

From: [Jennifer Jesser](#)
To: [Melissa Flores](#)
Subject: Fw: Carlsbad Coastal Program Land Use Plan update
Date: Monday, November 30, 2020 7:57:09 AM
Attachments: [Outlook-email logo.png](#)



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: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Sent: Monday, November 30, 2020 6:08 AM
To: Don Neu <Don.Neu@carlsbadca.gov>
Subject: Fw: Carlsbad Coastal Program Land Use Plan update

From: pjaquette@aol.com <pjaquette@aol.com>
Sent: Wednesday, November 25, 2020 2:23 PM
To: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Subject: Carlsbad Coastal Program Land Use Plan update

Dear Jennifer,

I live in the Southwest portion of Carlsbad and I am very interested in the Coastal Program Land Use Plan update. I am particularly interested in having the Ponto Planning Area F be set aside for a park - we have a park deficit in Southwest Carlsbad. I would like to see any decisions on updating Carlsbad's Coastal Program Land Use Plan postponed until the new city council members take office. Please keep me updated on developments on the coastal plan update.

Sincerely,
Peter Jaquette
555 Dew Point Ave
Carlsbad, CA 92011

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From: [Jennifer Jesser](#)
To: [Melissa Flores](#)
Subject: Fw: New Ponto Park City Petition Entry- read Dec 2nd
Date: Monday, November 30, 2020 7:56:34 AM
Attachments: [Outlook-email logo.png](#)



Jennifer Jesser

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From: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Sent: Monday, November 30, 2020 6:05 AM
To: Don Neu <Don.Neu@carlsbadca.gov>
Subject: Fw: New Ponto Park City Petition Entry- read Dec 2nd

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 4:07 AM
To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@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>; City Clerk <Clerk@carlsbadca.gov>; Toni.Ross@coastal.ca.gov <Toni.Ross@coastal.ca.gov>; Erin.Prahler@coastal.ca.gov <Erin.Prahler@coastal.ca.gov>; cort.hitchens@coastal.ca.gov <cort.hitchens@coastal.ca.gov>; lisa.urbach@parks.ca.gov <lisa.urbach@parks.ca.gov>
Subject: FW: New Ponto Park City Petition Entry- read Dec 2nd

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

From: "People for Ponto" <info@peopleforponto.com>
Sent: Saturday, November 28, 2020 10:45pm
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

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

I am informed that:

1. 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.
1. There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).
1. 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.
1. And most importantly, I am informed that the City is currently ignoring these issues and in the Draft Local Coastal Program Amendment is proposing to eliminate the last opportunity to create a much-needed Coastal Park at Ponto.

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

Checkboxes

My comments be read at the December 2nd Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda. I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park. I DO NOT want the City of Carlsbad to change the LCP and make Ponto Planning Area F land use R-23 high-density

residential.

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

Additional Comments

Please protect the land for Carlsbad and for future generations. No to further development!!!

Name

Ian Zakrzewski

Email

ianzak@yahoo.com

Address

6977 Catamaran Dr.

Sent from [People for Ponto](#)

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From: [Jennifer Jesser](#)
To: [Melissa Flores](#)
Subject: Fw: New Ponto Park City Petition Entry
Date: Monday, November 30, 2020 7:56:02 AM
Attachments: [Outlook-email logo.png](#)



Jennifer Jesser

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

From: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Sent: Monday, November 30, 2020 6:04 AM
To: Don Neu <Don.Neu@carlsbadca.gov>
Subject: Fw: New Ponto Park City Petition Entry

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 11:22 AM
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 <Erin.Prahler@coastal.ca.gov>; Toni.Ross@coastal.ca.gov <Toni.Ross@coastal.ca.gov>; cort.hitchens@coastal.ca.gov <cort.hitchens@coastal.ca.gov>; lisa.urbach@parks.ca.gov <lisa.urbach@parks.ca.gov>
Subject: FW: New Ponto Park City Petition Entry

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

From: "People for Ponto" <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 8:02am
To: info@peopleforponto.com

Checkboxes

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

Additional Comments

We just had an election so that we the people of Carlsbad's District 4 can be represented. So why is Matt Hall so eager to have a vote on this vital issue that will affect OUR lives for years to come? Why can't this wait until after OUR councilmember is sworn in and seated? Could it be that Matt Hall knows that if he waits, he can't win? Is he scared he will disappoint all his major campaign donors and buddies?

Name

Atsuko Suzuki

Email

Lowell1230@comcast.net

Address

7450 Esfera St 92009

Sent from [People for Ponto](#)

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From: [Don Neu](#)
To: [Jennifer Jesser](#); [Melissa Flores](#)
Subject: Re: New Ponto Park City Petition Entry
Date: Monday, November 30, 2020 7:22:53 AM

Thanks Jennifer. Please also send all emails to Melissa. She needs to keep any requests to be read and will forward them to the PC. Did you receive hundreds of people for ponto emails/petition signatures? If so please send them directly to the PC and copy Melissa.

Get [Outlook for iOS](#)

From: Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>
Sent: Monday, November 30, 2020 6:02:11 AM
To: Don Neu <Don.Neu@carlsbadca.gov>
Subject: Fw: New Ponto Park City Petition Entry

From: info@peopleforponto.com <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 11:54 AM
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 <Erin.Prahler@coastal.ca.gov>; Toni.Ross@coastal.ca.gov <Toni.Ross@coastal.ca.gov>; cort.hitchens@coastal.ca.gov <cort.hitchens@coastal.ca.gov>; lisa.urbach@parks.ca.gov <lisa.urbach@parks.ca.gov>
Subject: FW: New Ponto Park City Petition Entry

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

From: "People for Ponto" <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 11:47am
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

Checkboxes

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

residential.

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

Additional Comments

Above says it all.

Name

Mary Held-Manley

Email

mhmanley@cox.net

Address

3730 North Way, Oceanside, CA 92056

Sent from [People for Ponto](#)

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

From: [Don Neu](#)
To: [Planning Commission](#)
Cc: [Melissa Flores](#); [Ronald Kemp](#); [Jennifer Jesser](#)
Subject: FW: Carlsbad Local Coastal Program Land Use Plan
Date: Sunday, November 29, 2020 6:11:52 PM

Commissioners,

Forwarded is an email containing comments for the LCP Update.

Thank you.

Don



Don Neu, AICP
City Planner
Planning Division
1635 Faraday Ave.
Carlsbad, CA 92008
760-602-4601 | don.neu@carlsbadca.gov

**DURING THE CURRENT PUBLIC HEALTH EMERGENCY:
FOR ONGOING PROJECTS, PLEASE CONTACT YOUR PROJECT PLANNER TO SCHEDULE A RESUBMITTAL
DROP-OFF APPOINTMENT.
FOR NEW PROJECT SUBMITTALS AND LANDSCAPE SUBMITTALS/RESUBMITTALS/ASBUILTS, PLEASE
CALL OR EMAIL YOUR REQUEST FOR A SUBMITTAL DROP-OFF APPOINTMENT:
Phone: 760-602-4610
Email: planning@carlsbadca.gov**

From: Yahoo! Mail <bhpeacock@att.net>
Sent: Saturday, November 28, 2020 9:54 AM
To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; Jennifer Jesser <Jennifer.Jesser@carlsbadca.gov>; Kyle Lancaster <Kyle.Lancaster@carlsbadca.gov>; Mike Pacheco <Mike.Pacheco@carlsbadca.gov>; David De Cordova <David.deCordova@carlsbadca.gov>; Scott Donnell <Scott.Donnell@carlsbadca.gov>; Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; corthitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov; info@peopleforponto.com
Subject: Carlsbad Local Coastal Program Land Use Plan

I urge the Planning Commission and the City Council to modify the proposed land use plan and designate the parcel known locally as the potential Ponto Park site as

Open Space for all the reasons listed below.

1. Carlsbad is providing no real Coastal Park for all of South Carlsbad - over one half of the City. Carlsbad provides 10 City Coastal Parks (totaling over 35-acres) in North Carlsbad. Ponto Park at Planning Area F is the last reasonable bit of vacant and currently unplanned Coastal land to provide a Coastal Park for South Carlsbad.
2. The City's Park Master Plan identifies Ponto and Coastal South Carlsbad as areas of 'Park Inequity' or 'Unserved' areas that should be looked at to buy new parks.
3. The Mayor has said buying and building a new 11-acre Ponto Park is 4-times more affordable than trying to use the narrow existing Coast Highway median to fix the City's Coastal Park Inequity.
4. Ponto Citizens have already paid City park-in-lieu fees sufficient to buy/build the 8 acres of City Park that is needed to meet the City's minimum park standard for Ponto Citizens.
5. The City is short by over 6.5 acres in meeting Carlsbad's minimum park acreage standard for City parks that are supposed to be located in Carlsbad's SW Quadrant where Ponto is located. Sadly, Carlsbad's park standard is very low. Carlsbad's park standard provides 40% less City Parks than Encinitas or Oceanside. Every acre of Carlsbad parkland (and where it is located) is critical. Ponto Park is the cost-efficient fix to this problem; in the right location and using park-in-lieu money already paid by citizens of Ponto.
6. Ponto Park will be similar in size and shape as Carlsbad's Holiday Park and can provide similar multi-use community functions, but with one-of-a-kind ocean views and beach access. Ponto Park will be the Coastal Crown Jewell of Carlsbad's Parks - one of the best Coastal parks in North County – and a wonderful Southern Gateway to Carlsbad.

Regionally Ponto is at the center of a 6-mile section of San Diego County's coastline

without a Coastal Park. Ponto is the last available sufficiently sized vacant Coastal land to provide this needed Coastal Park. There is a City documented 30-acre deficit in the City's Growth Management Standard (unconstrained) Open-Space in Zone 9 (Ponto). Developers are supposed to provide this open space. City documents show this deficit was falsely created by the City for Ponto developers, while at the same time developers on all sides of Ponto and under similar situations had to comply with the Open Space Standard. The City is not disclosing nor correcting the missing Ponto Open Space and thus has had to be sued by North County citizens to try to get to the truth and to proper resolution. Ponto Park will help in fix the Ponto Open Space situation.

7. The State of California's and Carlsbad's Local Coastal Program (LCP) requires Ponto's Planning Area F (11-acres of vacant land west of the railroad tracks & north of Avenida Encinas) be considered as a public park for the benefit of all Carlsbad residents and visitors. The City and State are required to consider and document the need for a "Public Park" at Ponto as part of Planning Area F Coastal (LCP) planning.
 - a. Carlsbad's Park Master Plan already documents that Ponto needs a park, and maps Ponto as an area 'unserved' by City Parks, and an area of 'park inequity'. These areas are areas of park need that need to be considered by the City for new City park purchases according to the City's Park Master Plan.
 - b. Carlsbad citizens (over the past 2-years during the City Budget process) overwhelmingly documented their need for Ponto Park and their desire that the City Council purchase and build Ponto Park. In 2019 90% of citizen expressed need was for Ponto Park. In 2020 again well over 90% of citizen testimony documented the need for Ponto Park in over 30-minutes of truncated verbal citizen comments and over 130-pages of written citizen testimony.
 - c. Carlsbad City Park Standards, unlike Encinitas and Oceanside, do not require parks to be within walking distance to citizens. As a result, Carlsbad parks are both more congested and less accessible. Ponto children play in the street because there is no park within walking distance for them. This is a common-sense park need for children.

Ponto Park at Planning Area F also has significant positive impacts on Carlsbad's & North County's economy. Some of those benefits are:

1. CARLSBAD BEACHES CONTINUE TO BE THE NUMBER ONE ATTRACTION FOR VISITORS WHETHER IT BE ON A VACATION BASIS OR ON A WEEKEND ATTRACTION BASIS.
 - a. South Carlsbad has no beach parks while North Carlsbad has 10 beach parks (existing and planned) totaling 37-acres. This is a significant impact on South Carlsbad's visitor industry, and will

reduce competitiveness and resiliency in the future.

2. PRESERVING ANY VACANT COASTAL LAND FOR VISITOR RECREATION PURPOSES IS A MUST. THE AMOUNT OF REMAINING LAND IS FINITE BUT POPULATIONS WHO WANT TO VISIT THE BEACHES AND USE THEM WILL ONLY GET GREATER NOT BECOME LESS OR REMAIN STATIC
 - a. Ponto Park puts Carlsbad on a path to a competitive advantage over other visitor destinations. Without Ponto Park there will be overcrowding and degradation of a prime amenity of Carlsbad's visitor industry, and a relative lost competitive advantage for Carlsbad and its visitor industry. This same relative loss of competitive advantage will impact Carlsbad's residential inventory and retard attracting high-value employees and business owners.
 - b. The 11 to 6.5 acre Ponto Coastal Park gives South Carlsbad's visitor industry a 'Holiday Park' like space to host Coastal and sunset special events. Allowing residential use at Ponto and not providing a significant Ponto Coastal Park will eventually cut south Carlsbad visitor industry off from the coast and beaches.
 - c. Providing a much needed Ponto Coastal Park and amenity for South Carlsbad citizens, visitors and visitor industry will help maintain a critical South Carlsbad's amenity and thus help maintain/enhance sustainable property values and property taxes. Without Ponto Park gradual overcrowding and eventual degradation of South Carlsbad's key amenity – Coastal recreation – would serve to gradually degrade relative property values and property taxes vis-à-vis other communities that are investing in expanding Coastal Recreation and coastal amenities.
 - d. Squandering City Park resources on exclusively inland locations (that any other City also has) and not investing in Carlsbad's competitive advantage Coastal situation with the most extensive and Coastal Park system, is a strategic mistake that will harm both Carlsbad' visitor industry and its unique Coastal Quality of Life advantage it has over many other Cities. Creating a new Coastal Park focus for Carlsbad so that it is the Coastal City with them most open Coastal environment with the most useable Coastal Park space will create a unique and high-value Quality of Life and competitive advantage for business.
3. HAVING DEDICATED OPEN SPACE NEAR THE BEACH IN SOUTH CARLSBAD WILL ENHANCE THE ATTRACTIVENESS OF HOTELS WHICH ARE CLOSEST TO THE BEACH, CAPE REY HILTON, LA COSTA RESORT, AVIARA AND THE PROPOSED HOTEL AT PONTO, PLUS THE NUMEROUS MOTELS AND INNS WHICH ARE LOCATED ALONG AVENIDA ENCINAS NEAR POINSETTIA.

- a. Ponto Park is the last and only place for a significant multi-use park amenity for these business and their customers. This is vital for long-term attractiveness and sustainability of these businesses.
4. HAVING THE PARK WOULD ALSO COMPLEMENT THE FAMILY ORIENTATION OF VISITORS WHO FREQUENT LEGOLAND AND ITS TWO HOTELS, GIVING THEM YET ANOTHER BEACH FRONT VENUE TO EXPERIENCE DURING EXTENDED STAYS AT THOSE HOTELS
 - a. Discussion about creating joint-use resident/visitor amenities/activities in Ponto Park include Jr Lifeguards, ocean-lagoon Nature/Culture Center, Community Surf Club or Beach House [similar to Australian style Surf Clubs] that could be a gathering spot and amenity for accessing the beach/lagoon.
5. A PARK WOULD ALSO CREATE YET ANOTHER VENUE FOR SPECIAL EVENTS IN CARLSBAD LIKE THE ONES WHICH ARE NOW HELD AT HOLIDAY PARK AND COULD OFFER A BETTER STARTING AND OR FINISHING POINT FOR THE CARLSBAD MARATHON, THE FIVE K RUN AND THE TRIATHLON, ESPECIALLY AS IT WOULD BE JUST ACROSS THE ROAD FROM THE BEACH
 - a. Holiday Park, that currently hosts many Carlsbad Community events, will be increasing impacted by I-5 widening and increase traffic noise and impacts. Ponto Park is similar in configuration, but can be 1.5 the size of Holiday Park, and importantly would provide a Coastal site with direct access to PCH, and ocean and sunset views to potentially host Carlsbad Community events like at Holiday Park and maybe support Carlsbad 5000 and Triathlon. The 11 to 6.5 acre Ponto Park is new Coastal venue for Carlsbad and creates a new economic amenity.
6. THE PLANNING AREA F PONTO PARK SITE IS BOTH THE MOST COST EFFECTIVE AND BEST SIZE AND SHAPE FOR A PARK AND MULTI-USE PARK SPACE
 - a. There are no other less expensive options for creating a sufficient park site. Other vacant land is more expensive and has regulatory issues
 - b. PCH realignment is far more expensive [Mayor said \$75 million for ZERO new land v. \$20-22 million for 11-acres of new land and a functional park for Ponto Park].
 - c. Ponto Park is a supersized ocean view and beach accessible 'Holiday Park', the PCH realignment is a narrow strip along a roadway that only adds a sidewalk (bike lanes already exist) and parking lots.
 - d. No other land provides the City the opportunity to manage useable

land in South Carlsbad, as the State of CA owns the beaches, campground and parking in South Carlsbad.

7. PORTIONS OF THE PARK SITE COULD ALSO BE LEASED BY THE CITY TO RETAIL ESTABLISHMENTS TO SERVICE BEACH AND CAMPSITE VISITORS AND PROVIDE, PERHAPS, AN OUTSTANDING SEAVIEW HIGH END SEAFOOD RESTAURANT LOCATION SUCH AS EXISTS WITH THE PACIFIC COAST GRILL IN SOUTH CARDIFF WHICH HAS RECENTLY BEEN GREATLY EXPANDED
 - a. Opportunities for well-conceived collaborative visitor serving commercial uses that are mutually supportive with Ponto Park are already in discussion, and could create a very special and unique Coastal attraction for South Carlsbad
8. DEVOTING PART OF THE PROPERTY FOR COMMERCIAL DEVELOPMENT COULD VIRTUALLY OFFSET THE COST OF MAINTAINING THE PARK ITSELF
 - a. There are many possible PPP arrangements that could make Ponto Park not only self-sufficient, but a source of sustainable net income for the amenities in the Park or community.
9. DEVELOPING A PARK AT PONTO WOULD ACHIEVE A MAJOR OBJECTIVE OF THE COASTAL COMMISSION AND PERHAPS ALLOW AREAS TO THE NORTH SUCH AS THE POWER PLANT SITE TO BE DEVELOPED WITH MORE COMMERCIAL AND VISITOR SERVING LAND USES THAN WOULD OTHERWISE BE ACCEPTABLE TO THE COMMISSION
 - a. There is currently a huge disparity in both number and land acreage of CA Coastal Act 'High-Priority' Coastal Recreation and Low-cost Visitor Accommodations between North and South Coastal Carlsbad. This disparity and imbalance is also a key CA Coastal Act Policy issue, so Ponto Park and Ponto Coastal land use issues will likely reverberate to other areas of the City

Thank you.

Harry Peacock
7434 Sundial Place

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From: [Don Neu](#)
To: [Planning Commission](#)
Cc: [Melissa Flores](#); [Ronald Kemp](#); [Jennifer Jesser](#); [Jeff Murphy](#)
Subject: FW: Carlsbad Citizen input to Carlsbad City Council-Planning-Parks-Housing Commissions for Carlsbad Staff proposed Draft LCP-LUPA-Housing Element & Parks Master Plan Updates
Date: Sunday, November 29, 2020 5:36:15 PM
Attachments: [image002.png](#)
[Carlsbad 2019 proposed Draft LCP Amendment - People for Ponto additional....pdf](#)

Commissioners,

This is the second email sent by Lance Schulte.

Don



Don Neu, AICP
City Planner
Planning Division
1635 Faraday Ave.
Carlsbad, CA 92008
760-602-4601 | don.neu@carlsbadca.gov

**DURING THE CURRENT PUBLIC HEALTH EMERGENCY:
FOR ONGOING PROJECTS, PLEASE CONTACT YOUR PROJECT PLANNER TO SCHEDULE A RESUBMITTAL
DROP-OFF APPOINTMENT.**

**FOR NEW PROJECT SUBMITTALS AND LANDSCAPE SUBMITTALS/RESUBMITTALS/ASBUILTS, PLEASE
CALL OR EMAIL YOUR REQUEST FOR A SUBMITTAL DROP-OFF APPOINTMENT:**

Phone: 760-602-4610

Email: planning@carlsbadca.gov

From: Lance Schulte <meyers-schulte@sbcglobal.net>
Sent: Friday, November 27, 2020 8:45 AM
To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 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.Praher@coastal.ca.gov; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; cort.hitchens@coastal.ca.gov; Lisa Urbach <lisa.urbach@parks.ca.gov>; info@peopleforponto.com; Bret Schanzenbach <Bret@carlsbad.org>; Kathleen@carlsbad.org
Cc: 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philip.diehl@suniontribune.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Mehmood, Sohab@HCD <Sohab.Mehmood@hcd.ca.gov>
Subject: Carlsbad Citizen input to Carlsbad City Council-Planning-Parks-Housing Commissions for Carlsbad Staff proposed Draft LCP-LUPA-Housing Element & Parks Master Plan Updates

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

I am informed that North County Advocates in its most recent settlement required consultation with the City on new City Open Space acquisitions has recommended Ponto Planning Area F for City Open Space/Park acquisition per Carlsbad's 2002 Proposition C. This Coastal Park would be in the CA Coastal Zone and address the CA Coastal Act's high-priority Coastal Recreation, upland land use, and other CCA policies.

This should be disclosed and discussed by the City Staff, the City Council and Planning-Parks-Housing Commissions and the CCC & HCD during the City Staff's proposed Draft LCP-LUPA and Draft Housing Element.

Carlsbad Citizens have overwhelmingly expressed a need and desire for the Carlsbad City Council to purchase Ponto Planning Area F for a much needed Coastal Park for South Carlsbad and for all Carlsbad and North County.

Mayor Matt Hall has publicly said that Ponto Park at Planning Area F would cost \$20-22 million and the City's narrow 'promenade' would cost \$75 million. So Ponto Park at Planning Area F costs less than 30% of the cost of the 'promenade' that the City is planning for. Ponto Park a much wiser use of citizen tax-dollars. If the city purchases Planning Area F, it would actually add 11 new acres to city-owned Park property, whereas the promenade (which is basically adding a walkway and some parking spaces based on City plans) adds 0 (ZERO) acres to city-owned property (the City already owns the narrow roadway median), much of which is constrained by endangered and protected habitat and not useable. The 'promenade' also does not create a Park. The 'Promenade's is supposed to fix the missing sidewalks and thus make South Carlsbad Boulevard a "Complete Street" per State and City law. Adding missing sidewalks/paths in the existing right-of-way adjacent to the bike lanes however only costs about 4% of the City's proposed \$75 million 'promenade costs'. Why is the City Council planning to waste Carlsbad tax-payer' so? Based on City data an 8 foot wide concrete walkway within the wide right-of-way could be provided on both sides of South Carlsbad Boulevard for about \$3 million. Parking already exists along some sections of South Carlsbad Boulevard and additional park can be provided both on the old South Carlsbad Boulevard roadway pavement near the Campground entry, or by extending roadway pavement along South Carlsbad Boulevard. In addition if it is possible and desirable to reduce vehicle roadway capacity and increase vehicle traffic congestion on South Carlsbad Boulevard the existing 2-lanes in each direction could be reduced to 1-lane in each direction and the outside lanes in both the north and southbound directions very cost effectively converted to on-street parking.

Planning Area F Ponto Park is the best and most cost effective use of Carlsbad tax-payer money (by far the best bank for the buck) to provide much needed CA Coastal Act 'High-Priority' Coastal Recreation Park for South Carlsbad and region, and Carlsbad's Draft Local Coastal Program land Use Plan Amendment should disclose and reflect those facts.

Following is data on the Ponto Planning Area F Ponto Coastal Park/Open Space area. The land was purchased in in 2007 in a bankrupt situation along with many other defaulted assets/properties the speculative investor purchased around the 2008 financial crisis. When purchased in 2007 Planning Area F was 'Non-Residential Reserve' in the General Plan, and still is in the currently Certified LCP Land Use Plan. The speculative land investors, and their consultants, developers and attorneys, have been working with City Staff on proposed City General Plan and LCP Land Use Plan changes.

Following is about Ponto Planning Area F that should be considered by the Carlsbad City Council, Planning Commission, Parks Commission, Housing Commission and Housing Element Advisory Committee, CA Coastal Commission and HCD. This consideration NOW is Critical, as Ponto Planning Area F is the last remaining significant vacant Coastal land in South Carlsbad to provide the much

needed Coastal Park for South Carlsbad. If the City Council and Commissions fail to responsibly consider and act NOW to create Ponto Coastal Park, or the opportunity will be lost forever. Do you want to forever deny South Carlsbad and North County Citizens and their children and families from having a much needed Coastal Park? Do you think the temporary interests of a speculative land investor wanting to change Ponto Planning Area F Coastal Land Sue to build luxury homes for the few (all the homes will not be affordable to 'moderate incomes' as the City Staff says, Citizens have seen the developers proposed plans and heard their corresponding target market and sale pricing), should forever override the need for over 64,000 South Carlsbad's Citizens and their Children, and for the future generations, and for the increase in South Carlsbad families and visitors?

Following is some data of Ponto Planning Area F relative to the above questions. We also ask you review the attached 26-page "Coastal Recreation" data documenting the Coastal Park need People for Ponto public input that was submitted on 1/29/20 & again on 9/19/20. The attached 26-page of data also shows how Carlsbad requires/provides 40% less Parkland than both Encinitas and Oceanside, and shows how increased population and visitor growth will impact . We ask you fully review and fully consider the extensive and multi-year Carlsbad Citizen data, need, and desire for Ponto Coastal Park. In that please see Carlsbad's Park Master Plan that also documents the Ponto Park needs and shows Ponto 'unserved' by City Parks and an area of "park inequity' and location for future park purchases to address inequity. Ponto Coastal Park is a major Citizen concern, and how you act Now to allow or to forever deny Ponto Coastal Park is the last opportunity you will have to 'do the wise, just, most beneficial, and right thing' for Coastal and South Carlsbad Citizens

Your fellow People for Ponto Carlsbad Citizens hope you make a wise, just, a right choice.

Sincerely,

People for Ponto Carlsbad Citizens

Ponto Coastal Park-Open Space – Planning Area F [roughly outlined in blue line]



Local Coastal Program Planning Area F site: Assessor's Parcel No: 216-140-43-00, 11.04 acres, 2019 assessed value is \$14,258,433, Owner: LSF5 CARLSBAD HOLDINGS LLC, 2711 North Haskell Avenue, #1800, Dallas, TX 75204. Current sale of the site is being handled by Jones Lang LaSalle Americas, Inc. Los Angeles office [direct contact can be provided], Owner in 2007 purchased the 11.04 acre site as part of a larger 25.3 acre [LCP Planning Area F, G & H sites] Trustee Sale San Diego County Recorder Doc # 2007-0139236 on Mar 1, 2007 at 8:00am that sold Lots 1 & 2 of Carlsbad Tract 82-18 totaling 25.3 Acres for \$25,500,000.

Local Coastal Program Planning area G & H sites: On Oct 21, 2015 the owner sold the 14.26 acre Assessor's Parcel No: 216-140-44-00 site for \$20,000,000 to Newage Carlsbad Resort, LLC, San Diego County Recorder Doc # 2015-0549555 on Oct 21, 2015 at 9:38am. 2019 assessed value is \$20,808,000

Feb 11, 2019 Shopoff recorded quitclaim interest in 11.04 acre Local Coastal Program Planning Area F site: San Diego County Recorder Doc # 2019-0048295 on Feb 11, 2019 at 1:26pm

Local Coastal Program Planning Area F site is currently for sale although not publicly listed. Offers in line with 2019 assessed value appear to be acceptable to the owner. The owner appears to desire a sale within a reasonable time line and will consider 'carry-back seller financing'.

Ponto Area need for both Public Park and GMP Open Space: The City's Park Master Plan documents that Ponto is 'Unserved' by City Parks and in an area of "Park Inequity". Ponto Homeowners paid City 'Park-in-lieu Fees' sufficient for the City to buy and build approximately 6.6 acres of City Park to meet the City's minimum Park needs at Ponto. The SW quadrant of Carlsbad has since 2012 a minimum 6.5 acre Park acreage deficit. The lack of City Park facilities within safe walking/biking distance from Ponto is counter to the City's Community Vision and many General Plan goals to reduce VMT, GHG emission, and basic public health and safety. The City has made repeated City "Ponto Planning mistakes" at Planning Area F dating back over 15-years. Of significant concern is that the City has

been hiding these mistakes from Citizens over the past 15+ years. A July 3 2017 letter from CCC Staff to City Staff that City Staff later provided the City Council on 1/28/20 reminded the City that “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 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.” There is no Coastal Park west of I-5/Rail Corridors at Ponto and South Carlsbad. South Carlsbad Citizens and Visitors [1/2 of Carlsbad] has no Coastal Park. North Carlsbad has 10 Coastal Parks totaling 37+ acers. The need is clear for a significant Ponto Park.

The Ponto area is also not meeting the Growth Management (GMP) Standard for Open Space. The City falsely said in its Citywide Facility Improvement Plan that Ponto meet the Open Space Standard of 15% of developable land preserved as Open Space. The City’s GIS data mapping clearly documents that that is a false statement by the City. The City’s GIS data documents the Ponto area is missing about 30-acres of GMP Open Space per the City’s GMP Standard. Developers at Ponto should have provided these 30-acres GMP Open Space, but the City falsely said developers did not have to comply with the City’s GMP Open Space Standard. City acquisition of Planning Area F would help correct this City error.

Since 2017 when Citizens first found out about the City hiding 15+ years of City “Ponto planning mistakes” and the hiding the missing 30-acers of GMP Open Space that developers should have provided at Ponto there has been significant Citizen concern. Citizens expressed these concerns to both the City and CCC, and on the Citizens need and desire for a Ponto Coastal Park at Planning Area F as required by the LCP and other City and CA Coastal Act Polices. Over 130-pages of Citizen testimony at the June 2020 City Budget meetings, over 2,500 emails, multiple Citizen presentations to the City, extensive Citizen input to the City and CCC on the City Staff’s proposed Draft Local Coastal Program Amendment, and Parks Master Plan Updates processes have been made.

City acquisition of Planning Area F would positively respond to well documented Citizen needs and desires in a very cost effective way that can address multiple City Park and OpenSpace and visitor related economic development needs. The City already has adopted Local Coastal Program (which supersedes the City’s General Plan) and General Plan policies supporting City Park and Open Space use at Planning Area F so there are no regulatory issues. There is a willing seller of the 11.04 Planning Area F site that can very cost effectively address the many issues at Ponto if the City provides the funding for this acquisition.

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



Ponto Planning Area F images

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

Since 2017 when South Carlsbad Citizens discovered some of the planning issues at Ponto, we have asked the City to provide a much needed Ponto Park at Planning Area F. People for Ponto showed you how Ponto Park was consistent with Carlsbad's Community Vision and overarching principles, and the CA Coastal Act. Carlsbad Citizens have told you in overwhelming numbers they need and want the City to create Ponto Park – generating over 2,700 requests, 200+ pages of public testimony, numerous presentations to you, and being the most cited (over 90%) need and request for City Budget funding by Carlsbad Citizens over the past 2-years.

But the time, and Your Time to Act, is now as you are now starting to consider a 'forever or buildout' Coastal Land Use Plan change from "Non-Residential Reserve" for Ponto Planning Area F, as part of the Draft Local Coastal Program Land Use Plan Amendment, and Draft Housing and Parks Master Plan Updates. Since 2017 People for Ponto Citizens have repeatedly asked for the City Council to provide direction to these City processes to appropriately coordinate and prioritize them around a true, honest, open and inclusive Citizen-based planning process to achieve the much needed Ponto Park at Planning Area F as Carlsbad Citizens have overwhelmingly expressed to you and City staff.

Carlsbad Citizens hope you will now act on creating Ponto Park at Planning Area F.

To that end following are some basic points and significant positive impacts to Carlsbad's economy from Ponto Park for your consideration and action.

People for Ponto Carlsbad Citizens and North County Citizens

Some basic points about Ponto and Ponto Planning Area F:

1. Carlsbad is providing no real Coastal Park for all of South Carlsbad - over one half of the City. South Carlsbad is currently 26,000 homes, with 64,000 citizens and their children; and thousands of resort/hotel rooms. This existing number of South Carlsbad homes, citizens and children; and visitors without a Coastal Park will grow larger in the future. Carlsbad provides 10 City Coastal Parks (totaling over 35-acres) in North Carlsbad. This City Coastal Park inequity is clearly unfair and appears a clear sign of poor land use, park and housing planning for South Carlsbad that needs immediate correction. Ponto Park at 11-acre Planning Area F is the last remaining reasonable bit of vacant and currently unplanned Coastal land to provide a Coastal Park for South Carlsbad. Ponto Park would also be in the middle of a 6-mile long section of North County coastline without Coastal Park, and would help address a regional North County need for a Coastal Park for these 6-miles of coastline.

2. The City's Park Master Plan identifies Ponto and Coastal South Carlsbad as areas of 'Park Inequity' or 'Unserved' areas that the City should look at to invest in new City parks.
3. The Mayor has said buying and building a new 11-acre Ponto Park is 4-times more affordable than trying to use the narrow existing South Carlsbad Boulevard roadway median to try to fix the City's South Carlsbad Coastal Park Inequity.
4. Last year's \$19 million City Budget Surplus (excess City revenue over all City expenses) would be more than sufficient to buy and basically build Ponto Park at Planning Area F.
5. North County Advocates in its consultation with the City on new City Open Space acquisitions has recommended Ponto Planning Area F for City Open Space/Park acquisition per Carlsbad's 2002 Proposition C.
6. Over 2,660 Ponto Citizens have already paid City park-in-lieu fees and taxes sufficient to buy/build 8 acres of City Park that is needed to meet the City's minimum park standard for Ponto Citizens.
7. Since 2012 the City is short by over 6.5 acres in meeting Carlsbad's minimum park acreage standard for City parks that are supposed to be located in Carlsbad's SW Quadrant where Ponto is located. Sadly, Carlsbad's park standard is very low. Carlsbad's park standard provides 40% less City Parks than Encinitas or Oceanside. So every acre of Carlsbad parkland (and where it should be located next to park demand) is critical. Ponto Park is the most cost-efficient fix to this problem; in the right Coastal SW location, and can use park-in-lieu and tax money already paid by citizens of Ponto.
8. Ponto Park will be similar in size and shape as Carlsbad's Holiday Park and can provide similar multi-use community functions, but with one-of-a-kind ocean views and beach access. Ponto Park will be the Coastal Crown Jewel of Carlsbad's Parks - one of the best Coastal parks in North County – and a wonderful Southern Gateway to Carlsbad.
9. Regionally Ponto is at the center of a 6-mile section of San Diego County's coastline without a Coastal Park. Ponto is the last available sufficiently sized vacant Coastal land to provide this regionally needed Coastal Park. There is a City documented 30-acre deficit in the City's Growth Management Standard (unconstrained) Open-Space in Zone 9 (Ponto). Developers are supposed to provide this open space. City documents show this deficit was falsely created by the City for Ponto developers, while at the same time developers on all sides surrounding Ponto and under similar situations had to comply with the Open Space Standard. The City is not disclosing nor correcting the missing Ponto Open Space and thus has had to be sued by North County citizens to try to get to the truth and to proper resolution. Ponto Park will help in fix the Ponto Open Space situation.
10. The State of California's and Carlsbad's Local Coastal Program (LCP) requires Ponto's Planning Area F (11-acres of vacant land west of the railroad tracks & north of Avenida Encinas) be considered as a public park for the benefit of all Carlsbad residents and visitors. The City and State are required

to consider and document the need for a “Public Park” at Ponto as part of Planning Area F Coastal (LCP) planning.

- a. The City’s unfair North-South City Coastal Park disparity (35-acres in 10 parks in North Carlsbad & 0-acres and no parks in South Carlsbad) is so clear and obvious, and is also inconsistent with CA Coastal Act land use policy.
- b. Carlsbad’s Park Master Plan already documents that Ponto needs a park, and maps Ponto as an area ‘unserved’ by City Parks, and an area of ‘park inequity’. These areas are areas of park need that need to be considered by the City for new City park purchases according to the City’s Park Master Plan.
- c. Carlsbad citizens (over the past 2-years during the City Budget process) overwhelmingly documented their need for Ponto Park and their desire that the City Council purchase and build Ponto Park. In 2019 90% of citizen input expressed need was for Ponto Park. In 2020 again well over 90% of citizen testimony documented the need for Ponto Park in over 30-minutes of truncated verbal citizen comments and over 130-pages of written citizen testimony.
- d. Carlsbad City Park Standards, unlike Encinitas and Oceanside, do not require parks to be within walking distance to citizens. As a result, Carlsbad parks are both more congested and less accessible. Ponto children have to play in the street because there is no park within walking distance for them. Ponto Park is a common-sense park need for Carlsbad’s children.

Ponto Park at Planning Area F’s significant positive impacts to Carlsbad’s & North County’s economy:

1. CARLSBAD BEACHES CONTINUE TO BE THE NUMBER ONE ATTRACTION FOR VISITORS WHETHER IT BE ON A VACATION BASIS OR ON A WEEKEND ATTRACTION BASIS.
 - a. South Carlsbad has no beach parks while North Carlsbad has 10 beach parks (existing and planned) totaling 37-acres. This is a significant impact on South Carlsbad’s visitor industry, and will reduce competitiveness and resiliency in the future.
2. PRESERVING ANY VACANT COASTAL LAND FOR VISITOR RECREATION PURPOSES IS A MUST. THE AMOUNT OF REMAINING LAND IS FINITE BUT POPULATIONS WHO WANT TO VISIT THE BEACHES AND USE THEM WILL ONLY GET GREATER NOT BECOME LESS OR REMAIN STATIC
 - a. Ponto Park puts Carlsbad on a path to a competitive advantage over other visitor destinations. Without Ponto Park there will be overcrowding and degradation of a prime amenity of Carlsbad’s visitor industry, and a relative lost competitive advantage for Carlsbad and its visitor industry. This same relative loss of competitive advantage will impact Carlsbad’s residential inventory and retard attracting high-value employees and business owners.
 - b. The 11 to 6.5 acre Ponto Coastal Park gives South Carlsbad’s visitor industry a ‘Holiday Park’ like space to host Coastal and sunset special events. Allowing residential use at

Ponto and not providing a significant Ponto Coastal Park will eventually cut south Carlsbad visitor industry off from the coast and beaches.

- c. Providing a much needed Ponto Coastal Park and amenity for South Carlsbad citizens, visitors and visitor industry will help maintain a critical South Carlsbad's amenity and thus help maintain/enhance sustainable property values and property taxes. Without Ponto Park gradual overcrowding and eventual degradation of South Carlsbad's key amenity – Coastal recreation – would serve to gradually degrade relative property values and property taxes vis-à-vis other communities that are investing in expanding Coastal Recreation and coastal amenities.
 - d. Squandering City Park resources on exclusively inland locations (that any other City also has) and not investing in Carlsbad's competitive advantage Coastal situation with the most extensive and Coastal Park system, is a strategic mistake that will harm both Carlsbad' visitor industry and its unique Coastal Quality of Life advantage it has over many other Cities. Creating a new Coastal Park focus for Carlsbad so that it is the Coastal City with them most open Coastal environment with the most useable Coastal Park space will create a unique and high-value Quality of Life and competitive advantage for business.
3. HAVING DEDICATED OPEN SPACE NEAR THE BEACH IN SOUTH CARLSBAD WILL ENHANCE THE ATTRACTIVENESS OF HOTELS WHICH ARE CLOSEST TO THE BEACH, CAPE REY HILTON, LA COSTA RESORT, AVIARA AND THE PROPOSED HOTEL AT PONTO, PLUS THE NUMEROUS MOTELS AND INNS WHICH ARE LOCATED ALONG AVENIDA ENCINAS NEAR POINSETTIA.
- a. Ponto Park is the last and only place for a significant multi-use park amenity for these business and their customers. This is vital for long-term attractiveness and sustainability of these businesses.
4. HAVING THE PARK WOULD ALSO COMPLEMENT THE FAMILY ORIENTATION OF VISITORS WHO FREQUENT LEGOLAND AND ITS TWO HOTELS, GIVING THEM YET ANOTHER BEACH FRONT VENUE TO EXPERIENCE DURING EXTENDED STAYS AT THOSE HOTELS
- a. Discussion about creating joint-use resident/visitor amenities/activities in Ponto Park include Jr Lifeguards, ocean-lagoon Nature/Culture Center, Community Surf Club or Beach House [similar to Australian style Surf Clubs] that could be a gathering spot and amenity for accessing the beach/lagoon.
5. A PARK WOULD ALSO CREATE YET ANOTHER VENUE FOR SPECIAL EVENTS IN CARLSBAD LIKE THE ONES WHICH ARE NOW HELD AT HOLIDAY PARK AND COULD OFFER A BETTER STARTING AND OR FINISHING POINT FOR THE CARLSBAD MARATHON, THE FIVE K RUN AND THE TRIATHLON, ESPECIALLY AS IT WOULD BE JUST ACROSS THE ROAD FROM THE BEACH

- a. Holiday Park, that currently hosts many Carlsbad Community events, will be increasing impacted by I-5 widening and increase traffic noise and impacts. Ponto Park is similar in configuration, but can be 1.5 the size of Holiday Park, and importantly would provide a Coastal site with direct access to PCH, and ocean and sunset views to potentially host Carlsbad Community events like at Holiday Park and maybe support Carlsbad 5000 and Triathlon. The 11 to 6.5 acre Ponto Park is new Coastal venue for Carlsbad and creates a new economic amenity.

6. THE PLANNING AREA F PONTO PARK SITE IS BOTH THE MOST COST EFFECTIVE AND BEST SIZE AND SHAPE FOR A PARK AND MULTI-USE PARK SPACE
 - a. There are no other less expensive options for creating a sufficient park site. Other vacant land is more expensive and has regulatory issues
 - b. PCH realignment is far more expensive [Mayor said \$75 million for ZERO new land v. \$20-22 million for 11-acres of new land and a functional park for Ponto Park].
 - c. Ponto Park is a supersized ocean view and beach accessible 'Holiday Park', the PCH realignment is a narrow strip along a roadway that only adds a sidewalk (bike lanes already exist) and parking lots.
 - d. No other land provides the City the opportunity to manage useable land in South Carlsbad, as the State of CA owns the beaches, campground and parking in South Carlsbad.

7. PORTIONS OF THE PARK SITE COULD ALSO BE LEASED BY THE CITY TO RETAIL ESTABLISHMENTS TO SERVICE BEACH AND CAMPSITE VISITORS AND PROVIDE, PERHAPS, AN OUTSTANDING SEAVIEW HIGH END SEAFOOD RESTAURANT LOCATION SUCH AS EXISTS WITH THE PACIFIC COAST GRILL IN SOUTH CARDIFF WHICH HAS RECENTLY BEEN GREATLY EXPANDED
 - a. Opportunities for well-conceived collaborative visitor serving commercial uses that are mutually supportive with Ponto Park are already in discussion, and could create a very special and unique Coastal attraction for South Carlsbad

8. DEVOTING PART OF THE PROPERTY FOR COMMERCIAL DEVELOPMENT COULD VIRTUALLY OFFSET THE COST OF MAINTAINING THE PARK ITSELF
 - a. There are many possible PPP arrangements that could make Ponto Park not only self-sufficient, but a source of sustainable net income for the amenities in the Park or community.

9. DEVELOPING A PARK AT PONTO WOULD ACHIEVE A MAJOR OBJECTIVE OF THE COASTAL COMMISSION AND PERHAPS ALLOW AREAS TO THE NORTH SUCH AS THE POWER PLANT SITE TO BE DEVELOPED WITH MORE COMMERCIAL AND VISITOR SERVING LAND USES THAN WOULD OTHERWISE BE ACCEPTABLE TO THE COMMISSION

- a. There is currently a huge disparity in both number and land acreage of CA Coastal Act 'High-Priority' Coastal Recreation and Low-cost Visitor Accommodations between North and South Coastal Carlsbad. This disparity and imbalance is also a key CA Coastal Act Policy issue, so Ponto Park and Ponto Coastal land use issues will likely reverberate to other areas of the City

Thank you. We hope that in your direction and decisions as a City Council, Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee, and CA Coastal Commission; on the Draft Local Coastal Program - Land Use Plan Amendment, and Parks and Housing Element Updates you consider these points and how your decisions will impact present and future generations.

Ponto Planning Area F is the last remaining unplanned, vacant, and sufficiently shaped/sized Coastal land in South Carlsbad to provide the much needed Coastal Park for South Carlsbad and for 6-miles of Coastline.

Now is the time for You to Act for future generations, or the opportunity will be lost forever.

Sincerely,

People for Ponto

From: [Don Neu](#)
To: [Planning Commission](#)
Cc: [Melissa Flores](#); [Ronald Kemp](#); [Jennifer Jesser](#)
Subject: FW: Happy Thanksgiving & Carlsbad citizen and People for Ponto information and requests for Carlsbad City Council and Commissions-Committees on Draft LCP-LUPA-HEP-PMPU processes
Date: Sunday, November 29, 2020 5:33:11 PM
Attachments: [image005.png](#)
[image006.png](#)
[Call to act & some basic points about Ponto Planning Area F and Ponto Park economic benefits.pdf](#)
Importance: High

Commissioners,

Forwarded is one of three emails submitted by Lance Schulte. I will forward you the other emails as well.

Thank you.

Don



Don Neu, AICP

City Planner

Planning Division

1635 Faraday Ave.

Carlsbad, CA 92008

760-602-4601 | don.neu@carlsbadca.gov

**DURING THE CURRENT PUBLIC HEALTH EMERGENCY:
FOR ONGOING PROJECTS, PLEASE CONTACT YOUR PROJECT PLANNER TO SCHEDULE A RESUBMITTAL DROP-OFF APPOINTMENT.
FOR NEW PROJECT SUBMITTALS AND LANDSCAPE SUBMITTALS/RESUBMITTALS/ASBUILTS, PLEASE CALL OR EMAIL YOUR REQUEST FOR A SUBMITTAL DROP-OFF APPOINTMENT:
Phone: 760-602-4610
Email: planning@carlsbadca.gov**

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

Sent: Thursday, November 26, 2020 3:34 PM

To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; City Clerk <Clerk@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Gary Barberio <Gary.Barberio@carlsbadca.gov>; Don Neu <Don.Neu@carlsbadca.gov>; 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; Ross, Toni@Coastal <Toni.Ross@coastal.ca.gov>; cort.hitchens@coastal.ca.gov; Lisa Urbach <lisa.urbach@parks.ca.gov>; info@peopleforponto.com; Bret Schanzenbach <Bret@carlsbad.org>; Kathleen@carlsbad.org

Cc: 'Steve Puterski' <steve.puterski@gmail.com>; Philip Diehl <philip.diehl@sduniontribune.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Mehmood, Sohab@HCD <Sohab.Mehmood@hcd.ca.gov>

Subject: Happy Thanksgiving & Carlsbad citizen and People for Ponto information and requests for Carlsbad City Council and Commissions-Committees on Draft LCP-LUPA-HEP-PMPU processes

Importance: High

We wish you and yours a safe and Happy Thanksgiving.

People for Ponto Carlsbad Citizens request this email (attachment) be submitted and recorded as public testimony/input for Carlsbad's Draft Local Coastal Program Land Use Plan Amendment, Draft Housing Element Update, and Parks Master Plan Update and be delivered to the Carlsbad City Council, Planning Commission, Housing Commission, Parks Commission, Housing Element Advisory Committee and CA Coastal Commission for those proposals.

People for Ponto would also like to request advanced notice City advance notice, if and when the City Council, Commissions, will allow People for Ponto Citizens discuss the issues and requests in this email. Since 2017 People for Ponto Carlsbad Citizens and a growing number of North County Citizens have provided extensive public input to the City. But that input appears to be mostly ignored, and we have found it was not delivered as addressed, not presented/discussed in Staff Reports, not responded to or apparently considered, and not agenzized for a true Citizen-based Public Participation requested since 2017. The apparent dismissing and shutting out of over 3-years of extensive Citizen input, needs and desires for Ponto does not seem right. As Citizens we hope the City Council and the direction it give to City Staff will finally address the extensive Citizen requests regarding acquiring Ponto Park; and the City provide an open, honest, Citizen-based public discussion towards that end.

The information below again outlines the social needs and justifications for Ponto Park at Planning Area F, and also highlights some of the new economic benefits of Ponto Park will bring to Carlsbad.



Ponto Planning Area F images

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Dear Carlsbad City Council, City Manager, Planning Commission, Parks Commission, Housing Commission and Housing Element Advisory Committee; and CA Coastal Commission:
Since 2017 when South Carlsbad Citizens discovered some of the planning issues at Ponto, we have

asked the City to provide a much needed Ponto Park at Planning Area F. People for Ponto showed you how Ponto Park was consistent with Carlsbad's Community Vision and overarching principles, and the CA Coastal Act. Carlsbad Citizens have told you in overwhelming numbers they need and want the City to create Ponto Park – generating over 2,700 requests, 200+ pages of public testimony, numerous presentations to you, and being the most cited (over 90%) need and request for City Budget funding by Carlsbad Citizens over the past 2-years.

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5. North County Advocates in its consultation with the City on new City Open Space acquisitions has recommended Ponto Planning Area F for City Open Space/Park acquisition per Carlsbad's 2002 Proposition C.
6. Over 2,660 Ponto Citizens have already paid City park-in-lieu fees and taxes sufficient to buy/build 8 acres of City Park that is needed to meet the City's minimum park standard for Ponto Citizens.
7. Since 2012 the City is short by over 6.5 acres in meeting Carlsbad's minimum park acreage standard for City parks that are supposed to be located in Carlsbad's SW Quadrant where Ponto is located. Sadly, Carlsbad's park standard is very low. Carlsbad's park standard provides 40% less City Parks than Encinitas or Oceanside. So every acre of Carlsbad parkland (and where it should be located next to park demand) is critical. Ponto Park is the most cost-efficient fix this problem; in the right Coastal SW location, and can use park-in-in-lieu and tax money already paid by citizens of Ponto.
8. Ponto Park will be similar in size and shape as Carlsbad's Holiday Park and can provide similar multi-use community functions, but with one-of-a-kind ocean views and beach access. Ponto Park will be the Coastal Crown Jewell of Carlsbad's Parks - one of the best Coastal parks in North County – and a wonderful Sothern Gateway to Carlsbad.
9. Regionally Ponto is at the center of a 6-mile section of San Diego County's coastline without a Coastal Park. Ponto is the last available sufficiently sized vacant Coastal land to provide this regionally needed Coastal Park. There is a City documented 30-acre deficit in the City's Growth Management Standard (unconstrained) Open-Space in Zone 9 (Ponto). Developers are supposed to provide this open space. City documents show this deficit was falsely created by the City for Ponto developers, while at the same time developers on all sides surrounding Ponto and under similar situations had to comply with the Open Space Standard. The City is not disclosing nor correcting the missing Ponto Open Space and thus has had to be sued by North County citizens to try to get to the truth and to proper resolution. Ponto Park will help in fix the Ponto Open Space situation.
10. The State of California's and Carlsbad's Local Coastal Program (LCP) requires Ponto's Planning Area F (11-acres of vacant land west of the railroad tracks & north of Avenida Encinas) be considered as a public park for the benefit of all Carlsbad residents and visitors. The City and State are required to consider and document the need for a "Public Park" at Ponto as part of Planning Area F Coastal (LCP) planning.

- a. The City's unfair North-South City Coastal Park disparity (35-acres in 10 parks in North Carlsbad & 0-acres and no parks in South Carlsbad) is so clear and obvious, and is also inconsistent with CA Coastal Act land use policy.
- b. Carlsbad's Park Master Plan already documents that Ponto needs a park, and maps Ponto as an area 'unserved' by City Parks, and an area of 'park inequity'. These areas are areas of park need that need to be considered by the City for new City park purchases according to the City's Park Master Plan.
- c. Carlsbad citizens (over the past 2-years during the City Budget process) overwhelmingly documented their need for Ponto Park and their desire that the City Council purchase and build Ponto Park. In 2019 90% of citizen input expressed need was for Ponto Park. In 2020 again well over 90% of citizen testimony documented the need for Ponto Park in over 30-minutes of truncated verbal citizen comments and over 130-pages of written citizen testimony.
- d. Carlsbad City Park Standards, unlike Encinitas and Oceanside, do not require parks to be within walking distance to citizens. As a result, Carlsbad parks are both more congested and less accessible. Ponto children have to play in the street because there is no park within walking distance for them. Ponto Park is a common-sense park need for Carlsbad's children.

Ponto Park at Planning Area F's significant positive impacts to Carlsbad's & North County's economy:

1. CARLSBAD BEACHES CONTINUE TO BE THE NUMBER ONE ATTRACTION FOR VISITORS WHETHER IT BE ON A VACATION BASIS OR ON A WEEKEND ATTRACTION BASIS.
 - a. South Carlsbad has no beach parks while North Carlsbad has 10 beach parks (existing and planned) totaling 37-acres. This is a significant impact on South Carlsbad's visitor industry, and will reduce competitiveness and resiliency in the future.
2. PRESERVING ANY VACANT COASTAL LAND FOR VISITOR RECREATION PURPOSES IS A MUST. THE AMOUNT OF REMAINING LAND IS FINITE BUT POPULATIONS WHO WANT TO VISIT THE BEACHES AND USE THEM WILL ONLY GET GREATER NOT BECOME LESS OR REMAIN STATIC
 - a. Ponto Park puts Carlsbad on a path to a competitive advantage over other visitor destinations. Without Ponto Park there will be overcrowding and degradation of a prime amenity of Carlsbad's visitor industry, and a relative lost competitive advantage for Carlsbad and its visitor industry. This same relative loss of competitive advantage will impact Carlsbad's residential inventory and retard attracting high-value employees and business owners.

- b. The 11 to 6.5 acre Ponto Coastal Park gives South Carlsbad's visitor industry a 'Holiday Park' like space to host Coastal and sunset special events. Allowing residential use at Ponto and not providing a significant Ponto Coastal Park will eventually cut south Carlsbad visitor industry off from the coast and beaches.
 - c. Providing a much needed Ponto Coastal Park and amenity for South Carlsbad citizens, visitors and visitor industry will help maintain a critical South Carlsbad's amenity and thus help maintain/enhance sustainable property values and property taxes. Without Ponto Park gradual overcrowding and eventual degradation of South Carlsbad's key amenity – Coastal recreation – would serve to gradually degrade relative property values and property taxes vis-à-vis other communities that are investing in expanding Coastal Recreation and coastal amenities.
 - d. Squandering City Park resources on exclusively inland locations (that any other City also has) and not investing in Carlsbad's competitive advantage Coastal situation with the most extensive and Coastal Park system, is a strategic mistake that will harm both Carlsbad' visitor industry and its unique Coastal Quality of Life advantage it has over many other Cities. Creating a new Coastal Park focus for Carlsbad so that it is the Coastal City with them most open Coastal environment with the most useable Coastal Park space will create a unique and high-value Quality of Life and competitive advantage for business.
3. HAVING DEDICATED OPEN SPACE NEAR THE BEACH IN SOUTH CARLSBAD WILL ENHANCE THE ATTRACTIVENESS OF HOTELS WHICH ARE CLOSEST TO THE BEACH, CAPE REY HILTON, LA COSTA RESORT, AVIARA AND THE PROPOSED HOTEL AT PONTO, PLUS THE NUMEROUS MOTELS AND INNS WHICH ARE LOCATED ALONG AVENIDA ENCINAS NEAR POINSETTIA.
- a. Ponto Park is the last and only place for a significant multi-use park amenity for these business and their customers. This is vital for long-term attractiveness and sustainability of these businesses.
4. HAVING THE PARK WOULD ALSO COMPLEMENT THE FAMILY ORIENTATION OF VISITORS WHO FREQUENT LEGOLAND AND ITS TWO HOTELS, GIVING THEM YET ANOTHER BEACH FRONT VENUE TO EXPERIENCE DURING EXTENDED STAYS AT THOSE HOTELS
- a. Discussion about creating joint-use resident/visitor amenities/activities in Ponto Park include Jr Lifeguards, ocean-lagoon Nature/Culture Center, Community Surf Club or Beach House [similar to Australian style Surf Clubs] that could be a gathering spot and amenity for accessing the beach/lagoon.

5. A PARK WOULD ALSO CREATE YET ANOTHER VENUE FOR SPECIAL EVENTS IN CARLSBAD LIKE THE ONES WHICH ARE NOW HELD AT HOLIDAY PARK AND COULD OFFER A BETTER STARTING AND OR FINISHING POINT FOR THE CARLSBAD MARATHON, THE FIVE K RUN AND THE TRIATHLON, ESPECIALLY AS IT WOULD BE JUST ACROSS THE ROAD FROM THE BEACH
 - a. Holiday Park, that currently hosts many Carlsbad Community events, will be increasingly impacted by I-5 widening and increase traffic noise and impacts. Ponto Park is similar in configuration, but can be 1.5 the size of Holiday Park, and importantly would provide a Coastal site with direct access to PCH, and ocean and sunset views to potentially host Carlsbad Community events like at Holiday Park and maybe support Carlsbad 5000 and Triathlon. The 11 to 6.5 acre Ponto Park is new Coastal venue for Carlsbad and creates a new economic amenity.

6. THE PLANNING AREA F PONTO PARK SITE IS BOTH THE MOST COST EFFECTIVE AND BEST SIZE AND SHAPE FOR A PARK AND MULTI-USE PARK SPACE
 - a. There are no other less expensive options for creating a sufficient park site. Other vacant land is more expensive and has regulatory issues
 - b. PCH realignment is far more expensive [Mayor said \$75 million for ZERO new land v. \$20-22 million for 11-acres of new land and a functional park for Ponto Park].
 - c. Ponto Park is a supersized ocean view and beach accessible 'Holiday Park', the PCH realignment is a narrow strip along a roadway that only adds a sidewalk (bike lanes already exist) and parking lots.
 - d. No other land provides the City the opportunity to manage useable land in South Carlsbad, as the State of CA owns the beaches, campground and parking in South Carlsbad.

7. PORTIONS OF THE PARK SITE COULD ALSO BE LEASED BY THE CITY TO RETAIL ESTABLISHMENTS TO SERVICE BEACH AND CAMPSITE VISITORS AND PROVIDE, PERHAPS, AN OUTSTANDING SEAVIEW HIGH END SEAFOOD RESTAURANT LOCATION SUCH AS EXISTS WITH THE PACIFIC COAST GRILL IN SOUTH CARDIFF WHICH HAS RECENTLY BEEN GREATLY EXPANDED
 - a. Opportunities for well-conceived collaborative visitor serving commercial uses that are mutually supportive with Ponto Park are already in discussion, and could

create a very special and unique Coastal attraction for South Carlsbad

8. DEVOTING PART OF THE PROPERTY FOR COMMERCIAL DEVELOPMENT
COULD VIRTUALLY OFFSET THE COST OF MAINTAINING THE PARK
ITSELF

- a. There are many possible PPP arrangements that could make Ponto Park not only self-sufficient, but a source of sustainable net income for the amenities in the Park or community.

9. DEVELOPING A PARK AT PONTO WOULD ACHIEVE A MAJOR OBJECTIVE
OF THE COASTAL COMMISSION AND PERHAPS ALLOW AREAS TO THE
NORTH SUCH AS THE POWER PLANT SITE TO BE DEVELOPED WITH MORE
COMMERCIAL AND VISITOR SERVING LAND USES THAN WOULD
OTHERWISE BE ACCEPTABLE TO THE COMMISSION

- a. There is currently a huge disparity in both number and land acreage of CA Coastal Act 'High-Priority' Coastal Recreation and Low-cost Visitor Accommodations between North and South Coastal Carlsbad. This disparity and imbalance is also a key CA Coastal Act Policy issue, so Ponto Park and Ponto Coastal land use issues will likely reverberate to other areas of the City

Thank you. We hope that in your direction and decisions as a City Council, Planning Commission, Parks Commission, Housing Commission, Housing Element Advisory Committee, and CA Coastal Commission; on the Draft Local Coastal Program - Land Use Plan Amendment, and Parks and Housing Element Updates you consider these points and how your decisions will impact present and future generations.

Ponto Planning Area F is the last remaining unplanned, vacant, and sufficiently shaped/sized Coastal land in South Carlsbad to provide the much needed Coastal Park for South Carlsbad and for 6-miles of Coastline.

Now is the time for You to Act for future generations, or the opportunity will be lost forever.

Sincerely,

People for Ponto

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

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

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

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

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

Subject: Citizen public input for Housing ElemLance Schulte <meyers-schulte@sbcglobal.net>ent & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

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

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

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

The following public testimony and questions were presented the 6/23/20 Carlsbad Budget meeting. Coordinated answers from the State of CA and City of Carlsbad on how State Coastal and Housing planning priorities are ordered and reconciled is important. Carlsbad has a very small fragment of remaining vacant coastal land and once it is developed it essentially lost forever. This is being planned now with the above mentioned planning efforts. Most all of Carlsbad's Coastal lands are already developed with Low-Coastal-Priority residential land use, or off-limits due to endangered habitat preservation. Coastal Parks or Campgrounds can only be provided along the Coast and they are currently very crowded, and will continue to get more crowed and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources?

Citizens need a coordinated State of CA and City response to: *"6-23-20 City Council Budget meeting – pubic testimony by Lance Schulte: People for Ponto submitted 130-pages of public testimony on 6/2/20, would like to submit the following public input to both the 6/23/20 City Budget Meeting and the City proposed Draft Local Coastal Program Amendment – and with reference to a proposed*

change the land use of Planning Area F from its Existing Non-Residential Reserve land use to City proposed low-coastal priority high-density residential and general commercial land uses. Contrary to what was said by 2 Council members the City's LCP policy covering Planning Area F is not a Citywide LCP policy, but is specific to the Sammis/Poinsettia Shores LCP area, and the policy's scope and regulatory authority is limited by the boundaries of the Sammis/Poinsettia Shores LCP area.

The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad's neighborhoods and extensive Visitor Industry; and Carlsbad's 1st and 3rd highest revenue sources.

Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad's proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide 'buildout' need for Coastal Recreation land.

It is not clear if 'buildout' is a set and final amount of City and State population and development or if 'buildout' represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If 'Buildout' is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth?

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

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

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

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

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

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

Sincerely,
Lance Schulte
www.peopleforponto.com

Following are the 2 attachments to the above 9/14/20 email:

1. 4/21/20 email of Public input to Carlsbad City Council-Planning-Parks-Housing Commissions and CA Coastal Commission on DLCPA-PMU-HEU processes: Dear Carlsbad City Council, and Planning, Parks and Housing Commissions; and CA Coastal Commission: People for Ponto submits this email, and the attachment that was provided to the Carlsbad City Council for Item#14 at the 1/28/20 meeting. The attachment provided at the 1/28/20 City Council meeting has not been recorded on the Carlsbad City website that documents public input provided at that 1/28/20 meeting. Consequently we request this email and attachment be provided to the Carlsbad City Council, and Planning, Parks and Housing Commissions; and CA Coastal Commission as public input on the City Staff proposed 1) Draft Local Coastal Program Amendment, 2) Parks Master Plan Update, and 3) Housing Element Update processes. The attachment documents apparent errors, omissions, and/or misrepresentations in the 1/28/20 Item #14 Staff Report/Presentation to the City Council. We wish this email and the attached public comments be provided to the Council and Commissions addressed to in this email and be included as public comments to be addressed in the 3 planning processes listed. Thank you. Email confirmation of receipt and delivery of this email/attachment is requested. Thank you. Sincerely, Lance Schulte People for Ponto
 - a. Attachment: Carlsbad City Council meeting of 1-28-20 agenda item #14 [typo corrected on 2-4-20]: 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 great 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 are 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 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 as outlined by the 3 requests would help to correct these documented public disclosure/participation and 'planning mistakes' that have gone on for many years. It is the right thing to do and most productive approach for all concerned.
- 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 citizens don't have complete and accurate information 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 until the Local Coastal Program Land Use of “Non-residential Reserve” is changed and Master Plan rezoning is approved. Only then can the ‘development’ permit application can applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application ‘alive’ even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdrawal the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer’s application to change the Existing LCP Land Use Plan for the developer.

Staff notes that the Planning Area F sites now designated as Residential R-23 and General Commercial by the Carlsbad General Plan Update. However, staff fails to disclose that until the Existing LCP Land Use Plan Amendment (as proposed by City Staff) is in fact approved by both the City and the CA Coastal Commission the Existing LCP Land Use Plan for Planning Area F supersedes the City’s General Plan Update. Carlsbad’s General Plan Land Use Element clearly states this on page 2-26 stating: “The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to.” So until the City Council adopts the staff’s proposed Draft LCP Land Use Plan Amendment, AND the CA Coastal Commission “certifies” that LCP LUP Amendment; the City’s General Plan Update Land Use change cannot take effect. The General Plan Land Use at Ponto Planning Area F has in fact not been changed by the General Plan Update, but can only change with staff’s proposed Draft LCP Land Use Plan Amendment that the City Council can choose to approve or disapprove. Also official Public Records Requests have documented that the City’s General Plan Update planning process was also fundamentally flawed at Ponto. Again, like during Ponto Beachfront Village Vision Plan planning process a few years earlier the city failed to comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. The flawed General Plan Update process at Ponto prevented Citizens from knowing the facts so they could properly participate and provide review and comment during the General Plan Update. The significant citizen comments to the City Council asking for a Ponto Coastal Park is reflective of the fundamental public disclosure and processing flaws that the city is only now acknowledging as one of the repeated ‘planning mistakes’ at Ponto. This is why citizens are asking for full disclosure of the facts and a complete planning process re-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 primarily in a city such as Carlsbad. The CA Coastal Act identifies both residential and general commercial land uses as “low-priority”. So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in Carlsbad that will be needed to address the “High-Priority” Coastal Land Uses to serve Carlsbad and California’s ‘buildout’ needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in “Kalnel Gardens, LLC v. City of Los Angeles”. This case law data has already been provided to the City Council as part of Staff’s housing discussions over the past few years. The staff report should have disclosed the above information, as it appears SB 330 is not a factor at Ponto.

- 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 recognizes the proposed residential use change at Ponto until then. Also as noted before there were multiple documented fundamental ‘planning mistakes’ in public disclosure, participation and process that flawed the Housing Element. It should be noted that these flaws occurred during the time the CA Coastal Commission specifically rejected the Ponto Beachfront Village Vision Plan due to those flaws. The now City acknowledged ‘planning mistakes’ at Ponto prevented Carlsbad citizens from providing informed participation during the Housing Element.

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%.

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

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

Citizens are asking the City Staff and City Council:

- for honesty; to fully and publicly recognize and disclose the past “planning mistakes” at Ponto, and fundamental flaws from the from those mistakes that prevented citizens from knowing about and participating in the planning process for Ponto.
 - To keep the Existing LCP Land Use Plan at Ponto until a new open-honest and inclusive Community-based planning process can be achieved at Ponto.
 - To be honest with respect to Park Serve Area and Equity issues at Ponto and Coastal South Carlsbad west of I-5 and the rail corridor.
 - Consider the needs for inland South Carlsbad citizens, visitors and business to have their ONLY Coastal Park.
 - Consider the larger regional Coastal Park need, and the forever ‘buildout’ Coastal Recreation needs for future generations.
 - To be true and honest in translating and implementing our Community Vision
2. The 2nd attachment to the 9/14/20 email to Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department: Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department was a 26-page document with a Subject line and submitted as official Citizen public input for the Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment regarding ‘Coastal Recreation’ facts, needs, issues for Ponto Planning Area F and citywide. Due to the size of the document it is being included as a separate PDF file.

Low Cost Visitor Accommodations:

1. P. 3-3 cites CA Coast Act (CCA) Policies. 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 he 'City should identify and designate [this] land'? What new land(s) should be so identified and designated? However, the LCPA does not disclose longer-term visitor accommodation needs beyond 2023, nor provide a long-term plan for meeting this long-term need. The LCPA should publicly disclose, analyze and provide for the longer-term (beyond present and to beyond 2023) needs for visitor Coastal accommodations, particularly Low-Cost Accommodations and Recreation needs because the 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 Policies. 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.



Increasing demand for Coastal recreational land

Yearly Visitors to San Diego County

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
2021	37,100,000	or 2.83% of Population per day
2022	37,700,000	or 1,316 Visitors/coastal mile/day

Typically around 1.6% annual increase in visitors

San Diego Tourism Authority, San Diego Travel Forecast, December 2017

- 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 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.

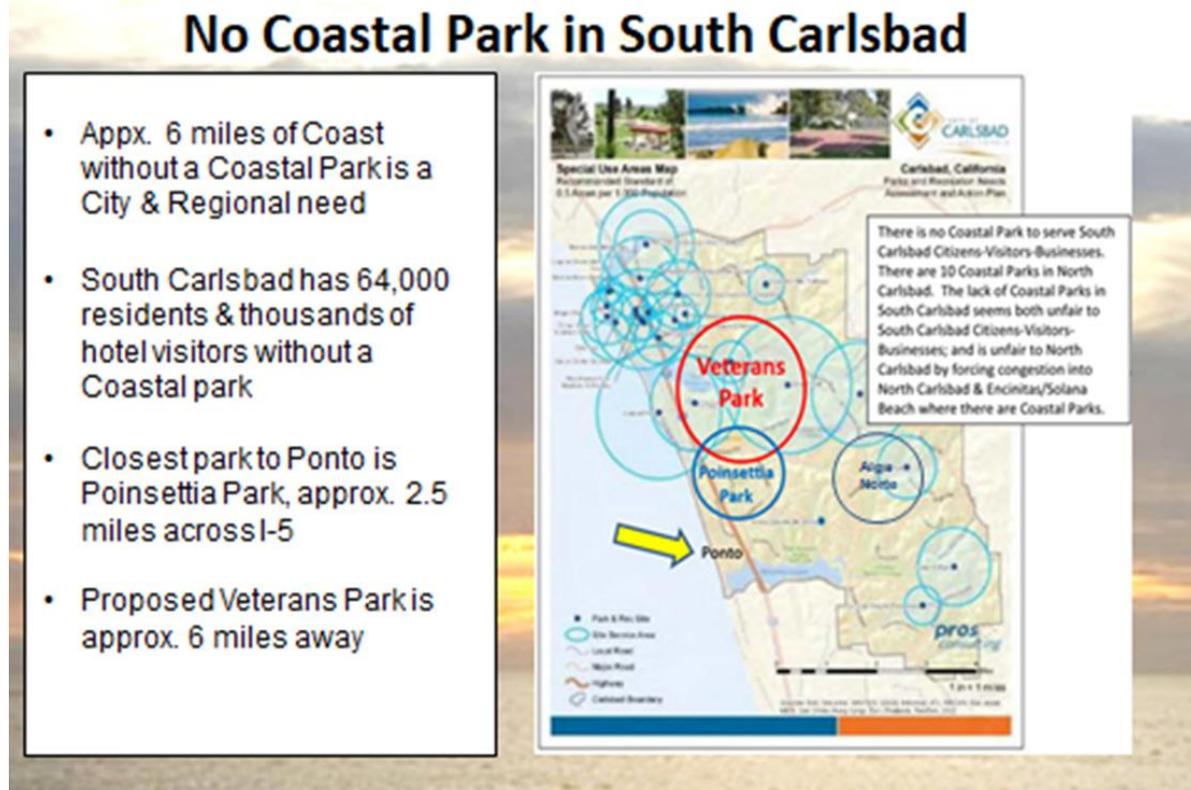
Carlsbad's proposed 2019 LCPA uses comparative 3-city data to address how Carlsbad's 2019 LCPA addresses Visitor Serving Accommodation needs. "Low-Cost" Accommodations are an important CA Coastal Act issue

<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
<u>Data analysis</u>	<u>Carlsbad</u>	<u>Oceanside</u>	<u>Encinitas</u>	<u>3-city 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 theses Current Existing Carlsbad LCP policies vis-à-vis the CA Coastal Act Goals and Policies? How and why is the City proposing changes to these Existing Carlsbad LCP policies in the Mellow II Segment, particularly given the improved knowledge about Sea Level Rise, and Sea Level Rise and Coastal Bluff erosion impacts on the State Campground’s “Low-cost Visitor Accommodations” - High-Coastal-Priority land use under the CA Coastal Act?

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



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.

Coastal Recreation:

1. 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.

2. 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.

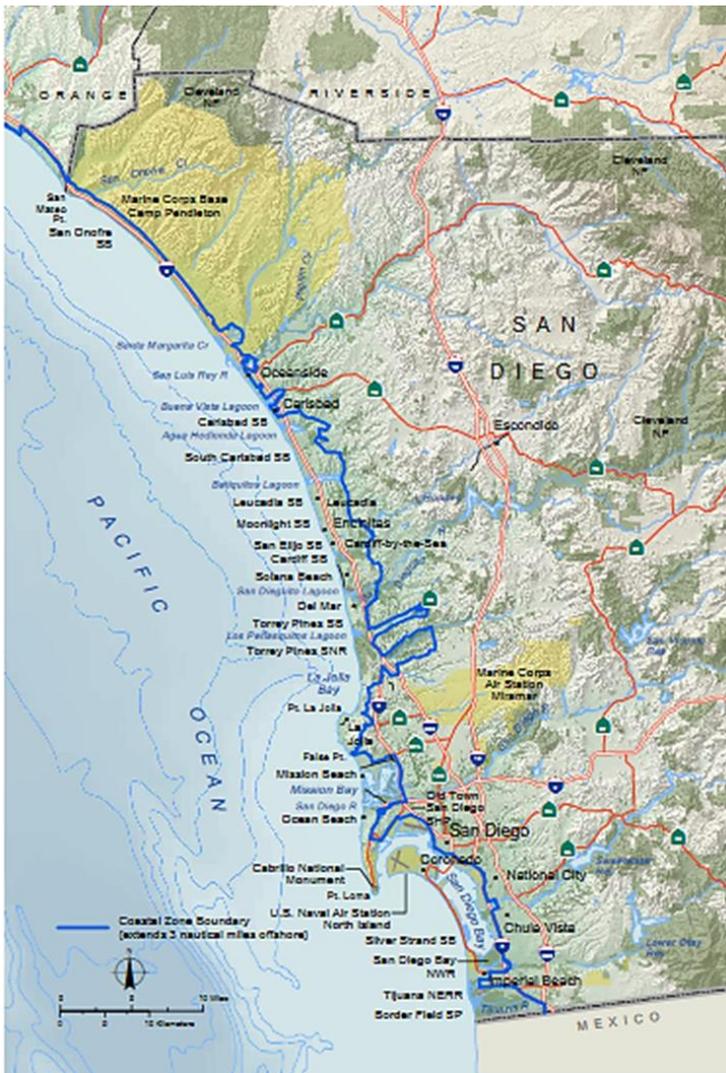
The City did extend the Public Review period 2-months over the holidays to January 31, 2020. This is appreciated although many think this is inadequate given the significance of the Proposed Land Use Plan Amendments, and lack of Redline Version to compare. The City and their consultants required several 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.

3. 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 should 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.

4. 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):



For South Carlsbad there is a complete lack of any existing or planned City Coastal Park and park acreage west of I-5, while North Carlsbad has 9 existing and 1 planned City Coastal Parks totaling 37.8 acres of City Coastal W of I-5 North Carlsbad. Not only is this unfair to South Carlsbad, it is also unfair to North Carlsbad as it increases VMT and parking impacts in North Carlsbad because South Carlsbad is not providing the City Coastal Parks for South Carlsbad resident/visitor demands. This City Park disparity is shown on Figure 3-1 of the Coastal Recreation Land Use Plan;

however it more accurately illustrated in the following data/image from the adopted Carlsbad Park Master Plan's "Service Area Maps (Equity Maps)". The image below titled 'No Coastal Park in South Carlsbad' shows Carlsbad's adopted "Park Service Area Maps (Equity Maps)" from the City's Park Master Plan that says it maps "the population being served by that park type/facility." The added text to the image is data regarding park inequity and disparity in South Carlsbad. The image compiles Carlsbad's adopted Park "Park Service Area Maps (Equity Maps)" for Community Parks and Special Use Area Parks that are the City's two park acreage types produced by the City's comparatively low standard of 3 acre of City Park per 1,000 population. The City's Park Service Area Maps (Equity Maps) shows areas and populations served by parks within the blue and red circles. City data clearly shows large areas of overlapping Park Service (areas/populations served by multiple parks) in North Carlsbad and also shows large areas in South Carlsbad with No Park Service (areas/populations unserved by any parks) and Park Inequity in South Carlsbad. It clearly shows the City's Documented Park Need and Park inequity at Ponto. The Existing LCP LUP for Ponto's Planning Area F in is required to "consider" and "document" the need for a "Public Park". The City's adopted Park Service Area Maps (Equity Maps) clearly shows the inequity of Coastal City Park between North and South Carlsbad, and the need for Coastal Parks in South Carlsbad – particularly at Ponto. The City's proposed Draft 'Buildout' Coastal Recreation Land Use Plan instead proposes to lock-in documented City Public Coastal Park inequity and unserved Coastal Park demand at Ponto and South Carlsbad forever. It does so by proposing the last vacant undeveloped/unplanned Coastal land – Ponto Planning Area F - in the unserved Ponto and South Carlsbad coastline areas instead of being planned for much needed City Park and Coastal Recreation use be converted to even more low-priority residential and general commercial land uses. These 'low-priority' residential uses, by the way, further increase City Park and Coastal Recreation demand and inequity in Coastal South Carlsbad. This is wrong, and a proposed 'forever-buildout' wrong at the most basic and fundamental levels. The proposed Draft Coastal Recreation Land Use Plan by NOT providing documented needed City parks for vast areas of Coastal South Carlsbad is inconsistent with the CA Coastal Act policies and Existing LCP LUP requirements for Ponto Planning Area F; and also inconsistent with fair/equitable/commonsense land use and park planning principles, inconsistent with CA Coastal Commission social justice goals, inconsistent with social equity, inconsistent with VMT reduction requirements, and inconsistent with common fairness. A different Coastal Recreation Land Use Plan should be provided that provides for a socially equitable distribution of Coastal Park resources so as to would allow children, the elderly and those without cars to access Coastal Parks. The proposed Draft 'Buildout' Coastal Recreation Land Use Plan forever locking in the unfair distribution of City Parks appears a violation of the not only CCA Sections 30213, 30222, 30223, and 30252(6) but also the fundamental values and principles of the CA Coastal Act. The Draft also appears a violation of Carlsbad's Community Vision.

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



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.

5. There is no Coastal Recreation/Park west of interstate 5 for all South Carlsbad, or half of the entire City. This is obviously an 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.

How Ponto Serves Region

- Ponto is in the middle of the regional Coastal Park Gap
- A Ponto Coastal Park fills a critical 6 mile gap of coastline without a Coastal Park - 8.6% of SD County coastline
- A Ponto Coastal Park Serves over 26,000 homes & 64,000 citizens just in South Carlsbad without a Coastal Park
- Serves many more people outside Carlsbad

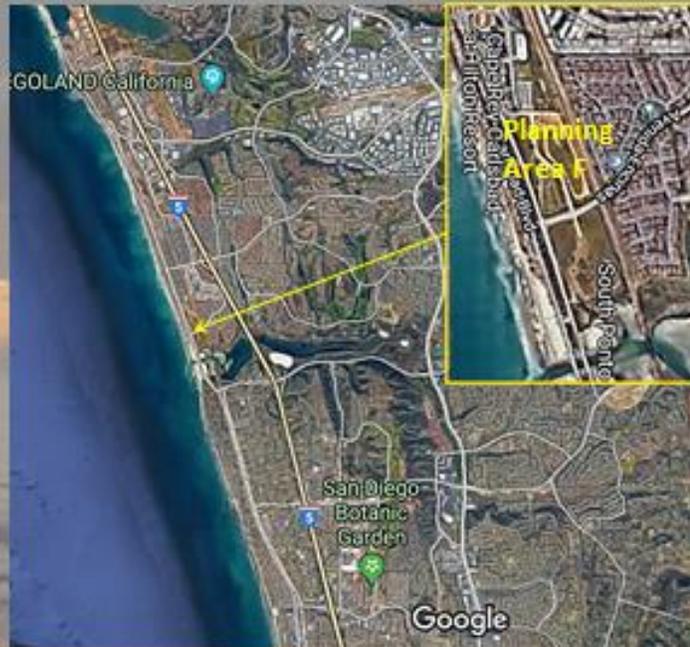


As People for Ponto first uncovered and then communicated in 2017 to the City and CCC; Carlsbad's Existing (since 1994) Local Coastal Program LUP currently states (on page 101) that Ponto's Planning Area F: carries a Non-Residential Reserve (NRR) General Plan designation. Carlsbad's Existing Local Coastal 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 in 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

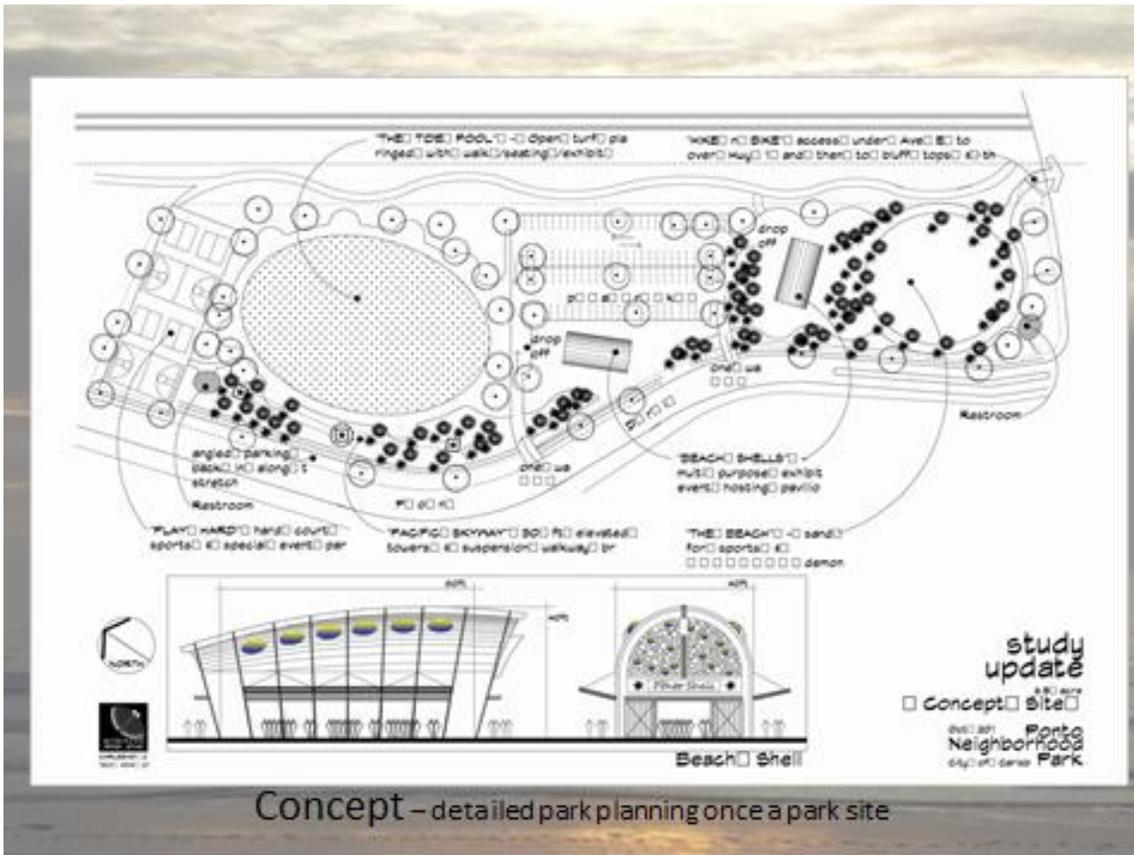


Ponto Coastal Park Concept

- A concept – but shows potential recreational opportunities
- Provides **vital parkland support for beach & open play fields**
- Concept plan a gift from San Pacifico Community Association



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.



6. 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.
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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.
7. 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.

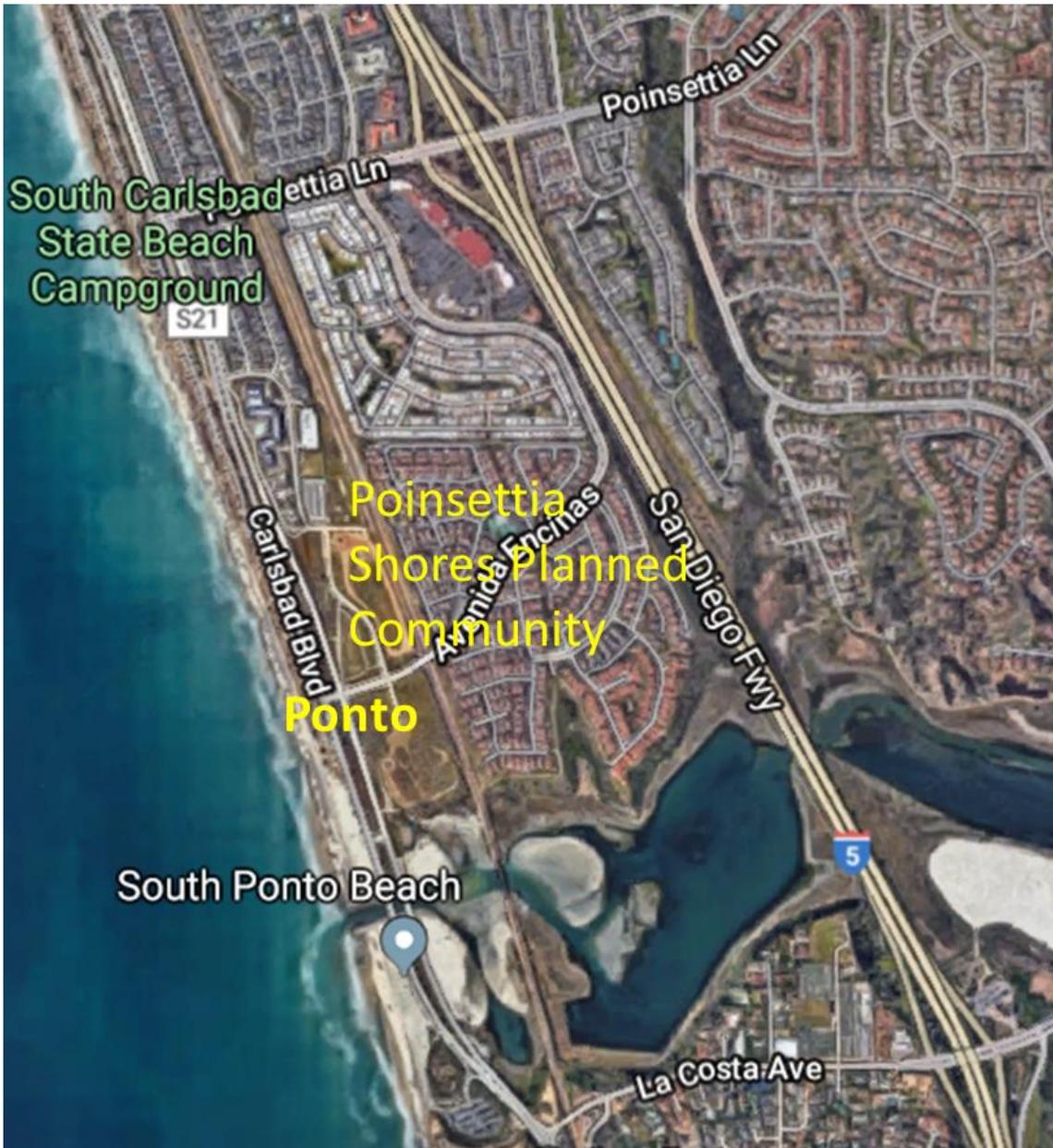
Currently and since 1996 there has been LCP LUP Policy/regulations for Ponto Planning Area F that require consideration of a “Public Park” prior to changing the existing “unplanned Non-residential Reserve” Land Use designation. A map and data base of vacant developable Coastal land should be provided 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.

8. Citizens of South Carlsbad are concerned about the City's multiple prior flawed Ponto planning processes or 'mistakes' the City has made yet is basing the City Staff's proposed Draft LCP LUP. The concerns being the City is not openly and honestly communicating information to citizens and the public, and not allowing a reasonable and appropriate community-based planning process to address the documented Park, Coastal Recreation and unconstrained open space needs in South Carlsbad. One of these groups of citizens has created a www.peopleforponto.com website to try to research and compile information and hopefully provide a better means for citizens to understand facts and then express their concerns/desires to the City of Carlsbad (City) and CA Coastal Commission (CCC). Over 2,000 emails have sent to the City and CCC regarding Coastal Land Use Planning Issues at Ponto. The San Pacifico Planned Community (i.e. San Pacifico Community Association) has also, since 2015, sent numerous emailed letters to the City and CCC noting the significant concerns about changes in Coastal planning the City is proposing for our Planned Community.

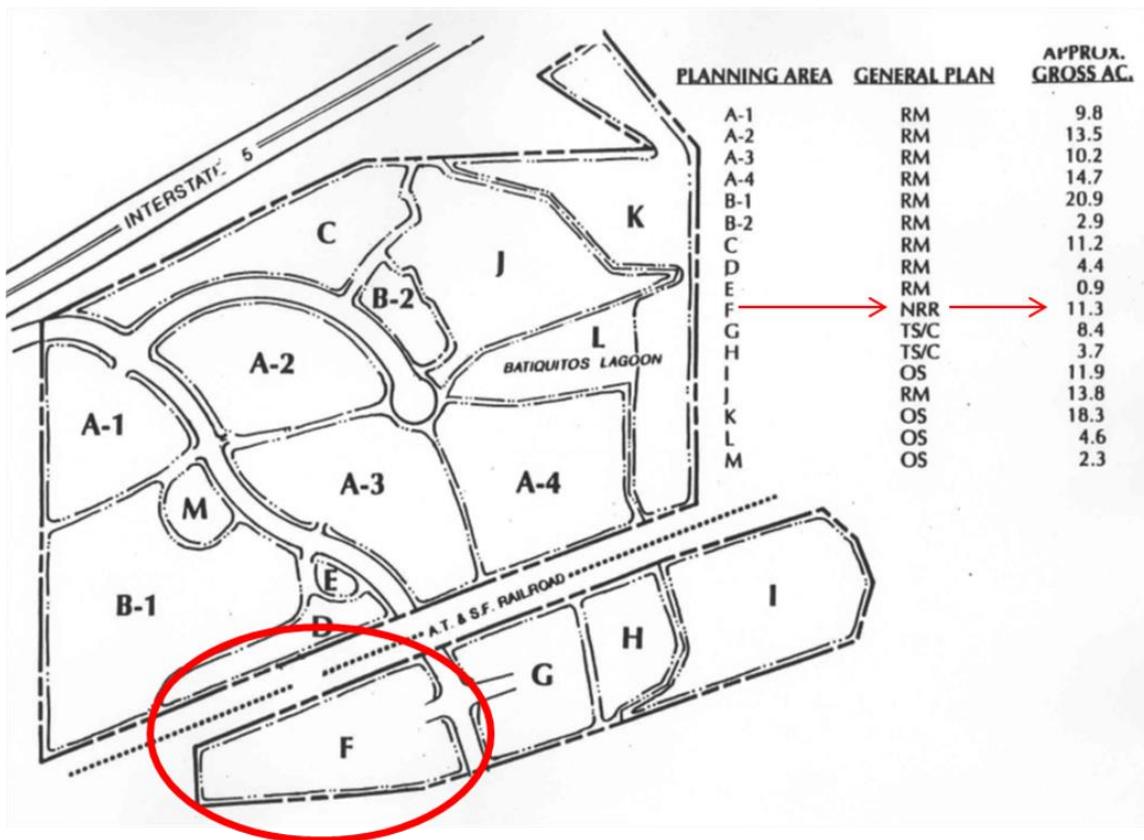
Repeatedly over 90% of surveyed citizens (results emailed prior to both the City and CCC) have expressed the vital need and desire for a Coastal Park at Ponto to serve the current and future Coastal Recreation needs for all both Ponto and South Carlsbad and for larger regional and State Coastal Recreational 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.

9. 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.
- Ponto, is one of last remaining vacant and undeveloped Coastal lands in North County
 - Ponto is the last remaining undeveloped Coastal land in South Carlsbad
 - 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”.
 - 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.



10. 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.

11. The prior pre-1996 LCP for Ponto – the Batiqitos 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.

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

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.

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

14. Illogical landscape setback reductions proposed along Carlsbad Boulevard, and Undefined landscape setback along the Lagoon Bluff Top and rail corridor in Policy LCP-2-P.20: Logically setbacks are used in planning to provide a buffering separation of incompatible land uses/activities/habitats. The intent of the setback separation being to protect adjacent uses/activities/habitats from incompatibility, nuisance or harassment by providing a sufficient distance/area (i.e. setback) between uses/activities/habitats and for required urban design aesthetics – almost always a buffering landscaping. Policy LCP-2-P.20. A.4 and C.3 says the required 40' landscape setback along Carlsbad Boulevard "maybe reduced due to site constraints or protection of environmental resources." The ability to reduce the setback is illogical in that setbacks are intended to protect environmental resources and provide a buffer for constraints. In the Carlsbad Boulevard right-of-way there is documented sensitive environmental habitat, along with being a busy roadway. How could reducing the protective 40' setback in anyway better protect that habitat or provide a better landscaped compatibility or visual aesthesis buffer along Carlsbad Boulevard? It is illogical. If anything the minimum 40' landscaped setback should likely be expanded near "environmental resources". Regarding reducing the minimum 40' landscape setback for "site constraints" there is no definition of what a "site constraint" is or why it (whatever it may be) justifies a reduction of the minimum landscaped setback.

Is endangered species habitat, or a hazardous geologic feature, or a slope, or on-site infrastructure considered a “site constraint”? There should be some explanation of what a “site constraint” is and is not, and once defined if it warrants a landscape setback reduction to enhance the buffering purpose of a landscape setback. Or will a reduction only allow bringing the defined constraint closer to the adjacent uses/activities/habitats that the landscape setback is designed to buffer. It is good planning practice to not only be clear in the use of terms; but also, if a proposed reduction in a minimum standard is allowed, to define reasonably clear criteria for that reduction/modification and provide appropriate defined mitigation to assume the intended performance objectives of the minimum landscape setback are achieved.

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.

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 acknowledge 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 applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application ‘alive’ even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdrawal the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer’s application to change the Existing LCP Land Use Plan for the developer.

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 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

Carlsbad Citizens' questions for the City Council, Planning, Housing and Parks Commissions, & Housing Element Advisory Committee on South Carlsbad Coastal Park needs & Ponto Planning Area F relative to Carlsbad's proposed Draft LCP-LUPA, Housing Element Update, & Parks Master Plan Update

Submitted 2020 Nov 30

For some time all four (4) of the current City Council members have on multiple occasions publicly stated they think Carlsbad's current General Plan and Growth Management Plan need comprehensive updating. As one of our current Council members recently said about Ponto:

"I believe that our best strategy is to support a new Growth Management Plan and General Plan that will reflect the desires of today's residents. Our old plan has served us well but has become outdated. A revised plan could address a variety of services and infrastructure, including parks. I support an updated plan that is built on the desires of our current residents."

So the City Council considering a General Plan and Growth Management Plan change as part of Staff's proposed Draft LCP-LUPA and Housing Element relative to Ponto Planning Area F is not out of the question. There appears unanimous City Council support to consider changes to the 2015 General Plan that are 'built on the desires of our current residents.' – "including parks."

Also in showing the 2015 General Plan is not 'locked in stone' the City Council and Staff have advanced some piecemeal updates to the General Plan and Growth Management Plan. City Staff's proposed Draft Housing Element Update alone includes 13 General Plan Land Use Designation changes. But it appears the City Council has not yet provided direction to City Commissions and City Staff to start a Ponto General Plan and Growth Management Plan Update process, even though a consistent major request by significant numbers of Carlsbad Citizens since 2017.

The City Council recently split 2-2 several times on providing more substantive direction to City Staff on Ponto Park land use issues, other than unanimous agreement that the 2015 General Plan Update does not seem to be working very well in some areas like Ponto. Now with a 5th Councilmember, who represents Ponto and much of South Carlsbad, this 2-2 split will be resolved. **So, People for Ponto Carlsbad Citizens are asking - and it seems very logical - that the Planning Commission, Housing Commission and Housing Element Advisory Committee, hold off on making any decisions on Ponto Planning Area F until the new full City Council has the opportunity to meet, consider, publicly discuss, and provide direction to City Staff on the City Council consensus on the 2015 General Plan Update Land Use Map that all the City Council say needs some changes – most likely at Ponto.**

Following are some data on South Carlsbad's Coastal Park needs & Ponto Planning Area F, and important policy questions to your Individual and collective decisions on Carlsbad's staff proposed Draft LCP-LUPA, Housing Element Update, & Parks Master Plan Update. The data and citizen to fellow citizen policy questions are important and hope you sincerely consider them.

1. People for Ponto Carlsbad citizens have since 2017 1) documented to the City Council & CA Coastal Commission the public's consensus need for the Planning Area F Ponto Coastal Park, 2) request the City fund Ponto Coastal Park, and 3) City fully acknowledge and fix past City Ponto planning errors

that failed to disclose to citizens the since 1996 Ponto (Poinsettia Shores [aka San Pacifico Community Association] Master Plan and Local Coastal Program (LCP) Planning Area F requirement to “prior to any planning activity” study/document the need for a “Public Park” at Ponto and involve citizens, particularly District 4 San Pacifico citizens, in that study. Over 2,500 emails and over 200 pages of public testimony have been submitted to Carlsbad City Council and CA Coastal Commission in support for a park in Ponto at Planning Area F. At City Council meetings on 1/28, 6/2, and 6/24/20 Carlsbad’s City Council was deadlocked in 2 to 2 ties on Ponto Park needs issues and thus rejected responding to citizen communications expressing the need and desires for Planning Area F Ponto Coastal Park. Data Slide #1 below shows the current LCP for San Pacifico’s Planning Area F.

- a. Will you consider and respect massive citizen input since 2017 that clearly documents the need and desire for Ponto Coastal Park and supports creation of Ponto Coastal Park at Planning Area F in your respective and interrelated and interconnected analysis and decisions?
 - b. Will you acknowledge significant citizens’ input that documents the need and desire for Ponto Coastal Park and supports creation of Ponto Coastal Park at Planning Area F?
 - c. Will you direct City staff to work as a partner with People for Ponto and Carlsbad Citizens in advancing Ponto Coastal Park at Planning Area F?
2. 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. The CCC’s denial conflicts with the City Staff’s interruption of the City Ponto planning process. 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.”

The City’s past and present Ponto planning errors were not, and are still not being, fully and honestly disclosed to citizens the City’s CCC requirement on Ponto Planning Area F to “prior to ANY planning activity” (like before the Ponto Vision Plan and General Plan Update) to study Ponto’s need for a “Public Park”. The City’s past failure to accurately disclose the CCC requirements fundamentally flawed the Public Participation process by not allowing proper citizen input on the Ponto Park need. The City’s Public Participation flaws thus flawed the prior City planning efforts at Ponto. The extensive Citizen input now is a clear and obvious result of the City’s prior flawed Ponto planning process. People for Ponto Citizens had to submit and research over 40 official Carlsbad Public Records Requests to find the truth about the City’s prior flawed processes and errors at Planning Area F. The City didn’t clearly, publicly and honestly communicate to Citizens and then conduct the required Ponto Park needs before both the 2010 Ponto Vision Plan and 2015 General Plan Update as documented in Official Carlsbad Public Records Requests.

In 2010 and again in 2017, the CA Coastal Commission told the City that the City is required to correct the past planning errors at Ponto Planning Area F. Please see Data Slide #2 on page 11 for the 2017 CA Coastal Commission communication.

A critical part of the City’s past planning errors at Ponto were failures to ask Ponto and South Carlsbad Citizens for their input (Public Participation) on their Ponto Park needs as part of the City’s required ‘documented need’ study for Ponto, and if a park is needed, Ponto Planning Area F should be considered for the Park site. Citizens, now that they and been informed by Official Carlsbad Public Records Requests have now provided an overwhelmingly clear and Documented Need for Ponto Coastal Park. This LCP requirement is to be done “prior to any planning activity”. The City failed to do that in 2010, 2015, but now should do it and fully consider the overwhelming and documented Citizen need and desires for Ponto Park at Planning Area F. See Data Slides #2 & #3. The City has still not fully and broadly communicated to all Carlsbad Citizens these “Ponto planning mistakes”, nor yet disclosed and presented to Carlsbad Citizens and the Parks-Planning-Housing Commissions for their recommendations the Park needs studies for Ponto Planning Area F.

In addition the City is also required to conduct a Citywide Coastal Recreation buildout needs-supply-demand Study as required by the CA Coastal Commission in 2016. The City has yet to disclose and

present to Carlsbad citizens and the Parks-Planning-Housing Commissions for their recommendations on this Citywide Coastal Recreation buildout needs-supply-demand Study.

The City has already Documented the Park need at Ponto in its Park Master Plan - pages 86-88 shows that Ponto is both "Unserved" by City Parks, and an area of "Park Inequity".

- a. Do you think it is important for citizens to fully and honestly know the City made "Ponto planning mistakes" going back before 2010 that have impacted prior Coastal land use planning and the City's General Plan, city housing planning and City parks planning at Ponto? Given the long-term compounded nature of these City Ponto planning mistakes should the City provide a means to work with citizens, particularly the San Pacifico, Ponto and South Carlsbad Citizens most impacted by the City's prior Ponto planning mistake?
 - b. Due to past mistakes, will you recommend or direct staff to retain or revert to Planning Area F's 'existing Non-residential Reserve' Coastal land use designation in the Existing Local Coastal Program (i.e. Defer Certification) and amend the General Plan to reflect that retention/reversion until a new citizen-based Ponto planning process is completed?
 - c. Will you recommend or direct City Staff to require the citizen-based planning process to substantially and directly involve San Pacifico Community, District 4, and District 3 citizens most impacted by the lack of any City Park at Ponto, and coastal (west of I-5) South Carlsbad?
 - d. During this citizen-based Ponto planning process, will you recommend or direct City Staff to, be consistent with City and State permit streaming laws, and deny "Shopoff's" Planning Area F land use change and development application due to applicant withdrawal (by recorded Quit Claim) and inaction since 2019?
 - e. During the citizen-based Ponto planning process, will you recommend or direct City Staff to be consistent with the existing LCP and suspend all City Staff proposed land use changes on Planning Area F and retain the existing LCP 'Non-Residential Reserve' land use designation on Planning Area F?
 - f. Do you feel it is appropriate that the City is using tax-payer dollars, to change Planning Area F's land use from the existing Non-residential Reserve" to high-density residential on behalf of and to benefit the Shopoff developers, particularly while the City's Ponto planning mistakes dating back to before 2010 are not being publicly disclosed and discussed, and properly considered by City Commissions and citizens?
3. Before the above mentioned Ponto (San Pacifico's) Planning Area F Ponto Park study requirement is even presented to Citizens, the Planning, Housing and Parks Commissions, Housing Element Advisory Committee, and City Council for review and consideration, the City Staff has already proposed land use changes on Ponto/San Pacifico's Planning Area F. The City Staff's proposed land use change would allow building development with 486% more intensity and heights 33% taller than San Pacifico. The City never in the past 15+ years directly asked the San Pacifico Community Association for its input, nor directly invited/engaged San Pacifico Community Association involvement in the City's proposed land use change to San Pacifico's Planning Area F land use from its existing "Non-residential Reserve" land use. The City's proposed changes to San Pacifico's Planning Area F will fundamentally change the Character of the San Pacifico Community and neighborhood. Data Slide #4 documents both existing and City-proposed land use intensity at San Pacifico and Planning Area F.

- a. Do you think changing land use to increase density by 486% and increase building heights by 33% within an established 'planned community' like San Pacifico is appropriate?
 - b. Do you think the City should directly and fully inform, invite and encourage Planned Communities, communities and neighborhoods to participate in City proposed land use changes to Planning Areas in their Community or neighborhood?
 - c. Will you recommend or require the City planning staff to directly inform and involve the Planned Communities, communities and neighborhoods impacted by City proposed changes to their Planned (and/or unplanned) Community or neighborhoods?
4. Ponto (LFMP Zone 9) does not meet the City's Growth Management Open Space Standard, which states that when land is developed, 15% of the 'unconstrained and developable land' needs to be set aside as Open Space. Carlsbad has had this standard since 1987. Per the City's Citywide Facilities Management Plan if by 1987 Ponto had already been developed or if Ponto already had 15% of its unconstrained and developable land reserved as Open Space, the City's 1987 15% unconstrained Open Space Standard would not apply. However, City data/documentation show that neither of these 2 conditions was/is applicable, and that Ponto developers' switched land use plans that removed Growth Management Standard Open Space and thus falsely allowed a completely different land use plan to not provide the required 15% of unconstrained land as Open Space. City data very clearly show in fact that Ponto was not developed in 1987, and City GIS mapping data also clearly shows Ponto (LFMP Zone 9) is actually missing 30 acres of unconstrained Open Space as per the Growth Management Open Space Standard.

Yet, even with this City documented Open Space Standard shortfall, the City has been allowing, and continues to allow, developers to over-develop Ponto by not requiring the missing 30-acres of unconstrained Growth Management Standard Open Space be provided at Ponto. The LFMP for Zone 9 must be formally amended to account for the new added public facility impacts for the proposed change in Planning Area F land use from the existing 'Non-residential Reserve' land use to the City staff's proposed R-23 high-density residential and General Commercial land uses that were never planned for by the adopted LFMP Zone. See Data Slides #5, #6 and #7 showing actual City data on how the City's Growth Management Program Open Space Performance Standard is not being met at Ponto (LFMP Zone 9), and the City's Open Space Performance Standard and Sections 21.90.130 and 180 of the City's Growth Management Ordinance. The City's Growth Management Ordinance (Carlsbad Code 21.90.130 & 180) require the City Manager and City Council to address any situation where a Growth Management Standard is not being met – exactly like Ponto's missing 30-acres of Growth Management Standard Open Space as documented in City data on Data Slides #5 & 6. To illustrate how out of compliance with the Open Space Standard LFMP Zone 9 is City and Developers are counting a Sewage pumping station (parcel 2165606400) that pumps raw sewage as Open Space. If the City's GIS map with corresponding documentation of each Open Space parcel is desired, People for Ponto can provide and discuss that data. The City has/is being sued by others due to the City's failure to follow the 15% unconstrained Growth Management Open Space Standard. A Ponto Park at Planning Area F would help mitigate the missing Open Space. In your recommendations or decisions for land use, housing, and parks planning do you think:

- a. the Growth Management Standard Open Space is important?

- b. the City should follow its Growth Management Ordinance, particularly, 21.90.130 & 180 and address the 30-acres of missing Growth Management Standard Open Space at Ponto?
 - c. the City should directly invite and involve Ponto Citizens in addressing and resolving Ponto's missing 30-acres of Growth Management Standard Open Space?
 - d. the City should follow the Growth Management Ordinance and suspend all development and City proposed Draft Local Coastal Program Land Use Plan changes at Ponto until Ponto's Open Space Performance Standard deficit and issues are resolved?
 - e. the City should temporally suspend all City proposed Draft Local Coastal Program Land Use Plan changes at Ponto until the lawsuit against the City is resolved?
5. As of 2020 there are 1,025 homes at Ponto and over 2,660 adults and children living in those homes. These homeowners already paid City taxes and Park-in-Lieu fees. The in-lieu fees and tax base is sufficient for the City to buy and build 8 acres of City Park. 8-acres of parkland would meet the minimum City park needs of Ponto's 3-acre/1,000 population City Park standard. Carlsbad's Park Standard is relatively low compared with the Cities of Encinitas and Oceanside. **Carlsbad allows developers to provide 40% less Parkland and collects 40% less money for parks than both Oceanside and Encinitas.** The City so far has not required Ponto developers to build these 8 acres of required park at Ponto, but instead took park-in-lieu fees to spend the money elsewhere. This is one reason why Ponto Planning Area F, was in 1996 Coastal land use zoned "Non-Residential Reserve" that requires before 'any planning activity' that proposes changing this Coastal land use zoning, that the City/Developer must consider and document the need for high-priority "Coastal Recreation (i.e. Public Park)" at Ponto and if needed Planning Area F could provide that "Coastal Recreation (i.e. Public Park)".
- a. In your recommendations or decisions for land use, housing, and parks planning do you think it is appropriate to charge Carlsbad homeowners City park-in-lieu fees and then spend the money in areas where those same homeowners cannot effectively access the parks created by those fees?
 - b. In your recommendations or decisions for land use, housing, and parks planning do you think Ponto homeowners deserve from the City an 8 acre park in Ponto that they already paid the City fees for, that the City's Parks Master Plan identifies as an area unserved by City Parks and park inequity, and where an overwhelming amount of Carlsbad citizens have documented their need and desire for a Ponto Park?
 - c. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad should have the lowest park standard relative to our adjoin Coastal cities?
 - d. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad developers should provide 40% less parkland than Encinitas and Oceanside developers?
6. The City's proposed Veterans Park in NW Carlsbad is being funded by fees paid by homeowners in new homes built after 1991. Since most all the homes built in Carlsbad after 1991 are in the SW, SE, and NE quadrants, most of the funding for Veterans Park is from SW, SE and NE Quadrant Homeowners. These SW, SE and NE homeowners are in Quadrants where there are current City Park acreage deficits per the City's Growth Management Parks Standard. Many of these SW, SE, and NE neighborhoods have no City Park within 10-minute walking distance from their homes. Proposed Veterans Park is from 1 - 5 miles away (as the crow fly's) and from 1.4 - 11.1 miles away (via City Streets) from the SW, SE, and NE Quadrant homeowners that paid for almost all of the proposed

Veterans Park. These distances make the proposed Veterans Park effectively unusable for children and most homeowners in SW, SE and NE quadrants.

Along with Veterans Park, there are many other areas of the City where Carlsbad homeowners pay the City park-in-lieu fees to address the local park demands created by the new development, but no local park is created by the City. The Cities of Encinitas and Oceanside both have strong Park planning policies that direct the City to provide Parks within a 10-minute walk for all homeowners. Carlsbad has no such requirement, but only documents in its Park Master Plan areas “Unserviced” by Parks and areas of “Park Inequity”.

- a. In your recommendations or decisions for land use, housing, and parks planning do you think City Staff should come up with some options for a more fair and equitable use of the Veterans Park funding paid by SW, SE, and NE homeowners so that funding actually provides Parks needed in the SW, SE, and NE and that are accessible for their children?
 - b. Both Encinitas and Oceanside have Park accessibility policies and plans to provide a City Park within a 10-minute walk from every home. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad should have a similar park accessibility requirement so Carlsbad children and citizens have a park within walking distance from their homes?
 - c. In your recommendations or decisions for land use, housing, and parks planning do you think City Staff should be directed to start working with Carlsbad Citizens to create a Park Master Plan that address fixing the city’s documented “Park Inequities” in various Carlsbad neighborhoods the City documents as “Unserviced” by City Parks?
7. San Pacifico’s Planning Area F in Ponto is currently for sale and can be purchased for a Park. The cost would be considerably less than the City’s proposed South Carlsbad Boulevard “promenade” using the existing median of Carlsbad Blvd. The Carlsbad Blvd roadway median although wider than most roadway medians, is still relatively narrow and does not allow many open space uses other than linear walk/pathways that can be most cost effectively provided in the existing right-of-way.

Mayor Matt Hall has publicly said that Ponto Park at Planning Area F would cost \$20-22 million and the City’s narrow promenade would cost \$75 million. If the city purchases Planning Area F, it would add 11 new acres to city-owned property, whereas the promenade (which is basically adding a walkway and parking spaces) adds 0 (zero) acres to city-owned property (the City already owns the roadway median).

There is a smarter and better way. The Promenade walkway and parking can basically be provided for as little as 4%-10% of the City’s proposed \$75 million Promenade cost. This is done by retaining South Carlsbad Boulevard (Historic Coast Highway 101) in its current historic configuration with natural median, and not relocating the south bound pavement to create a wide urban roadway. South Carlsbad Boulevard is one of the last substantially unaltered stretches of San Diego County’s Historic 101 dating back to the 1920’s. Data show it is not threatened by Sea Level Rise so does not need to be relocated. It seems appropriate to retain this historic street and landscape. South Carlsbad Boulevard only needs to add pedestrian paths or sidewalks to be Complete. This can cost effectively be designed and done while preserving the historic features of Historic Coast Highway 101, and creatively reusing old 101 pavement at the Campground entrance to also cost-effectively provide parking.

Based on City data an 8 foot wide concrete walkway within the wide right-of-way could be provided on both sides of South Carlsbad Boulevard for about \$3 million. Parking already exists along some sections of South Carlsbad Boulevard and additional parking can be cost-effectively provided on the old South Carlsbad Boulevard roadway pavement near the Campground entry. In addition if it is possible and desirable to reduce vehicle roadway capacity by over 50% and increase vehicle traffic congestion on South Carlsbad Boulevard the existing outside 2-lanes in each direction could be very cost effectively converted to on-street parking. This would provide around 6-miles of on-street parking or about 12,000 parking spaces.

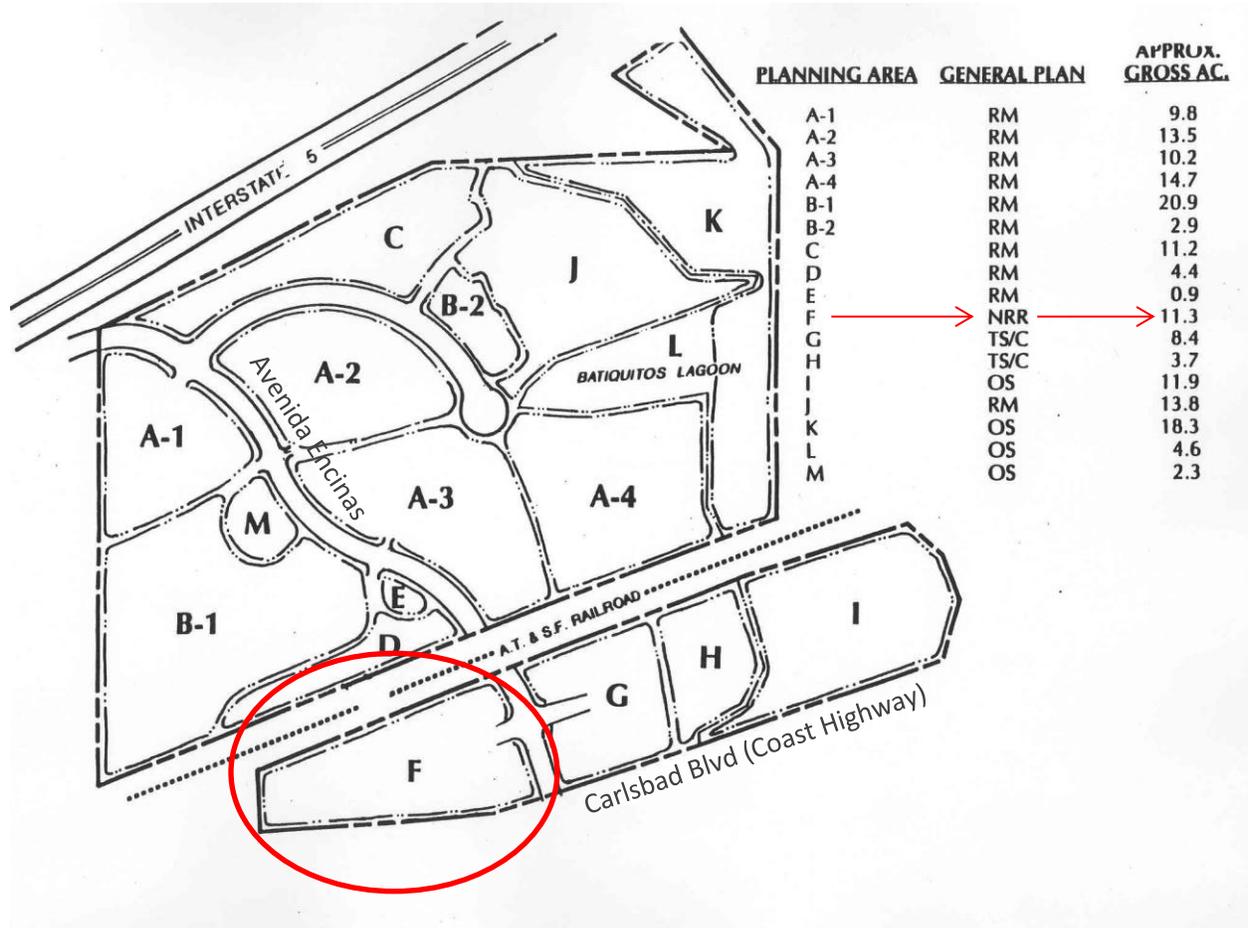
\$72-67.5 million of tax-payer money savings can be achieved by rethinking the City's \$75 million South Carlsbad Boulevard Promenade concept while still providing the needed pedestrian path and parking. This \$72-67.5 million can be used to fund the more practical, functional, beneficial and tax-payer desired Ponto Park at Planning Area F, and have about \$50 million left over to fund many more Coastal Park and open space improvements in Carlsbad.

Planning Area F would create a park similar in shape to Holiday Park, but more than 1.8 times larger than Holiday Park. Ponto Park at Planning Area F would create Carlsbad's Crown Jewell Coastal Park; with ocean and sunset views, direct pedestrian access to the beach and Batiquitos Lagoon trails, and the size and shape to host Carlsbad community events. Ponto Park at Planning Area F would create a Coastal Crown Jewell Park for both Carlsbad Citizens and visitors that will last for generations. As of 2020 over 64,000 South Carlsbad Citizens and hundreds of thousands of visitors in South Carlsbad's resort hotels have no Coastal Park. This inequity damages Carlsbad's current and long-term attractiveness and sustainability of our residential quality of life and visitor experience.

Like Del Mar's Powerhouse Park, Solana Beach's Fletcher Cove Park, Encinitas's Moonlight Beach Park, La Jolla's Scripps Cove Park and La Jolla Shores Park, Coronado's Tidelands Park and Coronado Cays Park; Ponto Park can provide Carlsbad a much needed iconic Coastal Park and community place. Ponto is also at the center of a 6-mile Regional Coastal Park gap – there is no Coastal park between Encinitas's Moonlight Beach and Carlsbad's small Cannon Park. Based on the data Ponto Park is a much better park space and appears to be a far better and wiser use of tax payer money.

- a. In your recommendations or decisions for land use, housing, and parks planning will you direct City Staff to contact the Planning Area F landowner to discuss the City being a purchaser of the site?
- b. In your recommendations or decisions for land use, housing, and parks planning did you know that the 400-acre Carlsbad Municipal Golf Course cost Carlsbad Taxpayers \$70 million?
- c. In your recommendations or decisions for land use, housing, and parks planning do you think spending \$75 million to add a sidewalk and some parking (aka Promenade) on narrow land the City already owns and that could alternatively be provided with a little over \$3 million is a wise use in taxpayer dollars?
- d. In your recommendations or decisions for land use, housing, and parks planning do you think spending \$20-22 million to actually buy 11-acres of new City parkland is a better use of Carlsbad's taxpayer dollars compared to spending \$75 million and NOT adding one single acre of new City land?
- e. In your recommendations or decisions for land use, housing, and parks planning do you think a City Park that is 1.8 times larger than Holiday Park, and with coastal views and pedestrian access to the beach and Batiquitos Lagoon would be a great benefit to the City in hosting community events like Holiday Park currently does?

Data Slide #1: San Pacifico Community – Planning Area, Coastal General Plan Land Use, & Acreage Map. Planning Area F is unplanned and zoned NRR (non-residential reserve) and will remain so until a “Park Need” Study is completed and both the City and CA Coastal Commission determine no Park is needed. Only if both the City and CA Coastal Commission determine Ponto’s park needs are met, can Planning Area F be planned and developed for something else.



Source: page 20 of exiting Poinsettia Shores Master Plan/Local Coastal Program

Data Slide #2: One of Carlsbad's "Ponto Planning Area F planning mistakes" and CA Coastal Commission (CCC) direction to Carlsbad

At the 1/28/20 (item #14) Carlsbad City Council meeting City Staff for the 1st time admitted 15+ years f some Ponto 'planning mistakes' on Ponto Planning Area F. This was over 10-years after the City knew of these 'Ponto planning mistakes' by the 2010 CA Coastal Commission (CCC) denial of the Ponto Beachfront Village Vision Plan for those mistakes and some other flaws.

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:

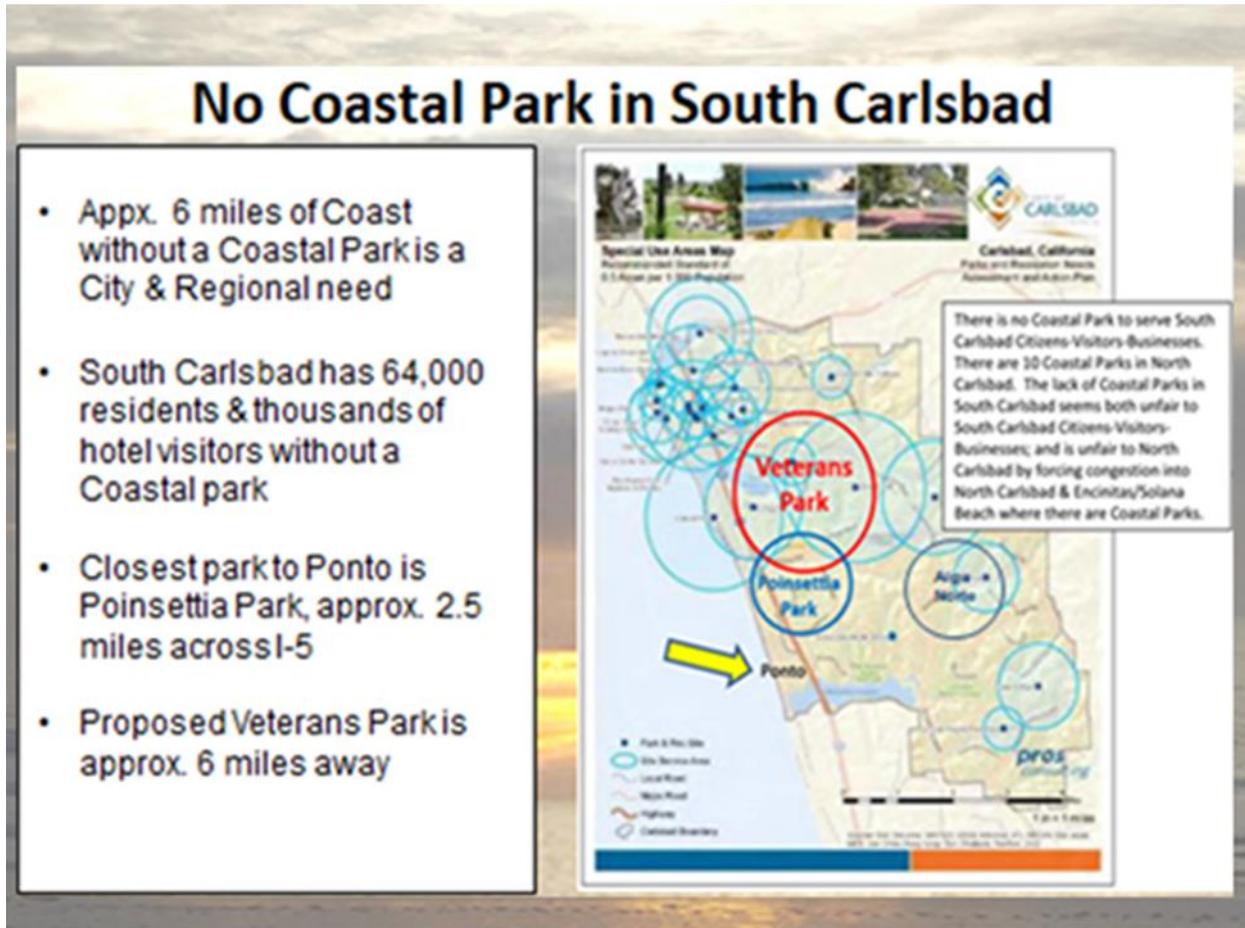
"The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or 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."

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."

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. The City is apparently failing to fully disclose to Citizens these facts and the City's prior "Ponto Planning Area F planning mistakes".

Data Slide #3: from Carlsbad's adopted Park Master Plan (see pages 86-88). Blue dots = Parks, and blue circles = areas served by Parks. City's adopted Park service map clearly shows Park need at Ponto.



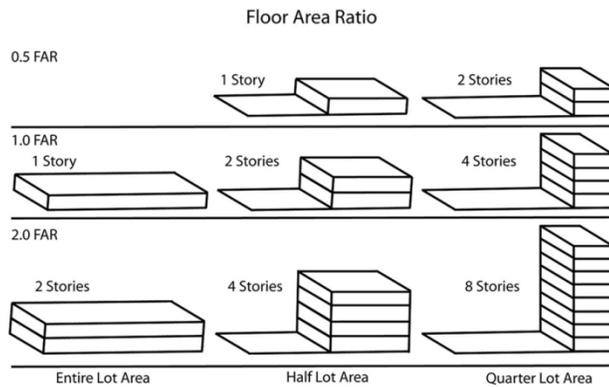
Data Slide #4: Existing and City’s Planning Area F proposed development intensity (FAR) comparisons

FAR (floor area ratio) is a well-established planning method to compare land use intensity (lower FARs reflect lower intensity and higher FARs reflect higher intensity). City Staff is proposing at San Pacifico’s Planning Area F an extremely high FAR land use intensity that will radically change the established character of our San Pacifico Community. The CA Coastal Commission has State Law Polices to protect the character of Coastal communities and a requirement that new development be "visually compatible with the character of the surrounding area." It does not appear that the City’s proposed 486% increase in development intensity for San Pacifico’s Planning Area F is visually compatible with the character of San Pacifico.

Comparison of FAR Data:

	<u>FAR</u>	<u>% more intense than San Pacifico</u>	<u>Building Height</u>
San Pacifico Community - existing	.31	0%	30 feet
San Pacifico’s Planning Area F - City proposed change	1.79	486%	40 feet
Cape Rey Resort - existing	.52	70%	35 feet
Encinitas Beach Hotel - in construction	1.21	295%	unknown
Kam Sang Resort - developer application w/ City	.72	136%	35 feet

Floor Area Ratio (FAR) diagram of examples of 0.5, 1.0 and 2.0 FAR



Below is what the City’s proposed 1.79 FAR at Planning Area F looks like. A 40 foot tall and 1,000 feet long wall of buildings. View is looking NE from corner of Avenida Encinas/Ponto Dr.



Ponto Planning Facts – development standards not being met

City's GIS data of Growth Management Standard Open Space at Ponto

472 Acres
(197 Acres)
275 Acres
X 15%
41 Acres
(11 Acres)
30 Acres

Total land in LFMP Zone 9 [Ponto]
Constrained land excluded from GMP Open Space
Unconstrained land in LFMP Zone 9 [Ponto]
GMP Minimum Unconstrained Open Space requirement
GMP Minimum Unconstrained Open Space required
GMP Open Space provided & mapped per City GIS data
Missing Unconstrained Open Space needed in LFMP Zone 9 [Ponto] to meet the City's minimum GMP Open Space Standard per City's GIS data

73% of the City's minimum required Open Space Standard is missing due to over development of Ponto

Data Slide #6: City GIS map – Light Green is ‘Unconstrained land’ and can be used to meet City’s Growth Management Open Space Standard. The Pink and Purple areas are ‘Constrained land and water’, respectively, and cannot be used to meet the Standard.

Ponto Planning Facts – development standards not being met cont.

- City’s GIS map of Ponto’s (LFMP Zone 9) Growth Management Standard Open Space:
 - Only light green areas on map meet City’s 15% unconstrained GMP Open Space Standard
 - Most Ponto Open Space (pink & purple areas on map) is constrained and does not meet the Standard
 - City required Aviara east of Ponto to provide the 15% Standard Open Space. Why not Ponto?



Data Slide #7: City's Growth Management Open Space Standard

The City's website says: **"The Growth Management Program standard for Open Space requires that "15 percent of the total land area in the Local Facilities Master Plan Zone, exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development."** <https://www.carlsbadca.gov/cityhall/clerk/summaries/space.asp>

The City's Growth Management Ordinance (Carlsbad Municipal Code 21.90) states:

"21.90.130 Implementation of facilities and improvements requirements: ... (b) The city-wide facilities and improvement plan and the local facility management plan process is part of the city's ongoing planning effort. It is anticipated that amendments to the plans may be necessary. Adoption of a facilities management plan does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal. **The city-wide facilities and improvements plan and the local facilities management plans are guides to ensure that no development occurs unless adequate facilities or improvements will be available to meet demands created by development. 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.**

(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.**

(d) The city planner shall monitor the development activity for each local facilities management zone and shall prepare an annual report to the city council consisting of maps, graphs, charts, tables and text and which includes a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and recommendation for any amendments to the facilities management plan. **The content of the annual report shall be established by the city council.**

(e) **The city council shall annually review the city-wide facilities and improvements plan at the time it considers the city's capital improvement budget. (Ord. 9808 § 1, 1986"**

&

"21.90.180 Public facility reductions: Notwithstanding any previous sections of this chapter, **the city council shall not materially reduce or delete any public facilities or improvements without making a corresponding reduction in residential density unless such a reduction or deletion of public facilities is ratified by a vote of the citizens of Carlsbad. (Ord. 9829 § 4, 1987)"**

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!

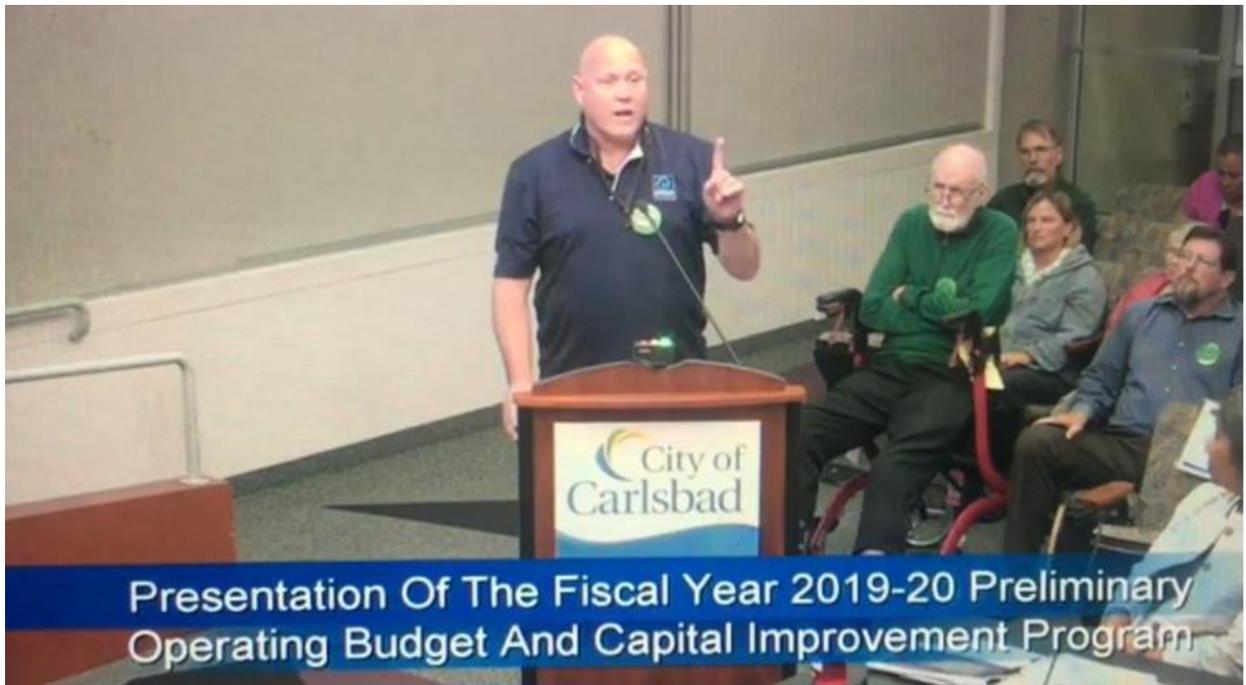
34. Our San Pacifico Community and the surrounding neighborhoods need a local park. So far Carlsbad has no real performing arts venue of any size to meet the needs of a city of more than 100,000. This should be a serious consideration when the new civic center is being designed.
35. We need more coastal 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







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 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.Praher@coastal.ca.gov and gbuhr@coastal.ca.gov

Nov 30, 2020

People for Ponto citizen public input on:

Carlsbad's Draft Housing Element Update

Carlsbad Planning Commission for the Draft Local Coastal Program Land Use Plan Amendment;

Carlsbad Park Commission for the Draft Parks Master Plan Update; and

City Council and CA Coastal Commission for all the above Draft updates and amendments

Page# Citizen concern & public input

Overall Since 2017 there has been extensive Carlsbad Citizen input provided to the City Staff and City Council concerning the documented past/present 'City Coastal land use planning mistakes' at Planning Area F at Ponto (a site the City Staff is including in the housing inventory), and Citizens documenting and expressing the need for Ponto Park on Planning Area F and desire for the City Council to acquire it for a much needed (and only) Coastal Park for South Carlsbad.

The extensive Carlsbad Citizen input to the City gathered by People for Ponto Carlsbad Citizens (as of Nov 2020) includes over 2,700 emailed requests for the Ponto Park, over 200-pages of public testimony and data documentation showing the Carlsbad Citizen need for Ponto Park, and numerous presentations to the City Council showing Ponto Park needs and Citizen's requests for Ponto Park. Ponto Park was also by far the most cited Citizen need and request for City Council funding during both the 2019 and 2020 Budget processes. Over 90% of Citizen requests during both those City budget processes asked for Ponto Park [see attachment 1 & go to the 6/2 & 6/24/20 City Budget at <https://carlsbadca.swagit.com/play/06022020-906> & <https://carlsbadca.swagit.com/play/06232020-1181> and listen to and read the public testimony as the files are too big to email]. Due to the 4-person City Council and 2-2 City Council split these extensive Citizens needs and requests were not acted on. With the recent election, there is now a 5th Council person (from District 4 that includes Ponto) to provide a City Council decision on Citizen needs and desire for Ponto Park. People for Ponto citizens have asked the City Staff circulate and provide the extensive Carlsbad Citizen input, need and request for Ponto Park to Carlsbad's Planning, Parks and Housing Commissions, and the Housing Element Advisory Committee (HEAC), so the primary CA Coastal Land Use planning issues area coordinated between the City Staff's proposed Draft Local Coastal Program Land Use Plan Amendment, Housing Element Update, and Parks Master Plan Update processes. Unfortunately, City Staff communication, coordination and inviting People for Ponto Carlsbad Citizens to be involved when the Ponto Planning Area F land use issues are being considered by the Planning, Parks and Housing Commissions, and the Housing Element Advisory Committee does not seem to be happening.

On 2017 what is now a much larger People for Ponto group of Carlsbad Citizens asked the City Council and City Staff for a better Ponto Planning Process, and documented why Ponto Park is more consistent with Carlsbad's Community Vision (the foundation for Carlsbad's General Plan, and land use plan) [see attachment #2]

In 2017 People for Ponto filed official Carlsbad Public Records Requests, and found the City make multiple 'planning mistakes' at Ponto, and particularly at Planning Area F with regard to non-compliance with Carlsbad existing Local Coastal Program and also overall Growth Management Standard Open Space acreage requirements at Ponto. These have been

documented to the City on several occasions and are highlighted on pages 2-5, 6-7, 11-12, and 14-16 in Attachment #3.

As summarized on page 11 in Attachment #3, in 2017 the CA Coastal Commission informed the City how the City's proposed Ponto Planning Area F General Plan Land Use designation change from the existing "Non-residential Reserve" to R-23 & General Commercial could change if 'higher-priority' Coastal Recreation or Low-cost Visitor Accommodations area needed at Ponto. City Staff first and only provided that information to the City Council (and one assumes also the Carlsbad Planning, Parks and Housing Commissions) on 1/28/20. On 1/28/20 City Staff introduced the Draft Local Coastal Program Land Use Plan Amendment process to the City Council. We are not sure if City Staff provided the CA Coastal Commissions' direction to the City on Ponto Planning Area F to the Planning, Park, and Housing Commissions and HEAC? The CA Coastal Commission is the final land use authority at Ponto since Ponto is in the CA Coastal Zone and is governed by the CA Coastal Act, which supersedes Carlsbad's General Plan. Land use in the CA Coastal Zone and the State law that governs land use in the CA Coastal Zone, the CA Coastal Act is not constrained by many CA Housing laws. This is logical as the Coast is a very limited State resource and many critical Coastal land uses can only be provided in the Coast, whereas housing can be provided over a much larger land area and based on beneficial surrounding land use adjacencies is better located in inland locations.

At the above mentioned 1/28/20 City Council meeting there were numerous apparent errors, omissions or misrepresentations in the Staff Report. These errors/omissions/misrepresentations had critical reference and relevance to the Draft Housing Element and how CA Coastal Act and state housing laws interact. People for Ponto submitted written and verbal testimony at the 1/28/20 meeting on these errors/omissions/misrepresentations [see attachment #4]. The Housing Commission and HEAC, Planning Commission and Parks Commission should review and consider Attachment #4 in evaluating the Draft Housing Element Update, Draft LCP-LUPA and Draft Parks Master Plan Update.

As documented in Attachment #5 Carlsbad's 2015 General Plan clearly recognizes that Carlsbad's General Plan land use changes to Carlsbad's Coastal Zone from the 2015 General Plan Update are not valid until the CA Coastal Commission fully "Certifies" a Local Coastal Program Land Use Plan Amendment (LCP-LUPA). This has not yet occurred. The CA Coastal Commission will likely consider Carlsbad's Draft LCP-LUPA in 2021-2022. As noted in Attachment #3, based on the 2010 and two 2017 communications from the CA Coastal Commission, the CA Coastal Commission may or may not "Certify" the City's proposed, Coastal land use change at Ponto Planning Area F from its current "Non-residential Reserve" land use to R-23 Residential and General Commercial. People for Ponto Citizen data provided to both the City and CA Coastal Commission show Carlsbad appears to both significantly lag behind other Coastal cities in providing both Coastal Recreation (i.e. Public Park) and Low-cost Visitor Accommodation that at high-priority Coastal land uses at Ponto [see Attachments #5 & #6]. Thus the CA Coastal Commission may direct Carlsbad to change its General Plan at both Ponto Planning Area F and maybe at other areas to provide these 'higher-priority' Coastal land uses consistent with the CA Coastal Act, and Carlsbad's existing LCP requirements for Ponto Planning Area F. The Housing Commission and HEAC, Planning Commission and Parks Commission should review and consider Attachments #5 & #6 in evaluating the Draft Housing Element Update, Draft LCP-LUPA and Draft Parks Master Plan Update.

Ponto Planning Area F is only 11-acres in size, and is the last remaining vacant and unplanned Coastal land in South Carlsbad to provide for the 'forever supply' of Coastal Recreation to accommodate the 'forever increasing population and visitor demands' of 'High-Priority Coastal Recreation and Low-cost Visitor Accommodations'. This issue of Coastal 'buildout' of 'High-priority Coastal land uses v. a forever increasing Carlsbad and CA residential population and visitor demand for those 'High-Priority Coastal land uses was presented to and asked of Carlsbad's City Council; Planning, Housing and Parks Commissions, HEAC, CA Coastal Commission and CA Housing and Community Development on 9/14/20 by People for Ponto Citizens [see attachment #7 on page XX below]. As yet there has been no City/State reply and City opportunity to fully discuss the issues in the 9/14/20 email. Ponto Planning Area F is the last critical and most economical area for those high-priority uses in South Carlsbad. Conversely, Planning Area F has a negligible impact on Carlsbad's affordable housing supply as documented in the Draft Housing Element. The Draft Housing Element documents a significant oversupply of housing and most critically affordable housing opportunities without even including the potential (only if both the City ultimately proposes and CA Coastal Commission actually 'Certifies' a change to Ponto Area F Coastal land use to residential) for Ponto Planning Area F's residential use. As noted on the comments below relative to Draft Housing Element page 10-92 and Table 10-29, the City's proposed Planning Area F's R-23 residential and General Commercial use would yield a potential 108-161 min-max range of dwellings. Of these 20% would be required to be affordable at the "Lower" income category since the City would have to transfer "excess Dwelling Units" to Planning Area F's "Non-residential Reserve" Coastal Land Use. This 20% is a relatively small 22-32 "Low" income units. 22-32 "Low" income units is only .40% to .59% of all the "Lower" income housing units provided by Carlsbad in the Draft Housing Element; and is only .66% to .96% of the amount of the "Excess" (beyond the RHNA requirement) Lower Income housing units" provided by Carlsbad's Draft Housing Element. So Ponto Planning Area F has no impact on Carlsbad meeting its RNHA allocation, and has a negligible 0.66% to 0.96% impact on the amount of "Excess" (beyond the RHNA requirement) Lower Income housing units" provided by Carlsbad's Draft Housing Element. Yet Ponto Planning Area F has a profound, critical and truly forever impact on Carlsbad's and the State of California's Coastal Land Use Priorities for Coastal Recreation for the 64,000 current and growing numbers of South Carlsbad residents who want and need a Coastal Park. Ponto Planning Area F is the last meaningful vacant and unplanned Coastal land in South Carlsbad to provide Coastal Park, and the most affordable and tax-payer efficient Park Carlsbad could provide. Forever squandering this last bit of precious Coastal Land for residential use so a few (86-129) can buy \$ 1+ million homes, and a few 'lucky' (22-32) subsidized affordable homeowners have a coastal location; while forever denying a far greater 64,000 (and growing) South Carlsbad residents-children their only South Carlsbad Coastal Recreation (i.e. Public Ponto Park) opportunity does not make sense for either the City or State of California. Forever squandering Ponto Planning Area F for a few years of "Excess" residential land for some very expensive luxury homes does not seem to make sense.

So, 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.

Additional Data in support of the above Citizen request, & Draft Housing Element Comments:

- 10-63 States: "Coastal Zone: Although sites located within the Coastal Zone, as defined in the 2019 Local Coastal Program (LCP) Land Use Plan, are not excluded, areas within the Coastal Zone have been carefully considered, as any necessary redesignations in this zone would require additional processes and time, which can be a constraint to housing development." It is unclear what this means?

Also, this section fails to disclose some very critical Coastal Zone, that are governed by the CA Coastal Act, issues relative to the CA Coastal Act's superiority over CA Housing Laws if there is competing land use priorities or conflicts. This is logical and also written into State Law such as SB 330 (Skinner) Section 13 that 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 CA "High-Priority" Coastal Land Uses" - i.e. Coastal Recreation and Low-cost visitor accommodations primarily in a city such as Carlsbad. The CA Coastal Act identifies both residential and general commercial land uses as "low-priority" as these can be well provided in non-Coastal Zone areas. So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in South Carlsbad that will be needed to address the "High-Priority" Coastal Land Uses to serve Carlsbad and California's 'buildout' needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in "Kalnel Gardens, LLC v. City of Los Angeles" et. al.

The Coastal Zone section on 10-63 should be clarified and acknowledge the CA Coastal Act Policies that concern California's Coastal Land Use priorities. Given future increases in Carlsbad and CA populations (and visitors) and those populations needing increases in Coastal Land for Coastal Recreation, it is prudent for the City of Carlsbad to plan and reserve the last remaining fragments of Coastal Land for Coastal Recreation land use to address these population increases [see Attachment 7].

- 10-92 Table 10-29: This table shows that Carlsbad has more than sufficient housing sites to address all its RHNA numbers in this cycle. Carlsbad and the State of California both have higher priority Coastal Land Use needs at Ponto Planning Area F then for housing. This is all the more relevant in that the housing proposed at the 11-acre Ponto Planning Area F is:
- relatively small and has negligible impact on overall city housing goals,
 - would not really further Carlsbad's nor the State of California's affordable goals, in that housing being designed-marketed and that housing market will price and sell homes for well over \$1 million per unit; and even if you build 3-5-10 stories high the market sell price would be the same or very similar, due to its Coastal location, will likely not even be exclusively used for housing, but market forces will promote more profitable short-term or medium term visitor rental use, and

- if for some reason the City will still be requiring the Ponto Planning Area speculative land owner to actually provide 20% of Planning Area F's potential 108-161 min-max range of dwellings as affordable at the "Lower" income category as is currently required, this is a relatively small 22-32 "Low" income units. 22-32 "Low" income units is only .40% to .59% of all the "Lower" income housing units provided by Carlsbad and is only .66% to .96% of the amount of "Excess" Lower Income housing units" provided by Carlsbad's land use plan. The landowner already has tried to offload their 20% Lower income requirement to an inland location around the airport but could not do so for several reasons, but likely will try again. So Ponto Planning Area F is well below 1% influence on Carlsbad housing; yet has a significant impact on Carlsbad's and the State of California's Coastal Land Use Priorities for Coastal Recreation.
- In reference to the above bullet, The current Coastal Land Use for Ponto Planning Area F is "Non-Residential Reserve" and has no residential land use associated with it under Carlsbad's General Plan as currently Certified by the CA Coastal Commission. So the City of Carlsbad currently requires under its Growth Management Plan to transfer some excess SW Quadrant dwelling units from the City's housing unit bank to the Ponto Planning Area F site change the Area F's land use for residential use. For this dwelling unit transfer the City requires a developer/land owner to provide 20% of the dwelling as affordable to "Low" incomes. The City has a formal agreement with the Ponto Planning Area F land owner requiring this 20% "Low" income housing on-site in exchange for City's 'transfer of Excess Dwelling Units' specifically to an existing "Non-residential Reserve" Coastal land use site in Carlsbad's current LCP. Draft Housing Element pages 10-117 to 119 documents the City's 'Excess Dwelling Units' program.

10-110 Construction and Labor Costs: The Draft Housing Element states that the total cost to build housing is composed of the following cost components - 63% are construction building materials and labor, 19% are administrative legal, professional, insurance, and development fee costs, 10% are conversion (title fees, operating deficit reserve) cost, and 8% are acquisition costs (land and closing costs). Developer profit is then added on top of these costs and sets the 'minimum price' a developer can offer to sell/rent a housing unit. Typical minimum estimated developer profit to determine if a project is feasible is around 10%. So land cost at 8% is the lowest cost component in housing development. Developer profit can increase beyond this in a hotter housing and can reduce in a cooler market than the Developer projects in their project pro-forma. A market housing builder, understandably, looks to maximize their profit and if possible reduce risk.

So should the Draft Housing Element focus on the major housing cost factors (construction costs) and possibly reduce developer risk by providing more robust policies to provide direct subsidies to market developers to pay for their developer's 10% profit and some of the major construction costs for in exchange for permanent affordability on the dwellings so subsidized? It may be a non-typical idea, but would kind of be like developer profit insurance, and maybe worth exploring. If a market developer is guaranteed their 10% profit on their dwelling unit costs then this would seem good for them – they are guaranteed to make their 10% profit. The challenge would be how to fund the City's, or State HCD's developer profit insurance pool to fund such an affordability program.

10-115 Growth Management Plan Constraints Findings: This section starts out with the following statement: *"With the passage of SB 330 in 2019, a "city shall not enact a development policy,*

standard, or condition that would...[act] as a cap on the number of housing units that can be approved or constructed either annually or for some other time period." This opening statement is very incomplete and misleading on four (4) major points:

1. For clarity the statement should document that SB 330 applies to Charter Cities like Carlsbad. Carlsbad Charter has specific language relative to the Growth Management Program, and this should be explained.
2. SB 330 is clearly short-term 6-year housing crisis legislation, that is set to will expire on 1/1/2025 – 5-years from now.
 - a. This short-term 6-year applicability of SB 330 should be clearly disclosed up-front particularly if a short-term law is being used to overturn Carlsbad's City Charter and change decades of Carlsbad infrastructure planning. It will likely take Carlsbad 5-years to create and get adopted by the City and CA Coastal Commission (for Carlsbad's Coastal Zone) to comply with SB 330 only to have SB 330 expire.
 - b. Also, as is logical in a short-term law that will expire in 5-years, SB 330 is only applicable to a City "enacting" such policy within the time SB 330 is law (i.e. until 1/1/2025). SB 330 language is "enact" and that word reflects future action not a past City action. SB 330 being short-term 6-year legislation uses the word 'enact' that refers to a future action To be apical to a past action the language would have to be 'have enacted' but should have clearly indicated all such past laws are now invalid until 1/1/2025. It is illogical to have a short-term crises legislation that expires in 1/1/2025 overturn over 30-years of pre-SB 330 development policies in Carlsbad and possibly other cities, particularly when the actual language of SB 330 does not clearly state so.
3. Carlsbad's Draft Housing Element will be valid from 2021-2029 or 4-years beyond the expiration of SB 330. If the Draft Housing Element is meeting its RHNA numbers for the years 2021-2029 and not creating "a cap on the number of housing units that can be approved or constructed" during the 6-year period when SB 330 is the law (only until 1/1/2025) then there seems no Growth Management Program "Constraint" on the 2021-2029 RHNA numbers and SB 330 set to expire on 1/1/2025.
4. As noted above for page 10-63, SB 330 (Skinner) Section 13 states that: **"(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 should be clearly stated.

This section of the Draft Housing Element needs more research and full disclosure of the four (4) above SB 330 issues.

Also the Section should address the 3 foundational issues emailed on 9/14/20 'Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment' to the 'Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department' [Attachment7].

- 10-119 Mitigating Opportunities, 2nd paragraph: the 3 foundational issues emailed on 9/14/20 'Citizen public input for Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment' to the 'Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department' should be address here also. **How can Carlsbad or any California City plan to assure their land use plans' "primary tenant that public facilities keep pace with growth" occur if population growth is unlimited and will increase each RHNA cycle while at the exact same time a City's vacant land, and critical vacant Coastal Zone land, is getting smaller and will eventually effectively be gone?**

Without new vacant land and critical new vacant Coastal Zone Land to provide new City Parks and new Costal Recreation to 'keep pace with growth' in population and visitors how can Carlsbad's and California's quality of life be maintained or enhanced?

Are City Park Standards of 3-5 acres of Parkland per 1,000 populations to become void when there is no more vacant land to provide New Parks needed for an unlimited growth in population? Will California's Coastal Recreation resources not be allowed to concurrently grow in land area and be appropriately distributed with population and visitor growth? Will California's beloved and economically important Coastal Recreation resources then become 'loved to death' by more overcrowding from unlimited population and visitor growth? Without providing concurrent, equivalent, and unlimited growth in new Coastal Recreation land for the growth of those two populations a slow, but eventual deterioration will occur. These are fundamental issues of CA State priorities, particularly between the CA Coastal Act and CA Planning and Zoning and housing laws.

- 10-123 California Government Code Section 65863: The California Government Code Section 65863 exceptions should all be listed, and if section 65863 supersedes the CA Coastal Act and how the CA Coastal Commission may finally decide to finally Certify Coastal land use at Ponto in he next year or so. As per Carlsbad's General Plan the General Plan at Ponto is not adopted until the CA Coastal Commission fully Certifies or Certifies with Modifications Carlsbad's Draft Local Coastal Program Land Use Plan Amendment. Carlsbad's Draft Housing Element already shows "Excess" housing capacity to meet RHNA numbers limits without the need for Ponto Planning Area F.

- 10-149 California Coastal Commission: This section is incomplete. It is missing some key fundamental and common-sense land use principles regarding the CA Coastal Commission; CA Coastal Act; State 'Coastal Land Use Priorities' under the CA Coastal Act that Carlsbad needs to follow; and that CA housing law does not 'supersede, limit, or otherwise modify the requirements of the California Coastal Act of 1976'.

The fundamental and common sense land use principles are that the Coastline and Coastal Land near the Coast area a very small areas that need to provide high-priority Coastal land use to serve a magnitudes larger inland area and visitors to the coast. This very small Coastal Land needs to "forever" provide for All the Future Coastal Recreation needs for Carlsbad, Cities inland of Carlsbad, CA Citizens such as those coming from LA Metro region, and for all the out-of-state Visitors that visit Carlsbad. This is a huge amount of both Present and Future Coastal Recreation demand focused on a very small land area. Attachment #5 data documents the projection of both population and visitor growth that will increase demands for Coastal Recreation.

Most all of Carlsbad's Coastal Zone is already developed and not available to address those needs. In 2008 only 9% of Carlsbad was vacant, and maybe only ½ or less of that 9%, say only 4.5% was vacant land in the Coastal Zone. This 4.5% of vacant land is likely even a smaller percentage in 2020, and will be an even smaller in 2029 at the end of the Housing Element's planning horizon. The Draft Housing Element does not indicate amount of Vacant Coastal Land in Carlsbad in 2020. This small remaining less than 4.5% of Carlsbad must forever provide for All the future Coastal Priority Land Use needs such as critical Coastal Recreation (i.e. Public Park) that is the lowest cost method to access and enjoy the coast. Ponto Planning Area F is the last remaining vacant land to provide for "High-Priority Coastal Recreation Land Uses" in an area in need of a Coastal Park consistent with CA Coastal Act.

Housing however can be, and is better located in more inland areas where there is more land, more vacant land, more affordable land, and where there is 360 degrees of surrounding land that supports housing, such the bulk of employment and commercial centers and public services such as schools. The common-sense logic that very limited and finite Coastal Land should be used primarily for only those land uses that can only be provided by a Coastal location finally came to forefront in the 1970's after years of sometimes poor Coastal land use decisions by Cities.

In the 1970's CA citizens and then the CA State government addressed how California's limited Coastal Land area should be 'Prioritized' for use with the CA Coastal Act. In that regard the CA Coastal Act (CA PRC Section 30001.5) has the following goals:

(c) **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.

(d) **Assure priority for coastal -dependent and coastal-related development over other development** on the coast.

In support of these Goals there are numerous regulatory policies that prioritize and guide how Coastal Land should be used such as:

- 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.**
- Section 30213 ... **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...**
- 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.

- Section 30223 **Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**
- 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
- Section 30255 **Coastal-dependent developments shall have priority over other developments on or near the shoreline**

The CA Coastal Commission (CCC) uses the CA Coastal Act Goals and Polices in reviewing the Coastal Zone areas of Carlsbad's General Plan and thus Coastal Zone area of the Housing Element to determine if the CCC can certify the Coastal Zone of Carlsbad's General Plan as being in compliance with the CA Coastal Act. Carlsbad's General Plan Land Use Element clearly states on page 2-26 that "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.**"

For one small 11-acre vacant site – Ponto Planning Area F – Carlsbad's existing Local Coastal Program land use plan and regulations are:

"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 [*Poinsettia Shores. aka San Pacifico Community Association*] 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. ... **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.**"

Although the City has twice tried to change the General Plan land use designation on Ponto's Planning Area F to R-23 Residential and General Commercial the City has:

1. Never complied with this Coastal regulatory requirement as has been documented by official Carlsbad Public Records Requests 2017-260, 2017-262, R000930-072419, R001280-021720, & R001281-02170.
2. Never clearly and publicly disclosed and engaged Carlsbad citizens, and particularly to the San Pacifico Community Association in which Planning Area F belongs to, in "any future planning effort" and in in our Community, South Carlsbad, and Citywide "need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.",

3. Never conducted a “Major Master Plan Amendment”, and never invited nor engaged the San Pacifico Community Association that composes over 70% of the Master Plan area to be consulted on possible changes to the Community’s Master Plan, and
4. Had the City’s/Developer’s proposed land use change from Non-residential Reserve to R-23 & General Commercial denied by the CA Coastal Commission in 2010,
5. Not yet had the CA Coastal Commission yet consider/rule on Certification of Carlsbad’s proposed Draft Local Coastal Program - Land Use Plan Amendment to change Planning Area F’s existing ‘Non-residential Reserve’ Coastal land use. The City maybe submit the City’s proposal in 2021-2,
6. Received specific direction in 2016 and 2017 from the CA Coastal Commission regarding the City’s proposed land use change for Ponto Planning Area F. Specifically:
 - a. 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.”**
 - b. CCC Staff sent Carlsbad City Staff on 7/3/17. 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.”**

Carlsbad’s Draft LCP-LUPA, Draft Housing Element Update and Parks Master Plan Update should ALL land use plan and reserve Ponto Planning Area F and the other last few remaining vacant Coastal Lands to address the ‘forever’ or ‘Buildout’ High-Priority Coastal Recreation and Visitor serving Land Use needs for Carlsbad, North San Diego County, and California.

10-169 Draft Policy 10-P.7 says “Encourage distribution of development of affordable housing throughout the city to avoid over concentration in a particular area, excluding areas lacking necessary infrastructure or services.” Carlsbad’s Park Master Plan identifies Ponto as an area lacking park services, stating and showing on maps Ponto as ‘unserved’ by City Parks, and an area of ‘Park Inequity’. Ponto currently has 1,025 homes that creates an 8-acre City Park demand (based on the City minimal 3-acres/1,000 population Park Standard) yet is ‘Unserved’

by City Parks per the City's Park Master Plan. Ponto development and homeowners paid City park-in-lieu-fees sufficient for 8-acres of City Park.

Of Ponto's 1,025 current homes, 202 in the San Pacifico Community Association were built to be affordable condominium homes with very small 'exclusive use' lots, zero-side yards/building setbacks and only 10-15' wide 'back yards'; and 384 Lakeshore Gardens homes are affordable age-restricted manufactured homes. So 586 of Ponto's 1,025 current homes or 57% of Ponto's housing were planned and built to be affordable. At 57% Ponto has and was developed with a consideration of affordable housing, but also was denied needed City Park facilities of at least 8-acres to meet minimum City Park Standards.

Consistent with Policy 10-P.7 Ponto Planning Area F should be used to address Ponto's 'Park Inequity' being 'unserved', and not used to increase the "over concentration" of affordable housing that was already planned and built at Ponto.

10-171 Figure 10-13: Sites Requiring No Zone Change: Ponto Planning Area F needs to be removed from Figure 10-13. As has been previously documented Planning Area F is currently Certified in the Existing Carlsbad Local Coastal Program as "Non-residential Reserve". Both the City's General Plan Land Use Element and Zoning Code clearly state the City needs to receive CA Coastal Commission 'Certification' of Carlsbad's Proposed Draft Local Coastal Program Land Use Plan Amendment (sometime in 2021-22) to change that existing Certification before Ponto Planning Area F's Coastal Land Use and Zoning is fully changed to R-23 Residential and General Commercial. Based on Ponto Planning Area F's existing Certified LCP regulations and well documented need for high-priority Coastal land uses at Ponto, it is likely Planning Area F's ultimate land use approved by the CA Coastal Commission could change.

10-191 Program 2.1: Inclusionary Housing Ordinance: this section states that "For all residential projects of fewer than seven units, payment of a fee in lieu of inclusionary units is permitted. The fee is based on a detailed study that calculated the difference in cost to produce a market rate rental unit versus a lower-income affordable unit. As of 2020, the in-lieu fee per market-rate dwelling unit was \$4,515." The City's in-lieu-affordable-housing fees seems very inadequate, as other cities like the City of Laguna Beach's (I recall) \$160,000 per unit in-lieu affordable housing inclusionary housing fee that actually reflects the in-lieu cost. This cost and fee should be similar to Carlsbad's situation. If in fact the Carlsbad's in-lieu affordable inclusionary housing cost to provide an affordable housing unit is only \$4,515 per dwelling, then the City appears have sufficient resources in the as I understand \$19 million Affordable Housing Inclusionary Fee accounts to provide the gap funding to 'buy' over 4,200 affordable dwellings. Since an in-lieu fee is to cover the costs of actually providing the affordable dwelling the fees should then be able to purchase that affordable dwelling someplace else in the housing market. There is a critical need to explain in much more detail why the in-lieu fee is what it is, if it is truly adequate in funding affordable housing "in-lieu" of a developer providing the affordable housing? If the in-lieu fee is the total cost difference between affordable and market construction then is the difference in affordable and market dwelling sales/rental price the market housing developers' Profit? If so then developer profit is the major barrier to affordable housing, as total costs are not that much different. If so then it seems logical to address this major barrier to affordable housing.

10-192 Program2.2: Replace or Modify Growth Management Plan (GMP): As mentioned before is seems imprudent to overturn the GMP for a temporary crisis housing law (SB 330) set to expire on 1/25/20. Also, it should be clearly stated in the this section that SB 330 has limited applicability or enforceability in the CA Coastal Zone if the City is pursuing compliance with the CA Coastal Act as documented in Attachment #4.

SB 330 reflects a very unusual time when national and international economic market distortion by central banks has created, historically low interest rates and resulting in historic Housing (and other) Asset (stocks and bonds) values. This manufactured temporary inflationary market stimulus is to be temporary, not long-term, and will be a temporary market distortion that will likely see asset prices 'revert to mean' once the cost of capital is properly priced. If SB 330 legally overrides Carlsbad's GMP until 2025 then that is what the State is mandating Carlsbad do. However, it is very imprudent and inappropriate to use SB 330's temporary crises language as rational for long-term changes to critical foundations of GMP. Once the temporary crises that SB 330 is designed to address is over is the time to methodically approach wise long-term and sustainable land use policy.

Attachment #7:

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 Elem & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment

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

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

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

uses can be correspondently provided for infinite population growth within a largely developed and finite (and shrinking due to sea level rise) Coastal Zone?

The following public testimony and questions were presented the 6/23/20 Carlsbad Budget meeting. Coordinated answers from the State of CA and City of Carlsbad on how State Coastal and Housing planning priorities are ordered and reconciled is important. Carlsbad has a very small fragment of remaining vacant coastal land and once it is developed it essentially lost forever. This is being planned now with the above mentioned planning efforts. Most all of Carlsbad's Coastal lands are already developed with Low-Coastal-Priority residential land use, or off-limits due to endangered habitat preservation. Coastal Parks or Campgrounds can only be provided along the Coast and they are currently very crowded, and will continue to get more crowded and eventually degrade over time by increased population demands if new Coastal Parks and campgrounds are not created by coordinated Coastal Land Use planning by the State and City. How is the State of CA and City of Carlsbad to address maintaining our coastal quality of life (coastal recreation) with infinite population growth and rapidly shrinking coast land resources?

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

The Planning Area F Ponto Coastal Park is critical to the long-term economic vitality and sustainability of South Carlsbad's neighborhoods and extensive Visitor Industry; and Carlsbad's 1st and 3rd highest revenue sources.

Beyond Ponto there is an additional and separate Citywide Coastal Recreation requirement related to CA Coastal Commission concerns about Carlsbad's proposed LUP land use changes and proposed Local Coastal Program Amendment (LCPA) adequately providing for a Citywide 'buildout' need for Coastal Recreation land.

It is not clear if 'buildout' is a set and final amount of City and State population and development or if 'buildout' represents accommodating an endless amount of future population and development in Carlsbad and the State of California. If 'Buildout' is an endless future amount of population growth and development, then how is the City planning to provide a commensurate endless amount of City Parks and Open Space? How is an endless amount of Coastal Recreation provided to accommodate endless amount of City and Statewide growth?

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

Planning Area F for Coastal Recreation and City Park needs – needs that City has documented exist now, and needs that will only grow more critical and important in the future.

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

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

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

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

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

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

Sincerely,
Lance Schulte
www.peopleforponto.com

Following are the 2 attachments to the above 9/14/20 email:

1. 4/21/20 email of Public input to Carlsbad City Council-Planning-Parks-Housing Commissions and CA Coastal Commission on DLCPA-PMU-HEU processes: Dear Carlsbad City Council, and Planning, Parks and Housing Commissions; and CA Coastal Commission: People for Ponto submits this email, and the attachment that was provided to the Carlsbad City Council for Item#14 at the 1/28/20 meeting. The attachment provided at the 1/28/20 City Council meeting has not been recorded on the Carlsbad City website that documents public input provided at that 1/28/20 meeting. Consequently we request this email and attachment be provided to the Carlsbad City Council, and Planning, Parks and Housing Commissions; and CA Coastal Commission as public input on the City Staff proposed 1) Draft Local Coastal Program Amendment, 2) Parks Master Plan Update, and 3) Housing Element Update processes. The attachment documents apparent errors, omissions, and/or misrepresentations in the 1/28/20 Item #14 Staff Report/Presentation to the City Council. We wish this email and the attached public comments be provided to the Council and Commissions addressed to in this email and be included as public comments to be addressed in the 3 planning processes listed. Thank you. Email confirmation of receipt and delivery of this email/attachment is requested. Thank you. Sincerely, Lance Schulte People for Ponto

- a. Attachment: Carlsbad City Council meeting of 1-28-20 agenda item #14 [typo corrected on 2-4-20]: 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 great 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 are 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 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 as outlined by the 3 requests would help to correct these documented public disclosure/participation and ‘planning mistakes’ that have gone on for many years. It is the right thing to do and most productive approach for all concerned.

- 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 citizens don’t have complete and accurate information 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 until the Local Coastal Program Land Use of “Non-residential Reserve” is changed and Master Plan rezoning is approved. Only then can the ‘development’ permit application can applied for. The developer abandoned their application to change the LCP and Master Plan and then apply for developer permit review about a year ago. However, the city staff is keeping the application ‘alive’ even though there has been no progress on the application for over a year. It is unclear if the staff has authority to do this, or if the City Council has authority to withdrawal the application due to non-activity. The City has permit standards that withdraw applications if applicants make no progress on the applications after 6-months. What is troubling is that it appears the city staff proposal is to process the developer’s application to change the Existing LCP Land Use Plan for the developer.

Staff notes that the Planning Area F sites now designated as Residential R-23 and General Commercial by the Carlsbad General Plan Update. However, staff fails to disclose that until the Existing LCP Land Use Plan Amendment (as proposed by City Staff) is in fact approved by both the City and the CA Coastal Commission the Existing LCP Land Use Plan for Planning Area F supersedes the City’s General Plan Update. Carlsbad’s General Plan Land Use Element clearly states this on page 2-26 stating: “The city’s LCP Land Use Plan will be updated consistent with this General Plan. However, to take effect, the LCP must be certified by the Coastal Commission as well as adopted by the city. Until such time that this occurs, the existing (as of 2013) LCP must be adhered to.” So until the City Council adopts the staff’s proposed Draft LCP Land Use Plan Amendment, AND the CA Coastal Commission “certifies” that LCP LUP Amendment; the City’s General Plan Update Land Use change cannot take effect. The General Plan Land Use at Ponto Planning Area F has in fact not been changed by the General Plan Update, but can only change with staff’s proposed

Draft LCP Land Use Plan Amendment that the City Council can choose to approve or disapprove. Also official Public Records Requests have documented that the City's General Plan Update planning process was also fundamentally flawed at Ponto. Again, like during Ponto Beachfront Village Vision Plan planning process a few years earlier the city failed to comply with the then and current LCP Land Use Plan policy for Planning Area F at Ponto. The flawed General Plan Update process at Ponto prevented Citizens from knowing the facts so they could properly participate and provide review and comment during the General Plan Update. The significant citizen comments to the City Council asking for a Ponto Coastal Park is reflective of the fundamental public disclosure and processing flaws that the city is only now acknowledging as one of the repeated 'planning mistakes' at Ponto. This is why citizens are asking for full disclosure of the facts and a complete planning process re-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 primarily in a city such as Carlsbad. The CA Coastal Act identifies both residential and general commercial land uses as "low-priority". So although affordable housing is important there are other more appropriate locations, than on the last remaining vacant Coastal land in Carlsbad that will be needed to address the "High-Priority" Coastal Land Uses to serve Carlsbad and California's 'buildout' needs. CA case law recognizes the supremacy of the CA Coastal Act over CA Housing Laws as noted in "Kalnel Gardens, LLC v. City of Los Angeles". This case law data has already been provided to the City Council as part of Staff's housing discussions over the past few years. The staff report should have disclosed the above information, as it appears SB 330 is not a factor at Ponto.

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 recognizes the proposed residential use change at Ponto until then. Also as noted before there were multiple documented fundamental ‘planning mistakes’ in public disclosure, participation and process that flawed the Housing Element. It should be noted that these flaws occurred during the time the CA Coastal Commission specifically rejected the Ponto Beachfront Village Vision Plan due to those flaws. The now City acknowledged ‘planning mistakes’ at Ponto prevented Carlsbad citizens from providing informed participation during the Housing Element.

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%.

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

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

Citizens are asking the City Staff and City Council:

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

- Consider the larger regional Coastal Park need, and the forever 'buildout' Coastal Recreation needs for future generations.
 - To be true and honest in translating and implementing our Community Vision
2. The 2nd attachment to the 9/14/20 email to Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department: Carlsbad City Council, Housing-Parks-Planning Commissions & Housing Element Advisory Committee; & State of CA Coastal Commission, Parks, Housing & Community Development Department was a 26-page document with a Subject line and submitted as official Citizen public input for the Housing Element & Parks Master Plan Updates, & Draft Local Coastal Program Land Use Plan Amendment regarding 'Coastal Recreation' facts, needs, issues for Ponto Planning Area F and citywide. This document has been provided as Attachment #5.

From: [Lance Schulte](#)
To: [Matthew Hall](#); [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](#); [cort.hitchens@coastal.ca.gov](#); [Lisa Urbach](#); [info@peopleforponto.com](#); [Planning McDougall, Paul@HCD](#); [Mehmood, Sohab@HCD](#); [Bret Schanzenbach](#); [Kathleen@carlsbad.org](#)
Cc: [McDougall, Paul@HCD](#); [Mehmood, Sohab@HCD](#); [Bret Schanzenbach](#); [Kathleen@carlsbad.org](#)
Subject: RE: Carlsbad Citizen Questions and request to Carlsbad City Council-Planning-Parks-Housing Commissions for Carlsbad Staff proposed Draft LCP-LUPA-Housing Element & Parks Master Plan Updates - 11-30-2020
Date: Sunday, November 29, 2020 2:15:06 PM
Attachments: [2020 Nov 30 - Draft Housing Element Update - People for Ponto Public Comments.pdf](#)
[#1 - Carlsbad FY 2019-20 Budget Public Input Report - Summary analysis for Public Comments on Budget-DLCPA-PMU.pdf](#)
[#2 - South Carlsbad Ponto Beach Park Letter of Request - SPCA 2017 Aug 17.pdf](#)
[#3 - 2020-11-30 Citizen Questions and request for Carlsbad on Draft LCP-LUPA-Housing Element and Parks Master Plan Updates.pdf](#)
[#4 - 2020 Jan 28 Carlsbad CC meeting item #14 public testimony1.pdf](#)
[#5 - Carlsbad 2019 proposed Draft LCP Amendment - People for Ponto additional Comments - Coastal Recreation w - 1.pdf](#)
[#6 - Carlsbad 2019 proposed Draft LCP Amendment - Public Comments - Low-cost Visitor Accommodations.pdf](#)
[#7 - 2020 Sept 14 public input to Carlsbad- CCC-HCD on DLCP-LUPA-HEU-PMPU.pdf](#)

Dear Carlsbad City Council, Planning Commission, Housing Commission, Parks Commission, Housing Element Advisory Committee, CA Coastal Commission & HCD:

Attached is 2020 Nov 30 public input on the Draft Housing Element Update, and Draft Local Coastal Program Land Use Plan Amendment and Parks Master Plan Amendment. Because the Draft Housing Element Update refers and relates to and is thus connected with these other processes, particularly the Draft Local Coastal Program Land Use Plan Amendment process, the comments are sent to all.

Thank you.

Sincerely,
Lance Schulte

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From: [no Cooley](#)
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](#); [cort.hitchens@coastal.ca.gov](#); [lisa.urbach@parks.ca.gov](#); [info@peopleforponto.com](#)
Subject: Carlsbad City Planning Commission Meeting
Date: Sunday, November 29, 2020 12:50:58 PM

To whom it may concern,

I request my comments be read at the December 2nd Carlsbad City Planning Commission DLCP meeting and future City Council meetings where the LCP and Planning Area F are on the agenda.

I want to make it clear that I want a Coastal Park built at Ponto and I represent thousands of other Carlsbad citizens who feel the same about this precious piece of land. For these reasons, I do not feel that changes should be made to the LCP which would facilitate residential development at Ponto.

Additionally, I feel that citizens in the southwest corridor of Carlsbad are owed an easily accessible park and it would be in the best interest of the community from a business and tourism standpoint as well. Most certainly, it is highly inappropriate from a planning standpoint for a community of Carlsbad's stature to deprive citizens of a local park in the southwest coastal region and squander this unique piece of land by surrendering it to residential development. In this same regard, residential development at Ponto, instead of a community Ponto Park, sorely lacks long term planning vision with regards to Carlsbad's maximum viability as a business hub and tourism draw.

On a final note, the voters have clearly spoken in favor of Ponto park in the last three elections by electing several council members who have enthusiastically supported Ponto Park. This is very notable and must be taken into consideration. The council to be seated in December of 2020 must be the council to direct the city staff on Ponto issues in order for the citizens to be appropriately represented.

Michael Sebahar, M.D.
Co-founder People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Sunday, November 29, 2020 11:29:55 AM

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

From: "People for Ponto" <info@peopleforponto.com>
Sent: Sunday, November 29, 2020 11:10am
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

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

Carrie Palmer

Email

carriedpalmer@gmail.com

Address

531 meridian way, Carlsbad, ca 92011

Sent from People for Ponto

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

From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); Erin.Prahler@coastal.ca.gov; Toni.Ross@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Sunday, November 29, 2020 11:18:02 AM

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

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

Sent: Sunday, November 29, 2020 10:28am

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

Checkboxes

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

Additional Comments

I am a 35 year resident & believe we should attempt to emulate other coastal parks (La Jolla, Del Mar, Laguna) and not try to recreate Santa Monica.

Name

Mary-Jane Vigo

Email

avigo@att.net

Address

609 Navigator Ct
Carlsbad 92011

Sent from People for Ponto

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

Carlsbad Citizens' questions for the City Council, Planning, Housing and Parks Commissions, & Housing Element Advisory Committee on South Carlsbad Coastal Park needs & Ponto Planning Area F relative to Carlsbad's proposed Draft LCP-LUPA, Housing Element Update, & Parks Master Plan Update

Submitted 2020 Nov 30

For some time all four (4) of the current City Council members have on multiple occasions publicly stated they think Carlsbad's current General Plan and Growth Management Plan need comprehensive updating. As one of our current Council members recently said about Ponto:

"I believe that our best strategy is to support a new Growth Management Plan and General Plan that will reflect the desires of today's residents. Our old plan has served us well but has become outdated. A revised plan could address a variety of services and infrastructure, including parks. I support an updated plan that is built on the desires of our current residents."

So the City Council considering a General Plan and Growth Management Plan change as part of Staff's proposed Draft LCP-LUPA and Housing Element relative to Ponto Planning Area F is not out of the question. There appears unanimous City Council support to consider changes to the 2015 General Plan that are 'built on the desires of our current residents.' – "including parks."

Also in showing the 2015 General Plan is not 'locked in stone' the City Council and Staff have advanced some piecemeal updates to the General Plan and Growth Management Plan. City Staff's proposed Draft Housing Element Update alone includes 13 General Plan Land Use Designation changes. But it appears the City Council has not yet provided direction to City Commissions and City Staff to start a Ponto General Plan and Growth Management Plan Update process, even though a consistent major request by significant numbers of Carlsbad Citizens since 2017.

The City Council recently split 2-2 several times on providing more substantive direction to City Staff on Ponto Park land use issues, other than unanimous agreement that the 2015 General Plan Update does not seem to be working very well in some areas like Ponto. Now with a 5th Councilmember, who represents Ponto and much of South Carlsbad, this 2-2 split will be resolved. **So, People for Ponto Carlsbad Citizens are asking - and it seems very logical - that the Planning Commission, Housing Commission and Housing Element Advisory Committee, hold off on making any decisions on Ponto Planning Area F until the new full City Council has the opportunity to meet, consider, publicly discuss, and provide direction to City Staff on the City Council consensus on the 2015 General Plan Update Land Use Map that all the City Council say needs some changes – most likely at Ponto.**

Following are some data on South Carlsbad's Coastal Park needs & Ponto Planning Area F, and important policy questions to your Individual and collective decisions on Carlsbad's staff proposed Draft LCP-LUPA, Housing Element Update, & Parks Master Plan Update. The data and citizen to fellow citizen policy questions are important and hope you sincerely consider them.

1. People for Ponto Carlsbad citizens have since 2017 1) documented to the City Council & CA Coastal Commission the public's consensus need for the Planning Area F Ponto Coastal Park, 2) request the City fund Ponto Coastal Park, and 3) City fully acknowledge and fix past City Ponto planning errors

that failed to disclose to citizens the since 1996 Ponto (Poinsettia Shores [aka San Pacifico Community Association] Master Plan and Local Coastal Program (LCP) Planning Area F requirement to “prior to any planning activity” study/document the need for a “Public Park” at Ponto and involve citizens, particularly District 4 San Pacifico citizens, in that study. Over 2,500 emails and over 200 pages of public testimony have been submitted to Carlsbad City Council and CA Coastal Commission in support for a park in Ponto at Planning Area F. At City Council meetings on 1/28, 6/2, and 6/24/20 Carlsbad’s City Council was deadlocked in 2 to 2 ties on Ponto Park needs issues and thus rejected responding to citizen communications expressing the need and desires for Planning Area F Ponto Coastal Park. Data Slide #1 below shows the current LCP for San Pacifico’s Planning Area F.

- a. Will you consider and respect massive citizen input since 2017 that clearly documents the need and desire for Ponto Coastal Park and supports creation of Ponto Coastal Park at Planning Area F in your respective and interrelated and interconnected analysis and decisions?
 - b. Will you acknowledge significant citizens’ input that documents the need and desire for Ponto Coastal Park and supports creation of Ponto Coastal Park at Planning Area F?
 - c. Will you direct City staff to work as a partner with People for Ponto and Carlsbad Citizens in advancing Ponto Coastal Park at Planning Area F?
2. 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. The CCC’s denial conflicts with the City Staff’s interruption of the City Ponto planning process. 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.”

The City’s past and present Ponto planning errors were not, and are still not being, fully and honestly disclosed to citizens the City’s CCC requirement on Ponto Planning Area F to “prior to ANY planning activity” (like before the Ponto Vision Plan and General Plan Update) to study Ponto’s need for a “Public Park”. The City’s past failure to accurately disclose the CCC requirements fundamentally flawed the Public Participation process by not allowing proper citizen input on the Ponto Park need. The City’s Public Participation flaws thus flawed the prior City planning efforts at Ponto. The extensive Citizen input now is a clear and obvious result of the City’s prior flawed Ponto planning process. People for Ponto Citizens had to submit and research over 40 official Carlsbad Public Records Requests to find the truth about the City’s prior flawed processes and errors at Planning Area F. The City didn’t clearly, publicly and honestly communicate to Citizens and then conduct the required Ponto Park needs before both the 2010 Ponto Vision Plan and 2015 General Plan Update as documented in Official Carlsbad Public Records Requests.

In 2010 and again in 2017, the CA Coastal Commission told the City that the City is required to correct the past planning errors at Ponto Planning Area F. Please see Data Slide #2 on page 11 for the 2017 CA Coastal Commission communication.

A critical part of the City’s past planning errors at Ponto were failures to ask Ponto and South Carlsbad Citizens for their input (Public Participation) on their Ponto Park needs as part of the City’s required ‘documented need’ study for Ponto, and if a park is needed, Ponto Planning Area F should be considered for the Park site. Citizens, now that they and been informed by Official Carlsbad Public Records Requests have now provided an overwhelmingly clear and Documented Need for Ponto Coastal Park. This LCP requirement is to be done “prior to any planning activity”. The City failed to do that in 2010, 2015, but now should do it and fully consider the overwhelming and documented Citizen need and desires for Ponto Park at Planning Area F. See Data Slides #2 & #3. The City has still not fully and broadly communicated to all Carlsbad Citizens these “Ponto planning mistakes”, nor yet disclosed and presented to Carlsbad Citizens and the Parks-Planning-Housing Commissions for their recommendations the Park needs studies for Ponto Planning Area F.

In addition the City is also required to conduct a Citywide Coastal Recreation buildout needs-supply-demand Study as required by the CA Coastal Commission in 2016. The City has yet to disclose and

present to Carlsbad citizens and the Parks-Planning-Housing Commissions for their recommendations on this Citywide Coastal Recreation buildout needs-supply-demand Study.

The City has already Documented the Park need at Ponto in its Park Master Plan - pages 86-88 shows that Ponto is both "Unserved" by City Parks, and an area of "Park Inequity".

- a. Do you think it is important for citizens to fully and honestly know the City made "Ponto planning mistakes" going back before 2010 that have impacted prior Coastal land use planning and the City's General Plan, city housing planning and City parks planning at Ponto? Given the long-term compounded nature of these City Ponto planning mistakes should the City provide a means to work with citizens, particularly the San Pacifico, Ponto and South Carlsbad Citizens most impacted by the City's prior Ponto planning mistake?
 - b. Due to past mistakes, will you recommend or direct staff to retain or revert to Planning Area F's 'existing Non-residential Reserve' Coastal land use designation in the Existing Local Coastal Program (i.e. Defer Certification) and amend the General Plan to reflect that retention/reversion until a new citizen-based Ponto planning process is completed?
 - c. Will you recommend or direct City Staff to require the citizen-based planning process to substantially and directly involve San Pacifico Community, District 4, and District 3 citizens most impacted by the lack of any City Park at Ponto, and coastal (west of I-5) South Carlsbad?
 - d. During this citizen-based Ponto planning process, will you recommend or direct City Staff to, be consistent with City and State permit streaming laws, and deny "Shopoff's" Planning Area F land use change and development application due to applicant withdrawal (by recorded Quit Claim) and inaction since 2019?
 - e. During the citizen-based Ponto planning process, will you recommend or direct City Staff to be consistent with the existing LCP and suspend all City Staff proposed land use changes on Planning Area F and retain the existing LCP 'Non-Residential Reserve' land use designation on Planning Area F?
 - f. Do you feel it is appropriate that the City is using tax-payer dollars, to change Planning Area F's land use from the existing Non-residential Reserve" to high-density residential on behalf of and to benefit the Shopoff developers, particularly while the City's Ponto planning mistakes dating back to before 2010 are not being publicly disclosed and discussed, and properly considered by City Commissions and citizens?
3. Before the above mentioned Ponto (San Pacifico's) Planning Area F Ponto Park study requirement is even presented to Citizens, the Planning, Housing and Parks Commissions, Housing Element Advisory Committee, and City Council for review and consideration, the City Staff has already proposed land use changes on Ponto/San Pacifico's Planning Area F. The City Staff's proposed land use change would allow building development with 486% more intensity and heights 33% taller than San Pacifico. The City never in the past 15+ years directly asked the San Pacifico Community Association for its input, nor directly invited/engaged San Pacifico Community Association involvement in the City's proposed land use change to San Pacifico's Planning Area F land use from its existing "Non-residential Reserve" land use. The City's proposed changes to San Pacifico's Planning Area F will fundamentally change the Character of the San Pacifico Community and neighborhood. Data Slide #4 documents both existing and City-proposed land use intensity at San Pacifico and Planning Area F.

- a. Do you think changing land use to increase density by 486% and increase building heights by 33% within an established 'planned community' like San Pacifico is appropriate?
 - b. Do you think the City should directly and fully inform, invite and encourage Planned Communities, communities and neighborhoods to participate in City proposed land use changes to Planning Areas in their Community or neighborhood?
 - c. Will you recommend or require the City planning staff to directly inform and involve the Planned Communities, communities and neighborhoods impacted by City proposed changes to their Planned (and/or unplanned) Community or neighborhoods?
4. Ponto (LFMP Zone 9) does not meet the City's Growth Management Open Space Standard, which states that when land is developed, 15% of the 'unconstrained and developable land' needs to be set aside as Open Space. Carlsbad has had this standard since 1987. Per the City's Citywide Facilities Management Plan if by 1987 Ponto had already been developed or if Ponto already had 15% of its unconstrained and developable land reserved as Open Space, the City's 1987 15% unconstrained Open Space Standard would not apply. However, City data/documentation show that neither of these 2 conditions was/is applicable, and that Ponto developers' switched land use plans that removed Growth Management Standard Open Space and thus falsely allowed a completely different land use plan to not provide the required 15% of unconstrained land as Open Space. City data very clearly show in fact that Ponto was not developed in 1987, and City GIS mapping data also clearly shows Ponto (LFMP Zone 9) is actually missing 30 acres of unconstrained Open Space as per the Growth Management Open Space Standard.

Yet, even with this City documented Open Space Standard shortfall, the City has been allowing, and continues to allow, developers to over-develop Ponto by not requiring the missing 30-acres of unconstrained Growth Management Standard Open Space be provided at Ponto. The LFMP for Zone 9 must be formally amended to account for the new added public facility impacts for the proposed change in Planning Area F land use from the existing 'Non-residential Reserve' land use to the City staff's proposed R-23 high-density residential and General Commercial land uses that were never planned for by the adopted LFMP Zone. See Data Slides #5, #6 and #7 showing actual City data on how the City's Growth Management Program Open Space Performance Standard is not being met at Ponto (LFMP Zone 9), and the City's Open Space Performance Standard and Sections 21.90.130 and 180 of the City's Growth Management Ordinance. The City's Growth Management Ordinance (Carlsbad Code 21.90.130 & 180) require the City Manager and City Council to address any situation where a Growth Management Standard is not being met – exactly like Ponto's missing 30-acres of Growth Management Standard Open Space as documented in City data on Data Slides #5 & 6. To illustrate how out of compliance with the Open Space Standard LFMP Zone 9 is City and Developers are counting a Sewage pumping station (parcel 2165606400) that pumps raw sewage as Open Space. If the City's GIS map with corresponding documentation of each Open Space parcel is desired, People for Ponto can provide and discuss that data. The City has/is being sued by others due to the City's failure to follow the 15% unconstrained Growth Management Open Space Standard. A Ponto Park at Planning Area F would help mitigate the missing Open Space. In your recommendations or decisions for land use, housing, and parks planning do you think:

- a. the Growth Management Standard Open Space is important?

- b. the City should follow its Growth Management Ordinance, particularly, 21.90.130 & 180 and address the 30-acres of missing Growth Management Standard Open Space at Ponto?
 - c. the City should directly invite and involve Ponto Citizens in addressing and resolving Ponto's missing 30-acres of Growth Management Standard Open Space?
 - d. the City should follow the Growth Management Ordinance and suspend all development and City proposed Draft Local Coastal Program Land Use Plan changes at Ponto until Ponto's Open Space Performance Standard deficit and issues are resolved?
 - e. the City should temporally suspend all City proposed Draft Local Coastal Program Land Use Plan changes at Ponto until the lawsuit against the City is resolved?
5. As of 2020 there are 1,025 homes at Ponto and over 2,660 adults and children living in those homes. These homeowners already paid City taxes and Park-in-Lieu fees. The in-lieu fees and tax base is sufficient for the City to buy and build 8 acres of City Park. 8-acres of parkland would meet the minimum City park needs of Ponto's 3-acre/1,000 population City Park standard. Carlsbad's Park Standard is relatively low compared with the Cities of Encinitas and Oceanside. **Carlsbad allows developers to provide 40% less Parkland and collects 40% less money for parks than both Oceanside and Encinitas.** The City so far has not required Ponto developers to build these 8 acres of required park at Ponto, but instead took park-in-lieu fees to spend the money elsewhere. This is one reason why Ponto Planning Area F, was in 1996 Coastal land use zoned "Non-Residential Reserve" that requires before 'any planning activity' that proposes changing this Coastal land use zoning, that the City/Developer must consider and document the need for high-priority "Coastal Recreation (i.e. Public Park)" at Ponto and if needed Planning Area F could provide that "Coastal Recreation (i.e. Public Park)".
- a. In your recommendations or decisions for land use, housing, and parks planning do you think it is appropriate to charge Carlsbad homeowners City park-in-lieu fees and then spend the money in areas where those same homeowners cannot effectively access the parks created by those fees?
 - b. In your recommendations or decisions for land use, housing, and parks planning do you think Ponto homeowners deserve from the City an 8 acre park in Ponto that they already paid the City fees for, that the City's Parks Master Plan identifies as an area unserved by City Parks and park inequity, and where an overwhelming amount of Carlsbad citizens have documented their need and desire for a Ponto Park?
 - c. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad should have the lowest park standard relative to our adjoin Coastal cities?
 - d. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad developers should provide 40% less parkland than Encinitas and Oceanside developers?
6. The City's proposed Veterans Park in NW Carlsbad is being funded by fees paid by homeowners in new homes built after 1991. Since most all the homes built in Carlsbad after 1991 are in the SW, SE, and NE quadrants, most of the funding for Veterans Park is from SW, SE and NE Quadrant Homeowners. These SW, SE and NE homeowners are in Quadrants where there are current City Park acreage deficits per the City's Growth Management Parks Standard. Many of these SW, SE, and NE neighborhoods have no City Park within 10-minute walking distance from their homes. Proposed Veterans Park is from 1 - 5 miles away (as the crow fly's) and from 1.4 - 11.1 miles away (via City Streets) from the SW, SE, and NE Quadrant homeowners that paid for almost all of the proposed

Veterans Park. These distances make the proposed Veterans Park effectively unusable for children and most homeowners in SW, SE and NE quadrants.

Along with Veterans Park, there are many other areas of the City where Carlsbad homeowners pay the City park-in-lieu fees to address the local park demands created by the new development, but no local park is created by the City. The Cities of Encinitas and Oceanside both have strong Park planning policies that direct the City to provide Parks within a 10-minute walk for all homeowners. Carlsbad has no such requirement, but only documents in its Park Master Plan areas “Unserviced” by Parks and areas of “Park Inequity”.

- a. In your recommendations or decisions for land use, housing, and parks planning do you think City Staff should come up with some options for a more fair and equitable use of the Veterans Park funding paid by SW, SE, and NE homeowners so that funding actually provides Parks needed in the SW, SE, and NE and that are accessible for their children?
 - b. Both Encinitas and Oceanside have Park accessibility policies and plans to provide a City Park within a 10-minute walk from every home. In your recommendations or decisions for land use, housing, and parks planning do you think Carlsbad should have a similar park accessibility requirement so Carlsbad children and citizens have a park within walking distance from their homes?
 - c. In your recommendations or decisions for land use, housing, and parks planning do you think City Staff should be directed to start working with Carlsbad Citizens to create a Park Master Plan that address fixing the city’s documented “Park Inequities” in various Carlsbad neighborhoods the City documents as “Unserviced” by City Parks?
7. San Pacifico’s Planning Area F in Ponto is currently for sale and can be purchased for a Park. The cost would be considerably less than the City’s proposed South Carlsbad Boulevard “promenade” using the existing median of Carlsbad Blvd. The Carlsbad Blvd roadway median although wider than most roadway medians, is still relatively narrow and does not allow many open space uses other than linear walk/pathways that can be most cost effectively provided in the existing right-of-way.

Mayor Matt Hall has publicly said that Ponto Park at Planning Area F would cost \$20-22 million and the City’s narrow promenade would cost \$75 million. If the city purchases Planning Area F, it would add 11 new acres to city-owned property, whereas the promenade (which is basically adding a walkway and parking spaces) adds 0 (zero) acres to city-owned property (the City already owns the roadway median).

There is a smarter and better way. The Promenade walkway and parking can basically be provided for as little as 4%-10% of the City’s proposed \$75 million Promenade cost. This is done by retaining South Carlsbad Boulevard (Historic Coast Highway 101) in its current historic configuration with natural median, and not relocating the south bound pavement to create a wide urban roadway. South Carlsbad Boulevard is one of the last substantially unaltered stretches of San Diego County’s Historic 101 dating back to the 1920’s. Data show it is not threatened by Sea Level Rise so does not need to be relocated. It seems appropriate to retain this historic street and landscape. South Carlsbad Boulevard only needs to add pedestrian paths or sidewalks to be Complete. This can cost effectively be designed and done while preserving the historic features of Historic Coast Highway 101, and creatively reusing old 101 pavement at the Campground entrance to also cost-effectively provide parking.

Based on City data an 8 foot wide concrete walkway within the wide right-of-way could be provided on both sides of South Carlsbad Boulevard for about \$3 million. Parking already exists along some sections of South Carlsbad Boulevard and additional parking can be cost-effectively provided on the old South Carlsbad Boulevard roadway pavement near the Campground entry. In addition if it is possible and desirable to reduce vehicle roadway capacity by over 50% and increase vehicle traffic congestion on South Carlsbad Boulevard the existing outside 2-lanes in each direction could be very cost effectively converted to on-street parking. This would provide around 6-miles of on-street parking or about 12,000 parking spaces.

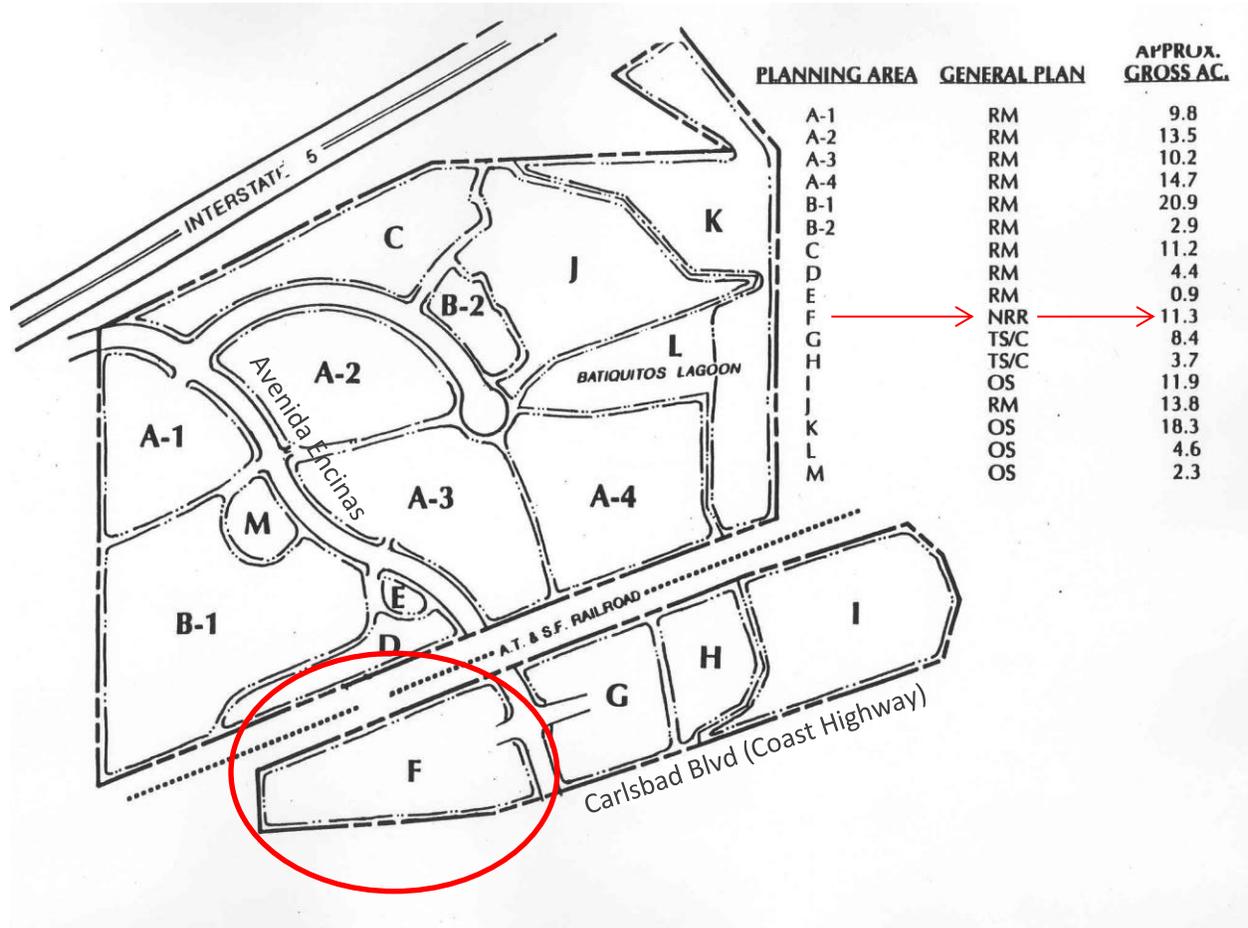
\$72-67.5 million of tax-payer money savings can be achieved by rethinking the City's \$75 million South Carlsbad Boulevard Promenade concept while still providing the needed pedestrian path and parking. This \$72-67.5 million can be used to fund the more practical, functional, beneficial and tax-payer desired Ponto Park at Planning Area F, and have about \$50 million left over to fund many more Coastal Park and open space improvements in Carlsbad.

Planning Area F would create a park similar in shape to Holiday Park, but more than 1.8 times larger than Holiday Park. Ponto Park at Planning Area F would create Carlsbad's Crown Jewell Coastal Park; with ocean and sunset views, direct pedestrian access to the beach and Batiquitos Lagoon trails, and the size and shape to host Carlsbad community events. Ponto Park at Planning Area F would create a Coastal Crown Jewell Park for both Carlsbad Citizens and visitors that will last for generations. As of 2020 over 64,000 South Carlsbad Citizens and hundreds of thousands of visitors in South Carlsbad's resort hotels have no Coastal Park. This inequity damages Carlsbad's current and long-term attractiveness and sustainability of our residential quality of life and visitor experience.

Like Del Mar's Powerhouse Park, Solana Beach's Fletcher Cove Park, Encinitas's Moonlight Beach Park, La Jolla's Scripps Cove Park and La Jolla Shores Park, Coronado's Tidelands Park and Coronado Cays Park; Ponto Park can provide Carlsbad a much needed iconic Coastal Park and community place. Ponto is also at the center of a 6-mile Regional Coastal Park gap – there is no Coastal park between Encinitas's Moonlight Beach and Carlsbad's small Cannon Park. Based on the data Ponto Park is a much better park space and appears to be a far better and wiser use of tax payer money.

- a. In your recommendations or decisions for land use, housing, and parks planning will you direct City Staff to contact the Planning Area F landowner to discuss the City being a purchaser of the site?
- b. In your recommendations or decisions for land use, housing, and parks planning did you know that the 400-acre Carlsbad Municipal Golf Course cost Carlsbad Taxpayers \$70 million?
- c. In your recommendations or decisions for land use, housing, and parks planning do you think spending \$75 million to add a sidewalk and some parking (aka Promenade) on narrow land the City already owns and that could alternatively be provided with a little over \$3 million is a wise use in taxpayer dollars?
- d. In your recommendations or decisions for land use, housing, and parks planning do you think spending \$20-22 million to actually buy 11-aces of new City parkland is a better use of Carlsbad's taxpayer dollars compared to spending \$75 million and NOT adding one single acre of new City land?
- e. In your recommendations or decisions for land use, housing, and parks planning do you think a City Park that is 1.8 times larger than Holiday Park, and with coastal views and pedestrian access to the beach and Batiquitos Lagoon would be a great benefit to the City in hosting community events like Holiday Park currently does?

Data Slide #1: San Pacifico Community – Planning Area, Coastal General Plan Land Use, & Acreage Map. Planning Area F is unplanned and zoned NRR (non-residential reserve) and will remain so until a “Park Need” Study is completed and both the City and CA Coastal Commission determine no Park is needed. Only if both the City and CA Coastal Commission determine Ponto’s park needs are met, can Planning Area F be planned and developed for something else.



Source: page 20 of exiting Poinsettia Shores Master Plan/Local Coastal Program

Data Slide #2: One of Carlsbad's "Ponto Planning Area F planning mistakes" and CA Coastal Commission (CCC) direction to Carlsbad

At the 1/28/20 (item #14) Carlsbad City Council meeting City Staff for the 1st time admitted 15+ years f some Ponto 'planning mistakes' on Ponto Planning Area F. This was over 10-years after the City knew of these 'Ponto planning mistakes' by the 2010 CA Coastal Commission (CCC) denial of the Ponto Beachfront Village Vision Plan for those mistakes and some other flaws.

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:

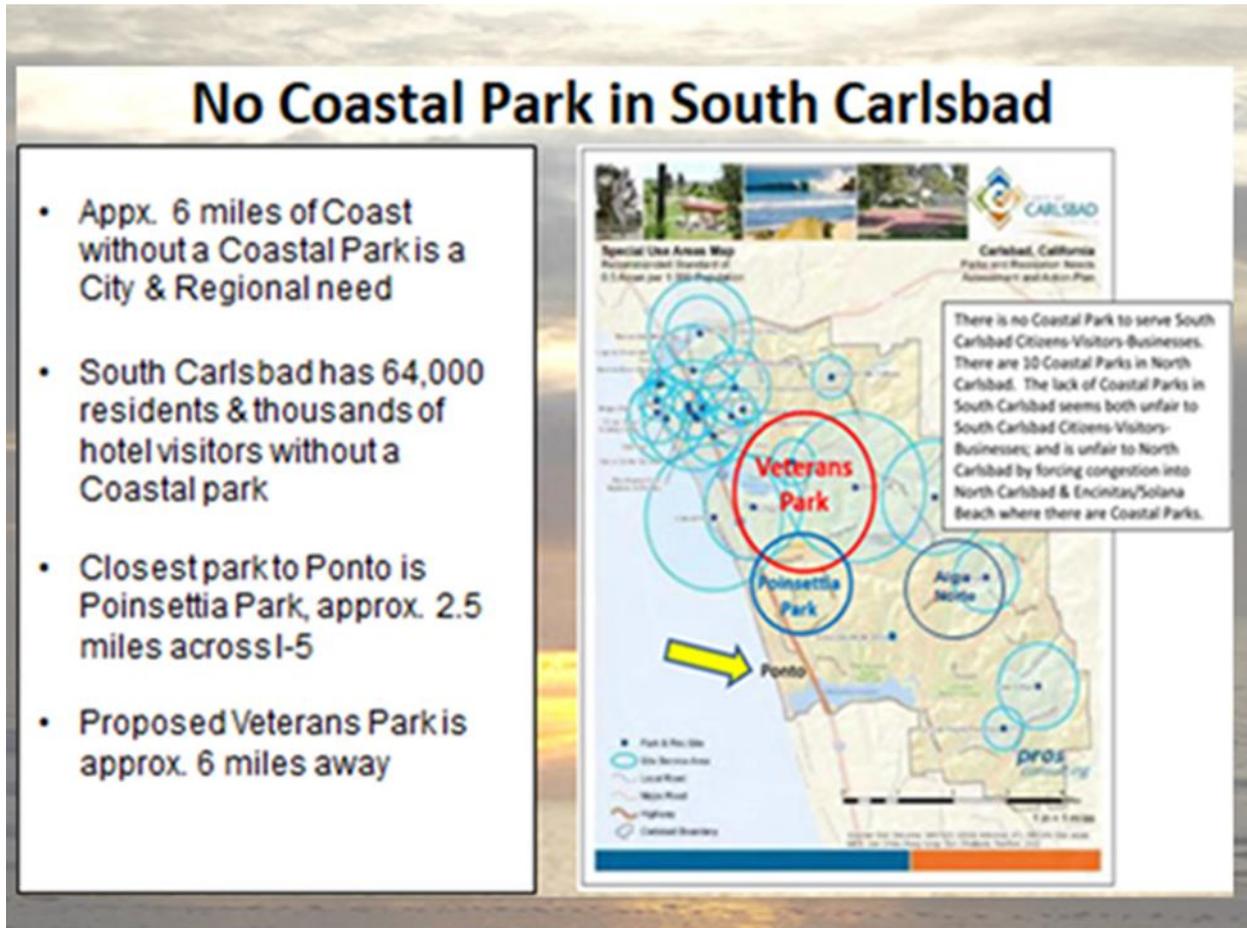
"The existing LUP includes policies that require certain visitor-serving developments and/or studies relevant to the Ponto/Southern Waterfront area. For example, Planning Area F requires the city and developer to "consider and document the need for the provision of lower cost visitor accommodations or 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."

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."

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. The City is apparently failing to fully disclose to Citizens these facts and the City's prior "Ponto Planning Area F planning mistakes".

Data Slide #3: from Carlsbad's adopted Park Master Plan (see pages 86-88). Blue dots = Parks, and blue circles = areas served by Parks. City's adopted Park service map clearly shows Park need at Ponto.



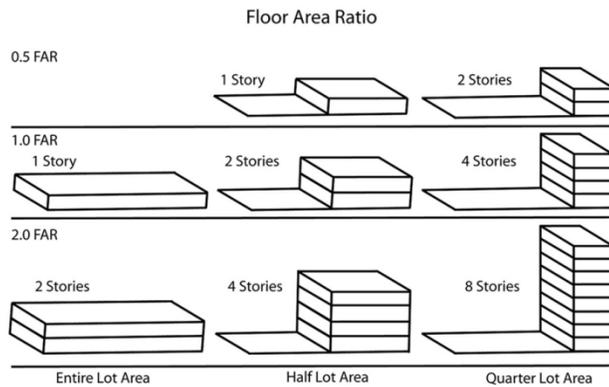
Data Slide #4: Existing and City’s Planning Area F proposed development intensity (FAR) comparisons

FAR (floor area ratio) is a well-established planning method to compare land use intensity (lower FARs reflect lower intensity and higher FARs reflect higher intensity). City Staff is proposing at San Pacifico’s Planning Area F an extremely high FAR land use intensity that will radically change the established character of our San Pacifico Community. The CA Coastal Commission has State Law Polices to protect the character of Coastal communities and a requirement that new development be "visually compatible with the character of the surrounding area." It does not appear that the City’s proposed 486% increase in development intensity for San Pacifico’s Planning Area F is visually compatible with the character of San Pacifico.

Comparison of FAR Data:

	<u>FAR</u>	<u>% more intense than San Pacifico</u>	<u>Building Height</u>
San Pacifico Community - existing	.31	0%	30 feet
San Pacifico’s Planning Area F - City proposed change	1.79	486%	40 feet
Cape Rey Resort - existing	.52	70%	35 feet
Encinitas Beach Hotel - in construction	1.21	295%	unknown
Kam Sang Resort - developer application w/ City	.72	136%	35 feet

Floor Area Ratio (FAR) diagram of examples of 0.5, 1.0 and 2.0 FAR



Below is what the City’s proposed 1.79 FAR at Planning Area F looks like. A 40 foot tall and 1,000 feet long wall of buildings. View is looking NE from corner of Avenida Encinas/Ponto Dr.



Ponto Planning Facts – development standards not being met

City's GIS data of Growth Management Standard Open Space at Ponto

472 Acres	Total land in LFMP Zone 9 [Ponto]
<u>(197 Acres)</u>	Constrained land excluded from GMP Open Space
275 Acres	Unconstrained land in LFMP Zone 9 [Ponto]
<u>X 15%</u>	GMP Minimum Unconstrained Open Space requirement
41 Acres	GMP Minimum Unconstrained Open Space required
<u>(11 Acres)</u>	GMP Open Space provided & mapped per City GIS data
30 Acres	Missing Unconstrained Open Space needed in LFMP Zone 9 [Ponto] to meet the City's minimum GMP Open Space Standard per City's GIS data

73% of the City's minimum required Open Space Standard is missing due to over development of Ponto

Data Slide #6: City GIS map – Light Green is ‘Unconstrained land’ and can be used to meet City’s Growth Management Open Space Standard. The Pink and Purple areas are ‘Constrained land and water’, respectively, and cannot be used to meet the Standard.

Ponto Planning Facts – development standards not being met cont.

- City’s GIS map of Ponto’s (LFMP Zone 9) Growth Management Standard Open Space:
 - Only light green areas on map meet City’s 15% unconstrained GMP Open Space Standard
 - Most Ponto Open Space (pink & purple areas on map) is constrained and does not meet the Standard
 - City required Aviara east of Ponto to provide the 15% Standard Open Space. Why not Ponto?



Data Slide #7: City's Growth Management Open Space Standard

The City's website says: **"The Growth Management Program standard for Open Space requires that "15 percent of the total land area in the Local Facilities Master Plan Zone, exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development."** <https://www.carlsbadca.gov/cityhall/clerk/summaries/space.asp>

The City's Growth Management Ordinance (Carlsbad Municipal Code 21.90) states:

"21.90.130 Implementation of facilities and improvements requirements: ... (b) The city-wide facilities and improvement plan and the local facility management plan process is part of the city's ongoing planning effort. It is anticipated that amendments to the plans may be necessary. Adoption of a facilities management plan does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal. **The city-wide facilities and improvements plan and the local facilities management plans are guides to ensure that no development occurs unless adequate facilities or improvements will be available to meet demands created by development. 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.**

(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.**

(d) The city planner shall monitor the development activity for each local facilities management zone and shall prepare an annual report to the city council consisting of maps, graphs, charts, tables and text and which includes a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and recommendation for any amendments to the facilities management plan. **The content of the annual report shall be established by the city council.**

(e) **The city council shall annually review the city-wide facilities and improvements plan at the time it considers the city's capital improvement budget. (Ord. 9808 § 1, 1986"**

&

"21.90.180 Public facility reductions: Notwithstanding any previous sections of this chapter, **the city council shall not materially reduce or delete any public facilities or improvements without making a corresponding reduction in residential density unless such a reduction or deletion of public facilities is ratified by a vote of the citizens of Carlsbad. (Ord. 9829 § 4, 1987)"**

From: [Lance Schulte](#)
To: [Matthew Hall](#); [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](#); [cort.hitchens@coastal.ca.gov](#); [Lisa Urbach](#); [info@peopleforponto.com](#); [Bret Schanzenbach](#); [Kathleen@carlsbad.org](#); [Planning](#); [McDougall, Paul@HCD](#); [Mehmood, Sohab@HCD](#)
Cc: ["Steve Puterski"](#); [Philip Diehl](#); [McDougall, Paul@HCD](#); [Mehmood, Sohab@HCD](#)
Subject: Carlsbad Citizen Questions and request to Carlsbad City Council-Planning-Parks-Housing Commissions for Carlsbad Staff proposed Draft LCP-LUPA-Housing Element & Parks Master Plan Updates - 11-30-2020
Date: Sunday, November 29, 2020 8:57:33 AM
Attachments: [2020-11-30 Citizen Questions and request for Carlsbad Council planning-housing-parks commissions HEAC on Draft LCP-LUPA-Housing Element and Parks Master Plan Updates.pdf](#)

Dear Carlsbad City Council, Planning Commission, Housing Commission, Parks Commission, Housing Element Advisory Committee, CA Coastal Commission & HCD:

Attached are data and questions People for Ponto Carlsbad Citizens have for you regarding the City Staff proposed Coastal land use planning at Ponto. The proposed Ponto Coastal land use also relates to the City's proposed Parks Master Plan and Housing Element Updates.

Since 2017, after reviewing numerous Official Carlsbad Public Request data, there has been significant Carlsbad Citizen requests to address Coastal land use and park planning issues at Ponto. You have received over 2,900 emails, over 200-pages of public testimony, 2-years of overwhelming (90% of all) citizen requests during the City Budget process, and multiple citizens presentations – all asking for Ponto Coastal Park.

The attached file includes summary data and some critical, fundamental policy and 'to the heart' questions for the City Council, Planning-Housing-Parks Commissions, and Housing Element Advisory Committee as the you consider Ponto's Coastal land use. You are all elected or appointed Citizen Representatives – to represent Citizen concerns. Before you make your decisions as Citizen representatives we ask you please read the attached information, and please ask yourself the questions your fellow Citizens are asking you.

Thank you.

Out-of-town speculative developers have a limited interest in Carlsbad and the Coast.

People for Ponto are Carlsbad Citizens that truly and deeply LOVE Carlsbad, you can hear it and see it in their words and passion. People for Ponto want a better and sustainable Carlsbad for future generations. Ponto Coastal Park is a very critical part of that future.

Sincerely,

Lance Schulte

34-year Carlsbad Citizen, 20-year Ponto resident, one of the many People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); Toni.Ross@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry- read Dec 2nd
Date: Sunday, November 29, 2020 4:11:56 AM

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

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

Sent: Saturday, November 28, 2020 8:53pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

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

I am informed that:

1. 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.
1. There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).
1. 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.
1. 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

Brent Prenzlow

Email

BRENTPRENZLOW@HOTMAIL.COM

Address

6573 Paseo Del Norte
Unit D

Sent from People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); Toni.Ross@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry
Date: Sunday, November 29, 2020 4:11:04 AM

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

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

Sent: Saturday, November 28, 2020 9:49pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

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

I am informed that:

1. 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.
1. There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).
1. 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.
1. 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

Nancy Balto

Email

nbalto@comcast.net

Address

548 Meridian Way
Carlsbad 92011

Sent from People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); Toni.Ross@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry - Read Dec 2nd
Date: Sunday, November 29, 2020 4:08:43 AM

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

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

Sent: Saturday, November 28, 2020 10:13pm

To: info@peopleforponto.com

Subject: New Ponto Park City Petition Entry

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

I am informed that:

1. 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.
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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

Andrew Eads

Email

andreweads@gmail.com

Address

7436 capstan dr.
Carlsbad, CA 92011

Sent from People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); Toni.Ross@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov
Subject: FW: New Ponto Park City Petition Entry- read at Dec2nd meeting
Date: Sunday, November 29, 2020 4:06:12 AM

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

From: "People for Ponto" <info@peopleforponto.com>
Sent: Saturday, November 28, 2020 10:45pm
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

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

I am informed that:

1. 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.
1. There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).
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1. 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

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I want the Draft Local Coastal Program Amendment to provide for a Coastal Park at Ponto with the City to provide a true Citizen-based Park Planning process for Ponto Park.

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

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

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

Additional Comments

Please build the park for adults & children to enjoy. Fresh air & exercise for physical & mental health.

Name

Betty Jennings

Email

reidnmom@yahoo.com

Address

24881 Winterwood Dr.
Lake Forest, CA 92630

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov; info@peopleforponto.com
Subject: FW: New Ponto Park City Petition Entry - Please read at Dec 2nd meeting
Date: Saturday, November 28, 2020 4:13:00 PM

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

I am informed that:

1. 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.
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1. 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:

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

From: "My WordPress" <info@peopleforponto.com>
Sent: Sunday, November 22, 2020 12:51am
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

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

Vickey Syage

Email

vickey.syage@gmail.com

Address

1345 Cassins St.
Carlsbad, CA 92011

Sent from People for Ponto

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From: info@peopleforponto.com
To: [Matthew Hall](#); [Council Internet Email](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [City Clerk](#); gbuhr@coastal.ca.gov; Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; lisa.urbach@parks.ca.gov; info@peopleforponto.com
Subject: FW: New Ponto Park City Petition Entry - Please read at Dec 2nd meeting
Date: Saturday, November 28, 2020 4:09:51 PM

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

I am informed that:

1. 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.
1. There is a 30-acre open-space deficit in Zone 9 (Ponto area – west of I-5 and south of Poinsettia).
1. 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.
1. 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:

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

From: "My WordPress" <info@peopleforponto.com>
Sent: Saturday, November 21, 2020 11:21pm
To: info@peopleforponto.com
Subject: New Ponto Park City Petition Entry

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.

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Name

Kendall Barney

Email

candlestic@hotmail.com

Sent from People for Ponto

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