

From: [Ruby Mann](#)
To: [Planning](#)
Subject: RE: Hearing Updates Regarding The City's Local Coastal Plan
Date: Sunday, November 29, 2020 1:28:33 PM

Dear Members of Council and Members of the Department of Planning of Carlsbad, I live in the community of Bressi Ranch, Carlsbad and understand you will be hearing updates regarding the City's Local Coastal Plan. I am very interested in preserving our environment and would like you to take up the issues involved in preserving our coastal and state parks, campgrounds, trail systems and Environmentally Sensitive Habitat areas. I believe we need to recognize and address the potential adverse effects that impact our coastal resources especially from increased public access. I believe the areas of Agua Hedionda Lagoon and the Ponto area should be given special consideration. It is critical to set guidelines and time lines at this critical moment in time. Society is facing a crisis regarding climate change. This really needs proactive planning. Thank you for your time.

Manpreet Ruby Mann

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From: [Lillian Carrigan](#)
To: [Planning](#)
Subject: Local Coastal Plans
Date: Sunday, November 29, 2020 10:17:23 AM

I hope the Carlsbad Planning Commission will update the Local Coastal Plan adopted 1977. I feel that the 1977 plan is outdated and needs to address the areas as outlined by the Preserve Calavera group.

Lillian Carrigan
6729 Limonite Ct.
Carlsbad CA 92009

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From: robert@johnstoneoc.com
To: [Planning](#)
Cc: [Matthew Hall](#); [Keith Blackburn](#)
Subject: Comment Local Coastal Program Land Use Plan - Encina Power Station Site - please read into the record
Date: Friday, November 27, 2020 2:26:12 PM

Please read into the record

We are strongly in favor of the Encina Power Station site development as a Visitor Commercial / Open Space area with a Small Town Feel and Beach Community Character. Between Tamarack Avenue and Ponto Road along Carlsbad Boulevard there are very limited dining options. We would very much like the EPS development project to emphasize a variety of "boutique" restaurant options including, cafes, outdoor dining and fine dining. Please no fast food chain eateries but a variety of settings from everyday local dining to "special occasion" fine dining. This type of project would serve both visitors and locals who can walk which is consistent with our Beach Community Character and values.

With multiple "lower-cost" overnight accommodations located within 2-3 miles of the EPS site the addition of a scaled beach oriented "boutique" hotel offering a relaxed atmosphere with well appointed rooms and facilities would be a nice addition. The area is already over served by Seven Eleven type convenience stores and retail stores so it is less desirable to emphasize "shopping". One major concern is the traffic and parking impact the over development of the ESP site could have on the Terramar neighborhoods surrounding the Cannon intersection with Carlsbad Boulevard. During COVID 19 street parking closures, the Terramar neighborhood experienced extensive undesirable issues. Correct scaling of the project will be critical for traffic flow and parking for both visitors and residence.

Bob and Cathy Pritchard
5098 Shore Drive, Carlsbad
Terramar Neighborhood

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From: [Planning](#)
To: [Jennifer Jesser](#); [Planning Commission](#)
Cc: [Don Neu](#); [Ronald Kemp](#); [Melissa Flores](#)
Subject: FW: Please read at 12/02/20 Planning Commission Meeting
Date: Wednesday, November 25, 2020 6:25:56 PM

From: Tommy Dean <tdean6486@gmail.com>
Sent: Wednesday, November 25, 2020 6:12 PM
To: Planning <Planning@CarlsbadCA.gov>
Subject: Please read at 12/02/20 Planning Commission Meeting

Carlsbad Planning Commision,

I am the owner of 4517 Adams St. and 2701 Ocean Street in Carlsbad. With regards to the proposed rezoning of my properties to "legal non conforming", I have several questions I would like clarification.

1. Will I be able to maintain my properties with new roofing, stuccoing, window replacements, deck repairs and other essential continuous maintenance that is required for water front properties?
2. Please be more specific on what will be prohibited.
3. Provide the scientific source and material that has provoked the sea level rise proposed regulations.

If any of the answers to question to number 1 is no.....then there is a big problem in an overreach into our property rights under the Constitution of the United States. To restrict a property owner's rights based on an unchallenged "best science" report is an extreme violation of property rights and a waste of taxpayer's money that will be lost once this fiasco reaches the Supreme Court for an overturn of this City Planners violation. By changing our zoning basically puts our properties into a "land lease" rather than ownership.

Any plans on how to make up on the billions of property taxes that will be lost once our majestic waterfront homes are gone?

Tommy Dean

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From: [bob irwin](#)
To: [Planning](#)
Subject: public hearing re local coastal program
Date: Monday, November 23, 2020 10:13:26 AM

I live on Watercourse Drive in the community named Harbor Pointe. I am on the west side of the top street with an unobstructed ocean view. The Porsche dealer on Avenida Encinas has been allowed to install a very large, interior lighted, sign with the word PORCHE to advertise its location. This bright red sign is a visual blight on the neighborhood and should never have been allowed as the location of the dealership is, and has been for a very long time, primarily residential. That is to say that for the section of Avenida Encinas where this dealership is located you have both to the west and the east nothing but private residences. In allowing such a sign you must weigh the benefit to the dealer against the interests of all others. I believe that having such a sign lighted at night is of very little benefit to the dealer, whereas it is a visual blight not only to those of us in Harbor Pointe but also to many others affected by it. Please consider requiring that dealer to remove the lighting from this sign. Thank you.
Robert Irwin
6813 Watercourse Dr
Carlsbad 92011

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From: [Dana Thomart](#)
To: [Planning](#)
Subject: 12/2 meeting
Date: Monday, November 23, 2020 9:35:13 AM

Please read in meeting as my family has been living in Carlsbad for 50 years. We would like to request that Carlsbad City ensures residents have the continued ability to be in nature and its natural habitat . The open spaces are what makes Carlsbad so special. We understand private owners right to earn income on their properties but the City of Carlsbad could buy the property and leave it for open space. Thank you for considering our requests. The Thompson and Thomart Families.

Sent from my iPhone

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From: [Diane Nygaard](#)
To: [Planning](#)
Cc: Erin.Prahler@coastal.ca.gov; cort.hitchens@coastal.ca.gov; [Council Internet Email](#)
Subject: Comments on LCP Update # 4 December 2,2020
Date: Tuesday, December 1, 2020 3:14:56 PM

Dear Chair and Commissioners

We appreciate the effort that has gone into this update of the Local Coastal Plan. We also acknowledge that this update includes many positive changes. However, there are still several key issues that must be addressed for this update to fully protect the priceless coastal resources of Carlsbad, and to ensure the community and visitors can access and enjoy these resources in a sustainable way.

Our concerns include the following:

- Minimal response to Sea Level Rise (SLR)

The SLR Vulnerability Assessment was completed in 2017. We had assumed that the LCP would actually include the adaptation strategies and triggers that are essential to respond to the known risks. While the LCP includes generic policy, it defers these details again- to the zoning ordinance for which no timeline has been established. It is critical to set a real schedule for when actions must be taken to address SLR.

- Improper definition of "existing " structures

Structures that have been built along the coast to protect property from the sea, commonly referred to as "armoring" , are being considered existing if they are in place when the CA Coastal Commission certifies this LCP, presumably 2021. But most places consider "existing" to mean at the time the Coastal Act was adopted in 1977. This is a 44 year difference and clearly has major implications. The adverse impacts of armoring the coast are well documented. While the proposed policy provides some flexibility in how this would be implemented, our concern is that varying standards were used to approve such structures over the years. We believe that all such structures built after 1977 should be evaluated against current standards and not be given special consideration as "existing."

- Fails to recognize issues with coastal parks in Ponto area and throughout the city

Parks and recreational facilities in the coastal zone serve both residents and visitors. Carlsbad's park performance standards do not factor in the impact of visitors and thereby short change residents throughout the city, but especially

those in the coastal zone.

Furthermore the city continues to rely on the plan from 1986 to use Veteran's Park to meet the park acre performance standard for all 4 quadrants. This ignores the desire for parks actually in the neighborhoods they are intended to serve, ignores the need to reduce GHG, and ignores better opportunities to address recreational needs, particularly those along the coast.

Those new, and arguably better, opportunities include Hub Park on the S. Shore of Agua Hedionda, and the land at Ponto that is currently available for sale. The Ponto land is perfectly located to provide a coastal access park for the southern part of the city-something that is sorely needed. Residents have raised their preference for a park at Ponto instead of at Veteran's Park for years- and this has been ignored.

Hub Park is also a tremendous opportunity to add recreational land and lagoon views where there is a connection to the coast. It provides far greater access than Veteran's Park, yet there has been no effort to consider this alternative. The Hub Park lease was negotiated with SDG & E years ago. The time to consider how it can best be used to benefit the community is now.

This LCP is the opportunity to actually relook at park distribution and access in the coastal zone , but instead this LCP is stuck in the past.

- Leaves the relocation of the state park campground in limbo

This is a key recreational asset and lower cost visitor serving amenity. After years of discussion this remains in limbo- yet it is critical that there is a real plan.

- No adaptive management plan for Environmentally Sensitive Habitat Areas (ESHA)

State guidance on climate action plans includes addressing adaptive management ie what actions need to be taken because the climate is already warming. The SLR assessment is one part of this. But a critical issue is proactive planning to address sensitive habitat impacts throughout the city, including the ESHA in the coastal zone. This issue is not even mentioned in the LCP and we are not aware of anything in process that would address this. The city of San Diego is currently working on their climate change adaptive management plan, but the rest of the region is years behind in addressing this critical issue.

- Has not integrated the current high priority project for trails on the S. Shore

of Agua Hedionda Lagoon

Chapter 4 says the city "could consider" trails on the S. Shore. In fact the City Council has identified this as a high priority project that is currently underway. LCP 4.P-26 says such future trails should avoid impacts to the agricultural resources at the Strawberry Fields, but fails to note the importance of providing trail connections to the Crossings Golf Course, (through an existing undercrossing), Veteran's Park and to other coastal access trails. It also fails to even mention integration of these trails with a future Hub Park.

The community and City Council have made these trails a high priority- but they are barely mentioned in the LCP. The failure to fully address these trails is another missed opportunity.

- Fails to recognize or address potential adverse impacts to coastal resources from increased public access

There is mention of evaluating impact on coastal resources when designing things like trails- but that is a one-time assessment. There needs to be clear policy about on-going monitoring and enforcement related to public use that ensures that the resources are protected, and that corrective action is taken if they are not. We have seen too many places where increased public use results in increased intentional and inadvertent damage to natural resources.

We urge you to recognize these concerns, and direct staff to fully address them before approving this Local Coastal Plan Update. The residents of today, and future generations are counting on you.

Diane Nygaard
On behalf of Preserve Calavera

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From: [J Cannon](#)
To: [Planning](#)
Subject: Coastal property use
Date: Monday, November 30, 2020 5:48:44 PM

Greeting Planning Commissioners—

I understand you are meeting 12/2/20 at 3pm to consider the fate of the power plant, Agua Hedionda and Ponto coastal properties.

Carlsbad is at a critical juncture where what happens to these key properties will massively affect the city's long term character.

Like the average citizen, I have no realistic hope of reading the hundreds of pages of terms and strategies for how these lands will be used, much less comprehend the blah-blah-blah jargon it contains. I honestly believe these fat volumes are designed to repel--via boredom--any person concerned from having any hope of reading into what the city's inner workings are aiming toward.

In the absence of having a comprehensive understanding of the **Local Coastal Program Land Use Plan**, I resort to my 44-year memory of Carlsbad development. Historically, the battle between short term pure profit-orientation, and a more holistic long term approach to land use is the story at hand, and I am sure this situation has not varied in this instance.

What I'd like to say is that I hope you can envision how astonishingly beautiful our city can be if these remaining coastal lands are not covered in *what is already covering the rest of our city*. Namely luxury condos, housing subdivisions, retail outlets (outdated mall-types), hotels, golf courses and ball fields.

It would be a high crime to see the power plant land, Agua Hedionda open lands, and Ponto engulfed by *more of the same*.

The most exquisite sites in the world feature open space, with very carefully designed, aesthetically pleasing (no cheap California Modern box-type) structures, which house museums, educational hubs, and public gathering areas. Partnerships with the many wealthy corporate entities that make their home here could be one of the approaches to creating economically profitable commons a reality.

Please dare to make decisions that will permanently distinguish Carlsbad from the generic scenery of fast money SoCal. The residents of Carlsbad, surrounding cities, and all who love to visit will remember you, our present City Council, and staff as brilliant visionaries.

Respectfully,
Janell Cannon

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From: [David Cline](#)
To: [Planning](#)
Cc: [Lee Andelin](#)
Subject: Local Coastal Plan Draft Review
Date: Wednesday, December 2, 2020 9:09:57 AM
Attachments: [Draft LCP 2020.docx](#)

Carlsbad Planning Commission

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

Kindest Regards

David J. Cline
5215 Shore Drive
Carlsbad, Ca.

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According to NOAA Climate.gov report "Climate Change: Global Sea Level", dated August 14, 2020, Rebecca Lindsey reporting, global sea levels have risen about 9 inches since 1880. She then goes on to use best available data to predict the next 80 years. Those data range from a low of 9 inches rise by 2100 to a high of 8.2 feet.

The practical outcome of unmanaged global temperature increase to cause the highest of these numbers is incalculable and horrific. Worldwide massive destruction of coastal cities, large areas of the equatorial belt becoming uninhabitable, famine and disease causing human migration on an unimaginable scale.

The low range, as has occurred over the last 80 years, is the only acceptable alternative. How might this be achieved? We can see the evidence of how this is possible in our current Covid 19 vaccine development. Where vaccines used to take a decade or more to develop, from a standing start at the end of February, 2020, approved vaccines are now ready for release in early December 2020, approximately 9 months.

How does this affect the LCP Draft which is being considered today? The basis of this document appears to be focused on the highest sea level rise, rather than the lowest level. There is widespread acknowledgement that global temperature rise has to be prevented and reversed. This is being implemented through continuing increase in non-CO2 producing renewable energy sources, electrification of transportation, high efficiency electrical products, etc. Most developed nations are adopting these policies, and with increasing efficiency and lower cost, the trend will accelerate.

As a coastal homeowner in Terramar, we spent over \$100K to develop a remodel plan for our property, obtained Carlsbad permit approval, only to have it appealed by the Coastal Commission. The basis of the appeal was lack of conformance to the LCP. The items alleged to be out of compliance do not appear in the current LCP, but appear to suddenly be evident in the new draft. The Coastal Commission is forging ahead to apply worst case scenarios even though not yet in force. Having applied their foot firmly to our throats, they have become unavailable to negotiate. Consequently, our property is valueless, and we have no recourse or avenue to rectify, if not by intention, at least by omission.

Therefore, please focus on eliminating specific provisions that unfairly impact us as homeowners, such as those on pages 240 to 245 of the draft document. These prevent us from maintaining our shore protection and redeveloping our property. Ultimately, we will be required to remove our shore protection and upland improvements. **These provisions, if enacted, will result in the destruction of almost our entire neighborhood and significant public infrastructure within a short amount of time.**

In light of our CCC experience with our current project, please also include a method of **conflict resolution** which is entirely within the authority of the City of Carlsbad.

David and Barbara Cline, 5215 Shore Drive, Carlsbad, Ca.

From: [DeAnn Weimer](#)
To: [Planning](#); [Jennifer Jesser](#)
Subject: Re: Local Coastal Program Land Use Plan comments to be read at Commission meeting
Date: Wednesday, December 2, 2020 11:53:05 AM
Attachments: [landuse2020cncfin.docx](#)

Dear Planning Commissioners:

Citizens For North County (CNC) respectfully requests the Commission correct the inaccurate description of the Agua Hedionda South Shore trail found under Section 4.3 Active Transportation Access. The Agua Hedionda South Shore trail is described a bit like a dreamy aspiration within this document. The reality, of course, is that it is a “priority project” for the city council. For the last three DECADES, this park has been described as the central connecting link for Carlsbad’s entire trail system – linking all the disparate pieces together (Crossings Golf Course, Veteran’s Park, etc.). This is why the city has long referred to it as HUB Park. Certainly, no trail in Carlsbad has received as much local broadcast air time as the HUB Park/Agua Hedionda South Shores Trail.

To reduce a “priority project” to a possible area where a trail “may arise in the future that the city could consider, such as a trail along Agua Hedionda Lagoon’s southern shoreline” is a betrayal of this community, and the planning process.

Additionally, CNC stands with the Ponto residents and their demands for parkland, and encourages the Planning Commission to do so as well.

CNC supports efforts to control and eliminate the use of herbicides, biocides, pesticides and anticoagulant rodenticides on city-controlled properties and school campuses, as well as surrounding developments. It should be noted that over the last 24 months, anti-poison programs have been adopted either as amendments or resolutions by 29 California cities, including Malibu, Calabasas, Laguna Beach, Whittier, and Thousand Oaks.

In light of these concerns and the issues so thoughtfully raised by the Surfrider Foundation of San Diego and Preserve Calavera, CNC joins Surfrider and Preserve Calavera in requesting that these issues be addressed before the Planning Commission advances the update on tonight’s agenda to the council.

Thank you for supporting this community.

Sincerely,

De’Ann Weimer on behalf of the CNC board

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Re: FOA Local Coastal Land Use Plan comments to be read at Planning Commission

Dear Planning Commission:

Friends of Aviara is aware that this Local Coastal Program Land Use Plan update seeks to comply with usage decisions made years ago, but it also gives the Planning Commission an opportunity to manage the nitty gritty details, including ensuring support and inclusion of key proposals and programs, enforceable standards and definitive timelines.

Our concerns include the following:

- Under section heading “Environmentally Sensitive Habitat Areas and Water Quality,” Carlsbad can build on its commitment to a non-toxic future.

Recall, in 2017, the city council adopted an Integrated Pest Management Plan, prioritizing the use of non-chemical products and methods for all city-owned and operated parks, open space areas, trails, rights of way, street medians and city buildings as well as 10 Carlsbad school campuses. A year later, Carlsbad was with the League of California Cities in unanimously pledging to overturn “preemption” – a Sacramento law that took away **local** government control of rodenticide use in their communities.

The document before you makes multiple references to pesticides and their impact on storm water runoff, but at no point does the language in this document take the next steps toward a non-toxic environment.

Carlsbad’s three lagoons, open spaces, environmentally sensitive habitats and marine and coastal water quality preservation and improvement programs cannot be successful if they are not poison free. FOA proposes inclusion in Chapter 6 the following:

“The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Carlsbad. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.”

The California Coastal Commission supported this language in a Malibu amendment, saying: “These policies and provisions are very important to ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat value.” Surely, now is **not** the time for Carlsbad to fall behind in our efforts.

- This commission has several opportunities to accelerate open space and parkland. FOA supports Ponto Park’s land purchase, and correction to 4.3 Active Transportation Access where the Agua Hedionda is described as a site where “opportunities for other trail areas may arise in the

future...” This is a Carlsbad “priority project,” promised to residents for generations. It should be referenced as such.

FOA respectfully requests that these issues and those cited by Surfrider Foundation of San Diego and Preserve Calavera be addressed before the commission recommends this document to the council.

On behalf of the board of Friends of Aviara,

Diana Lincoln & Wil Williams

From: [Poison Free Malibu](#)
To: [Planning](#)
Cc: [Diana Lincoln](#); [DeAnn Weimer](#)
Subject: Carlsbad Planning Commission 12/2/2020 Item 4
Date: Wednesday, December 2, 2020 12:25:39 PM
Attachments: [Henry Stern 120619.pdf](#)
[CoastalCommissionSupportsMalibuLCPAmendment.pdf](#)
[NPS LCP Amendment Letter 6Dec2019.pdf](#)

(Please read this at the meeting.

It is under 500 words if you stop at this dashed line below: =====)

Dear Carlsbad Planning Commissioners,

This letter is in support of the proposal by the Friends of Aviara to restrict pesticides in the revised LCP for Carlsbad.

Poison Free Malibu is a non-profit environmental group encouraging the restriction of pesticide usage in order to protect wildlife, pets, and children. Most recently, we have been part of a coalition that passed California Bill AB 1788 putting a moratorium on the use of certain rodent poisons which have been exposing wildlife to poisoning at the 90% level.

Another action we encourage is to restrict poison usage in the California Coastal Zone. Cities and counties are prevented from regulating pesticides in general by state law. The exception is in the Coastal Zone due to the special mandates of the Coastal Act.

We have been involved in the effort to restrict pesticides in the Santa Monica mountains Coastal Zone. In October 2014 the Los Angeles County LCP including pesticide restrictions in the unincorporated Coastal Zone here was certified. Malibu followed through with similar language in December 2019 for the city (still pending certification by the Coastal Commission).

Here is the Malibu LCP clause. It is an "amendment" to the existing LCP. It is in what is called the "Land Use Plan" sections of the LCP.

***3.18** The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of nonchemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other nonchemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.*

Here is the language in the LUP section of the Los Angeles County Santa Monica Mountains LCP:

***CO-58** The use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains, shall be prohibited, except where*

necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. ... (some technical detail pertaining to the Santa Monica mountains omitted).

We strongly support the proposal by the Friends of Aviara to include similar language in the Carlsbad LCP. There is abundant precedent for doing so, and it would do much to protect the valuable natural resources in and adjacent to Carlsbad.

=====
Also attached are three documents supporting the Malibu LCP Amendment:

- 1) A letter from our State Senator Henry Stern - *Henry Stern 120619.pdf*
- 2) A letter from the Coastal Commission
- *CoastalCommissionSupportsMalibuLCPAmendment.pdf*
- 3) A letter from the Superintendent of the Santa Monica Mountains National Park Service explaining the threat to wildlife - *NPS LCP Amendment Letter 6Dec2019.pdf*.

Sincerely,

Joel Schulman

--

Joel Schulman PhD
Poison Free Malibu
Email: PoisonFreeMalibu@gmail.com
Website: PoisonFreeMalibu.org
Facebook: Poison Free Malibu
Phone: 310-456-0654

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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



January 14, 2016

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 92605

Subject: Local Coastal Program Amendment No. 14-001 (Anticoagulant Rodenticides)

Dear Ms. Blue:

We have reviewed the January 8, 2016 staff report regarding the subject amendment. Coastal Commission staff supports the addition of LCP policies and provisions prohibiting the use of anticoagulant types of rodenticides in order to protect ESHA and wildlife.

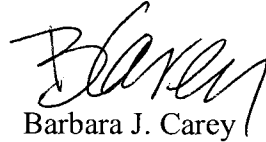
As you are aware, anticoagulant rodenticides can cause grave injury and death to wildlife that ingest rodents that have consumed such rodenticides. In order to avoid these impacts, the Coastal Commission has consistently prohibited the use of anticoagulant rodenticides as a condition of coastal development permits approved in the Santa Monica Mountains. Additionally, policies and provisions prohibiting the use of anticoagulant rodenticides were included as part of the Los Angeles County Santa Monica Mountains Local Coastal Program certified in 2014. These policies and provisions are very important to ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, consistent with Section 30240 of the Coastal Act.

We also agree with the conclusions of the Los Angeles County Counsel (letter dated September 28, 2015) that the certification of the Santa Monica Mountains LCP with policies prohibiting anticoagulant rodenticides was legally proper. Specifically, the Food and Agriculture Code does not limit the authority of state agencies to administer other state laws—e.g., the Coastal Act. § 11501.1(c). See also *Ebbetts Pass Forest Watch v. California Dept. of Forestry And Fire Protection* (2008) 43 Cal.4th 936, 957 (state agency must analyze and mitigate the effects of pesticide use when conducting CEQA review, notwithstanding that pesticides are already regulated by the Department of Pesticide Regulation). Although LCPs and LCP amendments are adopted by local jurisdictions, they must be approved by the Coastal Commission, which is required to find that they conform to the Coastal Act. Accordingly, because LCPs and LCP amendments embody state law and must be certified by the Coastal Commission, we agree that local jurisdictions may adopt LCPs and LCP amendments that addresses anticoagulant rodenticides. See *Charles A. Pratt Const. Co., Inc. v. California Coastal Comm'n* (2008) 162 Cal.App.4th 1068, 1075 (LCPs “are not solely a matter of local law, but embody state policy”).

Bonnie Blue, Planning Director
January 14, 2016
Page 2

We appreciate the City's consideration of our comments. Please feel free to contact me if you have any questions.

Sincerely,

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

Barbara J. Carey
District Manager

California State Senate

SENATOR
HENRY STERN

TWENTY-SEVENTH SENATE DISTRICT



December 6, 2019

The Honorable Karen Farrer, Mayor
The Honorable Mikke Pierson, Mayor Pro Tempore
The Honorable Rick Mullen, Councilmember
The Honorable Skylar Peak, Councilmember
The Honorable Jefferson Wagner, Councilmember
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RE: Item 4.A. – Local Coastal Program Amendment No. 14-001

Dear Mayor, Mayor Pro Tempore, and Councilmembers:

As the City of Malibu continues its leadership in protecting native wildlife and sensitive coastal environment, I write to offer my support for a ban on the use of anti-coagulant rodenticides in the coastal zone.

Specifically, I support going beyond the staff proposal before you and enacting a ban on all pesticides, including herbicides, insecticides, rodenticides, and toxic chemical species. Anti-coagulant rodenticides are just one element of the larger problem of long-lasting poisons introduced to our coastal environment that place biological resources and sensitive habitats at risk.

I appreciate the complexity of the legal issues at hand, specifically whether state law precludes a city like Malibu from taking any action to ban the use of pesticides.

After consultation with numerous authorities, including in-house legal counsel, the County of Los Angeles, California Coastal Commission (Commission) staff and multiple non-governmental organizations, I believe that nothing precludes the City from acting on this issue because of how Malibu has structured this proposal – as an amendment to its Local Coastal Plan that is subject to approval by the Commission, which is itself a state agency. If the Commission determines the amendment does not comply with state law, then it will reject the proposal. If, however, the Commission approves it, then the state's Department of Pesticide Regulation (DPR), whose legal counsel decided to weigh in on this issue, can choose whether to challenge the Commission's decision.

The Honorable Karen Farrer
The Honorable Mikke Pierson
The Honorable Rick Mullen
The Honorable Skylar Peak
The Honorable Jefferson Wagner
December 6, 2019
Page 2

As DPR's counsel acknowledges in its e-mail to the City Attorney, a Superior Court recently upheld a pesticide ban that the Commission approved as part of an LCP modified by Los Angeles County involving an area in the Santa Monica Mountains. DPR believes the facts in that case are different than the situation in Malibu, but for the purposes of what is before the City, that is an argument that is both specious and irrelevant.

The question before you is whether to adopt an LCP amendment to ban the use of certain pesticides and submit that amendment to the Commission, a state agency, for review and approval.

As a son of Malibu, I have the utmost respect for city officials and the process they undergo to make critical decisions like these. I look forward to our continued partnership to defend our community's extraordinary biodiversity and encourage you to take the necessary steps to protect our cherished natural habitats and wildlife.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Stern". The signature is fluid and cursive, with a large, stylized "S" at the end.

Henry Stern
Senator, 27th District
(D-Calabasas)



United States Department of the Interior

NATIONAL PARK SERVICE

Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:

December 6, 2019

Honorable Karen Farrer, Mayor
Honorable Council Members
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mayor Farrer and Councilmembers:

Thank you for the invitation to comment on the proposed Local Coastal Program Amendment No. 14-001. In general, the National Park Service does not testify in support or opposition to local measures, but does provide subject matter expertise and comments to assist local governments in their evaluation of proposed actions, when invited to do so.

National Park Service scientists have been studying carnivores in the Santa Monica Mountains for more than two decades, since 1996. Our studies include observations and data collection on bobcats, coyotes, and mountain lions, predominantly. In these studies we have found widespread exposure to and large impacts of anticoagulant rodenticides on all three of these carnivores. The interaction between anticoagulant rodenticide exposure and death from mange resulted in the complete loss of bobcats from open space areas in the Conejo Valley.

Our studies have found anticoagulant rodenticide poisoning to be a leading cause of death for many carnivores. Specifically, we found over a nine-year study that 27% of coyotes were directly killed by anticoagulant rodenticide poisoning (Riley et al. 2003, Gehrt and Riley 2010), making it the second leading cause of death for these animals after vehicles. For bobcats, the interaction between rodenticide exposure and serious mange disease led to an epizootic of mange in bobcats in our study area, the first such epizootic that had ever been reported in the scientific literature (Riley et al. 2007). This epizootic had a major impact on our study population: 19 bobcats collared bobcats died from mange disease over a three-year period from 2002-2004, and all of the study animals were lost in one habitat fragment in Oak Park, with little evidence of bobcat activity there for many years. Although bobcats eventually returned to that area by 2009 and 2010, including females that successfully raised kittens, we have been seeing more mange disease again in recent years. Population genetic studies with our colleagues at UCLA indicated that the mange epizootic was severe enough to create a genetic bottleneck (Serieys et al. 2015a). From the beginning, severe mange disease showed a very strong statistical association with anticoagulant rodenticide exposure (Riley et al. 2007), which was even more evident as our studies continued (Serieys et al. 2015b). Importantly, however, work with our colleagues at UCLA revealed significant and widespread immune system impacts of rodenticide exposure in bobcats, both inflammatory and immune suppressive effects (Serieys et al. 2018). These immune effects could then be leading to the development of severe mange disease in bobcats, and potentially mountain lions as well (see below). Finally, even more recent work has shown that gene

expression in bobcats is profoundly affected by anticoagulant exposure, including for genes related to the immune system and the skin (Fraser and Mouton et al. 2018). So toxicants are affecting wildlife at fundamental physiological and genetic levels.

In addition, five mountain lions have now died directly from anticoagulant rodenticide poisoning during our long-term study of the behavior and ecology of this species, the last remaining large carnivore in the region. The first two died in 2004, but then a subadult female died in 2015, and two large, healthy adult males died this year, in March and August of 2019. In a recent analysis of survival and mortality causes across the 17 years of our study since 2002, death from anticoagulant poisoning has become an important cause of death for mountain lions, approaching intraspecific conflict and vehicles strikes (Benson et al. 2019). Finally, we have also documented notoedric mange in multiple mountain lions, including the first two that died of anticoagulant toxicosis and later P22 in Griffith Park. All of these mange-infected animals were also exposed to rodenticides, contributing to the link between this disease and the toxicants.

Overall, our studies have shown widespread exposure to these chemicals across the carnivores in our region that we have studied. We found a greater than 90% exposure rate of bobcats to anticoagulant rodenticides (Riley et al. 2007, Riley et al. 2010, Serieys et al. 2015b), a 96% exposure rate in mountain lions (23 of 24 have tested positive), and an 83% exposure rate in coyotes (Gehrt and Riley 2010). Moreover, for all of these species, 2/3 or more of the exposed animals had evidence of multiple different rodenticide compounds and sometimes in large amounts, indicating multiple exposure events. In recent years, we have documented three mountain lions that were exposed to 6 different compounds, the most that we have ever found.

We have seen widespread exposure in the three species that we have studied intensively, but we also know of exposure and effects in other species. We have found exposure in species as varied as raccoons, gray foxes, and a gopher snake, and we have documented death from rodenticide poisoning both in a collared gray fox and in a GPS-collared raccoon, as part of a road study in 2017. We know from colleagues at local wildlife rehabilitation facilities that raptors (e.g., owls, hawks) are often exposed to these toxicants, although no survival studies have been done locally.

These studies suggest that these compounds are having impacts on the wildlife of the Santa Monica Mountains and surrounding areas. We hope this information will be useful to you as you consider management of the use of anticoagulant rodenticides within the City of Malibu. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "David M. Szymanski". The signature is written in a cursive, flowing style.

David Szymanski
Superintendent

cc: Reva Feldman, City Manager, City of Malibu
Bonnie Blue, Planner, City of Malibu

From: [Diane Nygaard](#)
To: [Planning](#)
Subject: Comments on # 4 Local Coastal Plan Update - Dec 2 Planning Commission Hearing
Date: Wednesday, December 2, 2020 11:48:33 AM

Please read these comments at the meeting:

Chair and Commissioners

We appreciate the effort that has gone into this major update of the Local Coastal Plan- there is much to be commended in this draft.. But such plans are never perfect until the public has the opportunity to weigh in- and that is happening here today.

Like you, we have spent hours reviewing background documents , doing research on select issues, and conferring with others about initial concerns. Our written comments, sent separately, highlight our remaining issues of concern. We expect you have heard from many other organizations and individuals who would like to see some modifications before these very important documents are finalized.

This update is a key part of ensuring that Carlsbad fully protects its priceless coastal resources and honors the community's vision. There are remaining concerns about how best to address Sea Level Rise, protect sensitive coastal habitats and accommodate sorely needed access and recreational opportunities along the coast.

Please take the time to carefully consider the issues raised by all of us who care deeply about getting this right, get complete answers to all of your questions, and only then make your recommendations.

We appreciate your careful consideration of our comments- and those of everyone who took the time to weigh in on this important plan.

Diane Nygaard
On Behalf of Preserve Calavera

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

From: [Dorothyfritz](#)
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); [Toni.Ross@coastal.ca.gov](#); [carrie.boyle@coastal.ca.gov](#); [lisa.urbach@parks.ca.gov](#); [info@peopleforponto.com](#)
Subject: Ponto
Date: Tuesday, December 1, 2020 6:36:09 PM

I request the Planning Commission, at the conclusion of its hearing on the Local Coastal Plan Update, continue the matter with the hearing open until the Commission's second regular meeting in January, for the following reasons.

1. The Plan Update document is some 350 pages long. It was not made available to the public until November 20th. The following week was Thanksgiving and many people were understandably occupied with other commitments which cut into their time to review the document in its entirety.
2. The new city council will not be sworn in until December 8th and there will be a new member to the city council from District 4 which includes the Ponto area.
3. The upcoming Christmas and New Year holidays will make it, as it was in the case of Thanksgiving, difficult to devote the amount of time reviewing this document deserves.
4. The communications challenges which we all face because of the Covid-19 pandemic makes the development of well-considered commentary and community input to the Commission on the document just that much more complicated.

The Carlsbad community needs the time to develop an informed community point of view on the various recommendations the document contains which, if adopted, will guide the city for the next generation and affect us all.

Thank you
Dorothy Fritz

Sent from my iPhone

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

From: [Howard Krausz](#)
To: [Planning](#)
Subject: Agenda item #4 LCP update
Date: Wednesday, December 2, 2020 11:42:57 AM
Attachments: [NCA letter to planning commission re LCP update.pdf](#)

Please read the attached comment into the administrative record.

Thanks You,

Howard Krausz, MD
President, North County Advocates

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

12/2/2020

Dear Chair and Planning Commission:

Regarding agenda item 4, Local Coastal Planning Update, the following brief comment is submitted on behalf of North County Advocates.

An overwhelming number of residents and citizen groups including NCA have already sent extensive comment letters about Poinsettia Shores Planning Area F and the acknowledged park deficit of approximately 6.6 acres in the Southwest quadrant. We understand that land is available for purchase of a park at Ponto and agree this is the most cost effective and beneficial solution for the current and future needs of local residents and visitors alike.

The idea that Veterans Park will be an adequate substitute for a park near Ponto is an insult to the citizens of the Southwest quadrant who will forever suffer the consequences of medium and high density development there instead. The Veterans park alternative was never the will of the people, not in 1986 when Prop. E was passed and not now.

The underlying issue with the LCP is not whether development in Planning Area F *can* go forward as planned, but *should* it. This massive document and others may provide justification but should not yet be approved and sent to city council and certainly not before the newly elective council member from south Carlsbad is seated.



Howard Krausz, President
North County Advocates



December 1, 2020

To: City of Carlsbad Planning Commission

Commission Chair Velyn Anderson
Commissioner Lisa Geldner
Commissioner Alicia Lafferty
Commissioner Carolyn Luna
Commissioner Roy Meenes
Commissioner Peter Merz
Commissioner Joseph Stine

City of Carlsbad
1635 Faraday Ave.
Carlsbad, CA 92008

Re: Agenda Item #4, Local Coastal Program Land Use Plan Update

Dear City of Carlsbad Planning Commissioners,

The Surfrider Foundation's San Diego Chapter (Surfrider San Diego) appreciates this opportunity to provide comments on Item #4, a request for the commission's recommendation for approval of a comprehensive Local Coastal Program Land Use Plan (LUP) Update. The LUP will lay a foundation for how the City of Carlsbad manages sea level rise; which will considerably impact the city in many facets of life and economy. We would like to urge the commission to take an important opportunity to address a number of critical errors in the current LUP document before recommending its approval.

Background

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

Surfrider is very pleased to see that the LUP considers science-based Sea Level Rise (SLR) predictions and incorporates some realistic adaptation strategies. As is made



clear in Carlsbad's Sea Level Rise Vulnerability Assessment (Vulnerability Assessment), local sea levels are rising. Recognizing the potential need for a range of adaptation options allows the city the best chance at minimizing threats to health, safety, and property. We appreciate the city's incorporation of language and findings from the Vulnerability Assessment in this LUP. We also applaud the city's development of policies regarding the potential future need to manage relocation of vulnerable assets and infrastructure. Lastly, we appreciate the LUP's recognition that there will be an ongoing need to update city policies and planning documents based on best science and evolving conditions.

Despite these achievements, the current LUP unfortunately fails to be sufficiently detailed to ensure long-term viability and protect coastal resources. This and a number of other critical errors are outlined below:

Definition of existing development

We are highly concerned that the LUP attempts to change the definition of 'existing development' as defined by the Coastal Act.

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

Permit shoreline protective devices, pursuant to Coastal Act Section 30235, including revetments, breakwaters, groins, seawalls, bluff retaining walls, and other such construction that alters natural shoreline processes, only when all the following criteria are met...The protective device is required to serve coastal-dependent uses or protect public beaches in danger from erosion or protect existing principal structures. **"Existing" in the context of this policy refers to structures that existed prior to Coastal Commission certification of this policy** ([insert date after certification]).

Existing development refers to the date the Coastal Act was enacted in 1976. This definition is consistent with Coastal Act Sections 30235 and 30253, as well as the Coastal Commission's SLR Policy Guidance Document (page 166):

"...going forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not "existing" as that term was originally intended relative to applications for shoreline protective devices" (California Coastal Commission Sea Level Rise Policy Guidance)

Section 30235 of the Coastal Act defines existing development:



Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal- dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (Coastal Act Section 30235)

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

New development shall...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Coastal Act Section 30253)

Structures that were built any time after 1976 are not entitled to seawalls and were, at the time of 1976, denied the future right to armor by the Coastal Act. **Restarting the clock on 'existing' development will perpetuate a reckless pattern of development that harms beaches and puts coastal assets further at risk.**

Because redevelopment can also perpetuate the lifetime of vulnerable structures, the definition of 'redevelopment' should also be established in the LUP.

Scenario-based planning

We appreciate policies in the plan that allow the city to monitor sea level rise impacts in Carlsbad, particularly policy LCP-7-P.34, which directs the city to "monitor sea level rise impacts to beaches, bluffs, natural resources, and shoreline and public trust migration" and LCP-7-P.7, which requires the city to update its Vulnerability Assessment, including sea level rise hazard maps, approximately every 10 years. Additionally we appreciate LCP-7-P.27, LCP-7-P.30, and LCP-7-P.28, which direct the city to seek funding opportunities for an SLR adaptation plan, prioritize development and implementation of adaptation plans for critical infrastructure, and implement a sea level rise hazard shoreline development standards as part of the Zoning Ordinance.

None of these policies guarantee the creation of an SLR Adaptation Plan. Surfrider strongly recommends including a commitment to creating an SLR Adaptation plan to serve as a long-range planning guide to addressing future sea-level rise and its effects on storm surge, coastal flooding, and erosion. The Adaptation Plan should



include a framework for the City to manage risks and take actions based on specific scenarios and monitoring of sea-level rise and its effects. A multi-phased adaptation strategy will save the city millions of dollars, as outlined in “Comparing Sea Level Rise Adaptation Strategies in San Diego¹,” the benefit-cost analysis in which Carlsbad participated in 2017. **Scenario- based planning helps avoid unplanned reactions to disasters, protecting the beach as a public trust resource.**

Land use and sea level rise

In keeping with a lack of scenario-based planning, this document also misses an important opportunity to outline relocation opportunities that are only going to become more limited.

In particular, this LUP attempts to resolve an inconsistency of land-use designations for Planning Area F by changing its designation to allow for residential use. **This action precludes an important opportunity for considering managed retreat from sea level rise.**

We support a more adaptive approach in the form of a Ponto Coastal Park, which is outlined in Attachment A: Creation of a Ponto Coastal Park, our 2019 letter to the Carlsbad City Council. Ponto is one of the few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. The City of Carlsbad has a very unique opportunity to preserve this space for future Coastal Dependent uses that are expected to be increasingly limited; such as viewing areas, walking trails and campgrounds.

Mitigation of impacts from seawalls

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

Require(s) that new shoreline protective devices, when permitted pursuant to Policy LCP-7-P. 20, are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to avoid impacts to other coastal resources and public access to the maximum extent feasible. If such impacts cannot be avoided, they shall be mitigated through options such as providing equivalent new public access or recreational facilities or undertaking restoration of nearby beach habitat. Mitigation of impacts to coastal resources and public coastal access shall ensure equitable public access to and benefits from coastal resources.

¹ <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1010&context=npj-sdclimate>



We encourage the city to establish a process for ensuring that this mitigation is accounted for, especially when new public access or recreational facility opportunities may not be readily available. The City of Solana Beach has implemented Sand Mitigation Fees and Public Recreation Fees and can be referenced in this effort.

Flood maps and flood preparation

We support the creation of flood overlay zones, but request that the City of Carlsbad incorporate local sea level rise projections into flood planning, since The Federal Emergency Management Agency (FEMA) maps fail to account for sea level rise. The city should update LCP-7-P.39 below as indicated to include sea level rise:

LCP-7-P.39: Comply with the Federal Emergency Management Agency (FEMA) requirements to identify and regulate flood hazard areas. Cooperate with FEMA on shoreline flooding hazards and other mapping efforts, supplementing this data with the most recent local sea level rise projections.

Geologic setbacks

Geologic setbacks are mentioned in Chapter 7 and consider erosion, including erosion due to sea level rise.

LCP-7-P .14B: The geologic setback is the location on the blufftop inland of which stability can be reasonably assured for the anticipated duration of the development without need for shoreline protective devices. **The geologic setback line shall account for the erosion, including erosion due to sea level rise, anticipated during the duration of the development.**

Surfrider maintains that a coastal bluff setback should be calculated by incorporating 1) A 1.5 factor of safety (the industry standard for new development) or greater, **and** 2) erosion — including erosion caused by sea level rise. **This will ensure that the setback assures safety from landsliding or block failure as well as from long-term bluff retreat.** Methods for calculating a proper setback with these inputs are described in “Establishing development setbacks from coastal bluffs,” a 2003 memorandum to the Coastal Commission completed by a staff geologist.



Conclusion

In closing, we urge this Commission to address immediate concerns in this LUP so that the city can move forward in responsibly planning for sea level rise and protecting coastal resources. This can be accomplished in part by removing an attempt to redefine the 'existing development' as defined by the Coastal Act, clarifying how scenario-based planning will be achieved, and considering important opportunities for managed retreat including in Planning Area F.

Sincerely,

Laura Walsh

A handwritten signature in black ink that reads "Laura Walsh". The signature is written in a cursive, flowing style.

Policy Manager
Surfrider Foundation San Diego County Chapter



Sent via e-mail

May 15, 2019

To: Mayor Matt Hall
Mayor Pro Tem Priya Bhat-Patel
Council Member Keith Blackburn
Council Member Cori Schumacher
Council Member Barbara Hamilton

City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Creation of a Ponto Coastal Park

Dear Mayor Hall and Members of the Carlsbad City Council,

The Surfrider Foundation is a grassroots non-profit environmental organization dedicated to the protection of the world's ocean, waves, and beaches through a powerful activist network. The Surfrider Foundation San Diego Chapter supports the protection of existing open space adjacent to South Carlsbad State Beach, Ponto North and South, and the creation of a significant Ponto Coastal Park. We believe that in doing so, the City will be able to maintain open space, coastal access, and a create a Park for long-term recreational enjoyment of the coast at Ponto while addressing a 5-mile Coastal Park gap in South Carlsbad and San Diego County.

Ponto Beach at South Carlsbad State Beach is a popular beach destination in the City of Carlsbad that is used by many for surfing, swimming, and other coastal recreation. Just across Coast Highway/Carlsbad Boulevard from the shoreline is a stretch of vacant land that has been continuously considered

for various developments over the years. It is important to note that the California Coastal Commission's Local Coastal Program requires the eleven-acre site, known as Planning Area F, to be studied as a public park or for low-cost visitor accommodations prior to any land use plan that would allow development on that site.

Surfrider is opposed to development in the area that would negatively impact beach access through more residential congestion and increased traffic. A Ponto Coastal Park on Planning Area F, near Ponto State Beach across Pacific Coast Highway from the State campgrounds, would ensure coastal and or beach access for generations of people in Carlsbad and North County regardless of where they live.

This land is one of very few remaining open space areas along the coast in San Diego County and the last remaining undeveloped coastal area in South Carlsbad. Surfrider supports preserving this space for future Coastal Dependent uses such as viewing areas, walking trails and campgrounds. Surfrider believes that any future plans for a Ponto Coastal Park and zoning must be primarily oriented for beach and coastal uses only, including any additional parking and transit developments.

Surfrider opposes any development of this space, such as residential development, that would impede beach use, including but not limited to blocking shoreline access, interrupting views, creating increased traffic or strains on available parking, or other similar conflicts. This includes, but is not limited to, the development of the space for housing, non-coastal oriented retail shops, or an active park primarily dedicated for organized sports (baseball, football, lacrosse, etc.), that would compete for space with those wishing to visit the beach for coastal dependent activities. High-density residential use would essentially eliminate the area's adaptability and could be costly to move should the need arise as the coastline changes from sea level rise impacts.

A high intensity organized sports park, despite being open space and addressing some community park needs for open play fields, would likely generate increased traffic and competition for beach parking that may hinder access for beachgoers. As such, Surfrider would not support the

development of this lot for high intensity organized sports as an active use park. A more informal park, which may include open informal grass fields that can be used for playing, picnics, temporary special events, walking trails, and possibly campsites in the future, would protect the open space in a way that does not compete with beach access.

Surfrider recognizes once the site is a park, a detailed park planning and design process will be required. This process is most successful and achieves the best outcomes when they are inclusive and consider important Coastal issues and priorities. As such Surfrider would like to participate in and contribute to the Ponto Coastal Park planning process.

Additionally, South Carlsbad State Beach, like much of the California coastline, will face increased threats from climate change and sea level rise. Allowing the Ponto Coastal Park area to remain as an open field that is light improved for informal recreation and special events gives the City and State more options for future adaptation and continued Coastal recreation resources in the area.

Thank you for your consideration of these comments and for contemplating the development of a Ponto Coastal Park.

Sincerely,

Kristin Brinner and Jim Jaffee
Co-Chairs of the Beach Preservation Committee
San Diego County Chapter Surfrider Foundation

Kaily Wakefield
Policy Coordinator and Carlsbad Resident
San Diego County Chapter Surfrider Foundation

Copied to:

City of Carlsbad:

Scott Chadwick, City Manager Scott.Chadwick@carlsbadca.gov

Debbie Fountain, Director, Community and Economic Development

Debbie.Fountain@carlsbadca.gov

Kyle Lancaster, Parks Commission and Parks Director Kyle.Lancaster@carlsbadca.gov '
Don Neu, Planning Commission and Planning Director Don.Neu@carlsbadca.gov

State of California:

Tasha Boerner Horvath, District 76 Assembly Woman, via Katie Saad
Katie Saad, District Director for District 76 Assembly Woman Horvath Katie.Sadd@asm.ca.gov
Tim Dillingham, CDFW South Coast Lands Manager tim.dillingham@wildlife.ca.gov
Gabriel Penaflor CDFW, Batiquitos Lagoon Ecological Reserve Manager
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John P. Donnelly, Wildlife Conservation Board, Executive Director
John.Donnelly@wildlife.ca.gov
Cort Hitchens, Coastal Commission, Coastal Program Analyst cort.hitchens@coastal.ca.gov
Erin Prahler, Coastal Commission, Coastal Program Analyst Erin.Prahler@coastal.ca.gov
Lisa Urbach, California State Parks, San Diego Coast District - North Sector Superintendent
lisa.urbach@parks.ca.gov

County of San Diego:

Jim Desmond, District 5 Supervisor Jim.Desmond@sdcounty.ca.gov

San Diego Association of Governments (SANDAG):

Hon. Steve Vaus, Chair, Board of Directors clerk@sandag.org
Hon. Catherine Blakespear, Vice Chair, Board of Directors clerk@sandag.org
Keith Greer, Principal Regional Planner keith.greer@sandag.org
Hasan Ikhata, Executive Director hasan.ikhata@sandag.org

From: [Laura Walsh](#)
To: [Planning](#)
Subject: Surfrider Comments Regarding Tomorrow's Planning Commission Meeting
Date: Tuesday, December 1, 2020 7:29:48 PM
Attachments: [Attachment A-Surfrider Supports Ponto Park .pdf](#)
[Surfrider Comments Carlsbad LCPLUP 12.1.2020.pdf](#)

Hello,

Please see attached our comments with respect to tomorrow's Agenda Item #4, regarding the City's Local Coastal Program Update.

We would appreciate the following comment being read into the record tomorrow:

"The Surfrider Foundation San Diego County Chapter appreciates the opportunity to submit comments to today's item. The LUP will lay a foundation for how the City of Carlsbad manages sea level rise; which will considerably impact the city in many facets of life and economy. Surfrider is pleased to see a number of important considerations outlined in this LUP draft. However, we would like to urge the commission to take an important opportunity to address critical errors in the current LUP document before recommending its approval. Importantly, this LUP attempts to redefine the definition of existing development, which is already defined by the Coastal Act as pertaining to the date of the Act's enactment in 1976. Restarting the clock on existing development by attempting to apply it to the certification date of this LUP would perpetuate a reckless pattern of development that harms beaches and puts coastal access at risk. This LUP also fails to outline adaptation options through scenario-based planning, which is necessary for implementation efforts and for avoiding unplanned disasters. While we understand there will be future efforts to more thoroughly consider adaptation strategies, a lack of scenario based planning has resulted in a short sightedness where the City could now be making important decisions regarding managed retreat. This draft's attempt to change the land use designation of Planning Area F for instance, misses a valuable opportunity to preserve open space that could serve as a valuable relocation opportunity; in addition to providing other much needed coastal dependent uses in the form of a coastal park in the near-term. We urge the commission to address these concerns and those outlined further in our letter before recommending approval of this important document. Thank you."

Happy to answer any questions you may have.

Best,

Laura W.

--

For our oceans, waves, and beaches

Laura Walsh | Policy Coordinator | [Surfrider Foundation San Diego County](#) | she/her/hers

702.521.8196 | lauraw@surfridersd.org

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

From: [Melissa Veltman](#)
To: [Matthew Hall](#); [Council Internet Email](#); [City Clerk](#); [Planning](#); [Scott Chadwick](#); [Gary Barberio](#); [Don Neu](#); [Jennifer Jesser](#); [Kyle Lancaster](#); [Mike Pacheco](#); [David De Cordova](#); [Scott Donnell](#); [Erin.Prahler@coastal.ca.gov](#); [Toni.Ross@coastal.ca.gov](#); [carrie.boyle@coastal.ca.gov](#); [lisa.urbach@parks.ca.gov](#); [info@peopleforponto.com](#)
Subject: Please read aloud at the Dec 2nd planning commission meeting
Date: Wednesday, December 2, 2020 10:01:25 AM

I request the Planning Commission, at the conclusion of its hearing on the Local Coastal Plan Update, continue the matter with the hearing open until the Commission's second regular meeting in January, for the following reasons.

1. The Plan Update document is some 350 pages long. It was not made available to the public until November 20th. The following week was Thanksgiving and many people were understandably occupied with other commitments which cut into their time to review the document in its entirety.
2. The new city council will not be sworn in until December 8th and there will be a new member to the city council from District 4 which includes the Ponto area.
3. The upcoming Christmas and New Year holidays will make it, as it was in the case of Thanksgiving, difficult to devote the amount of time reviewing this document deserves.
4. The communications challenges which we all face because of the Covid-19 pandemic makes the development of well-considered commentary and community input to the Commission on the document just that much more complicated.

The Carlsbad community needs the time to develop an informed community point of view on the various recommendations the document contains which, if adopted, will guide the city for the next generation and affect us all.

Thank you

Melissa Veltman

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

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

City of Carlsbad Planning Commission,

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

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

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

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

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

Sincerely,

Cindy Krimmel

Environmental Coordinator

San Diego Coast District, California State Parks

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

December 2, 2020

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

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

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

Dear Honorable Planning Commissioners:

These comments are submitted on behalf of the owner of Ponto Planning Area F located on the north side of Avenida Encinas along Ponto Drive. The Ponto owner stands ready to advance the City's and State's housing goals including accommodating an allocation of affordable housing units as part of any proposed residential development of the site utilizing the density bonus law consistent with the City's Inclusionary Housing Ordinance. Development of the Ponto site at a higher density consistent with the density bonus law will advance the goal of affirmatively furthering fair housing and coastal access opportunities for people of all incomes.

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

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

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

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

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

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
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Specific corrections and clarifications are discussed below and in the attachments:

Draft Local Coastal Program Land Use Plan:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Michele A. Staples

Enclosure

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

EXHIBIT A



Mixed Use Center

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

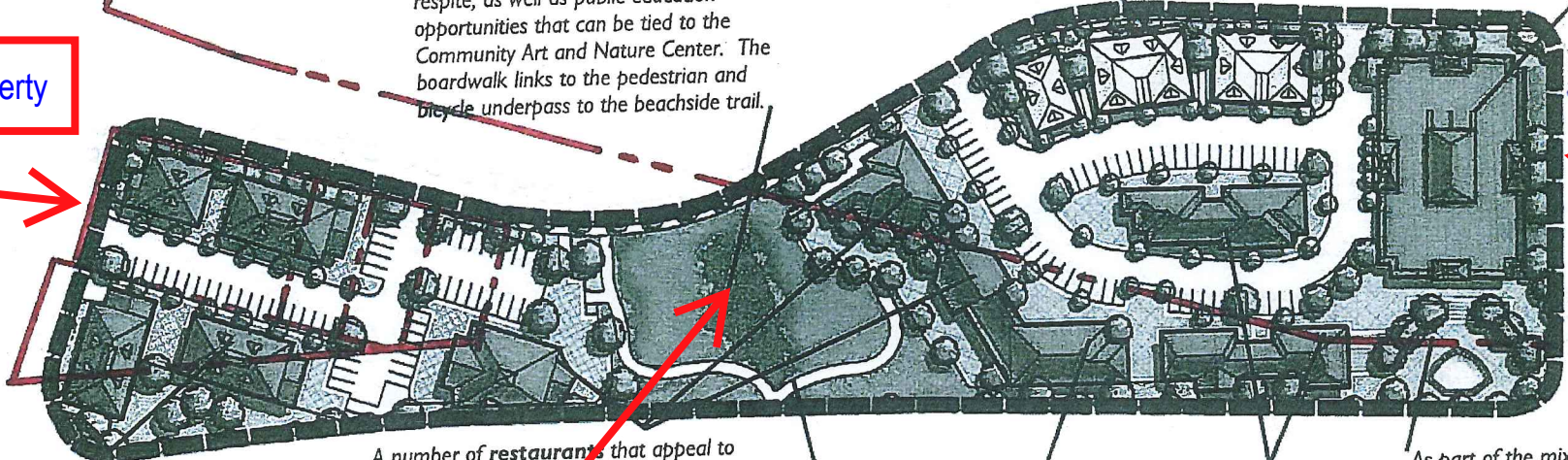
The enhanced wetland becomes a **Wetland Interpretive Park** with a boardwalk trail and offers a place for respite, as well as public education opportunities that can be tied to the Community Art and Nature Center. The boardwalk links to the pedestrian and bicycle underpass to the beachside trail.

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

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

City Property

Ponto Planning Area F West



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

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

Underpass trail provides connection to west side of Carlsbad Boulevard.

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

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

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

"Shriver" Property

EXHIBIT B

POTENTIAL HOUSING SITES

Site: Ponto Property

SITE DESCRIPTION

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

SITE FEATURES

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



SITE OPPORTUNITY

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

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

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

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

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

Honorable Commissioners

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

DC

Begin forwarded message:

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

Carlsbad Planning Commission

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

Kindest Regards

David J. Cline
5215 Shore Drive
Carlsbad, Ca.

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

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

Good afternoon,

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

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

Thank you,

Katie Scanlan
Public Affairs Manager
San Diego Gas & Electric

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

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

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

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

Please see the attached letter.

Lee M. Andelin

Partner

AANNSTAD ANDELIN & CORN LLP

160 Chesterfield Drive, Suite 201
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lee@aac.law

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Coastal Property Rights, Land Use & Litigation

December 2, 2020

VIA EMAIL

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

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

Position: Opposed

Honorable Commissioners:

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

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

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

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

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

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

Very truly yours,

AANNESTAD ANDELIN & CORN LLP



Lee M. Andelin

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

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

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

Thank you,

Michele Staples, Attorney

mstaples@jacksontidus.law
D: 949.851.7409
C: 949.233.5039

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