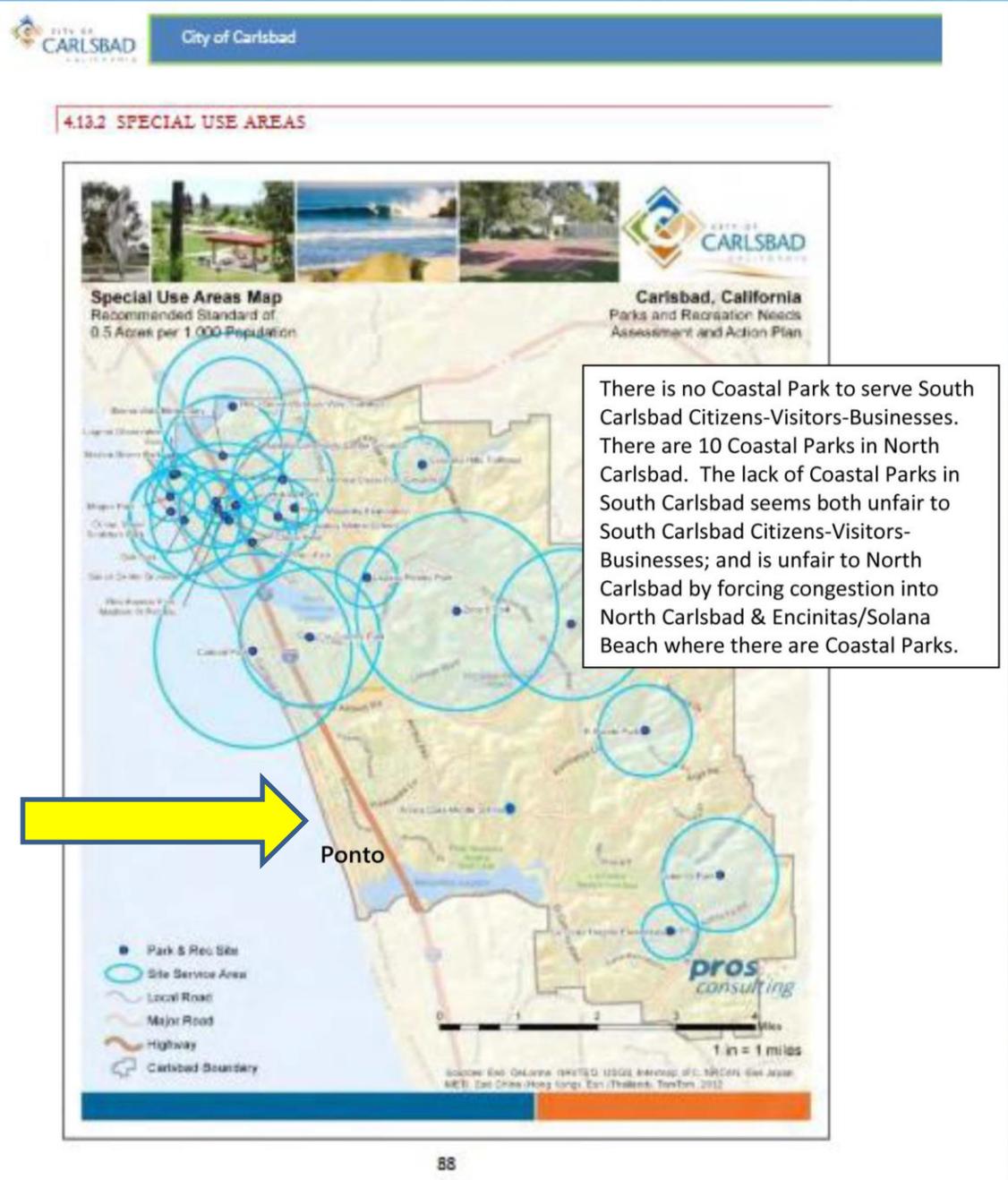
Request funding for a Community-based Park Planning Process & Community-based Coastal South Carlsbad Park & Gateway Planning Process

- * \$250,000 for a Community-based analysis of Citywide Park deficits and Community suggested solutions
- * Funding for a series of Southern Carlsbad Community-based workshops to develop concepts and alternatives for a Coastal South Carlsbad Park & Gateway Plan.

Need a Coastal South Carlsbad Park

4-6 miles of Coast w/o Park

Asking for a Community-Based Planning Process to address our needs



Justification

Implements General Plan Community Vision – quality of life and economy

Required by City and State land use regulations for Planning Area F - City's Local Coastal Program

Significant gap in Coastal Parks creates congestion and unfairness for entire City & San Diego Region

Ponto is last vacant land opportunity to create a meaningful Coastal South Carlsbad Park

Strong Community desire & wise use of resources



Most Consistent with Community Vision - the Foundation for the General Plan

Refer to John Gama's presentation

Refer to 5-page email justification and request for a Community-Based Planning Process sent to City Council, City Manager, City Parks and Planning Commissions, City Parks and Planning Directors, California Coastal Commission Staff on 8/31/17 and 3/6/18 – Community has yet to receive a reply to those emails.



Required by City & State land use regulations for Planning Area F - City's Local Coastal Program

See page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not yet complied with – flawed PBVVP & 2015 GP Update

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use



City & State land use regulations for Planning Area F – Local Coastal Program page 101

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed flawed Ponto Beachfront Village Vision Plan & 2015 General Plan Update processes



City & State land use regulations for Planning Area F – Local Coastal Program page 101

California Coastal Commission told the City that “ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Coastal South Carlsbad Park Deficit

6.6 acre Park Deficits in Southwest Carlsbad – proposed to be corrected outside SW Carlsbad around 5 miles away

No City Coastal Park in South Carlsbad, vs. 10 City Coastal Parks in North Carlsbad – Unfair to All Carlsbad as South Carlsbad's Coastal Park needs from 64,000 existing Carlsbad residents is pushed into North Carlsbad-Encinitas Coastal Parks increasing their traffic, parking & park congestion

Carlsbad's 4-mile Coastal Park Gap in South Carlsbad is the majority of the 6-mile Regional Coastal Park Gap

South Carlsbad's Coastal Park Gap is over 8% of San Diego County's entire Coastline – City & regional issue

Growing Coastal Park Demand

Regional Coastal Park demand increases. Vital for Quality of Life & Carlsbad economy to provide more Coastal Parks

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

1985 = 116,000	[when Veterans Park coastline 'solution']
1995 = 140,000	[when Planning Area F requirement]
2015 = 176,000	[when General Plan Update]
2035 = 212,000	[when end of 20-yr life General Plan]

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day & growing 1.6% each year

Ponto last chance to fix Carlsbad's significant 4-mile Coastal Park gap with a meaningful Coastal Park

Ponto's Carlsbad Park In-Lieu Fees & Quality of Life Results

947 homes (population of 2,233) west of I-5 and South of Poinsettia Lane – per City's Minimum Park standard this requires 6.7 acres of City Park. Homeowners paid taxes and park-in-lieu-fees to City to buy and build 6.7 acres of City Park, but No Park in area. Taxes/fees didn't increase any Park acreage.

Nearest park 2.3 miles across I-5. Veteran's Park 'solution' over 5-miles away.

Over 90% of Community surveyed wants a Park - in the Ponto area



Request funding for a Community-based Park Planning Process & Community-based Coastal South Carlsbad Park & Gateway Planning Process

- * \$250,000 for a Community-based analysis of Citywide Park deficits and Community suggested solutions
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Refer to 5-page email justification and request for a Community-Based Planning Process sent to City Council, City Manager, City Parks and Planning Commissions, City Parks and Planning Directors, California Coastal Commission Staff on 8/31/17 and 3/6/18 – Community has yet to receive a reply to those emails.



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City & State land use regulations for Planning Area F – Local Coastal Program page 101

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City & State land use regulations for Planning Area F – Local Coastal Program page 101

California Coastal Commission told the City that “ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Coastal South Carlsbad Park Deficit

6.6 acre Park Deficits in Southwest Carlsbad – proposed to not be corrected outside SW Carlsbad around 5 miles away

No City Coastal Park in South Carlsbad, vs. 10 City Coastal Parks in North Carlsbad – Unfair to All Carlsbad as South Carlsbad's Coastal Park needs from 64,000 existing Carlsbad residents is pushed into North Carlsbad-Encinitas Coastal Parks increasing their traffic, parking & park congestion

Carlsbad's 4-mile Coastal Park Gap in South Carlsbad is the majority of the 6-mile Regional Coastal Park Gap

South Carlsbad's Coastal Park Gap is over 8% of San Diego County's entire Coastline – City & regional issue

Growing Coastal Park Demand

Regional Coastal Park demand increases. Vital for Quality of Life & Carlsbad economy to provide more Coastal Parks

Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

1985 – 116,000 [Veterans Park 'solution' for coastline]

1995 = 140,000 [Planning Area F requirement]

2015 = 176,000 [General Plan Update]

2035 = 212,000 [20-yr life of General Plan Update]

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day & growing 1.6% each year

Ponto last chance to fix Carlsbad's significant 4-mile Coastal Park gap with a meaningful Coastal Park

Ponto's Carlsbad Park In-Lieu Fees & Quality of Life Results

947 homes (population of 2,233) west of I-5 and South of Poinsettia Lane – per City's Minimum Park standard this requires 6.7 acres of City Park. Homeowners paid taxes and park-in-lieu-fees to City to buy and build 6.7 acres of City Park, but No Park in area. Taxes/fees didn't increase any Park acreage.

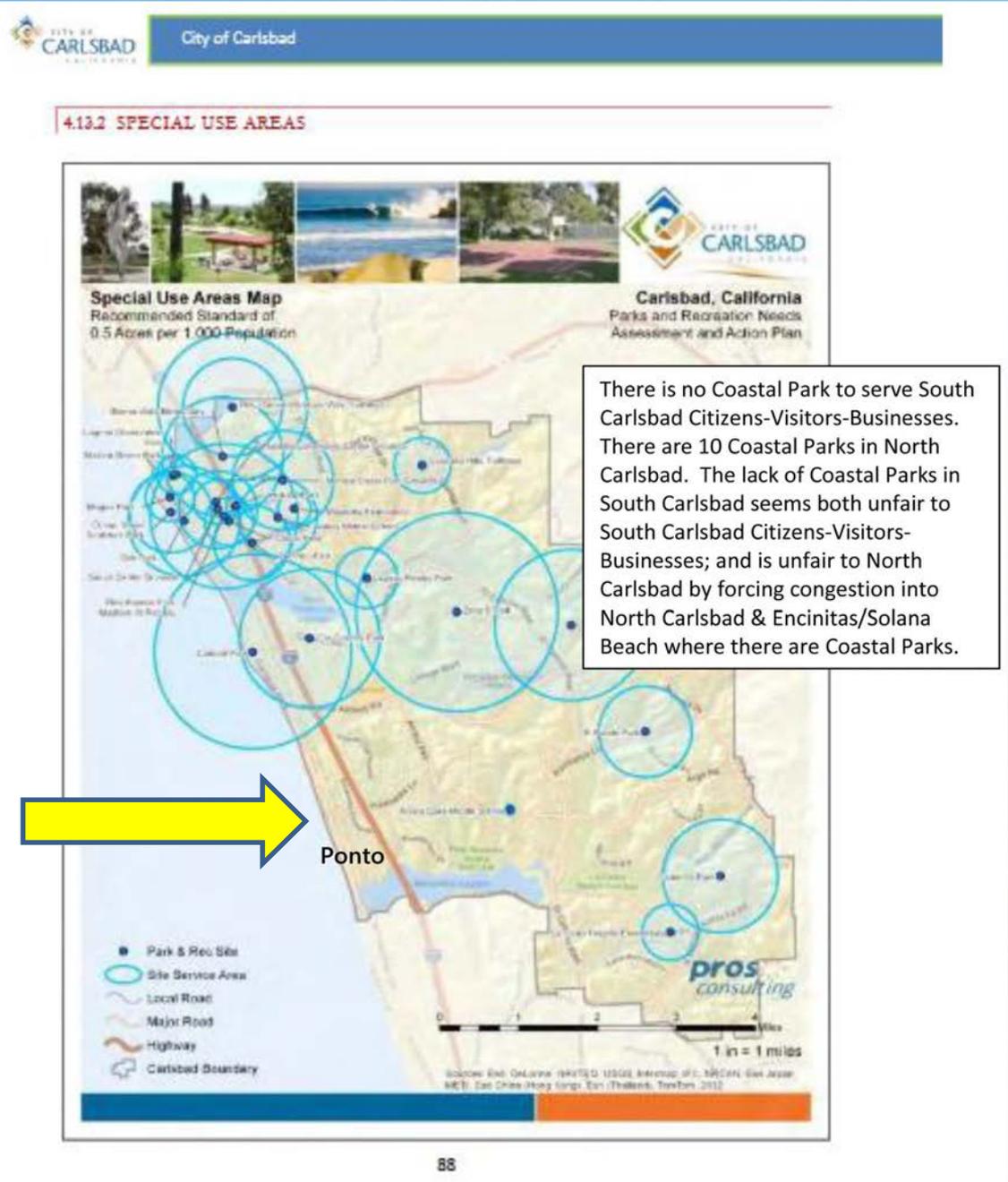
Nearest park 2.3 miles across I-5. Veteran's Park 'solution' over 5-miles away.

Over 90% of Community surveyed wants a Park - in the Ponto area

Need a Coastal South Carlsbad Park

4-6 mile Gap w/o Park

Asking for a Community-Based Planning Process to address our needs





Request funding for a Community-based Park Planning Process & Community-based Coastal South Carlsbad Park & Gateway Planning Process

- * \$250,000 for a Community-based analysis of Citywide Park deficits and Community suggested solutions
- * Funding for a series of Southern Carlsbad Community-based workshops to develop concepts and alternatives for a Coastal South Carlsbad Park & Gateway Plan.

From: [Jolyn Bush](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Monday, December 7, 2020 1:06:28 AM

I am writing in regard to the plans for development at South Ponto, Carlsbad. As a resident, right off Carlsbad Blvd for over 20 years, I have observed in the influx of traffic, cliff accidents, littering, and noise disturbances in the area and I cannot even imagine the impact a development would have on South Ponto and the surrounding areas.

I am in complete disagreement with this plan. I believe the area should remain as an open space.

Thank you so much for taking the time to read and consider my opinion! I truly love our community and hope it can remain as amazing as it is!

Happy Holidays to you all at the City offices and thank you for all you do. You've made it a blessing to be here!

Sincerely,
Jolyn Bush

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

From: Lance Schulte
To: Planning; info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu; City Clerk; Council Internet Email; "Erin Prahler"; Ross_Toni@Coastal; Carrie Boyle
Subject: RE: 121 undeliverable Protect Ponto petitions
Date: Thursday, December 3, 2020 11:13:10 AM
Attachments: image001.png

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?

We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

Thanks,
People for Ponto

From: Planning [mailto:Planning@CarlsbadCA.gov]
Sent: Wednesday, December 2, 2020 6:29 PM
To: info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu
Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted. Thank you.

From: info@peopleforponto.com <info@peopleforponto.com>
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To: Planning <Planning@CarlsbadCA.gov>
Cc: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; People for Ponto <info@peopleforponto.com>
Subject: RE: 121 undeliverable Protect Ponto petitions

Thank you but our records show 457 DLCP Protect Ponto support web emails sent since 11.29.2020.

This does not include the support emails written by individuals or previous web petitions and emails sent in regarding this topics and all things related to Planning Area F which is almost 3,000.

What is the best way to ensure accurate recoding of the community's wishes?

Thank you

People for Ponto

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Hello,

Over 100 emails have been received and are posted on the city's website:

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=45836>

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<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46337>

Thank you.

From: info@peopleforponto.com <info@peopleforponto.com>

Sent: Wednesday, December 2, 2020 1:34 PM

To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Planning <Planning@CarlsbadCA.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Scott Donnell <Scott.Donnell@carlsbadca.gov>; 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

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

Navigation tabs: **Email** | Contacts | Calendar | Tasks | Notes

Toolbar: Compose | Check Email | Reply | Reply All | Forward | [Close] | [Folder] | [Print] | More

Left sidebar: Spam | Trash

Main list: Sort by: Received

<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	

Folder list: Support letters sent to City | **Undelivered to City (121)** | Add Folder

Page indicator: 1 - 50 of 121

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Our records show significant more Citizen input has been provided since 2017. We look to you to include that into the Public Record, and can work with you to confirm you are recording all the Citizen input you have received. Just know we are Citizen volunteers and are fitting this into our spare-time.

Thanks again
Lance Schulte

34-year Carlsbad citizen, 20-year Ponto resident, and one of many People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Thursday, December 3, 2020 11:13 AM
To: 'Planning'; 'info@peopleforponto.com'
Cc: 'Jennifer Jesser'; 'Don Neu'; 'City Clerk'; 'CityCouncil@carlsbadca.gov'; 'Erin Prahler'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Carrie Boyle (carrie.boyle@coastal.ca.gov)
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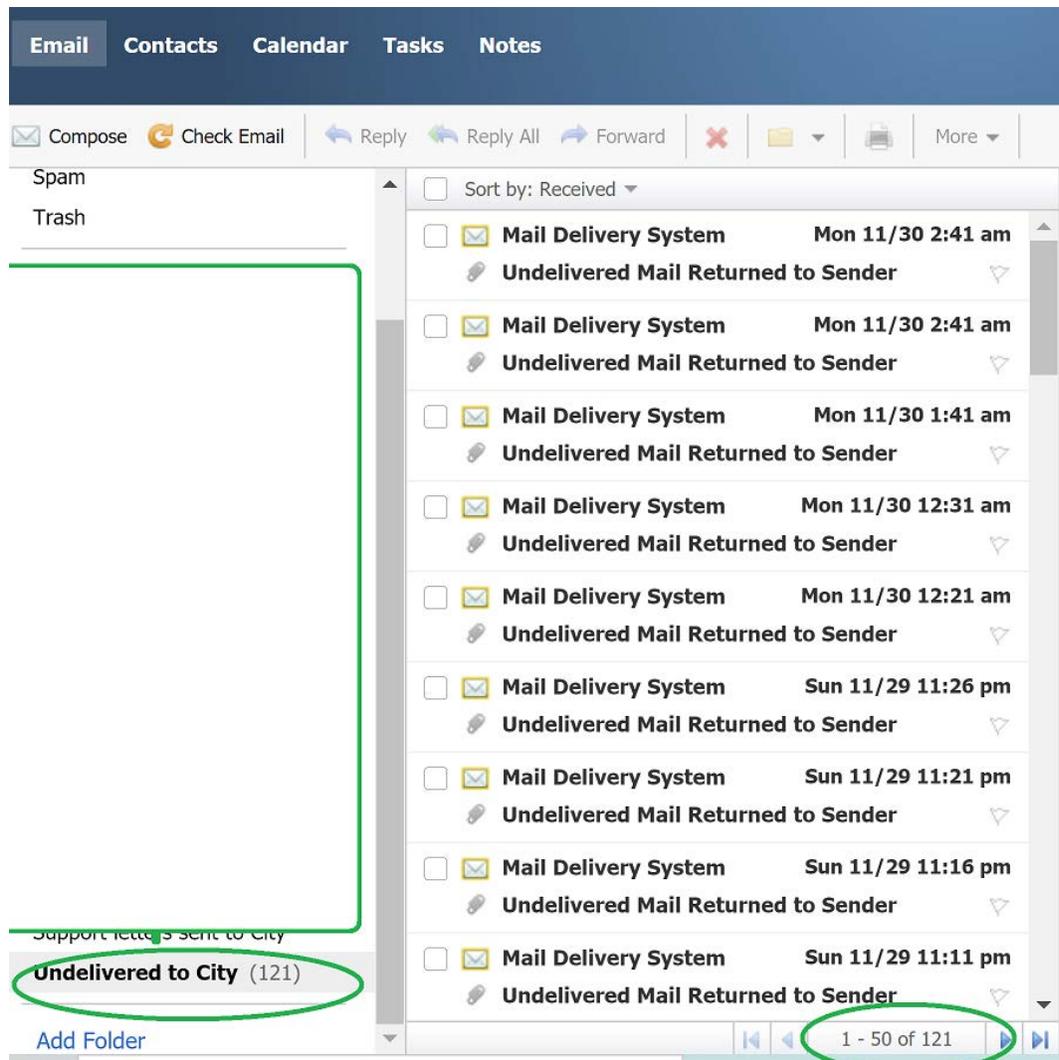
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From: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross, Toni@Coastal"](#); [cort.hitchens@coastal.ca.gov](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall, Paul@HCD"](#); ["Mehmood, Sohab@HCD"](#)
Cc: [info@peopleforponto.com](#)
Subject: Citizen input for the public record on Ponto issues - FW: July 24th City Council meeting - SW Quadrant Parks discussion
Date: Monday, December 7, 2020 7:48:09 AM
Attachments: [Park agenda item 19 of 7-24-18 City Council meeting LS1 pp .ppt](#)

Dear Carlsbad City Council; Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee; and CA Coastal Commission:

Please include this entire email (starting with the July 9, 2018 email to the Parks Director) and the attached 7-24-2018 presentation to the City Council as part of the official public record on City Staff's proposed Draft LCP-LUPA, Parks Master Plan Update and Housing Element Update. And please provide to the City Council, Planning-Parks-Housing Commissions and Housing Element Advisory Committee.

This email and presentation was at the early (Ponto locals) stages of Citizen discovery about Ponto Planning Area F issues and the Coastal Park deficits at both Ponto and South Carlsbad. The presentation highlights some key facts about present and future Coastal Park need, Carlsbad Policy support for Ponto Coastal Park in the City's Community Vision – the foundation for Carlsbad's General Plan, and verbatim direction from the CCC on existing Ponto Planning Area F Coastal land use regulations.

The presentation implores that 'We Can Do Better' as a City and City Council in addressing critical Coastal Park needs at Ponto. This was an initial research into the Ponto Coastal Park issues and prompted additional official Carlsbad Public Records Requests to document more details. However this initial 7/24/18 presentation lays out some clear policy issues that were further supported by subsequent Citizen research, growing Citizen awareness, and overwhelming Citizen requests..

Carlsbad City Council, Planning Commission, Parks Commission, Housing Commission, and Housing Element Advisory Committee, as Carlsbad We Can Do Better.

Thank you for sincerely considering your fellow citizens information and request for Ponto Coastal Park at Planning Area F

Lance Schulte
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Monday, July 23, 2018 7:36 AM
To: 'Morgen Fry'
Cc: 'Debbie Fountain'; 'Chris Hazeltine'; 'Faviola Medina'; 'Sheila Cobian'
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Morgen:

Good morning. I hope your week is starting off well.

Attached is our PP presentation for Parks and Open Space agenda item #19 on the July 24th City Council meeting.

Please contact me if an questions or problems.

Thanks!

Lance

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Sunday, July 22, 2018 6:12 PM
To: 'Morgen Fry'
Cc: 'Debbie Fountain'; 'Chris Hazeltine'; 'Faviola Medina'; 'Sheila Cobian'
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Morgan:

I have a PowerPoint presentation for item #19 of the July 24th CC meeting.

Can I email to you Monday morning?

Thanks,

Lance

From: Sheila Cobian [mailto:Sheila.Cobian@carlsbadca.gov]
Sent: Tuesday, July 17, 2018 11:45 AM
To: Lance Schulte
Cc: Debbie Fountain; Chris Hazeltine; Morgen Fry; Faviola Medina
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance,

As far as representing a group to give a PowerPoint presentation relating to an item on the Council agenda, you will need to make that request through the City Manager's office. The point of contact is Morgen Fry and she can be reached at 760-434-2820. FYI, the presentation is limited to 10 minutes (although time may be reduced at the discretion of the Council) and is due to the City Manager's office no later than noon on the Monday prior to the scheduled Council meeting. Please note that the 10 minute timeframe for the presentation is permitted provided you are representing a group of 4 or more. To represent a group you will need to have 4 or more speaker cards filled out and turn them in together to the Clerk at the beginning of the Council meeting.

Please feel free to call me at 760-434-2917 if I can be of further assistance.

Thank you,



Sheila Cobian, CMC

City Clerk Services Manager
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008-1949
www.carlsbadca.gov

760-434-2917 | sheila.cobian@carlsbadca.gov

[Facebook](#) | [Twitter](#) | [You Tube](#) | [Flickr](#) | [Pinterest](#) | [Enews](#)

From: Chris Hazeltine
Sent: Tuesday, July 17, 2018 11:14 AM
To: Lance Schulte <meyers-schulte@sbcglobal.net>
Cc: Debbie Fountain <Debbie.Fountain@carlsbadca.gov>; Sheila Cobian <Sheila.Cobian@carlsbadca.gov>
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance-

The City Clerk's Office is best prepared to address your question about presenting on this department report, agenda item Sheila, thanks in advance for assisting Lance.

Thanks

-Chris

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Monday, July 16, 2018 9:13 AM
To: Chris Hazeltine <Chris.Hazeltine@carlsbadca.gov>
Cc: Debbie Fountain <Debbie.Fountain@carlsbadca.gov>
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Chris:

Thanks!

If our community would like to have a 10-min PP presentation [due to combining 3 public comments requests together, what is the timing and process to do that for this agenda item?

Thanks again,

Lance

From: Chris Hazeltine [<mailto:Chris.Hazeltine@carlsbadca.gov>]
Sent: Monday, July 16, 2018 8:35 AM
To: Lance Schulte

Cc: Debbie Fountain
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance-

Thank you for your email.

The Carlsbad Parks Update staff report will be available for public review on July 19 on the city's website. Please let me know if you have any questions once you review.

Thanks, and have a great day.

-Chris

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Monday, July 09, 2018 7:35 AM
To: Chris Hazeltine <Chris.Hazeltine@carlsbadca.gov>
Cc: Jean Camp <jeanscamp@yahoo.com>; Mike Sebahar <sebbiesixpack@att.net>; 'Gail Norman' <gnorman_ca@yahoo.com>; John Gama <Gama.John@scrippshealth.org>; Harry Peacock <behrpeacock@yahoo.com>; 'Stacy King' <stacy.king.us@gmail.com>; 'Patti Travis' <patti5678@gmail.com>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Gabriel Buhr <gbuhr@coastal.ca.gov>
Subject: July 24th City Council meeting - SW Quadrant Parks discussion

Chris:

I hope all good with you.

To facilitate understanding and a focus on important issues we wanted to see if there is any opportunity to share information or coordinate in advance of your July 24th report to the City Council on Coastal South Carlsbad Parks issues? Is that possible? We honestly think that planning for the park needs for Coastal South Carlsbad can be a positive experience for all if done in an open community-based planning process. If you have any questions or needs for clarification of Community concerns please let us know. If there is no opportunity to coordinate in advance would you let us know when your staff report be available for review?

If we are not able to coordinate, we wanted to communicate that we have presented you and the City data on Coastal South Carlsbad Park deficiencies, Community desire for a Ponto Coastal Park on Planning Area F, the lack of Coastal Park resources in Coastal South Carlsbad to serve both Inland South Carlsbad's and the regional Coastal Recreation/Park needs - particularly future regional growth demands, a fairly broad community view that Veterans Park is an inappropriate solution for Coastal South Carlsbad's and the NE and SE Quadrant's Park needs, repeated asks to have a truly Community-based Park Planning Process for Coastal South Carlsbad's park needs, the Carlsbad Local Coastal Program requirements to consider and document the need for a "Public Park" prior to changing the "Non-residential Reserve" coastal land use on Planning Area F, provided a Community

developed 'Ponto Coastal Park' concept for Planning Area F to illustrate the Coastal Recreation opportunities of that site, and the possible opportunities for citizen donations for a Ponto Coastal Park. We hope all these issues are a part of your report and what we sincerely hope is the start of a Community-based Park Planning Process for Coastal South Carlsbad.

Thanks Chris. I know you may think we are a pain to deal with, but we sincerely care about our community and city, particularly about the future generations that may or may not have a meaningful Coastal Park in South Carlsbad.

Thanks again, and please let us know.

Kindest regards,
Lance

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

Request City Council Consider Park & Open Space Data Presented by Citizens on 6/12/18 & missing in Staff Report

Parks

- City & Regional need for a true South Carlsbad Coastal Park
- South Carlsbad Coastal Park achieves Community Vision of GP
- Coastal South Carlsbad Planning Area F Local Coastal Program requirement to study a “Public Park” & Citywide Coastal uses

Open Space

- Developer’s Local Facility Management Plan Zone 9 errors need correcting in Developer’s Comprehensive Zone 9 Update
- City’s responsibility to Citizens & following Growth Management Ordinance, Standards and Principles

Need a Coastal South Carlsbad Park – City data

64,000 South Carlsbad Citizens & hotel visitors w/o a Coastal Park

4-6 miles of Coast w/o Park is a City & Regional need

Community-Based Planning needed

www.pontolocal.com

4.13.2 SPECIAL USE AREAS



There is no Coastal Park to serve South Carlsbad Citizens-Visitors-Businesses. There are 10 Coastal Parks in North Carlsbad. The lack of Coastal Parks in South Carlsbad seems both unfair to South Carlsbad Citizens-Visitors-Businesses; and is unfair to North Carlsbad by forcing congestion into North Carlsbad & Encinitas/Solana Beach where there are Coastal Parks.

We can do Better!

Ponto's Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results

- 947 homes (2,233 pop.) w. of I-5 & s. of Poinsettia Lane
- City's minimum Park standard requires 6.7 acres of Park
- Homeowners paid City taxes & park-in-lieu-fees to buy & build 6.7 acres of City Park, but No Park in area.
- Taxes/fees didn't add Park acreage - needed Veterans
- Nearest Park 2.3 miles across I-5. The Veteran's Park 'solution' over 5-miles away & basically inaccessible.
- Over 90% of Community surveyed wants a Park in Ponto
- Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don't work. We can Do Better!

www.pontolocals.com

Growing Coastal Park Demand

Meaningful South Carlsbad Coastal Park is vital for Carlsbad's Quality of Life & Economy

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

- 1985 = 116,000 - when Veterans Park coastline 'solution'
- 1995 = 140,000 + 21% - Planning Area F requirement
- 2015 = 176,000 + 52% - General Plan Update
- 2035 = 212,000 + 83% - end of 20-yr life General Plan – what then?

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day; growing 1.6% per year, 2035 = 6,669

Ponto last chance to fix Carlsbad's 4-mile Coastal Park gap (8% of SD County coastline) with a meaningful Coastal Park. We can do better!

www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 1 of 4

- Refer to 5-page email to City Council on 8/31/17 & 3/6/18 - Share & discuss the Issues with Citizens.

Community Vision, is foundation for General Plan. Just words to be ignored or guides to action?

- “...open spaces within walking distance of people’s homes ...” - nearest park over 2 miles away & over I-5
- “... strategic acquisitions to further the city’s open space system.” - fill Coastal South Carlsbad park gap

Implements Community Vision - the Foundation for the General Plan 2 of 4

- “... network of parks and recreation facilities will be improved ... Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations ...” - provide half of Carlsbad its only Coastal Park
- “... protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.” - South Carlsbad has no Coastal Park, congests North Carlsbad

Implements Community Vision - the Foundation for the General Plan 3 of 4

- “ ... Access to the beach ... will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park” -
Park supports residents and visitor industry
- “... Tourism is an important component of the city’s economy ... it emphasizes ... resources that make the city attractive to ... residents - the ocean and beach” -
Park supports residents and visitor industry
- “Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to ... parks.” - Veterans Park 5-miles away from need
www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 4 of 4

From General Plan Land Use Element:

- “...the community expressed an overwhelming preference for an active waterfront ... Access to the beach will be enhanced through ... open space, parking, and amenities ...” - Need a South Carlsbad Coastal Park
- “... new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop ... recreational opportunities along the coastal corridor.” - A meaningful Coastal South Carlsbad Park provides the most opportunities

Required by City & State land use regulations for Planning Area F - City's Local Coastal Program 1 of 3

page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not complied with & flawed PBVVP & General Plan Update. We can do better!

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use

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City & State land use regulations for Planning Area F – Local Coastal Program page 101 2 of 3

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed. Citizens not knowing this flawed the Ponto Beachfront Village Vision Plan, 2015 General Plan Update, and Carlsbad Park Planning Processes

City & State land use regulations for Planning Area F – Local Coastal Program page 101 3 of 3

California Coastal Commission told the City that:
“ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Lets do better and fully inform & engage Citizens in this
www.pontolocals.com

Ponto's (LFMP-Zone 9) Growth Management Open Space requirement

- 6/11/18 Final Staff Opinion Letter, Prior Public Records Requests, & City data confirmed Developers' LFMP-9 did not provide required Open Space per Growth Management Standard: 30-acres short! Lets do better!
- Inconsistent & incomplete information in 6/11/18 Final Staff Opinion Letter & conflicts with Growth Management Ordinance
- Need to have honest Citywide discussion on this issue!
- Is Staff's Final Opinion the City Council's direction?
- You can do better

Thank you

We can do better. Please fund & support a open & honest Community-based Planning Process for Parks and Open Space in Coastal South Carlsbad

Please do the right thing and Develop Ponto Right

From: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross_Toni@Coastal"](#); [Carrie Boyle](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall_Paul@HCD"](#); ["Mehmood_Sohab@HCD"](#)
Subject: FW: San Pacifico Community Association Letter of Request: Ponto Beachfront Development
Date: Wednesday, December 9, 2020 11:29:35 AM
Attachments: [South Carlsbad Ponto Beach Park Letter of Request.pdf](#)

Dear Carlsbad City Council; Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee; and CA Coastal Commission:

Please include this entire email and attached 8-31-2017 letter to City Council as part of the official public record on City Staff's proposed Draft LCP-LUPA, Parks Master Plan Update and Housing Element Update. And please provide to the City Council, Planning-Parks-Housing Commissions and Housing Element Advisory Committee.

This email and 8-31-2017 letter was at the initial (SPCA-PBDR Committee, that then grew to become the larger Ponto Locals, that then again grew to the much larger People for Ponto) stages of Citizen discovery about Ponto Planning Area F LCP requirements and issues. This Citizen discovery effort included over 40-offical Carlsbad Public Records Requests, and meetings and interviews of those involved, that helped inform the overwhelming multi-year Citizen effort asking the City Council to create the much needed Ponto Coastal Park at Planning Area F.

On December 3, 2020 Carlsbad Planning mentioned Citizen's Issues raised about Ponto are being recorded and that "The records department will make the full record available on the city's website." People for Ponto Citizens asked "We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is using 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter. Thanks, People for Ponto" All the this since 2017 communication was addressed to the City Council and key City Staff. Most all the communications as also addressed to the Carlsbad Planning Commission and Parks Commission, and later on the Housing Commission and HEAC. We are awaiting a City response, and if this 2017-presnt public input has to be re-submitted to the City, and if so by when.

The attached 8-31-2017 letter was the initial public input once Citizens were just starting to become, but not yet fully, aware of the Ponto Planning Area F LCP requirements and issues. The letter is still relevant in providing some of the sound Carlsbad policy justification for the City Council to acquire Ponto Coastal Park at Planning Area F. We hope the email and letter is delivered, read, and recorded on the City's website.

Sincerely,
Lance Schulte

34-year Carlsbad Citizen, 20-year Ponto resident and one of many People for Ponto

This email and letter began a multi-year Citizen quest series of

From: Theo Blizzard [mailto:tblizzard@waltersmanagement.com]
Sent: Thursday, August 31, 2017 3:28 PM
To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov
Cc: gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Jim Nardi; WILLIAM VAN CLEVE; Avril van Zyl; Tony Ruffolo; Chas Wick; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte; Lee Leibenson
Subject: San Pacifico Community Association Letter of Request: Ponto Beachfront Development

Dear Carlsbad City Council:

This letter is being submitted on behalf of the San Pacifico Community Association Ponto Beachfront Development Review Committee. If you have any questions regarding its contents please contact the committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net

-
Thank you for your time,

THEO BLIZZARD
COMMUNITY ASSOCIATION ADMINISTRATOR

WALTERS
management

YOUR COMMUNITY. **OUR** COMMITMENT.

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direct (858) 576-5557 | **office** (858) 495-0900 | **fax** (858) 495-0909
email tblizzard@waltersmanagement.com | **online** waltersmanagement.com

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Melissa Flores

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Sunday, December 13, 2020 3:03 PM
To: Council Internet Email; City Clerk; Planning; Scott Chadwick; Gary Barberio; Don Neu; Kyle Lancaster; Mike Pacheco; David De Cordova; Scott Donnell; Erin.Prahler@coastal.ca.gov; 'Ross, Toni@Coastal'; 'Carrie Boyle'; 'Lisa Urbach'; info@peopleforponto.com; 'Bret Schanzenbach'; Kathleen@carlsbad.org; Planning; 'McDougall, Paul@HCD'; 'Mehmood, Sohab@HCD'
Cc: info@peopleforponto.com
Subject: 2020-12-14 - Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment
Attachments: Updated 2020 Dec 2 - Planning Area F existing LCP-LUP & CCC direction.pdf; 2020 Nov 30 - Draft Housing Element Update - People for Ponto Public Comments.pdf

Dear City Council, HEAC, Housing Commission, Planning Commission, Parks Commission, CCC and HCD:

Scott Donnell below indicates citizen comments can be submitted for the Housing Element Advisory Committee (HEAC) final meeting. We include the email-string between Scott and People for Ponto and attachments as documentation of Ponto Planning Area F's current Non-Residential Reserve (NRR) Zoning status, and its similar NRR LCP land use and policy status until both the City Council and CCC POTENTIALLY change that status in an LCP-LUPA in 2012-22.

As Carlsbad Citizens we are deeply concerned that City Staff is not fully communicating these facts to the HEAC, and possibly to Housing Commission, Planning Commission, Parks Commission, City Council and HCD. In the Draft Housing Element and on Dec 2nd Scot told the HEAC that Ponto Planning Area F is Already fully (i.e. ALREADY completely) planned and Zoned Residential (and General Commercial) and thus why Staff was proposing to include it in the Draft Housing Element Update as an 'Existing Residentially planned AND zoned housing site'. These both are not correct based on one's review of both City and CA Coastal Commission documents previously provided the HEAC and again included and updated in this email/attachments.

Please review the attached 'updated 2020 Dec 2 – Planning Area F existing LUP-LUP and CCC direction' file. The file was updated to include an additional 5th set of City website documents from 2016 to the present again showing the City acknowledges Ponto Planning Area F is NOT fully land use planned AND zoned residential. As Carlsbad Citizens we are concerned that the data in this attachment was not initially provided to the HEAC by City Staff, and that Carlsbad Citizens had to do the research and be the only ones providing these documents and data to you. The HEAC needs to be provided complete and correct data to make informed recommendations.

The HEAC has a critical role and responsibility to review City Staff work and citizen input and then make the HEAC's own independent recommendations to the Housing Commission and City Council. The HEAC owns the recommendations/decisions the HEAC makes. As an independent Citizens Advisory Committee the HEAC's decisions are the HEAC's decisions alone; and the HEAC should be 100% sure if fully understands and support HEAC's recommendations. Your fellow Carlsbad Citizens are concerned the HEAC has not had the proper opportunity consider the Ponto Planning Area F Coastal land use and zoning facts, and thus has provided you this and prior Citizen input and verbatim data supporting that input. As your fellow Carlsbad Citizens we are also concerned if the HEAC incorrectly says Ponto Planning Area F is already fully planned AND zoned residential it could incorrectly contest the Carlsbad City Council authority to be the City's final Land Use planning AND Zoning authority in both proposing to the CA Coastal Commission the City's proposed LCP-LUPA, and what potential housing sites the City will propose to the CA HCD in the Draft Housing Element.

As such your fellow Carlsbad Citizens as previously stated on page 3 of the attached '2020 Nov 30 Draft Housing Element Update –People for Ponto Public Comments file' request:

“... the Housing Commission and HEAC should at this time remove Ponto Planning Area F from the Housing Element at this time. The City should only consider including it in the Housing Element as ‘vacant housing site’ if and after the CA Coastal Commission ‘Certifies’ the City’s proposed Coastal Land Use change from the existing LCP-LUPA “Non-residential Reserve” land use to a ‘lower-Coastal-priority’ residential land.”

As your fellow Carlsbad Citizens, we ask you to please read and consider the documented data and Citizen requests in the attached 2 files of Public Comment and in this email. This email also includes some Citizen and Scott back-and-forth regarding documented data.

The upcoming 2021-22 Planning Commission and City Council considerations of the City Staff proposed Draft LCP-LUPA may result in the proposed land uses in the 2015 General Plan Map being revised by the City Council, and thus would impact the Draft Housing Element. The City Council could also decide to “Defer LCP Certification” on some of the last critical vacant areas in the Coastal Zone, to make sure there is community consensus on the forever future land use and regulatory policies for these precious few last remaining vacant Coastal sites. Key in such considerations are assuring Carlsbad appropriately provides it’s (and it’s portion of California’s) forever supply of CA Coastal Act’s high-priority Coastal land use uses such Coastal Recreation and Visitor Serving. Coastal Recreation is a foundation for Visitor Serving uses, and for citizens Coastal Recreation is a social and economic lifeblood for Carlsbad. City and CCC decisions on the last few vacant Coastal sites is forever critical to Carlsbad’s social and economic future.

Sincerely,

Lance Schulte

34-year Carlsbad Citizen, 20-year Ponto resident and one of many fellow People for Ponto

From: Scott Donnell [mailto:Scott.Donnell@carlsbadca.gov]

Sent: Thursday, December 10, 2020 5:30 PM

To: Lance Schulte

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

Lance,

The applications you show below for the Ponto Beachfront project would be expected as part of a development proposal for Planning Area F. I don’t think it’s unusual to expect a LFMP amendment for a project like this and the LCPA and amendment to the Poinsettia Shores Master Plan (MP 2016-0001) represent necessary follow-up actions to reflect the proposed project and ensure consistency with the General Plan and Local Coastal Program land use designations approved for the property in 2015 and 2016. Of course, this is particularly true for the master plan, since it still refers to Planning Area F as “Unplanned Area” and since it implements the Local Coastal Program.

And, just to be clear, I did not say Planning Area F is already fully land use planned and zoned residential. In fact, and as I noted, the planning area has both residential and general commercial land use designations per the General Plan and Local Coastal Program. These designations are not entitlements.

As always, you are welcome to provide comments to the Housing Element Advisory Committee and request information be read at the meeting in line with the procedures on the HEAC’s agenda. The latest agenda is posted on the city’s website at <https://www.carlsbadca.gov/services/depts/planning/housing/committee.asp>. We anticipate the meeting coming up next Monday the 14th will be the HEAC’s last.

I hope this information helps, and have a good weekend.

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

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

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Tuesday, December 8, 2020 10:50 AM
To: Scott Donnell <Scott.Donnell@carlsbadca.gov>
Cc: info@peopleforponto.com; 'Erin Prahler' <Erin.Prahler@coastalca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Carrie Boyle <carrie.boyle@coastal.ca.gov>
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

If as YOU say Ponto Planning Area F already has all its Land Use Plan and Zoning already in place for Residential and General Commercial use Can YOU please explain WHY the City in 2016 and 2017 had and still is requiring LCPA and MP [Master Plan i.e. Zoning Change] applications for Ponto Planning Area F and also an LFMP-Zone 9 amendment to account for the proposed land use changes? Did you talk with Jason?

Please see page 14-15 of City's "Planning Pending Applications November 2020" at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46332> as it shows:

"PONTO BEACHFRONT 12/20/2016

<u>Legislative application</u>	<u>applied on</u>	<u>description</u>
AMEND2017-0001	1/19/17	PONTO BEACHFRONT: LFMP AMENDMENT FOR ZONE 9. FEES PAID UNDER MP2016-0001 – Carlsbad City Planner = Goff
LCPA2016-0002	12/20/16	MIX OF USES PROPOSED FOR A PORTION OF PLANNING AREA F OF THE POINSETTIA SHORES MASTER PLAN INCLUDING 136 RESIDENTIAL CONDOMINIUMS, A 14,000 SQUARE FOOT MARKET HALL AND A 4,000 SQUARE FOOT RESTAURANT – Carlsbad City Planner = Goff
MP2016-0001	12/20/16	PONTO BEACHFRONT: MIX OF USES PROPOSED FOR A PORTION OF PLANNING AREA F OF THE POINSETTIA SHORES MASTER PLAN INCLUDING 136 RESIDENTIAL CONDOMINIUMS, A 14,000 SQUARE FOOT MARKET HALL AND A 4,000 SQUARE FOOT TWO-STORY RESTAURANT – Carlsbad City Planner = Goff"

Again, as the City's own documents show, Ponto Planning Area F is not currently Coastal Land Use Planned and Zoned Residential/General Commercial with a fully CCC Certified LCP. As shown in the City required applications the above, the City has not even completed a proposed LCPA & MP amendment to propose to the CCC. It is also not Zoned by the City as the MP2016-0001 application requirement also confirms.

Why you are falsely saying Ponto Planning Area F is already fully land use planned AND zoned residential when it is not? Why are you refusing to disclose the accurate information in this email to the HEAC say you refuse to do in your 12/7/20 email below? Do you have the legal authority to prevent Citizens communicating information the HEAC? I truly hate to be confrontational on this, but the City's own data does not support your claims. It is important that the truth be told to the HEAC and Citizens allow informed Public Participation and decision making on Coastal land use matters.

Please let me know your reply by the end of the week.

Thanks,
Lance

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Tuesday, December 8, 2020 6:34 AM
To: 'Scott Donnell'
Cc: info@peopleforponto.com
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

You failed to acknowledge the City's General Plan that says until the LCP is fully Certified by the CCC the old LCP applies **Land Use Element page 2-26 states: "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to."** .

You failed to acknowledge the City has not completed that LCP Certification as that has not been approved by both the City Council and CCC and the City Council has not approved all modifications the CCC may have on the City's current Draft LCP-LUPA. Does the City think the CCC is lying to the City when it provided the City the 2017 comments to that effect, and when the CCC denied the Ponto Vision Plan in 2010? You miss the specific direction to the City from the CCC on 2017 on the in-process Draft LCP-LUPA the City is asking the CC to Certify. The CCC has told the City that if during the DLCP-LUPA that

"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."

The City's Existing LCP says this about Ponto Planning Area F:

"10.PLANNING AREA F

Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary. The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad"**

You failed to acknowledge the City has not completed that LCP Certification process to Change the Zoning on Ponto Planning Area F. That Zoning change to the Poinsettia Shores Master Plan and LCP is in-process. And will need CCC Certification to become effective. You failed to cite any CCC Certified Zoning Change from Ponto Planning Area F's Existing NRR zone in the Poinsettia Shores Master Plan and LCP. **Can you cite the City Ordinance/Resolution that**

Changed Poinsettia Shores Master Plan and LCP & show me the CCC Certification of the LCP Zoning Change? IF you can't then you cannot say the Ponto Planning Area F is ZONED residential.

Official Carlsbad Public Records Requests have documented the City never publicly disclosed/discussed and complied with the Ponto Planning Area F LCP requirements going back past 2010. How can the City have changed land use at Ponto with first complying with the 'still current' Ponto Planning Area F LCP requirements? The City's failure to publicly disclose, discuss and follow the Ponto Planning Area F LCP requirements during both the Ponto Vision Plan and General Plan Update, created a flawed planning process at Ponto that prevented Public Participation. This is one key reason you the City is having the Citizen input it is having now, because the City did not do things openly and honestly before.

I will ask you one more time, to respond to the above, and also to produce the City resolutions/ordinances AND the subsequent required CCC Certified change to the Zoning of Ponto Planning Area F from its existing NRR in in Poinsettia Shores Master Plan and LCP. The City has acknowledged this does not presently exist, so how you can say it is already zoned residential is beyond reason

Lance

From: Scott Donnell [<mailto:Scott.Donnell@carlsbadca.gov>]
Sent: Monday, December 7, 2020 9:28 PM
To: Lance Schulte
Cc: info@peopleforponto.com
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

Approval of the change from Unplanned Area to R-23/GC for Planning Area F is documented and verified in:

- City Council's adoption of Resolution 2015-243 on September 22, 2015
- Coastal Commission's certification of LCP-6-CAR-15-0034-2 on May 10, 2016
- Coastal Commission's determination of adequacy of city's action on suggested modifications on July 27, 2016.

Since Planning Area F is already designated for residential and commercial uses, there is no need to correct information supplied to the HEAC.

City Council resolutions may be found online at <http://edocs.carlsbadca.gov/>.

Coastal Commission staff reports are available at www.coastalca.gov.

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: Friday, December 4, 2020 12:35 PM

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

Cc: info@peopleforponto.com

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

Scott:

I refer you to December 1, 2020 11:57 AM email and attachment to you with the Subject: Critical public input follow-up to HEAC meeting & Public Input for proposed Draft LCP-LUPA, Housing Element Update and Parks Master Plan Update. That email and attachment (including again in this email) specifically quotes the exact verbatim language from the Carlsbad General Plan; and the CCC's denial of Ponto Vision Plan, and 2017 direction to the City Regarding land use at Ponto Planning Area F that is contrary to the 'Staff Report statements' you reference.

A Staff Report statement is just a statement unless it provides a specific verbatim reference to City Law or General Plan language. A City Staff report statement is NOT law. A City Staff Report statement is also not accurately communicating the specific CCC 2016 & 2017 direction to the City. The City's actual General Plan land use language and the CCC's 2016 & 2017 direction are consistent; and that consistency is not supportive of the City Staff's Report statements you reference. The City Staff Report failure to disclose the CCC's 2016 and 2017 direction appears a purposeful effort to misinform Carlsbad Citizens, the Planning Commission and City Council; and also does not reflect the fact the CCC could deny or modify the City's proposed Draft LCP-LUPA. Please see the attached file that was provided in the aforementioned Dec 1 email to you the HEAC, City Council, Planning-Housing-Parks Commissions, CA Coastal Commission & CA HCD. that documents the land use AND PSMP LCP Zoning is still NRR until the LCP-LUPA Certified by the CCC. The 1st bullet is exact City General Plan language that supports this fact. The 2nd bullet is the exact language from the CCC that clearly indicates Ponto Planning Area land use is subject to further analysis, which is also consistent with the verbatim CCC language in the attachment.

- The Draft Housing Element and some City Staff said that Ponto Planning Area F is already land use planned and zoned residential. This is not correct: **As Carlsbad's 2015 General Plan Land Use Element page 2-26 states: "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to."** Carlsbad is only now just starting the process of considering the amendment to the 2013 LCP in what will be the 2021-2 proposed Draft LCP Land Use Plan (DLCP-LUPA). The first City Council information item on this was on 1/28/02, and the first Planning Commission consideration of the DLCP-LUPA is scheduled for Dec 2, 2020. Although the City Council can provide direction at any time during this process, after the Planning Commission in public hearings makes its recommendations to the City Council the City Council will hold public hearings in 2021-2 and make the City's decision on the actual DLCP-LUPA the City will then submit to the CA Coastal Commission (CCC) for "Certification" as reference on page GP LU page 2-26 **So as clearly stated on page 2-26 of Carlsbad's General Plan, until the CCC "Certifies" the Staff's proposed Ponto Planning Area F land use AND Zoning change from its Existing (2013) "Non-Residential Reserve" land use to the proposed R-23 and General Commercial land uses and 'Implementing' zoning, the as the General states " ... the existing (as of 2013) LCP must be adhered to."**
- from a 7/3/17 CCC letter to City Staff on the City's proposed land use changes at Planning Area F. City Staff for the 1st time 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.”

You misspoke to the HEAC when you said Planning Area F is already planned and zoned residential. It is not yet. The City is proposing that it be residential, but until the CCC fully Certifies the LUP and Zoning on Planning Area F as **Carlsbad’s 2015 General Plan Land Use Element page 2-26 states: “The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city Until such time that this occurs, the existing (as of 2013) LCP must be adhered to.”**

In conclusion I request you 1) provide this information and correction to the HEAC; and 2) you advise the HEAC to move Planning Area F from “existing” on page 10-171 & Figure 10-13: Sites Requiring No Zone Change, and instead account for it in the Figure and Draft Housing Element as a site the City maybe proposing to change to Residential. Until the City Council approves a Draft LCP-LUPA to submit to the CCC for certification we are not clear if the required Planning Area F study will modify the land use at Planning Area F. Please let me know your response.

Thanks,
Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]
Sent: Thursday, December 3, 2020 4:22 PM
To: Lance Schulte
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Good afternoon, Lance,

I’m responding to your bolded statement below re the zoning for Planning Area F. As noted in the staff report for last night’s Planning Commission item on the Local Coastal Program Update (Attachment 5, page 2), the city’s General Plan and Local Coastal Program land use maps currently designate the Planning Area F parcel for residential and commercial development. This can be verified by viewing the land use maps at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24082> and at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24089>.

With regards to the UA (Unplanned Area) or NRR (Non-Residential Reserve) designations, the staff report also notes (Attachment 5, page 3):

The Poinsettia Shores Master Plan provides additional specificity on what and how growth can occur on the property. While the current General Plan and Local Coastal Program land use maps identify the type and level of development intensity on the site, the master plan still refers to Planning Area F as an “unplanned area.” Under the master plan, any future development occurring on the property requires that an amendment to the master plan and Local Coastal Program be processed along with a development application This allows more scrutiny in the planning process and memorializes the ultimate development layout in the planning documents. Today, any development on the property must still comply with the requirements set forth in the General Plan and Local Coastal Program, as well as the master plan.

Amendment of the master plan is an acknowledged part of any future development of Planning Area F. However, any development must be consistent with the General Plan and Local Coastal Program, both of which designate the property for commercial and residential development.

For further information, please refer to the December 2, 2020, Planning Commission staff report on the Local Coastal Program Update, available at <https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46273>.

Thank you.

Scott Donnell
Senior Planner
1635 Faraday Avenue
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760-602-4618 | 760-602-8560 fax | scott.donnell@carlsbadca.gov

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

Sent: Monday, November 30, 2020 4:17 PM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>

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

Scott:

Thanks. 130 pages of public testimony is on the City's file system for the 6/2/200 and 6/23/20 City Council Budget meetings.

I think much of the other pages likely have been provided, but I think the HEAC should strongly consider the attached files that identify the greater and higher-priority land use need for Ponto relative to the CA Coastal Act policies.

I think as a planner that the HEAC should not be blinded by being a silo and not understanding and consider the wider than housing, land use issues, particularly when higher-priority CA Coastal Act issues are involved as outline in the 9/14/20 email. I would have hoped the HEAC would have had a chance to consider these CA Coastal Act issues.

BTW, we have provided you multiple City documents that Ponto Planning Area F is NOT YET Zoned for Residential use (the PSMP/LCP still is Non-Residential Reserve"), and the GP states until the LCP-LUP is fully certified, the old 2013 LCP LUP applies. That is why the City is NOW proposing a LCP-LUPA. The CA Coastal Commission has also basically told this to the City in 2010, and 2017. You misrepresented the facts to the HEAC today.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Monday, November 30, 2020 11:14 AM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco; info@peopleforponto.com; City Clerk; Council Internet Email

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

Hi Lance,

I have provided the HEAC with all emails you have addressed to the HEAC (and sometimes to the Housing Commission) since September last year. These emails included all attachments provided. However, I don't believe those emails included a 200-page attachment of Carlsbad Citizen People for Ponto public comments, emails, data, etc. If you would like that information considered by the HEAC or other commissions, please forward it to the respective committee liaisons.

HEAC staff reports have not included any discussion on P4P citizen input. The HEAC has received some public comments regarding Ponto that have been read into the record.

Thank you.

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

Sent: Wednesday, November 25, 2020 3:05 PM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>

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

Scott:

Thanks, but:

- Can I ask if staff ever presented the 200-pages of Carlsbad Citizen People for Ponto public comments, emails, data, etc. to the HEAC and Housing Commission?
- If so can we see documentation that Staff did in fact provide the Citizen Input and when?
- Did, staff provide any discussion in the Staff Report to the HEAC/HC on the P4P Citizen input you received for the HEAC/HC?
- Could you provide a copy of the Staff reports to the HEAC/HC that included the P4P Citizen input and Staff discussion of that input?
- It would have been nice to know if any of the People for Ponto Citizen input, data, requests where ever discussed by City Staff with the HEAC/HC at a public meeting?
- Given the significant amount of Citizen concern about Ponto Park, and the fact that the City's Ponto Planning Efforts since 2010 where flawed in not publicly disclosing the Ponto Planning area F's LCP requirements so Citizens could have the knowledge to participate in the Ponto Planning Area F planning issues.
- As a citizen, I am concerned that Staff maybe purposely withholding P4P Citizen information from the HEAC/HC with regards to Ponto Planning Area F, and thus not allowing true public participation. If you can provide evidence of when, who, and how our Citizen input was considered by Staff and the HEAC/HC that would be much appreciated, as P4P Citizens would like to participate in that public discussion with the HEAC/HC

I apologize if this email may sound pointed, but it seems all the citizen input gets lost and never discussed or reported on/back when submitted to Staff for consideration by our Citizen Commissions/Committee's.

We would like to request documentation from you on the above bullets so citizens know if/when their input is actually transmitted, and considered by staff and the HEAC/HC.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Wednesday, November 25, 2020 1:12 PM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco; info@peopleforponto.com

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

Hi Lance,

The Housing Element Advisory Committee will be discussing the Housing Element over its next two meetings on November 30 and December 14. We anticipate the discussion will likely focus on the policies and programs and ultimately the changes proposed to the current draft before it is submitted to the state for initial review. The meeting agenda for the November 30 is focused solely on this discussion. I anticipate the December 14 agenda will be similar.

I bring this up because I think if discussion regarding the Ponto property or another site were to occur, it would happen not as a separate agenda item but perhaps as part of committee deliberations on the policies and programs. Of course, the public is welcome to participate in the meeting by submitting comments to the committee before or during the meeting. Please see the committee's November 30 agenda for further information on commenting at <https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46299>.

More information on the HEAC meetings, as well as a similar meeting before the Housing Commission on December 3, is available at <https://www.carlsbadca.gov/services/depts/planning/housing/default.asp>.

Have a nice Thanksgiving.

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

Sent: Wednesday, November 18, 2020 10:44 AM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com

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

Scott:

Thanks. I very much appreciate your communication with us. I am curious to see from you and/or HCD the exact language and location of State Law regarding the legal status of 'buildout planning' and how that is reconciled with finite Coastal Land resources under clearly in State Law. Without seeing and reading the State law on these issues

Although (the attached public testimony to the City Council on 1/28/20 correcting staff report information) noted all State law and CA case law clearly seems to indicate the CA Coastal Act overrides CA housing laws if there are competing or conflicting issues, it would be nice to get HCD confirmation of that as Coastal Cities like Carlsbad need to have that clear understanding as you work on reconciling CA Coastal and housing policy objectives and laws. Coastal Recreation (i.e. Public Park) is a 'high-priority land use residential land use is a 'low-priority' land use under the CA Coastal act. I hope you all as staff advising both the Parks and Housing Commission/Committee are communicating and discussing that? It would be nice to see and participate in that public disclosure and discussion with the Parks and Housing Commission/Committee. Can that be arranged?

Please know I am not anti-affordable or high-density housing, but there are good/right locations for that and bad/wrong locations for that and that is what Comprehensive Coastal and Non-Coastal Land Use Planning is all about. I have been the pm on many city housing elements, structured innovative and ahead of the time affordable housing programs, been on award winning affordable housing design teams, and received professional awards on TOD land use planning to advance/fund housing affordability. I and I believe most citizens are not anti-affordable housing, but how we in Carlsbad are going about it is creating conflict and needs some 'comprehensive' rethinking and refocus to factor in other issues such as Parkland location/distribution to truly advance and preserve quality of life standards.

Let me know the HCD State law citations and when/how People for Ponto Citizens can discuss with the Parks and Housing Commissions and HEAC the Ponto Park and CCA and LCP issues.

Thanks again. With good open, honest, inclusive and comprehensive dialog the best ideas and solutions are possible. That is what People for Ponto want and we hope that is what you and the City want.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Tuesday, November 17, 2020 8:29 AM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco

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

Good morning,

I can't speak for the Housing Commission and Parks and Recreation Commission so I'm copying their liaisons on this reply.

With regards to the Housing Element Advisory Committee, it would be up to a committee member or members to bring up your communication at a meeting. The committee does receive letters and emails periodically and sometimes they are discussed at meetings. However, I would not expect a reply to a communication other than what may be discussed at a meeting.

As for potential conflict between the objectives of the Coastal Act and state housing law, I understand the issue, but I'm not aware of language that addresses that. We are communicating regularly with HCD so I can check with them for any guidance I do know HCD did receive your 11/10 email.

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

Sent: Monday, November 16, 2020 7:27 PM

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

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

Scott:

Thanks for your explanation.

When will the HEAC and Housing Commission and Parks Commission consider/discuss and/or reply to the communications?

I am sorry I and other citizens are maybe a bit sensitive about making sure our Citizen communications are delivered/circulated and that Citizens have some communication back as to how citizen input is being considered. We found out the hard way, that on several past occasions and after the fact that citizen input was 'modified and incorrectly paraphrased', discarded, not delivered nor discussed nor factored into recommendations or decision making. Those multiple experiences created citizen mistrust about the city staff and city's entire public participation process. I have successfully worked in some challenging Coastal infill Cities and the most successful way to address those challenges is good two-way communication and the golden rule. As an ex-city planner and city employee, I can see how difficult it is for average citizens to understand the confusing language and processes of government and how public participation processes (designed by city staff or consultants) many times fail to really consider how citizens are best able to receive, processes and provide input. My wife is a market research and customer professional and she sees the same things also.

We love Carlsbad, and our citizen comments are based in that love of City and place.

Thanks again. I am sorry if my emails may have caused issues for you. If they did please let me now and I will be happy to talk with any supervisors to express the above and how I appreciate you graciously following up.

Lance

Also, I tried to again reach out to HCD to ask about CA State Law language regarding 'buildout' planning and priority if Ca Coastal Act and Ca affordable housing policy conflicts on precious remaining vacant Coastal lands. Do you have those CA State Law references and language? All HCD and SANDAG Department heads I used to know professionally are retired now.

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Monday, November 16, 2020 4:10 PM

To: Lance Schulte

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

Hi Lance,

When I mentioned “overlooked,” I was not referring to any staff but me. I overlooked the email. I apologize that happened. And, sure, if I have questions on the contents of your email, I would contact you for clarification.

Fortunately, for the November 14 email below, you have already sent it to the liaisons for the Housing Commission, Parks and Recreation Commission, and Planning Commission; to the City Manager, Deputy City Manager, and City Clerk; and to the “Council Internet Email” address. Sending the email to them again may cause confusion.

In addition, I already forwarded your emails of November 10 and September 14, plus their attachments, to the Housing Commission and Parks and Recreation Commission liaisons (Dave De Cordova and Mike Pacheco, respectively). I do see these emails were already sent to the City Manager and to Council Internet Email as well. The Planning Commission liaison (Don Neu) has also received the emails.

As the liaison to the HEAC, I forwarded these November 13 and 14 follow-up emails to the committee (as well as your email today re Veteran’s Park). The HEAC has already received the November 10 and September 14 emails and their attachments.

Your suggesting about amending the automatic replies to include key city contacts is helpful. We can look into changing our outgoing responses along these lines.

Thanks.

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

Sent: Saturday, November 14, 2020 9:30 AM

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

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

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

Scott:

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

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

that how it is done in Carlsbad? Can the City explain how the City's process works and how that process 'overlooked' these communications?

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

If I can offer the City a suggestions on the above, when I was City Planner at the City of Dana Point and the project manager of both the City's first comprehensive General Plan and Local Coastal Program and Zoning Ordinance, the City received many Citizen letters and emails. I formally responded to each one with a documented letter or email explaining how, who, when their issues are being addressed, how they could further participate in that open and public discussion, and who (me) they could contact if they had any questions. This created productive two-way communication which is the entire point of communication. We hear from our fellow Carlsbad Citizens that communication with the City of Carlsbad many times is a one-way-street, or that Citizen input goes into a 'black hole', and there is limited or no public accountability by the City of the Citizen input the City receives. When Citizens provide input to the City Council the City only sends the following Robo reply of: "Thank you for your email. City staff are currently working in shifts – at home, from city offices and the Emergency Operations Center following the 6-foot distance rule – to maintain all essential city services. For questions related to COVID-19, please visit our dedicated COVID-19 webpage which is updated daily with important information and resources. <https://www.carlsbadca.gov> If this is regarding another topic, we appreciate the time you have taken to share it with the Carlsbad City Council. If an action is required from your email, the appropriate person will be in contact with you soon. Thank you". Unfortunately this almost always the only response Citizens will get back from the City Staff and City Council on their Citizen input. Citizens don't know who, how, when, were, etc. their input is being considered. Citizens don't know if-how-when their message is being considered, or if was/is 'overlooked' or simply discarded. Having worked as a City Planner for decades I fully understand the challenges of public Citizen input and participation in City decision making. However, I also know there are likely much better ways the City of Carlsbad could use to dialog and account. The 'overlooked' communication we are discussing and the fact, that if I did not follow-up with the Nov 10th email and these emails, the emails would never have been delivered by the City Staff is an example of opportunities to learn from and improve City systems. Perhaps the City Staff could amend the Robo reply to include the Key City Staff email contacts for each of the City's key functions along with Commission/Committee Liaisons, and provide a reply back to Citizens who in that email contact list Citizens show resend the Citizen input to with a cc to that/those City Staff Contacts.

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

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

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

Sincerely,
Lance Schulte
Carlsbad Citizen and People for Ponto

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

Hi Lance,

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

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

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

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

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

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

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

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

Have a good weekend.

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

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

Sent: Wednesday, November 11, 2020 10:05 AM

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

Cc: 'Erin Prahler'

<Erin.Prahler@coastal.ca.gov>

Toni.Ross@coastal.ca.gov; 'Cort Hitchens' <cort.hitchens@coastal.ca.gov>; Jeff Murphy <JeffMurphy@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philipdiehl@suniontribune.com>; Mike Sebahar <sebbiesixpack@att.net>
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott, City management, and City Council:

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

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

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

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

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

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

Since 2017 citizens has asked for a true honest open and coordinated truly citizen-based planning process to address the acknowledged prior City planning mistakes at Ponto and properly address the interconnected Coastal land use planning issues and significant Parks and Open Space deficient issues at Ponto. As noted in the emails below, Ponto is the last bit of remaining vacant Coastal land to provide much needed high-priority Coastal Recreation land use per the CA Coastal Act for not only the current park deficit at Ponto, SW Carlsbad, and the 6-mile regional Coastal Park Gap, but also for what appears to be maybe a specific State Law requirement for unlimited (i.e. the City is prevented form planning for a "Buildout" population or visitor accommodation) population and visitor growth in Carlsbad. This makes planning for accommodating an unlimited amount of Coastal Park and City Park land within a finite amount of vacant Coastal and non-coastal land. This issue as stated in the Sept and Nov emails below if FUNDEMENTAL 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:ScottDonnell@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
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760-602-4618 | 760-602-8560 fax | scott.donnell@carlsbadca.gov

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

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

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

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

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

Scott:

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

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

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

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

Sincerely,
Lance Schulte

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

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

To: Lance Schulte

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

Good morning, Lance.

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

Best regards,



Jennifer Jesser

Senior Planner

Community Development Department

Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

www.carlsbadca.gov

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

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

Sent: Tuesday, November 10, 2020 6:22 AM

To: Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>; Lisa Urbach <lisa.urbach@parks.ca.gov>; Zachary.Olmstead@hcdca.gov; Megan.Kirkeby@hcd.ca.gov; Scott Donnell <Scott.Donnell@carlsbadca.gov>

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

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

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

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

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

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

The clear communication of 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 crowed and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: *"6-23-20 City Council Budget meeting – 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 and email regarding clarification of apparent City errors/misrepresentations on 1/28/20 regarding a) the CA Coastal Act’s relationship with CA Housing laws regarding CA land use priorities and requirements within the CA Coastal Zone, and b) City planning documents and City planning and public disclosure mistakes regarding Ponto. The clarification of the issues noted on 1/28/20 should be comprehensive, and holistically and consistently disclosed/discussed in each of the City’s and State’s Coastal-Land Use Planning-Parks-Housing planning efforts showing the principles and legal requirements for how potential conflicts within State/City Policies are to be resolved.
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: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross, Toni@Coastal"](#); [cort.hitchens@coastal.ca.gov](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall, Paul@HCD"](#); ["Mehmood, Sohab@HCD"](#)
Cc: [info@peopleforponto.com](#)
Subject: Carlsbad DLCP-LUPA & Ponto issues resent Public Input - FW: City Council reply to Citizens concerns and requests regarding Ponto development
Date: Monday, December 21, 2020 8:48:46 AM
Attachments: [Concerns and Requests emailed to Carlsbad CC-PC-PC & CCC as of 3-22-18 - item 1 - Coastal South Carlsbad Park deficit.pdf](#)
[Carlsbad Parks & Rec Master Plan pp 87-88 with correction-notes.pdf](#)
Importance: High

Dear Carlsbad City Council, City Clerk, Planning Commission, Parks Commission, Housing Commission, HEAC, CA Coastal Commission, and CA HCD:

Carlsbad Citizens first became aware (due to extensive Public Records research) of the Carlsbad's failure (current and starting before 2010) to comply with the still existing Certified Local Coastal Program Land Use and Zoning Regulations (LCP) for Ponto Planning Area F (to specifically consider and document the need for a Ponto "Public Park" prior to changing the NRR land use on Planning Area F, and also developers' Growth Management Open Space Standard (GMP) non-compliance at Ponto in 2017. Since 2017 with this awareness Carlsbad and surrounding Citizens and Visitors have repeatedly documented the need for a Ponto Park and asked the Carlsbad City Council and Staff to provide for it on Planning Area F as the exiting LCP provides for. Since 2017 over 2,800 emails/petitions have been sent to the City and CA Coastal Commission (CCC), over 200 pages of official written (emailed) data and public comments, along with numerous presentations to prior City Council meetings on the LCP and GMP.

In Dec 2, 2020 Carlsbad began the Planning Commission Public Hearing on the Staff proposed Draft Local Coastal Program-Land Use Plan Amendment (DLCP-LUPA) to propose to the CA Coastal Commission a change to Planning Area F's existing NRR land use and zoning. The flood of over 450 emailed public input for that specific meeting overwhelmed the City email server. As part of that process the City said in the Dec 2 email below it was going to post on its website all the Citizen/public input received on the DLCP-LUPA. On Dec 3 People for Ponto asked the Carlsbad City Council, City Clerk and City DLCP-LUPA Staff - would that posting would include all the LCP communications since 2017 when Citizens first became aware started Public Input to the City and CCC on the Ponto LCP issues?

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

Sent: Thursday, December 3, 2020 11:13 AM

To: 'Planning'; 'info@peopleforponto.com'

Cc: 'Jennifer Jesser'; 'Don Neu'; 'City Clerk'; 'CityCouncil@carlsbadca.gov'; 'Erin Prahler'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Carrie Boyle (carrie.boyle@coastal.ca.gov)

Subject: RE: 121 undeliverable Protect Ponto petitions

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?

We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is [using] 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

*Thanks,
People for Ponto*

*From: Planning [mailto:Planning@CarlsbadCA.gov]
Sent: Wednesday, December 2, 2020 6:29 PM
To: info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu
Subject: RE: 121 undeliverable Protect Ponto petitions*

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted. Thank you.

It has been almost 3-weeks without a City response to the Dec 3 email, so People for Ponto will start re-emailing to the City and CCC public input on Ponto LCP and DLCP-LUPA issues since 2017 as 'resent official Public Input' to the City Council and CCC for the upcoming City Council DLCP-LUPA Public Hearing and other City meetings dealing with land use at Ponto. This '2017-present Public Input' should be posted on the City's website as noted in the City's Dec 2 email. The 2017-present Public Input is critical because there are now different City Council and CCC members since 2017. The 2017-present public input is critical to assure a proper Public Participation process consistent with Carlsbad and CA Coastal Act principles and assure the new City Council and the current CA Coastal Commission has the information and understands the extensive amount of multi-year public input expressing concerns, needs and desires for Ponto.

Following and attached is one of those many inputs.
Sincerely,
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, April 6, 2018 10:00 AM
To: 'council@carlsbadca.gov'; 'mike.pacheco@carlsbadca.gov'; 'Don.Neu@carlsbadca.gov';

'manager@carlsbadca.gov'; 'chris.hazeltine@carlsbadca.gov'; 'gbuhr@coastal.ca.gov';
'Erin.Praher@coastal.ca.gov'; 'debbie.fountain@carlsbadca.gov'; 'Celia Brewer'
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick';
'jeanscamp@yahoo.com'; 'sebbiessixpack@att.net'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; 'Harry
Peacock'; 'Patti Travis'; 'colinrobertsonrealestate@gmail.com'; 'Farhad Sharifi'; 'Jim Burke'; 'Stacy King'
Subject: RE: City Council reply to Citizens concerns and requests regarding Ponto development
Importance: High

Dear Carlsbad City Council, Planning and Parks Commissions and City Staff:

We request that the attached files also be included in the public record for any City discussion on adjusting/amending the:

- City's Growth Management Program facilities standards,
- Growth Management Ordinance CMC 21.90,
- Citywide Facilities Improvement Plan and/or
- Local facilities Management Plan for Zone 9.

We have updated the Carlsbad Parks and Rec Master Plan exhibits to include an additional image showing the wider/longer Regional Coastal Park Gap which surrounds the Coastal Park void in Coastal South Carlsbad, and the many inland homes/population without a Coastal Park. We kindly request advance notification on any staff reports or meetings on the above as we would like to most effectively participate in public review and input. We are also available and happy to meet with you to discuss these attached issues in advance of consideration of any of the above. If we could receive a confirmation reply it would be most appreciated. Thank you for your consideration.

We sincerely care about the quality of life in our City and neighborhoods.

Sincerely,
Lance Schulte

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Tuesday, March 6, 2018 9:14 AM
To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov;
manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov;
Erin.Praher@coastal.ca.gov; debbie.fountain@carlsbadca.gov; Celia Brewer
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick';
jeanscamp@yahoo.com; sebbiessixpack@att.net; 'Lance Schulte'; 'Lee Leibenson'; 'Gail Norman'; 'John
Gama'; Harry Peacock; 'Patti Travis'; colinrobertsonrealestate@gmail.com; Farhad Sharifi; Jim Burke;
'Stacy King'
Subject: City Council reply to Citizens concerns and requests regarding Ponto development
Importance: High

Dear City Council, Planning and Parks Commissions:

The attached file includes 4 emails to you regarding Ponto development issues and requests that relate to our community concerns to Develop Ponto Right. One email was sent August 31, 2017 and three were sent December 5, 2017. As yet we have not received a reply to the requests within the emails. We respectfully request a reply soon to these 4 emails as we wish to inform our Community.

Also attached are 2 pages from the City's Park and Recreation Department Master Plan that graphically illustrate some of the Coastal Park inequalities/deficits in South Carlsbad that also impact Coastal North Carlsbad and Encinitas. Please note the Veteran's Park location mapping error on p 87, which we hope can be corrected – a response to correct this mapping would be appreciated.

It is important that we all work to Develop Ponto right as the last remaining significant vacant Coastal land to establish the long-term buildout Coastal environment for South Carlsbad and North San Diego County.

Thank you for your consideration.

Sincerely,

Lance Schulte

San Pacifico Community Association – Ponto Development Review Committee

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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

Email To:

council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov;
manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov;
Erin.Praher@coastal.ca.gov;

Copy:

Jim Nardi <jimn8916@gmail.com>; WILLIAM VAN CLEVE <billvancleve@prodigy.net>; Avril van Zyl
<vanzyl.aakc@live.com>; Tony Ruffolo <tonyruffolo616@gmail.com>; Chas Wick
<chaswick@reagan.com>; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte <meyers-
schulte@sbcglobal.net>; Lee Leibenson <lleibenson@waltersmanagement.com>

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gama: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone. The developer applicant Shopoff has filed with the City the **attached** Amendment to the LFMP for Zone 9 to show their proposed compliance with the City's' Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite -

the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

April 5, 2019

Mayor and City Council Members
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Subject: South Carlsbad Ponto Beach Area F Opportunity for Partnerships to Benefit the City of Carlsbad and North San Diego County

Dear Carlsbad Mayor and City Council:

The Batiquitos Lagoon Foundation (BLF) proposes in principle establishing a partnership with the City of Carlsbad for acquisition of property and creating aesthetically-pleasing development of a West Batiquitos Lagoon area associated with implementation of Carlsbad's Local Coastal Program requirements for Planning Area F, and Coastal Priority Use and City Park planning. This very significant area is one of the last remaining areas near the beach within the City for development. This area also serves as the gateway between the cities of Encinitas and Carlsbad along Pacific Coast Highway (PCH) 101. With a boutique hotel under construction along the highway at the border between the two cities, another 5-star hotel planned in the area (i.e., by Kam Sang), existing hotels along the coast nearby, and proximity to South Carlsbad State Beach and campground (one of the most popular in the state), this area has the potential for becoming a local hot spot and tourist-serving place to visit for residents throughout the county.

The BLF had a representative nominated to and served on the City of Carlsbad's Open-space Citizens Advisory Committee, Envision Carlsbad (EC3) project committee, the Ponto Beachfront Village Development Plan Committee, and the General Plan Update effort. This experience has provided us with significant insight into and appreciation of the challenges associated with development in the coastal zone, especially close to the beach. As part of each meeting, citizens of Carlsbad had the opportunity to voice their issues, concerns, and comment on committee discussions and decisions. Many committee meetings afforded two opportunities for the public to address the committees – an added bonus. This process provided the necessary transparency and presented the committees with valuable information. The BLF strongly endorses using this process if our proposed partnership effort is accepted.

The BLF also was recently invited to join, and has accepted a seat on, California State Assembly Member Tasha Boerner Horvath's 76th District Advisory Council on the Environment, Water and Sustainability.

The opportunity triggering our partnership request was the recent withdrawal of plans to develop the Shopoff project and their filing of a Quitclaim Deed that formally severed project funding. The approximately 10-acre property, San Diego County APN 216-140-43, is now available and back on the market. According to the San Diego County Assessor's office, the 2018 assessed value of the property is \$14,258,433. Due to the latest unsuccessful attempt to develop the site, the purchase price is expected to be lower.

The BLF proposes working in partnership with the City of Carlsbad to purchase this and other properties, explore sources of funding, develop purchase and development strategies, and develop an appropriate plan of action and milestones.

We see many significant opportunities associated with this partnership to develop a true *Gateway to Carlsbad* from the south. Other properties in the area should also be considered. The BLF's vision of potential benefits associated with this opportunity are defined in the following graphic, and described in the associated table.

South Carlsbad Property of Interest, APN 216-140-43-00 (Former ShopOff Project Site)



Potential Opportunities and Associated Benefits

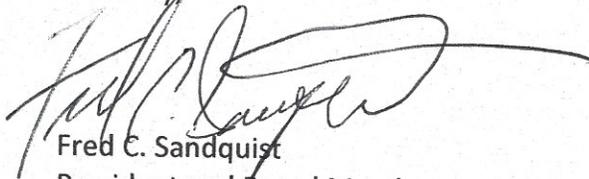
Opportunity	Benefit
<p>It is a large site and represents the City's last opportunity to provide a meaningful coastal public park in South Carlsbad for future generations. The BLF prefers a <i>passive</i> nature-focused park that includes trails and is landscaped with indigenous trees and plants. Park benches could be placed for people to sit and enjoy the outdoors. Park design must include public input and also consider open space, habitat value, and proximity to Batiquitos Lagoon and its flora and fauna.</p>	<p>A public park would provide a meaningful coastal public park for South Carlsbad and address a four to six-mile gap in parks along the coast. There is a critical need for a coastal park for South Carlsbad in the West Batiquitos Lagoon Area. The BLF believes developing a coastal area park would be highly consistent with Carlsbad's General Plan, vision, and Local Coastal Program, and would help alleviate deficiencies in coastal park and open space. Public and local community involvement in the process would create a win-win for everyone and foster a sense of ownership and sustainable partnerships.</p>
<p>Provide significant public trail linkage and access to South Carlsbad State Beach and campground, with a safe public crossing of Pacific Coast Highway 101.</p>	<p>Provides for a more enjoyable public recreational experience for the local community and many visitors. The additional public trail segments, by linking up with others, would improve the value and usability of the other trails. It also would give pedestrians a safe path to the coast.</p>
<p>Provide a sustainable <i>World Class</i> center for environmental science education. The BLF would welcome the opportunity to plan, help, design, and manage the center. The BLF would provide volunteer staffing, host school programs and other educational programs similar to those being held at our Gabbiano Lane Nature Center, and much more.</p>	<p>This would provide a key public outreach hub for all visitors. Educational topics would include: marine science; the environment; our Native American heritage; local wildlife (birds, mammals, marine life); astronomy; local geology; water quality issues; the watershed; climate change and sea level rise impacts; and invasive plants and restoration issues. The center would offer internships and community service opportunities, project opportunities for Boy and Girl Scout Eagle Scouts and others, and provide summer day and overnight camping events. The proposed center would also provide a facility for special events. Area surfing history and activities could also be provided.</p> <p>Much needed and in-demand public restrooms would be available.</p>

<p>Provide the opportunity to construct a key rail-trail link with the expanded Poinsettia Carlsbad Coaster station to the north of the site. Existing space is available for such a trail along the western side of the railroad right-of-way. The rail-trail could also continue south under the existing Avenida Encinas bridge. The bridge would provide safe railroad track crossing for trail users. Trail linkage to existing public trails along the east side of the railroad tracks would also be available.</p>	<p>The public experience when using the trails would be enhanced significantly. The nearby Coaster station would provide easy regional access from Oceanside and beyond, and from San Diego stops to the south. This would also reduce the need for visitors to drive to the area, reducing traffic and harmful carbon emissions. Existing bus service to the Coaster station and the site would further reduce car traffic.</p>
<p>The BLF would support the construction of an aesthetically tasteful community-blending high-end two-story restaurant with a deck overlooking the beach area. The site could also support a similarly well-designed shop offering coffee, pastries, beverage and sandwiches on the lower level.</p>	<p>A restaurant, and a coffee and sandwich shop would provide a significant incentive for the community and many tourists to visit Carlsbad. Users of South Carlsbad State Beach would be expected to also take advantage of such a facility. Visitors would also be able to take their coffee, beverages and sandwiches to picnic in the area. Evening educational programs and movies could also be conducted and shown (e.g., environmental education, travel, wildlife, astronomy).</p>
<p>Provide for tourist-serving and visitor industry collaborations and partnerships elsewhere in the BLER lagoon area, including east of I-5 (e.g., Park Hyatt Aviara Resort and Spa, Four Seasons Residence Club, Omni La Costa Resort and Spa, the Carlsbad Chamber of Commerce business community).</p>	<p>Such collaborations and partnerships would establish a sustainable stakeholder cadre of supporters for area vision. Area businesses would receive economic benefits from increased visitors to the area as it becomes a local and regional <i>hot spot</i>!</p>

In summary, the BLF believes we have a *once-in-a-generation* opportunity for West Batiquitos Lagoon and South Carlsbad. We would appreciate your thoughts on our proposal, and also welcome the opportunity to make a formal presentation to you and the City Council if deemed appropriate. A City Council workshop might offer an opportunity to discuss this in a more informal session to develop a strategy for moving forward.

Please feel free to contact me at (760) 710-9644 (Mobile phone) or email at sandquist2@earthlink.net, or BLF Vice President, Deborah Mossa at (760) 331-9142 or email deborahmossa@gmail.com if you have any questions or require any further information. We look forward to hearing from you!

Sincerely,



Fred C. Sandquist
President and Board Member

Copy to:

City of Carlsbad:

Scott Chadwick, City Manager
Debbie Fountain, Director, Community and Economic Development
Chris Hazeltine, Parks and Recreation Director
Kyle Lancaster, Parks and Recreation
Don Neu, Director, Planning
Planning Commission
Parks and Recreation Commission

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman
Katie Saad, District Director for District 76 Assembly Woman Horvath
Tim Dillingham, CDFW South Coast Lands Manager
Gabriel Penaflor CDFW, Batiquitos Lagoon Ecological Reserve Manager
Megan Cooper, Coastal Conservancy, South Coast Regional Manager
Deborah Ruddock, Coastal Conservancy Program Manager
Sam Schuchat, Coastal Conservancy Executive Officer
Andrew Willis, Coastal Commission, Southern California Enforcement Supervisor
Gabe Buhr, Coastal Commission, Local Coastal Program Manager
Jim P. Donnelly, Wildlife Conservation Board, Executive Director
Cort Hitchens, Coastal Commission, Coastal Program Analyst
Erin Prahler, Coastal Commission, Coastal Program Analyst

County of San Diego:

Jim Desmond, District 5 Supervisor

San Diego Association of Governments (SANDAG):

Hon. Catherine Blakespear, Vice Chair, Board of Directors
Keith Greer, Principal Regional Planner
Hasan Ikhata, Executive Director
Kim Smith, Senior Environmental Planner
Hon. Steve Vaus, Chair, Board of Directors

Federal Government:

Carolyn Lieberman, United States Fish and Wildlife Service, Carlsbad Field Office
Batiquitos Lagoon Foundation Board

From: [Maggie Pacheco](#)
To: [Planning](#)
Subject: Ponto development
Date: Thursday, December 3, 2020 6:02:57 AM

To planning commission,

The city doesn't need any more dense developments especially so close to our coast line.
Please preserve this open space.

Thank you,

Maggie Pacheco

6747 Nepeta Way, Carlsbad, Ca 92011

7605474457

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

From: [Melanie Wescott](#)
To: [Planning](#)
Subject: Southwest Ponto - Please keep open space or park
Date: Thursday, December 3, 2020 12:30:42 PM

To Whom it May Concern,

Please keep the South Ponto region an open space or park. The schools already have an embarrassingly high class size (6th grade English class of 42 students last year - forty-two!) and the common use areas (parks, beaches, lots) are already overcrowded as it is.

Thank you,
Melanie Wescott
Carlsbad, CA resident

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

From: miraclemartello@yahoo.com
To: [Planning](#)
Subject: Save Ponto
Date: Thursday, December 3, 2020 9:36:49 AM

We don't need more expensive homes and stores . We need more open space and parks . Please save Pontos from turning into another commercial site please save our park and open space !

Sent from my iPhone

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

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

Melanie & City Council:

I would like to request the City provide Citizens an easy to use editable [WORD or Text or edible PDF file] copy of the proposed Draft LCP Amendment to facilitate public comments.

In preparing comments on an over 300-page document in the next 30-days, it seems Citizens should be provided a copy of the proposed Draft LCPA that allows cut/paste so that comments on proposed text can accurately reflect on the language in the Draft LCPA. Without a cut/paste version of the proposed draft LCPA citizens is severely handicapped in reviewing, manually transferring proposed LCPA text [and prohibited from transferring non-text] information to provide written comments. Citizens are forced to inefficiently manually retype [using two computer screens] Draft LCPA text to then provide written comments on that text.

It would be nice if the City could provide an editable version of the Draft LCPA to facilitate public review and comments. Is this possible?

Sincerely,
Lance Schulte

From: [Pamela Martin](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Thursday, December 3, 2020 8:33:32 AM

To develop remaining open space on our coast is short sighted in the extreme. This area should be preserved as a park and natural openspace. It's just not necessary to do a commercial development there. Beach access is already severely limited due to lack of parking and poor public transport. The closer to the Batiquitos lagoon the more natural the space should be.

--

Pamela Kay Martin
619-987-7936

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

From: [Pam](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Thursday, December 3, 2020 12:32:07 PM

Please don't allow South Ponto to be developed, but keep it as open space. It is too close to the lagoon and we don't need anymore built up areas in Carlsbad.

Pamela Whisnant
978 Merganser Ln.
Carlsbad 92011

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Request City Council Consider Park & Open Space Data Presented by Citizens on 6/12/18 & missing in Staff Report

Parks

- City & Regional need for a true South Carlsbad Coastal Park
- South Carlsbad Coastal Park achieves Community Vision of GP
- Coastal South Carlsbad Planning Area F Local Coastal Program requirement to study a “Public Park” & Citywide Coastal uses

Open Space

- Developer’s Local Facility Management Plan Zone 9 errors need correcting in Developer’s Comprehensive Zone 9 Update
- City’s responsibility to Citizens & following Growth Management Ordinance, Standards and Principles

Ponto's Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results

- 947 homes (2,233 pop.) w. of I-5 & s. of Poinsettia Lane
 - City's minimum Park standard requires 6.7 acres of Park
 - Homeowners paid City taxes & park-in-lieu-fees to buy & build 6.7 acres of City Park, but No Park in area.
 - Taxes/fees didn't add Park acreage - needed Veterans
 - Nearest Park 2.3 miles across I-5. The Veteran's Park 'solution' over 5-miles away & basically inaccessible.
 - Over 90% of Community surveyed wants a Park in Ponto
 - Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don't work. We can Do Better!
- www.pontolocals.com

Growing Coastal Park Demand

Meaningful South Carlsbad Coastal Park is vital for Carlsbad's Quality of Life & Economy

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

- 1985 = 116,000 - when Veterans Park coastline 'solution'
- 1995 = 140,000 + 21% - Planning Area F requirement
- 2015 = 176,000 + 52% - General Plan Update
- 2035 = 212,000 + 83% - end of 20-yr life General Plan – what then?

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day; growing 1.6% per year, 2035 = 6,669

Ponto last chance to fix Carlsbad's 4-mile Coastal Park gap (8% of SD County coastline) with a meaningful Coastal Park. We can do better!

www.pontolocals.com

Implements Community Vision - the Foundation for the General Plan 1 of 4

- Refer to 5-page email to City Council on 8/31/17 & 3/6/18 - Share & discuss the Issues with Citizens.

Community Vision, is foundation for General Plan. Just words to be ignored or guides to action?

- “...open spaces within walking distance of people’s homes ...” - nearest park over 2 miles away & over I-5
- “... strategic acquisitions to further the city’s open space system.” - fill Coastal South Carlsbad park gap

Implements Community Vision - the Foundation for the General Plan 2 of 4

- “... network of parks and recreation facilities will be improved ... Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations ...” - provide half of Carlsbad its only Coastal Park
- “... protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.” - South Carlsbad has no Coastal Park, congests North Carlsbad

Implements Community Vision - the Foundation for the General Plan 3 of 4

- “ ... Access to the beach ... will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park” -
Park supports residents and visitor industry
- “... Tourism is an important component of the city’s economy ... it emphasizes ... resources that make the city attractive to ... residents - the ocean and beach” -
Park supports residents and visitor industry
- “Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to ... parks.” - Veterans Park 5-miles away from need
www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 4 of 4

From General Plan Land Use Element:

- “...the community expressed an overwhelming preference for an active waterfront ... Access to the beach will be enhanced through ... open space, parking, and amenities ...” - Need a South Carlsbad Coastal Park
- “... new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop ... recreational opportunities along the coastal corridor.” - A meaningful Coastal South Carlsbad Park provides the most opportunities

Required by City & State land use regulations for Planning Area F - City's Local Coastal Program 1 of 3

page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not complied with & flawed PBVVP & General Plan Update. We can do better!

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use

www.pontolocals.com

City & State land use regulations for Planning Area F – Local Coastal Program page 101 2 of 3

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed. Citizens not knowing this flawed the Ponto Beachfront Village Vision Plan, 2015 General Plan Update, and Carlsbad Park Planning Processes

City & State land use regulations for Planning Area F – Local Coastal Program page 101 3 of 3

California Coastal Commission told the City that:
“ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Lets do better and fully inform & engage Citizens in this
www.pontolocals.com

Ponto's (LFMP-Zone 9) Growth Management Open Space requirement

- 6/11/18 Final Staff Opinion Letter, Prior Public Records Requests, & City data confirmed Developers' LFMP-9 did not provide required Open Space per Growth Management Standard: 30-acres short! Lets do better!
- Inconsistent & incomplete information in 6/11/18 Final Staff Opinion Letter & conflicts with Growth Management Ordinance
- Need to have honest Citywide discussion on this issue!
- Is Staff's Final Opinion the City Council's direction?
- You can do better

Thank you

We can do better. Please fund & support a open & honest Community-based Planning Process for Parks and Open Space in Coastal South Carlsbad

Please do the right thing and Develop Ponto Right

Vision, Mission & Key Goals



Vision

To strengthen community connectivity through world class offerings and exceptional customer service.

Mission

To promote community health and wellness while building a culture that embraces change and continuous improvement.

Key Goals

The key goals established by the Department are:

- Meet the underserved needs of the community
- Build an entrepreneurial focus that supplements city contribution
- Train and empower staff to deliver world class offerings and exceptional customer service
- Provide opportunities that promote health and wellness and active lifestyles
- Develop a departmental culture that embraces change and promotes continuous improvement

Accepted by the Carlsbad City Council March 24, 2015

From: [Pat Wescott](#)
To: [Planning](#)
Subject: Southwest Ponto - plans for development
Date: Friday, December 4, 2020 11:10:20 AM

Hello,

To Whom it May Concern,

Please keep the South Ponto region an open space or park. The schools in this zip code are already overcrowded - our daughter's 6th grade English class had a class of 42 students last year and the common use areas (parks, beaches, lots) are already overcrowded as it is, The beaches will be more crowded with the addition of the new hotel in South Ponto. Everyone in our neighborhood that I've spoken to about this issue feels the same way.

Thank you,
Patrick Wescott
Carlsbad, CA resident (Poinsettia)

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June 12th, 2018

Ponto Beachfront Coastal Park
Carlsbad Southern Coastal Gateway
and Fit with Community Vision Core Values

What is the Ask?

1. Funding for City Staff to host southern Carlsbad/coastal Community input meetings for developing a Southern Coastal Gateway and Ponto Coastal Park Plan
2. Fund \$250K for citywide quadrant park deficit analysis
3. Just do the right thing, follow the Carlsbad Community Vision Core Values

CARLSBAD COMMUNITY VISION CORE VALUES

- Small town feel, beach community character and connectedness
- Open space and the natural environment
- Access to recreation and active healthy lifestyles
- The local economy, business diversity and tourism
- Walking, biking, public transportation and connectivity

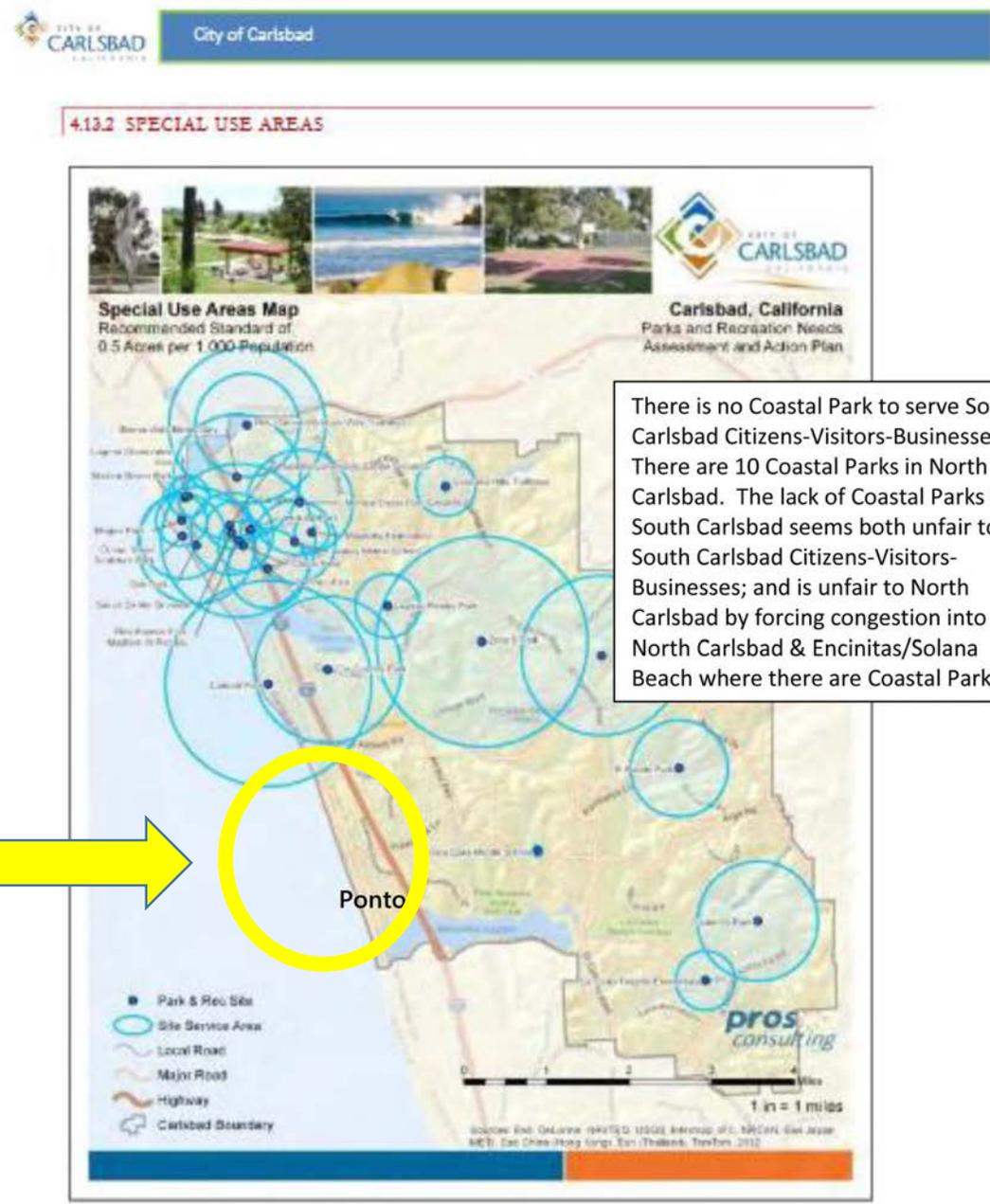
CARLSBAD COMMUNITY VISION CORE VALUES

- Neighborhood revitalization, community design and livability
- Sustainability
- History, the arts and cultural resources
- High quality education and community services
- I WON'T HAVE ENOUGH TIME

Small town feel, beach community character and connectedness

- Ponto Coastal Park fills a glaring gap in SW quadrant; devoid of a coastal city park
- No park west of I-5 from Cannon to Moonlight beach in Encinitas
- Ten city coastal parks north of Cannon and zero south
- Proposed high-density development inconsistent with city vision core values and community character

Coastal South Carlsbad is without a Coastal Park – use a Community-Based Planning Process to address our needs



There is no Coastal Park to serve South Carlsbad Citizens-Visitors-Businesses. There are 10 Coastal Parks in North Carlsbad. The lack of Coastal Parks in South Carlsbad seems both unfair to South Carlsbad Citizens-Visitors-Businesses; and is unfair to North Carlsbad by forcing congestion into North Carlsbad & Encinitas/Solana Beach where there are Coastal Parks.

Open Space and the Natural Environment

- Obviously a Coastal Park at Ponto contributes to this goal
- City staff admits to a 6.6 acre park deficiency in the SW quadrant
- SW quadrant also has an “Unrestricted Open-Space” deficiency
- Veteran’s park not a viable option for meeting quadrant deficiencies
- “Linear Park” not really a park but can contribute to Open Space
- “Land Swap” with State not progressing

Open Space and the Natural Environment

- Ponto site is last viable site to meet this park deficit-exact size needed
- Southern Gateway into Carlsbad should focus on the natural environment
- Ponto Coastal Park would count for both park deficit and open-space deficit
- Imagine potential synergy
 - Hotels – Cape Rey, Future Kam Sang 5-star hotel, others on Avenida Encinas
 - Batiguitos lagoon trail
 - Campgrounds
 - Beach

Access to Recreation and Active Healthy Lifestyles

- Obviously, coastal park at Ponto meets this vision
- Increasing recreation and health for locals and all who visit
- Facilitate beach access and Lagoon Trail access, bike and walking trails
- 64,000 Carlsbad residents live south of Airport Rd without a Coastal park
- Visitors, tourists, campers, locals and all Carlsbad citizens benefit
- A PONTO COASTAL PARK DECREASES TRAFFIC!

The Local Economy, Business Diversity and Tourism

- Create a draw to the southern gateway into Carlsbad
- Small Commercial space at corner of Avenida Encinas & Carlsbad Dr.
- Fine dining and other “Boutique” stores, Coffee, Bike/Surf shop, small craft beer and/or wine tastings, taco stand/Deli sandwiches?
- Plaza area for gatherings & socialization
- Dog friendly areas? (Again Synergy)
- NO DO OVER’S

Walking, Biking, Public Transportation and Connectivity

- Connectivity served best by Pedestrian Bridge over Carlsbad Blvd as well as trail underpass highway, linking Community to Ponto Coastal Park and onto ocean resources
- Walking, bike paths fit with Coastal Trail vision
- Better Public Transportation facilities can be made available with commercial center

What is the Ask?

1. Funding for City Staff to host southern Carlsbad/coastal Community input meetings for developing a Southern Coastal Gateway and Ponto Coastal Park Plan
2. Fund \$250K for citywide quadrant park deficit analysis
3. Just do the right thing, follow the Carlsbad Community Vision Core Values

From: [Rosalie Skaff](#)
To: [Planning](#)
Subject: Current discussion about developing area in South Carlsbad
Date: Thursday, December 3, 2020 1:09:06 PM

To whom it may concern,

We live in South Carlsbad, and not a day goes by that we are not grateful for the community in which we live. That being said, what we are lacking in our area is a park close by where our children and grandchildren are able to go and play. There is plenty of housing in our area along with affordable housing at Lakeshore Gardens. Please seriously consider keeping open space in South Carlsbad and use that land at Carlsbad Blvd. and Avenida Encinas for development of a much needed park, for us adults to enjoy as well as the children.

We so hope you listen to the many voices in our area that ask you, our planning committee, to consider the wants and needs of the residents in your city.

Thank you in advance for your consideration of our requests.

Wishing all a healthy and happy holiday season,

Rosalie and Roy Skaff

Sent from my iPad

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From: [Scott Bruckner](#)
To: [Planning](#)
Subject: Development of South Ponto
Date: Friday, December 4, 2020 4:18:10 PM

Hello to you,

I zoomed in on the meeting of the Planning Commission the day before yesterday. It was rather long, but I was surprised to hear of the discussion regarding the development of South Ponto. It caused me concern to hear there would be plans to develop this area.

Having my family being long time residents of Carlsbad, we have watched the city change over the years. The vast development inland certainly has yielded wonderful growth of the cities tax base.

Please vote against development of South Ponto. The residents of Carlsbad have made it clear, we value the undeveloped lands that remain in our city. And my wife and I strongly feel this area should remain the way it is. To develop it frankly makes no sense.

Thank you so much, we will be watching.

Scott and Dona Bruckner
7031 Cinnamon Teal St.
Carlsbad, CA 92011

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August 31, 2017

To:

Carlsbad City Council council@carlsbadca.gov

Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov

Carlsbad Planning Commission at Don.Neu@carlsbadca.gov

Kevin Crawford, City Manager at manager@carlsbadca.gov

Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov

Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their "local" beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all of South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDRC
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:

jeanscamp@yahoo.com

sebbiessixpack@att.net;

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

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

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



Sent via e-mail

May 15, 2019

To: Mayor Matt Hall
Mayor Pro Tem Priya Bhat-Patel
Council Member Keith Blackburn
Council Member Cori Schumacher
Council Member Barbara Hamilton

City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Creation of a Ponto Coastal Park

Dear Mayor Hall and Members of the Carlsbad City Council,

The Surfrider Foundation is a grassroots non-profit environmental organization dedicated to the protection of the world's ocean, waves, and beaches through a powerful activist network. The Surfrider Foundation San Diego Chapter supports the protection of existing open space adjacent to South Carlsbad State Beach, Ponto North and South, and the creation of a significant Ponto Coastal Park. We believe that in doing so, the City will be able to maintain open space, coastal access, and a create a Park for long-term recreational enjoyment of the coast at Ponto while addressing a 5-mile Coastal Park gap in South Carlsbad and San Diego County.

Ponto Beach at South Carlsbad State Beach is a popular beach destination in the City of Carlsbad that is used by many for surfing, swimming, and other coastal recreation. Just across Coast Highway/Carlsbad Boulevard from the shoreline is a stretch of vacant land that has been continuously considered

for various developments over the years. It is important to note that the California Coastal Commission's Local Coastal Program requires the eleven-acre site, known as Planning Area F, to be studied as a public park or for low-cost visitor accommodations prior to any land use plan that would allow development on that site.

Surfrider is opposed to development in the area that would negatively impact beach access through more residential congestion and increased traffic. A Ponto Coastal Park on Planning Area F, near Ponto State Beach across Pacific Coast Highway from the State campgrounds, would ensure coastal and or beach access for generations of people in Carlsbad and North County regardless of where they live.

This land is one of very few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. Surfrider supports preserving this space for future Coastal Dependent uses such as viewing areas, walking trails and campgrounds. Surfrider believes that any future plans for a Ponto Coastal Park and zoning must be primarily oriented for beach and coastal uses only, including any additional parking and transit developments.

Surfrider opposes any development of this space, such as residential development, that would impede beach use, including but not limited to blocking shoreline access, interrupting views, creating increased traffic or strains on available parking, or other similar conflicts. This includes, but is not limited to, the development of the space for housing, non-coastal oriented retail shops, or an active park primarily dedicated for organized sports (baseball, football, lacrosse, etc.), that would compete for space with those wishing to visit the beach for coastal dependent activities. High-density residential use would essentially eliminate the area's adaptability and could be costly to move should the need arise as the coastline changes from sea level rise impacts.

A high intensity organized sports park, despite being open space and addressing some community park needs for open play fields, would likely generate increased traffic and competition for beach parking that may hinder access for beachgoers. As such, Surfrider would not support the

development of this lot for high intensity organized sports as an active use park. A more informal park, which may include open informal grass fields that can be used for playing, picnics, temporary special events, walking trails, and possibly campsites in the future, would protect the open space in a way that does not compete with beach access.

Surfrider recognizes once the site is a park, a detailed park planning and design process will be required. This process is most successful and achieves the best outcomes when they are inclusive and consider important Coastal issues and priorities. As such Surfrider would like to participate in and contribute to the Ponto Coastal Park planning process.

Additionally, South Carlsbad State Beach, like much of the California coastline, will face increased threats from climate change and sea level rise. Allowing the Ponto Coastal Park area to remain as an open field that is light improved for informal recreation and special events gives the City and State more options for future adaptation and continued Coastal recreation resources in the area.

Thank you for your consideration of these comments and for contemplating the development of a Ponto Coastal Park.

Sincerely,

Kristin Brinner and Jim Jaffee
Co-Chairs of the Beach Preservation Committee
San Diego County Chapter Surfrider Foundation

Kaily Wakefield
Policy Coordinator and Carlsbad Resident
San Diego County Chapter Surfrider Foundation

Copied to:

City of Carlsbad:

Scott Chadwick, City Manager Scott.Chadwick@carlsbadca.gov

Debbie Fountain, Director, Community and Economic Development
Debbie.Fountain@carlsbadca.gov

Kyle Lancaster, Parks Commission and Parks Director Kyle.Lancaster@carlsbadca.gov '
Don Neu, Planning Commission and Planning Director Don.Neu@carlsbadca.gov

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman, via Katie Saad
Katie Saad, District Director for District 76 Assembly Woman Horvath Katie.Sadd@asm.ca.gov
Tim Dillingham, CDFW South Coast Lands Manager tim.dillingham@wildlife.ca.gov
Gabriel Penaflor CDFW, Batiquitos Lagoon Ecological Reserve Manager
gabriel.penaflor@wildlife.ca.gov
Megan Cooper, Coastal Conservancy, South Coast Regional Manager
megan.cooper@scc.ca.gov
Deborah Ruddock, Coastal Conservancy Program Manager deborah.ruddock@scc.ca.gov
Sam Schuchat, Coastal Conservancy Executive Officer sam.schuchat@scc.ca.gov
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Andrew.Willis@coastal.ca.gov
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John P. Donnelly, Wildlife Conservation Board, Executive Director
John.Donnelly@wildlife.ca.gov
Cort Hitchens, Coastal Commission, Coastal Program Analyst cort.hitchens@coastal.ca.gov
Erin Prahler, Coastal Commission, Coastal Program Analyst Erin.Prahler@coastal.ca.gov
Lisa Urbach, California State Parks, San Diego Coast District - North Sector Superintendent
lisa.urbach@parks.ca.gov

County of San Diego:

Jim Desmond, District 5 Supervisor Jim.Desmond@sdcounty.ca.gov

San Diego Association of Governments (SANDAG):

Hon. Steve Vaus, Chair, Board of Directors clerk@sandag.org
Hon. Catherine Blakespear, Vice Chair, Board of Directors clerk@sandag.org
Keith Greer, Principal Regional Planner keith.greer@sandag.org
Hasan Ikhata, Executive Director hasan.ikhata@sandag.org

From: [Susan Stockdale](#)
To: [Planning](#)
Subject: park
Date: Thursday, December 3, 2020 3:42:42 PM

Thinking we desperately need a park.

Thank you,

Susan Stockdale

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From: [suzy weast](#)
To: [Planning](#)
Subject: Ponto Redevelopment
Date: Thursday, December 3, 2020 3:03:53 PM

To the City of Carlsbad Planning Commission:

Please, please leave our beloved Ponto Beach natural or at least develop the land into a park. Why do we need more shopping when we could look at waves and the jetty? Ponto is where our family has attends Easter morning services, where our kids surfed before school and on weekends and in the summer participated in the very popular Jr. Lifeguards program. The vibe of Ponto will be lost with such a development. Note Del Mar hasn't built a shopping complex across from their beach. Neither has Encinitas or Solana Beach. Keep it simple and beautiful.

Please consider your constituents and say NO to development of Ponto.

Suzanne Weast (Suzy) theweasts@roadrunner.com

6583 Robinea Drive, Carlsbad, CA 92011

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From: [Tia Colner](#)
To: [Planning](#)
Subject: PO to
Date: Thursday, December 3, 2020 8:40:58 AM

Please keep this as a park!!!

Sent from my iPhone

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From: [ulf.samuelsson](#)
To: [Planning](#)
Date: Friday, December 4, 2020 7:12:04 AM

Please keep South Ponto a park, it's our favorite area
Ulf samuelsson

Sent from my iPhone

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

Submitted: May 28, 2020

Dear Carlsbad City Council, Carlsbad Planning and Parks Commissions, and Coastal Commission:

The City Budget should address both short-term Covid-19 impacts, and near/longer-term investments needed for Economic Recovery and Revitalization.

The quality of our Carlsbad coastline, Coastal Parks and open spaces are continually rated by Carlsbad citizens and businesses as the critical foundation of our quality of life, economic strength, and tourism industry. Ponto Coastal Park is a critically needed investment, and the last opportunity for the City to make an investment for Carlsbad's long-term sustainability. South Carlsbad Citizens, visitors, and the Visitor Industry have no Southern Coastal Park. Ponto is the only place to provide that needed investment for residents and visitors, and advance Economic Recovery and Revitalization of South Carlsbad's significant Visitor Industry. Coastal Recreation is the major attraction for visitors.

With these understandings we submit the following testimony and data from the City's FY 2019-20 Budget Public Input Report that highlights the documented significant number of citizens asking for a Ponto Coastal Park. We also note concerns about the Report's dilution of specific citizen input provided at both the March 4, 2019 and 2020 Citizen Workshops.

Citizen input on the need for a Ponto Coastal Park was the most numerous specific place need/desire citizens mentioned in the City's:

- Budget Public Input process,
- Draft Local Coastal Program Amendment process, and
- Parks Master Plan Update process.

The Budget Public Input process documented 85 specific, verbatim citizen comments on Ponto area park needs and over 90% of citizen requests that Council budget to address this need. These 85 Verbatim Citizen comments (listed at the end of this testimony and data) specifically address how they would like their (Park) tax dollars budgeted. Additionally, 2,500 similar public input email/petitions were submitted as public comments on Carlsbad's Draft Local Coastal Program Amendment and Park Master Plan Update processes spoke to the need for a Ponto Coastal Park.

As you know, the 11-acre Ponto Planning Area F site is for sale. This site is similar in size/shape as Holiday Park, providing a Coastal site for similar multipurpose community functions.

Carlsbad's Local Coastal Program (and thus General Plan and Zoning Code) requires the City to first consider and document the need for a "Public Park" before any land use can be planned for the Planning Area F site.

The City's Park Master Plan already documents the need for a Ponto "Public Park", showing the area as "unserved" by City Parks and an area of Park "inequity" correlating well with Citizen input.

The City also received offers of potential donations, or cost-saving collaborations from Carlsbad Citizens and non-profits to advance the much needed Ponto Coastal Park. The City disappointingly has not replied to these special opportunities.

Therefore, it is requested the City budget for a Ponto Coastal Park and contact the Planning Area F landowner regarding site purchase.

Consistent with Budget Public Input Report page 3 it is requested that this this testimony and data be provided to the Planning and Parks Commissions; and Coastal Commission as public input on the City Staff's proposed 1) City Budget, 2) Draft Local Coastal Program Amendment, and 3) Parks Master Plan Update.

Thank you.
People for Ponto

The following data is from the Carlsbad FY 2019-20 Budget Public Input Report:
<https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=38546>

In reading the data different text treatment is used to differentiate between actual page number and text in the Report, Important Report text, and public comments and analysis of Report text. Following is a legend to those text treatments:

- (p.X) is the Report page number where the information is found, and normal text is the actual Report text.
- Text in **Bold Face** is particularly important Report text.
- **Arrow bullets and Text in Bold Italic Text** are analysis and comments on the Report's information.

Introduction (p. 3):

- **Members of the public have a right to be involved in decisions affecting their lives.**
- **It is the city's responsibility to seek out and facilitate the involvement of those interested in or affected by a decision. The city errs on the side of reaching out to people who might not be interested, rather than potentially missing people who are.**
- **City staff provide balanced and factual information to the public and do not engage in advocacy.**
- **Public dialogue strives for a focus on values over interests and positions.**
- **Public involvement planning is coordinated across all city departments to ensure consistency and avoid process fatigue.**

On (p. 5) specific Verbatim Public Input was generalized by City Staff as follows:

Main Themes: The following themes were a high priority overall:

- **Neighborhood quality of life**
- **Access to nature, trails and open space**
- Environmental sustainability
- Traffic and mobility

Most Important Services: City services in the following areas were identified as the most important:

- **Neighborhood quality of life**
- **Parks and recreation**
- Law enforcement
- Fire and paramedic service

- Environmental sustainability

Specific Areas for Budget Enhancement: When asked which services they would like to see enhanced in next year's budget, the top five responses were:

- **Neighborhood quality of life**
- **Parks and recreation**
- **Environmental sustainability**
- **Mobility/transportation**
- Arts and culture

- *The lack of a Coastal Park at Ponto impacts all South Carlsbad neighborhoods' quality of life. Carlsbad's Park Master Plan documents that Ponto and Coastal South Carlsbad are "not served" by parks and Ponto and Coastal South Carlsbad is an area of park "inequity"*
- *The City and CA Coastal Commission are required to consider and document the need for a "Public Park" before any planning to allow any land use on Ponto Planning Area F. For over 10-years the City failed to disclose and follow this requirement – making multiple "Ponto planning mistakes". The City will now have to correct its multiple "Ponto planning mistakes" as part of the Draft Local Coastal Program Amendment*
- *The lack of a Park at Ponto also impacts both Environmental Sustainability and Mobility/Transportation:*
 - *Prevents parks within walking distance, forces driving (and the need for more parking in our Park) to access parks.*
 - *Forces South Carlsbad Neighborhoods to drive long distances to North Carlsbad and/or Encinitas to access a Coastal Park*
 - *Congests North Carlsbad and/or Encinitas Coastal Parks with South Carlsbad Coastal Park demands*
 - *Congests North Carlsbad and/or Encinitas roadways and parking facilities with South Carlsbad Coastal Park demands.*
 - *Importantly, it would forever negatively impact the economic sustainability of Carlsbad's Visitor industry. There are thousands of inland South Carlsbad resort/hotel rooms that have no access to a Coastal Park. This will ultimately undermine the attractiveness and competitiveness of South Carlsbad's Visitor industry and the tax revenue the City receives from that industry.*

Word Maps (pp 6-8)

Staff provided 3 'word maps' saying the show the words mentioned at the March 4th 2020 workshop attend by 38 citizens.

- *There is citizen concern about the accuracy of these word maps and what is conveyed on pages 6-8 of the Report.*
- *Several of those 38 citizens, provided specific written (individual index cards) and verbal (round table flip chart notes) Pubic Input several stating the need for a "Ponto Coastal Park", another mentioned a "liner Park", and several mentioned the "Senior Center", all these written/verbal comments were not accurately documented or reported on pages 6-8. It appears the City Staff interrupted and translated/transformed the actual citizen comments (as documented in the index cards and flip chart notes) when creating the word maps. There is a concern that specific citizen input provided at the actual workshop was not accurately*

reported in the Public Input Report to the City Council. As citizens we are concerned that our input is accurately reported and conveyed to the City Council.

- Surprisingly no word map was provided in the Report for the much larger (1,330 to 1,710 person) March 5-22, 2019 Public Input process. Following is the actual word map the city showed participants at the March 4, 2019 Public Input Workshop. The image of the word map was taken with a participant's cell phone. It summarized the magnitude of citizen needs/desires expressed at this larger Budget workshop.



The word map graphic above from the March 4, 2019 Workshop although not summarized by Staff in the Report is clearly documented in the Verbatim Comments (Public Input) that was included in pages 24-91 of the Report and accounted for below.

Verbatim Comments (pp 24-91): **Number of times a specific Place Name was mentioned:**

- **Ponto, Zone 9, and Southwest Carlsbad: 85 times** (see below for list of Verbatim Public Input)
- Village: 23 times, this is 27% as much as Ponto area
- Carlsbad Senior Center: 7 times, this is 8% as much as Ponto area
- Agua Hedionda Lagoon: 3 times, this is 4% as much as Ponto area
- New Village Arts: 3 times, this is 4% as much as Ponto area
- Barrio: 2 times, this is 2% as much as Ponto area
- Calaveras: 2 times, this is 2% as much as Ponto area
- Alga Norte Park: 2 times, this is 2% as much as Ponto area

- Poinsettia Park: 2 times, this is 2% as much as Ponto area
- Veterans Park: 2 times, this is 2% as much as Ponto area
- Rancho Carrillo: 1 time, this is 1% as much as Ponto area
- Hub Park: 1 time, this is 1% as much as Ponto area
- Crossings Golf Course: 1 time, this is 1% as much as Ponto area
- Robertson Ranch: 1 time, this is 1% as much as Ponto area
- Palomar Airport: 1 time, this is 1% as much as Ponto area

➤ ***As the Budget Public Input Report suggests, reading of each of the Verbatim Comments of actual public input should be done. The place names area specific list above does not include broad places such as “beaches” the names of specific roads, and other names that appeared vague. It is clear in reading through and counting the place name references that the Ponto area expressed as Ponto, Zone 9 (i.e. Local Facilities Management Plan Zone 9), and the coastal park references to Southwest Carlsbad and South Carlsbad was by far the greatest area of public input. This makes perfect sense in that for half of the City Ponto is the last significant vacant Coastal land available to address two of Carlsbad Citizens’ most important budget concerns ‘Neighborhood quality of life’ and ‘Parks and recreation’ that relate to core community values around Carlsbad’s “Beach”, “small beach town character”, and “valued open space”.***

Following is the listing of the Verbatim Public Input (Appendix A in Public Input Report, pp 24-91) that specifically referenced Ponto or a clear reference to Ponto such as Zone 9 or Coastal Park needs in Southwest Carlsbad. There are many more comments such as “The purchase of remaining open space for preservation of the last remaining coastal areas.” that logically and clearly refers to the Ponto situation. However these many additional comments were excluded from the list below since they did not specifically mention Ponto, Zone 9, or SW Carlsbad place names.

Of the 85 citizen comments below specifically referencing Ponto, 77 or 90.6% were asking the City to budget for a Ponto Coastal Park. Only 8, or 9.4% of those citizen comments were not asking for a Ponto Coastal Park. We are not sure if the 8 commenters knew about the City’s now acknowledged “Ponto planning mistakes” dating back over the past 10-years, as the City only first briefly acknowledged this recently on 1/28/20. We have found once citizens are truly aware of the facts and prior “Ponto planning mistakes” there is almost uniform desire for a Ponto Coastal Park. There is citizen concern that these “Ponto planning mistakes” are not being fully, openly and accurately being disclosed to Citizens during the various Public Input processes, thus tainting those Public Input processes.

Verbatim Ponto City Budget Public Input from pages 24-91 of FY 2019-20 Budget Public Input Report:

1. My biggest disappointment is the lack of park facilities in my section of the city, near South Ponto Beach. Lots of open land but no park within at least 2 miles. This should be a city priority
2. It used to be the beach but now Ponto & South Carlsbad are more like rocky shores. I’d like to see the rocks cleared up and more sand added to these beaches
3. COMMENT TRAFFIC IS BEING SPAMMED HERE TO PUSH THIS PONTO PARK PLOY (PPP) Develop Ponto and have the hotel maintain our beach! It’s all rocks currently!
4. Ponto Beach. We do NOT need a commercial development or hotel there. That needs to be a park and/or open space for future generations.

5. Ponto beach.
6. Don't ruin South Ponto Beach with condos and/or hotel, need to restore the sand on the beach.
7. Like most residents and visitors I treasure the beach. I feel the highest priority should be open space and parks that serve the beach region. Particularly important is the open space still available in the Ponto region. There is ample space here for an extraordinary area of open space and even a park. There is not one of either of these in the southwest quadrant near the beach. Children cannot walk safely to a park from that area. Open space and a park in the Ponto area would serve all residents, visitors, and the business community.
8. Beaches, parks, safe neighborhoods, OPEN SPACE! Need Beach parks like Del Mar Powerhouse/Sea Grove Park & Encinitas Community Park. Ponto Beach needs some attention.
9. I love the beach and the parks and fields and open space and hiking trails in Carlsbad. I wish we had more!! We have had 3 kids in sports in Carlsbad. Currently, field/park space is very limited and often over committed. Currently, there aren't enough fields to meet the need of the community. Adding more parks and fields would create a better community in the following ways.... The sports played on these fields help keep our kids fit and healthy; It keeps kids busy and out of trouble; It fosters friendships and community; it teaches team work and fosters dedication and teaches a willingness to help others succeed; it brings in community \$\$ from other teams who come to play on Carlsbad fields; It's a wonderful way to showcase our city to others who will want to return thus helping grow tourism. Additional Parks would offer the same benefits. We do not need more high density building. And, Please do NOT ruin Ponto with more building!!!!!!
10. We love the beach and the small-town feel Carlsbad has. We love the scattered open spaces and trails. Carlsbad is a great place to live and spend time outdoors, like the Ponto area. Let's keep it that way by not developing every last square foot into a condo complex, hotel or shopping mall, if that's what you want please move to Oceanside.
11. Let us protect the valuable open space that is left and not develop every square inch. Especially at the beach, let us save the land across the coast highway from Ponto Beach and make a beautiful park, not more condos and hotels. Carlsbad is in great financial shape and does not need to go after every development and tax dollar it can get. Some things are more important, like quality of life, than a fat wallet. I know that this will fall upon deaf ears amongst the two older members of the City Council, but maybe some rearranging of priorities is in order.
12. Would love to see the last areas of open land to stay that way. I have lived here for 25 years and have seen a tremendous amount of development eating away at the open beauty of the area. We have enough shopping centers and homes. Please leave the area at Ponto open and do not approve the Ponto development.
13. Keep Ponto Beach development free!
14. Preserving Open Space and Building Ponto Park in the South West Quadrant!
15. I second Tisha Klingensmith's comment and all the others regarding Ponto Beach development.
16. Preserving open space and maintaining high quality Parks and Rec with park location emphasis on geographical location. It's time to build a park in the SW quadrant near the beach for locals and visitors alike. Veterans Park is not a solution for each quadrant's deficiency, particularly in the south.
17. We need more parks, especially in southwest Carlsbad!
18. I agree, we need more parks and open space. I live in Zone 9 and don't have a park anywhere within walking distance.
19. We need to continue to preserve open space and NOT develop Ponto into an awful condo complex. We would love a park!

20. We need a park in the Ponto area and not a development. It is the last open space next to the beach left
21. I agree with the need to preserve open space throughout Carlsbad and NOT develop Ponto into awful condo complex.
22. We need to preserve our open space --it's what keeps the city feeling like a small town. We need more parks -esp one at Ponto in the SW quad!
23. Preserve the open space and build a park in SW quadrant at Ponto. We do not need or want any more huge developments, especially right by the beach in one of the last remaining open spaces. Once it's built, you can't un-build it. Build Ponto Park in SW quadrant. Do the right thing. Especially for our children and grandchildren. They won't thank us for building outrageously tall high density condos, hotels and unnecessary shops right by our gorgeous beaches. The only people this benefits are some wealthy developers, not the people of Carlsbad. Think long term, not short term. We have a beautiful city and community-preserve it now or it's gone forever!
24. We really need a park in the southwest quad by the beach. This could be an amazing asset (on SO many levels) for the community and visitors alike. The revenue stream would return the city investment in spades!
25. Parks. Needed in Ponto area our children in this area don't have a close park. And the house lots in our area are small.
26. I agree that we should be very mindful that the citizens of Carlsbad voted out the retail space plan at the power plant site a few years ago. The new Ponto project should not replace that. Citizens should be part of the decision to build out that area
27. We need to preserve our open space and we need a park at Ponto!
28. We need a park in the Southwest quadrant of our community. Safety in the community is what we like best in this area
29. Carlsbad's small town feel, friendly atmosphere and location has made it our ideal place to live for the past 20 years, We live across from South Ponto Beach and DESPERATELY need a park for our area residents. It would be sad to see the area overbuilt with high density projects and not retain some of the open space at this southern entrance to our "Village by the Sea". PLEASE help preserve some of its appeal before it is too late.
30. I love the quaintness of the Village, the open land areas, trails, small businesses and the arts. A huge NO to PONTO. Please stop the excessive building and development of the open areas of our beautiful and unique city. We have lived here for over 30 years and are sad to see so much over development. Keep our special village a village, and please don't turn it into another ordinary city.
31. Favorite is small town feel and the beach --the beach provides us with all the open space we need. The city has enough open space with all the lagoons, etc. --we don't need any more parks --especially at PONTO --I am thrilled to see and drive by every day the new resort at La Costa which is in Encinitas and that is what we need here at the South end of Carlsbad --more residential --NO more open space
32. What I love about Carlsbad is that it has a small village feel but it also has the beach and some restaurants and then little town. I really would like more to walk to around the Ponto area. Specifically I think it should be more of a beat centered area with places to grab ice cream or grab some food or a coffee and walk to the beach.
33. I love that our village that is not a strip of 101. The quaint cottages helped Carlsbad have a downtown feel. It has several streets with unique interest. I love the Trees on Grand! The landscape of the trees setting the height of the town. Unfortunately the taller buildings are killing that. Vertical dwellings are taking over.. think of the reason you travel to Europe. It's not

for Developers Generica. We also want the NRG power plant space into a Park... and... I would LOVE for the city to finish the rail trail to Ponto. Imagine taking a trail to Ponto? It would be a dream!

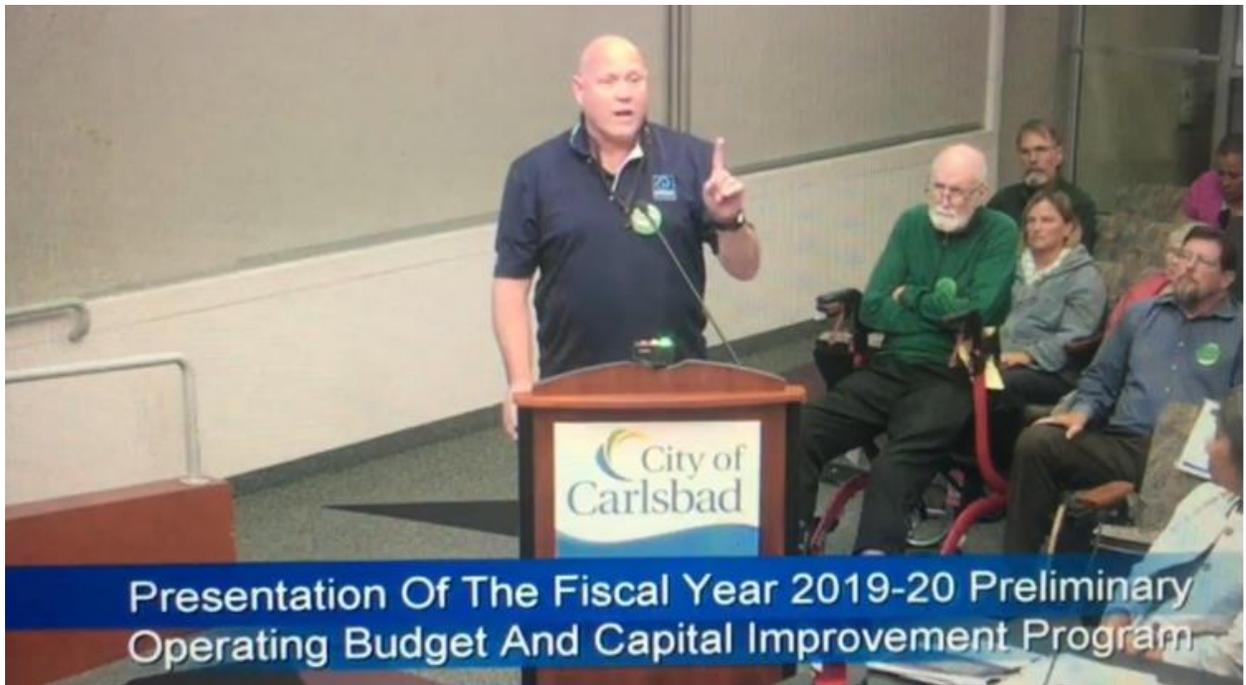
34. Our San Pacifico Community and the surrounding neighborhoods need a local park. So far Carlsbad has no real performing arts venue of any size to meet the needs of a city of more than 100,000. This should be a serious consideration when the new civic center is being designed.
35. We need more coastal parks and open space. Especially in zone 9
36. protect more open space, including Ponto
37. We need Veterans Park completed and Ponto park developed. Everyone in Carlsbad is engaged and we have been talking about the park deficits for a while now. Veterans park is over-due!!!
38. Our libraries are the best in the region! But I have to put them 4th to our Neighborhood quality of life, which is being impacted by huge developments destroying our property values, our piece of mind and privacy. We do need to insure that our environment is cared for, since all of these housing projects are going in. I do love our parks but we need to insure that the SW quadrant has their share of parks (think-Ponto).
39. Zone 9 (in southwest Carlsbad) does not have a park within walking distance! I hope the City can remedy this.
40. Ponto needs a park not a hotel or more condos. Please stop building on every last piece of land
41. See previous comment concerning the lack of a local, beach oriented park in the South Ponto area. Ditto a performing arts venue.
42. PLS get the Ponto Proyect development going....., that area of Carlsbad needs it asap
43. I support Ponto Development. PLs get it going...
44. Ponto has 2 miles of unobstructed beach access and a lagoon that already act as a "park within walking distance". The Ponto project was approved long ago and is part of the citizen approved master plan. Please get it done.
45. Strengthen and protect the financial stability of the City. Businesses pay a significant amount of taxes, property, sales and income and those employed spend and live here. Encourage affordable housing opportunities for everyone, think outside the box and find some unique solutions. Complete build out in areas available, Ponto Beach is a great opportunity and the project is well thought out, get it built. And please don't become a 'Nanny City' and waste time to pass frivolous laws restricting straws, plastic bags, soda consumption, etc.
46. Development of open space and parking space in the Ponto region
47. Specifically, I want the city to remedy the lack of equal access to parks and trails evident in the southwest quadrant of the city. I support a park project at Ponto: in the long run, the south coastal gateway to Carlsbad needs a welcoming park with beach access and supporting facilities. Though less extensive than Village beach areas, good design would merge a Ponto park with access to beach and access to the 'memorial area on the bluff at city border with the ecology of the Batiquitos Lagoon adjacent to make a marvelous creek to beach environment accessible for all and ever.
48. There are two miles of unobstructed beach plus the lagoon within "walking distance" of the neighborhoods near Ponto. The project was approved long ago and is part of the Master Plan approved by the citizens of Carlsbad. Zoning changes and project vote downs are often just another way to steal private property.
49. Local park deficits continue to be a problem. Let's please support Ponto Park development. We as a city are losing an unobstructed landmark in our community. Please share some of that with local residents. And, did I mention parking??
50. The extreme southwestern (Ponto) area of Carlsbad does not have a park within walking distance -this is my top priority to fix.

51. We have wonderful neighborhood parks, but not in Ponto and it's on the beach; Veteran's Park is more of a hiker/nature lover's place to enjoy nature.
52. We need a park at Ponto - to serve not only residents, but visitors and tourists.
53. A park is much needed in SW Quadrant of the city
54. Ponto Park. So much has been done for businesses, tourism, etc. This is the last bit of Carlsbad coast line left. And the residents could use more park space in the south part of the City. I don't want to see this area developed. Carlsbad has become overdeveloped.
55. I want to see a park for the Ponto road area. I feel that that area should not be used for condo - residential development. It is so important to showcase that wonderful piece of property, which is so rare to find all up the coast of Calif. and would be a welcomed park for all as you drive north into Carlsbad. ALSO I am very concerned that the Palomar Airport and the larger airplanes the new plan will bring and ask that the city stay involved to support our concerns, thank you for help I appreciate all off the councils work.
56. Ponto area open space and park development
57. Take control of our coastline, bring fire rings to Ponto beach, every family should have the experience of gathering around a roaring fire on evening.
58. Cancel the Ponto development tragedy. Build a free park and keep the free beach parking there.
59. Buy the land for open space on Ponto Drive and build a park in Zone 9 that has no park even though developers paid into the park fees for 20 + years.
60. support Ponto development
61. Now that we have removed the jetty and allowed Warm Waters to wash away, and now we are planning to build on Ponto, where will locals access the beach? If 50% of responders stated the beach is the best part of Carlsbad living, why are continually squandering this gift? I know the council would live to sell Agua Hedionda to a developer too. When will there be decisions made to maintain our quality of life? Furthermore, I selected transportation because my commute time has DOUBLED in the past 5 years. The 55mph speed limit on El Camino is a joke. It takes me 2 light cycles just to cross each intersection now due to this unmitigated growth with no regard for how people will get around. I'm continually dismayed by this city.
62. Preserve the open space at Ponto. Keep traffic under control.
63. Preserve open space in zone 9
64. Money for persevering open space in zone 9 and building parks in the SW quadrant!
65. More parks and open space in Southwest Carlsbad!
66. Why another proposed hotel at Ponto? There are an abundance of hotels & stores already available ---even more than necessary. Preserving nature & some green space is more important than more concrete & businesses with "lease available" signs everywhere!
67. Prop to aid Ponto to keep it natural, as park area & natural habitat.
68. Put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant (p 84)
69. Please put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant (p 85)
70. need a park in the southwest Carlsbad post development
71. Parks in southwest Carlsbad!
72. Zone 9's lack of park and open space is sad. The SW quadrant needs more places to take kids to play, seniors to walk and get outside, and for the community to gather. A park at Ponto would be an ideal place for that and would make for a beautiful and welcoming entry into Carlsbad for locals and tourists.
73. We need a park site near Ponto Beach on the property now slated for a 5 star hotel which has not been built despite attempts by several developers over the last ten plus years.

74. Please spend more on Parks and Recreation. We need to Preserve Open Space in Zone 9 and Build Ponto Park in the SW Quadrant. We do not need more homes congesting the already packed Coast Hwy. Adding sand to Ponto Beach would be nice too -too rocky!
75. I'm asking the City to put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant -this will enhance the quality of life in Carlsbad, contribute to the highest and best use, meet the requirement to have a park in this area, and make the area so desirable that it will allow raising of local tax rates (I don't believe I'm saying this). Best Regards, David Johnson
76. Put some park and playgrounds in SW Carlsbad. There are none near Ponto, yet there are open spaces, near Avenida Encinas and 101. Nothing to walk to. Thank you
77. We could really use a park in southwest Carlsbad especially the San Pacifico area. Thank you
78. Work toward filling the deficit in parks and open space in the Southwest part of Carlsbad, especially Ponto.
79. Would truly love the Ponto Beach Park! As a resident of South Carlsbad we need this!!!
80. There are no Parks in South Carlsbad. We are neglected here yet I pay very high taxes.
81. Build a Park at Ponto! Keep the open space!
82. I would like to see the city buy the Ponto property and develop it into a park.
83. Build a park at ponto
84. Appropriate development of open space and park space in the Ponto region. We are currently at huge deficit of both of these in the Ponto region
85. We are very quickly running out of open space. This is probably one of the most beautiful areas in the country, we need to preserve that beauty and maintain some open space. The open land near South Ponto beach must be preserved. There are no parks in the area, developing that area would not only add to the pollution but it would sacrifice one of the most beautiful parts of Carlsbad. Towns and Cities across the country are prioritizing open space that is so important, it is time we did that in Carlsbad. We need open space near Ponto Beach.

A few of the many Citizens asking the City Council to budget for a much needed Ponto Coastal Park





Comparison of Ponto Planning Area F’s existing v. Carlsbad proposed LCP LUP not fully correct. The table is from City of Carlsbad. The last paragraph of the Existing LCP notes “prior to any planning activity”. This was newer done as documented by official Carlsbad Public Records Requests 2017-260, 2017-262, R000930-072419, R001280-021720, and R001281-02170, so the City’s “General Plan update” (of just the land use map) was done in violation of the Existing LCP LUP Policy – one of the City’s Ponto planning mistakes. As noted in 1-5 below, the CCC has noted these mistakes dating back to 2010 with the “Ponto Beachfront Village Vision Plan” and 2015 General Plan map, and is seeking to correct them in the 2016 and 2017 communications to the City. Also the City’s own documents verify these facts.

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

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

CCC direction on why Draft LCP description is not accurate:

During the Jan 28, 2020 City Council Meeting (item #14), Carlsbad City staff for the first time as a side-bar comment admitted the City made some ‘Ponto planning errors’ going back over 15 years. Those City planning errors where first called out when the CA Coastal Commission (CCC) denied Carlsbad’s Ponto Beachfront Village Vision Plan (the referenced foundation for Carlsbad’s 2015 General Plan Update) in 2010 in part due to the City’s mistake. Following are 4 documents that conflict with the above City interpretation of how the Draft LCP addresses Existing LCP Polies.

- 1) The CCC in denying in 2010 the Ponto Vision Plan (the foundation for Carlsbad’s 2015 General Plan Update at Ponto) specifically said with direct reference to Ponto Planning Area F:

“Currently, this area [*Planning Area F*] has an Unplanned Area land use designation. In order to facilitate **any type of development in this portion of the Ponto area, an LCP amendment modifying the land use will have to be brought forward to the Commission for review and approval.**”

“... the Commission would reject such proposed uses because there has been no evidence presented that would support the elimination of these [Planning Area F] areas for some lower cost overnight accommodations or public recreational amenities in the future. The Commission's past action of the **Poinsettia Shores Master Plan specifically called for such an assessment, and none has been submitted to date.** The concerns related to the lack of lower cost overnight accommodations in Area F (ref. Exhibit #7) are further discussed in the findings later.”

“City is inadvertently sending a message to potential developers that 1) the identified development (townhouses) is the primary type of use the City will support, or 2) that development type is consistent with the current land use and zoning designations. Neither of those assumptions is correct. As the previously certified **Poinsettia Shores Master Plan states, any type of development at this location would first require an LCP amendment to establish the land use and zoning, which would have to be certified by both the City and the Coastal Commission. Additionally, the Master Plan further states that some component of the development at this location must consider the need for the provision of lower cost accommodations or recreational facilities.**”

“While residential use is one of the land uses listed for this area in the Poinsettia Shores Specific Plan, it may not be the most appropriate designation. As previously stated, the project will at least need to consider the incorporation of some kind of lower cost accommodations, and any proposed zoning designation for the site will have to be found consistent with the policies contained in the Poinsettia Shores Master Plan. Furthermore, the standard of review for any change to the current land use designation is the Coastal Act, and thus will also have to be found consistent with all its applicable policies.

Recently, the Commission has become concerned with the lack of lower-cost accommodations statewide. Thus, the establishment of a residential land use at this location may not be what is ultimately determined to be certified as consistent with the Poinsettia Shores Master Plan, or the Coastal Act.”

“B. High-Priority Uses - Lower Cost Visitor Accommodations in ‘Area F’: The Coastal Act has numerous policies promoting public access to the beach and state:

Section 30210 - In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and **recreational opportunities shall be provided for all the people** consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 - Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. **Developments providing public recreational opportunities are preferred.** The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221 **Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.**

Section 30222 - **The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**”

“... in 1996, the Poinsettia Shores Master Plan was certified as part of the City's LCP, and replaced the [Visitor serving] land use designation as an "Unplanned Area." **In an attempt to maintain a lower-cost visitor-serving component at this location, the Commission, through a suggested modification, required language within the Master Plan that would serve to protect this type of use.** The language in the Poinsettia Shores Master Plan, for this location, "Area F," included: **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost accommodations or recreational facilities (i.e. public park) on the west side of the railroad.**”

“The Ponto Beachfront area is an area that could be considered as a high-priority location for lower cost overnight accommodations. While located across the street from a State Park (South Carlsbad State Park) containing camping facilities, **during peak summer months, the campground is consistently at capacity. ... If at any time in the future, this State Beach campground is converted to day use sites, the market and the need for low cost overnight accommodations will be significantly amplified. Thus the Vision Plan, as proposed by the City, cannot be found consistent with the Coastal Act.**”

“H. Conclusions: ... **concerns regarding the determination of preferred land uses in an ‘unplanned’ area, the lack of provision of lower-cost accommodations and recreational uses, ... remain. All of these oversights could result in impacts to public access and recreation and other coastal resources and, therefore, the Vision Plan, as submitted, is therefore inconsistent with the Coastal Act, and therefore, shall be denied as submitted.**”

- 2) 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 for the 1st time 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.”

- 3) 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.”

- 4) In 2016, the CCC told City that Carlsbad’s proposed 2015 General Plan land use map could change based on the outcomes of both a Citywide Coastal Recreation needs Study, and also the specific Planning Area F LCP requirement to study Park needs at Ponto.
- 5) Currently and since 2016 the City acknowledged that the existing LCP, City and LCP Master Plan Zoning of “Non-Residential Reserve” land use needs to be changed by BOTH the City and CA Coastal Commission to only then allow any proposed development on Ponto Planning Area F. Also, since 1996 the Local Facilities Management Plan for Zone 9 (Ponto) has the planned land use and zoning of Ponto Planning Area F as “Non-Residential Reserve” that has no land use. The LFMP-Zone 9 must be amended to account for any City and CA Coastal Commission change from “Non-Residential Reserve” and address the land use impacts on all the Growth Management Program Facility Standards in Zone9 such as the current Park deficit, and also the recently discovered false exemption of the Open Space Standard in Zone 9. The false exemption being that Zone 9 was not developed in 1986 nor have the land use changes since 1986 complied with the 15% ‘unconstrained’ Open Space Standard.

The City currently and since 2016 acknowledges the existing LCP, City and LCP Master Plan Zoning of “Non-Residential Reserve” land use of Ponto Planning Area F needs to be changed by BOTH the City and CA Coastal Commission as evidenced on page 14-15 of City’s Planning Pending Applications as of November 2020 at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46332> as it shows:

“PONTO BEACHFRONT 12/20/2016

<u>Legislative application</u>	<u>applied on</u>	<u>description</u>
AMEND2017-0001	1/19/17	LFMP AMENDMENT FOR ZONE 9
LCPA2016-0002	12/20/16	USES PROPOSED FOR PLANNING AREA F
MP2016-0001	12/20/16	USES PROPOSED FOR PLANNING AREA F

– Carlsbad City Planner = Goff”

The City is apparently failing to fully disclose to Citizens these facts and the City’s prior “Ponto Planning Area F planning mistakes dating back over 10-years when the land was purchased by speculative investors. For the City’s and CA Coastal Commission’s Public Participation process to function Carlsbad Citizens need to have these facts, so they are properly informed. The overwhelming Citizen input on the need for and request the City provide Ponto Coastal Park comes from Citizens slowly in 2017 becoming aware of the City’s prior Ponto Planning Area F planning mistakes and asking eh City to acknowledge and correct those mistakes.

From: [Tommy Dean](#)
To: [Planning](#)
Subject: please clarify
Date: Friday, December 11, 2020 11:37:09 AM

I own two properties ,4517 Adams Street and 2701 Ocean Street, that are located in the proposed land use plan that is being considered. Please clarify what zoning change that is being considered. I read the change as being "legal non conforming".

If this is the new zoning proposed, please answer these questions. If my houses burn down, will I be able to rebuild? If I need a major repair such as a new roof, window replacement, stuccoing etc.; will I be able to repair these needed repairs?

Your prompt response would be greatly appreciated.

Sincerely,

Tommy Dean

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

Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission as of 8-2-18

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17 and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their "local" beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks

Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDR as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDR
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:
jeanscamp@yahoo.com
sebbiessixpack@att.net;

Concerns and requests submitted to Carlsbad City Council et. al.

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

Item #2 – Planning Area F Local Coastal Program Compliance & requesting the City Council reset the land use planning process and conduct a community based planning approach to compliance

Emailed on 12/4/17+- and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastal.ca.gov ; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes to the Poinsettia Shores Master Plan and Local Coastal Program [PSMP/LCP] and planning changes and development permits for Planning Area F of the PSMP/LCP. The City of Carlsbad's currently adopted Local Coastal Program [p. 101] for the site and the City's currently adopted PSMP/LCP zoning [p. 105] for the site is:

"PLANNING AREA F:

*Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when***

more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. [Boldface and underline highlights added]

The current Carlsbad Local Coastal Program and PSMP/LCP for Planning Area F were adopted by the City and Coastal Commission in the mid-1990s. The City in late-1990s trying to create A Redevelopment Project Area and increase land use intensity and tax increment created another layer of planning with the planning effort called the Ponto Beachfront Village Vision Plan [PBVVP]. Redevelopment [and the tax motivation to increase land use intensity] no longer exists in California.

Most importantly the PBVVP planning effort did not comply with the City's Local Coastal Program for Planning Area F as confirmed in Public Records Request 2017-260. This is a fundamental flaw in the planning effort as there is a strong desire to create a City Park in this unserved Coastal area. The additional layer of PBVVP planning effort was primarily focused on land owners/developers wants, and did not engage the San Pacifico Community even though the planning effort was looking to fundamentally change the character of the remaining portion of our Coastal Planned Community.

The 2008-2015 General Plan Update planning effort also did not follow the City's Local Coastal Program requirements for Planning Area F as confirmed in Public Records Request 2017-260. That planning effort for the site referenced the flawed PBVVP planning effort. Like the PBVVP planning effort the process did not directly involve/engage our San Pacifico Community, but instead had the developer's paid representative on the Envision Carlsbad Citizens' Committee working with City Staff to represent the developer's interests.

The failure to comply with the City Local Coastal Program when proposing the PBVVP and General Plan Update changes from the currently zoned "Non-residential Reserve" potentially invalidates those proposed changes, or at the very least seriously flawed those planning efforts. This can be corrected however in resetting the planning efforts for Planning Area F to the currently zoned "Non-residential Reserve" status and using a Community Based Planning Effort that follows the City's Local Coastal Program requirements for Planning Area F. The Community Based Planning Effort should also involve the larger Carlsbad Community of Citizens in that Planning Area F is the last significant vacant area along Carlsbad's South Coast, and our North San Diego County coast, which has critical gaps in City and Coastal Park access and acreage.

The attached August 31, 2017 letter was sent to the Carlsbad City Council, Parks and Planning Commissions and Carlsbad staff; and California Coastal Commission Staff. The letter is from the San Pacifico Community Association. The San Pacifico Community Association is the largest part of the Poinsettia Shores Planned Community of which Planning Area F is apart. The letter identifies some of

the Planning Area F park issues, provides City Policy direction that supports a Ponto Beach Park, and respectfully asks that the City provide a Community Based Planning Effort to address the issues of a Ponto Beach Park on Planning Area F. For instance:

- No City Coastal Parks west of Interstate 5 in all of South Carlsbad, while there are 10 City Coastal Parks west of Interstate 5 in North Carlsbad. This is inequitable. This also increases VMT and overcrowding at North Carlsbad Coastal Parks.
- Huge gaps in City Park access and resources in Southwest Carlsbad west of Interstate 5, as identified in the City Park and Recreation Master Plan.
- Southwest Carlsbad has an existing 6.6 acre deficient in meeting the minimum Growth management Program required City Park acreage demand from development within the Southwest Carlsbad. Planning Area F is about 6.5 acres in size.
- The City's 1980's approach to address the minimum requirements of SW Carlsbad's park deficient is to not follow the letter of the Growth Management Program and provide a City Park "within SW Carlsbad"; but to dislocate park demand and supply by providing the park 'outside SW Carlsbad' making SW Carlsbad's Park miles away from the development it is intended to serve, making it inaccessible by young and old, reducing that park size due to parking needed to serve distant users, and increasing VMT to access a distant park. We respectfully request a SW Carlsbad Park should be provided "within SW Carlsbad" to serve the needs of the development "within SW Carlsbad", consistent with the letter of the Growth Management Program.
- City policy allows and supports the creation of City Parks beyond the minimum acreage requirements of Growth Management Program minimum Park standard, and the City has created such City Parks in other areas of the City.
- The San Pacifico Community Association has conducted member meetings and a survey; and 92% wanted a park/recreational use. The complete survey was transmitted in a subsequent email.
- There appears to be a significant shortage of Growth Management Program Open Space acres in the area of Planning Area F, and a Ponto Beach Park would significantly help address this shortage.

Planning Area F is about the exact same size as Carlsbad's Holiday Park, and can provide ball and play fields, low-cost citizen and visitor recreational access to the coast, and synergistic enhancement to the surrounding and nearby commercial hotels and State Campground Coastal visitor accommodations. Like Holiday Park, Ponto Beach Park can be a special Carlsbad Community event place that is so consistent with Carlsbad's Core Values.

A Ponto Beach Park is a very positive thing for all Carlsbad and our Coast. Resetting the planning efforts at Planning Area F to follow the Carlsbad Local Coastal Program requirements and providing a Community Based Planned Effort to fully evaluate and consider a Ponto Beach Park that planning effort is the Right Thing to Do.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #3 – Growth Management Program Open Space Standard not being met in Local Facility Management Plan Zone 9 [Ponto] and requesting the City require the developer(s) to amend the Local Facility Management Plan Zone 9 to show compliance with the City's Growth Management Program Open Space Standard

Emailed Tuesday, December 5, 2017, 2:44:16 PM PST and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastalca.gov
Copied to: jimn8916@gmail.com ; billvanclave@prodigy.net ; vanzyl.aakc@live.com ; tonyruffolo616@gmail.com ; chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiesixpack@att.net ; meyers-schulte@sbcglobal.net ; lleibenson@waltersmanagement.com ; gnorman_ca@yahoo.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiesixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gama: Johngama99@gmail.com

Copy:
Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone. The developer applicant Shopoff has filed with the City the attached Amendment to the LFMP for Zone 9 to show their proposed compliance with the City's' Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite -

the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #4 – Provided a survey of San Pacifico Community Association on community concerns and requests of the City regarding developers’ proposed development of last remaining vacant portions of our Coastal Planned Community’s [Ponto] Planning Area F by Shopoff, and Planning Areas G & H

Emailed on 12/5/2017, 2/19/2018 and 3/6/18 to: council@carlsbadca.gov;
mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov;
chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Prahl@coastal.ca.gov;

Copy:

Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCAP-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The San Pacifico Community Association requests the community desires expressed in the following survey from our Community meeting on May 3rd be entered into the public record for the above planning applications, and any subsequent City and California Coastal Commission planning applications for the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site]. The San Pacifico Community Association is the majority property association in the Poinsettia Shores Planned Community [Poinsettia Shores Master Plan and Local Coastal Program] of which the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site] are also apart. The Community consensus does not think the above proposed land use planning and development permit

applications are compatible with the established lower density land use, lower development intensity, building height and mass, and character of our Coastal Planned Community and the Coastal Act, requirement that development be "visually compatible with the character of the surrounding area."

We wish the City would utilize a Community based planning approach vs. a developer driven and focused process to develop that last remaining vacant Coastal land in South Carlsbad.

The Community survey: On May 3rd, a San Pacifico Community meeting was held and approximately 200 citizens from San Pacifico attended. A Shopoff representative was invited and attended. The meeting provided summary information about the current planning processes and the two developers' proposals. Some paper surveys were available and about 60 were completed and returned that evening. Those unable to get a paper survey were able to complete an almost identical survey on-line at www.pontolocals.com. About 90 more surveys were completed on-line. The following tabulates both survey results.

Ponto East and Ponto West - Shopoff questions – May 3, 2017

1. **DWELLING DENSITY:** The area East of Ponto Road is now zoned R-23 (15 dwelling units per acre minimum to 23 dwelling units per acre maximum), not including State affordable housing density bonus:
 - Shopoff is proposing 137 dwellings on 6.5 net acres (= 21 dwelling units/acre)
 - Potentially with additional dwellings for an affordable housing density bonus

Should Shopoff's proposed density be reduced closer to the 15 dwelling an acre minimum as per the General Plan?

148/156 = yes = 95%

8/156 = no = 5%

2. **HEIGHT OF BUILDINGS:** currently proposed on the East side of Ponto Road are:
 - 40 feet high (3 story)
 - These buildings would be the tallest along the SW Carlsbad coast
 - Commercial buildings like hotels are limited to 35 feet tall
 - The building heights for the Poinsettia Shores Planned Community [which San Pacifico is majority of the development and the Shopoff and Kam Sang proposals are minor developments] limits building heights to 30-35 feet.
 - All San Pacifico residential buildings except Satalina [35 feet tall] are no taller than 30 feet and must have a minimum 3/12 roof pitch
 - The Ponto Beachfront Village Vision Plan that provides additional development guidance for the Shopoff proposed development specifically calls this area the "townhomes" area and shows 2-story [under 30 feet] townhomes as the 'vision' for the site.

Should the Shopoff proposed 3-story and 40 feet building heights be reduced to 2-story and/or no taller than 30-35 feet maximum to be consistent with the vision and more compatible with the Poinsettia Shores and San Pacifico community?

157/162 = yes = 97%
5/162 = no = 3%

3. **BUILDING INTENSITY:** The Shopoff proposed stack flat residential buildings have underground parking to allow more land use intensity and building mass. The proposed buildings run in a fairly contiguous cluster west of the railroad right-of-way from Avenida Encinas north to Ponto Storage.
- Shopoff's proposed residential square footage [not including any balconies, private recreation or ancillary buildings] is 247,100 square feet total in 3 stories at 40 feet high.
 - For reference the Carlsbad Costco building is about 115,500 square feet in 1 story at 35 feet high. So Shopoff's proposed residential building footprint is approximately 72% of the Carlsbad Costco, though it would be 5 feet higher than Costco.

Is Shopoff's proposed building intensity compatible with San Pacifico and the Poinsettia Shores Community and appropriate?

149/159 = no = 94%
10/159 = yes = 6%

Should Shopoff place story poles on-site to show and photo document the proposed building mass?

146/155 = yes = 94%
9/155 = no = 6%

4. **THE BEACHFRONT VILLAGE COMMERCIAL SITE:** west of Ponto Drive proposes some design issues that may be of concern:
- A driveway entrance/exit along Avenida Encinas will make pedestrian/bike travel to the beach less safe.
 - The site is proposed to filled with soil to lift the ground level at Coast Highway 9 feet higher and buildings put upon this higher 'building pad'
 - The proposed building designs and material qualities may be of concern
 - A proposed grassy park-like 'common area' that can be used by customers and community may connect with the City's land and planned trail under Coast Highway [Carlsbad Boulevard]

A. Should a driveway if needed be on Avenida Encinas or on Coast Highway?

68/108 = Coast Highway = 63%
56/98 = Ponto Road = 57%
22/108 = Avenida Encinas = 20%
4/59 = Both = 7%

3/59 = Neither = 5%

B. Should the site be filled 9 feet or to what height?

108/152 = no = 71%

14/152 = yes = 9%

30/152 = not sure = 20%

C. Are the proposed building design and qualities sufficient to be the commercial and community heart of the Ponto Beachfront Village? Suggestions?

31/43 = No = 72%

4/43 = yes = 9%

8/43 = did not respond = 19%

D. Is the proposed 'common area' desirable? If so, do you prefer seating, grass area, trail, or other?

102/150 = yes = 68%

29/150 = no = 19%

23/150 = don't know = 15%

36/91 = Grassy area = 39.6%

31/91 = Trail = 34.1%

17/91 = Other = 18.7%

16/91 = skipped = 17.6%

7/91 = Seating = 7.7%

5. **THE POINSETTIA SHORES MASTER PLAN** and Local Coastal Program require prior to any land use change on the Shopoff site [approximately 10 net acres] a documented evaluation of making the East of Ponto Drive site recreation facilities (i.e. "public park"), or lower cost beach visitor accommodations.

- Since 2012 the San Pacifico, Ponto and entire Southwest quadrant of Carlsbad have been in a Park standard deficient [not meeting the City's minimum 3 acres of Park per 1,000 population City Growth Management Program Standard].
- In 2015 our Southwest quadrant needed 6.6 acres of new City Park to comply with Growth Management Standards.

Should the Shopoff East site [or portion of the site] be: (circle one or more, give examples)

1. **Recreational,**

2. **Lower cost visitor accommodations,**

3. **Residential, or**

4. **Visitor serving commercial/recreation uses?**

5. Other

140/155 = Park/recreational = 92%

27/155 = Visitor serving commercial & recreation = 17%

6/155 = Residential = 4%

2/155 = Lower cost visitor accommodations = 1%

6. **PARKING:** There is not a lot of excess or extra parking in the current Shopoff proposal and this will not be a "Gated" community. Concerns have been raised regarding vacation rental by owner (VRBO) and beach access parking in this new development.
- Parking in this area is already a problem on weekends and during the summer
 - Additional residential units and VRBO will make this problem worse

- A. Should Shopoff modify their development plans to accommodate more parking for potential VRBO parking in their development? Yes ___ or No ___.

125/160 = yes = 78%

23/160 = no = 15%

- B. Have you experienced problems with VRBO and parking in your neighborhood and if so, explain.

79/139 = no = 57%

38/139 = yes = 27%

22/139 = did not respond = 16%

- C. What parking solutions would you propose?

Following are the replies, it appears a good study to define the needed parking supply and design solution to assure sufficient parking is desired.

- Require city standards or adhere to city vision plan.
- A professional parking study should be conducted that evaluates the current and future PUBLIC parking demands, before it is a daily problem.
- A reasonably priced parking lot/structure.
- All new buildings must have sufficient parking planned onsite.
- Amble parking within Shopoff plans to cover daily business transactions, new homeowners, and beach parking which will inevitably be in that area.
- angled parking on street, underground parking
- Below ground parking garages
- Eliminate the proposed development.
- I propose that the city better address the vacation rental issue.
- I really do favor angled parking on Ponto as an alternative, regardless of the VRBO issue.

- I think underground would be ideal, however, what about water drainage and flooding being close to the water. Would homeless people make it a new home?
- I think VRBO and AirBnb needs to be addressed like it is in our community CC&Rs. They should not allow Vacation rentals for no less than 30 days minimum. Maybe even give them stricter rules. As for parking, the city needs to regulate the people who camp and live in their vehicles on Ponto drive. Hopefully Shop off can help mitigate this growing problem with some type of solution.
- I'd propose angled parking on the street with meters and a requirement that homeowners park in their designated areas. I suggest Shopoff make the resident space sizes wide enough to include all vehicles, large and small.
- I'm not a parking expert but please don't try to use loop holes in the planning of buildings to wiggle out of providing proper parking.
- Increase parking for the airBandB demand. The issues parking, noise, use of common areas, change in neighborhood character are all fairly obvious and having to be addressed. The City needs to do its job to make sure the impacts are addressed. If City standards are out-of-date or inadequate then change them to address the impacts.
- Keep development parking to traditional Carlsbad standards. No "park in lieu" fees. Two bedroom condo or hotel suites should have two off road parking spaces. In recent history, Carlsbad has been allowing development without adequate parking!
- less buildings will mean less parking needed
- Lower density, stricter rules with rentals.
- mandatory two parking spaces/garage with no street park 11pm-5a.m
- More off-street parking.
- More parking at the beach on 101. Diagonal parking to allow for more -- explore parking on east side of 101.
- More parking spots within plan. Traffic appears to be a major problem now. More people...twice the cars.
- No VRBO should be allowed.
- Not have this development
- not sure
- parking garages
- Parking passes to hang in car window? BTW - THANK YOU for all your hard work. I am very appreciative for what you are doing for our neighborhood!
- Parking structure to the north
- Provide a larger area for VRBO as well as occasional day visitors. Only limited parking is presently provided. Lately as we have become more know more cars are parked on weekends on the streets.
- public underground parking
- rated parking in strip between Carlsbad state park and Carlsbad boulevard; train station; roadside in front of water plant on Encinas; park/ride at I-5 and La Costa Dr. in Encinitas
- Subterranean parking for all businesses and residents
- The job of a traffic engineer

- **The more underground parking the better. Security at night to enforce only residential parking. Additional storage units for residents to store bicycles & surfboards.**
- **There simply should be REQUIRED the actual needed amount of parking according to the proposed density PLUS additional accommodation for public needs.**
- **underground**
- **Underground garage.**
- **Underground parking**
- **underground parking**
- **Underground parking or drop the number of units. It's not rocket science**
- **What happened to underground parking? Look at the above ground parking structure Hilton put in do we want a series of parking structures west of the railroad?**

Item #5 – Correction of the 8/17 Shopoff mailer

Emailed: 3-22-18

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Praher@coastal.ca.gov; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com; WILLIAM VAN CLEVE billvanclave@prodigy.net; Avril van Zyl vanzyl.aakc@live.com; Tony Ruffolo tonyruffolo616@gmail.com; Chas Wick chaswick@reagan.com; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte meyers-schulte@sbcglobal.net; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community.

We request that this communication and any replies be part of the official record for the Citywide Local Coastal Program Amendment process, the City's planning to address the City Park deficit in the Southwest Quadrant [South Coastal Carlsbad], and the applications to change City ordinances and plans and then apply for development permits listed the Subject line below.

We would appreciate receiving a reply. If you have any questions regarding the communication's contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gamma: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Citywide Carlsbad Local Coastal Program Amendment, City's SW Quadrant Park planning compliance, and Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-2017-01, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

Response to Shopoff mailer of August 15, 2017: The truth
Verifiable data from the Ponto Beachfront Development Review Committee

Shopoff's letter of August 15, 2017, addressed to "Dear Neighbor" was highly misleading, and so the Ponto Beachfront Development Review Committee feel compelled to shed light on the truth's and mistruth's related to Shopoff's mailer about the proposed Ponto Beachfront development.

1. NEIGHBOR AND PROPERTY OWNER

Shopoff is not, as they say, our neighbor who owns the property east of Carlsbad Blvd and north of Avenida Encinas. The actual 'property owner' is LSFS Carlsbad Holding LLC at 2711 North Haskell Avenue, Suite 700; Dallas, TX 75204.

Shopoff is a speculative land developer from Orange County, and during an initial meeting with your Ponto Beachfront Development Review Committee (PBDRC), Shopoff said that they have a 5-year option to purchase the property. Shopoff's focus is not on the best interests of our neighborhood community, but on those of their investors, as explicitly stated by Shopoff on their website (www.shopoff.com): "Shopoff Realty Investments is a private real estate investment company with a proven track record of creating wealth for our investors — and a singular commitment to placing their needs above all else."

2. MISLEADING SHOPOFF INFORMATION - CHECK THE FACTS

Shopoff's PR firm (Roni Hicks) is creating PR pieces that misrepresent the facts and hide the complete information from you. As you read through the 8/15/17 Shopoff letter, you'll notice they do not provide citations or documentation that can be cross-referenced by you to verify their statements. Our link at www.pontolocals.com has the exact language from the current City and Coastal Commission's planning and zoning for Planning Area F of Poinsettia Shores Master Plan and Local Coastal Program including Shopoff's proposed changes, and the complete Ponto Beachfront Village Vision Plan.

Please let us know the questions you may have at www.pontolocals.com and/or talk with any of your PBDRC neighbors.

3. MEETINGS WITH NEIGHBORS

There are a few key, and very core, community issues we the PBDRC have heard from you, and have communicated to Shopoff. First, you would like a Ponto Beach Neighborhood Park for the east side of Ponto Road. However, if that part of our Planned Community is to be built out as a Townhome project (like the images in the Ponto Beachfront Village Vision Plan) then it should be more compatible with San Pacifico, should have lower density and lower building heights, and should be less massive than what Shopoff is proposing. Shopoff has repeatedly said to the PBDRC that Shopoff will NOT make changes to their development proposal to address your following core concerns:

- If there is to be a residential development, it should be like the images in the Ponto Beachfront Village Vision Plan: Shopoff is proposing a tall and massive wall of stacked flat condos, not 2-story Townhomes as called for and shown in the Ponto Beachfront Village Vision Plan (PBVVP). See Shopoff's Stacked Flat images compared to the PBVVP Townhome images. See the PBVVP, and the 1st and 2nd Shopoff Planning Submittals at www.pontolocals.com
- Lower density: Even though Shopoff's development would be part of our Poinsettia Shores (San Pacifico, et al.) Planned Community, Shopoff is proposing residential density (21 dwelling

units/acre) that is 250% more than, or 3.5 times San Pacifico’s residential density (6 dwelling units/acre). The City’s General Plan promises only the minimum 15 dwelling units/acre density or 71% of the density Shopoff is proposing. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. Shopoff’s proposed 136 dwellings on the east side of Ponto Road. Table B-1 is on page B-2 of the City’s Housing Element on the city’s website: <http://www.carlsbadca.gov/civicax/filebank/blobload.aspx?BlobID=29360>

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

You can see the Poinsettia Shores Master Plan and Local Coastal Program for our San Pacifico density and the Shopoff’s planning applications on www.pontolocals.com

- **Lower building heights:** Shopoff is proposing 40-foot-tall buildings. Almost all of the buildings in the Poinsettia Shores (San Pacifico, et al.) Planned Community are around 26 feet tall, with a maximum potential height of 30 feet. Only Santalina’s maximum potential building heights exceed that, at 35 feet - as they backup to Interstate 5. Shopoff’s proposed building height is 154% the height of most of our Planned Community. See Shopoff’s 2nd planning submittal at www.pontolocals.com

Shopoff should place “story-poles” on the site to allow you to see their actual proposed height and massiveness, so you can determine the appropriateness for San Pacifico.

4. SHORT TERM RENTALS AND PARKING

San Pacifico HOA has restrictions on short term rentals. Shopoff has agreed with your PBDRC suggestions to likewise restrict short-term rentals. However, Shopoff cannot prevent a future HOA Board from amending the CC&Rs and by-laws, which could allow short-term rentals in the future. In addition, Shopoff is providing minimal private streets and minimal public street parking, so any parking shortage will spill over to San Pacifico. Their design should address short term rental impacts, including noise, high occupancy/congestion, parking, etc.

5. ZONING

Shopoff states that their plans are consistent with current zoning. This is not true. The current zoning for the site is in the Poinsettia Shores Master Plan and Local Coastal Program, in which Shopoff (or the City) needs to make major changes to this zoning before Shopoff’s development proposals can be permitted by the City and California Coastal Commission. Look at the yellow signs on the sites which show Shopoff’s applications to change zoning (MP-16-01, and LCAP-16-02 to amend 2017-01). Go to www.pontolocals.com to see Shopoff’s actual proposed changes to the zoning. Changing the Master

Plan and Local Coastal Program will require approval from both the City of Carlsbad and the California Coastal Commission.

The current zoning (in the Poinsettia Shores Master Plan and Local Coastal Program) for the site is “Non-Residential Reserve”. That zoning requires that “As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. ” The developer and City failed to consider and document these needs when the PBVVP and 2015 General Plan Update were approved. We are not sure if the Developer or City are considering and documenting this now. See page 101 of the City of Carlsbad Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088>

6. GENERAL PLAN UPDATE

The City’s General Plan update in 2015 did change the City’s General Plan land use designation to consider commercial and residential land uses for the site. However, because the site is in the California Coastal Zone, the California Coastal Commission must ‘certify’ the update to the City of Carlsbad Local Coastal Program before the City’s General Plan change is fully approved. See Carlsbad General Plan Land Use Element page 2-26 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24087> that states:

“The California Coastal Act regulates all development within the state-designated Coastal Zone. ...The Coastal Act requires that individual jurisdictions adopt local coastal programs (LCP) to implement the Coastal Act. ... Development in the Coastal Zone must comply with the LCP in addition to the General Plan. The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to. ... Within the Coastal Zone, no discretionary permit shall be issued by the city unless found to be consistent with the General Plan and the LCP. In the event of conflict between the provisions of the General Plan and LCP Land Use Plan, the terms of the LCP Land Use Plan shall prevail.”

The Coastal Commission staff has indicated that “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.**”

7. CITIZENS’ INPUT NEEDED

The City and California Coastal Commission have the discretion to approve or deny a developer’s application to change City regulations and developer’s proposed development applications. The process requires that the Carlsbad Planning Commission and City Council, and California Coastal Commission hold Public Hearings to hear community concerns before making any approval or denial of applications. If you want to provide your input and be notified of any of these upcoming Public Hearings, please contact Walters Management and www.pontolocals.com. Your PBDRC will consolidate and forward everyone’s email input to the City and Coastal Commission and notify you in advance to attend the public hearings.

8. PONTO BEACHFRONT VILLAGE VISION PLAN (PBVVP)

Shopoff claims in their letter that their design implements the 2-story Townhomes shown in the PBVVP. This is clearly not true. Shopoff is proposing 3-story, 40-foot-tall and massive, 60% lot coverage, Stacked Flats – not 2-story townhomes. The PBDRC has repeatedly asked Shopoff that if they are proposing residential dwellings, to build the Townhomes as showed on Chapter 3 pages 3-8 & 9 of the PBVVP. Shopoff has consistently refused to propose a 2-story Townhome project as shown in the PBVVP, and are misleading you. Go to www.pontolocals.com to see the PBVVP.

9. RESIDENTIAL DENSITY

Shopoff critically fails to tell you the entire truth that the minimum density for the R-23 land use category is 15 dwellings per acre. Developing at the minimum General Plan density would allow 98 dwellings on the East site of Ponto Road and 11 dwellings on the west side of Ponto Road for a total of 109 dwellings. Shopoff proposes 136 dwellings or about 125% the minimum density. See Carlsbad General Plan Housing Element “2161404300 (Ponto)” in Table B1 on page B2 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

10. AFFORDABLE HOUSING

For the site that Shopoff wants to develop, the City of Carlsbad requires at least 20% affordable housing. It is unlikely if Shopoff could even ask for a Density Bonus. The PBDC is checking into this.

11. TRAFFIC IMPACTS

Shopoff’s project will increase traffic in the area. The San Pacifico Community and its PBDRC have repeatedly asked Shopoff to lower their density, thus decreasing their traffic impacts. Shopoff has refused to reduce density and thus to reduce their traffic impacts.

12. COMMUNITY INPUT AND DESIGN

The proposal changes that Shopoff lists in their letter reflect some of the changes the PBDRC has conveyed to Shopoff as desires of the San Pacifico Community. Many of the changes that Shopoff lists were also identified by the City as needed changes to Shopoff’s proposals. Shopoff has acknowledged that these changes improved their prior proposals. However Shopoff has failed to make changes to address the most important and fundamental desires of the San Pacifico community:

- creating a Ponto Beach Neighborhood Park (the Local Coastal Program also requires that this site be considered for a park)
- reducing density to be near 15 dwelling units per acre
- withdrawing Shopoff’s proposed zoning change to transfer optional residential density from the west to the east side of Ponto Rd.
- limiting building height to no greater than 2-stories and no taller than 30-35 feet
- reducing building mass and intensity to be consistent with San Pacifico
- creating a wide public coastal view corridor along Avenida Encinas
- removing the proposed main commercial driveway entry on Avenida Encinas
- providing sufficient public beach parking

Go to www.pontolocals.com to see Shopoff’s proposed development.

13. NEXT STEPS

Concerns and requests submitted to Carlsbad City Council et. al.

In their letter's "Next Steps", Shopoff failed to disclose that they, or the City on the developer's behalf, will need to receive California Coastal Commission approval of Shopoff's needed amendments to the Local Coastal Program after all Carlsbad City approvals.

The Poinsettia Shores Master Plan and Local Coastal Program for the site requires that **"As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad."** Also the California Coastal Commission staff has stated that the City "shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. **This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Not completely disclosing the necessary and critical California Coastal Commission and public review and hearing process is yet another example of Shopoff misleading you.

The PBDRC has put on our www.pontolocals.com website the actual City and Coastal Commission Planning documents along with Shopoff's actual proposed changes to zoning and development proposal, so you can see and confirm the facts for yourself.

Thank you for caring about our coast and assuring we Develop Ponto Right.

Sincerely,
Your PBDRC

Item #6 – Questions for City and Shopoff re Shopoff Planning Applications

Emailed: 7-31-18

To: <matt.hall@carlsbadca.gov>, <council@carlsbadca.gov>, <manager@carlsbadca.gov>, <jason.goff@carlsbadca.gov>, <debbie.fountain@carlsbadca.gov>, <sheila.cobian@carlsbadca.gov>, <chrishazeltine@carlsbadca.gov>, <faviola.medina@carlsbadca.gov>, <don.neu@carlsbadca.gov>

Cc: <meyers-schulte@scglobal.net>, <chaswick@reagan.com>, Erin.Prahler@coastal.ca.gov, Gabriel.Buhr@coastal.ca.gov

Subject: Questions for City of Carlsbad and Shopoff re: Shopoff Planning Applications for Ponto Beachfront Development

Dear Matt Hall- Mayor City of Carlsbad; Council Members; City Staff,

Please find attached 3 pages of questions we have for the City Council, City staff and Shopoff regarding the Ponto Beachfront proposed development plans and applications. We thank you for taking the time to review our questions that we have attached. Please feel free to contact Lance Schulte or me with any questions you may have.

Respectfully,

Chas Wick

Ponto Beachfront Development Review Committee

Erin, Gabriel,

Please find attached the questions we sent to City Council and staff regarding Shopoff's proposed plans and applications. Thank you for taking the time to review these questions. Thank you also for meeting with us awhile back in your offices and listening to our questions. Please call/ contact Lance or me if you have any questions about anything that may fall in your purview for this project.

Thanks,

Chas Wick

909-721-1765 chaswick@reagan.com

Questions for City and Shopoff re Shopoff Planning Applications

PLANNING QUESTIONS FOR THE CITY

- 1) Please provide information on what other residential developments in Carlsbad are at the proposed intensity of Shopoff's proposed residential development on a Floor to Area(FAR) Ratio. Shopoff's proposed development has an FAR of 1.79 that will be 3.5 times the intensity of the Hilton Cape Rey and we believe, based on public records requests, will be the most intense residential development in all of Carlsbad. It will propose a new intensity of residential buildings inconsistent with the long established residential character of the surrounding community and Carlsbad's Coastal Zone.
- 2) Please provide details and justification on why the City is entertaining 3 story, 40 foot tall structures in an area that should be 2 story, 30-35 foot high to be consistent with the Ponto Beachfront Village Vision Plan images and compatible with the surrounding neighborhood and comply with the policy requirements of the Local Coastal Program and California Coastal Act ?

- 3) Please provide details and justification as to why the City is entertaining allowing 136 dwelling units on a parcel that should have a minimum requirement of 98 dwelling units.
 - a. Please confirm whether or not you are considering allowing a density transfer from the commercial parcel to the residential parcel. If so, please confirm that you will first need to amend the General Plan and make General Plan findings to properly make this transfer.
 - b. Please confirm that if the density transfer between parcels goes through a General Plan Amendment, that the 25% portion of commercial land used for residential density and being transferred is retained as Open Space on the Donor commercial site. This prevents “Double Dipping”. If a density transfer is allowed (which means you are linking parcels), that you will require that Building Completion Certificates, Final Inspections and/or Occupancy Certificates are granted for the Commercial buildings PRIOR to any Occupancy Certificates being issued for the residential units. This will help ensure that the Commercial buildings are actually going to be built and not just that the Commercial property was used to gain dwelling units on the residential site.
 - c. Please explain how the Shopoff proposal of 21 du/acre fits with the Ponto Village Vision Plan of 12-16 du/acre and why you are not having Shopoff design at the minimum of R-23 which is 15 du/acre, as shown in the Housing Element.
- 4) On the previous issue of Shopoff’s plans dwg A1-1, there was a Common Area/Open Space of 0.57 acres next to the Commercial buildings. On the current Shopoff plan dwg A1-1, the Common Area/Open Space has been eliminated or deleted. (See their plans.)

In fact, we understand from the US Fish and Wildlife, that Shopoff mowed down too much of the protected sage scrub habitat (endangered gnatcatcher habitat) that was originally in this Open Space and will be penalized – likely having to increase protected habitat by 3 to 15 times that amount that Shopoff destroyed. Please explain how the City allowed this to happen?

- a. Please explain what happened to The Commons/0.57 acres of grassy space the community was originally promised? Was the City involved in this decision?
 - b. Please explain what will happen to the Commercial site layout once the protected habitat mitigation area is increased. Will parking be put underground? Will Shopoff reduce the current size of the Commercial buildings?
 - c. There appears to be a drainage basin proposed for the protected habitat area. Is a drainage facility consistent with habitat preservation? Is the drainage basin fenced? What will happen to this basin once the protected habitat area is increased?
- 5) Please explain why the City is entertaining a subdivision of 9 lots on the residential (5) and commercial (4) sites.
 - a. Will this increase set-backs on each buildable lot and if so, by how much? Have you taken that into consideration?

- b. Since the entitlements will likely be sold off to separate developers, how will the City ensure all the plan requirements are met?
 - c. How will the City ensure that the buildings provide a cohesive and consistent construction and visible quality/fit with one another?
 - d. How will the City ensure all residential and commercial projects go forward together in the most effective and shortest timeframe for surrounding neighbors?
 - e. How will ownership/HOAs be handled if you have a multitude of different developers for the 2 current parcels?
- 6) Please strongly consider angled parking on Ponto Road to maximize beach parking. Please explain why you continue to push for parallel parking on Ponto Road and what long-term beach parking demand analysis is being used to not provide angled parking that could maximize beach parking supply. Please detail how many cars you can get with angled parking versus parallel parking.
 - 7) What other traffic measures and improvements are you having Shopoff make?
 - 8) What are the Carlsbad Boulevard frontage improvements you are having Shopoff make?

Poinsettia Shores Master Plan and Local Coastal Program requires Shopoff to provide Carlsbad Boulevard frontage improvements. The City's ROW and older PCH ROW fronts Shopoff's site.

QUESTIONS FOR SHOPOFF ON THEIR PLANS AND APPLICATION

- 1) The pedestrian and bike travel paths on the Roundabout on Avenida Encinas appears unsafe. Please review and reply on how to make this a safer situation for all concerned.
- 2) There appears to be an unsafe pedestrian path at the commercial Avenida Encinas main entry. Please review and reply on how to make this a safer situation for pedestrians and bikes. A commercial main entry on Carlsbad Boulevard is a better approach and has been done many times in Carlsbad.
- 3) What are the UBC requirements on elevators? How many are required per unit/building? Does Shopoff's plans have enough? Will elevator equipment exceed building heights or require deeper subterranean infrastructure ?
- 4) How will Shopoff sewer the property?
- 5) Can you please provide a diagram that shows trash/recycling storage and how trash/recycling vehicles will enter, manage trash / recycles and exit the sites? It appears trash and recycles will be underground on the residential site.
- 6) What is the distance of balconies to the property line at Avenida Encinas? Is that per Code?

- 7) There appears to be insufficient landscape materials proposed for the hard surfaced wall facing the railroad and San Pacifico. Please provide proper noise buffering / noise absorbing materials on the wall and provide the technical information on their ratings compared to the proposed landscape plantings.
- 8) The Landscape map and tentative map are inconsistent with the pork chop/pedestrian crossing plans.
- 9) Some lights are up-facing and/or unshielded. Please confirm all exterior lights/pole lights will be downwards facing and not provide unnecessary light "pollution" to the adjacent neighborhoods or traffic on the adjacent roadways.
- 10) Please confirm whether or not Shopoff will provide materials on the buildings to increase wireless communication/reception within their and adjoining developments.

Concerns and requests submitted to Carlsbad City Council et. al.

Item #7 Community offer to Shopoff to work towards Land Swap for Park and Open Space at Ponto and/or fundamental community desires for development

Email Sent: Wednesday, August 15, 2018 10:07 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); 'Harry Peacock'; matt.hall@carlsbadca.gov; Council Internet Email (CityCouncil@carlsbadca.gov); 'Gail Norman'; 'John Gama'; Chas Wick (chaswick@reagan.com); 'Stacy King'; Erin Prahler (Erin.Prahler@coastal.ca.gov); Gabriel Buhr (gbuhr@coastal.ca.gov); debbie.fountain@carlsbadca.gov; Chris Hazeltine

Subject: RE: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

We still have not heard back from you regarding the 2017 email below.

Recently we met with Matt Hall, and he asked we reach out to you again to restart a dialog. We want to see if we can dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad in providing equitable Open Space and Park facilities, and in providing land use intensity compatibility.

As you know last year we proposed to you an opportunity to work collaboratively for the betterment of Carlsbad in a land swap. We understand as your website says: "As a private investment firm, Shopoff Realty Investments places the needs of our investors above all else," however given the Growth Management Program Open Space and Parks issues, Local Coastal Program issues regarding priority uses and compatibility it maybe in the best interests of your investors to dialog about options.

You may think we are anti-development or anti-Shopoff, but that is not the case. We are pro Carlsbad and simply want to make sure as a City we Develop Ponto Right for present and future generations. We have already provided you creative solutions that, as your PMs indicated, were better and more resilient designs.

We offer to meet with you to dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad.

Let us know.

Lance

Included copy of email sent: Friday, August 18, 2017 10:04 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); Jean Camp (jeanscamp@yahoo.com)

Subject: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

As we believe you know from our latest community polling approximately 95% of San Pacifico residents would like to see as a public park as the best land use for the 'east proposed residential site'. If the site is developed as residential, which we think is not the best use of this coastal land, then development consistent with the images and intensities shown in the Ponto Beachfront Village Vision Plan – basically 2-story Townhomes and density closer to 15 dwellings per acre – is acceptable. However the desired land use is park and open space for an area of Coastal and South Carlsbad that is lacking in both those land uses.

John Sherritt communicated with you on June 22, and again as follow-up on July 6 2017 to communicate to you those community desires and to offer you an opportunity to work with the community in a collaborative and supportive partnership to achieve the primary and best use of the site as a public park. We researched, developed and John presented to you an approach that we could work with you to make Shopoff financially whole in creating a Ponto Beach Park on the site. That approach as outlined by John was to work with you and the City to 'land swap' the Ponto site for an equivalent land density and value on the westerly portion of Veterans Park. The sloped site provides extensive ocean/lagoon views, is adjacent to high quality high density residential, is surrounded by extensive Park and open space land uses and amenities, and is very near major employment centers and school sites – an ideal place for high density housing. A land swap approach would be similar to the Poinsettia 61 effort that can be a positive solution to all concerned. You would have community support for that solution.

John communicated back to the community that after your two meetings, that you had chosen to reject our solution and offer of collaboration. We simply would like to get your email confirmation that you rejected this solution, and if that rejection is permanent and not subject to any reconsideration in the future? Can you please confirm?

Thanks,
Lance

Citizen concerns & requests regarding Ponto emailed to the Carlsbad City Council, Planning & Parks Commissions; & CA Coastal Commission From 2017 to 1-31-2020

Item #, page, first sent, issues

- 1, 1, 8 /31/17, Coastal South Carlsbad/Ponto PA F Park needs, City policy supporting Ponto Park
- 2, 7, 12/4 /17, PA F LCP compliance, requested City Council reset Ponto planning with community based approach
- 3, 10, 12/5/17, Growth Management OpenSpace Standard not met at Ponto (LFMP-9) & asking Council to fix per 21.90 of CMC
- 4, 12, 12/5/17, Survey of San Pacifico Community Association members on Ponto issues within their planned community
- 5, 19, 3/22/18, Corrections to misrepresentations in Shopoff's Aug 2017 mailer to citizens
- 6, 24, 7/31/18, Questions for City and Shopoff regarding Shopoff Planning Applications
- 7, 29, 8/17 & 8/18, Community offers to Shopoff regarding collaborative Land Swap for Park & Open Space at Ponto
- 8, 30, 7/7/19, Citizen presentations asking Council on 6/12, 7/24, & 10/23/18 to correct Ponto Park & GMP Open Space defects
- 9, 33, 2/8/19, San Pacifico Community Assoc. letter to Carlsbad City Council, Planning & Parks Commissions, & City & CCC Staff
- 10, 36, 11/14/19, DLCPA public comments/requests on flawed Ponto disclosure/participation/planning process, & call to reset
- 11, 42, 11/18/19, DLCPA public comments & 11 questions on Existing LCP & Draft LCPA policy moving Carlsbad Boulevard inland
- 12, 44, 1/28/20, DLCPA public comments citing 14 errors/omissions in 1/28/20 agenda Item #14 Staff Report to City Council
- 13, 49, 11/22/19 DLCPA public comments & data on "High-Priority" Low-Cost Visitor Accommodation land use
- 14, 57, 1/29/20, DLCPA public comments & data on "High-Priority" Coastal Recreation land use & deficits at Ponto/So. Carlsbad
- 15, 90, 1/29/20, DLCPA public comments citing City Park Master Plan Park Service (Equity) maps showing Ponto is unserved
- 16, 92, 1/30/20, DLCPA public comments submitting prior public comments on Shopoff's proposed LCPA at Ponto; and asking:
 - why City Staff is keeping the Shopoff LCPA application alive, and under what authority, and
 - why the City Staff is processing the Planning Area F speculative developer's proposed LCPA to change the Existing LCP non-residential reserve land use to low-priority residential and general commercial land uses
- 17, 94, 1/31/20, DLCPA public comments on LCP & CMC 21.90.130 addressing Ponto Coastal Park & Open Space Standards
- 18, 95, ?????, DLCPA public comments via People for Ponto website & surveys. Summary of public comments submitted

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17 and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDR) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)

- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is need to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions] crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their “local” beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

"...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people's homes ..."

"The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city's open space system."

"Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community's active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind."

"Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority."

"... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ..."

"Tailored Tourism Strategy: Tourism is an important component of the city's economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ..."

"Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks."

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City’s Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan’s standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a

valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDRC
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:

jeanscamp@yahoo.com
sebbiessixpack@att.net;
meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com
Mr. Bill Van Cleve billvancleve@prodigy.net
Mr. Adriaan van Zyl Vanzyl.aakc@live.com
Mr. Tony Ruffolo tonyruffolo616@gmail.com
Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors
California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

Item #2 – Planning Area F Local Coastal Program Compliance & requesting the City Council reset the land use planning process and conduct a community based planning approach to compliance

Emailed on 12/4/17 & 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastal.ca.gov ; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee Leibenson lleibenson@waltersmanagement.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

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Gail Norman: gnorman_ca@yahoo.com
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Lee Leibenson: lleibenson@waltersmanagement.com
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Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes to the Poinsettia Shores Master Plan and Local Coastal Program [PSMP/LCP] and planning changes and development permits for Planning Area F of the PSMP/LCP. The City of Carlsbad's currently adopted Local Coastal Program [p. 101] for the site and the City's currently adopted PSMP/LCP zoning [p. 105] for the site is:

"PLANNING AREA F:

*Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when***

more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. [Boldface and underline highlights added]

The current Carlsbad Local Coastal Program and PSMP/LCP for Planning Area F were adopted by the City and Coastal Commission in the mid-1990s. The City in late-1990s trying to create A Redevelopment Project Area and increase land use intensity and tax increment created another layer of planning with the planning effort called the Ponto Beachfront Village Vision Plan [PBVVP]. Redevelopment [and the tax motivation to increase land use intensity] no longer exists in California.

Most importantly the PBVVP planning effort did not comply with the City's Local Coastal Program for Planning Area F as confirmed in Public Records Request 2017-260. This is a fundamental flaw in the planning effort as there is a strong desire to create a City Park in this unserved Coastal area. The additional layer of PBVVP planning effort was primarily focused on land owners/developers wants, and did not engage the San Pacifico Community even though the planning effort was looking to fundamentally change the character of the remaining portion of our Coastal Planned Community.

The 2008-2015 General Plan Update planning effort also did not follow the City's Local Coastal Program requirements for Planning Area F as confirmed in Public Records Request 2017-260. That planning effort for the site referenced the flawed PBVVP planning effort. Like the PBVVP planning effort the process did not directly involve/engage our San Pacifico Community, but instead had the developer's paid representative on the Envision Carlsbad Citizens' Committee working with City Staff to represent the developer's interests.

The failure to comply with the City Local Coastal Program when proposing the PBVVP and General Plan Update changes from the currently zoned "Non-residential Reserve" potentially invalidates those proposed changes, or at the very least seriously flawed those planning efforts. This can be corrected however in resetting the planning efforts for Planning Area F to the currently zoned "Non-residential Reserve" status and using a Community Based Planning Effort that follows the City's Local Coastal Program requirements for Planning Area F. The Community Based Planning Effort should also involve the larger Carlsbad Community of Citizens in that Planning Area F is the last significant vacant area along Carlsbad's South Coast, and our North San Diego County coast, which has critical gaps in City and Coastal Park access and acreage.

The attached August 31, 2017 letter was sent to the Carlsbad City Council, Parks and Planning Commissions and Carlsbad staff; and California Coastal Commission Staff. The letter is from the San Pacifico Community Association. The San Pacifico Community Association is the largest part of the Poinsettia Shores Planned Community of which Planning Area F is apart. The letter identifies some of

the Planning Area F park issues, provides City Policy direction that supports a Ponto Beach Park, and respectfully asks that the City provide a Community Based Planning Effort to address the issues of a Ponto Beach Park on Planning Area F. For instance:

- No City Coastal Parks west of Interstate 5 in all of South Carlsbad, while there are 10 City Coastal Parks west of Interstate 5 in North Carlsbad. This is inequitable. This also increases VMT and overcrowding at North Carlsbad Coastal Parks.
- Huge gaps in City Park access and resources in Southwest Carlsbad west of Interstate 5, as identified in the City Park and Recreation Master Plan.
- Southwest Carlsbad has an existing 6.6 acre deficient in meeting the minimum Growth management Program required City Park acreage demand from development within the Southwest Carlsbad. Planning Area F is about 6.5 acres in size.
- The City's 1980's approach to address the minimum requirements of SW Carlsbad's park deficient is to not follow the letter of the Growth Management Program and provide a City Park "within SW Carlsbad"; but to dislocate park demand and supply by providing the park 'outside SW Carlsbad' making SW Carlsbad's Park miles away from the development it is intended to serve, making it inaccessible by young and old, reducing that park size due to parking needed to serve distant users, and increasing VMT to access a distant park. We respectfully request a SW Carlsbad Park should be provided "within SW Carlsbad" to serve the needs of the development "within SW Carlsbad", consistent with the letter of the Growth Management Program.
- City policy allows and supports the creation of City Parks beyond the minimum acreage requirements of Growth Management Program minimum Park standard, and the City has created such City Parks in other areas of the City.
- The San Pacifico Community Association has conducted member meetings and a survey; and 92% wanted a park/recreational use. The complete survey was transmitted in a subsequent email.
- There appears to be a significant shortage of Growth Management Program Open Space acres in the area of Planning Area F, and a Ponto Beach Park would significantly help address this shortage.

Planning Area F is about the exact same size as Carlsbad's Holiday Park, and can provide ball and play fields, low-cost citizen and visitor recreational access to the coast, and synergistic enhancement to the surrounding and nearby commercial hotels and State Campground Coastal visitor accommodations. Like Holiday Park, Ponto Beach Park can be a special Carlsbad Community event place that is so consistent with Carlsbad's Core Values.

A Ponto Beach Park is a very positive thing for all Carlsbad and our Coast. Resetting the planning efforts at Planning Area F to follow the Carlsbad Local Coastal Program requirements and providing a Community Based Planned Effort to fully evaluate and consider a Ponto Beach Park that planning effort is the Right Thing to Do.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #3 – Growth Management Program Open Space Standard not being met in Local Facility Management Plan Zone 9 [Ponto] and requesting the City require the developer(s) to amend the Local Facility Management Plan Zone 9 to show compliance with the City’s Growth Management Program Open Space Standard

Emailed Tuesday, December 5, 2017, 2:44:16 PM PST and 3/6/18 to: council@carlsbadca.gov ; mike.pacheco@carlsbadca.gov ; Don.Neu@carlsbadca.gov ; manager@carlsbadca.gov ; chris.hazeltine@carlsbadca.gov ; gbuhr@coastal.ca.gov ; Erin.Prahler@coastalca.gov
Copied to: jimn8916@gmail.com ; billvanclave@prodigy.net ; vanzyl.aakc@live.com ; tonyruffolo616@gmail.com ; chaswick@reagan.com ; jeanscamp@yahoo.com ; sebbiesixpack@att.net ; meyers-schulte@sbcglobal.net ; lleibenson@waltersmanagement.com ; gnorman_ca@yahoo.com

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
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Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone. The developer applicant Shopoff has filed with the City the attached Amendment to the LFMP for Zone 9 to show their proposed compliance with the City’s Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status

Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite - the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.

Item #4 – Provided a survey of San Pacifico Community Association on community concerns and requests of the City regarding developers’ proposed development of last remaining vacant portions of our Coastal Planned Community’s [Ponto] Planning Area F by Shopoff, and Planning Areas G & H

Emailed on 12/5/2017, 2/19/2018 and 3/6/18 to: council@carlsbadca.gov;
mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov;
chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Prahl@coastal.ca.gov;

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Jim Nardi jimn8916@gmail.com ; WILLIAM VAN CLEVE billvanclave@prodigy.net ; Avril van Zyl
vanzyl.aakc@live.com ; Tony Ruffolo tonyruffolo616@gmail.com ; Chas Wick chaswick@reagan.com ;
jeanscamp@yahoo.com ; sebbiessixpack@att.net ; Lance Schulte meyers-schulte@sbcglobal.net ; Lee
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The San Pacifico Community Association requests the community desires expressed in the following survey from our Community meeting on May 3rd be entered into the public record for the above planning applications, and any subsequent City and California Coastal Commission planning applications for the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site]. The San Pacifico Community Association is the majority property association in the Poinsettia Shores Planned Community [Poinsettia Shores Master Plan and Local Coastal Program] of which the properties East and West of Ponto Road and North of Avenida Encinas [Shopoff option site] are also apart. The Community consensus does not think the above proposed land use planning and development permit applications are compatible with the established lower density land use, lower development intensity,

building height and mass, and character of our Coastal Planned Community and the Coastal Act, requirement that development be "visually compatible with the character of the surrounding area."

We wish the City would utilize a Community based planning approach vs. a developer driven and focused process to develop that last remaining vacant Coastal land in South Carlsbad.

The Community survey: On May 3rd, a San Pacifico Community meeting was held and approximately 200 citizens from San Pacifico attended. A Shopoff representative was invited and attended. The meeting provided summary information about the current planning processes and the two developers' proposals. Some paper surveys were available and about 60 were completed and returned that evening. Those unable to get a paper survey were able to complete an almost identical survey on-line at www.pontolocals.com. About 90 more surveys were completed on-line. The following tabulates both survey results.

Ponto East and Ponto West - Shopoff questions – May 3, 2017

1. **DWELLING DENSITY:** The area East of Ponto Road is now zoned R-23 (15 dwelling units per acre minimum to 23 dwelling units per acre maximum), not including State affordable housing density bonus:
 - Shopoff is proposing 137 dwellings on 6.5 net acres (= 21 dwelling units/acre)
 - Potentially with additional dwellings for an affordable housing density bonus

Should Shopoff's proposed density be reduced closer to the 15 dwelling an acre minimum as per the General Plan?

148/156 = yes = 95%

8/156 = no = 5%

2. **HEIGHT OF BUILDINGS:** currently proposed on the East side of Ponto Road are:
 - 40 feet high (3 story)
 - These buildings would be the tallest along the SW Carlsbad coast
 - Commercial buildings like hotels are limited to 35 feet tall
 - The building heights for the Poinsettia Shores Planned Community [which San Pacifico is majority of the development and the Shopoff and Kam Sang proposals are minor developments] limits building heights to 30-35 feet.
 - All San Pacifico residential buildings except Satalina [35 feet tall] are no taller than 30 feet and must have a minimum 3/12 roof pitch
 - The Ponto Beachfront Village Vision Plan that provides additional development guidance for the Shopoff proposed development specifically calls this area the "townhomes" area and shows 2-story [under 30 feet] townhomes as the 'vision' for the site.

Should the Shopoff proposed 3-story and 40 feet building heights be reduced to 2-story and/or no taller than 30-35 feet maximum to be consistent with the vision and more compatible with the Poinsettia Shores and San Pacifico community?

157/162 = yes = 97%

5/162 = no = 3%

3. **BUILDING INTENSITY:** The Shopoff proposed stack flat residential buildings have underground parking to allow more land use intensity and building mass. The proposed buildings run in a fairly contiguous cluster west of the railroad right-of-way from Avenida Encinas north to Ponto Storage.
- Shopoff's proposed residential square footage [not including any balconies, private recreation or ancillary buildings] is 247,100 square feet total in 3 stories at 40 feet high.
 - For reference the Carlsbad Costco building is about 115,500 square feet in 1 story at 35 feet high. So Shopoff's proposed residential building footprint is approximately 72% of the Carlsbad Costco, though it would be 5 feet higher than Costco.

Is Shopoff's proposed building intensity compatible with San Pacifico and the Poinsettia Shores Community and appropriate?

149/159 = no = 94%
10/159 = yes = 6%

Should Shopoff place story poles on-site to show and photo document the proposed building mass?

146/155 = yes = 94%
9/155 = no = 6%

4. **THE BEACHFRONT VILLAGE COMMERCIAL SITE:** west of Ponto Drive proposes some design issues that may be of concern:
- A driveway entrance/exit along Avenida Encinas will make pedestrian/bike travel to the beach less safe.
 - The site is proposed to filled with soil to lift the ground level at Coast Highway 9 feet higher and buildings put upon this higher 'building pad'
 - The proposed building designs and material qualities may be of concern
 - A proposed grassy park-like 'common area' that can be used by customers and community may connect with the City's land and planned trail under Coast Highway [Carlsbad Boulevard]

A. Should a driveway if needed be on Avenida Encinas or on Coast Highway?

68/108 = Coast Highway = 63%
56/98 = Ponto Road = 57%
22/108 = Avenida Encinas = 20%
4/59 = Both = 7%
3/59 = Neither = 5%

B. Should the site be filled 9 feet or to what height?

108/152 = no = 71%

14/152 = yes = 9%

30/152 = not sure = 20%

C. Are the proposed building design and qualities sufficient to be the commercial and community heart of the Ponto Beachfront Village? Suggestions?

31/43 = No = 72%

4/43 = yes = 9%

8/43 = did not respond = 19%

D. Is the proposed 'common area' desirable? If so, do you prefer seating, grass area, trail, or other?

102/150 = yes = 68%

29/150 = no = 19%

23/150 = don't know = 15%

36/91 = Grassy area = 39.6%

31/91 = Trail = 34.1%

17/91 = Other = 18.7%

16/91 = skipped = 17.6%

7/91 = Seating = 7.7%

5. THE POINSETTIA SHORES MASTER PLAN and Local Coastal Program require prior to any land use change on the Shopoff site [approximately 10 net acres] a documented evaluation of making the East of Ponto Drive site recreation facilities (i.e. "public park"), or lower cost beach visitor accommodations.

- Since 2012 the San Pacifico, Ponto and entire Southwest quadrant of Carlsbad have been in a Park standard deficient [not meeting the City's minimum 3 acres of Park per 1,000 population City Growth Management Program Standard].
- In 2015 our Southwest quadrant needed 6.6 acres of new City Park to comply with Growth Management Standards.

Should the Shopoff East site [or portion of the site] be: (circle one or more, give examples)

1. Recreational,

2. Lower cost visitor accommodations,

3. Residential, or

4. Visitor serving commercial/recreation uses?

5. Other

140/155 = Park/recreational = 92%

27/155 = Visitor serving commercial & recreation = 17%

6/155 = Residential = 4%

2/155 = Lower cost visitor accommodations = 1%

6. **PARKING:** There is not a lot of excess or extra parking in the current Shopoff proposal and this will not be a “Gated” community. Concerns have been raised regarding vacation rental by owner (VRBO) and beach access parking in this new development.
- Parking in this area is already a problem on weekends and during the summer
 - Additional residential units and VRBO will make this problem worse

A. Should Shopoff modify their development plans to accommodate more parking for potential VRBO parking in their development? Yes ___ or No ___.

125/160 = yes = 78%

23/160 = no = 15%

B. Have you experienced problems with VRBO and parking in your neighborhood and if so, explain.

79/139 = no = 57%

38/139 = yes = 27%

22/139 = did not respond = 16%

C. What parking solutions would you propose?

Following are the replies, it appears a good study to define the needed parking supply and design solution to assure sufficient parking is desired.

- Require city standards or adhere to city vision plan.
- A professional parking study should be conducted that evaluates the current and future PUBLIC parking demands, before it is a daily problem.
- A reasonably priced parking lot/structure.
- All new buildings must have sufficient parking planned onsite.
- Amble parking within Shopoff plans to cover daily business transactions, new homeowners, and beach parking which will inevitably be in that area.
- angled parking on street, underground parking
- Below ground parking garages
- Eliminate the proposed development.
- I propose that the city better address the vacation rental issue.
- I really do favor angled parking on Ponto as an alternative, regardless of the VRBO issue.
- I think underground would be ideal, however, what about water drainage and flooding being close to the water. Would homeless people make it a new home?
- I think VRBO and AirBnb needs to be addressed like it is in our community CC&Rs. They should not allow Vacation rentals for no less than 30 days minimum. Maybe even give them stricter rules. As for parking, the city needs to regulate the people

who camp and live in their vehicles on Ponto drive. Hopefully Shop off can help mitigate this growing problem with some type of solution.

- I'd propose angled parking on the street with meters and a requirement that homeowners park in their designated areas. I suggest Shopoff make the resident space sizes wide enough to include all vehicles, large and small.
- I'm not a parking expert but please don't try to use loop holes in the planning of buildings to wiggle out of providing proper parking.
- Increase parking for the airBandB demand. The issues parking, noise, use of common areas, change in neighborhood character are all fairly obvious and having to be addressed. The City needs to do its job to make sure the impacts are addressed. If City standards are out-of-date or inadequate then change them to address the impacts.
- Keep development parking to traditional Carlsbad standards. No "park in lieu" fees. Two bedroom condo or hotel suites should have two off road parking spaces. In recent history, Carlsbad has been allowing development without adequate parking!
- less buildings will mean less parking needed
- Lower density, stricter rules with rentals.
- mandatory two parking spaces/garage with no street park 11pm-5a.m
- More off-street parking.
- More parking at the beach on 101. Diagonal parking to allow for more -- explore parking on east side of 101.
- More parking spots within plan. Traffic appears to be a major problem now. More people...twice the cars.
- No VRBO should be allowed.
- Not have this development
- not sure
- parking garages
- Parking passes to hang in car window? BTW - THANK YOU for all your hard work. I am very appreciative for what you are doing for our neighborhood!
- Parking structure to the north
- Provide a larger area for VRBO as well as occasional day visitors. Only limited parking is presently provided. Lately as we have become more know more cars are parked on weekends on the streets.
- public underground parking
- rated parking in strip between Carlsbad state park and Carlsbad boulevard; train station; roadside in front of water plant on Encinas; park/ride at I-5 and La Costa Dr. in Encinitas
- Subterranean parking for all businesses and residents
- The job of a traffic engineer
- The more underground parking the better. Security at night to enforce only residential parking. Additional storage units for residents to store bicycles & surfboards.
- There simply should be REQUIRED the actual needed amount of parking according to the proposed density PLUS additional accommodation for public needs.
- underground
- Underground garage.

- **Underground parking**
- **underground parking**
- **Underground parking or drop the number of units. It's not rocket science**
- **What happened to underground parking? Look at the above ground parking structure Hilton put in do we want a series of parking structures west of the railroad?**

Item #5 – Correction of the 8/17 Shopoff mailer

Emailed: 3-22-18

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Praher@coastal.ca.gov; debbie.fountain@carlsbadca.gov; with copy to: Jim Nardi jimn8916@gmail.com; WILLIAM VAN CLEVE billvanclave@prodigy.net; Avril van Zyl vanzyl.aakc@live.com; Tony Ruffolo tonyruffolo616@gmail.com; Chas Wick chaswick@reagan.com; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte meyers-schulte@sbcglobal.net; Lee Leibenson lleibenson@waltersmanagement.com

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The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community.

We request that this communication and any replies be part of the official record for the Citywide Local Coastal Program Amendment process, the City's planning to address the City Park deficit in the Southwest Quadrant [South Coastal Carlsbad], and the applications to change City ordinances and plans and then apply for development permits listed the Subject line below.

We would appreciate receiving a reply. If you have any questions regarding the communication's contents please contact the following committee members at:

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Subject: Citywide Carlsbad Local Coastal Program Amendment, City's SW Quadrant Park planning compliance, and Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-2017-01, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

Response to Shopoff mailer of August 15, 2017: The truth
Verifiable data from the Ponto Beachfront Development Review Committee

Shopoff's letter of August 15, 2017, addressed to "Dear Neighbor" was highly misleading, and so the Ponto Beachfront Development Review Committee feel compelled to shed light on the truth's and mistruth's related to Shopoff's mailer about the proposed Ponto Beachfront development.

1. NEIGHBOR AND PROPERTY OWNER

Shopoff is not, as they say, our neighbor who owns the property east of Carlsbad Blvd and north of Avenida Encinas. The actual 'property owner' is LSFS Carlsbad Holding LLC at 2711 North Haskell Avenue, Suite 700; Dallas, TX 75204.

Shopoff is a speculative land developer from Orange County, and during an initial meeting with your Ponto Beachfront Development Review Committee (PBDRC), Shopoff said that they have a 5-year option to purchase the property. Shopoff's focus is not on the best interests of our neighborhood community, but on those of their investors, as explicitly stated by Shopoff on their website (www.shopoff.com): "Shopoff Realty Investments is a private real estate investment company with a proven track record of creating wealth for our investors — and a singular commitment to placing their needs above all else."

2. MISLEADING SHOPOFF INFORMATION - CHECK THE FACTS

Shopoff's PR firm (Roni Hicks) is creating PR pieces that misrepresent the facts and hide the complete information from you. As you read through the 8/15/17 Shopoff letter, you'll notice they do not provide citations or documentation that can be cross-referenced by you to verify their statements. Our link at www.pontolocals.com has the exact language from the current City and Coastal Commission's planning and zoning for Planning Area F of Poinsettia Shores Master Plan and Local Coastal Program including Shopoff's proposed changes, and the complete Ponto Beachfront Village Vision Plan.

Please let us know the questions you may have at www.pontolocals.com and/or talk with any of your PBDRC neighbors.

3. MEETINGS WITH NEIGHBORS

There are a few key, and very core, community issues we the PBDRC have heard from you, and have communicated to Shopoff. First, you would like a Ponto Beach Neighborhood Park for the east side of Ponto Road. However, if that part of our Planned Community is to be built out as a Townhome project (like the images in the Ponto Beachfront Village Vision Plan) then it should be more compatible with San Pacifico, should have lower density and lower building heights, and should be less massive than what Shopoff is proposing. Shopoff has repeatedly said to the PBDC that Shopoff will NOT make changes to their development proposal to address your following core concerns:

- If there is to be a residential development, it should be like the images in the Ponto Beachfront Village Vision Plan: Shopoff is proposing a tall and massive wall of stacked flat condos, not 2-story Townhomes as called for and shown in the Ponto Beachfront Village Vision Plan (PBVVP). See Shopoff's Stacked Flat images compared to the PBVVP Townhome images. See the PBVVP, and the 1st and 2nd Shopoff Planning Submittals at www.pontolocals.com
- Lower density: Even though Shopoff's development would be part of our Poinsettia Shores (San Pacifico, et al.) Planned Community, Shopoff is proposing residential density (21 dwelling

units/acre) that is 250% more than, or 3.5 times San Pacifico’s residential density (6 dwelling units/acre). The City’s General Plan promises only the minimum 15 dwelling units/acre density or 71% of the density Shopoff is proposing. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. Shopoff’s proposed 136 dwellings on the east side of Ponto Road. Table B-1 is on page B-2 of the City’s Housing Element on the city’s website: <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

You can see the Poinsettia Shores Master Plan and Local Coastal Program for our San Pacifico density and the Shopoff’s planning applications on www.pontolocals.com

- **Lower building heights:** Shopoff is proposing 40-foot-tall buildings. Almost all of the buildings in the Poinsettia Shores (San Pacifico, et al.) Planned Community are around 26 feet tall, with a maximum potential height of 30 feet. Only Santalina’s maximum potential building heights exceed that, at 35 feet - as they backup to Interstate 5. Shopoff’s proposed building height is 154% the height of most of our Planned Community. See Shopoff’s 2nd planning submittal at www.pontolocals.com

Shopoff should place “story-poles” on the site to allow you to see their actual proposed height and massiveness, so you can determine the appropriateness for San Pacifico.

4. SHORT TERM RENTALS AND PARKING

San Pacifico HOA has restrictions on short term rentals. Shopoff has agreed with your PBDRC suggestions to likewise restrict short-term rentals. However, Shopoff cannot prevent a future HOA Board from amending the CC&Rs and by-laws, which could allow short-term rentals in the future. In addition, Shopoff is providing minimal private streets and minimal public street parking, so any parking shortage will spill over to San Pacifico. Their design should address short term rental impacts, including noise, high occupancy/congestion, parking, etc.

5. ZONING

Shopoff states that their plans are consistent with current zoning. This is not true. The current zoning for the site is in the Poinsettia Shores Master Plan and Local Coastal Program, in which Shopoff (or the City) needs to make major changes to this zoning before Shopoff’s development proposals can be permitted by the City and California Coastal Commission. Look at the yellow signs on the sites which show Shopoff’s applications to change zoning (MP-16-01, and LCAP-16-02 to amend 2017-01). Go to www.pontolocals.com to see Shopoff’s actual proposed changes to the zoning. Changing the Master

Plan and Local Coastal Program will require approval from both the City of Carlsbad and the California Coastal Commission.

The current zoning (in the Poinsettia Shores Master Plan and Local Coastal Program) for the site is “Non-Residential Reserve”. That zoning requires that “As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad. ” The developer and City failed to consider and document these needs when the PBVVP and 2015 General Plan Update were approved. We are not sure if the Developer or City are considering and documenting this now. See page 101 of the City of Carlsbad Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088>

6. GENERAL PLAN UPDATE

The City’s General Plan update in 2015 did change the City’s General Plan land use designation to consider commercial and residential land uses for the site. However, because the site is in the California Coastal Zone, the California Coastal Commission must ‘certify’ the update to the City of Carlsbad Local Coastal Program before the City’s General Plan change is fully approved. See Carlsbad General Plan Land Use Element page 2-26 at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24087> that states:

“The California Coastal Act regulates all development within the state-designated Coastal Zone. ...The Coastal Act requires that individual jurisdictions adopt local coastal programs (LCP) to implement the Coastal Act. ... Development in the Coastal Zone must comply with the LCP in addition to the General Plan. The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to. ... Within the Coastal Zone, no discretionary permit shall be issued by the city unless found to be consistent with the General Plan and the LCP. In the event of conflict between the provisions of the General Plan and LCP Land Use Plan, the terms of the LCP Land Use Plan shall prevail.”

The Coastal Commission staff has indicated that “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.**”

7. CITIZENS’ INPUT NEEDED

The City and California Coastal Commission have the discretion to approve or deny a developer’s application to change City regulations and developer’s proposed development applications. The process requires that the Carlsbad Planning Commission and City Council, and California Coastal Commission hold Public Hearings to hear community concerns before making any approval or denial of applications. If you want to provide your input and be notified of any of these upcoming Public Hearings, please contact Walters Management and www.pontolocals.com. Your PBDRC will consolidate and forward everyone’s email input to the City and Coastal Commission and notify you in advance to attend the public hearings.

8. PONTO BEACHFRONT VILLAGE VISION PLAN (PBVVP)

Shopoff claims in their letter that their design implements the 2-story Townhomes shown in the PBVVP. This is clearly not true. Shopoff is proposing 3-story, 40-foot-tall and massive, 60% lot coverage, Stacked Flats – not 2-story townhomes. The PBDRC has repeatedly asked Shopoff that if they are proposing residential dwellings, to build the Townhomes as showed on Chapter 3 pages 3-8 & 9 of the PBVVP. Shopoff has consistently refused to propose a 2-story Townhome project as shown in the PBVVP, and are misleading you. Go to www.pontolocals.com to see the PBVVP.

9. RESIDENTIAL DENSITY

Shopoff critically fails to tell you the entire truth that the minimum density for the R-23 land use category is 15 dwellings per acre. Developing at the minimum General Plan density would allow 98 dwellings on the East site of Ponto Road and 11 dwellings on the west side of Ponto Road for a total of 109 dwellings. Shopoff proposes 136 dwellings or about 125% the minimum density. See Carlsbad General Plan Housing Element “2161404300 (Ponto)” in Table B1 on page B2 at <http://www.carlsbadca.gov/civicax/filebank/blobload.aspx?BlobID=29360>

10. AFFORDABLE HOUSING

For the site that Shopoff wants to develop, the City of Carlsbad requires at least 20% affordable housing. It is unlikely if Shopoff could even ask for a Density Bonus. The PBDC is checking into this.

11. TRAFFIC IMPACTS

Shopoff’s project will increase traffic in the area. The San Pacifico Community and its PBDRC have repeatedly asked Shopoff to lower their density, thus decreasing their traffic impacts. Shopoff has refused to reduce density and thus to reduce their traffic impacts.

12. COMMUNITY INPUT AND DESIGN

The proposal changes that Shopoff lists in their letter reflect some of the changes the PBDRC has conveyed to Shopoff as desires of the San Pacifico Community. Many of the changes that Shopoff lists were also identified by the City as needed changes to Shopoff’s proposals. Shopoff has acknowledged that these changes improved their prior proposals. However Shopoff has failed to make changes to address the most important and fundamental desires of the San Pacifico community:

- creating a Ponto Beach Neighborhood Park (the Local Coastal Program also requires that this site be considered for a park)
- reducing density to be near 15 dwelling units per acre
- withdrawing Shopoff’s proposed zoning change to transfer optional residential density from the west to the east side of Ponto Rd.
- limiting building height to no greater than 2-stories and no taller than 30-35 feet
- reducing building mass and intensity to be consistent with San Pacifico
- creating a wide public coastal view corridor along Avenida Encinas
- removing the proposed main commercial driveway entry on Avenida Encinas
- providing sufficient public beach parking

Go to www.pontolocals.com to see Shopoff’s proposed development.

13. NEXT STEPS

Concerns and requests submitted to Carlsbad City Council et. al.

In their letter's "Next Steps", Shopoff failed to disclose that they, or the City on the developer's behalf, will need to receive California Coastal Commission approval of Shopoff's needed amendments to the Local Coastal Program after all Carlsbad City approvals.

The Poinsettia Shores Master Plan and Local Coastal Program for the site requires that **"As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad."** Also the California Coastal Commission staff has stated that the City "shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. **This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."**

Not completely disclosing the necessary and critical California Coastal Commission and public review and hearing process is yet another example of Shopoff misleading you.

The PBDRC has put on our www.pontolocals.com website the actual City and Coastal Commission Planning documents along with Shopoff's actual proposed changes to zoning and development proposal, so you can see and confirm the facts for yourself.

Thank you for caring about our coast and assuring we Develop Ponto Right.

Sincerely,
Your PBDRC

Item #6 – Questions for City and Shopoff regarding Shopoff Planning Applications

Emailed: 7-31-18

To: <matt.hall@carlsbadca.gov>, <council@carlsbadca.gov>, <manager@carlsbadca.gov>, <jason.goff@carlsbadca.gov>, <debbie.fountain@carlsbadca.gov>, <sheila.cobian@carlsbadca.gov>, <chrishazeltine@carlsbadca.gov>, <faviola.medina@carlsbadca.gov>, <don.neu@carlsbadca.gov>
Cc: <meyers-schulte@scglobal.net>, <chaswick@reagan.com>, Erin.Prahl@coastal.ca.gov, Gabriel.Buhr@coastal.ca.gov

Subject: Questions for City of Carlsbad and Shopoff re: Shopoff Planning Applications for Ponto Beachfront Development

Dear Matt Hall- Mayor City of Carlsbad; Council Members; City Staff,

Please find attached 3 pages of questions we have for the City Council, City staff and Shopoff regarding the Ponto Beachfront proposed development plans and applications. We thank you for taking the time to review our questions that we have attached. Please feel free to contact Lance Schulte or me with any questions you may have.

Respectfully,

Chas Wick

Ponto Beachfront Development Review Committee

Erin, Gabriel,

Please find attached the questions we sent to City Council and staff regarding Shopoff's proposed plans and applications. Thank you for taking the time to review these questions. Thank you also for meeting with us awhile back in your offices and listening to our questions. Please call/ contact Lance or me if you have any questions about anything that may fall in your purview for this project.

Thanks,

Chas Wick

909-721-1765 chaswick@reagan.com

Questions for City and Shopoff re Shopoff Planning Applications

PLANNING QUESTIONS FOR THE CITY

- 1) Please provide information on what other residential developments in Carlsbad are at the proposed intensity of Shopoff's proposed residential development on a Floor to Area (FAR) Ratio. Shopoff's proposed development has an FAR of 1.79 that will be 3.5 times the intensity of the Hilton Cape Rey and we believe, based on public records requests, will be the most intense residential development in all of Carlsbad. It will propose a new intensity of residential buildings inconsistent with the long established residential character of the surrounding community and Carlsbad's Coastal Zone.
- 2) Please provide details and justification on why the City is entertaining 3 story, 40 foot tall structures in an area that should be 2 story, 30-35 foot high to be consistent with the Ponto Beachfront Village Vision Plan images and compatible with the surrounding neighborhood and comply with the policy requirements of the Local Coastal Program and California Coastal Act ?

- 3) Please provide details and justification as to why the City is entertaining allowing 136 dwelling units on a parcel that should have a minimum requirement of 98 dwelling units.
 - a. Please confirm whether or not you are considering allowing a density transfer from the commercial parcel to the residential parcel. If so, please confirm that you will first need to amend the General Plan and make General Plan findings to properly make this transfer.
 - b. Please confirm that if the density transfer between parcels goes through a General Plan Amendment, that the 25% portion of commercial land used for residential density and being transferred is retained as Open Space on the Donor commercial site. This prevents “Double Dipping”. If a density transfer is allowed (which means you are linking parcels), that you will require that Building Completion Certificates, Final Inspections and/or Occupancy Certificates are granted for the Commercial buildings PRIOR to any Occupancy Certificates being issued for the residential units. This will help ensure that the Commercial buildings are actually going to be built and not just that the Commercial property was used to gain dwelling units on the residential site.
 - c. Please explain how the Shopoff proposal of 21 du/acre fits with the Ponto Village Vision Plan of 12-16 du/acre and why you are not having Shopoff design at the minimum of R-23 which is 15 du/acre, as shown in the Housing Element.
- 4) On the previous issue of Shopoff’s plans dwg A1-1, there was a Common Area/Open Space of 0.57 acres next to the Commercial buildings. On the current Shopoff plan dwg A1-1, the Common Area/Open Space has been eliminated or deleted. (See their plans.)

In fact, we understand from the US Fish and Wildlife, that Shopoff mowed down too much of the protected sage scrub habitat (endangered gnatcatcher habitat) that was originally in this Open Space and will be penalized – likely having to increase protected habitat by 3 to 15 times that amount that Shopoff destroyed. Please explain how the City allowed this to happen?

- a. Please explain what happened to The Commons/0.57 acres of grassy space the community was originally promised? Was the City involved in this decision?
 - b. Please explain what will happen to the Commercial site layout once the protected habitat mitigation area is increased. Will parking be put underground? Will Shopoff reduce the current size of the Commercial buildings?
 - c. There appears to be a drainage basin proposed for the protected habitat area. Is a drainage facility consistent with habitat preservation? Is the drainage basin fenced? What will happen to this basin once the protected habitat area is increased?
- 5) Please explain why the City is entertaining a subdivision of 9 lots on the residential (5) and commercial (4) sites.
 - a. Will this increase set-backs on each buildable lot and if so, by how much? Have you taken that into consideration?

- b. Since the entitlements will likely be sold off to separate developers, how will the City ensure all the plan requirements are met?
 - c. How will the City ensure that the buildings provide a cohesive and consistent construction and visible quality/fit with one another?
 - d. How will the City ensure all residential and commercial projects go forward together in the most effective and shortest timeframe for surrounding neighbors?
 - e. How will ownership/HOAs be handled if you have a multitude of different developers for the 2 current parcels?
- 6) Please strongly consider angled parking on Ponto Road to maximize beach parking. Please explain why you continue to push for parallel parking on Ponto Road and what long-term beach parking demand analysis is being used to not provide angled parking that could maximize beach parking supply. Please detail how many cars you can get with angled parking versus parallel parking.
- 7) What other traffic measures and improvements are you having Shopoff make?
- 8) What are the Carlsbad Boulevard frontage improvements you are having Shopoff make?

Poinsettia Shores Master Plan and Local Coastal Program requires Shopoff to provide Carlsbad Boulevard frontage improvements. The City's ROW and older PCH ROW fronts Shopoff's site.

QUESTIONS FOR SHOPOFF ON THEIR PLANS AND APPLICATION

- 1) The pedestrian and bike travel paths on the Roundabout on Avenida Encinas appears unsafe. Please review and reply on how to make this a safer situation for all concerned.
- 2) There appears to be an unsafe pedestrian path at the commercial Avenida Encinas main entry. Please review and reply on how to make this a safer situation for pedestrians and bikes. A commercial main entry on Carlsbad Boulevard is a better approach and has been done many times in Carlsbad.
- 3) What are the UBC requirements on elevators? How many are required per unit/building? Does Shopoff's plans have enough? Will elevator equipment exceed building heights or require deeper subterranean infrastructure ?
- 4) How will Shopoff sewer the property?
- 5) Can you please provide a diagram that shows trash/recycling storage and how trash/recycling vehicles will enter, manage trash / recycles and exit the sites? It appears trash and recycles will be underground on the residential site.
- 6) What is the distance of balconies to the property line at Avenida Encinas? Is that per Code?

- 7) There appears to be insufficient landscape materials proposed for the hard surfaced wall facing the railroad and San Pacifico. Please provide proper noise buffering / noise absorbing materials on the wall and provide the technical information on their ratings compared to the proposed landscape plantings.
- 8) The Landscape map and tentative map are inconsistent with the pork chop/pedestrian crossing plans.
- 9) Some lights are up-facing and/or unshielded. Please confirm all exterior lights/pole lights will be downwards facing and not provide unnecessary light "pollution" to the adjacent neighborhoods or traffic on the adjacent roadways.
- 10) Please confirm whether or not Shopoff will provide materials on the buildings to increase wireless communication/reception within their and adjoining developments.

Item #7 Community offer to Shopoff to work towards Land Swap for Park and Open Space at Ponto and/or fundamental community desires for development

Email Sent: Wednesday, August 15, 2018 10:07 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); 'Harry Peacock'; matt.hall@carlsbadca.gov; Council Internet Email (CityCouncil@carlsbadca.gov); 'Gail Norman'; 'John Gama'; Chas Wick (chaswick@reagan.com); 'Stacy King'; Erin Prahler (Erin.Prahler@coastal.ca.gov); Gabriel Buhr (gbuhr@coastal.ca.gov); debbie.fountain@carlsbadca.gov; Chris Hazeltine

Subject: RE: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

We still have not heard back from you regarding the 2017 email below.

Recently we met with Matt Hall, and he asked we reach out to you again to restart a dialog. We want to see if we can dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad in providing equitable Open Space and Park facilities, and in providing land use intensity compatibility.

As you know last year we proposed to you an opportunity to work collaboratively for the betterment of Carlsbad in a land swap. We understand as your website says: "As a private investment firm, Shopoff Realty Investments places the needs of our investors above all else," however given the Growth Management Program Open Space and Parks issues, Local Coastal Program issues regarding priority uses and compatibility it maybe in the best interests of your investors to dialog about options.

You may think we are anti-development or anti-Shopoff, but that is not the case. We are pro Carlsbad and simply want to make sure as a City we Develop Ponto Right for present and future generations. We have already provided you creative solutions that, as your PMs indicated, were better and more resilient designs.

We offer to meet with you to dialog with you to explore solutions consistent with community desires and that work to the betterment of Carlsbad.

Let us know.

Lance

Included copy of email sent: Friday, August 18, 2017 10:04 AM

To: 'Brian Rupp' (brupp@shopoff.com)

Cc: Sebahar Family Email (sebbiesixpack@att.net); Jean Camp (jeanscamp@yahoo.com)

Subject: Confirmation of Shopoff position on land swap solution

Importance: High

Brian:

As we believe you know from our latest community polling approximately 95% of San Pacifico residents would like to see as a public park as the best land use for the 'east proposed residential site'. If the site is developed as residential, which we think is not the best use of this coastal land, then development consistent with the images and intensities shown in the Ponto Beachfront Village Vision Plan – basically 2-story Townhomes and density closer to 15 dwellings per acre – is acceptable. However the desired land use is park and open space for an area of Coastal and South Carlsbad that is lacking in both those land uses.

John Sherritt communicated with you on June 22, and again as follow-up on July 6 2017 to communicate to you those community desires and to offer you an opportunity to work with the community in a collaborative and supportive partnership to achieve the primary and best use of the site as a public park. We researched, developed and John presented to you an approach that we could work with you to make Shopoff financially whole in creating a Ponto Beach Park on the site. That approach as outlined by John was to work with you and the City to 'land swap' the Ponto site for an equivalent land density and value on the westerly portion of Veterans Park. The sloped site provides extensive ocean/lagoon views, is adjacent to high quality high density residential, is surrounded by extensive Park and open space land uses and amenities, and is very near major employment centers and school sites – an ideal place for high density housing. A land swap approach would be similar to the Poinsettia 61 effort that can be a positive solution to all concerned. You would have community support for that solution.

John communicated back to the community that after your two meetings, that you had chosen to reject our solution and offer of collaboration. We simply would like to get your email confirmation that you rejected this solution, and if that rejection is permanent and not subject to any reconsideration in the future? Can you please confirm?

Thanks,
Lance

Item #8 Three (3) citizens' presentations made to the prior Carlsbad City Council asking they correct the Coastal Park gap and Growth Management Program Open Space defects in Coastal South Carlsbad

Sent: Sunday, July 7, 2019 10:11 AM

To: 'Matt.Hall@carlsbadca.gov'; 'CityCouncil@carlsbadca.gov'; 'Scott.Chadwick@carlsbadca.gov'; 'Kyle.Lancaster@carlsbadca.gov'; 'lisa.urbach@parks.ca.gov'; 'Kathleen@carlsbad.org'; 'mike.pacheco@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'cort.hitchens@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'info@peopleforponto.com'

Subject: prior Citizen presentation of requests and data to Carlsbad City Council to be provided to City Commissions and CCC public record regarding Coastal South Carlsbad Park and Open Space gaps-deficits and LCP requirements

Dear Mayor and Carlsbad City Council, Planning Commission, Parks Commission; and California Coastal Commission:

Attached please find three (3) presentations made in 2018 to the prior Carlsbad City Council regarding People for Ponto citizen requests to address the documented Coastal Park and Open Space gaps/deficits in Coastal South Carlsbad. We request these prior public communications along with the 4th attachment be part of the public record and be provided to and considered by the City Parks and Planning Commissions and City Council, and CA Coastal Commission in the Carlsbad Local Coastal Program (LCP), Planning Area F LCP and Master Plan, City's Parks Master Plan and Growth Management Plan updates, amendments to the Local Facility Management Plan for Zone 9, Veterans Park, real estate, and budget issues and other interrelated issues.

The 4th attachment is in reply to Carlsbad Councilperson Keith Blackburn's 10/23/18 request to show in an image how Poinsettia Park's service area effects the Coastal South Carlsbad park gap and deficit. The data in this attachment is from the City's Parks Master Plan and shows even with the City's 'broad abstract as the bird flies' defined service area of Poinsettia Park there remains a significant Coastal Park service gap at Ponto and in Coastal South Carlsbad.

The unfulfilled Planning Area F LCP requirements to consider a Public Park at Ponto, the documented Growth Management Park and Open Space Standard deficits in Coastal South Carlsbad seem to justify a comprehensive, open and honest community-based planning process as initially requested by citizens in 2017.

Thank you.

Lance Schulte
People for Ponto, and Ponto Beachfront Park 501c3



FY 18-19 O&CIP
Budget agenda item 1

#1: 6/12/18 City Council meeting presentation by citizen of Carlsbad:



Park agenda item 19
of 7-24-18 City Council

#2: 7/24/18 City Council meeting presentation by citizen of Carlsbad:



2018.10.23 Carlsbad
CC mtg - GMP Update

#3: 10/23/18 City Council meeting presentation by citizen of Carlsbad:

#4: Updated image requested by Councilman Keith Blackburn to show Poinsettia Park's official service area relative to the South Coastal Carlsbad Park gap and deficit. The blue circle(s) show the City's adopted service areas from the City of Carlsbad Parks Master Plan for each City Park based on the park size and the population surrounding the park. A large circle represents a large park and/or low population surrounding the park. The image below shows all the City Parks (both Community Parks and Special Use Areas in Coastal Carlsbad (except for Aviara Park that is east of Poinsettia Park and west of Alga Norte Park). Data is compiled from City of Carlsbad Parks Master Plan pp 87-88.

Issue #1 – 6.6 Acre Park Deficit No Coastal Park in South Carlsbad

- Appx. 6 miles of Coast without a Coastal Park is a City & Regional need
- South Carlsbad has 64,000 residents & thousands of hotel visitors without a Coastal park
- Closest park to Ponto is Poinsettia Park, approx. 2.5 miles across I-5
- Proposed Veterans Park is approx. 6 miles away



Item #9 A 2/8/19 emailed letter from San Pacifico Community Association Board of Directors to Carlsbad City Council, Planning and Parks Commissions, and Staff; and CA Coastal Commission

From: Melinda Young [mailto:myoung@waltersmanagement.com]

Sent: Friday, February 8, 2019 3:22 PM

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; don.neu@carlsbadca.gov; manager@carlsbadca.gov; debbie.fountain@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; cort.hitchens@coastal.ca.gov; gabriel.buhr@coastal.ca.gov; erin.prahler@coastal.ca.gov; david.decordova@carlsbadca.gov; jennifer.jesser@carlsbadCA.gov; jason.goff@carlsbadca.gov

Cc: Lance Schulte; Melinda Young

Subject: Correspondence supporting the People for Ponto Committee as submitted by the San Pacifico Community Association

Good Afternoon, Ladies and Gentlemen:

On behalf of the San Pacifico communities, please review the attached [below] correspondence which is extremely pertinent to the development of the Ponto Beach area.

Thank you very much.

Melinda Young, PCAM CCAM

SENIOR VICE PRESIDENT

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email myoung@waltersmanagement.com | **online** www.waltersmanagement.com

San Pacifico Community Association, c/o Walters Management
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
858-495-0900

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 San Pacifico 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 “Nonresidential 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 Lowcost Visitor Accommodations” occurred both at the Ponto Beachfront Village Vision Plan and General Plan Update planning efforts.*

Concerns and requests submitted to Carlsbad City Council et. al.

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"

Item #10 A 11/14/19 emailed DLCPA public comments and requests regarding flawed planning process at Ponto including critical public disclosure/participation failures by the City, proposed Ponto land use changes in conflict with CA Coastal Act, request to restart Ponto planning

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

Sent: Thursday, November 14, 2019 9:13 AM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; Lisa Urbach (lisa.urbach@parks.ca.gov)

Subject: RE: LCPA public Comment - request for receipt of public comments & documents

Jenifer:

I would like to include this email and the attached document as part of the LCPA Public Comments and Requests related to Official Carlsbad Public Records Requests and maintain the Existing Carlsbad LCP land use designation of "Non-residential Reserve" on Planning Area F until a truly comprehensive and Community-based planning process can determine the Forever "High-Coastal-Priority" land use needs at Ponto, South Coastal Carlsbad, and to assure no overconcentration of "High/Low-Coastal-Priority" land uses.

The proposed LUP defines the forever/buildout Coastal land use for Carlsbad, and as documented the prior Ponto planning processes (Ponto Beachfront Village Vision Plan [PBVVP] and the General Plan Update that is based on PBVVP) were both fundamentally flawed by not disclosing to Citizens and the San Pacifico Community Association about the Existing Carlsbad LCP requirements for Planning Area F and inviting public participation and discussion of the Existing Carlsbad LCP requirements for Planning Area F. The proposed LUP's reliance on the fundamentally flawed prior planning (PBVVP and General Plan Update) at Ponto is inappropriate. These fundamental flaws in planning process and public participation cannot be remedied by simply a Staff Report discussion.

It seem logical that these fundamental flaws in the PBVVP, General Plan Update, and the LUP (which is based on the PBVVP and General Plan Update) are best corrected by maintaining the Existing LCP for Planning Area F and possibly leaving the entire Ponto Area as an Area of Deferred Certification until a truly comprehensive Community-based Planning process for Ponto can be completed. This is a reasonable and logical approach as the vacant Coastal land at Ponto is some of the last remaining significant sized vacant Coastal in all North San Diego County and is the in the center of a 6-mile regional Coastal Park Gap with no Coastal Park. This logic is further amplified by the impacts of Sea Level Rise on "High-Coastal Priority" land uses at Ponto and Coastal South Carlsbad, and the CA Coastal Act policy to reserve Upland Areas for "High-Coastal Priority" land uses.

Confirmation receipt and any staff response are appreciated.

Thanks,

Lance

Attachment: Local Coastal Program requirements for Planning Area F at Ponto: Data from Official Carlsbad Public Record Requests by citizens group People for Ponto www.peopleforponto.com

Ponto is in the California Coastal Zone and land use and development decisions must not only be consistent with the City of Carlsbad General Plan and Ordinances but must also be consistent with the California Coastal Act (CCA). Per our Constitution, if there is a conflict between local City plans and the State's Coastal Act the Coastal Act prevails. The California Coastal Commission (CCC) is the State commission that makes development decisions in the Coastal Zone.

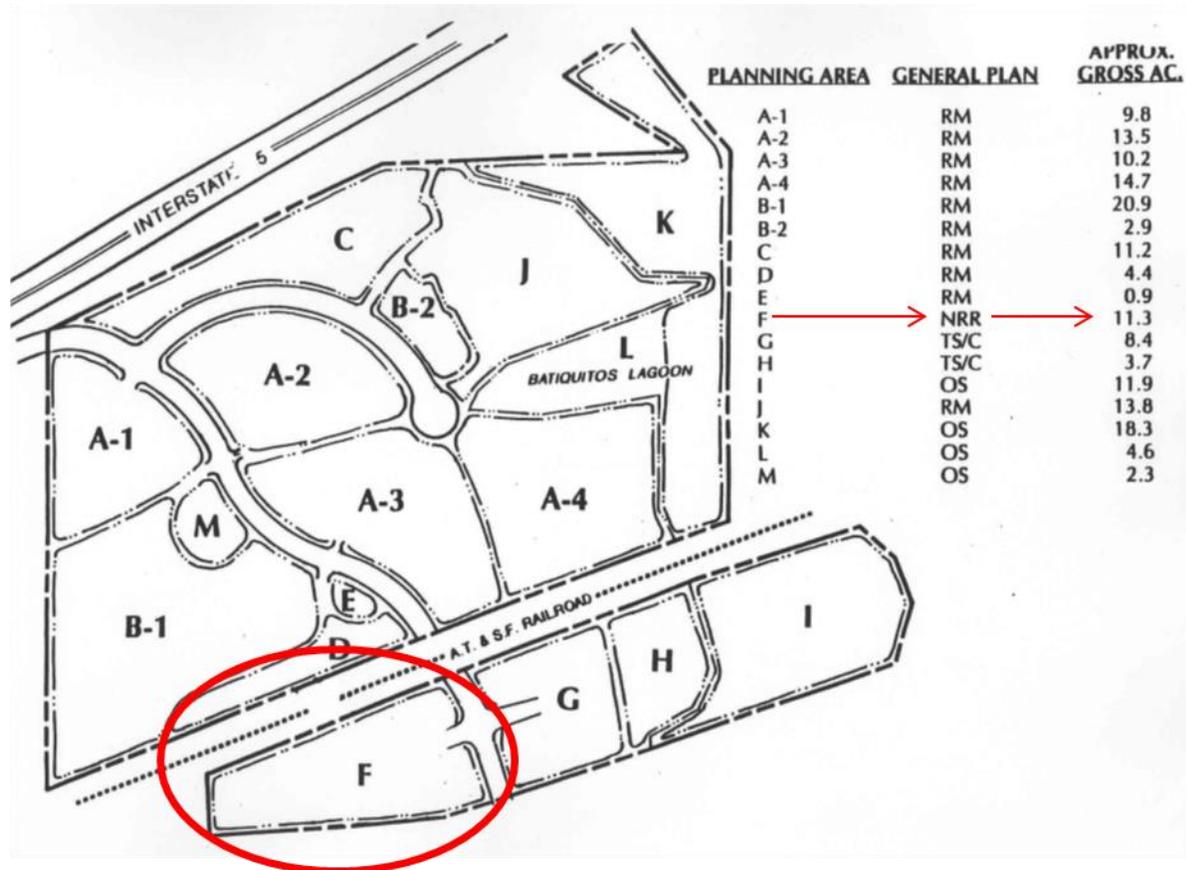
Relevant Basic Goals of the State of California for the Coastal Zone are to:

- Maximize public access to and along the coast and **maximize public recreational opportunities in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- **Assure priority for coastal-dependent and coastal-related development over other development on the coast.**
- **The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.**

The CCA priority land uses to achieve the above basic California Coastal Act goals are:

- maximize public recreational opportunities in the coastal zone
- Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- Public facilities [such as Public Parks] shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.
- Assure priority for coastal -dependent and coastal-related development [i.e. lower cost visitor accommodations or recreational facilities (i.e. public park) as noted in the Planning Area F LCP requirements]

The Poinsettia Shores Master Plan and Local Coastal Program (PSMP/LCP) adopted in 1996 is the City's and CA Coastal Commission Existing Adopted Coastal 'general plan land use and zoning' and regulations for Planning Area F in the San Pacifico Community at Ponto. See the following land use zoning map from the current PSMP/LCP:



The current City and CA Coastal Commission adopted land use zoning and regulations for this Planning Area F is found on page 101 Carlsbad’s Existing Local Coastal Program at <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24088> and reads as follows (bold face added for emphasis):

“10. PLANNING AREA F: Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. **Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.** The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned.” Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”**

Planning Area F was originally agriculture, then in 1985 Planning Area F's planned land use was changed to Travel Service Commercial uses. Then in 1996 was changed to the current Non-Residential Reserve (a blank holding zone) land use as noted above. Since Non-Residential Reserve had no planned land use associated with it a specific requirement of the PSMP/LCP for Subarea F was that: **"As part of any future planning effort, the city and developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad."** [see Planning Area F regulations on page 101 of current Carlsbad Local Coastal Program]

The City around 2005 adopted a Ponto Beachfront Village Vision Plan (PBVVP) that adopted with primarily speculative developer input a City vision for Planning Area F with a Mixed-use Commercial area west of Ponto Drive and a 2-story Townhouse Neighborhood east of Ponto Drive. **The City in this 2005 PBVVP 'planning effort' did not fully disclose to citizens the existence of the adopted Planning Area F LCP land use zoning requirements, nor did the City comply with the LCP for Planning Area F to "consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park)".** The City submitted the PBVVP to the CCC as a Local Coastal Program Amendment for Planning Area F; and in 2010 the CCC rejected the City's proposed LCP Amendment, Stating: "... there has been no evidence presented that would support the elimination of these areas [i.e. Planning Area F] for some lower cost overnight accommodations or public recreational amenities in the future." [see pages 6-11 of CCC action item F21a denying Carlsbad proposed LCP Amendment 3-07B/RF dated July 22, 2010]

The City then 5-years later updated its General Plan in 2015 after a 7-year planning process using the same PBVVP as the basis for Coastal land use changes at Ponto and Planning Area F. The updated General Plan changed the City's proposed general planned land uses for Planning Area F from Non-Residential Reserve to General Commercial (GC) west of Ponto Drive and R-23 (Residential 15-23 dwellings an acre) east of Ponto Drive. Again, the City in this 2015 'planning effort' did not as required by the Planning Area F LCP requirement publically disclose and then consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park).

The lack of public disclosure/discussion, and compliance with the Planning Area F LCP requirements in both the City's 2010 PBVVP and 2015 General Plan Update processes was confirmed in 2017 with the following 3 official Carlsbad Public Records Requests (sometimes referred to a freedom of information act):

- # 2017-260
- #2017-261 and
- #2017-262

We request that the above 3 official Carlsbad Public Records Requests, including City replies to follow-up questions, be fully included as Public Comments in the 2019 LCPA.

Why didn't the City publically disclose and follow the existing (since 1996) LCP requirements for Ponto/Planning Area F during the 2010 PBVVP and 2015 General Plan Update? The PBVVP and General Plan Update processes were/are both fundamentally flawed due to this non-disclosure and non-compliance and did not allow full and just consideration of Coastal Priority land uses for Planning Area F.

As noted the Public Records Requests confirmed that the City did not specifically disclose and reach out to Carlsbad Citizens and the San Pacifico Community Association specifically regarding the requirements

to propose changes to Planning Area F. Planning Area F is one of the planning areas of the San Pacifico Community Association.

The City's failure twice, both during the City's 2010 PBVVP and 2015 General Plan Update 'planning efforts' to fully disclose and implement the Planning Area F LCP requirements was and still is in conflict with CA Coastal Act goal indicating the **"public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation"**

As noted it took until 2017 for the People for Ponto citizen group to first find the Planning Area F LCP requirements at Ponto and confirm the City's failure to publically disclose and implement the existence of the Planning Area F LCP requirements at Ponto by getting documented confirmation through Official Carlsbad Public Records Requests and inquiries with CCC Staff. In 2017 Coastal Commission Staff indicated that: "The City is currently undertaking a comprehensive update to their LCP funded in part through a CCC grant. As a part of this process the City will be consolidating all previous LCP segments into a single, unified LCP. The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area."

On 8/31/17 (see Item #1 of 'Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission as of 8-2-18' that was previously provided as public comment on the LCPA) People for Ponto emailed the Carlsbad City Council to ask that a Ponto Coastal Park be provided and that San Pacifico Community Association be invited and engaged in the planning discussions. The email cited numerous Carlsbad General Plan Community Vision statements and data on City Park Standard deficits at Ponto and Coastal South Carlsbad that clearly supported creation of a Ponto Coastal Park. The email was a request of the Carlsbad City Council to basically restart the Ponto Planning Effort on Planning Area F with an open and honest community-based planning effort before this last area of vacant Coastal land is committed to any development.

The email was resent to the City Council on 3/6/18 due to no City response to the initial 8/17/17 email. Although the City Staff has responded by rejecting Citizens' requests to reset and restart the Ponto Area Planning Effort to address the Public Park needs at Ponto; we did finally on 10/31/19 receive an email confirmation from City Staff that "Regarding concerns about recreation uses in the Ponto area, the staff reports will include an analysis of the need for lower-cost recreation and visitor accommodations in the Ponto area." The actual LCP requirement notes "(i.e. Public Park)" not just 'lower-cost recreation'. The 10/31/19 email is the first City acknowledgement since the initial 2017 People for Ponto email, that the City will follow the existing LCP requirements for Planning Area F. Unfortunately it likely is not the best way to address the of the existing LCP requirements at Ponto, and most importantly the Goals and Policies of the CA Coastal Act.

As further public comments we would like to suggest maintaining Planning Area F's "Non-residential Reserve" Coastal land use (LUP) and Coastal zoning designation along with considering the entire Ponto area as a Deferred Area of LCP Certification to allow the City to reset the Coastal planning at Ponto and start anew with a comprehensive and open Community-based Planning Process that fully

addresses CA Coastal Act Goals and Policies and openly involves San Pacifico Community Association, the Citizens of South Carlsbad, and Citizens regionally. This is vitally important given Ponto is the last major vacant land in the center of a regional 6-mile coastal Park gap, and the only vacant Upland Area to a major regional Low-cost Visitor Accommodation (South Carlsbad State Campground) that is subject to destruction from sea bluff erosion due to sea level rise and increase weather events from climate change.

References:

1. California Coastal Act: see https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PRC&division=20.&title=&part=&chapter=&article=

Item #11 a 11/18/19 emailed DLCPA public comments and questions regarding Existing LCP and Proposed Draft LCPA policy requirements to move Carlsbad Boulevard inland and movement of high-priority coastal land uses due to planned sea level rise and coastal erosion

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

Sent: Monday, November 18, 2019 8:30 AM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); 'David Hill'

Subject: LCPA public Comment - Existing and LCPA Proposed policy-requirement to move Carlsbad Blvd inland in South Carlsbad & movement of High-Priority uses to respond to a new-natural shoreline-bluff

Jennifer:

The City required developers along Carlsbad Boulevard (aka, PCH) to move the Carlsbad Boulevard lanes inland. This can be seen on the most recent developments along Carlsbad Boulevard from Breakwater Road to Ponto Road. A few Public Comments questions on the Proposed LCPA are:

1. What Local Coastal Program (LCP) and/or City policy, ordinance, or criteria required the developers to move the Carlsbad Boulevard lanes inland?
2. What is/was the specific language and location citation for such policy, ordinance, or criteria?
3. Is that language being maintained in the Proposed LCP Amendment, and if so where and what is the language?
4. If not, why is it being eliminated or altered in the LCPA?
5. For the Cape Rey Resort development south of Ponto Road, the developer was not required to move the Carlsbad Boulevard lanes inland, like the developments to the north. Why is that?
6. I understand that the landscape frontage of the Cape Rey Resort is actually City property, is that true?
7. Will the City be required to fund and move Carlsbad Boulevard lanes inland along the Cape Rey Resort frontage at a later date?
8. I understood the requirement of moving Carlsbad Boulevard lanes inland in South Carlsbad was to provide space for the State Campground to migrate inland as coastal bluff erosion. Is this correct or is/was there another reason for moving Carlsbad Boulevard lanes inland in South Carlsbad?
9. The Proposed LCPA identifies increased Coastal Bluff erosion due in part to Sea Level Rise (SLR) that will create a new-natural shoreline and coastal bluff. But what is the Proposed LCPA plan and policies for accommodating the new-natural shoreline/bluff and preserving by migrating inland "High-Coastal-Priority" features and Land Uses like the beach and State Campground subject to the LCPA's projected and planned Coastal Bluff erosion and SLR?
10. The proposed LCPA identifies projected/planned SLR impacts on public access trails, a community nature center around East Batiquitos Lagoon. What is the Proposed LCPA plan and policies for accommodating the new-natural Batiquitos Lagoon shoreline and preserving by migrating inland "High-Coastal-Priority" features like the public access trails, and planning a new location for the community nature center subject to the LCPA's projected and planned SLR?
11. Are these "High-Coastal-Priority" features and Land Uses in the Proposed LCPA to be allowed and planned in the Proposed LCAP to move inland or to other locations as coastal erosion and

Concerns and requests submitted to Carlsbad City Council et. al.

SLR undermine, put underwater, or eliminate access to these “High-Coastal-Priority” features and land uses in their current locations?

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

Item #12 1/28/20 emailed public comments to The City of Carlsbad and City Council documenting errors/omissions/misrepresentations in the Staff Report for Agenda Item #14 on 1/28/20 City Council meeting and the Public Comments to be included as Public Comments on the City Staff proposed Draft LCP Land Use Plan Amendment

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

Sent: Tuesday, January 28, 2020 4:29 PM

To: 'info@peopleforponto.com'; 'Matt.Hall@carlsbadca.gov'; 'CityCouncil@carlsbadca.gov'; 'Scott.Chadwick@carlsbadca.gov'; 'Kyle.Lancaster@carlsbadca.gov'; 'lisa.urbach@parks.ca.gov'; 'Kathleen@carlsbad.org'; 'mike.pacheco@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'cort.hitchens@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'Don.Neu@carlsbadca.gov'; 'Gary.Barberio@carlsbadca.gov'; 'jennifer.jesser@carlsbadca.gov'

Cc: 'Fred Sandquist'; 'David Hill'

Subject: RE: 2020 Jan 28 Carlsbad City Council meeting - Agenda item #14 citizen testimony - updated information

Dear City Council:

Please replace the prior testimony with the attached file. In the haste to get you comments ASAP before the meeting I forgot to include a correction to the Housing Element data staff provided. The actual Housing Element data is different from tonight's staff report, and the attached updated testimony includes a copy from the City Housing Element to show that correction.

Also, People for Ponto would like to request that this email and attached file be part of the official public comments on the proposed Draft LCP Land Use Plan Amendment.

Thank you.

Sincerely,
Lance Schulte

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

Sent: Tuesday, January 28, 2020 2:37 PM

To: info@peopleforponto.com; Matt.Hall@carlsbadca.gov; CityCouncil@carlsbadca.gov; Scott.Chadwick@carlsbadca.gov; Kyle.Lancaster@carlsbadca.gov; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; mike.pacheco@carlsbadca.gov; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Don.Neu@carlsbadca.gov; Gary.Barberio@carlsbadca.gov; jennifer.jesser@carlsbadca.gov

Cc: Fred Sandquist; David Hill

Subject: 2020 Jan 28 Carlsbad City Council meeting - Agenda item #14 citizen testimony

Importance: High

Dear City Council:

Please receive the attached information as part of your agenda Item #14 on 1/28/20 meeting. We apologize for the late input, but we were not aware of the agenda item or meeting. The attached notes some critical information that appears missing in the agenda report and attempts to provide more complete information. People for Ponto also asks, like other citizen groups, how we can talk with you to create a better process for the Staff proposed Draft LCP Land Use Plan Amendment.

Sincerely,
Lance Schulte
People for Ponto

Email Attachment:

Carlsbad City Council meeting of 1-28-20 agenda item #14

People for Ponto apologize for this late and hastily, review and comments. We just found out about the meeting this morning. We citizens know we can together achieve grate things if you allow us to work with you.

Staff
Report

Page clarification/correction:

1 The LCP Land Use Plan Update is in fact an Amendment to an Existing LCP Land Use Plan. The Existing LCP Land Use Plan is already certified by the CA Coastal Commission as being consistent with the CA Coastal Act, except for some Amendments needed to address Sea Level Rise impacts and some other issues.

The LCP Amendment proposes to change the Existing CA Coastal Commission certified LCP Land Use Plan's "Non-residential Reserve" Land Use and Policy on Planning Area F to consider and document the need for "i.e. Public Park" at Ponto .

- 1 Staff summarizes the CA Coastal Act objectives to "ensure maximum public access to the coast and public recreation areas."
- Carlsbad's Adopted Park Service Area/Equity Mapping shows there is no Park Service for the Ponto Area and Ponto Citizens, and no Park Service for the Coastal South Carlsbad area west of Interstate-5 and the rail corridor.
 - The City's mapping of land that meets the developer required Growth Management Open Space Standard of 15% Unconstrained land shows about 30-acres of this Open Space is missing at Ponto. This missing Open Space could have provided needed Park facilities that are missing at Ponto.
 - Citizens in over 2,500 emails to the City Council have cited the need for a Public Park at Ponto as part of the Existing LCP Land Use Plan Amendment proposed at Ponto. These requests area consistent with the CA Coastal Act.
- 3 2nd bullet: says city staff proposes to replace, amend, or retain various Existing LCP policies, so the Staff has a documented understanding how each Existing LCP policy and how each Existing policy is being treated in the proposed Amendment. Citizens asked in Oct 20, 2019 for this 'redline' version of the Existing LCP Policies and Land Use Maps so citizens can understand what the Amendments are so we as citizens could then provide informed public comment. This 'redline' version is also important for the City Council and Planning and other Commissions so they know what Amendments to Existing City LCP Land Use policy are being proposed. Citizens again request this 'redline' version that it appears the staff already has as they know what Existing LCP Land Use policies are being replaced, amended, or retained.

- 4 V is incomplete: the community asked on Oct 20, 2019 for 3 things: 1) a 'redline' version as noted above, 2) true Public Workshops to help inform and resolve community concerns about the proposed LCP Land Use Plan Amendments, and 3) more public review time to provide for the above two other requests. All 3 requests should be acknowledged in the staff report. All 3 requests are rational and reasonable considering the proposed Draft LCP Land Use Plan Amendment is the "buildout" plan for Carlsbad's Coastal Zone and there were multiple documented fundamental "planning mistakes" regarding past City public information and participation in the Coastal Land Use planning. Providing such a process would help to correct these documented 'planning mistakes' that have gone on for many years. It is the right thing to do and most productive approach for all concerned.
- 7 Staff should accurately disclose that in 2010 the CA Coastal Commission in fact rejected the City's proposed Ponto Beachfront Village Vision Plan for failing to disclose and comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. Carlsbad Public Record Requests confirmed the staff did not disclose to citizens the existence LCP Land Use Plan policy for Planning Area F at Ponto, so citizens had no idea a Public Park at Planning Area F at Ponto needed to be considered. How can citizens, provide input if they don't have complete and accurate to review and comment on?
- 8 Staff should correctly disclose that the 2015 application at Planning Area F at Ponto is first for a Local Coastal Program Amendment and Master Plan Amendment. These are both applications to change City Land Use Plan Policy and Zoning regulations. The actual applications for 'development' permits can in fact not even be considered by the City the Local Coastal Program Land Use of "Non-residential Reserve" is changed and Master Plan rezoning is approved. Then the 'development' permit application can be applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application 'alive' even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdraw the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer's application to change the Existing LCP Land Use Plan for the developer.

Staff notes that the Planning Area F sites now designated as Residential R-23 and General Commercial by the Carlsbad General Plan Update. However, staff fails to disclose that until the Existing LCP Land Use Plan is amended is in fact approved by the CA Coastal Commission the Existing LCP Land Use Plan for Planning Area F supersedes the City's General Plan Update.

Carlsbad's General Plan Land Use Element clearly states this on page 2-26 "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to." So until the City Council adopts the staff's proposed Draft LCP Land Use Plan Amendment, AND the CA Coastal Commission "certifies" that LCP LUP Amendment; the City's General Plan Update Land Use change cannot take effect. The General Plan Land Use at Ponto Planning Area F has in fact not been changed by the General Plan Update, but can only change with staff's proposed Draft LCP Land Use Plan Amendment that the City Council can choose to approve or disapprove. Also official Public Records Requests have documented that the City's General Plan Update planning process was fundamentally flawed at Ponto. Again, like during Ponto Beachfront Village Vision

Plan planning process a few years earlier the city failed to comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. The flawed General Plan Update process at Ponto prevented Citizens from knowing the facts so they could properly participate and provide review and comment during the General Plan Update. The significant citizen comments to the City Council asking for a Ponto Coastal Park is reflective of the fundamental public disclosure and processing flaws that the city is only now acknowledging as one of the repeated 'planning mistakes' at Ponto. This is why citizens are asking for full disclosure of the facts and a complete planning process re-boot at Ponto. It also should be noted that the Existing LCP Land Use Policy for Planning Area F states that **"as part of any future planning effort ... consideration of a "Public Park" is required.** CA Coastal Commission Staff has indicated the City's proposed land use planning changes at Ponto as part of the General Plan Update are subject to change.

At the bottom of the page regarding SB 330, as noted above the "residential land use designation on the site" is not in effect until the currently proposed LCP Land Use Plan Amendment is both approved by the City Council AND also certified by the CA Coastal Commission, so SB 330 does not apply. Also SB 330 has specific language that exempts land use in the Coastal Zone. SB 330 (Skinner) Section 13 states: **"(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976** (Division 20 (commencing with Section 30000) of the Public Resources Code). **For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976** (Division 20 (commencing with Section 30000) of the Public Resources Code)." This language is consistent with CA case law, and other housing laws that recognize the obvious – there is very limited amount of Coastal land v. significant land area inland. Limited Coastal Land per the CA Coastal Act is needed for "High-Priority" Coastal Land Uses" - i.e. Coastal Recreation and Low-cost visitor accommodations. The CA Coastal Act identifies both residential and general commercial land uses as "low-priority". So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in Carlsbad will be needed to address the "High-Priority" Coastal Land Uses to serve Carlsbad and California's 'buildout' needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in "Kalnel Gardens, LLC v. City of Los Angeles". This case law data has already been provided to the City Council as part of Staff's housing discussions over the past few years. The staff report should have disclosed the above information, as it appears SB 330 is not a factor at Ponto.

- 13 2005-2010 Housing Element: As noted above the General Plan Land Use Element states the General Plan Land Use Plan is not effective until the proposed Draft LCP Land Use Plan Amendment is both approved by the City Council AND certified by the CA Coastal Commission. So, the Housing Element Cannot recognize the proposed residential use change at Ponto until then. Also as noted before there were multiple documented fundamental 'planning mistakes' in public disclosure, participation and process that flawed the Housing Element. It should be noted that these flaws occurred during the time the CA Coastal Commission specifically rejected the Ponto Beachfront Village Vision Plan due to those flaws. The now City acknowledged 'planning mistakes' at Ponto prevented Carlsbad citizens from providing informed participation during the Housing Element.

Also, it is unclear why the staff misrepresented the amount of housing proposed in the Housing Element on the Ponto Planning Area F site as “the Ponto site for high density residential use at a minimum density of 20 dwellings per acre (128 units minimum)”; as this is not true. The City’s General Plan promises only the minimum 15 dwelling units/acre for the R-23 Land Use designation. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 on page B-2 that lists 98 dwellings for the site on the east side of Ponto Road and 11 **optional dwellings** on the west side of Ponto Road for 109 total units for both sites, v. the 128 units mentioned by staff. Not sure why staff misrepresented the density by 17 to 30%.

Table B-1: Vacant Sites for Lower and Moderate Income Housing						
APN	General Plan Designation ¹	Zoning District	Site Size (Acres)	Unit Capacity, by Household Income		
				Very Low	Low	Moderate
2090901100 (Sunny Creek)	R15 (12 du/ac)	RD-M	9.6	-	-	115
2161404300 (Ponto)	R23	P-C	6.5	-	-	98
	GC (Mixed Use) ³	P-C	3	-	-	11

2007 Ponto Beachfront Village Vision Plan: As noted several times above there were fundamental public disclosure and participation flaws with this plan. It was rejected by the CA Coastal Commission in 2010 part for those reasons. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

- 14 2015 General Plan Update: As noted several times above there were fundamental public disclosure and participation flaws with this Update with regards to Ponto. These flaws are confirmed by the City’s own data as a result of multiple Official Carlsbad Public Records Requests. This should be disclosed to the City Council and citizens.

Citizens are asking the City Staff and City Council:

- for honesty, to fully and publicly recognize and disclose the past “planning mistakes” at Ponto, and fundamental flaws from the from those mistakes that prevented citizens from knowing about and participating in the planning process for Ponto.
- To keep the Existing LCP Land Use Plan at Ponto until a new open-honest and inclusive Community-based planning process can be achieved at Ponto.
- To be honest with respect to Park Serve Area and Equity issues at Ponto and Coastal South Carlsbad west of I-5 and the rail corridor.
- Consider the needs for inland South Carlsbad citizens, visitors and business to have their ONLY Coastal Park.
- Consider the larger regional Coastal Park need, and the forever ‘buildout’ Coastal Recreation needs for future generations.
- To be true and honest in translating and implementing our Community Vision

Item #13 11/22/19 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding “High-Priority” Low-Cost Visitor Accommodation land use

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

Sent: Friday, November 22, 2019 7:43 PM

To: 'Jennifer Jesser'

Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'

Subject: LCPA public Comment - Low-cost Visitor Accommodations

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding Low-Cost Visitor Accommodations.

As provided in other Public Comments and expressed by several citizens at the 11-20-19 Planning Commission meeting, I along with others kindly request:

1. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

We are still working to try to review the LCP and DLCPA documents and provide public comments on the Coastal Recreation

Thank you for including and responding to these DLCPA Public Comments and questions.

Lance Schulte

Attachment:

Carlsbad’s proposed Draft Local Coastal Program Amendment – People for Ponto comments

Low Cost Visitor Accommodations:

1. P. 3-3 cites CA Coast Act (CCA) Polices. But the City’s proposed Local Coastal Program (LCP) Land Use Plan (LUP) in the Ponto Area, particularly for Planning Area F, appears inconsistent with these CCA policies:
 - a. Section 30213 – protect, encourage and provide Lower-Cost Visitor & Recreation Facilities.
 - b. Section 30221 – Visitor serving & Recreation uses have priority over Residential & General Commercial uses.
 - c. Section 30223 – Upland areas reserved to support coastal Recreation uses
 - d. Section 30252(6) – correlate development with Local Park acquisition & on-site recreation

2. Planning Area F used to be designated “Visitor Serving Commercial” as part of the original 1980’s LUP and LCP Samis Master Plan for Ponto. In the 1996 this LUP was changed to the now current LCP and LUP designation of “Non-Residential Reserve” with a specific LCP requirement to reconsider a high-priority recreation or visitor serving Coastal land use while other Ponto land uses were changed to low-priority residential uses (see Poinsettia Shores Master Plan/LCP). It seems appropriated that the LUP should re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park” in the existing LCP) to provide high-priority coastal uses v. low-priority residential/general commercial uses: in part for the following reasons:
 - a. Planning Area F’s existing LCP requirement requires this consideration, but the City has never disclosed this requirement to Citizens nor follow this requirement during the Cities two prior ‘planning efforts’ in 2010 and 2015 as documented by official Carlsbad Public Records Requests 2017-260, 261, 262.
 - b. Ponto developers (both Samis and Kaisza) were both allowed to overdevelop Ponto, by not providing the minimum Open Space required by Carlsbad’s and Citizen approved Growth Management Open Space Standard. Over 30-acres of land that should have been dedicated to Growth Management Open Space (a high-priority land use) was instead allowed to be developed with low-priority residential development. If the City’s Growth Management Open Space Standard was properly applied at Ponto there would be 30-acres more open space at Ponto then there is now. This is a significant impact to CCA policies that can be corrected by changes in the Ponto LUP to properly implement City Open Space Standards and CCA policies.
 - c. The LCPA acknowledges that past (2005-17) and near-term (2019-23) growth in Carlsbad visitor demand for coastal recreation and accommodations, and indicate high past hotel occupancy rates that implies current hotel supply is just meeting current demand. Although the LCPA does not discuss the high occupancy rates at the Low-Cost campground facilities, It is assumed the campground occupancy rate and demand is higher than that of hotels. This should be defined. Based on current and near term demand for visitor accommodations the LCPA states on page 3-12 “... the City should identify and designate land where new hotels and other visitor-serving uses can be developed.” It is clear where the ‘City should identify and designate [this] land’? What new land(s) should be so identified and designated? However, the LCPA does not disclose longer-term visitor accommodation needs beyond 2023, nor provide a long-term plan for meeting this long-term need. The LCPA should publicly disclose, analyze and provide for the longer-term (beyond present and to beyond 2023) needs for visitor Coastal accommodations, particularly Low-Cost Accommodations and Recreation needs because the LCPA’s LUP is a long-term plan for Carlsbad’s buildout estimated to extend beyond 2035. Also, given the fact that there are very few vacant Coastal Sites (like Ponto) that are still available to address these long-term high priority Coastal land uses – recreation and visitor serving – reserving these vacant lands for high priority coastal land uses is consistent with the CCA Polices. Following are some longer-term projections of resident demand for Coastal park and recreation needs. It seems logical that long-term visitor will increase at a similar rate as the general population increase rate, unless our coast becomes too overcrowded and unattractive vis-à-vis other visitor

destinations. A long-term visitor demand (to go with the below long-term resident demand long-term Sea Level Rise impacts) for Coastal recreation resources should be a part of the proposed LCPA and part of the long-term LUP to provide resources for those long-term needs and to mitigate for those long-term Sea Level Rise impacts.





- d. City in the LCPA inaccurately analyzes and misrepresents how much Visitor Serving Accommodations, particularly Low-Cost Accommodations, Carlsbad currently provides on a relative or comparative basis. The LCPA's inaccurate and simplistic analysis does not adjust for the different sizes of the Coastal Zone in the 3 cities (Carlsbad, Oceanside and Encinitas) used in the analysis. Carlsbad's Coastal Zone is significantly larger than both the other cities, so it has more land and accommodations, just like San Diego's Coastal Zone is larger than Carlsbad's and San Diego is larger than its smaller neighbors Del Mar and National City. A simplistic how many accommodations are in your adjacent cities is an inappropriate analytical method for Carlsbad-Oceanside-Encinitas; just as it is inappropriate to compare the number of San Diego's hotels with the number of hotels in San Diego's smaller neighbors Del Mar and National City. The accurate method to do a comparative analysis is based on a common denominator, such as the amount of accommodations per 1,000 acres of Coastal Zone land along with comparing each city's relative percentages. This is a more accurate and appropriate analysis that the LCPA should provide, and not that provided on page 3-13. The LCPA analysis also does not fully discuss and compare "Low-Cost" accommodations that are part of the CCA policies; nor provide a mitigation approach for "Low-Cost" accommodations lost, just 'Economy hotel rooms'. Below is data from the LCPA and other LCPs that shows the proper and more accurate comparison of existing Visitor Serving Accommodations in Carlsbad-Oceanside-Encinitas and includes Low-Cost Accommodation

numbers/comparisons that are totally missing in the LCPA analysis. As the data shows, Carlsbad does not perform as well in Visitor Accommodations, and most particularly in “Low-Cost Visitor Accommodations”, as the LCPA states and proposes in the LUP relative to Oceanside and Encinitas. An honest analysis like below should be provided in the LCPA LUP, particularly given the very limited amount of vacant Coastal land left to provide for high-priority Coastal Uses. Ponto is one of the last remaining vacant Coastal areas.

Carlsbad's proposed 2019 LCPA uses comparative 3-city data to address how Carlsbad's 2019 LCPA addresses Visitor Serving Accommodation needs. “Low-Cost” Accommodations are an important CA Coastal Act issue

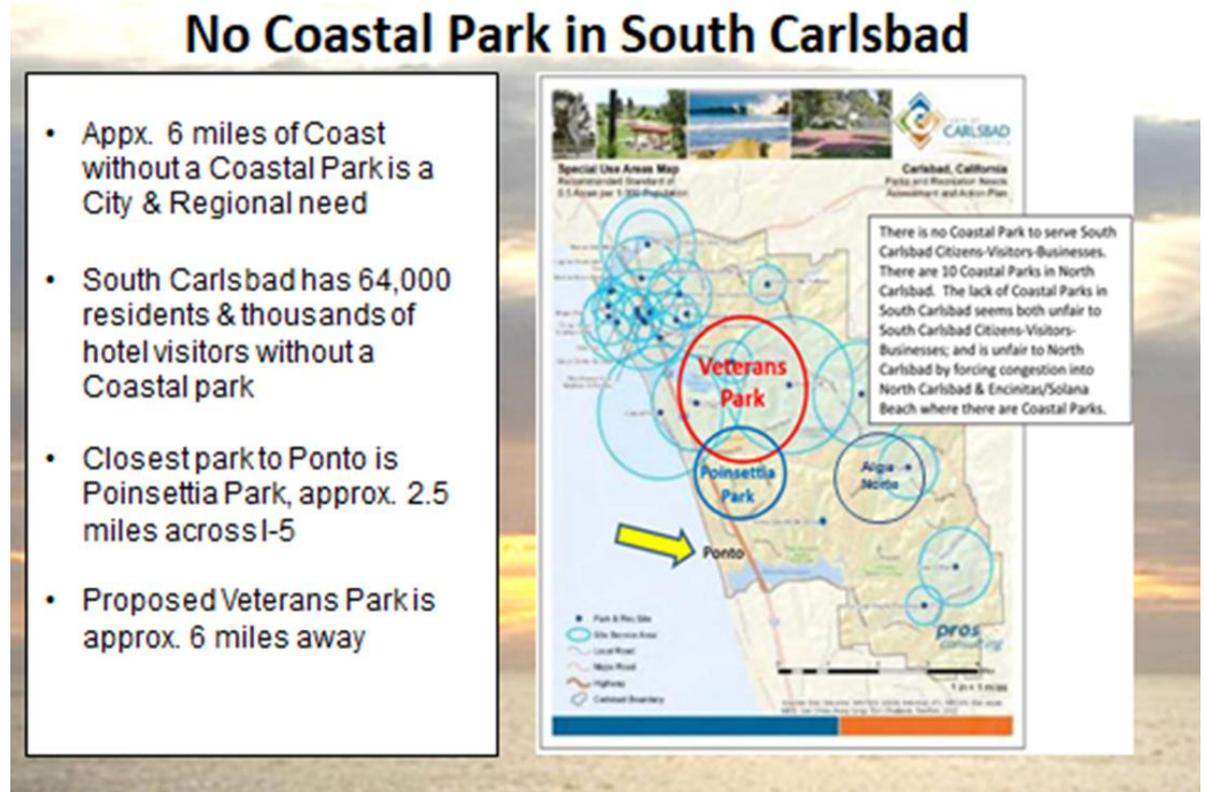
<u>Visitor Serving Accommodations (VSA) data</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>		<u>Data source</u>
Coastal Acres (i.e. in Coastal Zone)	9,216	1,460	7,845		Carlsbad Draft LCPA 2019 & Oceanside & Encinitas LCPs
VSA rooms: total	3,211	975	634		Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Economy	589	346	346		Carlsbad Draft LCPA 2019, pp 3-12 - 15
VSA rooms: Low-Cost (campsites)	220	272	171		Carlsbad Draft LCPA 2019, State Parks, Oceanside & Paradise-by-the-sea data Carlsbad Draft LCPA 2019 does not evaluate other City’s Low-Cost Accommodations
				3-city	
<u>Data analysis</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>Average</u>	<u>Key Findings</u>
VSA rooms/1,000 Coastal acres	348	668	81	366	Carlsbad provides overall Visitor Accommodations at slightly below the 3-city average

% of VSA rooms that are Economy	18%	35%	55%	36%	Carlsbad provides a percentage of Economy Accommodations about 50% below the 3-city average
Economy VSA rooms/1,000 Coastal acres	64	237	44	115	Carlsbad provides Economy Accommodations about 50% below the 3-city average
% VSA rooms that are Low-Cost	7%	28%	27%	21%	Carlsbad provides a percentage of Low-Cost Accommodations about 66% below the 3-city average Carlsbad LCPA also does not provide protection for loss of “Low-Cost” campground rooms, only “Economy hotel rooms”
Low-Cost VSA rooms/1,000 Coastal acres	24	186	22	77	Carlsbad provides Low-Cost Accommodations about 70% below the 3-city average

- e. The LCPA is not providing for any new “Low Cost Visitor Accommodation” land uses in the proposed LUP for current/long-range needs, even though page 3-12 points out the current demand for accommodations, and the current Existing LCP has polices to increase “Low Cost Visitor Accommodation” land uses. We understand that “Low-cost Visitor Accommodation” occupancy rates at CA State Campground at near 90%. This occupancy rate is much higher [signifying higher demand] than the occupancy rates of both the hotels, and “Economy Visitor Accommodations” which the LCPA seeks to protect. The Proposed LCPA LUP should provide historic and current “Low-cost Visitor Accommodation” occupancy rate data at CA State Campground and compare to occupancy demand for other accommodations to determine the highest occupancy demands and therefore needs. Why is the Proposed LCPA LUP not protecting AND EXPANDING (for future growth and visitor demand) the supply of this higher demand for “Low-cost Visitor Accommodations” at the State Campground, particularly given the Current Existing Carlsbad LCP policies on this issue, long history of this issue documented in the Current Existing Carlsbad LCP Mello II Segment, and the fact that “Low-cost Visitor Accommodations” are a Statewide ‘high-Coastal-priority’ land use in CA Coastal Act Goals and Policies? Why is the proposed LUP not recognizing and incorporating these issues? The Current Existing Carlsbad LCP policies [see Existing Carlsbad LCP Mello II Segment polies 2.3, 4.1, 6.1, 6.4, 6.5, 6.9, 6.10, 7.5, and 7.15 for example] are not referenced

and discussed in the Proposed LUP nor is a comprehensive long-term analysis of the impact of the proposed LUP's elimination of these Current Existing Carlsbad LCP policies vis-à-vis the CA Coastal Act Goals and Policies? How and why is the City proposing changes to these Existing Carlsbad LCP policies in the Mellow II Segment, particularly given the improved knowledge about Sea Level Rise, and Sea Level Rise and Coastal Bluff erosion impacts on the State Campground's "Low-cost Visitor Accommodations" - High-Coastal-Priority land use under the CA Coastal Act?

- f. At Ponto there is no low-cost/no-cost Recreational use as shown by the City of Carlsbad's adopted Parks Master Plan (pp 87-89) that show the City's adopted Park Service Areas in the following image. The image's blue dots are park locations and blue circle(s) show the City's adopted service areas:



Per the current Existing LCP requirements for Planning Area F at Ponto an "(i.e. Public Park)" must be considered. How is the Proposed LCPA LUP not reserving Upland Areas at Ponto for recreational uses given Sea Level Rise and Coastal Bluff erosion impacts as shown in Proposed LCPA LUP Attachment B, and Exhibits B6 and B7? There is very limited amount of vacant Upland Coastal land at Ponto and South Coastal Carlsbad to accommodate low-cost/no-cost Recreational use "(i.e. Public Park)", so why is this last remaining vacant Coastal land at Ponto not being reserved for "high-Coastal Priority Land Uses"? Why is the Proposed LCPA LUP proposing this last remaining vacant Coastal land at Ponto be converted from "Non-residential Reserve" to 'low-coastal-priority residential and general commercial land uses'?

3. The proposed LCPA approach to protect existing 'economy hotels' but not 'Low-cost Visitor Accommodations' appears inappropriate. Existing hotel owners providing 'Economy' rooms are penalized while all other more expensive 'non-economy hotel' owners are not required to mitigate for their not providing more affordable accommodations. It seems like a fairer and rational approach is to use the same framework as the City's inclusionary affordable housing requirements and have the requirement and burden of providing affordable accommodations required by all visitor accommodation providers, including short-term rentals of residential homes. Use of any per accommodation "in-lieu fee" should be SUFFICIENT TO FULLY MITIGATE for not providing a required affordable accommodation by being sufficient to fully fund a new 'affordable accommodation' on a one-for one basis. City Transit Occupancy Tax revenues could also potentially be used to provide a catch-up method for existing "non-low-cost and/or non-economy accommodation providers" to address what would nominally be their inclusionary contribution. It seems like the LCPA approach needs significant rethinking to provide a rational program to include reasonable long-term and sustainable affordability in visitor accommodation's, particularly give the Sea Level Rise and Coastal Bluff Erosion impacts on Carlsbad's Only "Low-cost Visitor Accommodations" and the State Campground and beaches and Carlsbad's Coastal access roadways.

4. The Proposed LCPA LUP does not provide a means for citizens to understand the proposed changes to the current Existing LCP goals and policies. There are numerous current Existing LCP goals and policies regarding "Low-cost Visitor Accommodations". These all should be listed in the Proposed LCPA LUP along with a description on how and why these current Existing LCP Goals and policies are being modified or removed in the Proposed LCPA LUP.

Item #14 1/29/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding “High-Priority” Coastal Recreation land use and lack of that land use at Ponto and Coastal South Carlsbad

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Wednesday, January 29, 2020 1:56 PM
To: jennifer.jesser@carlsbadca.gov
Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'
Subject: LCPA Public Comment - Coastal Recreation at Ponto - from People for Ponto

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding “High-Priority” Coastal Recreation at Ponto.

These People for Ponto comments reflect the significant Coastal Recreation and Coastal Land Use Plan issues at Ponto that clearly seem to justify, particularly after the City has receive to date of 2,500 public requests (and more are coming) for a Ponto Coastal Park, that a more productive, and overall more time efficient process to address public concerns be provided in the DLCPA process. I provide that thought based on successfully managed an award-wining LCPA amendment in under 2-years that was almost the exactly the same as the City of Carlsbad. Although the City Council in a 2-2 tie failed to provide for more productive and overall more time efficient process I hope within the DLCPA processing parameters Staff has you try to advance:

1. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

Thank you,
Lance Schulte
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, November 22, 2019 7:43 PM
To: 'Jennifer Jesser'
Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'
Subject: LCPA public Comment - Low-cost Visitor Accommodations

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding Low-Cost Visitor Accommodations.

As provided in other Public Comments and expressed by several citizens at the 11-20-19 Planning Commission meeting, I along with others kindly request:

4. a publicly accessible “Redline” version of the Existing 2016 Local Coastal Program (LCP) showing the City’s proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a “Redline” trying to understand the proposed Draft changes is very difficult,
5. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
6. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

We are still working to try to review the LCP and DLCPA documents and provide public comments on the Coastal Recreation

Thank you for including and responding to these DLCPA Public Comments and questions.

Lance Schulte

Attachment:

Carlsbad Staff proposed Draft Local Coastal Program Amendment – People for Ponto comments

Coastal Recreation:

5. Request that the City as part of its Draft LCP Public Review process broadly-publicly disclose to all Carlsbad Citizens the City’s acknowledged prior LCPA processing and planning “mistakes” regarding the requirement that the Ponto area be considered as a public park: This disclosure is needed to correct about 20 years of City misrepresentation to the public on the since 1996 and currently Existing LCP requirements at Ponto, and the City’s prior planning mistakes at Ponto. Citizens have been falsely told by the City that all the Coastal planning at Ponto was done already and that the City followed its Existing LCP regarding the need for a park at Ponto, and that this is already decided and could not be reversed. This misinformation has fundamentally stifled public review and public participation regarding the Coastal Zone. City failure to provide such a broad-public disclosure on the documented prior, and apparently current proposed, “planning mistakes” would appear to violate the principles of Ca Coastal Act Section 30006. A broad-public disclosure would for the first time allow citizens to be accurately informed on the Existing LCP requirements at Ponto so they can provide informed public review and comment regarding the need for a Coastal Park in in this last vacant ‘unplanned’ area. The requested broad-public disclosure by the City of the City past mistakes and the Existing LCP requirements at Ponto is consistent with CA Coastal Act (CCA) “Section 30006 Legislative findings and declarations; public participation - The Legislature further finds and declares that **the public has a right to fully participate in decisions affecting coastal planning**, conservation and development; that achievement of **sound coastal conservation and development is dependent upon public understanding and support**; and that the continuing planning and implementation of **programs for coastal conservation and development should include the widest opportunity for public participation.**” The public cannot participate as outlined in CCA Section 30006 if past City ‘mistakes’ and misrepresentations on Coastal planning at Ponto go undisclosed to the public. If the public isn’t fully informed about the 20-years of LCP planning mistakes at Ponto how could the

public in the past (and now in the present) participate in the proposed LCP Amendment – **Public Participation as noted in Section 30006 above is the means to sound coastal conservation and development and is “... dependent upon public understanding ...”**. The City’s past mistakes at Ponto need to be corrected by slightly different a Draft LCP Amendment process than currently outlined by the City; a new process is needed that clearly, opening and honestly informs and engages the public on the Existing LCP Ponto issues. The City’s current Draft LCP Amendment process fails to follow CCA Section 30006 in that most all the citizens we encounter are as yet unaware of the City’s Ponto mistakes and how they can participate in in the DLCPA process without that information. We see this daily in conversations we have with our fellow citizens. We even saw at the Oct 20, 2019 Carlsbad Planning Commission meeting that the Planning Commission was unaware of the planning mistakes at Ponto. How can a decision body of the City make a decision without knowing about these prior ‘planning mistakes’ facts that surround what they are being asked to decide on? Repeatedly since 2017 Carlsbad citizens and People for Ponto have asked the City to fully acknowledge the City’s prior flawed planning at Ponto, and to correct that with ether maintaining the Existing LCP Non-residential Reserve Land Use or restarting the Coastal Planning at Ponto with a true and accurately informed Community-based Coastal Planning process consistent with Section 30006.

We request the City during the DLCPA Public Review period broadly and publicly disclose to all Carlsbad Citizens the City’s acknowledged prior LCP and other “planning efforts” public participation processing and planning “mistakes” regarding the requirement that the Ponto area be considered as a public park, and 1) provide a truly honest public participation process on that disclosure consistent with CCA Section 30006 as part of the Draft LCP Amendment process or 2) retain the Existing LCP Non-residential Reserve Land Use and require a comprehensive and honest community-based redo of Coastal Resource planning at Ponto.

6. City fully and publicly reply to and the City Council consider the 11-20-19 citizen concerns/requests regarding the City’s proposed LCP Amendment process: Lance Schulte on 1/23/20 received an email reply by the City to his follow-up email regarding the status of the 11/20/19 citizen concerns/requests public comments and letters presented to the Planning Commission. This is appreciated, however it is request that the City fully publicly reply to the 11-20-19 citizen concerns/requests regarding the City’s proposed LCP Amendment process and present the to the City Council 11/20/19 citizen concerns/requests so the City Council can consider them and provide any direction to City Staff. City Staff first presented a summary presentation of the proposed Draft LCP Amendment to the Carlsbad Planning Commission on November 20, 2019, and indicated the public comment period would close on November in less than 2-weeks. Citizens and citizen groups provided public testimony to the Planning Commission, both verbally and in two written letters. The CCC was copied on those letters. The testimony and letters noted significant concerns about the City’s proposed LCP Amendment process and made three requests:
 - a. Disclose and provide a publically accessible ‘Redline Version’ of the Existing 2016/Proposed LCP land use Plan and Policies so everyone can see the proposed changes to the Existing LCP.

- b. Provide true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern or objections. Citizen Workshops, when done right, are valuable means to openly educate, discuss and work to consensus options. These areas, including Ponto, were/are subject to multiple lawsuits, so true open and honest public workshops would provide an opportunity to openly and honestly discuss the issues and hopefully build public consensus/support for solutions. This approach seems consistent with CCA Section 30006, and common sense.
- c. Extend the public comment period 6-months to allow Citizen Review of the Redline Version of the LCPA and allow time for Citizen Workshops.

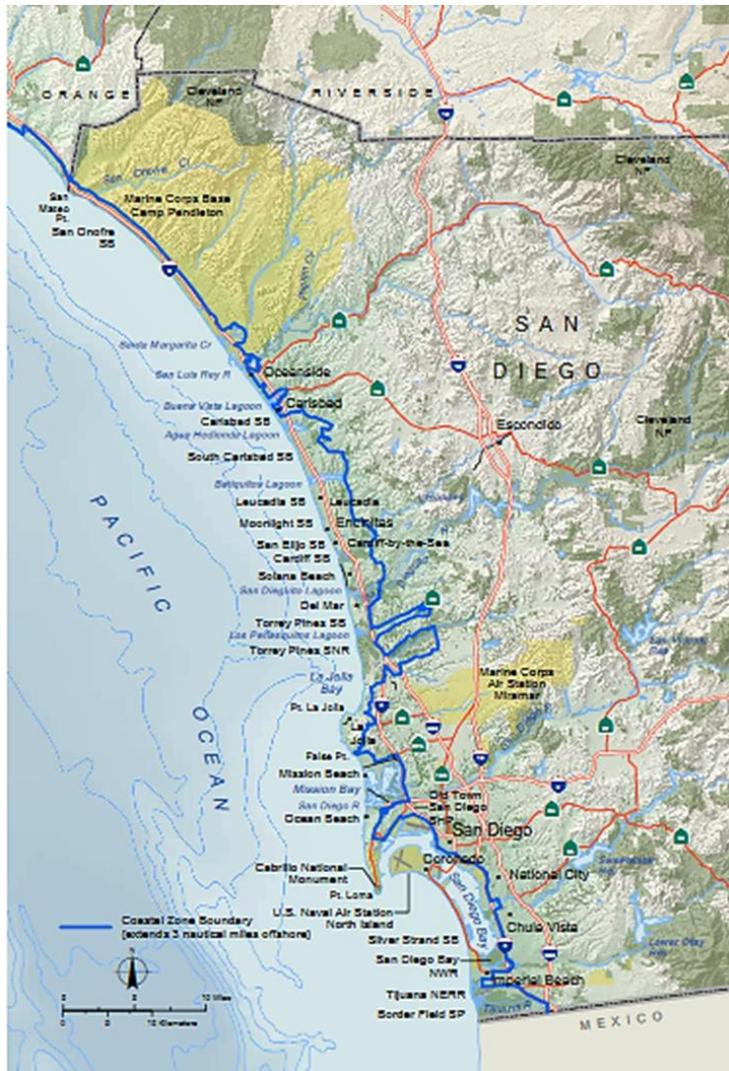
The City did extend the Public Review period 2-months over the holidays to January 31, 2020. This is appreciated although many think this is inadequate given the significance of the Proposed Land Use Plan Amendments, and lack of Redline Version to compare. The City and their consultants required several extra years beyond schedule prepare the proposed LCP Amendments. The extra years of City Staff work reflects on the volume of the over 500-pages in the documents and the time needed to understand the Existing LCP and then create an Amended LCP. Citizens need sufficient time, proper comparative tools (redline) and a process (workshops) to understand the proposed LCP Amendments that is reflective of extensive extra time needed by City Staff and consultants needed. Truncation of lay public review to a few months for an Amendment that took paid professionals many years to produce seems a more than a bit inappropriate. The City appears to be rejecting citizens' request to be provided a 'Redline Version' of the Existing 2016/Proposed LCP land use Plan. So public review comments will tainted or will miss many issues due having to manually cross-reference a 150-page Existing LCP LUP with a Proposed 350-page Proposed LCP LUP. There will be unknown and unconsidered changes in the Draft LCP Amendment that the public and city and CCC decision makers will not know about due to the lack of 'Redline Version'.

The City also appears to reject citizen requests for true Citizen Workshops on the major remaining vacant Coastal land that still have outstanding Citizen Concern – such as Ponto. Like Coastal Recreation issue #1 above the following citizen requests appear consistent with CA Coastal Act (CCA) Section 30006, and the City's rejection of that requests seem counter to the CA Coastal Act.

We again request of the City to provide: 1) a 'Redline Version' to the public and decision makers, along with sufficient time to review and comment on the 'Redline Version'; and 2) true Citizen Workshops for Ponto and the other last remaining significant vacant Coastal lands in Carlsbad as part of the Draft LCP Amendment process, or as part of deferred LCP Amendment process for those areas.

7. Coastal Zoned land is precious: the very small amount of remaining vacant Coastal land should be reserved for "High-Priority" Coastal Recreation Land Uses under the CA Coastal Act to provide for the growing and forever 'Buildout' needs of Carlsbad and CA Citizens, and our visitors.
 - a. Less than 1.8% (76 square miles) of San Diego County's 4,207 square miles is in Coastal Zone. This small area needs to provide for all the forever Coastal needs of the County, State of CA, and Visitors. Upland Coastal Recreation (Coastal Park) land use is needed to provide

- land to migrate the projected/planned loss of “High-Priority” Coastal Recreation land uses due to Sea Level Rise impacts. There is only 76 miles of total coastline in San Diego County; a significant amount is publicly inaccessible military/industrial land. So how the last few portions of Coastal Land within Carlsbad (which is about 8% of San Diego County’s Coastline) is planned for the forever needs for High-Coastal-Priority Recreation Land Use is critical for Carlsbad, San Diego, and California Statewide needs into the future.
- b. Most all the developable Coastal land in Carlsbad is already developed with Low-Coastal-Priority residential uses. Only a very small percentage of Carlsbad’s developable Coastal land, maybe 1-2%, is still vacant. This last tiny portion of fragment of vacant developable Coastal Land should be documented in the Draft LCP and reserved for “High-Priority” Coastal Land uses – most critically Coastal Recreation – to address the growing Coastal Recreation needs from a growing population and visitors. These growing needs are all the more critical in that existing Coastal Recreation lands will be decreasing due to inundation and erosion due to DLCPA planned Sea Level Rise.
 - c. This image of the western half of San Diego County graphically shows (in the blue line) the very small Coastal Zone Area that needs to provide the Carlsbad’s and California’s Coastal Recreational needs for all San Diego County residents and Visitors:



We request that 1) the amount and location of remaining vacant Coastal land in Carlsbad be documented and mapped and be reserved for high-priority Coastal Land Uses consistent with CCA Goals in Section 30001.5 “... (c) ... **maximize public recreational opportunities in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) **Assure priority for coastal-dependent and coastal-related development over other development on the coast.** ... “; 2). This data be used in the City’s analysis and the public’s review and discussion about the City’s proposed Draft ‘Buildout’ Land Use Plan. The City’s proposed Draft ‘Buildout’ Land Use Plan will forever lock in the amount “maximum public recreational opportunities in the coastal zone” and will be the final Coastal Land Use Plan that is supposed to “assure priority for coastal-dependent and coastal-related development over other development on the coast”. Most of Carlsbad’s Coastal Zone is already developed or committed to low-priority land uses contrary to these CCA Goals, so how we finally and forever plan to use of the last small remaining vacant Coastal Land is very important.

8. The proposed Draft LCP Amendment in Chapter 3 makes unfounded statements regarding the proposed Amendment to the LCP Land Use Plan provision of “High-Priority” Coastal Recreation land use: On page 3-3, at the beginning of the Chapter 3 – Recreation and Visitor Serving Uses the City correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation uses, and cites multiple CCA Sections to that effect. The City’s proposed Coastal Land Use Plan then states on page 3-5 that a high proportion of land in the City is dedicated open space available for passive and active use, yet provides no justification or accurate metric to support this statement. This is a critical unsubstantiated and speculative statement that is not supported by any comparative data (justifying the “high proportion” statement). The City later in Chapter 3 compared the adjoining cities of Oceanside and Encinitas to try to show how the proposed Draft LCP LUP Amendment provides higher levels of Visitor Serving Accommodations. That ‘non-common denominator’ comparison was fundamentally flawed, as noted in a prior separate Draft LCPA public review comment from People for Ponto regarding another high-priority Coastal land use (visitor accommodations) planned for in Chapter 3, but at least it was an attempt to compare. However, for the Coastal Recreation portion of Chapter 3, the City does not even attempt to provide any comparative data to support (or justify) the proposed Coastal Recreation Land Use Plan and statements. The Coastal Recreation Chapter also fails to disclose Carlsbad’s adopted City Park Master Plan (Park Service Area and Equity map) data that shows a clear conflict between the CA Coastal Act Policy Sections noted at the beginning of Chapter 3 and Chapter 3’s proposed Draft Coastal Recreation Land Use Plan.

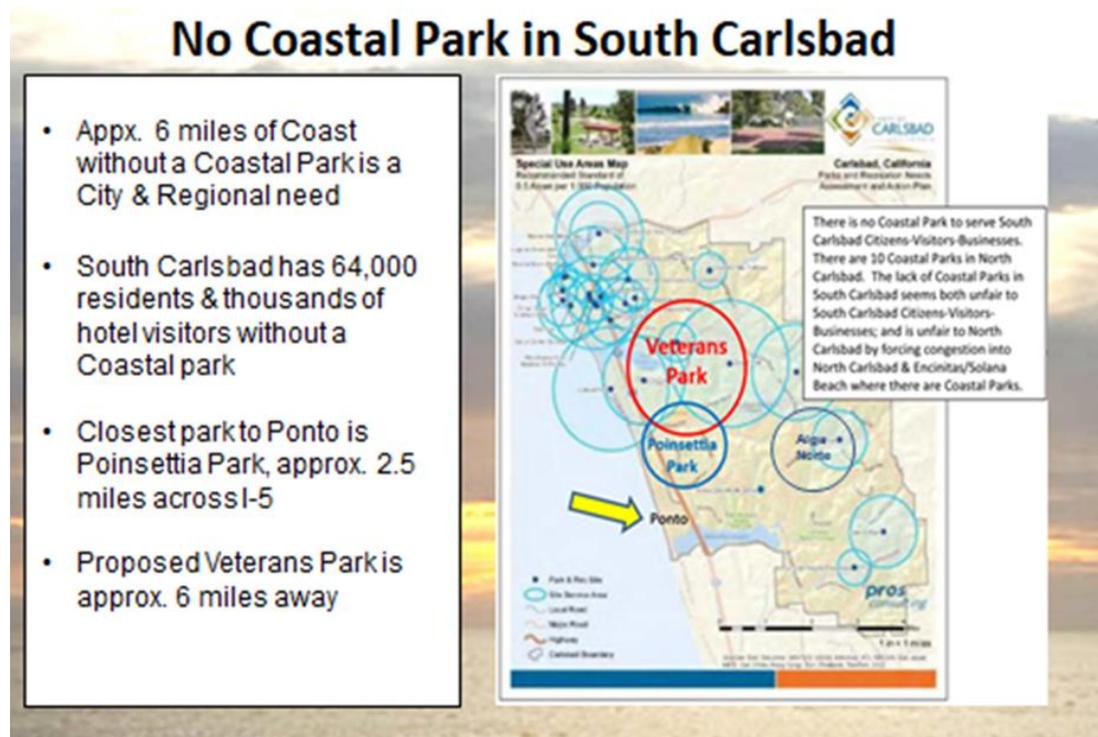
Comparative Coastal Recreation: Comparing the Land Use Plan and policies of Oceanside, Carlsbad and Encinitas, one finds Carlsbad’s proposed Coastal Recreational Plan and Policies are not “high”, but very low compared with Oceanside and Encinitas. Carlsbad has a General Plan Park Standard of 3 acres of City Park per 1,000 Population. Oceanside has a 5 acres of City Park Standard per 1,000 population, and Encinitas has a 15 acres per 1,000 population standard, and an in-lieu park fee requirement of 5 acres per 1,000 population. Carlsbad’s proposed Coastal Recreation Land Use Plan is in fact not ‘high’ but is in fact the lowest of the three cities, with Carlsbad providing only 40% of Oceanside’s park standard, and only 20% of Encinitas’s Park Standard. Citywide Carlsbad currently has 2.47 acres of developed park per 1,000 population, Oceanside currently has 3.6 acres of developed park per 1,000 population, and Encinitas currently has 5.5 acres of developed park per 1,000 population. Although this data is citywide, it shows Carlsbad’s current amount of developed parkland is less than 70% of what Oceanside currently provides, and less than 45% of what Encinitas currently provides. Carlsbad is not currently providing, nor proposing a Coastal Land Use Plan to provide, a ‘high’ proportion of Coastal Recreation Land Use compared to Oceanside and Encinitas.

On page 3-5 Carlsbad may be misrepresenting city open space that is needed and used for the preservation of federally endangered species habitats and lagoon water bodies. This open space Land cannot be Used for Coastal Recreation purposes; and in fact Land Use regulations prohibit public access and Recreational Use on these Lands and water bodies to protect those endangered land and water habitats. 78% of Carlsbad’s open space is “open space for the preservation of natural resources” and cannot be used for Coastal Parks and Recreational use. Although “open space for the preservation of

natural resources” does provide scenic or visual amenity, and this amenity is addressed as a different coastal resource. Visual open space is not Coastal Recreation Land Use. It appears Carlsbad is proposing in the Draft LCP Amendment to continue to, providing a ‘low’ percentage of Coastal Park Land Use and Coastal Recreation Land Use compared to adjoining cities.

In addition to the comparatively low amount of Coastal Park land Carlsbad plans for, Carlsbad scores very poorly regarding the equitable and fair distribution and accessibility of Coastal Parks and Coastal Recreation Land Uses. Both the City of Oceanside and Encinitas have very robust and detailed Park and Land Use plans to promote an equitable distribution of, and good non-vehicular accessibility, to their Coastal Parks. By comparison, Carlsbad’s park land use plan scores poorly, as exemplified in Ponto and South Carlsbad. Ponto’s existing population requires about 6.6 acres of City Parkland per Carlsbad’s low 3 acres per 1,000 population standard. Yet the nearest City Park is several miles away and takes over 50 minutes to walk along major arterial roadways and across Interstate 5 to access. As such this nearest park is not an accessible park for Ponto children, and thus Ponto children have to play in our local streets to find a significantly large open area to play in. Ponto residents have to drive their kids to get to a park increasing VMT and GHG emissions. The City’s proposed Coastal Recreation Land Use Plan ‘solution’ to Ponto’s no-park condition, along with the City’s need to add an additional 6.5 acres of new City parks in Southwest Carlsbad to comply with the Southwest Carlsbad’s 2012 population demand (at a ratio of 3-acre/1,000 population) is to provide a City Park – Veterans Park – over 6-miles away from the Ponto and Southwest Carlsbad population need. This makes a bad situation worse. The City’s proposed location is totally inaccessible to serve the needs of the population of children or anyone without a car, that it is intended to serve in South Carlsbad. This City proposed Coastal Recreation Land Use Plan ‘solution’ seems inappropriate and inconsistent with the CA Coastal Act and common sense. During the City’s Veterans Park and budget community workshops citizens expressed a desire for a Ponto Park to be the solution to our Ponto and Southwest Carlsbad Park deficits. Those citizen requests were not apparently considered as part of the City’s proposed Draft Coastal Recreation Land Use Plan. Following is an image summarizing the magnitude of citizen needs/desires expressed at the City’s Budget workshop. Note the number and size of the text citing Ponto Park and South Carlsbad that reflects the number and magnitude/intensity of citizen workshop groups’ input. The failure to acknowledge this public participation and data in the Coastal Recreation Land Use Plan Park seems in conflict with CCA Sections 30006 and 30252(6):

Service Area Maps (Equity Maps) clearly shows the inequity of Coastal City Park between North and South Carlsbad, and the need for Coastal Parks in South Carlsbad – particularly at Ponto. The City’s proposed Draft ‘Buildout’ Coastal Recreation Land Use Plan instead proposes to lock-in documented City Public Coastal Park inequity and unserved Coastal Park demand at Ponto and South Carlsbad forever. It does so by proposing the last vacant undeveloped/unplanned Coastal land – Ponto Planning Area F - in the unserved Ponto and South Carlsbad coastline areas instead of being planned for much needed City Park and Coastal Recreation use be converted to even more low-priority residential and general commercial land uses. These ‘low-priority’ residential uses, by the way, further increase City Park and Coastal Recreation demand and inequity in Coastal South Carlsbad. This is wrong, and a proposed ‘forever-buildout’ wrong at the most basic and fundamental levels. The proposed Draft Coastal Recreation Land Use Plan by NOT providing documented needed City parks for vast areas of Coastal South Carlsbad is inconsistent with the CA Coastal Act policies and Existing LCP LUP requirements for Ponto Planning Area F; and also inconsistent with fair/equitable/commonsense land use and park planning principles, inconsistent with CA Coastal Commission social justice goals, inconsistent with social equity, inconsistent with VMT reduction requirements, and inconsistent with common fairness. A different Coastal Recreation Land Use Plan should be provided that provides for a socially equitable distribution of Coastal Park resources so as to would allow children, the elderly and those without cars to access Coastal Parks. The proposed Draft ‘Buildout’ Coastal Recreation Land Use Plan forever locking in the unfair distribution of City Parks appears a violation of the not only CCA Sections 30213, 30222, 30223, and 30252(6) but also the fundamental values and principles of the CA Coastal Act. The Draft also appears a violation of Carlsbad’s Community Vision.



A different Coastal Recreation Land Use Plan is required to provide a more equitable distribution of City Parks with non-vehicular accessibility. Such a different plan would advance State and City requirements to reduce vehicle Miles Traveled (VMT) and greenhouse gas emissions that contribute to climate change and sea level rise impacts. Please note that the data for the above basic comparison comes from City of Carlsbad, Oceanside and Encinitas General Plan and Park Master Plan documents.

Data shows the proposed Coastal Recreation Plan conflicts with the CA Coastal Act policy Sections. As mentioned page 3-3 correctly states that the CA Coastal Act (CCA) places a high priority on maximizing Recreation Land Uses, and pages 3-5 list multiple CA Coastal Act (CCA) policy Sections that confirm this. However, given the significant statewide importance of Coastal Recreation Land Use, the City proposed 'Buildout' Coastal Recreation Land Use Plan does not appear to adequately address and implement these CCA Policies, and most noticeably in the Ponto area of South Carlsbad. Coastal Recreation is a significant Statewide High-Priority Land Use under the CCA. For a substantially developed non-coastal-industry city like Carlsbad Coastal Recreation is likely the biggest land use issue. This issue is even more elevated due to the fact that there are only a few small areas left of undeveloped Coastal land on which to provide Coastal Recreation, and Carlsbad is proposing a Coastal 'Buildout' Land Use Plan on those areas. The use of the last few remaining vacant portions of Coastal land for Coastal Recreation Land Use is the most important land use consideration in the proposed Draft LCP Land Use Plan Amendment as population and visitor growth will increase demands for Coastal Recreation. It is thus very surprising, and disturbing that the proposed Coastal Recreation Land Use Plan is so short, lacks any comparative and demand projection data, lacks any resource demand/distribution and social equity data, and lacks any rational and clear connection with CCA Policy and the proposed 'Buildout' Coastal Land Use plan. This is all the more troubling given that:

- The Ponto area represents the last significant vacant undeveloped/unplanned land near the coast in South Carlsbad that can provide a meaningful Coastal Park.
- The fact that the City's Existing LCP requires the city consider and document the need for a "i.e. Public Park" on Ponto's Planning Area F prior to the City proposing a change of Planning Area F's "Non-residential Reserve" land use designation. The City has repeatedly failed to comply with this LCP LUP requirement, and worse has repeatedly failed to honestly inform citizens of this LCP LUP requirement at planning Area F before it granted any land use. The City, apparently implementing speculative developer wishes, has repeatedly proposed changing Planning Area F's Coastal Land Use designation to "low-priority" residential and general commercial land uses without publically disclosing and following the Existing LCP LUP.
- The City's currently developed parks in the southern portion of the City do not meet the city's comparatively low public park standard of only 3 acres per 1,000 population. Since 2012 there has been City park acreage shortfall in both SW and SE Carlsbad.
- The Existing population of Ponto (west of I-5 and south of Poinsettia Lane) requires about 6.6 acres of Public Park based on the City's comparatively low public park standard of 3 acres per 1,000 population. There is no Public Park in Ponto. Adding more population at Ponto will increase this current park demand/supply disparity.

- Carlsbad and other citizens have since 2017 expressed to the City the strong need for a Coastal Park at Ponto, and requested the City to provide a true citizen-based planning process to consider the Public Park need at Ponto. The Citizens' requested process is fully in-line with CCA Goals, Public Participation Policy, Land Use Policies, and the Existing LCP Land Use Plan/requirements for Planning Area F and is the most appropriate means to consider and document the need for a Public Park at Ponto as required by the Existing LCP Land Use Plan.
 - Planning Area F is for sale, and a non-profit citizens group has made an offer to purchase Planning Area F for a much needed Coastal Park for both Ponto and inland South Carlsbad residents and visitors. How should these facts be considered by the City and CCC?
 - Carlsbad has no Coastal Parks west of I-5 and the railroad corridor for the entire southern half of Carlsbad's 7-mile coastline.
 - The southern half of Carlsbad's coastline is 5.7% of the entire San Diego County coastline and represents a significant portion of regional coastline without a meaningful Coastal Park west of I-5 and the Railroad corridor.
 - The City's proposed Coastal Recreation Land Use Plan provides No Documentation, No Rational, and No Supporting or Comparative Data to show the proposed Coastal Recreation Land Use Plan in fact complies with the CA Coastal Act.
9. There is no Coastal Recreation/Park west of interstate 5 for all South Carlsbad, or half of the entire City. This is a obviously unfair and inequitable distribution of Coastal Recreation/Park resources that should be corrected by changes to the Draft LCP Land Use Amendment: The following image (which was sent to the City and CCC on several prior communications) was first requested by former Carlsbad Councilman Michael Schumacher during a People for Ponto presentation/request at the Oct 23, 2018 City Council meeting. The data compiled in the image shows how the South Coastal Carlsbad (Ponto) is not served by a Park per the City's adopted Parks Master Plan. The blue dots on the map are park locations and blue circle(s) show the City's Park Master Plan adopted Park Service Areas and Park Equity. This data, from pages 87-88 of the City of Carlsbad Parks Master Plan, shows all City Parks (both Community Parks and Special Use Areas in Coastal Carlsbad (except Aviara Park east of Poinsettia Park and west of Alga Norte Park). The text on the left margin identifies the South Carlsbad Coastal Park (west of I-5) gap along with the number of South Carlsbad Citizens (over half the City's population) without a Coastal Park. The left margin also identifies more local issues for the over 2,000 Ponto area adults and children. For Ponto residents the nearest Public Park and City proposed 'solution' to the South Carlsbad and Ponto Public Park deficit are miles away over high-speed/traffic roadways and thus somewhat hazardous to access and effectively unusable by children/the elderly or those without cars. Having been a 20-year resident of Ponto I regularly see our children have to play in the street as there are no Public Park with large open fields to play at within a safe and under 1-hour walk away. Ponto citizens have submitted public comments regarding this condition and the lack of a Park at Ponto

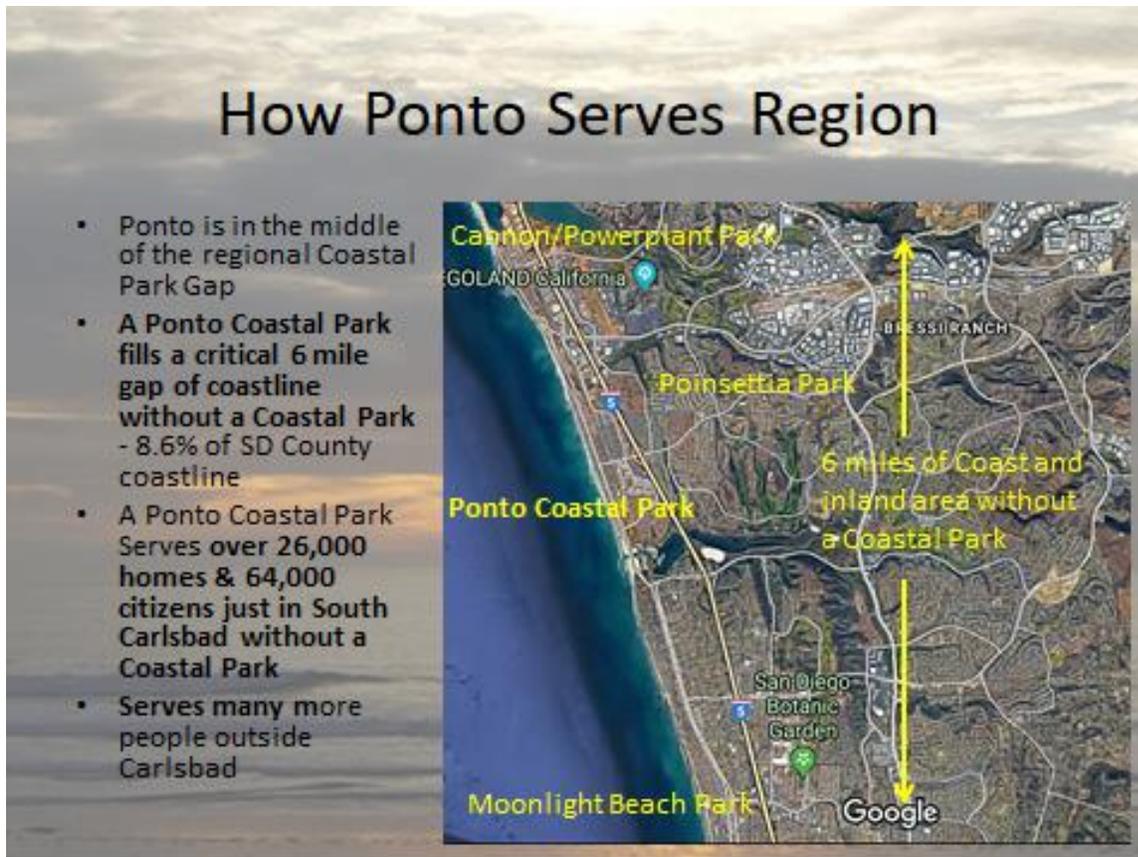
No Coastal Park in South Carlsbad

- Appx. 6 miles of Coast without a Coastal Park is a City & Regional need
- South Carlsbad has 64,000 residents & thousands of hotel visitors without a Coastal park
- Closest park to Ponto is Poinsettia Park, approx. 2.5 miles across I-5
- Proposed Veterans Park is approx. 6 miles away



Ponto is at the center of regional 6-mile Coastal Park Gap. A Coastal Park in this instance being a Public Park with practical green play space and a reasonable connection with the Coast (i.e. located west of the regional rail and Interstate-5 corridors). The following image shows this larger regional Coastal Park Gap centered on the Ponto Area, and the nearest Coastal Parks – Cannon Park to the north, and Moonlight Park to the south.

Regionally this image shows Ponto is the last remaining significant vacant Coastal land that could accommodate a Coastal Park to serve the Coastal Park current needs of over existing 2,000 Ponto residents, 64,000 existing South Carlsbad residents, and a larger regional population. It is also the only area to serve the Coastal Park needs for the thousands of hotel rooms in Upland Visitor Accommodations in South Carlsbad.

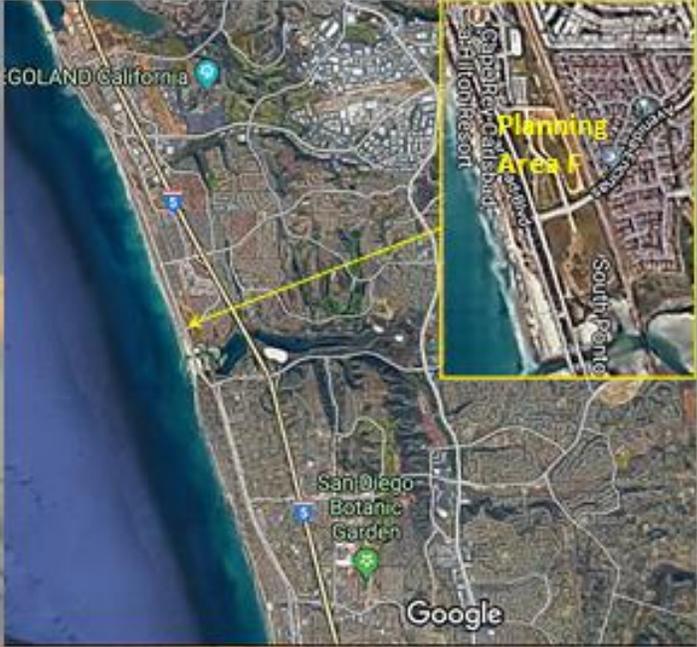


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal Program Land Use Plan states: "Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area ..." and requires that: "... **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.**" CA Coastal Commission actions, Carlsbad Public Records Requests 2017-260, 261, and 262, and 11/20/19 City Planner statements confirm the City never fully communicated to Carlsbad Citizens the existence of this LCP requirement nor did the City comply with the requirements. Of deep concern is that the City is now (as several times in the past) still not honestly disclosing to citizens and implementing this Existing LCP requirement as a true and authentic 'planning effort'. The lack of open public disclosure and apparent fear of true public workshops and Public Comment about the Existing Planning Area F LCP requirements are troubling. The point of a 'planning effort' is to openly and publically present data, publically discuss and explore possibilities/opportunities, and help build consensus on the best planning options. Citizens are concerned the city has already made up its mind and there is no real "planning effort" in the proposed Draft LCP Amendment process, just a brief Staff Report and at the end provide citizens 3-minutes to comment on the proposal. This is not the proper way to treat the last remaining significant vacant land is South Carlsbad that will forever determine the Coastal Recreation environment for generations of Carlsbad and California citizens and visitors to come.

The following data/images show how Ponto is in the center of the 6-mile (west of I-5 and Railroad corridor) regional Coastal Park gap. Ponto is the last remaining vacant and currently “unplanned” Coastal land that is available to address this regional Coastal Park Gap.

How Ponto Serves Region cont.

- **Relieves Coastal Park congestion** in North Carlsbad, Encinitas and Solana Beach
- Area currently needs Coastal Park as seen by:
 - Ponto Beach parking congestion
 - current trespass use of Planning Area F as a Park
- **6.6 acre portion of Planning Area F addresses SW Quad City Park deficit**



How Ponto Serves Region cont.

- A Ponto Park helps address 2050 and beyond Regional Population and Visitor Growth demands for Coastal Parks
- A Ponto Park provides the lowest-cost coastal access and recreation opportunities for CA citizens and visitors



How Ponto Serves Region cont.

- Vital park and open space amenity for Visitor serving businesses and accommodations
- 6.6 acre unique City Coastal Park venue to stage special events: Runs, bike rides, triathlons, sports, coastal festivals, etc.



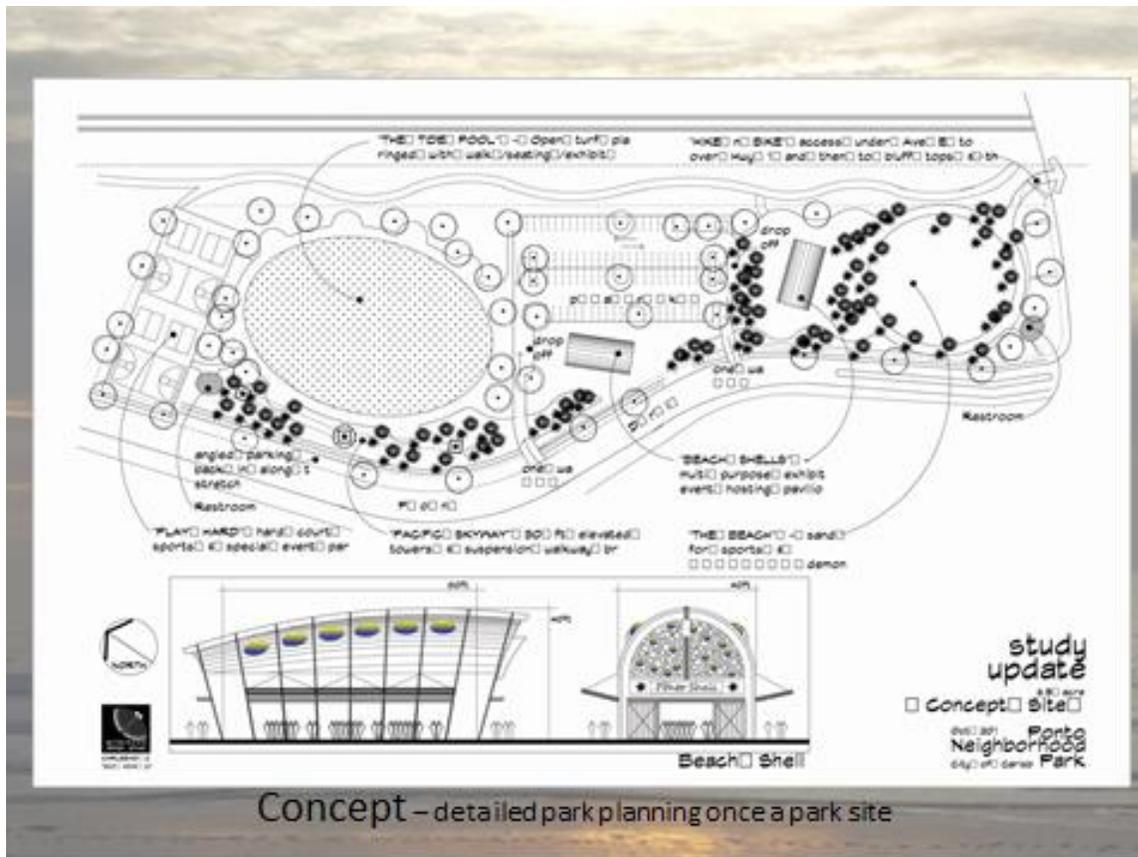
How Ponto Serves Region cont.

- Critical Park space for So. Carlsbad State Beach Campground
- Provides a big training and staging space for Junior lifeguards
- Dog walk trail





One possible Concept image of a potential Ponto Coastal Park at Planning Area F is illustrated below. The potential for a Ponto Coastal Park is real. The speculative land investment fund (Lone Star Fund #5 USA L.P. and Bermuda L.P.) that currently owns Planning Area F is selling the property, and is available for the City of Carlsbad to acquire to address the documented demand/need for a City Park and City Park inequity at Ponto and in Coastal South Carlsbad. A Ponto Beachfront Park 501c3 is working to acquire donations to help purchase the site for a Park. These situations and opportunities should be publicly discussed as part of the City Staff's proposed Local Coastal Program Land Use Plan Amendment.



10. Projected increases in California, San Diego County and Carlsbad population and visitor growth increases the demand for High-Priority-Coastal Recreation land use:
- a. Increasing Citizen demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

San Diego County Citizen Population - source: SANDAG Preliminary 2050 Regional Growth Forecast

1980	1,861,846
1990	2,498,016
2000	2,813,833
2010	3,095,313
2020	3,535,000 = 46,500 Citizens per mile of San Diego County coastline
2030	3,870,000
2040	4,163,688
2050	4,384,867 = 57,700 Citizens per mile of San Diego County coastline

2020 to 2050 = 24% increase in San Diego County population.

Citizen Population will continue beyond 2050. Carlsbad may plan for 'Buildout' in 2050, but what is San Diego County's 'Buildout'? There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for this growing population. If we do not increase our supply of Coastal Recreational Resources for these increased demands our Coastal Recreation Resources will become more overcrowded, deteriorated and ultimately diminish the Coastal Recreation quality of life for Citizens of Carlsbad and California. Ponto sits in the middle of an existing 6-

mile regional Coastal Park Gap (no Coastal Park west of Interstate 5) and there is No Coastal Park in all of South Carlsbad to address the Coastal Recreation needs of the 64,000 South Carlsbad Citizens.

- b. Increasing Visitor demand for Coastal Recreational land needs to be addressed with increased Coastal Recreation land:

Yearly Visitors to San Diego County – source: San Diego Tourism Authority; San Diego Travel Forecast, Dec, 2017

2016	34,900,000
2017	34,900,000
2018	35,300,000
2019	35,900,000
2020	36,500,000 = average 100,000 visitors per day, or 2.83% of County's Population per day, or 1,316 Visitors/coastal mile/day in 2020
2021	37,100,000
2022	37,700,000

This is growth at about a 1.6% per year increase in visitors. Projecting this Visitor growth rate from 2020 to 2050 results in a 61% or 22,265,000 increase in Visitors in 2050 to:

2050 58,765,000 = average 161,000 visitors per day, or 3.67% of the County's projected 2050 Population per day, or 2,120 Visitors/coastal mile/day in 2050.

The number of Visitors is likely to increase beyond the year 2050. There is a common-sense need to increase the amount of Coastal Recreation Land Use in the Proposed LCP Amendment to the Land Use Plan for these projected 2050 61% increase, and beyond 2050, increases in Visitor demand for Coastal Recreational Resources. Increasing Coastal Recreation land is a vital and critically supporting Land Use and vital amenity for California's, the San Diego Region's and Carlsbad's Visitor Serving Industry. Ponto sits in the middle of an existing 6-mile regional Coastal Park Gap (no Coastal Park west of Interstate 5). There are thousands of hotel rooms in South Carlsbad that have NO Coastal Park to go to in South Carlsbad. This needs correcting as both a Coastal Act and also a City economic sustainability imperative.

- c. We request that the as part of the public's review, the City Staff proposed Draft LCP Amendment to the Land Use Plan clearly document if and/or how future forever 'Buildout' City, Regional and Statewide population and visitor population demand for Coastal Recreation and City Coastal Parks are adequately provided for both in amount and locational distribution in the Carlsbad proposed Amendment of the LCP Land Use Plan.

11. Carlsbad's Draft Local Coastal Program Land Use Plan Amendment says it plans to a year 2050 buildout of the Coastal Zone. The Draft Local Coastal Program Land Use Plan Amendment then is the last opportunity to create a Coastal Land Use Plan to provide "High-Priority" Coastal Recreation Land Use, and will forever impact future generations of California, San Diego County, and Carlsbad Citizens and Visitors:

- a. The Draft LCPA indicates in 2008 only 9% of All Carlsbad was vacant land. Less is vacant now in 2019. Carlsbad's Coastal Zone is 37% of the City, so vacant unconstrained land suitable for providing Coastal Recreation is likely only 3-4%. The prior request for a full documentation of the remaining vacant Coastal lands will provide a better understanding needed to begin to make the final 'buildout' Coastal Land Use Plan for Carlsbad. The Draft LCPA does not indicate the amount and locations of currently vacant unconstrained Coastal Land in Carlsbad. This final limited vacant land resource should be clearly documented and mapped in the DLCPA as it represents the real focus of the DLCPA – the Coastal Plan for these remaining undeveloped lands. These last remaining vacant lands should be primarily used to provide for and equitably distribute "High-Priority" Coastal Recreation Land Uses consistent with CCA Sections:
- i. Section 30212.5 "... Wherever appropriate and feasible, public facilities, including parking areas or facilities, **shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**";
 - ii. Section 30213 "... **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...**";
 - iii. Section 30222 "**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**"
 - iv. Section 30223 "**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible**" ,
 - v. Section 30251 ... The location and amount of new development should maintain and enhance public access to the coast by ... 6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by **correlating the amount of development with local park acquisition** and development plans with the provision of onsite recreational facilities to serve the new development"

Adopted City Park Service Area and Park Equity maps discussed earlier document the proposed Draft LCP Amendment's inconstancy with the above CCA Policy Sections. The locations and small amounts remaining vacant Coastal lands provide the last opportunities to correct the inconsistencies of City proposed Draft "buildout" LCP Land Use Plan Amendment with these Coastal Act Policies.

Currently and since 1996 there has been LCP LUP Policy/regulations for Ponto Planning Area F that require consideration of a "Public Park" prior to changing the existing "unplanned Non-residential Reserve" Land Use designation. A map and data base of vacant developable Coastal land should be provided as part of the Draft LCPA and the Draft LCPA. This map and data base should document the projected/planned loss of Coastal land use due to Sea Level Rise. Draft LCPA projects Sea Level Rise will

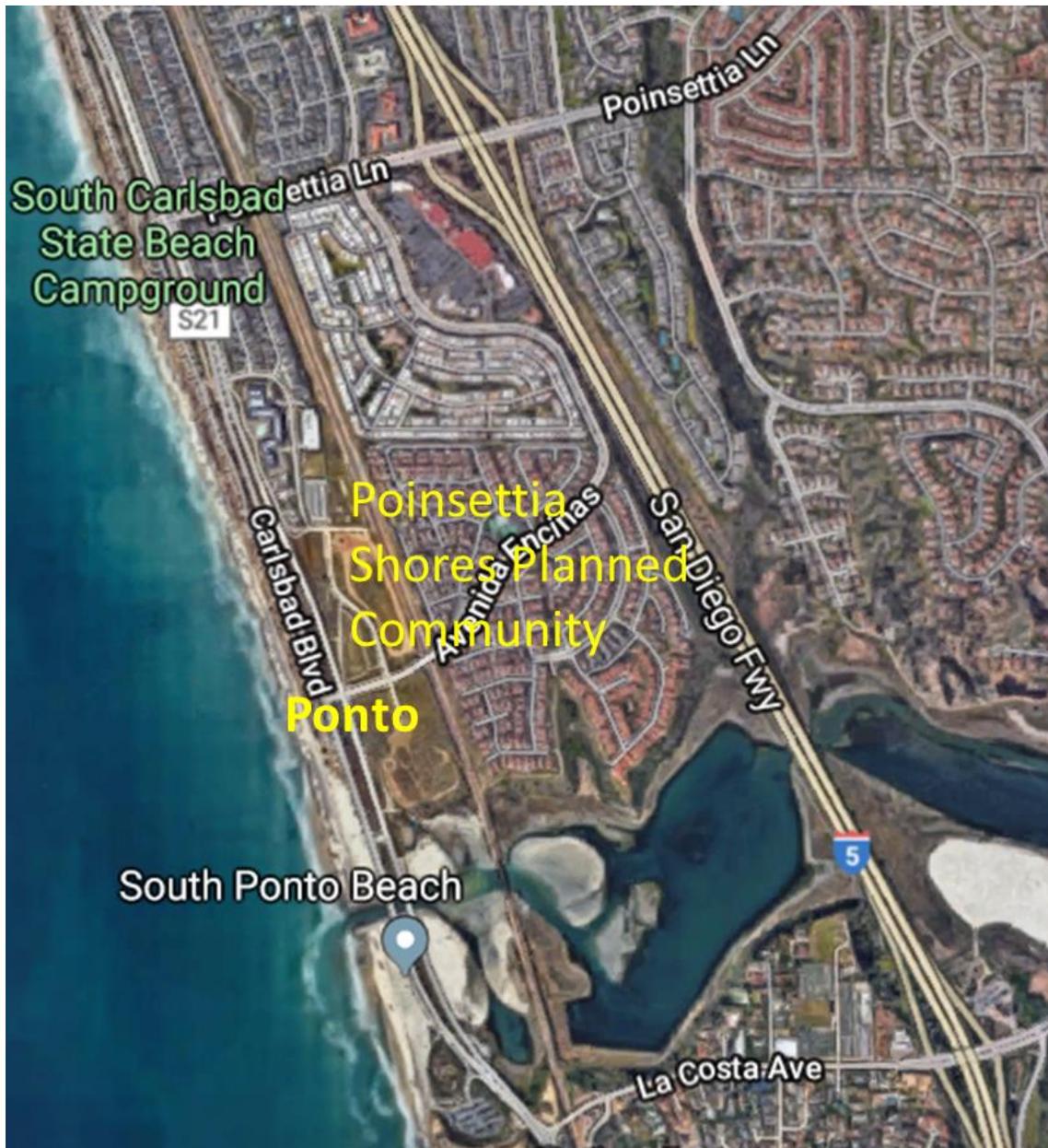
eliminate several beaches and High-Priority Coastal Land Uses like Coastal Lagoon Trails and the Campground.

- b. The LCP Land Use Plan should plan and reserve the very limited vacant developable Coastal land for the long-term 'Buildout' needs of "High-Priority" Coastal Recreation Land Use. Vacant developable Coastal land is too scarce to be squandered for "low-priority" uses. Sea Level Rise will reduce "High-Priority" Coastal Uses. So how vacant developable Upland area should be preserved for "High-Priority" Coastal Uses is a key requirement to be fully documented and discussed in the Draft LCPA. If not one of two things will eventually happen 1) any new Coastal Park land will require very expensive purchase and demolition of buildings or public facilities to create any new Coastal Park land to meet existing and growing demand; or 2) Coastal Recreation will be hemmed-in by "low-priority" uses and thus force Coastal Recreation to decrease and become increasingly concentrated and overcrowded in its current locations; and thus will promote the eventual deterioration of our current Coastal Recreation resources. A plan that fails to fix Coastal Park deficits and then increase Coastal Parks in pace with increased population/visitor demand is a plan that can only result in degradation. How the Draft LCPA documents and addresses the land use planning of the last small portions of vacant developable Coastal land is critical for the future and future generations.
12. Citizens of South Carlsbad are concerned about the City's multiple prior flawed Ponto planning processes or 'mistakes' the City has made yet is basing the City Staff's proposed Draft LCP LUP. The concerns being the City is not openly and honestly communicating information to citizens and the public, and not allowing a reasonable and appropriate community-based planning process to address the documented Park, Coastal Recreation and unconstrained open space needs in South Carlsbad. One of these groups of citizens has created a www.peopleforponto.com website to try to research and compile information and hopefully provide a better means for citizens to understand facts and then express their concerns/desires to the City of Carlsbad (City) and CA Coastal Commission (CCC). Over 2,000 emails have been sent to the City and CCC regarding Coastal Land Use Planning Issues at Ponto. The San Pacifico Planned Community (i.e. San Pacifico Community Association) has also, since 2015, sent numerous emailed letters to the City and CCC noting the significant concerns about changes in Coastal planning the City is proposing for our Planned Community.

Repeatedly over 90% of surveyed citizens (results emailed prior to both the City and CCC) have expressed the vital need and desire for a Coastal Park at Ponto to serve the current and future Coastal Recreation needs for all both Ponto and South Carlsbad and for larger regional and State Coastal Recreational needs. This desire is supported by data, CA Coastal Act Policy, and also Carlsbad's Community Vision – the foundation for the City's General Plan. Ponto is the last remaining vacant Coastal area available to provide for those needs in South Carlsbad and for a regional 6-mile stretch of coastline. Citizens have expressed deep concern about the City's flawed prior Coastal planning efforts for Coastal Recreation at Ponto, including two repeated LCP Amendment "mistakes" (Ponto Beachfront

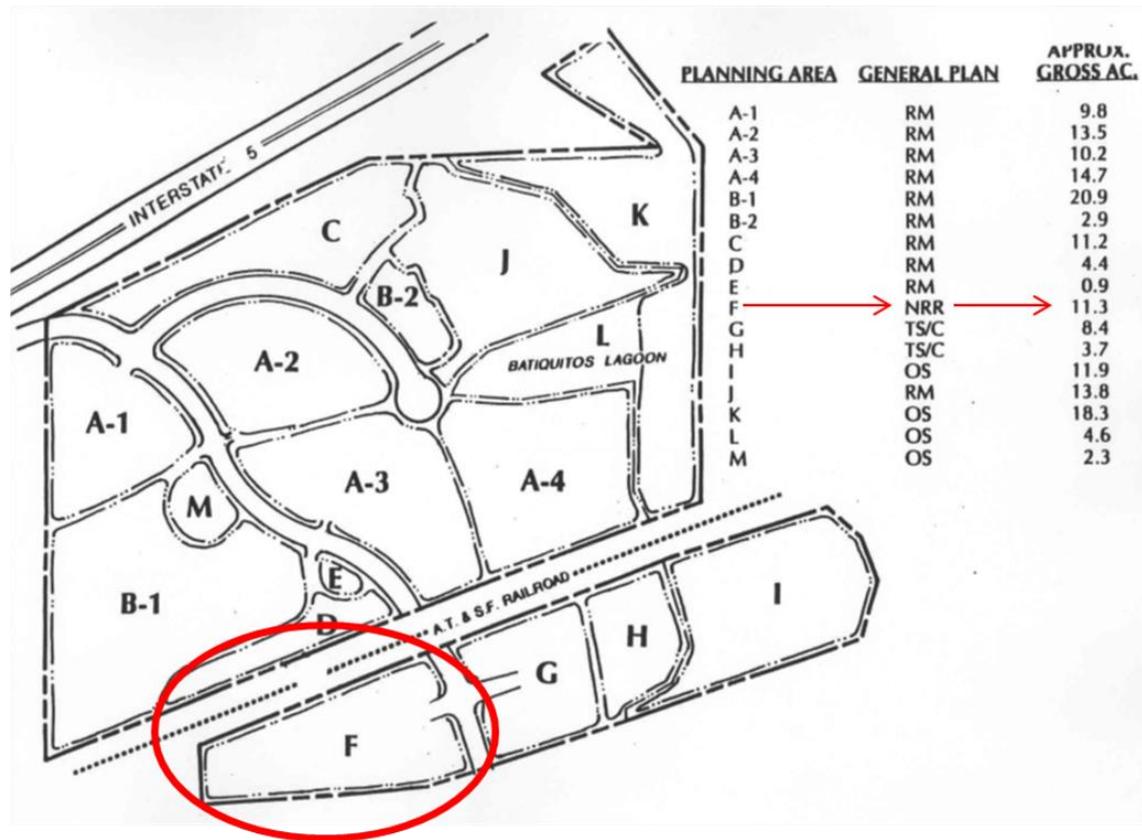
Village Vision Plan in 2010 and General Plan Update in 2015) when the City twice failed to publicly disclose/discuss and then follow the Existing LCP requirements at Ponto – specifically for Planning Area F. People for Ponto had to use multiple Carlsbad Public Records Requests in 2017 to find these “mistakes”. CCC Staff was helpful in both confirming the City “mistakes” and communicating back to the City. As citizens we are still unclear as to how/why these two repeated “mistakes” happened. There is citizen concern that the City is again repeating these two prior “mistakes” by not at the beginning of the Public Comment Period clearly and publicly disclosing the Planning Area F LCP requirements to citizens as part of the current LCP Amendment process, and also by not implementing the existing LCP requirement PRIOR to proposing an Amended Coastal Land Use Plan for Ponto. The City in its proposed LCP Amendment process is putting-the-cart-before-the-horse with respect to honest and open consideration, documentation and public discussion of the need for high-priority Coastal Recreation land use required of Planning Area F at Ponto. The City is also not clearly letting all Carlsbad citizens know about the Existing LCP requirements for Ponto’s Planning Area F so they can be informed to reasonably participate in public review and comment regarding amending that LCP requirement, and the need for Coastal Recreation land uses in South Carlsbad. Since 2017 there has been repeated citizen requests to the City (copies were provided to the CCC) to fix these multiple fundamental/foundational flaws by in the City’s prior Coastal Recreation and Public Parks and Open Space at planning, and the currently Proposed Draft LCP Land Use Plan Amendment. Since 2017 there have also been repeated citizen requests to the City to provide a truly open, honest, inclusive community-based planning process and workshops with the accurate and honest information, prior to forming a proposed Draft LCP Land Use Plan Amendment. As citizens we believe we can constructively work with the City and CCC towards a consensus or viable options on these important Coastal Recreation issues if the City allows and encourages such an open, honest and inclusive process. We request the City respond to the requests submitted to the City since 2017, and again request such a process from the City before any LCP Amendment is first considered by the Planning Commission and City Council. Such a requested process benefits all.

13. Why the Draft LCPA Land Use Plan for Ponto should provide for the current and future Coastal Park and Recreation needs for South Carlsbad, the San Diego Region and California.
 - a. Ponto, is one of last remaining vacant and undeveloped Coastal lands in North County
 - b. Ponto is the last remaining undeveloped Coastal land in South Carlsbad
 - c. Ponto has the last unplanned Planning Area of the Existing Poinsettia Shores Planned Community & Local Coastal Program that can be planned for high-priority Coastal Recreation land use. This Existing LCP requires Planning Area F be considered for a “Public Park”.
 - d. Following is a map of the Ponto area in South Carlsbad:



Following is the LCP Land Use map from the Existing Poinsettia Shores Master Plan & Local Coastal Program adopted in 1996. This is the Land Use map that the City is proposing to change in the proposed LCP Amendment to the Land Use Plan. As the Existing LCP Land Use map shows most all the land is 'low-priority' residential use at an RM Residential medium density, a small portion is 'high-priority' Visitor Serving TC/C Tourist Commercial. Most all the Open Space is constrained and undevelopable land (the steep CSS habitat bluffs above Batiquitos Lagoon) or water (the lagoon water). This land/water is owned by the State of California, like the inner lagoon east of I-5. Only Planning Area M at 2.3 acres is unconstrained Open Space and it provides a small private internal recreation facility for the approximately 450 homes and 1,000 people in the Planned Community. This small recreation area is a City requirement for 'planned developments' to off-set loss open space from planned development

impacts on housing quality. Planned developments can propose designs that reduce normal setback and open space areas – they bunch together buildings to increase development – such as the smaller lot sizes, and extensive use of “zero-setbacks” to reduce typical lot sizes that occurs at Poinsettia Shores. A private recreation facility in any of the City’s planned developments is never considered a replacement for required City Parks. Planned Developments, like unplanned developments, are required to dedicate Park land to the City, or pay a Park In-Lieu fee to the City so the City provide the developer’s obligation to provide City Park acreage to address the population increase of their proposed planned development. For Poinsettia Shores’ population the City’s minimum City Park Standard would require developers set aside 3 acres of City Park land for local park needs. For the larger Ponto area population about 6.6 acres of City Park Land is required. The Existing LCP reserves Planning Area F as an unplanned “Non-residential Reserve” Land Use until the Public Park needs for Ponto are considered and documented. Only then can the NRR land use be changed.



14. Developers have overbuilt in the Ponto area of the Coastal Zone. The City of Carlsbad has under questionable circumstances is currently choosing to ‘exempted’ Ponto developers from providing the minimum amount of unconstrained Open Space according to the City’s developer required Open Space Public Facilities Standard. The legality of these confusing circumstances is subject to a lawsuit against the City. However the City’s computerize mapping system has documented that the Ponto area of the Coastal Zone is missing about 30-acres of Unconstrained Open Space that can be used to fulfill the City’s Open Space Performance Standard that states that 15% of unconstrained and

developable land must be preserved by developers as Open Space. Following is a summary of data from the City data regarding the missing Open Space at Ponto (Local Facility Management Plan Zone 9, LFMP Zone 9) in the Coastal Zone pursuant to the City's Open Space Performance Standard. If it is desirable People for Ponto can provide the City GIS map and parcel-by-parcel data base on which the following summary is based:

City of Carlsbad GIS data calculations of Open Space at Ponto area of Coastal Zone:

472 Acres = Total land in LFMP Zone 9 [Ponto area] per City of Carlsbad GIS data
(197 Acres) = Constrained land/water/infrastructure that is excluded from the City's Open Space Standard
275 Acres = Unconstrained land in LFMP Zone 9 (Ponto) subject to the City's Open Space Standard
X 15% = Minimum unconstrained Open Space requirement per the City Open Space Standard
41 Acres = Minimum unconstrained Open Space required in LFMP Zone 9
(11 Acres) = Actual unconstrained Open Space provided & mapped by City in LFMP Zone 9
30 Acres = Missing unconstrained Open Space needed in LFMP Zone 9 [Ponto area of Coastal Zone] to meet the City's minimum GMP Open Space Standard. 73% of the required Open Space Standard is missing.

Thus the Ponto area of the Coastal Zone appears overdeveloped with 30 additional acres of "low-priority" residential land uses due to developers' non-compliance to the City's Open Space Public Facility Performance Standard's Minimum developer required Open Space requirement. As noted a citizens group has a pending lawsuit with the City over the City's current 'exempting' Ponto and future developers from meeting the Open Space Standard.

15. The prior pre-1996 LCP for Ponto – the Batiquitos Lagoon Educational Park Master Plan & LCP (BLEP MP/LCP) had significant Open Space and recreational areas. These significant Open Space and Recreational areas were removed with BLEP MP/LCP's replacement in 1996 by the currently existing Poinsettia Shores Master & LCP (PSMP/LCP) and its City Zoning and LCP LUP requirements that reserved Planning Area F with the current "Non-residential Reserve" Land Use designation. Since the BLEP MP/LCP it appears developers and the City of Carlsbad have worked to remove "High-Priority" Coastal land uses (i.e. Coastal Recreation and Park uses) out of the Ponto area and replaced them with more "low-priority" residential and general commercial land uses. For example:
- a. Planning Area F used to be designated "Visitor Serving Commercial" as part of the original 1980's BLEP MP/LCP for Ponto.
 - b. In 1996 the BLEP MP LCP was changed by developer application to the now current PSMP LCP, and the LCP LUP designation changed from "Visitor Serving Commercial" to "Non-Residential Reserve" with the requirement to study and document the need for "High-Priority" Coastal Recreation (i.e. Public Park) and/or Low-cost visitor accommodations prior to any change to Planning Area F's "Non-residential Reserve" LCP land use.
 - c. In 2005 the City started to try to change Planning Area F to low-priority residential and general commercial land use in the City's Ponto Beachfront Village Vision Plan (PBVVP). At this time the City made its first documented Coastal 'planning mistake' by not disclosing to

- the public the existence of Planning Area F's LCP requirements and then also not following those LCP requirements. The City's planning process seemed focused on addressing developer's land use desires, and increasing land use intensity to boost "Tax-increment financing" as the City had established a Redevelopment Project Area at Ponto. A short time after the State of CA dissolved Redevelopment Agencies due in part to such abuses by cities. The CCC formally rejected the PBVVP in 2010, citing the City's failure to follow the LCP requirements for Planning Area F.
- d. Five years later in 2015 the City again adopted a proposed General Plan Update to again change Planning Area F to low-priority residential and general commercial land use. The General Plan Update cited the City's PBVVP that was in fact rejected by the CCC only a few years before. The City again repeated their PBVVP's Coastal land use 'planning mistake' by again not disclosing to the public the existence of Planning Area F's LCP requirements and then not following those LCP requirements. It is unclear why the City did this only 5-years after the CCC specifically rejected the Ponto Beachfront Village Vision Plan for those same reasons.
 - e. In 2017 citizens found and then confirmed these Ponto Coastal 'planning mistakes' by the City through multiple official Carlsbad Public Records Requests and CCC Staff confirmation. The CCC readily identified the mistakes, but the City's 2019 proposed Draft LCP Land Use Plan and planning process still has yet fully disclose these prior Coastal 'planning mistakes' to ALL citizens of Carlsbad - the failure to disclose and follow the Planning Area F LCP LUP and City Zoning requirements. Full City disclosure is needed now to try to correct many years of City misrepresentation to citizens on LCP required Coastal land Use planning at Ponto. It is needed now so the public is aware at the start of the Public Comment Period. In 2017 citizens began asking the City fix the City's over 12-years of misinformation and planning mistakes by 'restarting' Coastal land use planning at Ponto with an open and honest community-based Coastal planning process. These citizens' requests have been rejected.
 - f. In 2019 the City Staff proposed citywide Draft LCP land Use Plan Amendment that again proposed to change Planning Area F to "low-priority" residential and general commercial land use, without first disclosing the Planning Area F LCP requirements with corresponding analysis of the Need for Coastal Recreation (i.e. Public Park) and/or low-cost visitor accommodations at Planning Area F and providing that Documented analysis for public review/Consideration/comment. This seems like another 3rd repeat of the prior two Coastal planning mistakes by the City. In 2019, again citizens asked for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again the City rejected citizens' requests.
 - g. In 2020 thousands of public requests again asked, and are currently asking, for a reset and a true community-based process for the last remaining significant vacant Coastal lands – including Ponto. Again these requests are being rejected. Based on the significant citizen concern and the documented prior 'planning mistakes' at Ponto it appears reasonable and responsible for Ponto's Planning Area F to either:

- i. Retain its current Existing LCP LUP land Use of “Non-Residential Reserve” until such time as the City’s past Ponto Beachfront Village Vision Plan and General Plan Update planning mistakes and other issues subject to current planning lawsuits against the City are resolved with a true, honest and open community-based Coastal planning process asked for by citizens since 2017. Or
- ii. Propose in the Draft LCP Land Use Plan Amendment to re-designated Planning Area F back to a Visitor Serving Commercial and Open Space (“i.e. Public Park”) to provide both “High-Priority” coastal uses v. low-priority residential/general commercial uses due to the documented Coastal Recreation and Low-cost visitor accommodation needs for both citizens and visitors at Ponto and South Carlsbad.

16. Questionable logic and inconsistency in proposed Draft land use map and policies: Chapter 2 Figure 2-2B & C on pages 2-19 & 20 proposes to Amend the existing LCP Land Use Plan Map, and policies LCP-2-P.19 and 20 on pages 2-27 to 2-29 propose Amendments to existing LCP policy and create a new added layer of policy referencing a Ponto/Southern Waterfront. The proposed Land Use Map and Policies serve to firmly plan for “low-priority” residential and general commercial land uses at Ponto with a clear regulatory Land Use Plan Map showing these land uses and by specific regulatory policy (LCP-2-20) that clearly requires (by using the words “shall”) these “low priority” uses. In contrast the “High-Priority” Coastal Recreation and Coastal Park land uses that would be designated as Open Space are not mapped at all in Figure 2-2B & C; and the proposed policy LCP-2-P.19 is both misleading and specifically does Not Require any “High-Priority” Coastal Recreation and Coastal Park land Use at Ponto and South Carlsbad. In fact page 2-22 specifically indicates two “may” criteria that would first need to occur in the positive before any potential Coastal Recreation and Coastal Park Land could then theoretically even be possible. It is highly probable that it is already known by the City that the proposed relocation of Carlsbad Boulevard (Coast Highway) is not very feasible and not cost effective, and will not yield (due to environmental habitat constraints, narrowness of the roadway median, and other design constraints) any significant dimensions of land that could potentially be designated Open Space and realistically be used as a Park.

The blank outline map (Figure 2-2B &C) provides no mapped Open Space Land Use designation, other than for the currently existing State Campgrounds’ low-cost visitor accommodations, so the proposed Land Use Plan Map is Not providing/mapping any new Open Space land use to address Coastal Recreation and Coastal Park needs. The Draft LCP Land Use Plan Amendment’s proposed/projected/planned Sea Level Rise and associated coastal erosion appears to indicate that this “High-Priority” low-cost visitor accommodation (Campground) land use designated as Open Space will be reduced in the ‘Buildout’ condition due to coastal erosion. So **the Draft LCP Land Use Plan is actually planning for a Reduction in Open Space Land Use in South Carlsbad and Ponto.** Both the blank outline map and the proposed Land Use Map Figure 2-1 DO NOT clearly map and designate both South Carlsbad’s Draft LCP Planned Loss of the Open Space Land Use and also any New or replacement unconstrained land as Open Space land use for Coastal Recreation and Coastal Park. This is an internal inconsistency in Land Use Mapping that should be corrected in two ways:

- 1) Showing on all the Land Use (Figure 2-1), Special Planning Area (Figure 2-2B & C), and other Draft LCP Maps the Draft LCP's planned loss of land area in those maps due to the Draft LCP's planned loss of land due to Sea Level Rise and Coastal Land Erosion. This is required to show how land use boundaries and Coastal Recourses are planned to change over time. or
- 2) Provide detailed Land Use Constraint Maps for the current Carlsbad Boulevard right-of-way that the City "may" or 'may not' choose (per the proposed "may" LCP-2-P.19 policy) use to explore to address the City's (Park Master Plan) documented Coastal Recreation and Coastal Park land use shortages in Coastal South Carlsbad and Ponto. Clearly showing the potential residual Unconstrained Land within a Carlsbad Boulevard relocation that have any potential possibility to add new Open Space Land Use Designations (for Coastal Recreation) is needed now to judge if the policy is even rational, or is it just a Trojan horse.

The proposed internal inconsistency in mapping and policy appears like a plan/policy 'shell game'. The proposed Land Use Plan Maps and Policies should be consistent and equality committed (mapped-shall v. unmapped-may) to a feasible and actual Plan. If not then there is No real Plan.

There is no Regulatory Policy requirement in LCP-2-P.19 to even require the City to work on the two "may" criteria. The City could choose to bury the entire Carlsbad Boulevard relocation concept and be totally consistent with Policy LCP-2-P.19 and the LCP. As such the language on 2-22, Figure 2-2C (and the proposed Land Use Map), and policy LCP-2-P.19 and 20 appear conspire to create a shell game or bait-and-switch game in that only "low-priority" residential and general commercial uses are guaranteed (by "shall" policy) winners, and "high-priority" Coastal Recreation and Coastal Park Land Uses are at best a non-committal 'long-shot' ("may" policy) that the city is specifically not providing a way to ever define, or commit to implement. The proposed Draft LCP Land Use Plan Coastal Recreation and Coastal Park statements for Ponto are just words on paper that are designed to have no force, no commitment, no defined outcome, and no defined requirement to even have an outcome regarding the documented "High-Priority" Coastal Recreation and Costal Park needs at Ponto, Coastal South Carlsbad and the regional 6-mile Coastal Park gap centered around Ponto.

Policy LCP-2-P.19 falsely says it "promotes development of recreational use" but does not in fact do that. How is development of 'recreational use promoted' when the Use is both unmapped and no regulatory policy requirement and commitment (no "shall" statement) to 'promote' that Use is provided? Policy LCP-2-19.19 appears a misleading sham that does not 'promote' or require in any way "High-Priority" Coastal Recreation and Park Land Use at Ponto. There should be open and honest public workshops before the Draft LCP Amendment goes to its first public hearing to clearly define the major environmental constraints and cost estimates involving possible relocation of Carlsbad Boulevard and constructing needed beach access parking, and sufficient and safe sidewalks and bike paths along Carlsbad Boulevard; and then map the amount and dimensions of potential 'excess land' that maybe available for possible designation as Open Space in the City General Plan and Local Coastal Program. The City should not repeat the mistakes at the Carlsbad Municipal Golf Course (resulting in the most expensive to construct maniple course in the USA) by not defining and vetting the concept first. A preliminary review of City GIS data appears the amount, dimensions and locations of any potential 'excess' land maybe modest at best. However before the City proposes a 'Buildout' Coastal Land Use

Plan this critical information should be clearly provided and considered. It is likely the City's Carlsbad Boulevard relocation concept is unfeasible, inefficient, too costly, and yields too little actual useable 'excess land' to ever approach the Coastal Recreation and Coastal Park needs for South Carlsbad. This may already be known by the City, but it surely should be publicly disclosed and discussed in the DLPCA.

The proposed Coastal Land Use Plan to address Carlsbad's, San Diego County's and California's High-Priority Coastal Recreation Land Use and Coastal Park needs should NOT be vague "may" policy that appears to be purposely designed/worded to not commit to actually providing any "High-Priority" Coastal Recreation and Coastal Park land uses on the map or in policy commitments. The Land Use Plan and Policy for High-Priority Coastal Recreation and Coastal Park Land Use should be definitive with triggered "shall" policy statements requiring and assuring that the 'Forever' "High-Priority" Coastal Recreation and Coastal Park needs are properly and timely addressed in the City's proposed 'Buildout' Coastal Land Use Plan. This "shall" policy commitment should be clearly and consistently mapped to show the basic feasibility of the planned outcomes and the resulting actual Land that could feasibly implement the planned outcome.

Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard: Providing safe and sufficient sidewalks, bike paths, and public parking along Carlsbad Boulevard are Coastal Access and Complete Streets issues. South Carlsbad Boulevard now and has for decades been a highly used Incomplete Street that is out of compliance with the City's minimum Street Standards for pedestrian and bike access and safety. The Coastal Access portion of the Draft Land Use Plan should strongly address the Complete Street requirements for South Carlsbad Boulevard. Those policy commitments should be reference in Policy LCP-2-P.19 and 20 as Carlsbad Boulevard in **South Carlsbad is the most Complete Street deficient portion of Carlsbad Boulevard**. Forever Coastal Access parking demand and the proposed LCP Amendment's Land Use Plan to supply parking for those demands should also be addressed as part of the Coastal Access and Complete Streets issues for South Carlsbad Boulevard. If much needed Coastal Access Parking is provided on South Carlsbad Boulevard as part of a "maybe" implemented realignment, most of the "maybe" realignment land left after constraints are accommodated for and buffered will likely be consumed with these parking spaces and parking drive aisles/buffer area needed to separate high-speed vehicular traffic from parking, a buffered bike path, and a sufficiently wide pedestrian sidewalk or Coastal Path. After accommodating these much needed Complete Street facilities there will likely be little if any sufficiently dimensioned land available for a Coastal Recreation and a Coastal Park. The needed Coastal Access and Complete Street facilities on South Carlsbad Boulevard are very much needed, but they are NOT a Coastal Park.

As mentioned the proposed Draft Coastal Land Use Plan's Maps and Policies are very specific in providing for the City's proposed LCP Land Use changes to 'low-priority' Residential and General Commercial' on Planning Area F (proposed to be renamed to Area 1 and 2). It is curious as to why the proposed Draft LCP Land Use Plan Amendment has no Land Use Map and minor vague unaccountable Land Use Policy concerning 'High-priority Coastal Recreation Land Use' at Ponto, while the very same time proposing very clear Land Use Mapping and detailed unambiguous "shall" land use policy requirements for 'low-priority' Residential and General Commercial land use at Ponto. Why is the City

Not committing and requiring (in a Land Use Map and Land Use Policy) to much needed ‘High-priority’ Coastal Recreation and Coastal Park Land Use’ needs at Ponto the same detail and commitment as the City is providing for “low-priority” uses? This is backwards and inappropriate. It is all the more inappropriate given the ‘Buildout’ Coastal Land Use Plan the City is proposing at Ponto. These issues and plan/policy commitments and non-commitments will be ‘forever’ and should be fully and publicly evaluated as previously requested, or the Existing LCP Land Use Plan of “Non-residential Reserve” for Planning Area F should remain unchanged and until the forever-buildout Coastal Recreation and Coastal Park issues can be clearly, honestly and properly considered and accountably planned for. This is vitally important and seems to speak to the very heart of the CA Coastal Act, its founding and enduring principles, and its policies to maximize Coastal Recreation. People for Ponto and we believe many others, when they are aware of the issues, think the City and CA Coastal Commission should be taking a long-term perspective and be more careful, thorough, thoughtful, inclusive, and in the considerations of the City’s proposal/request to permanently convert the last vacant unplanned (Non-residential Reserve) Coastal land at Ponto to “low-priority” land uses and forever eliminate any Coastal Recreation and Coastal Park opportunities.

17. Public Coastal View protection: Avenida Encinas is the only inland public access road and pedestrian sidewalk to access the Coast at Ponto for one mile in each direction north and south. It also hosts the regional Coastal Rail Trail in 3’ wide bike lanes. There exist now phenomenal coastal ocean views for the public along Avenida Encinas from the rail corridor bridge to Carlsbad Boulevard. It is assumed these existing expansive public views to the ocean will be mostly eliminated with any building development seaward or the Rail corridor. This is understandable, but an accountable (‘shall’) Land Use Plan/Policy addition to proposed Policy LCP-2-P.20 should be provided for a reasonable Public Coastal View corridor along both sides of Avenida Encinas and at the intersection with Carlsbad Boulevard. Public Coastal view analysis, building height-setback standards along Avenida Encinas, and building placement and site design and landscaping criteria in policy LCP-2-P.20 could also be considered to reasonably provide for some residual public coastal view preservation.

18. Illogical landscape setback reductions proposed along Carlsbad Boulevard, and Undefined landscape setback along the Lagoon Bluff Top and rail corridor in Policy LCP-2-P.20: Logically setbacks are used in planning to provide a buffering separation of incompatible land uses/activities/habitats. The intent of the setback separation is to protect adjacent uses/activities/habitats from incompatibility, nuisance or harassment by providing a sufficient distance/area (i.e. setback) between uses/activities/habitats and for required urban design aesthetics – almost always a buffering landscaping. Policy LCP-2-P.20. A.4 and C.3 says the required 40’ landscape setback along Carlsbad Boulevard “maybe reduced due to site constraints or protection of environmental resources.” The ability to reduce the setback is illogical in that setbacks are intended to protect environmental resources and provide a buffer for constraints. In the Carlsbad Boulevard right-of-way there is documented sensitive environmental habitat, along with being a busy roadway. How could reducing the protective 40’ setback in anyway better protect that habitat or provide a better landscaped compatibility or visual aesthetic buffer along Carlsbad Boulevard? It is illogical. If anything the minimum 40’ landscaped setback should likely be expanded near “environmental

resources". Regarding reducing the minimum 40' landscape setback for "site constraints" there is no definition of what a "site constraint" is or why it (whatever it may be) justifies a reduction of the minimum landscaped setback. Is endangered species habitat, or a hazardous geologic feature, or a slope, or on-site infrastructure considered a "site constraint"? There should be some explanation of what a "site constraint" is and is not, and once defined if it warrants a landscape setback reduction to enhance the buffering purpose of a landscape setback. Or will a reduction only allow bringing the defined constraint closer to the adjacent uses/activities/habitats that the landscape setback is designed to buffer. It is good planning practice to not only be clear in the use of terms; but also, if a proposed reduction in a minimum standard is allowed, to define reasonably clear criteria for that reduction/modification and provide appropriate defined mitigation to assume the intended performance objectives of the minimum landscape setback are achieved.

Policy LCP-2-P.20.C.4 is missing a critical Bluff-Top landscape setback. It seems impossible that the DLCPA is proposing no Bluff-Top setback from the lagoon bluffs and sensitive habitat. The Batiqitos Lagoon's adjoining steep sensitive habitat slopes directly connect along the Bluff-top. Batiqitos Lagoon's and adjoining steep sensitive habitat is a sensitive habitat that requires significant setbacks as a buffer from development impacts. Setbacks similar to those required for the San Pacifico area inland of the rail corridor, should be provided unless updated information about habitat sensitivity or community aesthetics requires different setback requirements.

Policy LCP-2-P.20 does not include a landscape setback standard adjacent to the rail corridor. This is a significant national transportation corridor, part of the 2nd busiest rail corridor in the USA. Train travel along this corridor is planned to increase greatly in the years to come. Now there is significant noise, Diesel engine pollution, and extensive ground vibration due to train travel along the rail corridor. Long freight trains which currently run mostly at night and weekends are particularly noisy and heavy, and create significant ground vibration (underground noise). These issues are best mitigated by landscape setbacks and other buffers/barriers. A minimum setback standard for sufficient landscaping for a visual buffer and also factoring appropriate noise and ground vibration standards for a buildout situation should be used to establish an appropriate landscape setback that should be provided along the rail corridor. Carlsbad's landscape aesthetics along the rail corridor should be factored into how wide the setback should be and how landscaping should be provided. An example for the landscape aesthetic portion of the setback standard could be landscape design dimensions of the San Pacifico community on the inland side of the rail corridor. However, noise and vibrational impacts at San Pacifico are felt much further inland and appear to justify increased setbacks for those impacts.

Item #15 1/29/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment submitting City Park Master Plan Park Service (park Equity) maps showing Ponto is unserved by City Parks, and South Carlsbad has no Coastal Park (west of I-5 and rail corridor)

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Wednesday, January 29, 2020 9:47 AM
To: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Cc: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Don Neu <Don.Neu@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; info@peopleforponto.com; Nika Richardson <richardson@waltersmanagement.com>; Chas Wick <chaswick@reagan.com>
Subject: FW: City Council reply to Citizens concerns and requests regarding Ponto development

Jenifer:

Please provide email confirmation of this email and attachments as public comments on the DLCPA for Ponto .

Thanks,
Lance

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Friday, April 6, 2018 10:00 AM
To: 'council@carlsbadca.gov'; 'mike.pacheco@carlsbadca.gov'; 'Don.Neu@carlsbadca.gov'; 'manager@carlsbadca.gov'; 'chris.hazeltine@carlsbadca.gov'; 'gbuhr@coastal.ca.gov'; 'Erin.Prahler@coastal.ca.gov'; 'debbie.fountain@carlsbadca.gov'; 'Celia Brewer'
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick'; 'jeanscamp@yahoo.com'; 'sebbiessixpack@att.net'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; 'Harry Peacock'; 'Patti Travis'; 'colinrobertsonrealestate@gmail.com'; 'Farhad Sharifi'; 'Jim Burke'; 'Stacy King'
Subject: RE: City Council reply to Citizens concerns and requests regarding Ponto development

Dear Carlsbad City Council, Planning and Parks Commissions and City Staff:

We request that the attached files also be included in the public record for any City discussion on adjusting/amending the:

- City's Growth Management Program facilities standards,
- Growth Management Ordinance CMC 21.90,
- Citywide Facilities Improvement Plan and/or
- Local facilities Management Plan for Zone 9.

We have updated the Carlsbad Parks and Rec Master Plan exhibits to include an additional image showing the wider/longer Regional Coastal Park Gap which surrounds the Coastal Park void in Coastal South Carlsbad, and the many inland homes/population without a Coastal Park. We kindly request advance notification on any staff reports or meetings on the above as we would like to most effectively participate in public review and input. We are also available and happy to meet with you to discuss these attached issues in advance of consideration of any of the above. If we could receive a confirmation reply it would be most appreciated. Thank you for your consideration.

We sincerely care about the quality of life in our City and neighborhoods.

Concerns and requests submitted to Carlsbad City Council et. al.

Sincerely,
Lance Schulte

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

Sent: Tuesday, March 6, 2018 9:14 AM

To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; debbie.fountain@carlsbadca.gov; Celia Brewer

Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick'; jeanscamp@yahoo.com; sebbiessixpack@att.net; 'Lance Schulte'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; Harry Peacock; 'Patti Travis'; colinrobertsonrealestate@gmail.com; Farhad Sharifi; Jim Burke; 'Stacy King'

Subject: City Council reply to Citizens concerns and requests regarding Ponto development

Dear City Council, Planning and Parks Commissions:

The attached file includes 4 emails to you regarding Ponto development issues and requests that relate to our community concerns to Develop Ponto Right. One email was sent August 31, 2017 and three were sent December 5, 2017. As yet we have not received a reply to the requests within the emails. We respectfully request a reply soon to these 4 emails as we wish to inform our Community.

Also attached are 2 pages from the City's Park and Recreation Department Master Plan that graphically illustrate some of the Coastal Park inequalities/deficits in South Carlsbad that also impact Coastal North Carlsbad and Encinitas. Please note the Veteran's Park location mapping error on p 87, which we hope can be corrected – a response to correct this mapping would be appreciated.

It is important that we all work to Develop Ponto right as the last remaining significant vacant Coastal land to establish the long-term buildout Coastal environment for South Carlsbad and North San Diego County.

Thank you for your consideration.

Sincerely,

Lance Schulte

San Pacifico Community Association – Ponto Development Review Committee

Item #16 1/30/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment submitting the prior public comments on Shopoff's LCPA be included in the City's LCPA, questioning why City Staff is keeping the Shopoff LCPA application alive and under what authority, and why the City Staff is processing the Planning Area F speculative developer's proposed LCPA to change the existing LCP Non-residential reserve land use to low-priority residential and general commercial land uses

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

Sent: Thursday, January 30, 2020 5:32 PM

To: 'Matthew Hall'; 'Council Internet Email'; 'Scott Chadwick'; 'Kyle Lancaster'; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; 'Mike Pacheco'; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; 'Don Neu'; 'Gary Barberio'; info@peopleforponto.com; 'Jeff Murphy'; jennifer.jesser@carlsbadca.gov

Cc: People for Ponto; jodi marie jones; Mike Sebahar; 'Harry Peacock'; Chas Wick; Nika Richardson; Fred Sandquist; David Hill; Laura Walsh

Subject: DLCPA public comment - including prior LCPA 2016-0002 public comments into the City staff proposed DLCPA public comments

As shown in the attached image of Shopoff application project numbers, a Local Coastal Program Amendment (LCPA 2016-0002) was applied for by this speculative land developer before or in 2016. In the City's application file there are many significant public comments from citizens regarding this LCPA and its related effects if that proposed LCPA is approved. These public comments on the above Shopoff Application Files should be included as official public comments on the City's proposed DLCPA for this site (Planning Area F). The City's DLCPA mirrors the Applicant's proposed LCPA from 2016 by proposing to change the existing "Non-residential Reserve" land use to residential and general commercial.

- Can you please provide email confirmation that the public comments in the Shopoff Application files are also included as public comments in the City's DLCPA?

Also, this speculative developer, Shopoff, quitclaimed interest in the Planning Area F site 1-year ago (Feb 2019) as documented in the attached 2019.2.11 Quitclaim file. At that time, Shopoff formally withdrew their application and asked the City for a refund of their application fees. However, the City Staff has made a choice to not follow standard City procedure of accepting the applicant's withdrawal of their application and returning their unused fees. The City Staff is currently keeping that application 'alive'.

- As a public comment on the DLCPA, we would like to know why the City Staff is doing this.

In addition, there has been no applicant progress on that application since before Feb 2019. The City has a municipal code requirement which 'withdraws' applications if applicants fail to make progress in processing their application within 6-months. We understand that particular City and State Law requirement is not fully applicable to all the Shopoff Applications, due to the need to first change the Existing LCP and MP (Master Plan or City Zoning Code) of "Non-residential Reserve" Land Use and Zoning before development design permits can even be applied for and processed. As a public comment on the DLCPA we would like to know:

- What city standard, policy, or legal process is the City Staff using to keep the application 'alive' when no applicant progress is being made on the application?
- Is this action by the City Staff solely a City Staff responsibility or is it subject to City Council review and direction?

Concerns and requests submitted to Carlsbad City Council et. al.

- Has City Staff provided or intend to provide the City Council a status report on the status of this application?
- Under what criteria would the City Staff withdraw the application due to inaction by the applicant?

Also, it is clear that the City Staff's proposed Draft LCPA Land Use Plan Amendment for Planning Area F is basically implementing the withdrawn Shopoff LCPA Application request to change the Existing LCP Land Use on Planning Area F from "Non-residential Reserve". As a public comment on the DLCPA, we would like to know:

- Why is the City Staff processing the withdrawn speculative developer's LCPA request to change the land use?

Attachments: Shopoff Quitclaim deed dated 2/11/19 & on-site sign listing Shopoff LCPA/MPA and development application numbers

Item #17 1/31/20 emailed public comments on the Staff proposed Draft LCP Land Use Plan Amendment regarding Growth Management Ordinance 21.90.130 in dealing with Ponto Park and Open Space Standards deficits

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

Sent: Friday, January 31, 2020 12:15 PM

To: 'Matthew Hall'; 'Council Internet Email'; 'Scott Chadwick'; 'Kyle Lancaster'; lisa.urbach@parks.ca.gov; Kathleen@carlsbad.org; 'Mike Pacheco'; gbuhr@coastal.ca.gov; cort.hitchens@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; 'Don Neu'; 'Gary Barberio'; info@peopleforponto.com; 'Jeff Murphy'; jennifer.jesser@carlsbadca.gov

Cc: John Gama; 'Hilton Sher'; jodi marie jones

Subject: FW: City feedback from this am to ponto website

Dear City of Carlsbad and CCC Staff:

Please include the attached file from John as Public Comments on the Carlsbad City Staff proposed DLCP Land Use Plan Amendment. John mentioned he sent this via the www.peopleforponto.com website earlier and for some reason his comments were not received by our People for Ponto website and then transmitted to you.

Thank you for your consideration. We apologize for any inconvenience. People for Ponto is checking to see if other public comments are similarly in this 'no-man's land' and will work to get to you ASAP. Email confirmation of receipt of this public comment is greatly appreciated.

Thanks again,

People for Ponto

Attachment:

We have a documented (GIS verified mapping) that there is approximately a 7 acre park space deficit and 30 acre open space deficiency in the southwest quadrant of Carlsbad. There is a statute in the Municipal Code of the City of Carlsbad that reads as follows:

Carlsbad Municipal Code (Growth Management Ordinance within the Zoning Code) Section 21.90.130 Implementation of facilities and improvements requirements....

(c) If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met.

The Mayor, City Council, City planners have all been made aware of these deficiencies (for the last 2 years) and they continue to ignore them and pursue high density/low income housing in Planning Area F/Ponto. Why won't they do the right thing and follow their own municipal code? No further development should occur until these deficiencies are addressed. Why do we as citizens have to work so hard to get the right thing to occur? Why is the Mayor and City Council more interested in the Developer's interest versus the interests of Carlsbad citizens? It begs the question of personal gain to be made? Is a lawsuit the only thing that will get your attention?

Please do the right thing and stop any development in Planning Area F until these deficiencies are addressed.

Concerns and requests submitted to Carlsbad City Council et. al.

Item #18 ?/?/20 Summary of DLCPA public comments and requests emailed from People for Ponto website and neighborhood surveys as of ????.

Work in progress.

Concerns and requests emailed to the Carlsbad City Council, Planning and Parks Commissions; and California Coastal Commission

Item #1 – City Park Standard in SW and South Carlsbad & Planning Area F requirement to consider a Ponto Coastal Park; and General Plan justification to support a request that the City Council provide a Ponto Coastal Park

Emailed on 8/31/17, and 3/6/18 to: Carlsbad City Council council@carlsbadca.gov
Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov
Carlsbad Planning Commission at Don.Neu@carlsbadca.gov
Kevin Crawford, City Manager at manager@carlsbadca.gov
Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov
Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their “local” beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad’s coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant’s Park area standard since 2012 (per the City’s Growth Management Program). A specific comprehensive and open discussion with the Southwest and all if South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

“...the Carlsbad Community Vision, which is the foundation for this plan.” This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks

Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDR as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDR
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:
jeanscamp@yahoo.com
sebbiessixpack@att.net;

Concerns and requests submitted to Carlsbad City Council et. al.

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

From: [Dan Kinney](#)
To: [Planning](#)
Subject: Happy to develop South Ponto
Date: Thursday, December 3, 2020 1:17:33 PM

Hello, we moved to Carlsbad 10+ years ago hoping “Carlsbad Village South” would soon become a reality.

I’m in favor of continued development and would gladly buy a condo there immediately!

Thank you,

- dk

Dan Kinney (858) 339-3334 Kinney.Dan@gmail.com

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

From: [Doug Fiske](#)
To: [Planning](#)
Subject: Ponto
Date: Thursday, December 3, 2020 1:36:07 PM

Dear PC,

We have more than enough development.

We need more open space.

Please no more housing and/or commercial development at Ponto.

Doug Fiske
Leucadia

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

From: [eahamelin](#)
To: [Planning](#)
Subject: open space
Date: Thursday, December 3, 2020 5:22:22 PM

This is not a good location. Traffic will ruin the area. Additionally, we don't have enough open space in that particular area. You are ruining the coastline for tourists and locals. We need affordable housing near the train stops.

Sent from my Galaxy

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

From: [Lance Schulte](#)
To: [Planning](#)
Cc: [Council Internet Email](#); [City Clerk](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross, Toni@Coastal"](#); [Carrie Boyle](#); [Moran, Gina@Parks](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall, Paul@HCD"](#); ["Mehmood, Sohab@HCD"](#); [Smith, Darren@Parks](#)
Subject: FW: Carlsbad DLCP-LUPA & Ponto issues resent Public Input - FW: LCPA public Comment - Low-cost Visitor Accommodations
Date: Monday, January 11, 2021 10:18:15 AM
Attachments: [Carlsbad 2019 proposed Draft LCP Amendment - Public Comments - Low-cost Visitor Accommodations.pdf](#)
Importance: High

Dear Planning Commission:

We are not 100% sure if you have received and read these emails and the attached data file with 4 key Low-Cost Visitor Accommodation issues and supporting data sets. The issues and data first sent to the City in Nov 2019 do not seem to be properly addressed in the Dec 2nd staff report to the planning Commission.

As fellow Carlsbad citizens we hope you fully consider this data and issues presented.

Thanks, and aloha aina,
Lance Schulte

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Monday, December 21, 2020 12:59 PM
To: 'CityCouncil@carlsbadca.gov'; 'City Clerk'; 'Planning'; 'Scott Chadwick'; 'Gary.Barberio@carlsbadca.gov'; 'Don.Neu@carlsbadca.gov'; 'Kyle.Lancaster@carlsbadca.gov'; 'Mike Pacheco'; 'david.decordova@carlsbadca.gov'; 'Scott Donnell'; 'Erin.Prahler@coastal.ca.gov'; 'Ross, Toni@Coastal'; 'cort.hitchens@coastal.ca.gov'; 'Lisa Urbach'; 'info@peopleforponto.com'; 'Bret Schanzenbach'; 'Kathleen@carlsbad.org'; 'planning@carlsbadca.gov'; 'McDougall, Paul@HCD'; 'Mehmood, Sohab@HCD'
Cc: 'info@peopleforponto.com'
Subject: Carlsbad DLCP-LUPA & Ponto issues resent Public Input - FW: LCPA public Comment - Low-cost Visitor Accommodations
Importance: High

Dear Carlsbad City Council, City Clerk, Planning Commission, Parks Commission, Housing Commission, HEAC, CA Coastal Commission, and CA HCD:

Carlsbad Citizens first became aware (due to extensive Public Records research) of the Carlsbad's failure (current and starting before 2010) to comply with the still existing Certified Local Coastal Program Land Use and Zoning Regulations (LCP) for Ponto Planning Area F (to specifically consider and document the need for a Ponto "Public Park" prior to changing the NRR land use on Planning Area F, and also developers' Growth Management Open Space Standard (GMP) non-compliance at Ponto in 2017. Since 2017 with this awareness Carlsbad and surrounding Citizens and Visitors have repeatedly documented the need for a Ponto Park and asked the Carlsbad City Council and Staff to provide for it on Planning Area F as the exiting LCP provides for. Since 2017 over 2,800 emails/petitions have been sent to the City and CA Coastal Commission (CCC), over 200 pages of official written (emailed) data and public comments, along with numerous presentations to prior City

Council meetings on the LCP and GMP.

In Dec 2, 2020 Carlsbad began the Planning Commission Public Hearing on the Staff proposed Draft Local Coastal Program-Land Use Plan Amendment (DLCP-LUPA) to propose to the CA Coastal Commission a change to Planning Area F's existing NRR land use and zoning. The flood of over 450 emailed public input for that specific meeting overwhelmed the City email server. As part of that process the City said in the Dec 2 email below it was going to post on its website all the Citizen/public input received on the DLCP-LUPA. On Dec 3 People for Ponto asked the Carlsbad City Council, City Clerk and City DLCP-LUPA Staff - would that posting would include all the LCP communications since 2017 when Citizens first became aware started Public Input to the City and CCC on the Ponto LCP issues?

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

Sent: Thursday, December 3, 2020 11:13 AM

To: 'Planning'; 'info@peopleforponto.com'

Cc: 'Jennifer Jesser'; 'Don Neu'; 'City Clerk'; 'CityCouncil@carlsbadca.gov'; 'Erin Prahler'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Carrie Boyle (carrie.boyle@coastal.ca.gov)

Subject: RE: 121 undeliverable Protect Ponto petitions

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?

We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is [using] 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

Thanks,

People for Ponto

From: Planning [<mailto:Planning@CarlsbadCA.gov>]

Sent: Wednesday, December 2, 2020 6:29 PM

To: info@peopleforponto.com

Cc: Jennifer Jesser; Don Neu

Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted.

Thank you.

It has been almost 3-weeks without a City response to the Dec 3 email, so People for Ponto will start re-emailing to the City and CCC public input on Ponto LCP and DLCP-LUPA issues since 2017 as 'resent official Public Input' to the City Council and CCC for the upcoming City Council DLCP-LUPA Public Hearing and other City meetings dealing with land use at Ponto. This '2017-present Public Input' should be posted on the City's website as noted in the City's Dec 2 email. The 2017-present Public Input is critical because there are now different City Council and CCC members since 2017. The 2017-present public input is critical to assure a proper Public Participation process consistent with Carlsbad and CA Coastal Act principles and assure the new City Council and the current CA Coastal Commission has the information and understands the extensive amount of multi-year public input expressing concerns, needs and desires for Ponto.

Following and attached is one of those many inputs.

Sincerely,
People for Ponto

PS: the following email/attachment has important LCPA Data and Public Comments – Low-cost Visitor Accommodations need/supply in Carlsbad

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, November 22, 2019 7:43 PM
To: 'Jennifer Jesser'
Cc: 'Melanie Saucier'; 'Celia Brewer'; 'Council Internet Email'; 'Cort Hitchens'; 'Erin Prahler'; 'Gabriel Buhr'; 'Mike Sebahar'; 'Harry Peacock'; 'John Gama'; 'John Gama'; 'Chas Wick'; 'Stacy King'; 'Don Neu'; 'Nika Richardson'; 'WILLIAM VAN CLEVE'; 'Jim Nardi'; 'Lisa Urbach'; Fred Sandquist (sandquist2@earthlink.net); David Hill (dashill4551@gmail.com); Laura Walsh (lauraw@surfridersd.org); 'David Hill'
Subject: LCPA public Comment - Low-cost Visitor Accommodations

Jennifer:

Attached please find Public Comments on the proposed Draft Local Coastal Program Amendment (DLCPA) to the Land Use Plan regarding Low-Cost Visitor Accommodations.

As provided in other Public Comments and expressed by several citizens at the 11-20-19 Planning Commission meeting, I along with others kindly request:

1. a publicly accessible "Redline" version of the Existing 2016 Local Coastal Program (LCP) showing the City's proposed Draft disposition of the current Existing LCP Land Use Plan, policies and data. Without a "Redline" trying to understand the proposed Draft changes is very difficult,
2. true Citizen-based public Workshops on the Coastal Act goals-policies and LCP issues focused on the limited amount of key vacant (and soon to be vacant) Coastal lands in Carlsbad – such as Ponto, and
3. A 6-month extension of time review and provide informed public comments on the Redline LCP and DLCPA, and to provide time to conduct the aforementioned Workshops.

We are still working to try to review the LCP and DLCPA documents and provide public comments on the Coastal Recreation

Thank you for including and responding to these DLCPA Public Comments and questions.
Lance Schulte

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

From: [Lance Schulte](#)
To: [Council Internet Email](#)
Cc: [City Clerk](#); [Planning](#)
Subject: FW: New Ponto Park City Petition Entry
Date: Tuesday, January 19, 2021 1:16:21 PM

Dear City Council:

The City received Public input below on Ponto Park that was sent very late. It was addressed to the Planning Commission for their Dec 2nd meeting that has passed. Tammy and Planning were both kind to ask how to handle this, and suggested just forwarding the input to the you. So here it is.

Thanks to Tammy and Planning for talking about this with us.

Thank you.

Lance

From: City Clerk [mailto:Clerk@carlsbadca.gov]
Sent: Tuesday, January 19, 2021 12:34 PM
To: Lance Schulte; City Clerk
Cc: jodi marie jones; 4hilton@gmail.com; 'Michael Sebahar'
Subject: RE: New Ponto Park City Petition Entry

Hi Lance,

If you would like for this to go to the City Council, please copy Council Internet Email CityCouncil@carlsbadca.gov. The emails that go to the address are forwarded to the entire Council. Until this goes before Council, there really isn't much the City Clerk's office can do.

Kind regards,

Tammy McMinn, CPMC, CMC

Senior Deputy City Clerk

City of Carlsbad

760-434-2953

From: Lance Schulte [mailto:meyers-schulte@sbcglocal.net]
Sent: Tuesday, January 19, 2021 11:32 AM
To: City Clerk <Clerk@carlsbadca.gov>
Cc: jodi marie jones <jodimariejones@hotmail.com>; 4hilton@gmail.com; 'Michael Sebahar' <mjsebahar@att.net>
Subject: RE: New Ponto Park City Petition Entry

Tammy:

Yes I saw that. We are working on the updates. Someone submitting their input using the older petition form.

Given the DLCP-LUPA issues are now referred to the City Council, should that be forwarded to the Council? When I managed LCPs and LCPAs public input for CA Coastal Act public participation we were inclusive. This was appreciated by the CCC. Carlsbad's beaches and Coastal Zone are Statewide resources, so it seems good to be inclusive. Just a thought. Ponto land use has implications beyond Carlsbad.

As a concerned Carlsbad citizen who truly loves our City, and who has seen other cities make tragic and irreversible land use planning errors that forever damage their city, I fear the full and honest consideration of the

issues and opportunities at Ponto is getting ignored and dismissed v. being processed in a true community-based consensus building process.

Thanks. I hope you all are doing well.

Lance

From: City Clerk [<mailto:Clerk@carlsbadca.gov>]
Sent: Tuesday, January 19, 2021 10:03 AM
To: petition@peopleforponto.com
Subject: FW: New Ponto Park City Petition Entry

FYI – your email asks for this to be read at the Dec. 2nd planning commission meeting.

Kind regards,
Tammy McMinn, CPMC, CMC
Senior Deputy City Clerk
City of Carlsbad
760-434-2953

From: People for Ponto [<mailto:info@peopleforponto.com>]
Sent: Tuesday, January 19, 2021 9:46 AM
To: petition@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 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

Virginia Cylkowski

Email

vcylkowski@yahoo.com

Address

803 Oleander Pl
Vista, CA 92081

Sent from [People for Ponto](#)

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From: [Melissa Flores](#)
To: [Planning Commission](#)
Cc: [Don Neu](#); [Ronald Kemp](#); [Jennifer Jesser](#)
Subject: FW: Protect Ponto *** Please read into general public comment January 13, 2021****
Date: Wednesday, January 13, 2021 2:12:00 PM

From: T. Owen Rassman <owen@rassman.com>

Sent: Wednesday, January 13, 2021 1:20 PM

To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; planning@carlsbadca.gov <planning@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Scott Donnell <Scott.Donnell@carlsbadca.gov>; Erin.Prahler@coastal.ca.gov <Erin.Prahler@coastal.ca.gov>; Toni.Ross@coastal.ca.gov <Toni.Ross@coastal.ca.gov>; carrie.boyle@coastal.ca.gov <carrie.boyle@coastal.ca.gov>; lisa.urbach@parks.ca.gov <lisa.urbach@parks.ca.gov>; Bret@carlsbad.org <Bret@carlsbad.org>; Kathleen@carlsbad.org <Kathleen@carlsbad.org>; Paul.McDougall@hcd.ca.gov <Paul.McDougall@hcd.ca.gov>; Sohab.Mehmood@hcd.ca.gov <Sohab.Mehmood@hcd.ca.gov>; People for Ponto <info@peopleforponto.com>

Subject: Protect Ponto *** Please read into general public comment January 13, 2021****

Dear Planning Commission, Mayor Matt Hall, City Council, and CA Coastal Commission

I was inspired to hear the conversation at last week's meeting around the meaning of "should" vs "could" relating to the phrase "The City *SHOULD* add more hotels" in the Draft LCP and I applaud the Commissioners remarks that just because we 'could' do something, doesn't mean that we 'should' do it.

Similar sounding words with extremely different meaning and impact on the future of Carlsbad.

Just like with Planning Area F/ Ponto – we 'could' keep the wrongfully done land use change in place as staff suggested but that absolutely does not mean we 'should'. There have been admitted planning mistakes done at Ponto when The City changed the land use away from "nonresidential reserve" without going through the proper channels and Coastal Commission- not correcting those now is absurd. The way I grew up was when you make a mistake, you fix it. You don't keep forging ahead on the wrong path just because you took a wrong turn. You correct and do what's right.

The people of Carlsbad ask you to act to **Protect Ponto**. I ask you to **Develop Ponto Right** and remove land change proposed at Planning Area F from the DLCP.

I request that my comments be put on record in the official public records for ALL things Planning

Area F, including the official public records for Carlsbad's Draft Local Coastal Program Amendment, and Parks Master Plan Update; and the CA Coastal Commission's consideration of Carlsbad's Draft Local Coastal Program Amendment.

Thank you

T. Rassman
Carlsbad, CA

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Request funding for a Community-based Park Planning Process & Community-based Coastal South Carlsbad Park & Gateway Planning Process

- * \$250,000 for a Community-based analysis of Citywide Park deficits and Community suggested solutions
- * Funding for a series of Southern Carlsbad Community-based workshops to develop concepts and alternatives for a Coastal South Carlsbad Park & Gateway Plan.

Need a Coastal South Carlsbad Park

4-6 miles of Coast w/o Park

Asking for a Community-Based Planning Process to address our needs



Justification

Implements General Plan Community Vision – quality of life and economy

Required by City and State land use regulations for Planning Area F - City's Local Coastal Program

Significant gap in Coastal Parks creates congestion and unfairness for entire City & San Diego Region

Ponto is last vacant land opportunity to create a meaningful Coastal South Carlsbad Park

Strong Community desire & wise use of resources



Most Consistent with Community Vision - the Foundation for the General Plan

Refer to John Gama's presentation

Refer to 5-page email justification and request for a Community-Based Planning Process sent to City Council, City Manager, City Parks and Planning Commissions, City Parks and Planning Directors, California Coastal Commission Staff on 8/31/17 and 3/6/18 – Community has yet to receive a reply to those emails.



Required by City & State land use regulations for Planning Area F - City's Local Coastal Program

See page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not yet complied with – flawed PBVVP & 2015 GP Update

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use



City & State land use regulations for Planning Area F – Local Coastal Program page 101

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed flawed Ponto Beachfront Village Vision Plan & 2015 General Plan Update processes



City & State land use regulations for Planning Area F – Local Coastal Program page 101

California Coastal Commission told the City that “ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Coastal South Carlsbad Park Deficit

6.6 acre Park Deficits in Southwest Carlsbad – proposed to be corrected outside SW Carlsbad around 5 miles away

No City Coastal Park in South Carlsbad, vs. 10 City Coastal Parks in North Carlsbad – Unfair to All Carlsbad as South Carlsbad's Coastal Park needs from 64,000 existing Carlsbad residents is pushed into North Carlsbad-Encinitas Coastal Parks increasing their traffic, parking & park congestion

Carlsbad's 4-mile Coastal Park Gap in South Carlsbad is the majority of the 6-mile Regional Coastal Park Gap

South Carlsbad's Coastal Park Gap is over 8% of San Diego County's entire Coastline – City & regional issue

Growing Coastal Park Demand

Regional Coastal Park demand increases. Vital for Quality of Life & Carlsbad economy to provide more Coastal Parks

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

1985 = 116,000	[when Veterans Park coastline 'solution']
1995 = 140,000	[when Planning Area F requirement]
2015 = 176,000	[when General Plan Update]
2035 = 212,000	[when end of 20-yr life General Plan]

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day & growing 1.6% each year

Ponto last chance to fix Carlsbad's significant 4-mile Coastal Park gap with a meaningful Coastal Park

Ponto's Carlsbad Park In-Lieu Fees & Quality of Life Results

947 homes (population of 2,233) west of I-5 and South of Poinsettia Lane – per City's Minimum Park standard this requires 6.7 acres of City Park. Homeowners paid taxes and park-in-lieu-fees to City to buy and build 6.7 acres of City Park, but No Park in area. Taxes/fees didn't increase any Park acreage.

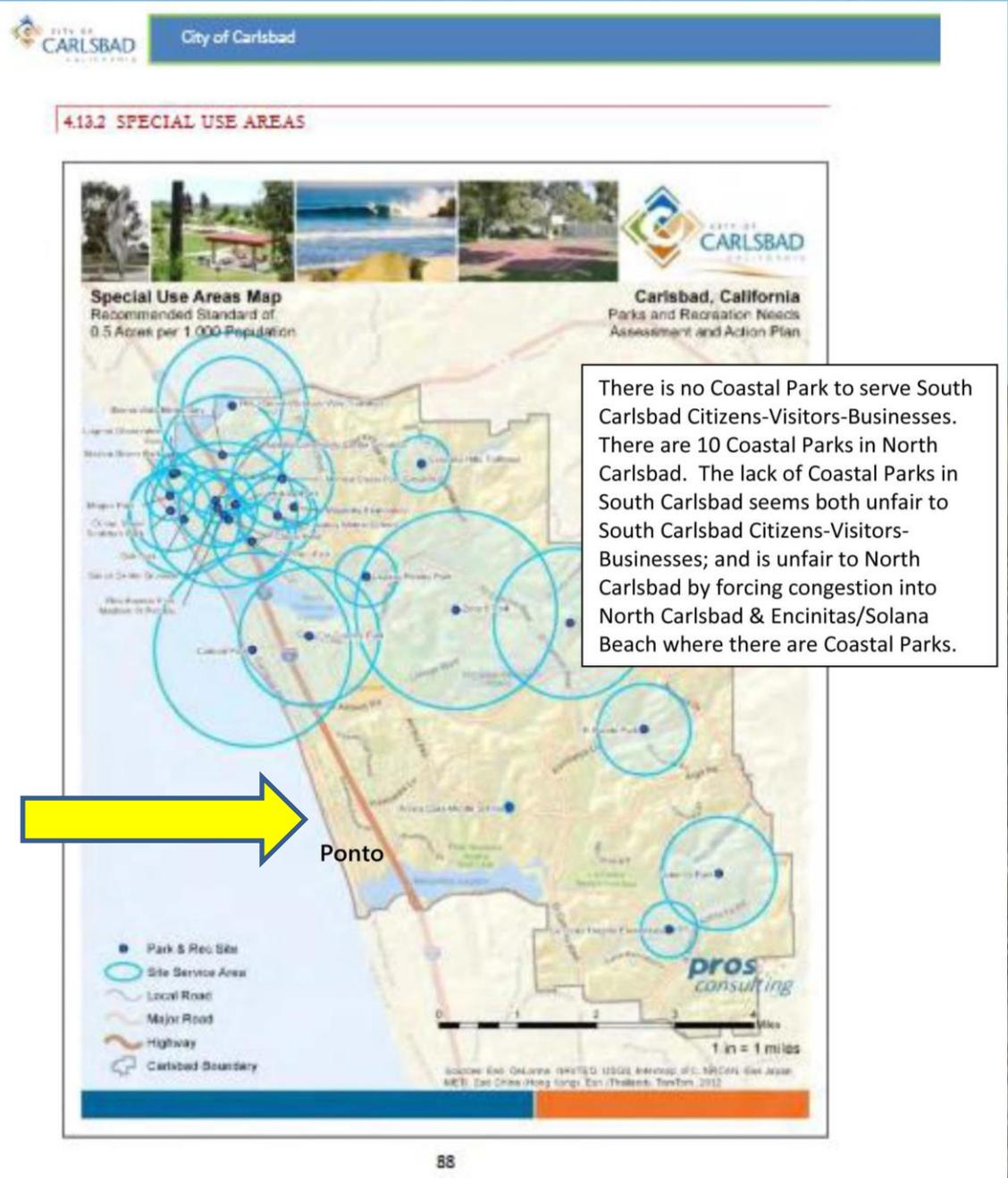
Nearest park 2.3 miles across I-5. Veteran's Park 'solution' over 5-miles away.

Over 90% of Community surveyed wants a Park - in the Ponto area

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From: [Jolyn Bush](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Monday, December 7, 2020 1:06:28 AM

I am writing in regard to the plans for development at South Ponto, Carlsbad. As a resident, right off Carlsbad Blvd for over 20 years, I have observed in the influx of traffic, cliff accidents, littering, and noise disturbances in the area and I cannot even imagine the impact a development would have on South Ponto and the surrounding areas.

I am in complete disagreement with this plan. I believe the area should remain as an open space.

Thank you so much for taking the time to read and consider my opinion! I truly love our community and hope it can remain as amazing as it is!

Happy Holidays to you all at the City offices and thank you for all you do. You've made it a blessing to be here!

Sincerely,
Jolyn Bush

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From: Lance Schulte
To: Planning; info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu; City Clerk; Council Internet Email; "Erin Prahler"; Ross_Toni@Coastal; Carrie Boyle
Subject: RE: 121 undeliverable Protect Ponto petitions
Date: Thursday, December 3, 2020 11:13:10 AM
Attachments: image001.png

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?

We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

Thanks,
People for Ponto

From: Planning [mailto:Planning@CarlsbadCA.gov]
Sent: Wednesday, December 2, 2020 6:29 PM
To: info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu
Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted. Thank you.

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Wednesday, December 2, 2020 2:53 PM
To: Planning <Planning@CarlsbadCA.gov>
Cc: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; People for Ponto <info@peopleforponto.com>
Subject: RE: 121 undeliverable Protect Ponto petitions

Thank you but our records show 457 DLCP Protect Ponto support web emails sent since 11.29.2020.

This does not include the support emails written by individuals or previous web petitions and emails sent in regarding this topics and all things related to Planning Area F which is almost 3,000.

What is the best way to ensure accurate recoding of the community's wishes?

Thank you

People for Ponto

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

From: "Planning" <Planning@CarlsbadCA.gov>
Sent: Wednesday, December 2, 2020 1:53pm
To: "info@peopleforponto.com" <info@peopleforponto.com>
Cc: "Jennifer Jesser" <Jennifer.Jesser@carlsbadca.gov>, "Don Neu" <Don.Neu@carlsbadca.gov>
Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

Over 100 emails have been received and are posted on the city's website:

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=45836>

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46336>

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46337>

Thank you.

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To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Planning <Planning@CarlsbadCA.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Scott Donnell <Scott.Donnell@carlsbadca.gov>; 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

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

Navigation tabs: **Email** | Contacts | Calendar | Tasks | Notes

Toolbar: Compose | Check Email | Reply | Reply All | Forward | [Close] | [Folder] | [Print] | More

Left sidebar: Spam | Trash

Main list: Sort by: Received

<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	

Folder list: Support letters sent to City | **Undelivered to City (121)** | Add Folder

Page indicator: 1 - 50 of 121

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From: Lance Schulte
To: Planning; City Clerk; Council Internet Email
Cc: Jennifer Jesser; Don Neu; Erin Prahler; Ross, Toni@Coastal; Carrie Boyle; info@peopleforponto.com
Subject: RE: 121 undeliverable Protect Ponto petitions - add to 12-3-20 email
Date: Sunday, December 6, 2020 10:11:43 AM
Attachments: image001.png; image003.png

Dear Planning, Planning Commission, City Clerk & City Council:

Let us know your response to the Dec 3 email below? There has been overwhelming Citizen input/need and requests on Ponto Park and the City's Ponto planning communicated to the City and City Council since 2017; and Citizens want to make sure that their 3+ years of continuous citizen input is honestly being considered and included in the "full record available on the city's website".

We wanted to let you know the key Carlsbad Citizens of People for Ponto individuals are working and out-of-country/state now. I am just filling in for now, because we want to be as responsive as we can to your question. Please remember we are not full-time paid staff. We are all just Citizen volunteers who Love Ponto and Carlsbad, and are fitting in time into our day-to-day lives to communicate that to you. We have tried to use an accountable multi-addressed email method to try to assure that Citizen communications are reliably recorded by the City and CCC. As volunteer Citizens we hope to get back to you in the next few weeks on your Dec 2 email request. However in an initial scan of our People for Ponto email account shows there were many more emails actually sent to the City than what the City is accounting for. It appears the City may not be recording all the public input emails sent to the City. Following is an initial tally based on our email system:

- my count of last night's "web petition" reads - they read the names + comment of about 196 people. We have 493 that were sent from 11.29.2020 to right before the meeting and more have come in since.
- Following is earlier data from our email system regarding Public Input to the City on the 12/2/20 Planning Commission meeting:

Compose Check Email Reply Reply All Forward [X] [Folder] [Print] More

Sort by: Received

From	Subject	Date
People for Ponto	New Ponto Park City Petition Entry	Today 7:43 am
People for Ponto	New Ponto Park City Petition Entry	Today 7:19 am
People for Ponto	New Ponto Park City Petition Entry	Today 7:19 am
People for Ponto	New Ponto Park City Petition Entry	Today 7:06 am
People for Ponto	New Ponto Park City Petition Entry	Today 6:51 am
People for Ponto	New Ponto Park City Petition Entry	Today 6:47 am
People for Ponto	New Ponto Park City Petition Entry	Today 6:21 am
People for Ponto	New Ponto Park City Petition Entry	Today 5:56 am
People for Ponto	New Ponto Park City Petition Entry	Today 4:06 am

1 - 50 of 456

Thanks. Hopefully with the numbers noted above this will help the City account for all the Citizen input provided for just the 12/2/20 Planning Commission meeting.

Our records show significant more Citizen input has been provided since 2017. We look to you to include that into the Public Record, and can work with you to confirm you are recording all the Citizen input you have received. Just know we are Citizen volunteers and are fitting this into our spare-time.

Thanks again
Lance Schulte
34-year Carlsbad citizen, 20-year Ponto resident, and one of many People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Thursday, December 3, 2020 11:13 AM
To: 'Planning'; 'info@peopleforponto.com'
Cc: 'Jennifer Jesser'; 'Don Neu'; 'City Clerk'; 'CityCouncil@carlsbadca.gov'; 'Erin Prahler'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Carrie Boyle (carrie.boyle@coastal.ca.gov)
Subject: RE: 121 undeliverable Protect Ponto petitions

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?
We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

Thanks,
People for Ponto

From: Planning [mailto:Planning@CarlsbadCA.gov]
Sent: Wednesday, December 2, 2020 6:29 PM
To: info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu
Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted. Thank you.

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Wednesday, December 2, 2020 2:53 PM
To: Planning <Planning@CarlsbadCA.gov>
Cc: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; People for Ponto <info@peopleforponto.com>
Subject: RE: 121 undeliverable Protect Ponto petitions

Thank you but our records show 457 DLCP Protect Ponto support web emails sent since 11.29.2020.

This does not include the support emails written by individuals or previous web petitions and emails sent in regarding this topics and all things related to Planning Area F which is almost 3,000.

What is the best way to ensure accurate recoding of the community's wishes?

Thank you

People for Ponto

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

From: "Planning" <Planning@CarlsbadCA.gov>
Sent: Wednesday, December 2, 2020 1:53pm
To: "info@peopleforponto.com" <info@peopleforponto.com>
Cc: "Jennifer Jesser" <Jennifer.Jesser@carlsbadca.gov>, "Don Neu" <Don.Neu@carlsbadca.gov>
Subject: RE: 121 undeliverable Protect Ponto petitions

Hello,

Over 100 emails have been received and are posted on the city's website:

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=45836>

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46336>

<https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46337>

Thank you.

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Wednesday, December 2, 2020 1:34 PM
To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Planning <Planning@CarlsbadCA.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Scott Donnell <Scott.Donnell@carlsbadca.gov>; 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

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

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

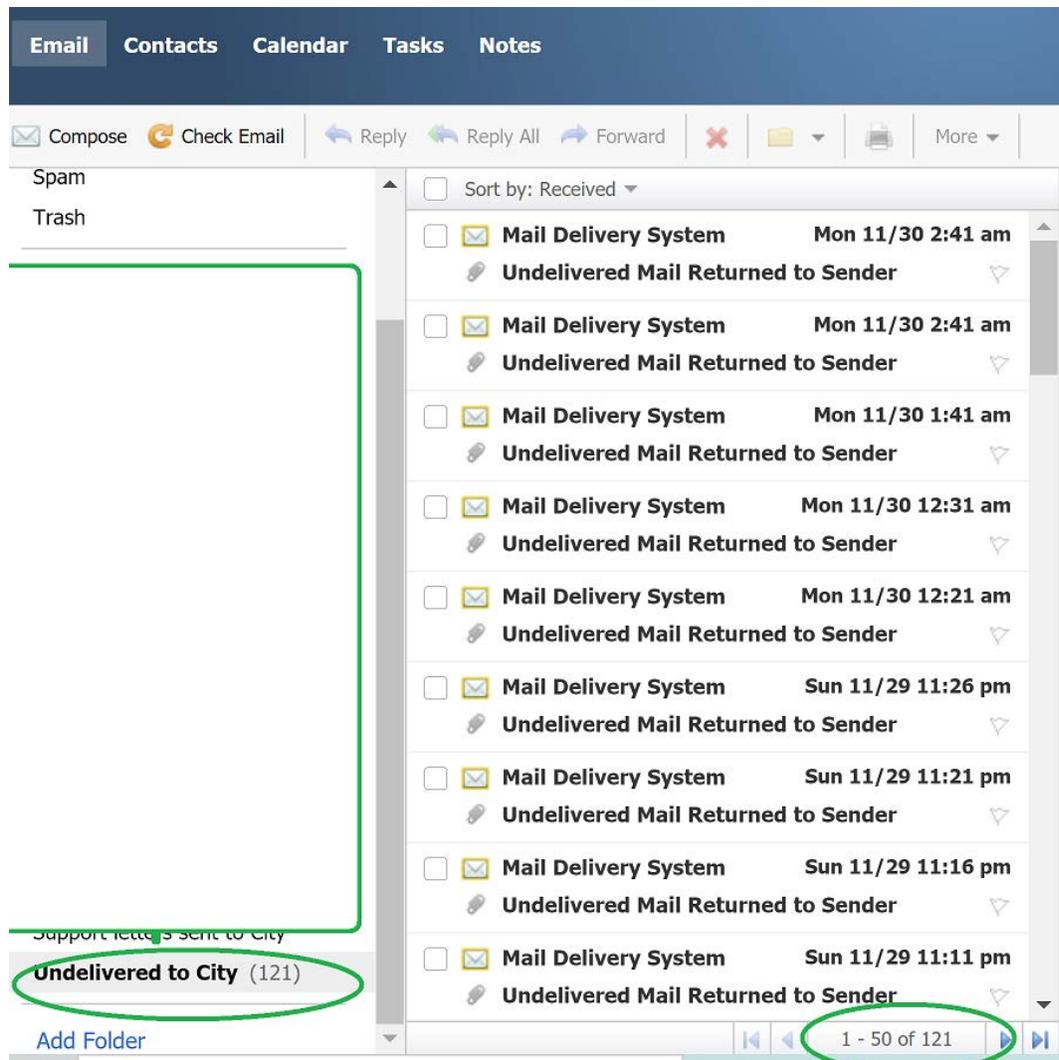
The People for Ponto Committee would like to call attention to 121 Protect Ponto Support Petitions that came back as "undeliverable" on November 29th and 30th.

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

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

From: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross, Toni@Coastal"](#); [cort.hitchens@coastal.ca.gov](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall, Paul@HCD"](#); ["Mehmood, Sohab@HCD"](#)
Cc: [info@peopleforponto.com](#)
Subject: Citizen input for the public record on Ponto issues - FW: July 24th City Council meeting - SW Quadrant Parks discussion
Date: Monday, December 7, 2020 7:48:09 AM
Attachments: [Park agenda item 19 of 7-24-18 City Council meeting LS1 pp .ppt](#)

Dear Carlsbad City Council; Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee; and CA Coastal Commission:

Please include this entire email (starting with the July 9, 2018 email to the Parks Director) and the attached 7-24-2018 presentation to the City Council as part of the official public record on City Staff's proposed Draft LCP-LUPA, Parks Master Plan Update and Housing Element Update. And please provide to the City Council, Planning-Parks-Housing Commissions and Housing Element Advisory Committee.

This email and presentation was at the early (Ponto locals) stages of Citizen discovery about Ponto Planning Area F issues and the Coastal Park deficits at both Ponto and South Carlsbad. The presentation highlights some key facts about present and future Coastal Park need, Carlsbad Policy support for Ponto Coastal Park in the City's Community Vision – the foundation for Carlsbad's General Plan, and verbatim direction from the CCC on existing Ponto Planning Area F Coastal land use regulations.

The presentation implores that 'We Can Do Better' as a City and City Council in addressing critical Coastal Park needs at Ponto. This was an initial research into the Ponto Coastal Park issues and prompted additional official Carlsbad Public Records Requests to document more details. However this initial 7/24/18 presentation lays out some clear policy issues that were further supported by subsequent Citizen research, growing Citizen awareness, and overwhelming Citizen requests..

Carlsbad City Council, Planning Commission, Parks Commission, Housing Commission, and Housing Element Advisory Committee, as Carlsbad We Can Do Better.

Thank you for sincerely considering your fellow citizens information and request for Ponto Coastal Park at Planning Area F

Lance Schulte
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Monday, July 23, 2018 7:36 AM
To: 'Morgen Fry'
Cc: 'Debbie Fountain'; 'Chris Hazeltine'; 'Faviola Medina'; 'Sheila Cobian'
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Morgen:

Good morning. I hope your week is starting off well.

Attached is our PP presentation for Parks and Open Space agenda item #19 on the July 24th City Council meeting.

Please contact me if an questions or problems.

Thanks!

Lance

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Sunday, July 22, 2018 6:12 PM
To: 'Morgen Fry'
Cc: 'Debbie Fountain'; 'Chris Hazeltine'; 'Faviola Medina'; 'Sheila Cobian'
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Morgan:

I have a PowerPoint presentation for item #19 of the July 24th CC meeting.

Can I email to you Monday morning?

Thanks,

Lance

From: Sheila Cobian [mailto:Sheila.Cobian@carlsbadca.gov]
Sent: Tuesday, July 17, 2018 11:45 AM
To: Lance Schulte
Cc: Debbie Fountain; Chris Hazeltine; Morgen Fry; Faviola Medina
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance,

As far as representing a group to give a PowerPoint presentation relating to an item on the Council agenda, you will need to make that request through the City Manager's office. The point of contact is Morgen Fry and she can be reached at 760-434-2820. FYI, the presentation is limited to 10 minutes (although time may be reduced at the discretion of the Council) and is due to the City Manager's office no later than noon on the Monday prior to the scheduled Council meeting. Please note that the 10 minute timeframe for the presentation is permitted provided you are representing a group of 4 or more. To represent a group you will need to have 4 or more speaker cards filled out and turn them in together to the Clerk at the beginning of the Council meeting.

Please feel free to call me at 760-434-2917 if I can be of further assistance.

Thank you,



Sheila Cobian, CMC

City Clerk Services Manager
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008-1949
www.carlsbadca.gov

760-434-2917 | sheila.cobian@carlsbadca.gov

[Facebook](#) | [Twitter](#) | [You Tube](#) | [Flickr](#) | [Pinterest](#) | [Enews](#)

From: Chris Hazeltine
Sent: Tuesday, July 17, 2018 11:14 AM
To: Lance Schulte <meyers-schulte@sbcglobal.net>
Cc: Debbie Fountain <Debbie.Fountain@carlsbadca.gov>; Sheila Cobian <Sheila.Cobian@carlsbadca.gov>
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance-

The City Clerk's Office is best prepared to address your question about presenting on this department report, agenda item Sheila, thanks in advance for assisting Lance.

Thanks

-Chris

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Monday, July 16, 2018 9:13 AM
To: Chris Hazeltine <Chris.Hazeltine@carlsbadca.gov>
Cc: Debbie Fountain <Debbie.Fountain@carlsbadca.gov>
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Chris:

Thanks!

If our community would like to have a 10-min PP presentation [due to combining 3 public comments requests together, what is the timing and process to do that for this agenda item?

Thanks again,

Lance

From: Chris Hazeltine [<mailto:Chris.Hazeltine@carlsbadca.gov>]
Sent: Monday, July 16, 2018 8:35 AM
To: Lance Schulte

Cc: Debbie Fountain
Subject: RE: July 24th City Council meeting - SW Quadrant Parks discussion

Hi Lance-

Thank you for your email.

The Carlsbad Parks Update staff report will be available for public review on July 19 on the city's website. Please let me know if you have any questions once you review.

Thanks, and have a great day.

-Chris

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Monday, July 09, 2018 7:35 AM
To: Chris Hazeltine <Chris.Hazeltine@carlsbadca.gov>
Cc: Jean Camp <jeanscamp@yahoo.com>; Mike Sebahar <sebbiesixpack@att.net>; 'Gail Norman' <gnorman_ca@yahoo.com>; John Gama <Gama.John@scrippshealth.org>; Harry Peacock <behrpeacock@yahoo.com>; 'Stacy King' <stacy.king.us@gmail.com>; 'Patti Travis' <patti5678@gmail.com>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Gabriel Buhr <gbuhr@coastal.ca.gov>
Subject: July 24th City Council meeting - SW Quadrant Parks discussion

Chris:

I hope all good with you.

To facilitate understanding and a focus on important issues we wanted to see if there is any opportunity to share information or coordinate in advance of your July 24th report to the City Council on Coastal South Carlsbad Parks issues? Is that possible? We honestly think that planning for the park needs for Coastal South Carlsbad can be a positive experience for all if done in an open community-based planning process. If you have any questions or needs for clarification of Community concerns please let us know. If there is no opportunity to coordinate in advance would you let us know when your staff report be available for review?

If we are not able to coordinate, we wanted to communicate that we have presented you and the City data on Coastal South Carlsbad Park deficiencies, Community desire for a Ponto Coastal Park on Planning Area F, the lack of Coastal Park resources in Coastal South Carlsbad to serve both Inland South Carlsbad's and the regional Coastal Recreation/Park needs - particularly future regional growth demands, a fairly broad community view that Veterans Park is an inappropriate solution for Coastal South Carlsbad's and the NE and SE Quadrant's Park needs, repeated asks to have a truly Community-based Park Planning Process for Coastal South Carlsbad's park needs, the Carlsbad Local Coastal Program requirements to consider and document the need for a "Public Park" prior to changing the "Non-residential Reserve" coastal land use on Planning Area F, provided a Community

developed 'Ponto Coastal Park' concept for Planning Area F to illustrate the Coastal Recreation opportunities of that site, and the possible opportunities for citizen donations for a Ponto Coastal Park. We hope all these issues are a part of your report and what we sincerely hope is the start of a Community-based Park Planning Process for Coastal South Carlsbad.

Thanks Chris. I know you may think we are a pain to deal with, but we sincerely care about our community and city, particularly about the future generations that may or may not have a meaningful Coastal Park in South Carlsbad.

Thanks again, and please let us know.

Kindest regards,
Lance

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

Request City Council Consider Park & Open Space Data Presented by Citizens on 6/12/18 & missing in Staff Report

Parks

- City & Regional need for a true South Carlsbad Coastal Park
- South Carlsbad Coastal Park achieves Community Vision of GP
- Coastal South Carlsbad Planning Area F Local Coastal Program requirement to study a “Public Park” & Citywide Coastal uses

Open Space

- Developer’s Local Facility Management Plan Zone 9 errors need correcting in Developer’s Comprehensive Zone 9 Update
- City’s responsibility to Citizens & following Growth Management Ordinance, Standards and Principles

Need a Coastal South Carlsbad Park – City data

64,000 South Carlsbad Citizens & hotel visitors w/o a Coastal Park

4-6 miles of Coast w/o Park is a City & Regional need

Community-Based Planning needed

www.pontolocal.com

4.13.2 SPECIAL USE AREAS



There is no Coastal Park to serve South Carlsbad Citizens-Visitors-Businesses. There are 10 Coastal Parks in North Carlsbad. The lack of Coastal Parks in South Carlsbad seems both unfair to South Carlsbad Citizens-Visitors-Businesses; and is unfair to North Carlsbad by forcing congestion into North Carlsbad & Encinitas/Solana Beach where there are Coastal Parks.

We can do Better!

Ponto's Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results

- 947 homes (2,233 pop.) w. of I-5 & s. of Poinsettia Lane
- City's minimum Park standard requires 6.7 acres of Park
- Homeowners paid City taxes & park-in-lieu-fees to buy & build 6.7 acres of City Park, but No Park in area.
- Taxes/fees didn't add Park acreage - needed Veterans
- Nearest Park 2.3 miles across I-5. The Veteran's Park 'solution' over 5-miles away & basically inaccessible.
- Over 90% of Community surveyed wants a Park in Ponto
- Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don't work. We can Do Better!

www.pontolocals.com

Growing Coastal Park Demand

Meaningful South Carlsbad Coastal Park is vital for Carlsbad's Quality of Life & Economy

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

- 1985 = 116,000 - when Veterans Park coastline 'solution'
- 1995 = 140,000 + 21% - Planning Area F requirement
- 2015 = 176,000 + 52% - General Plan Update
- 2035 = 212,000 + 83% - end of 20-yr life General Plan – what then?

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day; growing 1.6% per year, 2035 = 6,669

Ponto last chance to fix Carlsbad's 4-mile Coastal Park gap (8% of SD County coastline) with a meaningful Coastal Park. We can do better!

www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 1 of 4

- Refer to 5-page email to City Council on 8/31/17 & 3/6/18 - Share & discuss the Issues with Citizens.

Community Vision, is foundation for General Plan. Just words to be ignored or guides to action?

- “...open spaces within walking distance of people’s homes ...” - nearest park over 2 miles away & over I-5
- “... strategic acquisitions to further the city’s open space system.” - fill Coastal South Carlsbad park gap

Implements Community Vision - the Foundation for the General Plan 2 of 4

- “... network of parks and recreation facilities will be improved ... Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations ...” - provide half of Carlsbad its only Coastal Park
- “... protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.” - South Carlsbad has no Coastal Park, congests North Carlsbad

Implements Community Vision - the Foundation for the General Plan 3 of 4

- “ ... Access to the beach ... will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park” -
Park supports residents and visitor industry
- “... Tourism is an important component of the city’s economy ... it emphasizes ... resources that make the city attractive to ... residents - the ocean and beach” -
Park supports residents and visitor industry
- “Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to ... parks.” - Veterans Park 5-miles away from need
www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 4 of 4

From General Plan Land Use Element:

- “...the community expressed an overwhelming preference for an active waterfront ... Access to the beach will be enhanced through ... open space, parking, and amenities ...” - Need a South Carlsbad Coastal Park
- “... new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop ... recreational opportunities along the coastal corridor.” - A meaningful Coastal South Carlsbad Park provides the most opportunities

Required by City & State land use regulations for Planning Area F - City's Local Coastal Program 1 of 3

page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not complied with & flawed PBVVP & General Plan Update. We can do better!

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use

www.pontolocals.com

City & State land use regulations for Planning Area F – Local Coastal Program page 101 2 of 3

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed. Citizens not knowing this flawed the Ponto Beachfront Village Vision Plan, 2015 General Plan Update, and Carlsbad Park Planning Processes

City & State land use regulations for Planning Area F – Local Coastal Program page 101 3 of 3

California Coastal Commission told the City that:
“ ... the City shall undertake an inventory of visitor serving uses currently provided within the City’s Coastal Zone which will then serve to inform updates to the City’s land use and zoning maps as necessary. This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.”

Lets do better and fully inform & engage Citizens in this
www.pontolocal.com

Ponto's (LFMP-Zone 9) Growth Management Open Space requirement

- 6/11/18 Final Staff Opinion Letter, Prior Public Records Requests, & City data confirmed Developers' LFMP-9 did not provide required Open Space per Growth Management Standard: 30-acres short! Lets do better!
- Inconsistent & incomplete information in 6/11/18 Final Staff Opinion Letter & conflicts with Growth Management Ordinance
- Need to have honest Citywide discussion on this issue!
- Is Staff's Final Opinion the City Council's direction?
- You can do better

Thank you

We can do better. Please fund & support a open & honest Community-based Planning Process for Parks and Open Space in Coastal South Carlsbad

Please do the right thing and Develop Ponto Right

From: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross_Toni@Coastal"](#); [Carrie Boyle](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall_Paul@HCD"](#); ["Mehmood_Sohab@HCD"](#)
Subject: FW: San Pacifico Community Association Letter of Request: Ponto Beachfront Development
Date: Wednesday, December 9, 2020 11:29:35 AM
Attachments: [South Carlsbad Ponto Beach Park Letter of Request.pdf](#)

Dear Carlsbad City Council; Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee; and CA Coastal Commission:

Please include this entire email and attached 8-31-2017 letter to City Council as part of the official public record on City Staff's proposed Draft LCP-LUPA, Parks Master Plan Update and Housing Element Update. And please provide to the City Council, Planning-Parks-Housing Commissions and Housing Element Advisory Committee.

This email and 8-31-2017 letter was at the initial (SPCA-PBDR Committee, that then grew to become the larger Ponto Locals, that then again grew to the much larger People for Ponto) stages of Citizen discovery about Ponto Planning Area F LCP requirements and issues. This Citizen discovery effort included over 40-offical Carlsbad Public Records Requests, and meetings and interviews of those involved, that helped inform the overwhelming multi-year Citizen effort asking the City Council to create the much needed Ponto Coastal Park at Planning Area F.

On December 3, 2020 Carlsbad Planning mentioned Citizen's Issues raised about Ponto are being recorded and that "The records department will make the full record available on the city's website." People for Ponto Citizens asked "We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is using 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter. Thanks, People for Ponto" All the this since 2017 communication was addressed to the City Council and key City Staff. Most all the communications as also addressed to the Carlsbad Planning Commission and Parks Commission, and later on the Housing Commission and HEAC. We are awaiting a City response, and if this 2017-presnt public input has to be re-submitted to the City, and if so by when.

The attached 8-31-2017 letter was the initial public input once Citizens were just starting to become, but not yet fully, aware of the Ponto Planning Area F LCP requirements and issues. The letter is still relevant in providing some of the sound Carlsbad policy justification for the City Council to acquire Ponto Coastal Park at Planning Area F. We hope the email and letter is delivered, read, and recorded on the City's website.

Sincerely,
Lance Schulte

34-year Carlsbad Citizen, 20-year Ponto resident and one of many People for Ponto

This email and letter began a multi-year Citizen quest series of

From: Theo Blizzard [mailto:tblizzard@waltersmanagement.com]
Sent: Thursday, August 31, 2017 3:28 PM
To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov; manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov
Cc: gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; Jim Nardi; WILLIAM VAN CLEVE; Avril van Zyl; Tony Ruffolo; Chas Wick; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte; Lee Leibenson
Subject: San Pacifico Community Association Letter of Request: Ponto Beachfront Development

Dear Carlsbad City Council:

This letter is being submitted on behalf of the San Pacifico Community Association Ponto Beachfront Development Review Committee. If you have any questions regarding its contents please contact the committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net

-
Thank you for your time,

THEO BLIZZARD
COMMUNITY ASSOCIATION ADMINISTRATOR

WALTERS
management

YOUR COMMUNITY. **OUR** COMMITMENT.

Think Green: Please consider the environment before you choose to print this e-mail.

9665 Chesapeake Drive, Suite 300 | San Diego, CA 92123-1364

direct (858) 576-5557 | **office** (858) 495-0900 | **fax** (858) 495-0909
email tblizzard@waltersmanagement.com | **online** waltersmanagement.com

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Melissa Flores

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Sunday, December 13, 2020 3:03 PM
To: Council Internet Email; City Clerk; Planning; Scott Chadwick; Gary Barberio; Don Neu; Kyle Lancaster; Mike Pacheco; David De Cordova; Scott Donnell; Erin.Prahler@coastal.ca.gov; 'Ross, Toni@Coastal'; 'Carrie Boyle'; 'Lisa Urbach'; info@peopleforponto.com; 'Bret Schanzenbach'; Kathleen@carlsbad.org; Planning; 'McDougall, Paul@HCD'; 'Mehmood, Sohab@HCD'
Cc: info@peopleforponto.com
Subject: 2020-12-14 - Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment
Attachments: Updated 2020 Dec 2 - Planning Area F existing LCP-LUP & CCC direction.pdf; 2020 Nov 30 - Draft Housing Element Update - People for Ponto Public Comments.pdf

Dear City Council, HEAC, Housing Commission, Planning Commission, Parks Commission, CCC and HCD:

Scott Donnell below indicates citizen comments can be submitted for the Housing Element Advisory Committee (HEAC) final meeting. We include the email-string between Scott and People for Ponto and attachments as documentation of Ponto Planning Area F's current Non-Residential Reserve (NRR) Zoning status, and its similar NRR LCP land use and policy status until both the City Council and CCC POTENTIALLY change that status in an LCP-LUPA in 2012-22.

As Carlsbad Citizens we are deeply concerned that City Staff is not fully communicating these facts to the HEAC, and possibly to Housing Commission, Planning Commission, Parks Commission, City Council and HCD. In the Draft Housing Element and on Dec 2nd Scot told the HEAC that Ponto Planning Area F is Already fully (i.e. ALREADY completely) planned and Zoned Residential (and General Commercial) and thus why Staff was proposing to include it in the Draft Housing Element Update as an 'Existing Residentially planned AND zoned housing site'. These both are not correct based on one's review of both City and CA Coastal Commission documents previously provided the HEAC and again included and updated in this email/attachments.

Please review the attached 'updated 2020 Dec 2 – Planning Area F existing LUP-LUP and CCC direction' file. The file was updated to include an additional 5th set of City website documents from 2016 to the present again showing the City acknowledges Ponto Planning Area F is NOT fully land use planned AND zoned residential. As Carlsbad Citizens we are concerned that the data in this attachment was not initially provided to the HEAC by City Staff, and that Carlsbad Citizens had to do the research and be the only ones providing these documents and data to you. The HEAC needs to be provided complete and correct data to make informed recommendations.

The HEAC has a critical role and responsibility to review City Staff work and citizen input and then make the HEAC's own independent recommendations to the Housing Commission and City Council. The HEAC owns the recommendations/decisions the HEAC makes. As an independent Citizens Advisory Committee the HEAC's decisions are the HEAC's decisions alone; and the HEAC should be 100% sure if fully understands and support HEAC's recommendations. Your fellow Carlsbad Citizens are concerned the HEAC has not had the proper opportunity consider the Ponto Planning Area F Coastal land use and zoning facts, and thus has provided you this and prior Citizen input and verbatim data supporting that input. As your fellow Carlsbad Citizens we are also concerned if the HEAC incorrectly says Ponto Planning Area F is already fully planned AND zoned residential it could incorrectly contest the Carlsbad City Council authority to be the City's final Land Use planning AND Zoning authority in both proposing to the CA Coastal Commission the City's proposed LCP-LUPA, and what potential housing sites the City will propose to the CA HCD in the Draft Housing Element.

As such your fellow Carlsbad Citizens as previously stated on page 3 of the attached '2020 Nov 30 Draft Housing Element Update –People for Ponto Public Comments file' request:

“... the Housing Commission and HEAC should at this time remove Ponto Planning Area F from the Housing Element at this time. The City should only consider including it in the Housing Element as ‘vacant housing site’ if and after the CA Coastal Commission ‘Certifies’ the City’s proposed Coastal Land Use change from the existing LCP-LUPA “Non-residential Reserve” land use to a ‘lower-Coastal-priority’ residential land.”

As your fellow Carlsbad Citizens, we ask you to please read and consider the documented data and Citizen requests in the attached 2 files of Public Comment and in this email. This email also includes some Citizen and Scott back-and-forth regarding documented data.

The upcoming 2021-22 Planning Commission and City Council considerations of the City Staff proposed Draft LCP-LUPA may result in the proposed land uses in the 2015 General Plan Map being revised by the City Council, and thus would impact the Draft Housing Element. The City Council could also decide to “Defer LCP Certification” on some of the last critical vacant areas in the Coastal Zone, to make sure there is community consensus on the forever future land use and regulatory policies for these precious few last remaining vacant Coastal sites. Key in such considerations are assuring Carlsbad appropriately provides it’s (and it’s portion of California’s) forever supply of CA Coastal Act’s high-priority Coastal land use uses such Coastal Recreation and Visitor Serving. Coastal Recreation is a foundation for Visitor Serving uses, and for citizens Coastal Recreation is a social and economic lifeblood for Carlsbad. City and CCC decisions on the last few vacant Coastal sites is forever critical to Carlsbad’s social and economic future.

Sincerely,

Lance Schulte

34-year Carlsbad Citizen, 20-year Ponto resident and one of many fellow People for Ponto

From: Scott Donnell [mailto:Scott.Donnell@carlsbadca.gov]

Sent: Thursday, December 10, 2020 5:30 PM

To: Lance Schulte

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

Lance,

The applications you show below for the Ponto Beachfront project would be expected as part of a development proposal for Planning Area F. I don’t think it’s unusual to expect a LFMP amendment for a project like this and the LCPA and amendment to the Poinsettia Shores Master Plan (MP 2016-0001) represent necessary follow-up actions to reflect the proposed project and ensure consistency with the General Plan and Local Coastal Program land use designations approved for the property in 2015 and 2016. Of course, this is particularly true for the master plan, since it still refers to Planning Area F as “Unplanned Area” and since it implements the Local Coastal Program.

And, just to be clear, I did not say Planning Area F is already fully land use planned and zoned residential. In fact, and as I noted, the planning area has both residential and general commercial land use designations per the General Plan and Local Coastal Program. These designations are not entitlements.

As always, you are welcome to provide comments to the Housing Element Advisory Committee and request information be read at the meeting in line with the procedures on the HEAC’s agenda. The latest agenda is posted on the city’s website at <https://www.carlsbadca.gov/services/depts/planning/housing/committee.asp>. We anticipate the meeting coming up next Monday the 14th will be the HEAC’s last.

I hope this information helps, and have a good weekend.

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

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Tuesday, December 8, 2020 10:50 AM
To: Scott Donnell <Scott.Donnell@carlsbadca.gov>
Cc: info@peopleforponto.com; 'Erin Prahler' <Erin.Prahler@coastalca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Carrie Boyle <carrie.boyle@coastal.ca.gov>
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

If as YOU say Ponto Planning Area F already has all its Land Use Plan and Zoning already in place for Residential and General Commercial use Can YOU please explain WHY the City in 2016 and 2017 had and still is requiring LCPA and MP [Master Plan i.e. Zoning Change] applications for Ponto Planning Area F and also an LFMP-Zone 9 amendment to account for the proposed land use changes? Did you talk with Jason?

Please see page 14-15 of City's "Planning Pending Applications November 2020" at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46332> as it shows:

"PONTO BEACHFRONT 12/20/2016

<u>Legislative application</u>	<u>applied on</u>	<u>description</u>
AMEND2017-0001	1/19/17	PONTO BEACHFRONT: LFMP AMENDMENT FOR ZONE 9. FEES PAID UNDER MP2016-0001 – Carlsbad City Planner = Goff
LCPA2016-0002	12/20/16	MIX OF USES PROPOSED FOR A PORTION OF PLANNING AREA F OF THE POINSETTIA SHORES MASTER PLAN INCLUDING 136 RESIDENTIAL CONDOMINIUMS, A 14,000 SQUARE FOOT MARKET HALL AND A 4,000 SQUARE FOOT RESTAURANT – Carlsbad City Planner = Goff
MP2016-0001	12/20/16	PONTO BEACHFRONT: MIX OF USES PROPOSED FOR A PORTION OF PLANNING AREA F OF THE POINSETTIA SHORES MASTER PLAN INCLUDING 136 RESIDENTIAL CONDOMINIUMS, A 14,000 SQUARE FOOT MARKET HALL AND A 4,000 SQUARE FOOT TWO-STORY RESTAURANT – Carlsbad City Planner = Goff"

Again, as the City's own documents show, Ponto Planning Area F is not currently Coastal Land Use Planned and Zoned Residential/General Commercial with a fully CCC Certified LCP. As shown in the City required applications the above, the City has not even completed a proposed LCPA & MP amendment to propose to the CCC. It is also not Zoned by the City as the MP2016-0001 application requirement also confirms.

Why you are falsely saying Ponto Planning Area F is already fully land use planned AND zoned residential when it is not? Why are you refusing to disclose the accurate information in this email to the HEAC say you refuse to do in your 12/7/20 email below? Do you have the legal authority to prevent Citizens communicating information the HEAC? I truly hate to be confrontational on this, but the City's own data does not support your claims. It is important that the truth be told to the HEAC and Citizens allow informed Public Participation and decision making on Coastal land use matters.

Please let me know your reply by the end of the week.

Thanks,
Lance

From: Lance Schulte [<mailto:meyers-schulte@sbcglobal.net>]
Sent: Tuesday, December 8, 2020 6:34 AM
To: 'Scott Donnell'
Cc: info@peopleforponto.com
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott:

You failed to acknowledge the City's General Plan that says until the LCP is fully Certified by the CCC the old LCP applies **Land Use Element page 2-26 states: "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to."** .

You failed to acknowledge the City has not completed that LCP Certification as that has not been approved by both the City Council and CCC and the City Council has not approved all modifications the CCC may have on the City's current Draft LCP-LUPA. Does the City think the CCC is lying to the City when it provided the City the 2017 comments to that effect, and when the CCC denied the Ponto Vision Plan in 2010? You miss the specific direction to the City from the CCC on 2017 on the in-process Draft LCP-LUPA the City is asking the CC to Certify. The CCC has told the City that if during the DLCP-LUPA that

"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."

The City's Existing LCP says this about Ponto Planning Area F:

"10.PLANNING AREA F

Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres. Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary. The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval. **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad"**

You failed to acknowledge the City has not completed that LCP Certification process to Change the Zoning on Ponto Planning Area F. That Zoning change to the Poinsettia Shores Master Plan and LCP is in-process. And will need CCC Certification to become effective. You failed to cite any CCC Certified Zoning Change from Ponto Planning Area F's Existing NRR zone in the Poinsettia Shores Master Plan and LCP. **Can you cite the City Ordinance/Resolution that**

Changed Poinsettia Shores Master Plan and LCP & show me the CCC Certification of the LCP Zoning Change? IF you can't then you cannot say the Ponto Planning Area F is ZONED residential.

Official Carlsbad Public Records Requests have documented the City never publicly disclosed/discussed and complied with the Ponto Planning Area F LCP requirements going back past 2010. How can the City have changed land use at Ponto with first complying with the 'still current' Ponto Planning Area F LCP requirements? The City's failure to publicly disclose, discuss and follow the Ponto Planning Area F LCP requirements during both the Ponto Vision Plan and General Plan Update, created a flawed planning process at Ponto that prevented Public Participation. This is one key reason you the City is having the Citizen input it is having now, because the City did not do things openly and honestly before.

I will ask you one more time, to respond to the above, and also to produce the City resolutions/ordinances AND the subsequent required CCC Certified change to the Zoning of Ponto Planning Area F from its existing NRR in in Poinsettia Shores Master Plan and LCP. The City has acknowledged this does not presently exist, so how you can say it is already zoned residential is beyond reason

Lance

From: Scott Donnell [<mailto:Scott.Donnell@carlsbadca.gov>]
Sent: Monday, December 7, 2020 9:28 PM
To: Lance Schulte
Cc: info@peopleforponto.com
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

Approval of the change from Unplanned Area to R-23/GC for Planning Area F is documented and verified in:

- City Council's adoption of Resolution 2015-243 on September 22, 2015
- Coastal Commission's certification of LCP-6-CAR-15-0034-2 on May 10, 2016
- Coastal Commission's determination of adequacy of city's action on suggested modifications on July 27, 2016.

Since Planning Area F is already designated for residential and commercial uses, there is no need to correct information supplied to the HEAC.

City Council resolutions may be found online at <http://edocs.carlsbadca.gov/>.

Coastal Commission staff reports are available at www.coastalca.gov.

Thank you.

Scott Donnell
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From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Friday, December 4, 2020 12:35 PM

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

Cc: info@peopleforponto.com

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

Scott:

I refer you to December 1, 2020 11:57 AM email and attachment to you with the Subject: Critical public input follow-up to HEAC meeting & Public Input for proposed Draft LCP-LUPA, Housing Element Update and Parks Master Plan Update. That email and attachment (including again in this email) specifically quotes the exact verbatim language from the Carlsbad General Plan; and the CCC's denial of Ponto Vision Plan, and 2017 direction to the City Regarding land use at Ponto Planning Area F that is contrary to the 'Staff Report statements' you reference.

A Staff Report statement is just a statement unless it provides a specific verbatim reference to City Law or General Plan language. A City Staff report statement is NOT law. A City Staff Report statement is also not accurately communicating the specific CCC 2016 & 2017 direction to the City. The City's actual General Plan land use language and the CCC's 2016 & 2017 direction are consistent; and that consistency is not supportive of the City Staff's Report statements you reference. The City Staff Report failure to disclose the CCC's 2016 and 2017 direction appears a purposeful effort to misinform Carlsbad Citizens, the Planning Commission and City Council; and also does not reflect the fact the CCC could deny or modify the City's proposed Draft LCP-LUPA. Please see the attached file that was provided in the aforementioned Dec 1 email to you the HEAC, City Council, Planning-Housing-Parks Commissions, CA Coastal Commission & CA HCD. that documents the land use AND PSMP LCP Zoning is still NRR until the LCP-LUPA Certified by the CCC. The 1st bullet is exact City General Plan language that supports this fact. The 2nd bullet is the exact language from the CCC that clearly indicates Ponto Planning Area land use is subject to further analysis, which is also consistent with the verbatim CCC language in the attachment.

- The Draft Housing Element and some City Staff said that Ponto Planning Area F is already land use planned and zoned residential. This is not correct: **As Carlsbad's 2015 General Plan Land Use Element page 2-26 states: "The city's LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to."** Carlsbad is only now just starting the process of considering the amendment to the 2013 LCP in what will be the 2021-2 proposed Draft LCP Land Use Plan (DLCP-LUPA). The first City Council information item on this was on 1/28/02, and the first Planning Commission consideration of the DLCP-LUPA is scheduled for Dec 2, 2020. Although the City Council can provide direction at any time during this process, after the Planning Commission in public hearings makes its recommendations to the City Council the City Council will hold public hearings in 2021-2 and make the City's decision on the actual DLCP-LUPA the City will then submit to the CA Coastal Commission (CCC) for "Certification" as reference on page GP LU page 2-26 **So as clearly stated on page 2-26 of Carlsbad's General Plan, until the CCC "Certifies" the Staff's proposed Ponto Planning Area F land use AND Zoning change from its Existing (2013) "Non-Residential Reserve" land use to the proposed R-23 and General Commercial land uses and 'Implementing' zoning, the as the General states " ... the existing (as of 2013) LCP must be adhered to."**
- from a 7/3/17 CCC letter to City Staff on the City's proposed land use changes at Planning Area F. City Staff for the 1st time 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.”

You misspoke to the HEAC when you said Planning Area F is already planned and zoned residential. It is not yet. The City is proposing that it be residential, but until the CCC fully Certifies the LUP and Zoning on Planning Area F as **Carlsbad’s 2015 General Plan Land Use Element page 2-26 states: “The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city Until such time that this occurs, the existing (as of 2013) LCP must be adhered to.”**

In conclusion I request you 1) provide this information and correction to the HEAC; and 2) you advise the HEAC to move Planning Area F from “existing” on page 10-171 & Figure 10-13: Sites Requiring No Zone Change, and instead account for it in the Figure and Draft Housing Element as a site the City maybe proposing to change to Residential. Until the City Council approves a Draft LCP-LUPA to submit to the CCC for certification we are not clear if the required Planning Area F study will modify the land use at Planning Area F. Please let me know your response.

Thanks,
Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]
Sent: Thursday, December 3, 2020 4:22 PM
To: Lance Schulte
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Good afternoon, Lance,

I’m responding to your bolded statement below re the zoning for Planning Area F. As noted in the staff report for last night’s Planning Commission item on the Local Coastal Program Update (Attachment 5, page 2), the city’s General Plan and Local Coastal Program land use maps currently designate the Planning Area F parcel for residential and commercial development. This can be verified by viewing the land use maps at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24082> and at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24089>.

With regards to the UA (Unplanned Area) or NRR (Non-Residential Reserve) designations, the staff report also notes (Attachment 5, page 3):

The Poinsettia Shores Master Plan provides additional specificity on what and how growth can occur on the property. While the current General Plan and Local Coastal Program land use maps identify the type and level of development intensity on the site, the master plan still refers to Planning Area F as an “unplanned area.” Under the master plan, any future development occurring on the property requires that an amendment to the master plan and Local Coastal Program be processed along with a development application This allows more scrutiny in the planning process and memorializes the ultimate development layout in the planning documents. Today, any development on the property must still comply with the requirements set forth in the General Plan and Local Coastal Program, as well as the master plan.

Amendment of the master plan is an acknowledged part of any future development of Planning Area F. However, any development must be consistent with the General Plan and Local Coastal Program, both of which designate the property for commercial and residential development.

For further information, please refer to the December 2, 2020, Planning Commission staff report on the Local Coastal Program Update, available at <https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46273>.

Thank you.

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

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

Sent: Monday, November 30, 2020 4:17 PM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>

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

Scott:

Thanks. 130 pages of public testimony is on the City's file system for the 6/2/200 and 6/23/20 City Council Budget meetings.

I think much of the other pages likely have been provided, but I think the HEAC should strongly consider the attached files that identify the greater and higher-priority land use need for Ponto relative to the CA Coastal Act policies.

I think as a planner that the HEAC should not be blinded by being a silo and not understanding and consider the wider than housing, land use issues, particularly when higher-priority CA Coastal Act issues are involved as outline in the 9/14/20 email. I would have hoped the HEAC would have had a chance to consider these CA Coastal Act issues.

BTW, we have provided you multiple City documents that Ponto Planning Area F is NOT YET Zoned for Residential use (the PSMP/LCP still is Non-Residential Reserve"), and the GP states until the LCP-LUP is fully certified, the old 2013 LCP LUP applies. That is why the City is NOW proposing a LCP-LUPA. The CA Coastal Commission has also basically told this to the City in 2010, and 2017. You misrepresented the facts to the HEAC today.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Monday, November 30, 2020 11:14 AM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco; info@peopleforponto.com; City Clerk; Council Internet Email

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

Hi Lance,

I have provided the HEAC with all emails you have addressed to the HEAC (and sometimes to the Housing Commission) since September last year. These emails included all attachments provided. However, I don't believe those emails included a 200-page attachment of Carlsbad Citizen People for Ponto public comments, emails, data, etc. If you would like that information considered by the HEAC or other commissions, please forward it to the respective committee liaisons.

HEAC staff reports have not included any discussion on P4P citizen input. The HEAC has received some public comments regarding Ponto that have been read into the record.

Thank you.

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

Sent: Wednesday, November 25, 2020 3:05 PM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>

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

Scott:

Thanks, but:

- Can I ask if staff ever presented the 200-pages of Carlsbad Citizen People for Ponto public comments, emails, data, etc. to the HEAC and Housing Commission?
- If so can we see documentation that Staff did in fact provide the Citizen Input and when?
- Did, staff provide any discussion in the Staff Report to the HEAC/HC on the P4P Citizen input you received for the HEAC/HC?
- Could you provide a copy of the Staff reports to the HEAC/HC that included the P4P Citizen input and Staff discussion of that input?
- It would have been nice to know if any of the People for Ponto Citizen input, data, requests where ever discussed by City Staff with the HEAC/HC at a public meeting?
- Given the significant amount of Citizen concern about Ponto Park, and the fact that the City's Ponto Planning Efforts since 2010 where flawed in not publicly disclosing the Ponto Planning area F's LCP requirements so Citizens could have the knowledge to participate in the Ponto Planning Area F planning issues.
- As a citizen, I am concerned that Staff maybe purposely withholding P4P Citizen information from the HEAC/HC with regards to Ponto Planning Area F, and thus not allowing true public participation. If you can provide evidence of when, who, and how our Citizen input was considered by Staff and the HEAC/HC that would be much appreciated, as P4P Citizens would like to participate in that public discussion with the HEAC/HC

I apologize if this email may sound pointed, but it seems all the citizen input gets lost and never discussed or reported on/back when submitted to Staff for consideration by our Citizen Commissions/Committee's.

We would like to request documentation from you on the above bullets so citizens know if/when their input is actually transmitted, and considered by staff and the HEAC/HC.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Wednesday, November 25, 2020 1:12 PM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco; info@peopleforponto.com

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

Hi Lance,

The Housing Element Advisory Committee will be discussing the Housing Element over its next two meetings on November 30 and December 14. We anticipate the discussion will likely focus on the policies and programs and ultimately the changes proposed to the current draft before it is submitted to the state for initial review. The meeting agenda for the November 30 is focused solely on this discussion. I anticipate the December 14 agenda will be similar.

I bring this up because I think if discussion regarding the Ponto property or another site were to occur, it would happen not as a separate agenda item but perhaps as part of committee deliberations on the policies and programs. Of course, the public is welcome to participate in the meeting by submitting comments to the committee before or during the meeting. Please see the committee's November 30 agenda for further information on commenting at <https://cityadmin.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46299>.

More information on the HEAC meetings, as well as a similar meeting before the Housing Commission on December 3, is available at <https://www.carlsbadca.gov/services/depts/planning/housing/default.asp>.

Have a nice Thanksgiving.

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

Sent: Wednesday, November 18, 2020 10:44 AM

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

Cc: David De Cordova <David.deCordova@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; info@peopleforponto.com

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

Scott:

Thanks. I very much appreciate your communication with us. I am curious to see from you and/or HCD the exact language and location of State Law regarding the legal status of 'buildout planning' and how that is reconciled with finite Coastal Land resources under clearly in State Law. Without seeing and reading the State law on these issues

Although (the attached public testimony to the City Council on 1/28/20 correcting staff report information) noted all State law and CA case law clearly seems to indicate the CA Coastal Act overrides CA housing laws if there are competing or conflicting issues, it would be nice to get HCD confirmation of that as Coastal Cities like Carlsbad need to have that clear understanding as you work on reconciling CA Coastal and housing policy objectives and laws. Coastal Recreation (i.e. Public Park) is a 'high-priority land use residential land use is a 'low-priority' land use under the CA Coastal act. I hope you all as staff advising both the Parks and Housing Commission/Committee are communicating and discussing that? It would be nice to see and participate in that public disclosure and discussion with the Parks and Housing Commission/Committee. Can that be arranged?

Please know I am not anti-affordable or high-density housing, but there are good/right locations for that and bad/wrong locations for that and that is what Comprehensive Coastal and Non-Coastal Land Use Planning is all about. I have been the pm on many city housing elements, structured innovative and ahead of the time affordable housing programs, been on award winning affordable housing design teams, and received professional awards on TOD land use planning to advance/fund housing affordability. I and I believe most citizens are not anti-affordable housing, but how we in Carlsbad are going about it is creating conflict and needs some 'comprehensive' rethinking and refocus to factor in other issues such as Parkland location/distribution to truly advance and preserve quality of life standards.

Let me know the HCD State law citations and when/how People for Ponto Citizens can discuss with the Parks and Housing Commissions and HEAC the Ponto Park and CCA and LCP issues.

Thanks again. With good open, honest, inclusive and comprehensive dialog the best ideas and solutions are possible. That is what People for Ponto want and we hope that is what you and the City want.

Lance

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Tuesday, November 17, 2020 8:29 AM

To: Lance Schulte

Cc: David De Cordova; Mike Pacheco

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

Good morning,

I can't speak for the Housing Commission and Parks and Recreation Commission so I'm copying their liaisons on this reply.

With regards to the Housing Element Advisory Committee, it would be up to a committee member or members to bring up your communication at a meeting. The committee does receive letters and emails periodically and sometimes they are discussed at meetings. However, I would not expect a reply to a communication other than what may be discussed at a meeting.

As for potential conflict between the objectives of the Coastal Act and state housing law, I understand the issue, but I'm not aware of language that addresses that. We are communicating regularly with HCD so I can check with them for any guidance I do know HCD did receive your 11/10 email.

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

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

Sent: Monday, November 16, 2020 7:27 PM

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

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

Scott:

Thanks for your explanation.

When will the HEAC and Housing Commission and Parks Commission consider/discuss and/or reply to the communications?

I am sorry I and other citizens are maybe a bit sensitive about making sure our Citizen communications are delivered/circulated and that Citizens have some communication back as to how citizen input is being considered. We found out the hard way, that on several past occasions and after the fact that citizen input was 'modified and incorrectly paraphrased', discarded, not delivered nor discussed nor factored into recommendations or decision making. Those multiple experiences created citizen mistrust about the city staff and city's entire public participation process. I have successfully worked in some challenging Coastal infill Cities and the most successful way to address those challenges is good two-way communication and the golden rule. As an ex-city planner and city employee, I can see how difficult it is for average citizens to understand the confusing language and processes of government and how public participation processes (designed by city staff or consultants) many times fail to really consider how citizens are best able to receive, processes and provide input. My wife is a market research and customer professional and she sees the same things also.

We love Carlsbad, and our citizen comments are based in that love of City and place.

Thanks again. I am sorry if my emails may have caused issues for you. If they did please let me now and I will be happy to talk with any supervisors to express the above and how I appreciate you graciously following up.

Lance

Also, I tried to again reach out to HCD to ask about CA State Law language regarding 'buildout' planning and priority if Ca Coastal Act and Ca affordable housing policy conflicts on precious remaining vacant Coastal lands. Do you have those CA State Law references and language? All HCD and SANDAG Department heads I used to know professionally are retired now.

From: Scott Donnell [<mailto:ScottDonnell@carlsbadca.gov>]

Sent: Monday, November 16, 2020 4:10 PM

To: Lance Schulte

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

Hi Lance,

When I mentioned “overlooked,” I was not referring to any staff but me. I overlooked the email. I apologize that happened. And, sure, if I have questions on the contents of your email, I would contact you for clarification.

Fortunately, for the November 14 email below, you have already sent it to the liaisons for the Housing Commission, Parks and Recreation Commission, and Planning Commission; to the City Manager, Deputy City Manager, and City Clerk; and to the “Council Internet Email” address. Sending the email to them again may cause confusion.

In addition, I already forwarded your emails of November 10 and September 14, plus their attachments, to the Housing Commission and Parks and Recreation Commission liaisons (Dave De Cordova and Mike Pacheco, respectively). I do see these emails were already sent to the City Manager and to Council Internet Email as well. The Planning Commission liaison (Don Neu) has also received the emails.

As the liaison to the HEAC, I forwarded these November 13 and 14 follow-up emails to the committee (as well as your email today re Veteran’s Park). The HEAC has already received the November 10 and September 14 emails and their attachments.

Your suggesting about amending the automatic replies to include key city contacts is helpful. We can look into changing our outgoing responses along these lines.

Thanks.

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: Saturday, November 14, 2020 9:30 AM

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

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

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

Scott:

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

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

that how it is done in Carlsbad? Can the City explain how the City's process works and how that process 'overlooked' these communications?

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

If I can offer the City a suggestions on the above, when I was City Planner at the City of Dana Point and the project manager of both the City's first comprehensive General Plan and Local Coastal Program and Zoning Ordinance, the City received many Citizen letters and emails. I formally responded to each one with a documented letter or email explaining how, who, when their issues are being addressed, how they could further participate in that open and public discussion, and who (me) they could contact if they had any questions. This created productive two-way communication which is the entire point of communication. We hear from our fellow Carlsbad Citizens that communication with the City of Carlsbad many times is a one-way-street, or that Citizen input goes into a 'black hole', and there is limited or no public accountability by the City of the Citizen input the City receives. When Citizens provide input to the City Council the City only sends the following Robo reply of: "Thank you for your email. City staff are currently working in shifts – at home, from city offices and the Emergency Operations Center following the 6-foot distance rule – to maintain all essential city services. For questions related to COVID-19, please visit our dedicated COVID-19 webpage which is updated daily with important information and resources. <https://www.carlsbadca.gov> If this is regarding another topic, we appreciate the time you have taken to share it with the Carlsbad City Council. If an action is required from your email, the appropriate person will be in contact with you soon. Thank you". Unfortunately this almost always the only response Citizens will get back from the City Staff and City Council on their Citizen input. Citizens don't know who, how, when, were, etc. their input is being considered. Citizens don't know if-how-when their message is being considered, or if was/is 'overlooked' or simply discarded. Having worked as a City Planner for decades I fully understand the challenges of public Citizen input and participation in City decision making. However, I also know there are likely much better ways the City of Carlsbad could use to dialog and account. The 'overlooked' communication we are discussing and the fact, that if I did not follow-up with the Nov 10th email and these emails, the emails would never have been delivered by the City Staff is an example of opportunities to learn from and improve City systems. Perhaps the City Staff could amend the Robo reply to include the Key City Staff email contacts for each of the City's key functions along with Commission/Committee Liaisons, and provide a reply back to Citizens who in that email contact list Citizens show resend the Citizen input to with a cc to that/those City Staff Contacts.

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

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

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

Sincerely,
Lance Schulte
Carlsbad Citizen and People for Ponto

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

Hi Lance,

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

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

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

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

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

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

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

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

Have a good weekend.

Scott Donnell
Senior Planner
1635 Faraday Avenue

Carlsbad, CA 92008-7314

www.carlsbadca.gov

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

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

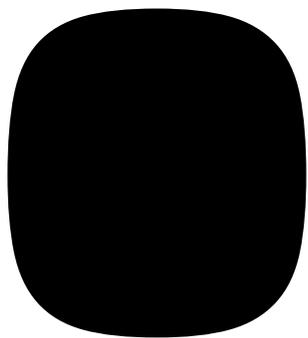
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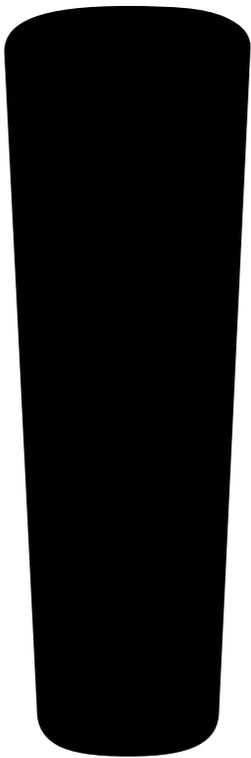
To: Scott Donnell <Scott.Donnell@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Celia Brewer <Celia.Brewer@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Teresa Acosta <Teresaforcarlsbad@gmail.com>; Gary Barberio <Gary.Barberio@carlsbadca.gov>

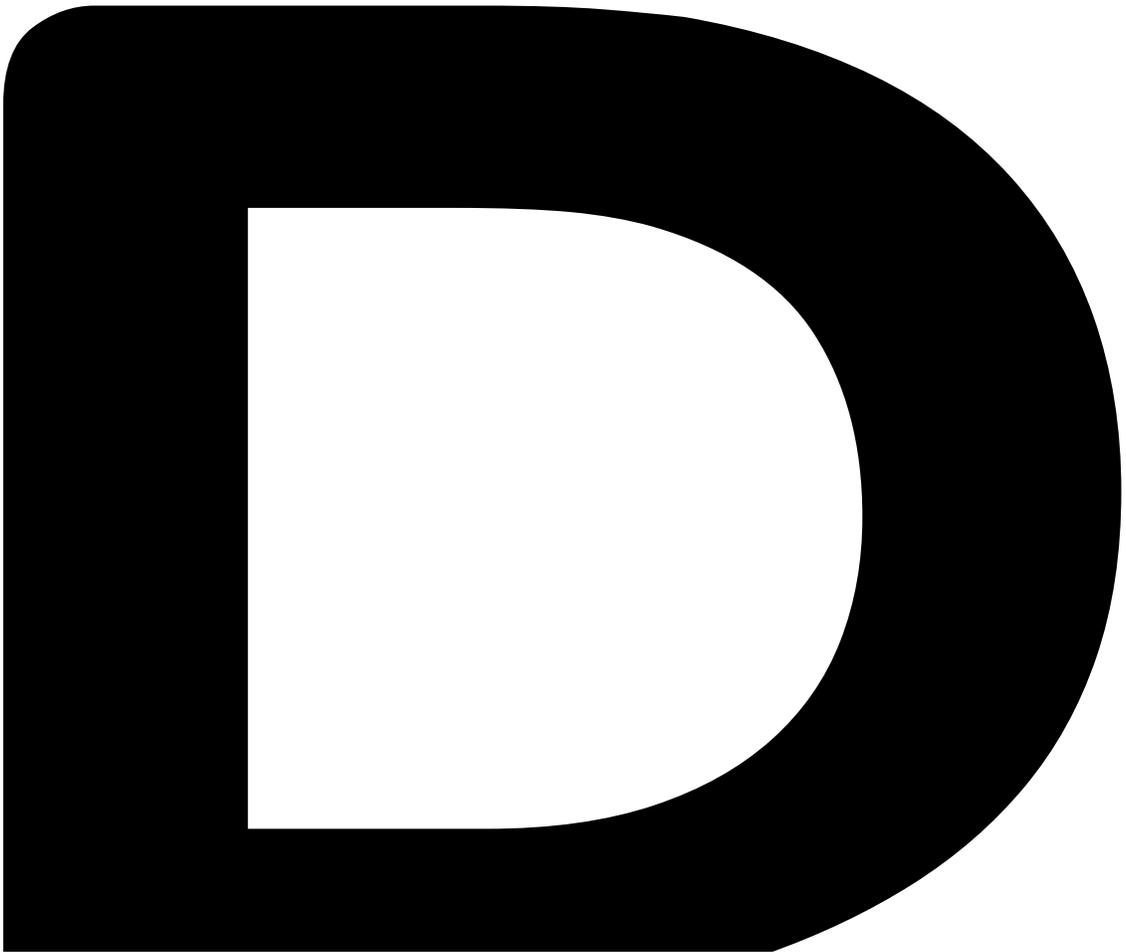
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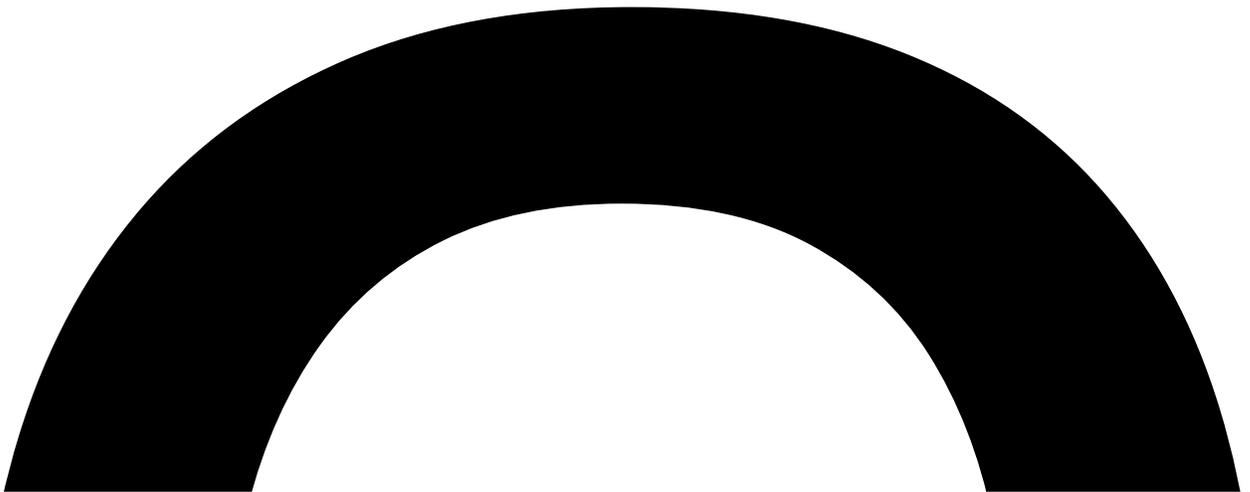
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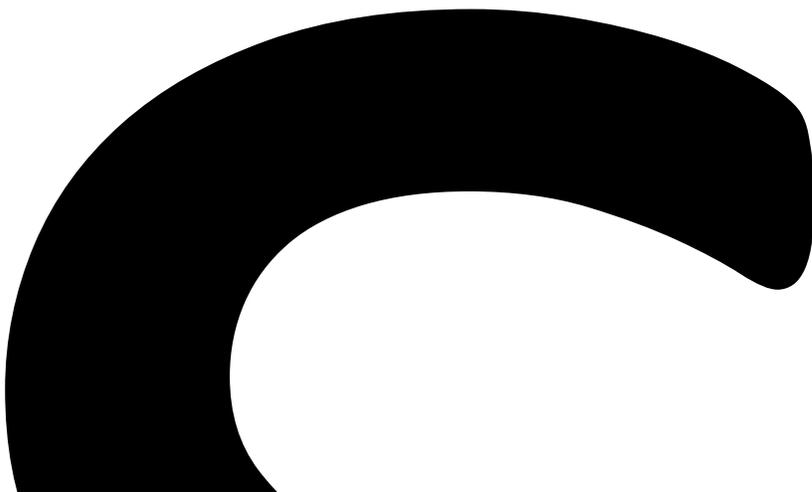


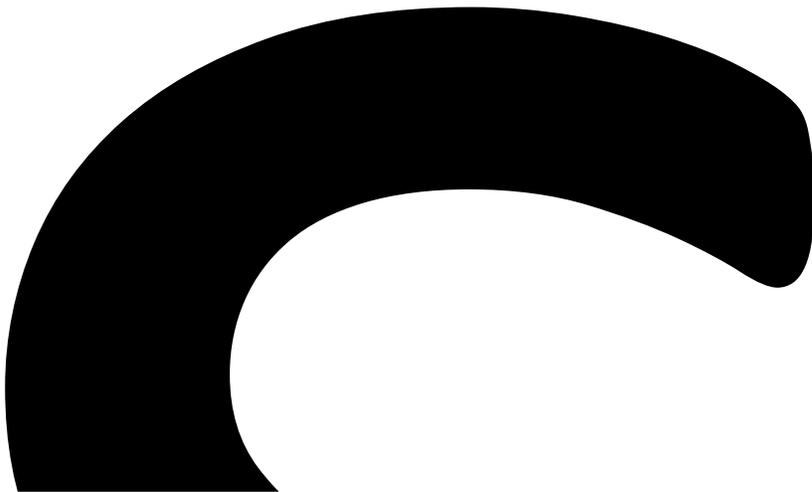




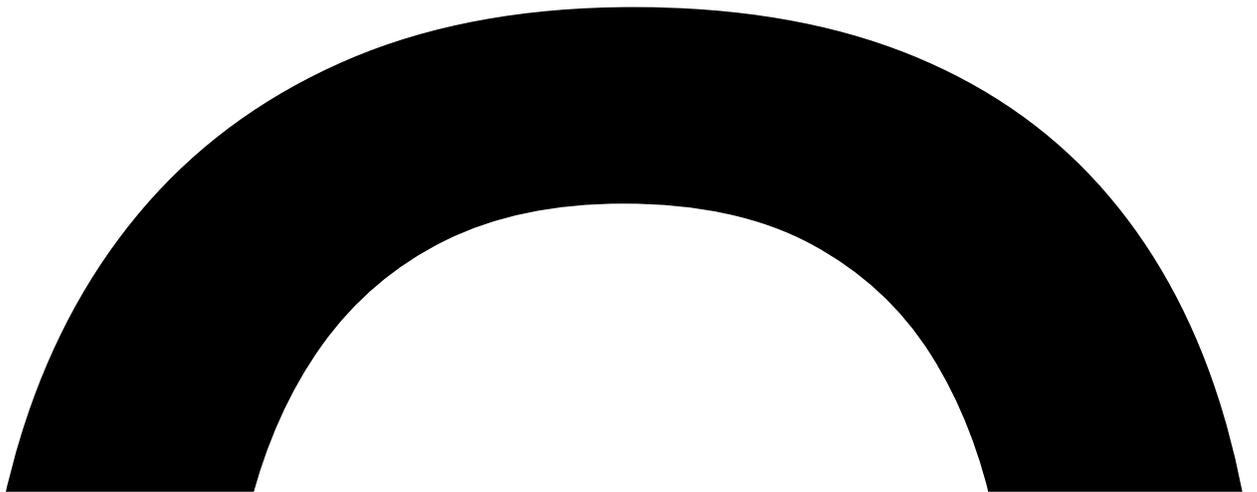


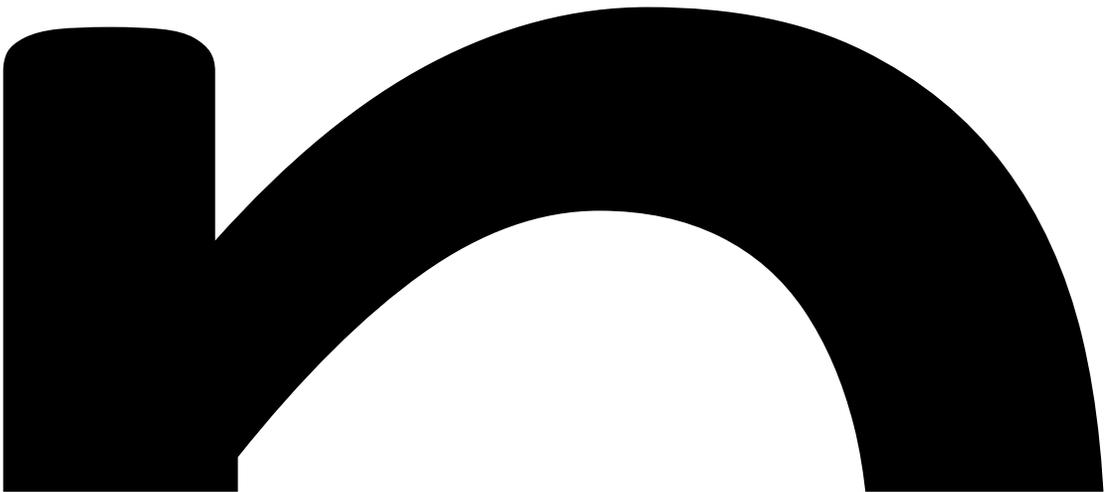


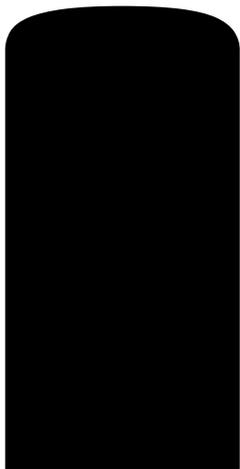
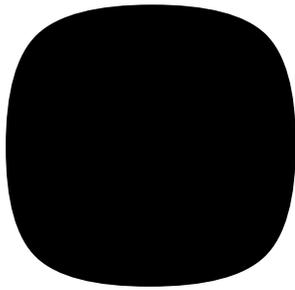




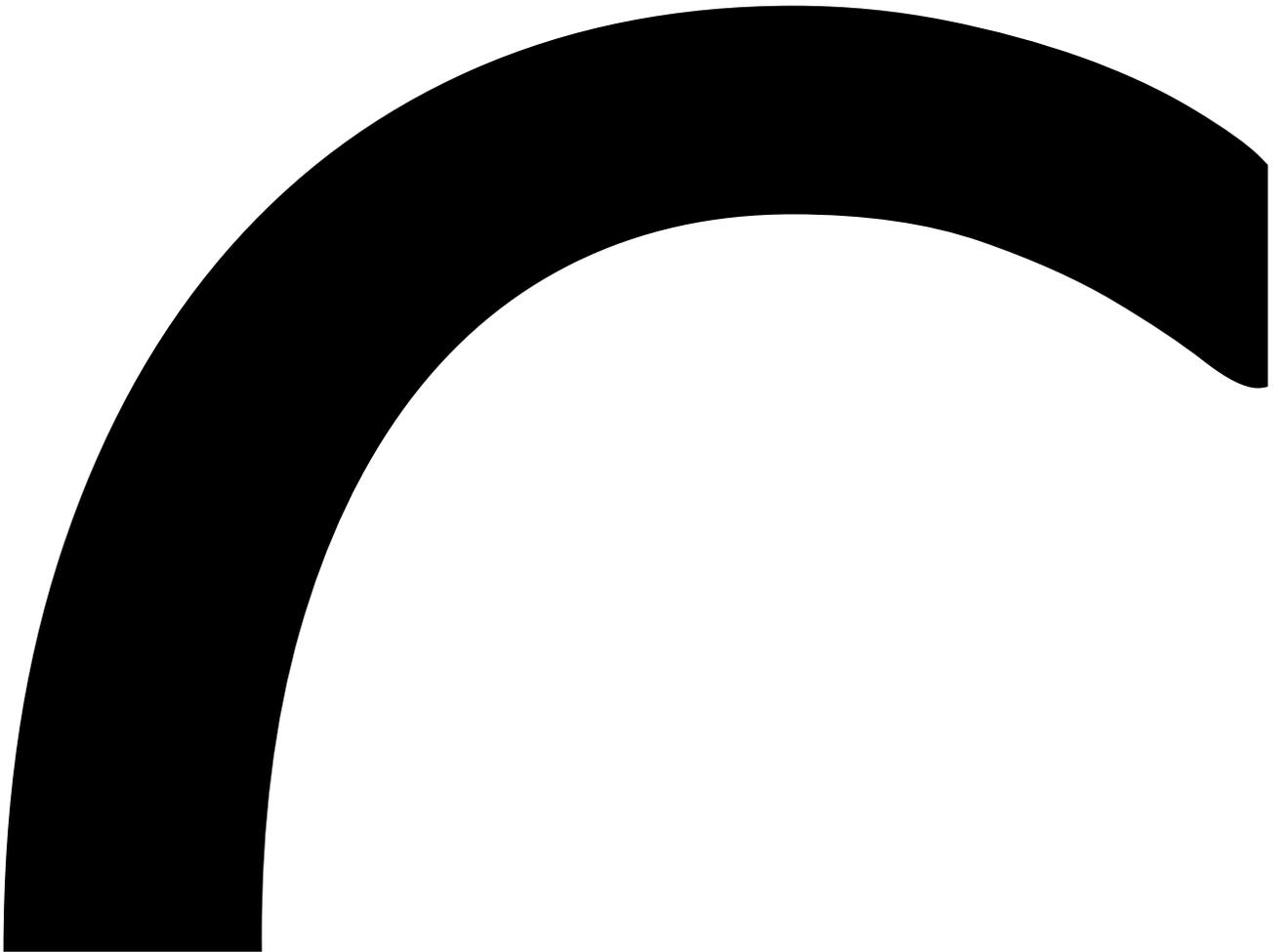


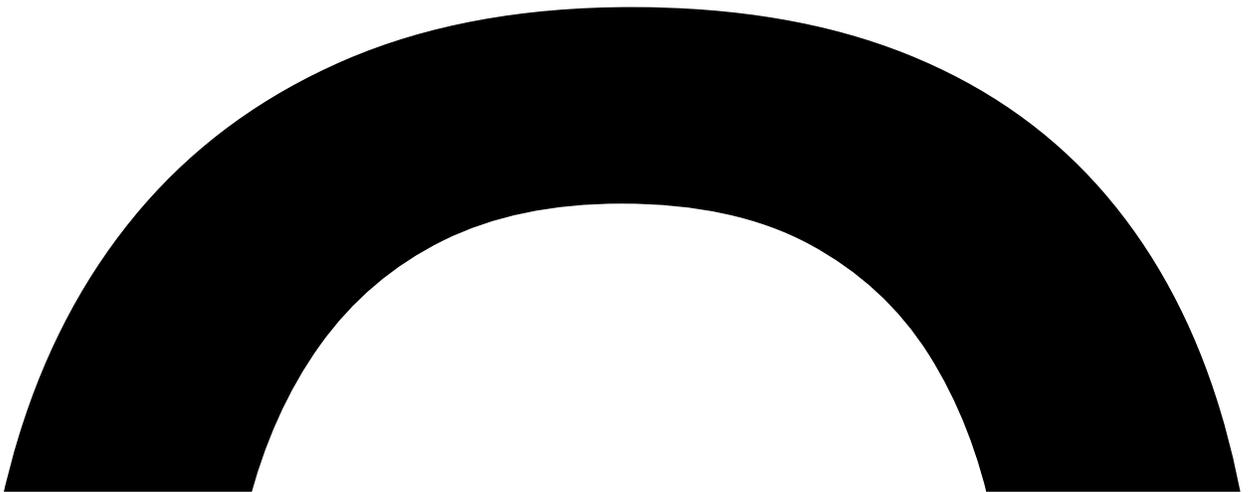


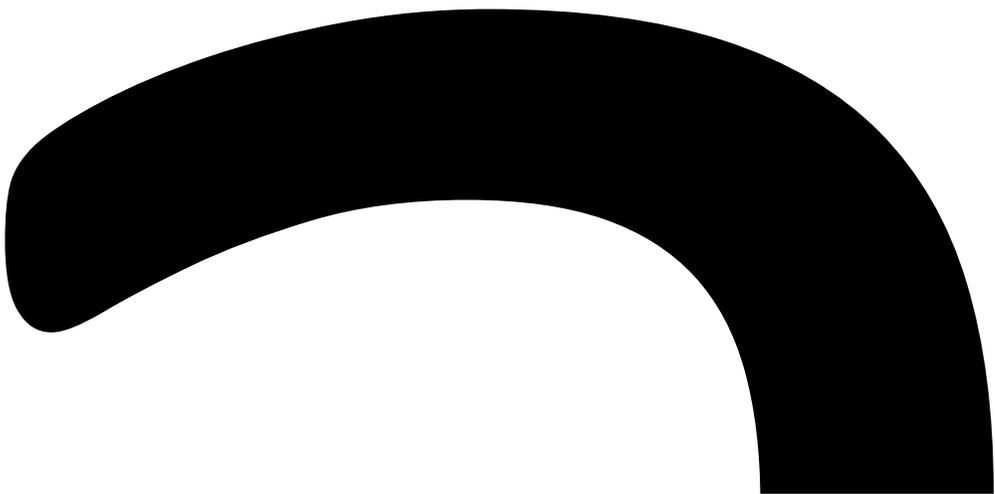


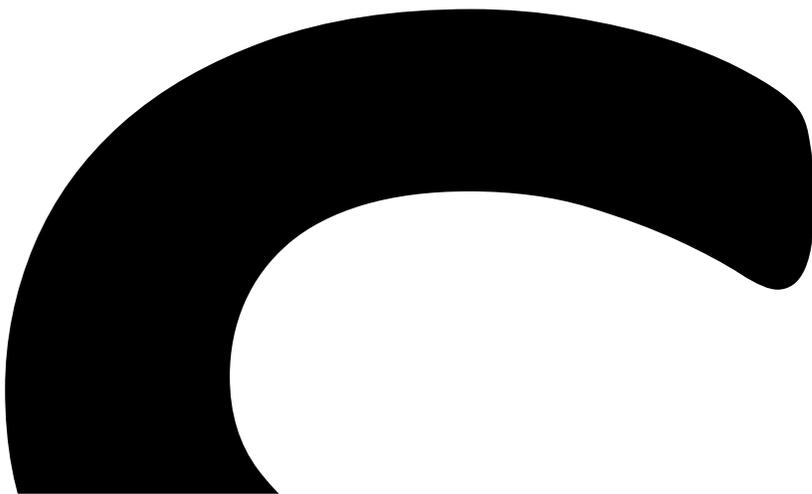


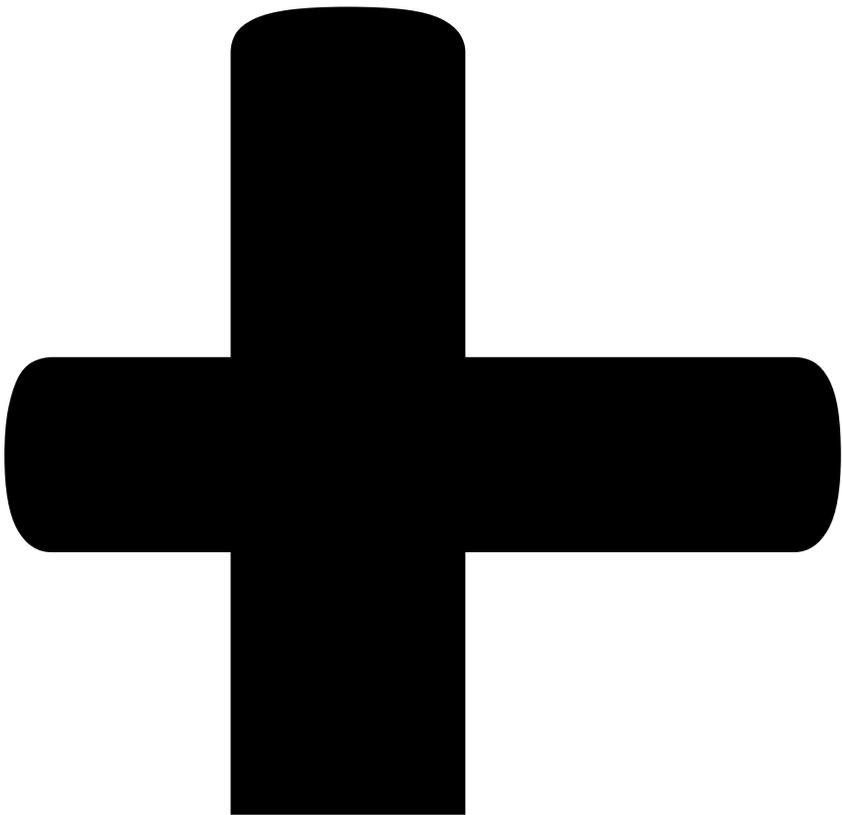


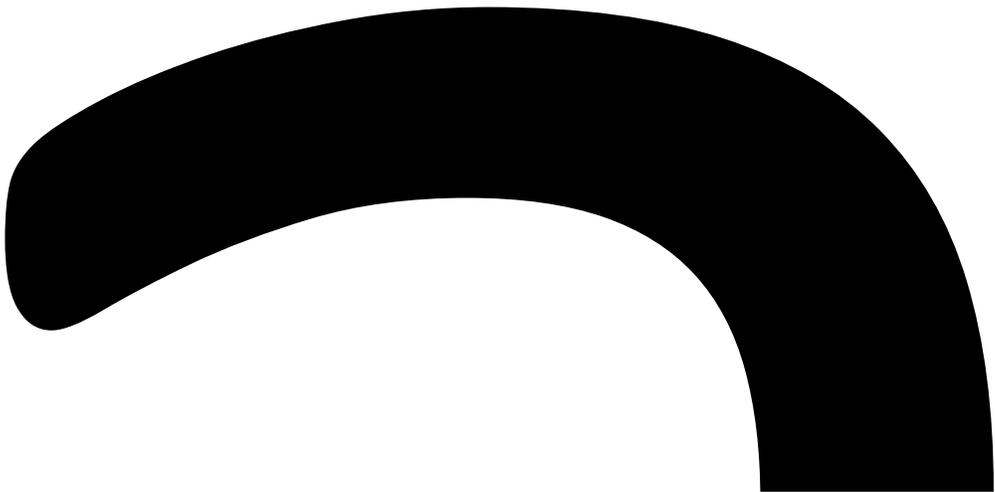


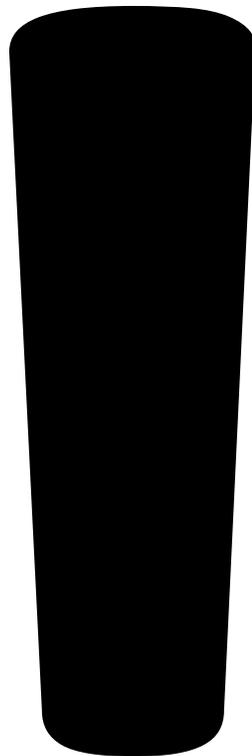
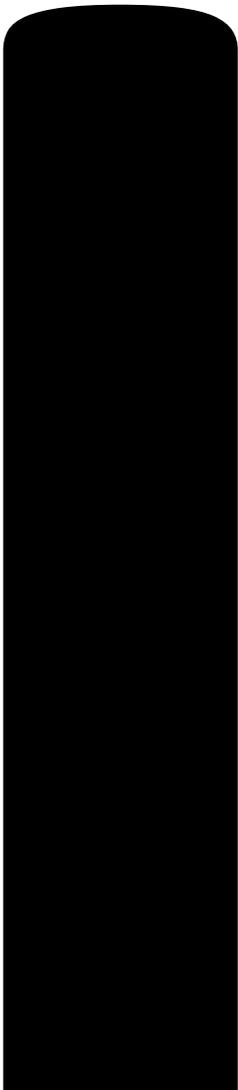














Toni.Ross@coastal.ca.gov; 'Cort Hitchens' <cort.hitchens@coastal.ca.gov>; Jeff Murphy <JeffMurphy@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philipdiehl@suniontribune.com>; Mike Sebahar <sebbiesixpack@att.net>
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Scott, City management, and City Council:

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

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

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

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

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

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

Since 2017 citizens has asked for a true honest open and coordinated truly citizen-based planning process to address the acknowledged prior City planning mistakes at Ponto and properly address the interconnected Coastal land use planning issues and significant Parks and Open Space deficient issues at Ponto. As noted in the emails below, Ponto is the last bit of remaining vacant Coastal land to provide much needed high-priority Coastal Recreation land use per the CA Coastal Act for not only the current park deficit at Ponto, SW Carlsbad, and the 6-mile regional Coastal Park Gap, but also for what appears to be maybe a specific State Law requirement for unlimited (i.e. the City is prevented form planning for a "Buildout" population or visitor accommodation) population and visitor growth in Carlsbad. This makes planning for accommodating an unlimited amount of Coastal Park and City Park land within a finite amount of vacant Coastal and non-coastal land. This issue as stated in the Sept and Nov emails below if FUNDEMENTAL 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:ScottDonnell@carlsbadca.gov>]
Sent: Tuesday, November 10, 2020 8:20 PM
To: Lance Schulte; Scott Chadwick; Celia Brewer; City Clerk
Cc: Erin Praher; Ross, Toni@Coastal; Cort Hitchens; Jeff Murphy
Subject: RE: Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

Hi Lance,

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

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

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

Please let me know if you have any questions.

Thank you.

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

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

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

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

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

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

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

Scott:

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

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

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

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

Sincerely,
Lance Schulte

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

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

To: Lance Schulte

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

Good morning, Lance.

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

Best regards,



Jennifer Jesser

Senior Planner

Community Development Department

Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

www.carlsbadca.gov

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

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

Sent: Tuesday, November 10, 2020 6:22 AM

To: Council Internet Email <CityCouncil@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Erin Prahler <Erin.Prahler@coastal.ca.gov>; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; Cort Hitchens <cort.hitchens@coastal.ca.gov>; Lisa Urbach <lisa.urbach@parks.ca.gov>; Zachary.Olmstead@hcdca.gov; Megan.Kirkeby@hcd.ca.gov; Scott Donnell <Scott.Donnell@carlsbadca.gov>

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

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

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

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

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

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

The clear communication of 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 crowed and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources? Citizens need a coordinated State of CA and City response to: *"6-23-20 City Council Budget meeting – 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 and email regarding clarification of apparent City errors/misrepresentations on 1/28/20 regarding a) the CA Coastal Act’s relationship with CA Housing laws regarding CA land use priorities and requirements within the CA Coastal Zone, and b) City planning documents and City planning and public disclosure mistakes regarding Ponto. The clarification of the issues noted on 1/28/20 should be comprehensive, and holistically and consistently disclosed/discussed in each of the City’s and State’s Coastal-Land Use Planning-Parks-Housing planning efforts showing the principles and legal requirements for how potential conflicts within State/City Policies are to be resolved.
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: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); ["Ross, Toni@Coastal"](#); [cort.hitchens@coastal.ca.gov](#); ["Lisa Urbach"](#); [info@peopleforponto.com](#); ["Bret Schanzenbach"](#); [Kathleen@carlsbad.org](#); [Planning](#); ["McDougall, Paul@HCD"](#); ["Mehmood, Sohab@HCD"](#)
Cc: [info@peopleforponto.com](#)
Subject: Carlsbad DLCP-LUPA & Ponto issues resent Public Input - FW: City Council reply to Citizens concerns and requests regarding Ponto development
Date: Monday, December 21, 2020 8:48:46 AM
Attachments: [Concerns and Requests emailed to Carlsbad CC-PC-PC & CCC as of 3-22-18 - item 1 - Coastal South Carlsbad Park deficit.pdf](#)
[Carlsbad Parks & Rec Master Plan pp 87-88 with correction-notes.pdf](#)
Importance: High

Dear Carlsbad City Council, City Clerk, Planning Commission, Parks Commission, Housing Commission, HEAC, CA Coastal Commission, and CA HCD:

Carlsbad Citizens first became aware (due to extensive Public Records research) of the Carlsbad's failure (current and starting before 2010) to comply with the still existing Certified Local Coastal Program Land Use and Zoning Regulations (LCP) for Ponto Planning Area F (to specifically consider and document the need for a Ponto "Public Park" prior to changing the NRR land use on Planning Area F, and also developers' Growth Management Open Space Standard (GMP) non-compliance at Ponto in 2017. Since 2017 with this awareness Carlsbad and surrounding Citizens and Visitors have repeatedly documented the need for a Ponto Park and asked the Carlsbad City Council and Staff to provide for it on Planning Area F as the exiting LCP provides for. Since 2017 over 2,800 emails/petitions have been sent to the City and CA Coastal Commission (CCC), over 200 pages of official written (emailed) data and public comments, along with numerous presentations to prior City Council meetings on the LCP and GMP.

In Dec 2, 2020 Carlsbad began the Planning Commission Public Hearing on the Staff proposed Draft Local Coastal Program-Land Use Plan Amendment (DLCP-LUPA) to propose to the CA Coastal Commission a change to Planning Area F's existing NRR land use and zoning. The flood of over 450 emailed public input for that specific meeting overwhelmed the City email server. As part of that process the City said in the Dec 2 email below it was going to post on its website all the Citizen/public input received on the DLCP-LUPA. On Dec 3 People for Ponto asked the Carlsbad City Council, City Clerk and City DLCP-LUPA Staff - would that posting would include all the LCP communications since 2017 when Citizens first became aware started Public Input to the City and CCC on the Ponto LCP issues?

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

Sent: Thursday, December 3, 2020 11:13 AM

To: 'Planning'; 'info@peopleforponto.com'

Cc: 'Jennifer Jesser'; 'Don Neu'; 'City Clerk'; 'CityCouncil@carlsbadca.gov'; 'Erin Prahler'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); Carrie Boyle (carrie.boyle@coastal.ca.gov)

Subject: RE: 121 undeliverable Protect Ponto petitions

To City of Carlsbad and Carlsbad Planning:

We assume when you say 'records department' you mean City Clerk?

We also assume you mean 'all comments submitted' includes written comments and attachments; and Ponto related communications, presentations, public testimony and Public Records Requests to the City since 2017 - when Citizens first became aware of Existing Ponto Planning Area F LCP regulations and received CCC direction to the City on those Regulations? Can you please confirm this as this is all part of the Citizen comments and data that is part of the public record regarding the subject matter? The City is [using] 2015 input to justify current City Staff proposals, so the City should acknowledge and include People for Ponto Citizen input since 2017 on the same subject matter.

*Thanks,
People for Ponto*

*From: Planning [mailto:Planning@CarlsbadCA.gov]
Sent: Wednesday, December 2, 2020 6:29 PM
To: info@peopleforponto.com
Cc: Jennifer Jesser; Don Neu
Subject: RE: 121 undeliverable Protect Ponto petitions*

Hello,

At the conclusion of the meeting all comments will be submitted to the records department. The records department will make the full record available on the city's website. At that time, I would suggest reviewing the record in its entirety to compare to what you submitted. Thank you.

It has been almost 3-weeks without a City response to the Dec 3 email, so People for Ponto will start re-emailing to the City and CCC public input on Ponto LCP and DLCP-LUPA issues since 2017 as 'resent official Public Input' to the City Council and CCC for the upcoming City Council DLCP-LUPA Public Hearing and other City meetings dealing with land use at Ponto. This '2017-present Public Input' should be posted on the City's website as noted in the City's Dec 2 email. The 2017-present Public Input is critical because there are now different City Council and CCC members since 2017. The 2017-present public input is critical to assure a proper Public Participation process consistent with Carlsbad and CA Coastal Act principles and assure the new City Council and the current CA Coastal Commission has the information and understands the extensive amount of multi-year public input expressing concerns, needs and desires for Ponto.

Following and attached is one of those many inputs.
Sincerely,
People for Ponto

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Friday, April 6, 2018 10:00 AM
To: 'council@carlsbadca.gov'; 'mike.pacheco@carlsbadca.gov'; 'Don.Neu@carlsbadca.gov';

'manager@carlsbadca.gov'; 'chris.hazeltine@carlsbadca.gov'; 'gbuhr@coastal.ca.gov';
'Erin.Prahler@coastal.ca.gov'; 'debbie.fountain@carlsbadca.gov'; 'Celia Brewer'
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick';
'jeanscamp@yahoo.com'; 'sebbiessixpack@att.net'; 'Lee Leibenson'; 'Gail Norman'; 'John Gama'; 'Harry
Peacock'; 'Patti Travis'; 'colinrobertsonrealestate@gmail.com'; 'Farhad Sharifi'; 'Jim Burke'; 'Stacy King'
Subject: RE: City Council reply to Citizens concerns and requests regarding Ponto development
Importance: High

Dear Carlsbad City Council, Planning and Parks Commissions and City Staff:

We request that the attached files also be included in the public record for any City discussion on adjusting/amending the:

- City's Growth Management Program facilities standards,
- Growth Management Ordinance CMC 21.90,
- Citywide Facilities Improvement Plan and/or
- Local facilities Management Plan for Zone 9.

We have updated the Carlsbad Parks and Rec Master Plan exhibits to include an additional image showing the wider/longer Regional Coastal Park Gap which surrounds the Coastal Park void in Coastal South Carlsbad, and the many inland homes/population without a Coastal Park. We kindly request advance notification on any staff reports or meetings on the above as we would like to most effectively participate in public review and input. We are also available and happy to meet with you to discuss these attached issues in advance of consideration of any of the above. If we could receive a confirmation reply it would be most appreciated. Thank you for your consideration.

We sincerely care about the quality of life in our City and neighborhoods.

Sincerely,
Lance Schulte

From: Lance Schulte [mailto:meyers-schulte@sbcglobal.net]
Sent: Tuesday, March 6, 2018 9:14 AM
To: council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov;
manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov;
Erin.Prahler@coastal.ca.gov; debbie.fountain@carlsbadca.gov; Celia Brewer
Cc: 'Jim Nardi'; 'WILLIAM VAN CLEVE'; 'Avril van Zyl'; 'Tony Ruffolo'; 'Chas Wick';
jeanscamp@yahoo.com; sebbiessixpack@att.net; 'Lance Schulte'; 'Lee Leibenson'; 'Gail Norman'; 'John
Gama'; Harry Peacock; 'Patti Travis'; colinrobertsonrealestate@gmail.com; Farhad Sharifi; Jim Burke;
'Stacy King'
Subject: City Council reply to Citizens concerns and requests regarding Ponto development
Importance: High

Dear City Council, Planning and Parks Commissions:

The attached file includes 4 emails to you regarding Ponto development issues and requests that relate to our community concerns to Develop Ponto Right. One email was sent August 31, 2017 and three were sent December 5, 2017. As yet we have not received a reply to the requests within the emails. We respectfully request a reply soon to these 4 emails as we wish to inform our Community.

Also attached are 2 pages from the City's Park and Recreation Department Master Plan that graphically illustrate some of the Coastal Park inequalities/deficits in South Carlsbad that also impact Coastal North Carlsbad and Encinitas. Please note the Veteran's Park location mapping error on p 87, which we hope can be corrected – a response to correct this mapping would be appreciated.

It is important that we all work to Develop Ponto right as the last remaining significant vacant Coastal land to establish the long-term buildout Coastal environment for South Carlsbad and North San Diego County.

Thank you for your consideration.

Sincerely,

Lance Schulte

San Pacifico Community Association – Ponto Development Review Committee

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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

Email To:

council@carlsbadca.gov; mike.pacheco@carlsbadca.gov; Don.Neu@carlsbadca.gov;
manager@carlsbadca.gov; chris.hazeltine@carlsbadca.gov; gbuhr@coastal.ca.gov;
Erin.Praher@coastal.ca.gov;

Copy:

Jim Nardi <jimn8916@gmail.com>; WILLIAM VAN CLEVE <billvancleve@prodigy.net>; Avril van Zyl
<vanzyl.aakc@live.com>; Tony Ruffolo <tonyruffolo616@gmail.com>; Chas Wick
<chaswick@reagan.com>; jeanscamp@yahoo.com; sebbiessixpack@att.net; Lance Schulte <meyers-
schulte@sbcglobal.net>; Lee Leibenson <lleibenson@waltersmanagement.com>

Dear Carlsbad City Council, Planning Commission and Planning Staff; and California Coastal Commission Staff

The following is being submitted by the San Pacifico Community Association Ponto Beachfront Development Review Committee. The Committee is composed of about 20 citizens and is charged by the San Pacifico Community Association with identifying and communicating Community consensus on proposed development in our Ponto Community. We would appreciate receiving a reply; and if you have any questions regarding its contents please contact the following committee members at:

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
Gail Norman: gnorman_ca@yahoo.com
John Gama: Johngama99@gmail.com

Copy:

Lee Leibenson: lleibenson@waltersmanagement.com
Jim Nardi: jtnardi1@msn.com

Subject: Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and 2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-16-02, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

The above applications propose planning changes and development permits that require amendment to the Local Facilities Management Plan [LFMP] for Zone. The developer applicant Shopoff has filed with the City the **attached** Amendment to the LFMP for Zone 9 to show their proposed compliance with the City's' Growth Management Standards.

The Current LFMP for Zone 9 says Zone 9 already meets the Growth Management Open Space standard, but no data or evidence supports this statement. A Public Records Requests PRR-2017-164 and PRR-2017-288 were submitted to see if there was any data or evidence, and the City has confirmed that there is no record of data or evidence that shows that LFMP Zone 9 meets the minimum Growth Management Open Space Standard. Data related to the City of Carlsbad Annual Open Space Status Report for Fiscal Year 2016/2017 July 1, 2016- June 30, 2017 in fact seems to show the exact opposite -

the Growth Management Open Space Standard is not being met in LFMP Zone 9. The LFMP for Zone 9 should be required to be updated to provide the data and evidence to clearly and accurately show compliance with the Standard. The City's Growth Management Ordinance [CMC 21.90.130] specifically states that:

"The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements."

"If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met."

We respectfully request the City Manager and City Council require the developer amending the LFMP for Zone 9 to provide a Growth Management Program Open Space analysis and show compliance with the Growth Management Open Space Standard. We believe the developer's applications to change land use planning and then apply for development permits should be considered incomplete until without having clear and documented data [maps, tables, and analysis as required by CMC 21.90] that shows compliance with the Growth Management Facility Standards – including Open Space.

We also would like to request the process of evaluation of this request and subsequent Amendment to LFMP for Zone 9 be well published to the Community and boarder Carlsbad Community given the long term concern Citizens have regarding Open Space and Open Space issues being a Core Value adopted by the City: "Prioritize protection and enhancement of open space ..." and another Core Value to "Build on the city's culture of civic engagement ...". Involving the Community in analyzing and addressing the LFMP Zone 9 Open Space can be a very positive community effort and experience and show how our Growth Management Program works.

Thank you. We sincerely appreciate your consideration. As mentioned earlier if you have any questions please contact us, and we would sincerely appreciate receiving a reply.



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

April 5, 2019

Mayor and City Council Members
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Subject: South Carlsbad Ponto Beach Area F Opportunity for Partnerships to Benefit the City of Carlsbad and North San Diego County

Dear Carlsbad Mayor and City Council:

The Batiquitos Lagoon Foundation (BLF) proposes in principle establishing a partnership with the City of Carlsbad for acquisition of property and creating aesthetically-pleasing development of a West Batiquitos Lagoon area associated with implementation of Carlsbad's Local Coastal Program requirements for Planning Area F, and Coastal Priority Use and City Park planning. This very significant area is one of the last remaining areas near the beach within the City for development. This area also serves as the gateway between the cities of Encinitas and Carlsbad along Pacific Coast Highway (PCH) 101. With a boutique hotel under construction along the highway at the border between the two cities, another 5-star hotel planned in the area (i.e., by Kam Sang), existing hotels along the coast nearby, and proximity to South Carlsbad State Beach and campground (one of the most popular in the state), this area has the potential for becoming a local hot spot and tourist-serving place to visit for residents throughout the county.

The BLF had a representative nominated to and served on the City of Carlsbad's Open-space Citizens Advisory Committee, Envision Carlsbad (EC3) project committee, the Ponto Beachfront Village Development Plan Committee, and the General Plan Update effort. This experience has provided us with significant insight into and appreciation of the challenges associated with development in the coastal zone, especially close to the beach. As part of each meeting, citizens of Carlsbad had the opportunity to voice their issues, concerns, and comment on committee discussions and decisions. Many committee meetings afforded two opportunities for the public to address the committees – an added bonus. This process provided the necessary transparency and presented the committees with valuable information. The BLF strongly endorses using this process if our proposed partnership effort is accepted.

The BLF also was recently invited to join, and has accepted a seat on, California State Assembly Member Tasha Boerner Horvath's 76th District Advisory Council on the Environment, Water and Sustainability.

The opportunity triggering our partnership request was the recent withdrawal of plans to develop the Shopoff project and their filing of a Quitclaim Deed that formally severed project funding. The approximately 10-acre property, San Diego County APN 216-140-43, is now available and back on the market. According to the San Diego County Assessor's office, the 2018 assessed value of the property is \$14,258,433. Due to the latest unsuccessful attempt to develop the site, the purchase price is expected to be lower.

The BLF proposes working in partnership with the City of Carlsbad to purchase this and other properties, explore sources of funding, develop purchase and development strategies, and develop an appropriate plan of action and milestones.

We see many significant opportunities associated with this partnership to develop a true *Gateway to Carlsbad* from the south. Other properties in the area should also be considered. The BLF's vision of potential benefits associated with this opportunity are defined in the following graphic, and described in the associated table.

South Carlsbad Property of Interest, APN 216-140-43-00 (Former ShopOff Project Site)



Potential Opportunities and Associated Benefits

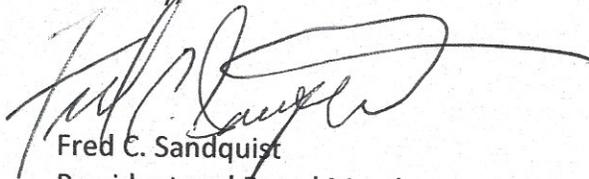
Opportunity	Benefit
<p>It is a large site and represents the City's last opportunity to provide a meaningful coastal public park in South Carlsbad for future generations. The BLF prefers a <i>passive</i> nature-focused park that includes trails and is landscaped with indigenous trees and plants. Park benches could be placed for people to sit and enjoy the outdoors. Park design must include public input and also consider open space, habitat value, and proximity to Batiquitos Lagoon and its flora and fauna.</p>	<p>A public park would provide a meaningful coastal public park for South Carlsbad and address a four to six-mile gap in parks along the coast. There is a critical need for a coastal park for South Carlsbad in the West Batiquitos Lagoon Area. The BLF believes developing a coastal area park would be highly consistent with Carlsbad's General Plan, vision, and Local Coastal Program, and would help alleviate deficiencies in coastal park and open space. Public and local community involvement in the process would create a win-win for everyone and foster a sense of ownership and sustainable partnerships.</p>
<p>Provide significant public trail linkage and access to South Carlsbad State Beach and campground, with a safe public crossing of Pacific Coast Highway 101.</p>	<p>Provides for a more enjoyable public recreational experience for the local community and many visitors. The additional public trail segments, by linking up with others, would improve the value and usability of the other trails. It also would give pedestrians a safe path to the coast.</p>
<p>Provide a sustainable <i>World Class</i> center for environmental science education. The BLF would welcome the opportunity to plan, help, design, and manage the center. The BLF would provide volunteer staffing, host school programs and other educational programs similar to those being held at our Gabbiano Lane Nature Center, and much more.</p>	<p>This would provide a key public outreach hub for all visitors. Educational topics would include: marine science; the environment; our Native American heritage; local wildlife (birds, mammals, marine life); astronomy; local geology; water quality issues; the watershed; climate change and sea level rise impacts; and invasive plants and restoration issues. The center would offer internships and community service opportunities, project opportunities for Boy and Girl Scout Eagle Scouts and others, and provide summer day and overnight camping events. The proposed center would also provide a facility for special events. Area surfing history and activities could also be provided.</p> <p>Much needed and in-demand public restrooms would be available.</p>

<p>Provide the opportunity to construct a key rail-trail link with the expanded Poinsettia Carlsbad Coaster station to the north of the site. Existing space is available for such a trail along the western side of the railroad right-of-way. The rail-trail could also continue south under the existing Avenida Encinas bridge. The bridge would provide safe railroad track crossing for trail users. Trail linkage to existing public trails along the east side of the railroad tracks would also be available.</p>	<p>The public experience when using the trails would be enhanced significantly. The nearby Coaster station would provide easy regional access from Oceanside and beyond, and from San Diego stops to the south. This would also reduce the need for visitors to drive to the area, reducing traffic and harmful carbon emissions. Existing bus service to the Coaster station and the site would further reduce car traffic.</p>
<p>The BLF would support the construction of an aesthetically tasteful community-blending high-end two-story restaurant with a deck overlooking the beach area. The site could also support a similarly well-designed shop offering coffee, pastries, beverage and sandwiches on the lower level.</p>	<p>A restaurant, and a coffee and sandwich shop would provide a significant incentive for the community and many tourists to visit Carlsbad. Users of South Carlsbad State Beach would be expected to also take advantage of such a facility. Visitors would also be able to take their coffee, beverages and sandwiches to picnic in the area. Evening educational programs and movies could also be conducted and shown (e.g., environmental education, travel, wildlife, astronomy).</p>
<p>Provide for tourist-serving and visitor industry collaborations and partnerships elsewhere in the BLER lagoon area, including east of I-5 (e.g., Park Hyatt Aviara Resort and Spa, Four Seasons Residence Club, Omni La Costa Resort and Spa, the Carlsbad Chamber of Commerce business community).</p>	<p>Such collaborations and partnerships would establish a sustainable stakeholder cadre of supporters for area vision. Area businesses would receive economic benefits from increased visitors to the area as it becomes a local and regional <i>hot spot</i>!</p>

In summary, the BLF believes we have a *once-in-a-generation* opportunity for West Batiquitos Lagoon and South Carlsbad. We would appreciate your thoughts on our proposal, and also welcome the opportunity to make a formal presentation to you and the City Council if deemed appropriate. A City Council workshop might offer an opportunity to discuss this in a more informal session to develop a strategy for moving forward.

Please feel free to contact me at (760) 710-9644 (Mobile phone) or email at sandquist2@earthlink.net, or BLF Vice President, Deborah Mossa at (760) 331-9142 or email deborahmossa@gmail.com if you have any questions or require any further information. We look forward to hearing from you!

Sincerely,



Fred C. Sandquist
President and Board Member

Copy to:

City of Carlsbad:

Scott Chadwick, City Manager
Debbie Fountain, Director, Community and Economic Development
Chris Hazeltine, Parks and Recreation Director
Kyle Lancaster, Parks and Recreation
Don Neu, Director, Planning
Planning Commission
Parks and Recreation Commission

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman
Katie Saad, District Director for District 76 Assembly Woman Horvath
Tim Dillingham, CDFW South Coast Lands Manager
Gabriel Penaflor CDFW, Batiquitos Lagoon Ecological Reserve Manager
Megan Cooper, Coastal Conservancy, South Coast Regional Manager
Deborah Ruddock, Coastal Conservancy Program Manager
Sam Schuchat, Coastal Conservancy Executive Officer
Andrew Willis, Coastal Commission, Southern California Enforcement Supervisor
Gabe Buhr, Coastal Commission, Local Coastal Program Manager
Jim P. Donnelly, Wildlife Conservation Board, Executive Director
Cort Hitchens, Coastal Commission, Coastal Program Analyst
Erin Prahler, Coastal Commission, Coastal Program Analyst

County of San Diego:

Jim Desmond, District 5 Supervisor

San Diego Association of Governments (SANDAG):

Hon. Catherine Blakespear, Vice Chair, Board of Directors
Keith Greer, Principal Regional Planner
Hasan Ikhata, Executive Director
Kim Smith, Senior Environmental Planner
Hon. Steve Vaus, Chair, Board of Directors

Federal Government:

Carolyn Lieberman, United States Fish and Wildlife Service, Carlsbad Field Office
Batiquitos Lagoon Foundation Board

From: [Maggie Pacheco](#)
To: [Planning](#)
Subject: Ponto development
Date: Thursday, December 3, 2020 6:02:57 AM

To planning commission,

The city doesn't need any more dense developments especially so close to our coast line.
Please preserve this open space.

Thank you,

Maggie Pacheco

6747 Nepeta Way, Carlsbad, Ca 92011

7605474457

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

From: [Melanie Wescott](#)
To: [Planning](#)
Subject: Southwest Ponto - Please keep open space or park
Date: Thursday, December 3, 2020 12:30:42 PM

To Whom it May Concern,

Please keep the South Ponto region an open space or park. The schools already have an embarrassingly high class size (6th grade English class of 42 students last year - forty-two!) and the common use areas (parks, beaches, lots) are already overcrowded as it is.

Thank you,
Melanie Wescott
Carlsbad, CA resident

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From: miraclemartello@yahoo.com
To: [Planning](#)
Subject: Save Ponto
Date: Thursday, December 3, 2020 9:36:49 AM

We don't need more expensive homes and stores . We need more open space and parks . Please save Pontos from turning into another commercial site please save our park and open space !

Sent from my iPhone

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

Melanie & City Council:

I would like to request the City provide Citizens an easy to use editable [WORD or Text or edible PDF file] copy of the proposed Draft LCP Amendment to facilitate public comments.

In preparing comments on an over 300-page document in the next 30-days, it seems Citizens should be provided a copy of the proposed Draft LCPA that allows cut/paste so that comments on proposed text can accurately reflect on the language in the Draft LCPA. Without a cut/paste version of the proposed draft LCPA citizens is severely handicapped in reviewing, manually transferring proposed LCPA text [and prohibited from transferring non-text] information to provide written comments. Citizens are forced to inefficiently manually retype [using two computer screens] Draft LCPA text to then provide written comments on that text.

It would be nice if the City could provide and editable version of the Draft LCPA to facilitate public review and comments. Is this possible?

Sincerely,
Lance Schulte

From: [People for Ponto](http://peopleforponto.com)
To: petition@peopleforponto.com
Subject: New Ponto Park City Petition Entry
Date: Wednesday, December 30, 2020 4:54:10 PM

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

test test

Email

test@test.com

Address

test

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.

Dear Mayor Matt Hall and Carlsbad City Council,

The wisest use of the land at Ponto is for open space and low cost visitor serving recreation, Not high density residential where only 20% are restricted to be affordable and 80% are highly unaffordable. Changing this land designation to high density residential is robbing the people of Carlsbad (and their children) of something incredibly precious, something that they can never get back.

As a licensed Real Estate professional and a Carlsbad resident for 16 years I would like to point out that many of the newly constructed homes in our city lack a yard of any size, not even a patio. You're lucky if you get a balcony big enough for a couple chairs. This goes for high end condos and townhomes which are the majority of the under \$1 million homes in our city. Most Apartment dwellers are paying \$2,000. To \$3,000 a month and don't have yards either. The trend is to pack more people into less space to make it more cost effective, but there is a cost to the residents.

We cannot continue to ignore the needs of tens of thousands of citizens in the southwest quadrant of the city who have no coastal park or coastal open space. In normal times there would be thousands of visitors, hotel, and resort guests staying in southwest Carlsbad each week. What coastal parks can they go to? Maybe they drive to Encinitas or Del Mar and if so do they then spend their money on shops and restaurants there?

The need for coastal open space and recreation areas is great now but it will be even more consequential going forward as our density increases, and as sea levels continue to rise. Plus a Beach is Not the same as a Park. There are high tides and storms that take away the beach leaving only cobbles that are unfriendly to visitors. Plus not everyone is going to be able to (or want to) take their infant strollers, wheelchairs or walkers on the cobble beach, but they could access a nice park at Ponto.

A park at Ponto will give residents and visitors alike a unique coastal experience unlike anything else in the city. It could provide a venue for outdoor events and performances, and maybe a beachclub cafe with view decks for even more sunset and ocean views. This space should belong to the community and again, its wisest use is Visitor Serving Park and Open Space.

And why would we want to build more units here before correcting this very serious park deficit in the SW quadrant? Just look at how many people congregate on that tiny patch of grass in the Village at Pine Ave and Carlsbad Village Dr, or Cannon Park. Ponto could very easily become the most treasured park in the city, a grand statement to the outdoor lifestyle so many of us moved here for.

Jane Naskiewicz, Carlsbad resident, People 4 Ponto volunteer.

From: [Pamela Martin](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Thursday, December 3, 2020 8:33:32 AM

To develop remaining open space on our coast is short sighted in the extreme. This area should be preserved as a park and natural openspace. It's just not necessary to do a commercial development there. Beach access is already severely limited due to lack of parking and poor public transport. The closer to the Batiquitos lagoon the more natural the space should be.

--

Pamela Kay Martin
619-987-7936

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From: [Pam](#)
To: [Planning](#)
Subject: South Ponto Development
Date: Thursday, December 3, 2020 12:32:07 PM

Please don't allow South Ponto to be developed, but keep it as open space. It is too close to the lagoon and we don't need anymore built up areas in Carlsbad.

Pamela Whisnant
978 Merganser Ln.
Carlsbad 92011

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Request City Council Consider Park & Open Space Data Presented by Citizens on 6/12/18 & missing in Staff Report

Parks

- City & Regional need for a true South Carlsbad Coastal Park
- South Carlsbad Coastal Park achieves Community Vision of GP
- Coastal South Carlsbad Planning Area F Local Coastal Program requirement to study a “Public Park” & Citywide Coastal uses

Open Space

- Developer’s Local Facility Management Plan Zone 9 errors need correcting in Developer’s Comprehensive Zone 9 Update
- City’s responsibility to Citizens & following Growth Management Ordinance, Standards and Principles

Ponto's Carlsbad Park In-Lieu Fees & Coastal Parks & Quality of Life Results

- 947 homes (2,233 pop.) w. of I-5 & s. of Poinsettia Lane
 - City's minimum Park standard requires 6.7 acres of Park
 - Homeowners paid City taxes & park-in-lieu-fees to buy & build 6.7 acres of City Park, but No Park in area.
 - Taxes/fees didn't add Park acreage - needed Veterans
 - Nearest Park 2.3 miles across I-5. The Veteran's Park 'solution' over 5-miles away & basically inaccessible.
 - Over 90% of Community surveyed wants a Park in Ponto
 - Why no Ponto Park? Ponto fees paid for it, Community wants it, proposed Park solutions don't work. We can Do Better!
- www.pontolocals.com

Growing Coastal Park Demand

Meaningful South Carlsbad Coastal Park is vital for Carlsbad's Quality of Life & Economy

Year & Residents per Carlsbad's 4-mile Coastal Park Gap (SANDAG):

- 1985 = 116,000 - when Veterans Park coastline 'solution'
- 1995 = 140,000 + 21% - Planning Area F requirement
- 2015 = 176,000 + 52% - General Plan Update
- 2035 = 212,000 + 83% - end of 20-yr life General Plan – what then?

Visitors per Carlsbad's 4-mile Coastal Park Gap (SD Tourism Authority):

2018 = 5,092 visitors per day; growing 1.6% per year, 2035 = 6,669

Ponto last chance to fix Carlsbad's 4-mile Coastal Park gap (8% of SD County coastline) with a meaningful Coastal Park. We can do better!

www.pontolocals.com

Implements Community Vision - the Foundation for the General Plan 1 of 4

- Refer to 5-page email to City Council on 8/31/17 & 3/6/18 - Share & discuss the Issues with Citizens.

Community Vision, is foundation for General Plan. Just words to be ignored or guides to action?

- “...open spaces within walking distance of people’s homes ...” - nearest park over 2 miles away & over I-5
- “... strategic acquisitions to further the city’s open space system.” - fill Coastal South Carlsbad park gap

Implements Community Vision - the Foundation for the General Plan 2 of 4

- “... network of parks and recreation facilities will be improved ... Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations ...” - provide half of Carlsbad its only Coastal Park
- “... protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.” - South Carlsbad has no Coastal Park, congests North Carlsbad

Implements Community Vision - the Foundation for the General Plan 3 of 4

- “ ... Access to the beach ... will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park” -
Park supports residents and visitor industry
- “... Tourism is an important component of the city’s economy ... it emphasizes ... resources that make the city attractive to ... residents - the ocean and beach” -
Park supports residents and visitor industry
- “Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to ... parks.” - Veterans Park 5-miles away from need
www.pontolocal.com

Implements Community Vision - the Foundation for the General Plan 4 of 4

From General Plan Land Use Element:

- “...the community expressed an overwhelming preference for an active waterfront ... Access to the beach will be enhanced through ... open space, parking, and amenities ...” - Need a South Carlsbad Coastal Park
- “... new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop ... recreational opportunities along the coastal corridor.” - A meaningful Coastal South Carlsbad Park provides the most opportunities

Required by City & State land use regulations for Planning Area F - City's Local Coastal Program 1 of 3

page 101 of Carlsbad's Local Coastal Program – adopted July 16, 1996 MP 175(G)/LCP

Carlsbad Public Records Request PRR-2017-260 confirmed Planning Area F LCP requirements not complied with & flawed PBVVP & General Plan Update. We can do better!

Coastal Commission has told City to address prior to changing Citywide LCP or Planning Area F land use

www.pontolocals.com

City & State land use regulations for Planning Area F – Local Coastal Program page 101 2 of 3

“Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an “unplanned” area, ... As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.”

Never done: Carlsbad PRR-2017-260 confirmed. Citizens not knowing this flawed the Ponto Beachfront Village Vision Plan, 2015 General Plan Update, and Carlsbad Park Planning Processes

City & State land use regulations for Planning Area F – Local Coastal Program page 101 3 of 3

California Coastal Commission told the City that:
“ ... the City shall undertake an inventory of visitor
serving uses currently provided within the City’s Coastal
Zone which will then serve to inform updates to the City’s
land use and zoning maps as necessary. This inventory
could have future implications for the appropriate land
use and zoning associated with the Ponto area.”

Lets do better and fully inform & engage Citizens in this
www.pontolocals.com

Ponto's (LFMP-Zone 9) Growth Management Open Space requirement

- 6/11/18 Final Staff Opinion Letter, Prior Public Records Requests, & City data confirmed Developers' LFMP-9 did not provide required Open Space per Growth Management Standard: 30-acres short! Lets do better!
- Inconsistent & incomplete information in 6/11/18 Final Staff Opinion Letter & conflicts with Growth Management Ordinance
- Need to have honest Citywide discussion on this issue!
- Is Staff's Final Opinion the City Council's direction?
- You can do better

Thank you

We can do better. Please fund & support a open & honest Community-based Planning Process for Parks and Open Space in Coastal South Carlsbad

Please do the right thing and Develop Ponto Right

Vision, Mission & Key Goals



Vision

To strengthen community connectivity through world class offerings and exceptional customer service.

Mission

To promote community health and wellness while building a culture that embraces change and continuous improvement.

Key Goals

The key goals established by the Department are:

- Meet the underserved needs of the community
- Build an entrepreneurial focus that supplements city contribution
- Train and empower staff to deliver world class offerings and exceptional customer service
- Provide opportunities that promote health and wellness and active lifestyles
- Develop a departmental culture that embraces change and promotes continuous improvement

Accepted by the Carlsbad City Council March 24, 2015

From: [Pat Wescott](#)
To: [Planning](#)
Subject: Southwest Ponto - plans for development
Date: Friday, December 4, 2020 11:10:20 AM

Hello,

To Whom it May Concern,

Please keep the South Ponto region an open space or park. The schools in this zip code are already overcrowded - our daughter's 6th grade English class had a class of 42 students last year and the common use areas (parks, beaches, lots) are already overcrowded as it is, The beaches will be more crowded with the addition of the new hotel in South Ponto. Everyone in our neighborhood that I've spoken to about this issue feels the same way.

Thank you,
Patrick Wescott
Carlsbad, CA resident (Poinsettia)

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From: [Sandy Ordille](#)
To: [Planning](#)
Subject: Pedestrian access
Date: Wednesday, January 13, 2021 4:54:45 PM

To Whom It May Concern,

When instituting coastal planning please take into consideration the need for more pedestrian access to safe sidewalks. The recent pandemic has highlighted the growing need for more sidewalks, on both sides of streets. This is particularly evident along Aqua Hediona Lagoon area where there are considerable streets with only one, very narrow sidewalk for walkers going both ways. Streets such as Adam's Ave, Chinquapin Ave, have had much development yet not many sidewalks built in those areas. It's dangerous to all walks of life; kids, parents, middle age and elderly.

Thank you for your dedication to the great community of Carlsbad.

All the best,
Sandy Ordille
Phone: 858-276-1441
Email: sandy.ordille@gmail.com

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From: [Tommy Dean](#)
To: [Planning](#)
Subject: Please read at meeting on Jan 6.
Date: Wednesday, January 6, 2021 4:41:49 PM

I would like to thank Jennifer Jesser for responding to my email regarding the clarification of the rezoning of my properties located at 4517 Adams St, Carlsbad, and 2701 Ocean Street, Carlsbad. Ms, Jesser emailed assured me that both of the properties would be able to rebuild and be restored if destroyed by fire or natural disasters.

However, there is the omission that if I were to have to rebuild, would I be able to rebuild the same structure or would I be limited to rebuild with new guidelines that might be imposed in the future? Please clarify.

Other concerns that we as coastal property owners have with the LCP is the implications that future setbacks will 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.

The LPC should also remove LCP-7-P.16, LCP-7-P17,LCP-7-P20 (E), LPC-7-P22.and LPC-7-P.21. All of these proposals either are not part of the Coastal Act and or are in violation of individual property constitutional rights.

The Coastal Act was implemented to protect coastal communities, much of your LCP proposed plans will destroy our majestic shore homes.

The LCP will only lead to much legality cost and loss of government trust if the above changes are not corrected,

Sincerely,

Tommy Dean

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From: [Jane Naskiewicz](#)
To: [Planning](#)
Cc: [info ponto](#); [Mike Sebahar](#); [Lance Schulte](#); [jodi marie jones](#)
Subject: Please read my letter into the record as a public comment at this weeks meeting
Date: Saturday, January 2, 2021 11:42:57 AM
Attachments: [P4P Letter to Mayor-City Council - LS.pdf](#)

Dear Planning Commission, Please read my letter into the record as a public comment at this weeks Planning Commission meeting. It is 500 words or less.

Kindest Regards,

Jane Naskiewicz

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June 12th, 2018

Ponto Beachfront Coastal Park
Carlsbad Southern Coastal Gateway
and Fit with Community Vision Core Values

What is the Ask?

1. Funding for City Staff to host southern Carlsbad/coastal Community input meetings for developing a Southern Coastal Gateway and Ponto Coastal Park Plan
2. Fund \$250K for citywide quadrant park deficit analysis
3. Just do the right thing, follow the Carlsbad Community Vision Core Values

CARLSBAD COMMUNITY VISION CORE VALUES

- Small town feel, beach community character and connectedness
- Open space and the natural environment
- Access to recreation and active healthy lifestyles
- The local economy, business diversity and tourism
- Walking, biking, public transportation and connectivity

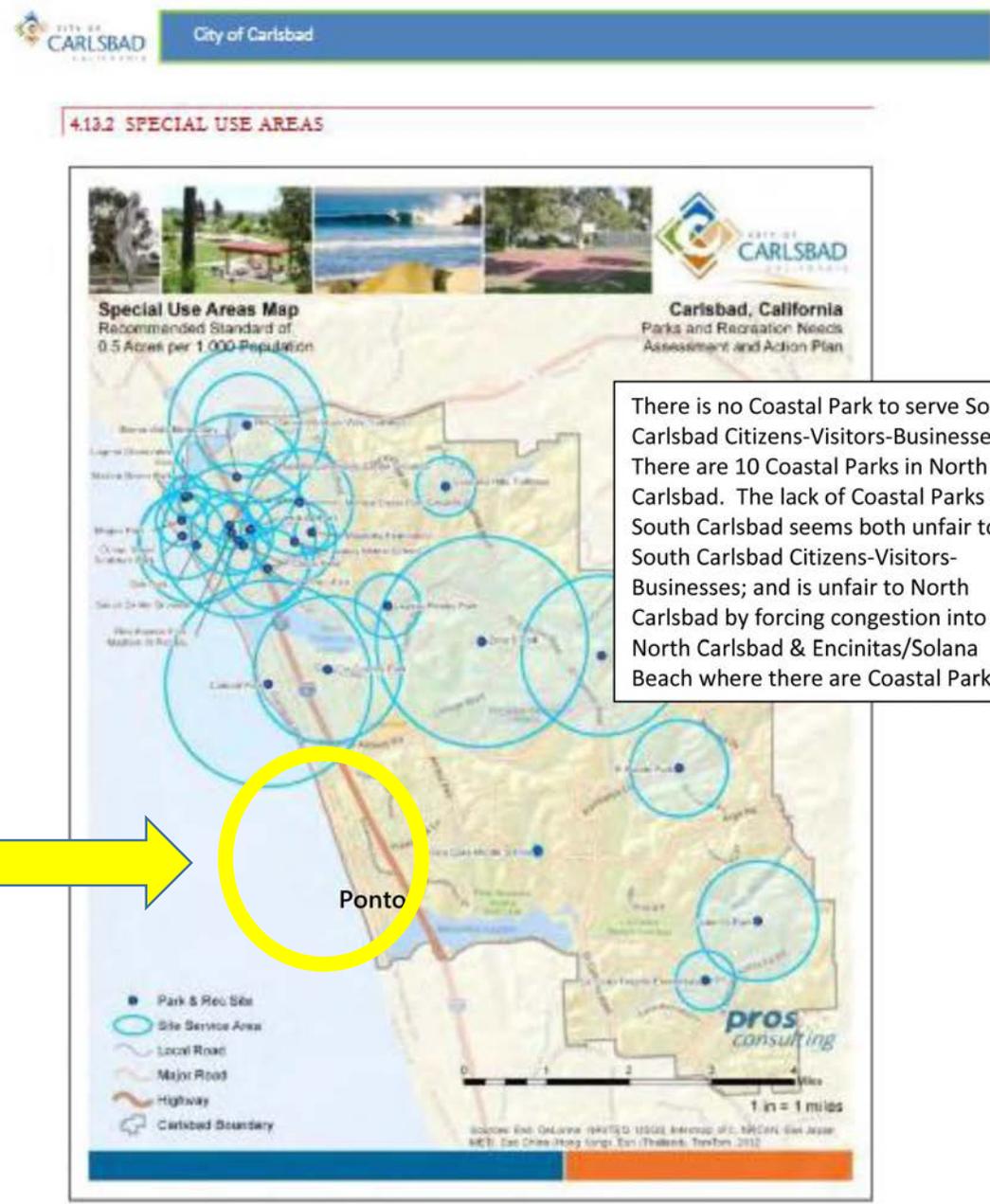
CARLSBAD COMMUNITY VISION CORE VALUES

- Neighborhood revitalization, community design and livability
- Sustainability
- History, the arts and cultural resources
- High quality education and community services
- I WON'T HAVE ENOUGH TIME

Small town feel, beach community character and connectedness

- Ponto Coastal Park fills a glaring gap in SW quadrant; devoid of a coastal city park
- No park west of I-5 from Cannon to Moonlight beach in Encinitas
- Ten city coastal parks north of Cannon and zero south
- Proposed high-density development inconsistent with city vision core values and community character

Coastal South Carlsbad is without a Coastal Park – use a Community-Based Planning Process to address our needs



There is no Coastal Park to serve South Carlsbad Citizens-Visitors-Businesses. There are 10 Coastal Parks in North Carlsbad. The lack of Coastal Parks in South Carlsbad seems both unfair to South Carlsbad Citizens-Visitors-Businesses; and is unfair to North Carlsbad by forcing congestion into North Carlsbad & Encinitas/Solana Beach where there are Coastal Parks.

Open Space and the Natural Environment

- Obviously a Coastal Park at Ponto contributes to this goal
- City staff admits to a 6.6 acre park deficiency in the SW quadrant
- SW quadrant also has an “Unrestricted Open-Space” deficiency
- Veteran’s park not a viable option for meeting quadrant deficiencies
- “Linear Park” not really a park but can contribute to Open Space
- “Land Swap” with State not progressing

Open Space and the Natural Environment

- Ponto site is last viable site to meet this park deficit-exact size needed
- Southern Gateway into Carlsbad should focus on the natural environment
- Ponto Coastal Park would count for both park deficit and open-space deficit
- Imagine potential synergy
 - Hotels – Cape Rey, Future Kam Sang 5-star hotel, others on Avenida Encinas
 - Batiguitos lagoon trail
 - Campgrounds
 - Beach

Access to Recreation and Active Healthy Lifestyles

- Obviously, coastal park at Ponto meets this vision
- Increasing recreation and health for locals and all who visit
- Facilitate beach access and Lagoon Trail access, bike and walking trails
- 64,000 Carlsbad residents live south of Airport Rd without a Coastal park
- Visitors, tourists, campers, locals and all Carlsbad citizens benefit
- A PONTO COASTAL PARK DECREASES TRAFFIC!

The Local Economy, Business Diversity and Tourism

- Create a draw to the southern gateway into Carlsbad
- Small Commercial space at corner of Avenida Encinas & Carlsbad Dr.
- Fine dining and other "Boutique" stores, Coffee, Bike/Surf shop, small craft beer and/or wine tastings, taco stand/Deli sandwiches?
- Plaza area for gatherings & socialization
- Dog friendly areas? (Again Synergy)
- NO DO OVER'S

Walking, Biking, Public Transportation and Connectivity

- Connectivity served best by Pedestrian Bridge over Carlsbad Blvd as well as trail underpass highway, linking Community to Ponto Coastal Park and onto ocean resources
- Walking, bike paths fit with Coastal Trail vision
- Better Public Transportation facilities can be made available with commercial center

What is the Ask?

1. Funding for City Staff to host southern Carlsbad/coastal Community input meetings for developing a Southern Coastal Gateway and Ponto Coastal Park Plan
2. Fund \$250K for citywide quadrant park deficit analysis
3. Just do the right thing, follow the Carlsbad Community Vision Core Values

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; Bret@carlsbad.org; Kathleen@carlsbad.org; Paul.McDougall@hcd.ca.gov; Sohab.Mehmood@hcd.ca.gov; info@peopleforponto.com
Subject: Protect Ponto Support
Date: Tuesday, January 5, 2021 6:23:54 PM
Attachments: [2017.08.17 Concerns and Requests emailed to Carlsbad CC-PC-PC CCC.pdf](#)
[2020 Protect Ponto Support Letters 8.pdf](#)
[San Pacifico, Batiquitos Lagoon Foundation, Surfrider Foundation and Citizens for North County Protect Ponto Support Letters.pdf](#)

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

People for Ponto recognize that Draft LCP Planning Commission meeting on January 6, 2021- which is a continuation of the December 2, 2020 meeting - is closed for public comment but we want to ensure that all community input is documented.

Attached are 8 physically signed Protect Ponto Support Letters, 4 Community organizations letters (The San Pacifico Community Association Board of Directors, Batiquitos Lagoon Foundation, Surfrider Foundation and Citizens for North County) and a 2017 community concerns + survey all previously submitted to the City with the request to included in all things Planning Area F.

We request that this letter and attachments be put on record in the official public records for ALL things Planning Area F, including the official public records for Carlsbad's Draft Local Coastal Program Amendment, and Parks Master Plan Update, and the CA Coastal Commission's consideration of Carlsbad's Draft Local Coastal Program Amendment.

Thank you

People for Ponto

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From: [Lance Schulte](#)
To: [Planning](#)
Subject: RE: New Ponto Park City Petition Entry
Date: Tuesday, January 19, 2021 1:01:33 PM

Hi Planning:

I think it would be best to just forward to City Council.

The important thing is the 'issue', the minor thing is the addressing detail on who/when references are cited. Kind of like the Post Office, sometimes address are missing all the correct letters/numbers but the post office kind of knows the intent of the mailing and forwards as best that can. That is my suggestion, that is a conservative and considerate approach, that I think is more consistent with State and City Public Participation objectives. But up to you, if you want to dispose of on technical issues.

Being on the other side of the City/public fence, I can tell you how challenging it is for the public to really participate in City decision making. I did not see it as clearly when I was working at Cities as I see it now as a citizen. This is not a negative criticism. I just think there are some significant opportunities to really step back and walk in the others shoes to see some areas to improve Public engagement/participation. I did some of these at Dana Point that really worked well to connect the City/citizens in productive dialog on some extremely contentious issues that were positively resolved in a fairly quick and documented consensus process. I am happy to share my experiences if desired.

Lance

From: Planning [<mailto:Planning@CarlsbadCA.gov>]
Sent: Tuesday, January 19, 2021 12:10 PM
To: petition@peopleforponto.com
Subject: RE: New Ponto Park City Petition Entry

Hello,

The date for this meeting has passed. Please advise what you would like Planning to do with this request. Thank you.

From: People for Ponto <info@peopleforponto.com>
Sent: Tuesday, January 19, 2021 9:46 AM
To: petition@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 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

Virginia Cylkowski

Email

vcylkowski@yahoo.com

Address

803 Oleander Pl
Vista, CA 92081

Sent from [People for Ponto](#)

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content is safe.

From: [Rosalie Skaff](#)
To: [Planning](#)
Subject: Current discussion about developing area in South Carlsbad
Date: Thursday, December 3, 2020 1:09:06 PM

To whom it may concern,

We live in South Carlsbad, and not a day goes by that we are not grateful for the community in which we live. That being said, what we are lacking in our area is a park close by where our children and grandchildren are able to go and play. There is plenty of housing in our area along with affordable housing at Lakeshore Gardens. Please seriously consider keeping open space in South Carlsbad and use that land at Carlsbad Blvd. and Avenida Encinas for development of a much needed park, for us adults to enjoy as well as the children.

We so hope you listen to the many voices in our area that ask you, our planning committee, to consider the wants and needs of the residents in your city.

Thank you in advance for your consideration of our requests.

Wishing all a healthy and happy holiday season,

Rosalie and Roy Skaff

Sent from my iPad

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



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



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

April 5, 2019

Mayor and City Council Members
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Subject: South Carlsbad Ponto Beach Area F Opportunity for Partnerships to Benefit the City of Carlsbad and North San Diego County

Dear Carlsbad Mayor and City Council:

The Batiquitos Lagoon Foundation (BLF) proposes in principle establishing a partnership with the City of Carlsbad for acquisition of property and creating aesthetically-pleasing development of a West Batiquitos Lagoon area associated with implementation of Carlsbad's Local Coastal Program requirements for Planning Area F, and Coastal Priority Use and City Park planning. This very significant area is one of the last remaining areas near the beach within the City for development. This area also serves as the gateway between the cities of Encinitas and Carlsbad along Pacific Coast Highway (PCH) 101. With a boutique hotel under construction along the highway at the border between the two cities, another 5-star hotel planned in the area (i.e., by Kam Sang), existing hotels along the coast nearby, and proximity to South Carlsbad State Beach and campground (one of the most popular in the state), this area has the potential for becoming a local hot spot and tourist-serving place to visit for residents throughout the county.

The BLF had a representative nominated to and served on the City of Carlsbad's Open-space Citizens Advisory Committee, Envision Carlsbad (EC3) project committee, the Ponto Beachfront Village Development Plan Committee, and the General Plan Update effort. This experience has provided us with significant insight into and appreciation of the challenges associated with development in the coastal zone, especially close to the beach. As part of each meeting, citizens of Carlsbad had the opportunity to voice their issues, concerns, and comment on committee discussions and decisions. Many committee meetings afforded two opportunities for the public to address the committees – an added bonus. This process provided the necessary transparency and presented the committees with valuable information. The BLF strongly endorses using this process if our proposed partnership effort is accepted.

The BLF also was recently invited to join, and has accepted a seat on, California State Assembly Member Tasha Boerner Horvath's 76th District Advisory Council on the Environment, Water and Sustainability.

The opportunity triggering our partnership request was the recent withdrawal of plans to develop the Shopoff project and their filing of a Quitclaim Deed that formally severed project funding. The approximately 10-acre property, San Diego County APN 216-140-43, is now available and back on the market. According to the San Diego County Assessor's office, the 2018 assessed value of the property is \$14,258,433. Due to the latest unsuccessful attempt to develop the site, the purchase price is expected to be lower.

The BLF proposes working in partnership with the City of Carlsbad to purchase this and other properties, explore sources of funding, develop purchase and development strategies, and develop an appropriate plan of action and milestones.

We see many significant opportunities associated with this partnership to develop a true *Gateway to Carlsbad* from the south. Other properties in the area should also be considered. The BLF's vision of potential benefits associated with this opportunity are defined in the following graphic, and described in the associated table.

South Carlsbad Property of Interest, APN 216-140-43-00 (Former ShopOff Project Site)



Potential Opportunities and Associated Benefits

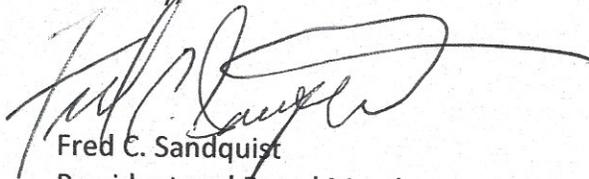
Opportunity	Benefit
<p>It is a large site and represents the City's last opportunity to provide a meaningful coastal public park in South Carlsbad for future generations. The BLF prefers a <i>passive</i> nature-focused park that includes trails and is landscaped with indigenous trees and plants. Park benches could be placed for people to sit and enjoy the outdoors. Park design must include public input and also consider open space, habitat value, and proximity to Batiquitos Lagoon and its flora and fauna.</p>	<p>A public park would provide a meaningful coastal public park for South Carlsbad and address a four to six-mile gap in parks along the coast. There is a critical need for a coastal park for South Carlsbad in the West Batiquitos Lagoon Area. The BLF believes developing a coastal area park would be highly consistent with Carlsbad's General Plan, vision, and Local Coastal Program, and would help alleviate deficiencies in coastal park and open space. Public and local community involvement in the process would create a win-win for everyone and foster a sense of ownership and sustainable partnerships.</p>
<p>Provide significant public trail linkage and access to South Carlsbad State Beach and campground, with a safe public crossing of Pacific Coast Highway 101.</p>	<p>Provides for a more enjoyable public recreational experience for the local community and many visitors. The additional public trail segments, by linking up with others, would improve the value and usability of the other trails. It also would give pedestrians a safe path to the coast.</p>
<p>Provide a sustainable <i>World Class</i> center for environmental science education. The BLF would welcome the opportunity to plan, help, design, and manage the center. The BLF would provide volunteer staffing, host school programs and other educational programs similar to those being held at our Gabbiano Lane Nature Center, and much more.</p>	<p>This would provide a key public outreach hub for all visitors. Educational topics would include: marine science; the environment; our Native American heritage; local wildlife (birds, mammals, marine life); astronomy; local geology; water quality issues; the watershed; climate change and sea level rise impacts; and invasive plants and restoration issues. The center would offer internships and community service opportunities, project opportunities for Boy and Girl Scout Eagle Scouts and others, and provide summer day and overnight camping events. The proposed center would also provide a facility for special events. Area surfing history and activities could also be provided.</p> <p>Much needed and in-demand public restrooms would be available.</p>

<p>Provide the opportunity to construct a key rail-trail link with the expanded Poinsettia Carlsbad Coaster station to the north of the site. Existing space is available for such a trail along the western side of the railroad right-of-way. The rail-trail could also continue south under the existing Avenida Encinas bridge. The bridge would provide safe railroad track crossing for trail users. Trail linkage to existing public trails along the east side of the railroad tracks would also be available.</p>	<p>The public experience when using the trails would be enhanced significantly. The nearby Coaster station would provide easy regional access from Oceanside and beyond, and from San Diego stops to the south. This would also reduce the need for visitors to drive to the area, reducing traffic and harmful carbon emissions. Existing bus service to the Coaster station and the site would further reduce car traffic.</p>
<p>The BLF would support the construction of an aesthetically tasteful community-blending high-end two-story restaurant with a deck overlooking the beach area. The site could also support a similarly well-designed shop offering coffee, pastries, beverage and sandwiches on the lower level.</p>	<p>A restaurant, and a coffee and sandwich shop would provide a significant incentive for the community and many tourists to visit Carlsbad. Users of South Carlsbad State Beach would be expected to also take advantage of such a facility. Visitors would also be able to take their coffee, beverages and sandwiches to picnic in the area. Evening educational programs and movies could also be conducted and shown (e.g., environmental education, travel, wildlife, astronomy).</p>
<p>Provide for tourist-serving and visitor industry collaborations and partnerships elsewhere in the BLER lagoon area, including east of I-5 (e.g., Park Hyatt Aviara Resort and Spa, Four Seasons Residence Club, Omni La Costa Resort and Spa, the Carlsbad Chamber of Commerce business community).</p>	<p>Such collaborations and partnerships would establish a sustainable stakeholder cadre of supporters for area vision. Area businesses would receive economic benefits from increased visitors to the area as it becomes a local and regional <i>hot spot</i>!</p>

In summary, the BLF believes we have a *once-in-a-generation* opportunity for West Batiquitos Lagoon and South Carlsbad. We would appreciate your thoughts on our proposal, and also welcome the opportunity to make a formal presentation to you and the City Council if deemed appropriate. A City Council workshop might offer an opportunity to discuss this in a more informal session to develop a strategy for moving forward.

Please feel free to contact me at (760) 710-9644 (Mobile phone) or email at sandquist2@earthlink.net, or BLF Vice President, Deborah Mossa at (760) 331-9142 or email deborahmossa@gmail.com if you have any questions or require any further information. We look forward to hearing from you!

Sincerely,



Fred C. Sandquist
President and Board Member

Copy to:

City of Carlsbad:

Scott Chadwick, City Manager
Debbie Fountain, Director, Community and Economic Development
Chris Hazeltine, Parks and Recreation Director
Kyle Lancaster, Parks and Recreation
Don Neu, Director, Planning
Planning Commission
Parks and Recreation Commission

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman
Katie Saad, District Director for District 76 Assembly Woman Horvath
Tim Dillingham, CDFW South Coast Lands Manager
Gabriel Penaflor CDFW, Batiquitos Lagoon Ecological Reserve Manager
Megan Cooper, Coastal Conservancy, South Coast Regional Manager
Deborah Ruddock, Coastal Conservancy Program Manager
Sam Schuchat, Coastal Conservancy Executive Officer
Andrew Willis, Coastal Commission, Southern California Enforcement Supervisor
Gabe Buhr, Coastal Commission, Local Coastal Program Manager
Jim P. Donnelly, Wildlife Conservation Board, Executive Director
Cort Hitchens, Coastal Commission, Coastal Program Analyst
Erin Prahler, Coastal Commission, Coastal Program Analyst

County of San Diego:

Jim Desmond, District 5 Supervisor

San Diego Association of Governments (SANDAG):

Hon. Catherine Blakespear, Vice Chair, Board of Directors
Keith Greer, Principal Regional Planner
Hasan Ikhata, Executive Director
Kim Smith, Senior Environmental Planner
Hon. Steve Vaus, Chair, Board of Directors

Federal Government:

Carolyn Lieberman, United States Fish and Wildlife Service, Carlsbad Field Office
Batiquitos Lagoon Foundation Board



Sent via e-mail

May 15, 2019

To: Mayor Matt Hall
Mayor Pro Tem Priya Bhat-Patel
Council Member Keith Blackburn
Council Member Cori Schumacher
Council Member Barbara Hamilton

City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Creation of a Ponto Coastal Park

Dear Mayor Hall and Members of the Carlsbad City Council,

The Surfrider Foundation is a grassroots non-profit environmental organization dedicated to the protection of the world's ocean, waves, and beaches through a powerful activist network. The Surfrider Foundation San Diego Chapter supports the protection of existing open space adjacent to South Carlsbad State Beach, Ponto North and South, and the creation of a significant Ponto Coastal Park. We believe that in doing so, the City will be able to maintain open space, coastal access, and a create a Park for long-term recreational enjoyment of the coast at Ponto while addressing a 5-mile Coastal Park gap in South Carlsbad and San Diego County.

Ponto Beach at South Carlsbad State Beach is a popular beach destination in the City of Carlsbad that is used by many for surfing, swimming, and other coastal recreation. Just across Coast Highway/Carlsbad Boulevard from the shoreline is a stretch of vacant land that has been continuously considered

for various developments over the years. It is important to note that the California Coastal Commission's Local Coastal Program requires the eleven-acre site, known as Planning Area F, to be studied as a public park or for low-cost visitor accommodations prior to any land use plan that would allow development on that site.

Surfrider is opposed to development in the area that would negatively impact beach access through more residential congestion and increased traffic. A Ponto Coastal Park on Planning Area F, near Ponto State Beach across Pacific Coast Highway from the State campgrounds, would ensure coastal and or beach access for generations of people in Carlsbad and North County regardless of where they live.

This land is one of very few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. Surfrider supports preserving this space for future Coastal Dependent uses such as viewing areas, walking trails and campgrounds. Surfrider believes that any future plans for a Ponto Coastal Park and zoning must be primarily oriented for beach and coastal uses only, including any additional parking and transit developments.

Surfrider opposes any development of this space, such as residential development, that would impede beach use, including but not limited to blocking shoreline access, interrupting views, creating increased traffic or strains on available parking, or other similar conflicts. This includes, but is not limited to, the development of the space for housing, non-coastal oriented retail shops, or an active park primarily dedicated for organized sports (baseball, football, lacrosse, etc.), that would compete for space with those wishing to visit the beach for coastal dependent activities. High-density residential use would essentially eliminate the area's adaptability and could be costly to move should the need arise as the coastline changes from sea level rise impacts.

A high intensity organized sports park, despite being open space and addressing some community park needs for open play fields, would likely generate increased traffic and competition for beach parking that may hinder access for beachgoers. As such, Surfrider would not support the

development of this lot for high intensity organized sports as an active use park. A more informal park, which may include open informal grass fields that can be used for playing, picnics, temporary special events, walking trails, and possibly campsites in the future, would protect the open space in a way that does not compete with beach access.

Surfrider recognizes once the site is a park, a detailed park planning and design process will be required. This process is most successful and achieves the best outcomes when they are inclusive and consider important Coastal issues and priorities. As such Surfrider would like to participate in and contribute to the Ponto Coastal Park planning process.

Additionally, South Carlsbad State Beach, like much of the California coastline, will face increased threats from climate change and sea level rise. Allowing the Ponto Coastal Park area to remain as an open field that is light improved for informal recreation and special events gives the City and State more options for future adaptation and continued Coastal recreation resources in the area.

Thank you for your consideration of these comments and for contemplating the development of a Ponto Coastal Park.

Sincerely,

Kristin Brinner and Jim Jaffee
Co-Chairs of the Beach Preservation Committee
San Diego County Chapter Surfrider Foundation

Kaily Wakefield
Policy Coordinator and Carlsbad Resident
San Diego County Chapter Surfrider Foundation

From: DeAnn Weimer <dweimer318@yahoo.com>
To: City of Carlsbad <clerk@carlsbadca.gov>; Matthew Hall <matt.hall@carlsbadca.gov>
Sent: Monday, May 20, 2019, 4:48:39 AM PDT
Subject: Ponto Park, Veteran's Park, the Park Planning Process & Budgeting

May 18, 2019

Carlsbad City Council
1800 Carlsbad Village Dr.
Carlsbad, CA 92008

RE: Ponto Park, Veteran's Park, the Park Planning Process & Budgeting

Dear Mayor Hall and City Council members,

As the city moves forward with the budgeting process, this council has an opportunity to improve our overall parks footprint, rectify the shortfall in the southwest quadrant, and modify plans for the Veteran's site to more appropriately meet the community's needs. This can be accomplished by placing a hold on the Veteran's Park proposal and moving forward with a cohesive master planning process, addressing the southwest quadrant.

Additionally, with the creation of a park at Ponto, the council would accomplish three critical goals for our community: affirm pride in our city, make beach access safer and interconnected within the community, and demonstrate your commitment as a council to good governance in Carlsbad.

These goals are achieved with:

___ A first-class southerly entrance to Carlsbad to greet those driving along our exceptional coastline – illustrative of the pride we take in our community;

___ Improved beach access and safety provided by an under the train trellis passageway incorporated into the 6-plus acre Ponto Park, which furthers the city's overall walkability and would be an example of our commitment to creating charming ways to enjoy our unique outdoor spaces;

___ A demonstration of good governance by recognizing the mistakes of past administrations and providing the parkland originally mandated for this quadrant of the city – a quadrant that has with its commitment to the Poinsettia 61 agreement facilitated the creation of parkland and open space in other areas of the city long deprived of appropriate neighborhood common areas.

Each quadrant of Carlsbad possesses unique assets. To fail to maximize the coastal opportunities provided by public spaces in South Ponto would represent an egregious failure – impossible for future generations to rectify. Wanton waste of rare assets is not the legacy today's Carlsbad stewards should bequeath to future generations. It is equivalent to passing on unpaid debts.

The park at Ponto is a no-brainer. Veteran's can be improved. But public dollars delivering a triple dividend of pride, safety and improved governance. That is a win-win-win. Let's do it.

Regards,
De'Ann Weimer
On behalf of Citizens For North County via email



December 1, 2020

To: City of Carlsbad Planning Commission

Commission Chair Velyn Anderson
Commissioner Lisa Geldner
Commissioner Alicia Lafferty
Commissioner Carolyn Luna
Commissioner Roy Meenes
Commissioner Peter Merz
Commissioner Joseph Stine

City of Carlsbad
1635 Faraday Ave.
Carlsbad, CA 92008

Re: Agenda Item #4, Local Coastal Program Land Use Plan Update

Dear City of Carlsbad Planning Commissioners,

The Surfrider Foundation's San Diego Chapter (Surfrider San Diego) appreciates this opportunity to provide comments on Item #4, a request for the commission's recommendation for approval of a comprehensive Local Coastal Program Land Use Plan (LUP) Update. The LUP will lay a foundation for how the City of Carlsbad manages sea level rise; which will considerably impact the city in many facets of life and economy. We would like to urge the commission to take an important opportunity to address a number of critical errors in the current LUP document before recommending its approval.

Background

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

Surfrider is very pleased to see that the LUP considers science-based Sea Level Rise (SLR) predictions and incorporates some realistic adaptation strategies. As is made



clear in Carlsbad's Sea Level Rise Vulnerability Assessment (Vulnerability Assessment), local sea levels are rising. Recognizing the potential need for a range of adaptation options allows the city the best chance at minimizing threats to health, safety, and property. We appreciate the city's incorporation of language and findings from the Vulnerability Assessment in this LUP. We also applaud the city's development of policies regarding the potential future need to manage relocation of vulnerable assets and infrastructure. Lastly, we appreciate the LUP's recognition that there will be an ongoing need to update city policies and planning documents based on best science and evolving conditions.

Despite these achievements, the current LUP unfortunately fails to be sufficiently detailed to ensure long-term viability and protect coastal resources. This and a number of other critical errors are outlined below:

Definition of existing development

We are highly concerned that the LUP attempts to change the definition of 'existing development' as defined by the Coastal Act.

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

Permit shoreline protective devices, pursuant to Coastal Act Section 30235, including revetments, breakwaters, groins, seawalls, bluff retaining walls, and other such construction that alters natural shoreline processes, only when all the following criteria are met...The protective device is required to serve coastal-dependent uses or protect public beaches in danger from erosion or protect existing principal structures. **"Existing" in the context of this policy refers to structures that existed prior to Coastal Commission certification of this policy** ([insert date after certification]).

Existing development refers to the date the Coastal Act was enacted in 1976. This definition is consistent with Coastal Act Sections 30235 and 30253, as well as the Coastal Commission's SLR Policy Guidance Document (page 166):

"...going forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not "existing" as that term was originally intended relative to applications for shoreline protective devices" (California Coastal Commission Sea Level Rise Policy Guidance)

Section 30235 of the Coastal Act defines existing development:



Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal- dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (Coastal Act Section 30235)

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

New development shall...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Coastal Act Section 30253)

Structures that were built any time after 1976 are not entitled to seawalls and were, at the time of 1976, denied the future right to armor by the Coastal Act. **Restarting the clock on 'existing' development will perpetuate a reckless pattern of development that harms beaches and puts coastal assets further at risk.**

Because redevelopment can also perpetuate the lifetime of vulnerable structures, the definition of 'redevelopment' should also be established in the LUP.

Scenario-based planning

We appreciate policies in the plan that allow the city to monitor sea level rise impacts in Carlsbad, particularly policy LCP-7-P.34, which directs the city to "monitor sea level rise impacts to beaches, bluffs, natural resources, and shoreline and public trust migration" and LCP-7-P.7, which requires the city to update its Vulnerability Assessment, including sea level rise hazard maps, approximately every 10 years. Additionally we appreciate LCP-7-P.27, LCP-7-P.30, and LCP-7-P.28, which direct the city to seek funding opportunities for an SLR adaptation plan, prioritize development and implementation of adaptation plans for critical infrastructure, and implement a sea level rise hazard shoreline development standards as part of the Zoning Ordinance.

None of these policies guarantee the creation of an SLR Adaptation Plan. Surfrider strongly recommends including a commitment to creating an SLR Adaptation plan to serve as a long-range planning guide to addressing future sea-level rise and its effects on storm surge, coastal flooding, and erosion. The Adaptation Plan should



include a framework for the City to manage risks and take actions based on specific scenarios and monitoring of sea-level rise and its effects. A multi-phased adaptation strategy will save the city millions of dollars, as outlined in “Comparing Sea Level Rise Adaptation Strategies in San Diego¹,” the benefit-cost analysis in which Carlsbad participated in 2017. **Scenario- based planning helps avoid unplanned reactions to disasters, protecting the beach as a public trust resource.**

Land use and sea level rise

In keeping with a lack of scenario-based planning, this document also misses an important opportunity to outline relocation opportunities that are only going to become more limited.

In particular, this LUP attempts to resolve an inconsistency of land-use designations for Planning Area F by changing its designation to allow for residential use. **This action precludes an important opportunity for considering managed retreat from sea level rise.**

We support a more adaptive approach in the form of a Ponto Coastal Park, which is outlined in Attachment A: Creation of a Ponto Coastal Park, our 2019 letter to the Carlsbad City Council. Ponto is one of the few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. The City of Carlsbad has a very unique opportunity to preserve this space for future Coastal Dependent uses that are expected to be increasingly limited; such as viewing areas, walking trails and campgrounds.

Mitigation of impacts from seawalls

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

Require(s) that new shoreline protective devices, when permitted pursuant to Policy LCP-7-P. 20, are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to avoid impacts to other coastal resources and public access to the maximum extent feasible. If such impacts cannot be avoided, they shall be mitigated through options such as providing equivalent new public access or recreational facilities or undertaking restoration of nearby beach habitat. Mitigation of impacts to coastal resources and public coastal access shall ensure equitable public access to and benefits from coastal resources.

¹ <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1010&context=npis-sdclimate>



We encourage the city to establish a process for ensuring that this mitigation is accounted for, especially when new public access or recreational facility opportunities may not be readily available. The City of Solana Beach has implemented Sand Mitigation Fees and Public Recreation Fees and can be referenced in this effort.

Flood maps and flood preparation

We support the creation of flood overlay zones, but request that the City of Carlsbad incorporate local sea level rise projections into flood planning, since The Federal Emergency Management Agency (FEMA) maps fail to account for sea level rise. The city should update LCP-7-P.39 below as indicated to include sea level rise:

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

Geologic setbacks

Geologic setbacks are mentioned in Chapter 7 and consider erosion, including erosion due to sea level rise.

LCP-7-P .14B: The geologic setback is the location on the blufftop inland of which stability can be reasonably assured for the anticipated duration of the development without need for shoreline protective devices. **The geologic setback line shall account for the erosion, including erosion due to sea level rise, anticipated during the duration of the development.**

Surfrider maintains that a coastal bluff setback should be calculated by incorporating 1) A 1.5 factor of safety (the industry standard for new development) or greater, **and** 2) erosion — including erosion caused by sea level rise. **This will ensure that the setback assures safety from landsliding or block failure as well as from long-term bluff retreat.** Methods for calculating a proper setback with these inputs are described in “Establishing development setbacks from coastal bluffs,” a 2003 memorandum to the Coastal Commission completed by a staff geologist.



Conclusion

In closing, we urge this Commission to address immediate concerns in this LUP so that the city can move forward in responsibly planning for sea level rise and protecting coastal resources. This can be accomplished in part by removing an attempt to redefine the 'existing development' as defined by the Coastal Act, clarifying how scenario-based planning will be achieved, and considering important opportunities for managed retreat including in Planning Area F.

Sincerely,

Laura Walsh

A handwritten signature in blue ink that reads "Laura Walsh". The signature is written in a cursive, flowing style.

Policy Manager
Surfrider Foundation San Diego County Chapter

From: [Scott Bruckner](#)
To: [Planning](#)
Subject: Development of South Ponto
Date: Friday, December 4, 2020 4:18:10 PM

Hello to you,

I zoomed in on the meeting of the Planning Commission the day before yesterday. It was rather long, but I was surprised to hear of the discussion regarding the development of South Ponto. It caused me concern to hear there would be plans to develop this area.

Having my family being long time residents of Carlsbad, we have watched the city change over the years. The vast development inland certainly has yielded wonderful growth of the cities tax base.

Please vote against development of South Ponto. The residents of Carlsbad have made it clear, we value the undeveloped lands that remain in our city. And my wife and I strongly feel this area should remain the way it is. To develop it frankly makes no sense.

Thank you so much, we will be watching.

Scott and Dona Bruckner
7031 Cinnamon Teal St.
Carlsbad, CA 92011

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



August 31, 2017

To:

Carlsbad City Council council@carlsbadca.gov

Carlsbad Parks & Recreation Commission at mike.pacheco@carlsbadca.gov

Carlsbad Planning Commission at Don.Neu@carlsbadca.gov

Kevin Crawford, City Manager at manager@carlsbadca.gov

Chris Hazeltine, Parks & Recreation, City of Carlsbad chris.hazeltine@carlsbadca.gov

Don Neu, Planning, City of Carlsbad Don.Neu@carlsbadca.gov

Subject: City Park Standard in Southwest and South Carlsbad

Dear Carlsbad City Council:

The San Pacifico Community Association (SPCA) represents over 450 homes (around 1,000 Citizens) in the Southwest Quadrant/Park District of Carlsbad, and is the primary component and stakeholder of the Poinsettia Shores Planned Community (Poinsettia Shores Master Plan and Local Coastal Program). SPCA supported the residents in creating the Ponto Beachfront Development Review Committee (PBDRC) to:

- Provide information to all San Pacifico residents (and surrounding neighborhoods) on the developments. (See www.PontoLocals.com)
- Obtain and consolidate constructive feedback from the residents. Give this feedback to the residents, developers and City so that we can have productive/timely input into the projects and their designs.
- Act as a strong, unified voice and with the support of our residents in upcoming Planning, Council and Coastal Commission meetings.

Since PBDRC has been formed there has been a growing participation and concurrence from other Carlsbad areas and groups on the consensus PBDRC has consolidated.

PBDRC and the SPCA are pleased that the City has taken action to fix a timeline defect in the Growth Management Program related to meeting a City Park standard. However there is another truly once in a lifetime opportunity to improve how the City Park standard is proposed to be met in Ponto and coastal South Carlsbad that we would like to request of the City Council. This opportunity stems from the fact that Ponto is the only vacant coastal land in South Carlsbad and is currently being evaluated for low-priority housing and other types of development. Should it be developed in this way, there will never be another opportunity to have a meaningful park in coastal Southwest Carlsbad west of Interstate 5. The request is to work with Pontolocals to provide a comprehensive and open process for citizens of the City [primarily Southwest and Southeast Carlsbad Citizens] to discuss and define possible better approaches to implement a coastal park in Southwest that can serve all of South Carlsbad. We recently had a community meeting attended by approximately 200 people and this letter reflects some of the near unanimous (90%+) concerns from that meeting. We believe these concerns are also likely to be reflective of many others living in South Carlsbad, and also in North Carlsbad.

The City Park Standard is “3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**”. So for every 1,000 Citizens in a Park District, such as the coastal Southwest Quadrant Park District, there is to be 3 acres of City Park to meet the standard. The rationale for such a location specific standard is that parks should be distributed so as to be reasonably accessible by all citizens. It is also important to have reasonable and safe park access via walking and biking, not just by motor vehicles. The staff report on correcting the timeline defect in the Park Standard stated that correcting the timeline to correct the park quadrant deficits is “... specifically relevant to the southwest and southeast quadrants. As stated in the report a need for more park acreage in those two quadrants was identified four years ago (during FY 2012-13).” A 6.6 acre park deficit within the Southwest quadrant was identified in the Growth Management Monitoring Report for FY 2014-15. However the report indicates that “Based on the Fiscal Year 2015-16 Capital Improvement Program list of projects, Veteran’s Memorial Park (91.5 acres, with 22.9 acres applied to each quadrant) is proposed to be constructed prior to buildout.” Under this proposal the future Veteran’s Park, that is located in the Northwest Park District and located many miles away from the coastal Southwest and Southeast Quadrants and Park Districts, would be used to meet the population and citizen demand for Parks for citizens within the coastal Southwest and Southeast Quadrant’s Park Districts. We know there is an outstanding opportunity for the City to do a great thing for the community and to add tremendous value to the quality of life by augmenting, enhancing, and/or adjusting planned park supply to better serve citizens and the City; and be more consistent with the General Plan and core values of the Growth Management Plan.

The fundamental intent of creating four Park Districts (one for each quadrant) and managing and matching demand and supply of City Parks into smaller geographical areas (quadrant park districts) is to make the supply of City Parks reasonably accessible to their demand and more equitably distributed for citizens. Equitable distribution of City Park facilities is the right thing to do and has many citizen and city benefits:

- Children and elderly can more easily walk and bike to City Parks when they are close by and within a safe walking and bicycling distance with properly designed access pathways;
- Park supply created so far away from park demand creates the need to drive in a car to access the park, thus increasing vehicle miles traveled (VMT). Depending on locations this also limits park access for citizens without cars or unable to drive;
- When city parks are accessible to their demand by walking/bicycling then less city park land is needed to park cars. Citizens get more actual useable park space for each acre of park land;
- When city parks are close to their demand busy families can quickly get to them after their workday which allows more park time for families during busy weekends;
- Nearby city parks create a stronger sense of stewardship for the “neighborhoods” park and city parks in general. Citizens watch out and care for their nearby park;
- Nearby city parks that are equitably distributed and based on surrounding neighborhood demand serve to strengthen neighborhood quality and property values by providing park amenities close by. It is both a good neighborhood and economic development strategy to assure park demand and supply are locationally matched; and
- Fundamentally it is the right thing to do to place park demand and supply in close proximity to each other and promote and equitable distribution public facility demand and supply.

In coastal Southwest Carlsbad and South Carlsbad we have some glaring gaps in demand and supply of city parks. For instance:

The Carlsbad General Plan Open Space, Conservation and Recreation Element, Figure 4-3 Parks: Shows no existing or planned coastal parks or special use areas west of Interstate 5 for all of South Carlsbad. In North Carlsbad there are 10, parks and special use areas west of Interstate 5 and on or close to the beach (9 of these are existing parks and 1 is a future park). This seems a clear and inherently unfair distribution of coastal park facilities. This unfair distribution severely reduces critical access to coastal park open space near the beach for South Carlsbad Citizens (half the City and over 26,000 homes, and over 64,000 citizens).

This unserved demand for city park space in coastal South Carlsbad is evidenced by the dangerous use of the Carlsbad Boulevard [old highway 101] road shoulder and bike lanes and campground road for recreational purposes, parking demand and the frequent unauthorized recreational use of Ponto vacant land. People are using whatever land they can for needed recreational use. South Carlsbad Citizens in Aviara, La Costa, Rancho Carrillo, Bressi Ranch, La Costa Valley and all the other South Carlsbad inland neighborhoods have no coastal South Carlsbad City Beach Park areas to access the coast. Their only option is to drive significant distances (with increase VMT and greenhouse gas emissions) crosstown to access city beach parks in the North, or travel to Encinitas. This forces increased VMT and greenhouse gas emissions which is counter to both State and General Plan goals. Citizens in South Carlsbad only have a State Beach pay parking lot and a retreating primarily steep cobble beach as their "local" beach. The non-beach portion of the South Carlsbad State Beach campground is a road and lodging facility for primarily out-of-town visitors that are near this beach. It is not a city park. The Campground is not designed to serve the park needs of Carlsbad citizens, but is a great place primarily for visitors to affordably pay to spend nights camping near the beach. The lack of any park facilities at the campground is evidenced by the frequent use of the campground driveway (a significant area of the campground) by children and adults as a play area.

There is an added benefit in that adding a coastal South Carlsbad Ponto Beach Park would help alleviate growing overcrowding, and increased traffic and parking congestion at North Carlsbad's coastal parks.

Citizens west of Interstate 5 in South Carlsbad have very limited access to a city park. Depending on the neighborhood one lives in, access our nearest park [Poinsettia Park] is between a 2 to 4 mile trip. Residents must cross Interstate 5 using one of only two crossings in the space of over 3 miles. These crossings are on major multi-lane, higher speed roadways (Poinsettia Lane or Palomar Airport Road). The route is not the most safe or direct, and it forces one to drive in a vehicle to access a park which increases VMT. Park access for children, the elderly, and those walking dogs west of Interstate 5 in South Carlsbad is severely restricted or effectively eliminated.

Coastal Southwest and all of South Carlsbad have not met their quadrant's Park area standard since 2012 (per the City's Growth Management Program). A specific comprehensive and open discussion with the Southwest and all of South Carlsbad citizens on how that deficient should be resolved should occur. The current City solution to meet local park needs of coastal Southwest and South Carlsbad with a paper allocation of park acreage in the Northwest part of the City that is many miles away does not seem right. It seems inconsistent with the core values and Vision of our City.

From Carlsbad General Plan Community Vision:

"...the Carlsbad Community Vision, which is the foundation for this plan." This is the foundation for the General Plan.

“...In the future, ... social connections will be enhanced through ... more public gathering places, family-friendly activities, and open spaces within walking distance of people’s homes ...”

“The community is proud of the exceptional amount of open space in the city, and envisions a future of continued City commitment to open space protection and strategic acquisitions to further the city’s open space system.”

“Parks, Fields, and Facilities for All Ages: The network of parks and recreation facilities will be improved to meet the community’s active lifestyle needs. Such improvements may include the strategic addition of more parks, ... New facilities will be located to maximize use and access by all neighborhoods, tailored to the needs of local populations, and designed with all ages in mind.”

“Beach Uses and Improvements: The beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority.”

“... Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach, which may include ... a park ...”

“Tailored Tourism Strategy: Tourism is an important component of the city’s economy today, and it remains an attractive economic sector for the future since it emphasizes the very resources that make the city attractive to existing residents—the ocean and beach ...”

“Easy and convenient pedestrian connections will be available from every neighborhood to help children get safely to schools and parks.”

From General Plan Land Use Element:

“Beach Access and Activity: ...the community expressed an overwhelming preference for an active waterfront development strategy, which provides opportunities for activities and uses to be more integrated with the ocean. ... Access to the beach will be enhanced through ... open space, parking, and amenities ...”

General Plan Land Use Policy: “2-G.20 Develop an active ocean waterfront, with new growth accommodated west of Interstate 5, to enable residents and visitors to enjoy more opportunities for ... recreating along the coastline. Develop public gathering places and recreational opportunities along the coastal corridor.”

The City’s Park and Recreation Master Plan includes many areas of direction that strongly support a coastal park west of interstate 5 in South Carlsbad. Many of the most important park facilities and program needs identified in the City’s Park and Recreation Master Plan could be most efficiently addressed with a coastal park in the Ponto area. There are also significant and unique opportunities to create both public/private and public/public partnerships that would not only help reduce City recreation costs but also expand and create unique and special recreational program opportunities currently identified in the City’s Park and Recreation Master Plan.

A Ponto city coastal park also implements a major General Plan policy which calls for an active waterfront and creates solutions to long standing Local Coastal Program policy and State Parks Campground issues. There are very unique and special land use compatibility opportunities and synergy from a coastal city park in south Carlsbad and Ponto area that are inline and implement high priorities identified in the City's Park and Recreation Master Plan.

In summary, Carlsbad has a once in a generation opportunity to create very special coastal South Carlsbad Ponto Beach Park in South Carlsbad. This opportunity will be true to our Carlsbad Community Vision and General Plan and the heart and soul of our Growth Management Plan's standard of matching park demand with park supply within a particular park district. We believe this request benefits not only coastal Southwest Carlsbad and South Carlsbad but all of Carlsbad and is more consistent with the City General Plan, Growth Management Program, and Parks Master Plan and will result in a better, more valued and more sustainable City.

We are a key Stakeholder in Ponto and the Poinsettia Shores Maser Plan and Local Coastal Program. We have been hearing similar concerns from other Carlsbad citizens about coastal beach park access and request that the City Council seize this opportunity to work with us to establish a comprehensive and open community discussion about the strategic acquisition of a coastal South Carlsbad Ponto Beach Park for South Carlsbad citizens and businesses. We also request before a solution to the 2012 Southwest quadrant park standard deficit is created we have an open citizen discussion with the Citizens of coastal Southwest Carlsbad on how that solution can better address the park demand created in the Southwest Park District with a better park supply created within that District. Like our City Park Standard says: "3.0 acres of Community Park or Special Use Area per 1,000 population **within the Park District**". We request that a coastal City Park West of Interstate 5 be developed in South Carlsbad to be fair and equitable and to meet the needs of South Carlsbad for a coastal City Park to serve all the Citizens of South Carlsbad. This can take advantage of special land use synergies to help promote public/private collaboration, create added property and transit occupancy tax revenues for the City by creating a valuable and synergistic amenity [where none now exists] for over half the City and over 26,000 homes, along with providing support to our City's visitor serving businesses and activities. It is the right and smart thing to do.

The San Pacifico Community Association and PBDRC as key Stakeholders in Ponto wish to be a key participant any proposed City or CCC actions regarding these subjects, and would like to meet with you to see how we can discuss and advance this for the benefit of South Carlsbad Citizens. As we are citizen volunteers we sincerely appreciate advance notification to allow for preparation and coordination with our work lives and to communicate back to our members and other South Carlsbad Citizens. We wish to be notified in advance of any proposed actions related to the issues in thus letter. The San Pacifico Community Association contact information is:

San Pacifico Community Association and PBDRC
c/o Walters Management, Lee Leibenson
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123
lleibenson@waltersmanagement.com

The Ponto Beachfront Development Review Committee conducted the research cited in this letter. Along with general communications, please contact the following if you have technical questions regarding this letter. Key Committee contact information is:

jeanscamp@yahoo.com

sebbiessixpack@att.net;

meyers-schulte@sbcglobal.net

Thank you for your consideration.

San Pacifico Community Association Board of Directors:

Mr. Jim Nardi jtnardi1@msn.com

Mr. Bill Van Cleve billvancleve@prodigy.net

Mr. Adriaan van Zyl Vanzyl.aakc@live.com

Mr. Tony Ruffolo tonyruffolo616@gmail.com

Mr. Chas Wick chaswick@reagan.com

cc:

Board of Directors

California Coastal Commission at Erin.Prahler@coastal.ca.gov and gbuhr@coastal.ca.gov

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

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



Sent via e-mail

May 15, 2019

To: Mayor Matt Hall
Mayor Pro Tem Priya Bhat-Patel
Council Member Keith Blackburn
Council Member Cori Schumacher
Council Member Barbara Hamilton

City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Creation of a Ponto Coastal Park

Dear Mayor Hall and Members of the Carlsbad City Council,

The Surfrider Foundation is a grassroots non-profit environmental organization dedicated to the protection of the world's ocean, waves, and beaches through a powerful activist network. The Surfrider Foundation San Diego Chapter supports the protection of existing open space adjacent to South Carlsbad State Beach, Ponto North and South, and the creation of a significant Ponto Coastal Park. We believe that in doing so, the City will be able to maintain open space, coastal access, and a create a Park for long-term recreational enjoyment of the coast at Ponto while addressing a 5-mile Coastal Park gap in South Carlsbad and San Diego County.

Ponto Beach at South Carlsbad State Beach is a popular beach destination in the City of Carlsbad that is used by many for surfing, swimming, and other coastal recreation. Just across Coast Highway/Carlsbad Boulevard from the shoreline is a stretch of vacant land that has been continuously considered

for various developments over the years. It is important to note that the California Coastal Commission's Local Coastal Program requires the eleven-acre site, known as Planning Area F, to be studied as a public park or for low-cost visitor accommodations prior to any land use plan that would allow development on that site.

Surfrider is opposed to development in the area that would negatively impact beach access through more residential congestion and increased traffic. A Ponto Coastal Park on Planning Area F, near Ponto State Beach across Pacific Coast Highway from the State campgrounds, would ensure coastal and or beach access for generations of people in Carlsbad and North County regardless of where they live.

This land is one of very few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. Surfrider supports preserving this space for future Coastal Dependent uses such as viewing areas, walking trails and campgrounds. Surfrider believes that any future plans for a Ponto Coastal Park and zoning must be primarily oriented for beach and coastal uses only, including any additional parking and transit developments.

Surfrider opposes any development of this space, such as residential development, that would impede beach use, including but not limited to blocking shoreline access, interrupting views, creating increased traffic or strains on available parking, or other similar conflicts. This includes, but is not limited to, the development of the space for housing, non-coastal oriented retail shops, or an active park primarily dedicated for organized sports (baseball, football, lacrosse, etc.), that would compete for space with those wishing to visit the beach for coastal dependent activities. High-density residential use would essentially eliminate the area's adaptability and could be costly to move should the need arise as the coastline changes from sea level rise impacts.

A high intensity organized sports park, despite being open space and addressing some community park needs for open play fields, would likely generate increased traffic and competition for beach parking that may hinder access for beachgoers. As such, Surfrider would not support the

development of this lot for high intensity organized sports as an active use park. A more informal park, which may include open informal grass fields that can be used for playing, picnics, temporary special events, walking trails, and possibly campsites in the future, would protect the open space in a way that does not compete with beach access.

Surfrider recognizes once the site is a park, a detailed park planning and design process will be required. This process is most successful and achieves the best outcomes when they are inclusive and consider important Coastal issues and priorities. As such Surfrider would like to participate in and contribute to the Ponto Coastal Park planning process.

Additionally, South Carlsbad State Beach, like much of the California coastline, will face increased threats from climate change and sea level rise. Allowing the Ponto Coastal Park area to remain as an open field that is light improved for informal recreation and special events gives the City and State more options for future adaptation and continued Coastal recreation resources in the area.

Thank you for your consideration of these comments and for contemplating the development of a Ponto Coastal Park.

Sincerely,

Kristin Brinner and Jim Jaffee
Co-Chairs of the Beach Preservation Committee
San Diego County Chapter Surfrider Foundation

Kaily Wakefield
Policy Coordinator and Carlsbad Resident
San Diego County Chapter Surfrider Foundation

Copied to:

City of Carlsbad:

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Debbie Fountain, Director, Community and Economic Development

Debbie.Fountain@carlsbadca.gov

Kyle Lancaster, Parks Commission and Parks Director Kyle.Lancaster@carlsbadca.gov '
Don Neu, Planning Commission and Planning Director Don.Neu@carlsbadca.gov

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman, via Katie Saad
Katie Saad, District Director for District 76 Assembly Woman Horvath Katie.Sadd@asm.ca.gov
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Erin Prahler, Coastal Commission, Coastal Program Analyst Erin.Prahler@coastal.ca.gov
Lisa Urbach, California State Parks, San Diego Coast District - North Sector Superintendent
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County of San Diego:

Jim Desmond, District 5 Supervisor Jim.Desmond@sdcounty.ca.gov

San Diego Association of Governments (SANDAG):

Hon. Steve Vaus, Chair, Board of Directors clerk@sandag.org
Hon. Catherine Blakespear, Vice Chair, Board of Directors clerk@sandag.org
Keith Greer, Principal Regional Planner keith.greer@sandag.org
Hasan Ikhata, Executive Director hasan.ikhata@sandag.org

From: [Susan Stockdale](#)
To: [Planning](#)
Subject: park
Date: Thursday, December 3, 2020 3:42:42 PM

Thinking we desperately need a park.

Thank you,

Susan Stockdale

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

From: [suzy weast](#)
To: [Planning](#)
Subject: Ponto Redevelopment
Date: Thursday, December 3, 2020 3:03:53 PM

To the City of Carlsbad Planning Commission:

Please, please leave our beloved Ponto Beach natural or at least develop the land into a park. Why do we need more shopping when we could look at waves and the jetty? Ponto is where our family has attends Easter morning services, where our kids surfed before school and on weekends and in the summer participated in the very popular Jr. Lifeguards program. The vibe of Ponto will be lost with such a development. Note Del Mar hasn't built a shopping complex across from their beach. Neither has Encinitas or Solana Beach. Keep it simple and beautiful.

Please consider your constituents and say NO to development of Ponto.

Suzanne Weast (Suzy) theweasts@roadrunner.com

6583 Robinea Drive, Carlsbad, CA 92011

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From: [Tia Colner](#)
To: [Planning](#)
Subject: PO to
Date: Thursday, December 3, 2020 8:40:58 AM

Please keep this as a park!!!

Sent from my iPhone

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

From: [ulf.samuelsson](#)
To: [Planning](#)
Date: Friday, December 4, 2020 7:12:04 AM

Please keep South Ponto a park, it's our favorite area
Ulf samuelsson

Sent from my iPhone

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

Submitted: May 28, 2020

Dear Carlsbad City Council, Carlsbad Planning and Parks Commissions, and Coastal Commission:

The City Budget should address both short-term Covid-19 impacts, and near/longer-term investments needed for Economic Recovery and Revitalization.

The quality of our Carlsbad coastline, Coastal Parks and open spaces are continually rated by Carlsbad citizens and businesses as the critical foundation of our quality of life, economic strength, and tourism industry. Ponto Coastal Park is a critically needed investment, and the last opportunity for the City to make an investment for Carlsbad's long-term sustainability. South Carlsbad Citizens, visitors, and the Visitor Industry have no Southern Coastal Park. Ponto is the only place to provide that needed investment for residents and visitors, and advance Economic Recovery and Revitalization of South Carlsbad's significant Visitor Industry. Coastal Recreation is the major attraction for visitors.

With these understandings we submit the following testimony and data from the City's FY 2019-20 Budget Public Input Report that highlights the documented significant number of citizens asking for a Ponto Coastal Park. We also note concerns about the Report's dilution of specific citizen input provided at both the March 4, 2019 and 2020 Citizen Workshops.

Citizen input on the need for a Ponto Coastal Park was the most numerous specific place need/desire citizens mentioned in the City's:

- Budget Public Input process,
- Draft Local Coastal Program Amendment process, and
- Parks Master Plan Update process.

The Budget Public Input process documented 85 specific, verbatim citizen comments on Ponto area park needs and over 90% of citizen requests that Council budget to address this need. These 85 Verbatim Citizen comments (listed at the end of this testimony and data) specifically address how they would like their (Park) tax dollars budgeted. Additionally, 2,500 similar public input email/petitions were submitted as public comments on Carlsbad's Draft Local Coastal Program Amendment and Park Master Plan Update processes spoke to the need for a Ponto Coastal Park.

As you know, the 11-acre Ponto Planning Area F site is for sale. This site is similar in size/shape as Holiday Park, providing a Coastal site for similar multipurpose community functions.

Carlsbad's Local Coastal Program (and thus General Plan and Zoning Code) requires the City to first consider and document the need for a "Public Park" before any land use can be planned for the Planning Area F site.

The City's Park Master Plan already documents the need for a Ponto "Public Park", showing the area as "unserved" by City Parks and an area of Park "inequity" correlating well with Citizen input.

The City also received offers of potential donations, or cost-saving collaborations from Carlsbad Citizens and non-profits to advance the much needed Ponto Coastal Park. The City disappointingly has not replied to these special opportunities.

Therefore, it is requested the City budget for a Ponto Coastal Park and contact the Planning Area F landowner regarding site purchase.

Consistent with Budget Public Input Report page 3 it is requested that this this testimony and data be provided to the Planning and Parks Commissions; and Coastal Commission as public input on the City Staff's proposed 1) City Budget, 2) Draft Local Coastal Program Amendment, and 3) Parks Master Plan Update.

Thank you.
People for Ponto

The following data is from the Carlsbad FY 2019-20 Budget Public Input Report:
<https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=38546>

In reading the data different text treatment is used to differentiate between actual page number and text in the Report, Important Report text, and public comments and analysis of Report text. Following is a legend to those text treatments:

- (p.X) is the Report page number where the information is found, and normal text is the actual Report text.
- Text in **Bold Face** is particularly important Report text.
- **Arrow bullets and Text in Bold Italic Text** are analysis and comments on the Report's information.

Introduction (p. 3):

- **Members of the public have a right to be involved in decisions affecting their lives.**
- **It is the city's responsibility to seek out and facilitate the involvement of those interested in or affected by a decision. The city errs on the side of reaching out to people who might not be interested, rather than potentially missing people who are.**
- **City staff provide balanced and factual information to the public and do not engage in advocacy.**
- **Public dialogue strives for a focus on values over interests and positions.**
- **Public involvement planning is coordinated across all city departments to ensure consistency and avoid process fatigue.**

On (p. 5) specific Verbatim Public Input was generalized by City Staff as follows:

Main Themes: The following themes were a high priority overall:

- **Neighborhood quality of life**
- **Access to nature, trails and open space**
- Environmental sustainability
- Traffic and mobility

Most Important Services: City services in the following areas were identified as the most important:

- **Neighborhood quality of life**
- **Parks and recreation**
- Law enforcement
- Fire and paramedic service

- Environmental sustainability

Specific Areas for Budget Enhancement: When asked which services they would like to see enhanced in next year's budget, the top five responses were:

- **Neighborhood quality of life**
- **Parks and recreation**
- **Environmental sustainability**
- **Mobility/transportation**
- Arts and culture

- *The lack of a Coastal Park at Ponto impacts all South Carlsbad neighborhoods' quality of life. Carlsbad's Park Master Plan documents that Ponto and Coastal South Carlsbad are "not served" by parks and Ponto and Coastal South Carlsbad is an area of park "inequity"*
- *The City and CA Coastal Commission are required to consider and document the need for a "Public Park" before any planning to allow any land use on Ponto Planning Area F. For over 10-years the City failed to disclose and follow this requirement – making multiple "Ponto planning mistakes". The City will now have to correct its multiple "Ponto planning mistakes" as part of the Draft Local Coastal Program Amendment*
- *The lack of a Park at Ponto also impacts both Environmental Sustainability and Mobility/Transportation:*
 - *Prevents parks within walking distance, forces driving (and the need for more parking in our Park) to access parks.*
 - *Forces South Carlsbad Neighborhoods to drive long distances to North Carlsbad and/or Encinitas to access a Coastal Park*
 - *Congests North Carlsbad and/or Encinitas Coastal Parks with South Carlsbad Coastal Park demands*
 - *Congests North Carlsbad and/or Encinitas roadways and parking facilities with South Carlsbad Coastal Park demands.*
 - *Importantly, it would forever negatively impact the economic sustainability of Carlsbad's Visitor industry. There are thousands of inland South Carlsbad resort/hotel rooms that have no access to a Coastal Park. This will ultimately undermine the attractiveness and competitiveness of South Carlsbad's Visitor industry and the tax revenue the City receives from that industry.*

Word Maps (pp 6-8)

Staff provided 3 'word maps' saying the show the words mentioned at the March 4th 2020 workshop attend by 38 citizens.

- *There is citizen concern about the accuracy of these word maps and what is conveyed on pages 6-8 of the Report.*
- *Several of those 38 citizens, provided specific written (individual index cards) and verbal (round table flip chart notes) Pubic Input several stating the need for a "Ponto Coastal Park", another mentioned a "liner Park", and several mentioned the "Senior Center", all these written/verbal comments were not accurately documented or reported on pages 6-8. It appears the City Staff interrupted and translated/transformed the actual citizen comments (as documented in the index cards and flip chart notes) when creating the word maps. There is a concern that specific citizen input provided at the actual workshop was not accurately*

- Poinsettia Park: 2 times, this is 2% as much as Ponto area
- Veterans Park: 2 times, this is 2% as much as Ponto area
- Rancho Carrillo: 1 time, this is 1% as much as Ponto area
- Hub Park: 1 time, this is 1% as much as Ponto area
- Crossings Golf Course: 1 time, this is 1% as much as Ponto area
- Robertson Ranch: 1 time, this is 1% as much as Ponto area
- Palomar Airport: 1 time, this is 1% as much as Ponto area

➤ ***As the Budget Public Input Report suggests, reading of each of the Verbatim Comments of actual public input should be done. The place names area specific list above does not include broad places such as “beaches” the names of specific roads, and other names that appeared vague. It is clear in reading through and counting the place name references that the Ponto area expressed as Ponto, Zone 9 (i.e. Local Facilities Management Plan Zone 9), and the coastal park references to Southwest Carlsbad and South Carlsbad was by far the greatest area of public input. This makes perfect sense in that for half of the City Ponto is the last significant vacant Coastal land available to address two of Carlsbad Citizens’ most important budget concerns ‘Neighborhood quality of life’ and ‘Parks and recreation’ that relate to core community values around Carlsbad’s “Beach”, “small beach town character”, and “valued open space”.***

Following is the listing of the Verbatim Public Input (Appendix A in Public Input Report, pp 24-91) that specifically referenced Ponto or a clear reference to Ponto such as Zone 9 or Coastal Park needs in Southwest Carlsbad. There are many more comments such as “The purchase of remaining open space for preservation of the last remaining coastal areas.” that logically and clearly refers to the Ponto situation. However these many additional comments were excluded from the list below since they did not specifically mention Ponto, Zone 9, or SW Carlsbad place names.

Of the 85 citizen comments below specifically referencing Ponto, 77 or 90.6% were asking the City to budget for a Ponto Coastal Park. Only 8, or 9.4% of those citizen comments were not asking for a Ponto Coastal Park. We are not sure if the 8 commenters knew about the City’s now acknowledged “Ponto planning mistakes” dating back over the past 10-years, as the City only first briefly acknowledged this recently on 1/28/20. We have found once citizens are truly aware of the facts and prior “Ponto planning mistakes” there is almost uniform desire for a Ponto Coastal Park. There is citizen concern that these “Ponto planning mistakes” are not being fully, openly and accurately being disclosed to Citizens during the various Public Input processes, thus tainting those Public Input processes.

Verbatim Ponto City Budget Public Input from pages 24-91 of FY 2019-20 Budget Public Input Report:

1. My biggest disappointment is the lack of park facilities in my section of the city, near South Ponto Beach. Lots of open land but no park within at least 2 miles. This should be a city priority
2. It used to be the beach but now Ponto & South Carlsbad are more like rocky shores. I’d like to see the rocks cleared up and more sand added to these beaches
3. COMMENT TRAFFIC IS BEING SPAMMED HERE TO PUSH THIS PONTO PARK PLOY (PPP) Develop Ponto and have the hotel maintain our beach! It’s all rocks currently!
4. Ponto Beach. We do NOT need a commercial development or hotel there. That needs to be a park and/or open space for future generations.

5. Ponto beach.
6. Don't ruin South Ponto Beach with condos and/or hotel, need to restore the sand on the beach.
7. Like most residents and visitors I treasure the beach. I feel the highest priority should be open space and parks that serve the beach region. Particularly important is the open space still available in the Ponto region. There is ample space here for an extraordinary area of open space and even a park. There is not one of either of these in the southwest quadrant near the beach. Children cannot walk safely to a park from that area. Open space and a park in the Ponto area would serve all residents, visitors, and the business community.
8. Beaches, parks, safe neighborhoods, OPEN SPACE! Need Beach parks like Del Mar Powerhouse/Sea Grove Park & Encinitas Community Park. Ponto Beach needs some attention.
9. I love the beach and the parks and fields and open space and hiking trails in Carlsbad. I wish we had more!! We have had 3 kids in sports in Carlsbad. Currently, field/park space is very limited and often over committed. Currently, there aren't enough fields to meet the need of the community. Adding more parks and fields would create a better community in the following ways.... The sports played on these fields help keep our kids fit and healthy; It keeps kids busy and out of trouble; It fosters friendships and community; it teaches team work and fosters dedication and teaches a willingness to help others succeed; it brings in community \$\$ from other teams who come to play on Carlsbad fields; It's a wonderful way to showcase our city to others who will want to return thus helping grow tourism. Additional Parks would offer the same benefits. We do not need more high density building. And, Please do NOT ruin Ponto with more building!!!!!!
10. We love the beach and the small-town feel Carlsbad has. We love the scattered open spaces and trails. Carlsbad is a great place to live and spend time outdoors, like the Ponto area. Let's keep it that way by not developing every last square foot into a condo complex, hotel or shopping mall, if that's what you want please move to Oceanside.
11. Let us protect the valuable open space that is left and not develop every square inch. Especially at the beach, let us save the land across the coast highway from Ponto Beach and make a beautiful park, not more condos and hotels. Carlsbad is in great financial shape and does not need to go after every development and tax dollar it can get. Some things are more important, like quality of life, than a fat wallet. I know that this will fall upon deaf ears amongst the two older members of the City Council, but maybe some rearranging of priorities is in order.
12. Would love to see the last areas of open land to stay that way. I have lived here for 25 years and have seen a tremendous amount of development eating away at the open beauty of the area. We have enough shopping centers and homes. Please leave the area at Ponto open and do not approve the Ponto development.
13. Keep Ponto Beach development free!
14. Preserving Open Space and Building Ponto Park in the South West Quadrant!
15. I second Tisha Klingensmith's comment and all the others regarding Ponto Beach development.
16. Preserving open space and maintaining high quality Parks and Rec with park location emphasis on geographical location. It's time to build a park in the SW quadrant near the beach for locals and visitors alike. Veterans Park is not a solution for each quadrant's deficiency, particularly in the south.
17. We need more parks, especially in southwest Carlsbad!
18. I agree, we need more parks and open space. I live in Zone 9 and don't have a park anywhere within walking distance.
19. We need to continue to preserve open space and NOT develop Ponto into an awful condo complex. We would love a park!

20. We need a park in the Ponto area and not a development. It is the last open space next to the beach left
21. I agree with the need to preserve open space throughout Carlsbad and NOT develop Ponto into awful condo complex.
22. We need to preserve our open space --it's what keeps the city feeling like a small town. We need more parks -esp one at Ponto in the SW quad!
23. Preserve the open space and build a park in SW quadrant at Ponto. We do not need or want any more huge developments, especially right by the beach in one of the last remaining open spaces. Once it's built, you can't un-build it. Build Ponto Park in SW quadrant. Do the right thing. Especially for our children and grandchildren. They won't thank us for building outrageously tall high density condos, hotels and unnecessary shops right by our gorgeous beaches. The only people this benefits are some wealthy developers, not the people of Carlsbad. Think long term, not short term. We have a beautiful city and community-preserve it now or it's gone forever!
24. We really need a park in the southwest quad by the beach. This could be an amazing asset (on SO many levels) for the community and visitors alike. The revenue stream would return the city investment in spades!
25. Parks. Needed in Ponto area our children in this area don't have a close park. And the house lots in our area are small.
26. I agree that we should be very mindful that the citizens of Carlsbad voted out the retail space plan at the power plant site a few years ago. The new Ponto project should not replace that. Citizens should be part of the decision to build out that area
27. We need to preserve our open space and we need a park at Ponto!
28. We need a park in the Southwest quadrant of our community. Safety in the community is what we like best in this area
29. Carlsbad's small town feel, friendly atmosphere and location has made it our ideal place to live for the past 20 years, We live across from South Ponto Beach and DESPERATELY need a park for our area residents. It would be sad to see the area overbuilt with high density projects and not retain some of the open space at this southern entrance to our "Village by the Sea". PLEASE help preserve some of its appeal before it is too late.
30. I love the quaintness of the Village, the open land areas, trails, small businesses and the arts. A huge NO to PONTO. Please stop the excessive building and development of the open areas of our beautiful and unique city. We have lived here for over 30 years and are sad to see so much over development. Keep our special village a village, and please don't turn it into another ordinary city.
31. Favorite is small town feel and the beach --the beach provides us with all the open space we need. The city has enough open space with all the lagoons, etc. --we don't need any more parks --especially at PONTO --I am thrilled to see and drive by every day the new resort at La Costa which is in Encinitas and that is what we need here at the South end of Carlsbad --more residential --NO more open space
32. What I love about Carlsbad is that it has a small village feel but it also has the beach and some restaurants and then little town. I really would like more to walk to around the Ponto area. Specifically I think it should be more of a beat centered area with places to grab ice cream or grab some food or a coffee and walk to the beach.
33. I love that our village that is not a strip of 101. The quaint cottages helped Carlsbad have a downtown feel. It has several streets with unique interest. I love the Trees on Grand! The landscape of the trees setting the height of the town. Unfortunately the taller buildings are killing that. Vertical dwellings are taking over.. think of the reason you travel to Europe. It's not

for Developers Generica. We also want the NRG power plant space into a Park... and... I would LOVE for the city to finish the rail trail to Ponto. Imagine taking a trail to Ponto? It would be a dream!

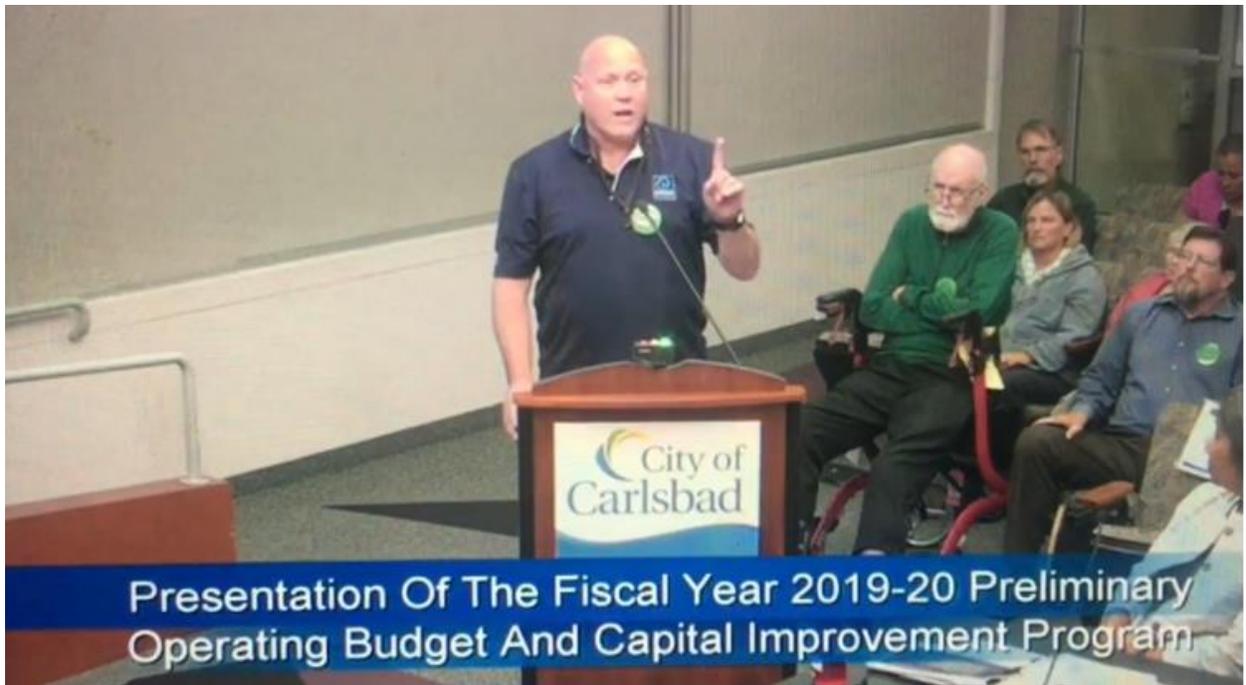
34. Our San Pacifico Community and the surrounding neighborhoods need a local park. So far Carlsbad has no real performing arts venue of any size to meet the needs of a city of more than 100,000. This should be a serious consideration when the new civic center is being designed.
35. We need more coastal parks and open space. Especially in zone 9
36. protect more open space, including Ponto
37. We need Veterans Park completed and Ponto park developed. Everyone in Carlsbad is engaged and we have been talking about the park deficits for a while now. Veterans park is over-due!!!
38. Our libraries are the best in the region! But I have to put them 4th to our Neighborhood quality of life, which is being impacted by huge developments destroying our property values, our piece of mind and privacy. We do need to insure that our environment is cared for, since all of these housing projects are going in. I do love our parks but we need to insure that the SW quadrant has their share of parks (think-Ponto).
39. Zone 9 (in southwest Carlsbad) does not have a park within walking distance! I hope the City can remedy this.
40. Ponto needs a park not a hotel or more condos. Please stop building on every last piece of land
41. See previous comment concerning the lack of a local, beach oriented park in the South Ponto area. Ditto a performing arts venue.
42. PLS get the Ponto Proyect development going....., that area of Carlsbad needs it asap
43. I support Ponto Development. PLs get it going...
44. Ponto has 2 miles of unobstructed beach access and a lagoon that already act as a "park within walking distance". The Ponto project was approved long ago and is part of the citizen approved master plan. Please get it done.
45. Strengthen and protect the financial stability of the City. Businesses pay a significant amount of taxes, property, sales and income and those employed spend and live here. Encourage affordable housing opportunities for everyone, think outside the box and find some unique solutions. Complete build out in areas available, Ponto Beach is a great opportunity and the project is well thought out, get it built. And please don't become a 'Nanny City' and waste time to pass frivolous laws restricting straws, plastic bags, soda consumption, etc.
46. Development of open space and parking space in the Ponto region
47. Specifically, I want the city to remedy the lack of equal access to parks and trails evident in the southwest quadrant of the city. I support a park project at Ponto: in the long run, the south coastal gateway to Carlsbad needs a welcoming park with beach access and supporting facilities. Though less extensive than Village beach areas, good design would merge a Ponto park with access to beach and access to the 'memorial area on the bluff at city border with the ecology of the Batiquitos Lagoon adjacent to make a marvelous creek to beach environment accessible for all and ever.
48. There are two miles of unobstructed beach plus the lagoon within "walking distance" of the neighborhoods near Ponto. The project was approved long ago and is part of the Master Plan approved by the citizens of Carlsbad. Zoning changes and project vote downs are often just another way to steal private property.
49. Local park deficits continue to be a problem. Let's please support Ponto Park development. We as a city are losing an unobstructed landmark in our community. Please share some of that with local residents. And, did I mention parking??
50. The extreme southwestern (Ponto) area of Carlsbad does not have a park within walking distance -this is my top priority to fix.

51. We have wonderful neighborhood parks, but not in Ponto and it's on the beach; Veteran's Park is more of a hiker/nature lover's place to enjoy nature.
52. We need a park at Ponto - to serve not only residents, but visitors and tourists.
53. A park is much needed in SW Quadrant of the city
54. Ponto Park. So much has been done for businesses, tourism, etc. This is the last bit of Carlsbad coast line left. And the residents could use more park space in the south part of the City. I don't want to see this area developed. Carlsbad has become overdeveloped.
55. I want to see a park for the Ponto road area. I feel that that area should not be used for condo - residential development. It is so important to showcase that wonderful piece of property, which is so rare to find all up the coast of Calif. and would be a welcomed park for all as you drive north into Carlsbad. ALSO I am very concerned that the Palomar Airport and the larger airplanes the new plan will bring and ask that the city stay involved to support our concerns, thank you for help I appreciate all off the councils work.
56. Ponto area open space and park development
57. Take control of our coastline, bring fire rings to Ponto beach, every family should have the experience of gathering around a roaring fire on evening.
58. Cancel the Ponto development tragedy. Build a free park and keep the free beach parking there.
59. Buy the land for open space on Ponto Drive and build a park in Zone 9 that has no park even though developers paid into the park fees for 20 + years.
60. support Ponto development
61. Now that we have removed the jetty and allowed Warm Waters to wash away, and now we are planning to build on Ponto, where will locals access the beach? If 50% of responders stated the beach is the best part of Carlsbad living, why are continually squandering this gift? I know the council would live to sell Agua Hedionda to a developer too. When will there be decisions made to maintain our quality of life? Furthermore, I selected transportation because my commute time has DOUBLED in the past 5 years. The 55mph speed limit on El Camino is a joke. It takes me 2 light cycles just to cross each intersection now due to this unmitigated growth with no regard for how people will get around. I'm continually dismayed by this city.
62. Preserve the open space at Ponto. Keep traffic under control.
63. Preserve open space in zone 9
64. Money for persevering open space in zone 9 and building parks in the SW quadrant!
65. More parks and open space in Southwest Carlsbad!
66. Why another proposed hotel at Ponto? There are an abundance of hotels & stores already available ---even more than necessary. Preserving nature & some green space is more important than more concrete & businesses with "lease available" signs everywhere!
67. Prop to aid Ponto to keep it natural, as park area & natural habitat.
68. Put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant (p 84)
69. Please put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant (p 85)
70. need a park in the southwest Carlsbad post development
71. Parks in southwest Carlsbad!
72. Zone 9's lack of park and open space is sad. The SW quadrant needs more places to take kids to play, seniors to walk and get outside, and for the community to gather. A park at Ponto would be an ideal place for that and would make for a beautiful and welcoming entry into Carlsbad for locals and tourists.
73. We need a park site near Ponto Beach on the property now slated for a 5 star hotel which has not been built despite attempts by several developers over the last ten plus years.

74. Please spend more on Parks and Recreation. We need to Preserve Open Space in Zone 9 and Build Ponto Park in the SW Quadrant. We do not need more homes congesting the already packed Coast Hwy. Adding sand to Ponto Beach would be nice too -too rocky!
75. I'm asking the City to put budget money towards Parks and Recreation, specifically Preserving Open Space in Zone 9 and Building #PontoPark in the SW Quadrant -this will enhance the quality of life in Carlsbad, contribute to the highest and best use, meet the requirement to have a park in this area, and make the area so desirable that it will allow raising of local tax rates (I don't believe I'm saying this). Best Regards, David Johnson
76. Put some park and playgrounds in SW Carlsbad. There are none near Ponto, yet there are open spaces, near Avenida Encinas and 101. Nothing to walk to. Thank you
77. We could really use a park in southwest Carlsbad especially the San Pacifico area. Thank you
78. Work toward filling the deficit in parks and open space in the Southwest part of Carlsbad, especially Ponto.
79. Would truly love the Ponto Beach Park! As a resident of South Carlsbad we need this!!!
80. There are no Parks in South Carlsbad. We are neglected here yet I pay very high taxes.
81. Build a Park at Ponto! Keep the open space!
82. I would like to see the city buy the Ponto property and develop it into a park.
83. Build a park at ponto
84. Appropriate development of open space and park space in the Ponto region. We are currently at huge deficit of both of these in the Ponto region
85. We are very quickly running out of open space. This is probably one of the most beautiful areas in the country, we need to preserve that beauty and maintain some open space. The open land near South Ponto beach must be preserved. There are no parks in the area, developing that area would not only add to the pollution but it would sacrifice one of the most beautiful parts of Carlsbad. Towns and Cities across the country are prioritizing open space that is so important, it is time we did that in Carlsbad. We need open space near Ponto Beach.

A few of the many Citizens asking the City Council to budget for a much needed Ponto Coastal Park





Comparison of Ponto Planning Area F’s existing v. Carlsbad proposed LCP LUP not fully correct. The table is from City of Carlsbad. The last paragraph of the Existing LCP notes “prior to any planning activity”. This was newer done as documented by official Carlsbad Public Records Requests 2017-260, 2017-262, R000930-072419, R001280-021720, and R001281-02170, so the City’s “General Plan update” (of just the land use map) was done in violation of the Existing LCP LUP Policy – one of the City’s Ponto planning mistakes. As noted in 1-5 below, the CCC has noted these mistakes dating back to 2010 with the “Ponto Beachfront Village Vision Plan” and 2015 General Plan map, and is seeking to correct them in the 2016 and 2017 communications to the City. Also the City’s own documents verify these facts.

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

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

CCC direction on why Draft LCP description is not accurate:

During the Jan 28, 2020 City Council Meeting (item #14), Carlsbad City staff for the first time as a side-bar comment admitted the City made some ‘Ponto planning errors’ going back over 15 years. Those City planning errors where first called out when the CA Coastal Commission (CCC) denied Carlsbad’s Ponto Beachfront Village Vision Plan (the referenced foundation for Carlsbad’s 2015 General Plan Update) in 2010 in part due to the City’s mistake. Following are 4 documents that conflict with the above City interpretation of how the Draft LCP addresses Existing LCP Polies.

- 1) The CCC in denying in 2010 the Ponto Vision Plan (the foundation for Carlsbad’s 2015 General Plan Update at Ponto) specifically said with direct reference to Ponto Planning Area F:

“Currently, this area [*Planning Area F*] has an Unplanned Area land use designation. In order to facilitate **any type of development in this portion of the Ponto area, an LCP amendment modifying the land use will have to be brought forward to the Commission for review and approval.**”

“... the Commission would reject such proposed uses because there has been no evidence presented that would support the elimination of these [Planning Area F] areas for some lower cost overnight accommodations or public recreational amenities in the future. The Commission's past action of the **Poinsettia Shores Master Plan specifically called for such an assessment, and none has been submitted to date.** The concerns related to the lack of lower cost overnight accommodations in Area F (ref. Exhibit #7) are further discussed in the findings later.”

“City is inadvertently sending a message to potential developers that 1) the identified development (townhouses) is the primary type of use the City will support, or 2) that development type is consistent with the current land use and zoning designations. Neither of those assumptions is correct. As the previously certified **Poinsettia Shores Master Plan states, any type of development at this location would first require an LCP amendment to establish the land use and zoning, which would have to be certified by both the City and the Coastal Commission. Additionally, the Master Plan further states that some component of the development at this location must consider the need for the provision of lower cost accommodations or recreational facilities.**”

“While residential use is one of the land uses listed for this area in the Poinsettia Shores Specific Plan, it may not be the most appropriate designation. As previously stated, the project will at least need to consider the incorporation of some kind of lower cost accommodations, and any proposed zoning designation for the site will have to be found consistent with the policies contained in the Poinsettia Shores Master Plan. Furthermore, the standard of review for any change to the current land use designation is the Coastal Act, and thus will also have to be found consistent with all its applicable policies.

Recently, the Commission has become concerned with the lack of lower-cost accommodations statewide. Thus, the establishment of a residential land use at this location may not be what is ultimately determined to be certified as consistent with the Poinsettia Shores Master Plan, or the Coastal Act.”

“B. High-Priority Uses - Lower Cost Visitor Accommodations in ‘Area F’: The Coastal Act has numerous policies promoting public access to the beach and state:

Section 30210 - In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and **recreational opportunities shall be provided for all the people** consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 - Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. **Developments providing public recreational opportunities are preferred.** The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221 **Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.**

Section 30222 - **The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**”

“... in 1996, the Poinsettia Shores Master Plan was certified as part of the City's LCP, and replaced the [Visitor serving] land use designation as an "Unplanned Area." **In an attempt to maintain a lower-cost visitor-serving component at this location, the Commission, through a suggested modification, required language within the Master Plan that would serve to protect this type of use.** The language in the Poinsettia Shores Master Plan, for this location, "Area F," included: **As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost accommodations or recreational facilities (i.e. public park) on the west side of the railroad.**”

“The Ponto Beachfront area is an area that could be considered as a high-priority location for lower cost overnight accommodations. While located across the street from a State Park (South Carlsbad State Park) containing camping facilities, **during peak summer months, the campground is consistently at capacity. ... If at any time in the future, this State Beach campground is converted to day use sites, the market and the need for low cost overnight accommodations will be significantly amplified. Thus the Vision Plan, as proposed by the City, cannot be found consistent with the Coastal Act.**”

“H. Conclusions: ... **concerns regarding the determination of preferred land uses in an ‘unplanned’ area, the lack of provision of lower-cost accommodations and recreational uses, ... remain. All of these oversights could result in impacts to public access and recreation and other coastal resources and, therefore, the Vision Plan, as submitted, is therefore inconsistent with the Coastal Act, and therefore, shall be denied as submitted.**”

- 2) 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 for the 1st time 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.”

- 3) 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.”

- 4) In 2016, the CCC told City that Carlsbad’s proposed 2015 General Plan land use map could change based on the outcomes of both a Citywide Coastal Recreation needs Study, and also the specific Planning Area F LCP requirement to study Park needs at Ponto.
- 5) Currently and since 2016 the City acknowledged that the existing LCP, City and LCP Master Plan Zoning of “Non-Residential Reserve” land use needs to be changed by BOTH the City and CA Coastal Commission to only then allow any proposed development on Ponto Planning Area F. Also, since 1996 the Local Facilities Management Plan for Zone 9 (Ponto) has the planned land use and zoning of Ponto Planning Area F as “Non-Residential Reserve” that has no land use. The LFMP-Zone 9 must be amended to account for any City and CA Coastal Commission change from “Non-Residential Reserve” and address the land use impacts on all the Growth Management Program Facility Standards in Zone9 such as the current Park deficit, and also the recently discovered false exemption of the Open Space Standard in Zone 9. The false exemption being that Zone 9 was not developed in 1986 nor have the land use changes since 1986 complied with the 15% ‘unconstrained’ Open Space Standard.

The City currently and since 2016 acknowledges the existing LCP, City and LCP Master Plan Zoning of “Non-Residential Reserve” land use of Ponto Planning Area F needs to be changed by BOTH the City and CA Coastal Commission as evidenced on page 14-15 of City’s Planning Pending Applications as of November 2020 at <https://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=46332> as it shows:

“PONTO BEACHFRONT 12/20/2016

<u>Legislative application</u>	<u>applied on</u>	<u>description</u>
AMEND2017-0001	1/19/17	LFMP AMENDMENT FOR ZONE 9
LCPA2016-0002	12/20/16	USES PROPOSED FOR PLANNING AREA F
MP2016-0001	12/20/16	USES PROPOSED FOR PLANNING AREA F

– Carlsbad City Planner = Goff”

The City is apparently failing to fully disclose to Citizens these facts and the City’s prior “Ponto Planning Area F planning mistakes dating back over 10-years when the land was purchased by speculative investors. For the City’s and CA Coastal Commission’s Public Participation process to function Carlsbad Citizens need to have these facts, so they are properly informed. The overwhelming Citizen input on the need for and request the City provide Ponto Coastal Park comes from Citizens slowly in 2017 becoming aware of the City’s prior Ponto Planning Area F planning mistakes and asking eh City to acknowledge and correct those mistakes.