

City of Carlsbad Public Records Requests

As of 9/11/17

1. Parcel and map data from 1986 [original analysis] and present [Annual GMP Monitoring Reports] showing LFMP 9 compliance with Growth Management Program Open Space standard.
 - a. Submitted: 6/1/2017
 - b. Reply: PRR-2017-164 as of 6/19/2017 only provided whole documents that include brief statements stating compliance, but do not include the parcel data and maps to support the brief statements. I asked for the parcel data and maps in sufficient detail to support the statements of compliance. In reply Planning sent a blank disk and City Clerk is following up to get the data to us.
 - c. Records request summary: 6/19/17 4:51pm email the City Clerk's office states the Planning Department does not have any parcel data and maps showing compliance with the GMP Open Space Standard in LFMP Zone 9 from 1986 to present.
 - d. Actions based on summary:

2. Both Ponto Beachfront Village Vision Plan [PBVVP] and General Plan [2015 update] analysis, consideration and documentation that implements the City of Carlsbad and California Coastal Commission legislation as part of the Poinsettia Shores Master Plan & Local Coastal Program for Planning Area F that requires: "As part of any future planning effort, the city and developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad."
 - a. Submitted: 8/10/17
 - b. Reply: PRR-2017-260 on 8/15/17
 - c. Records request summary: **No PBVVP data provided, so no evidence the LCP requirement was met with that planning process. City provided massive documents that covered many General Plan update items, but did not show how the City complied with the LCP requirement during the General Plan process/adoption.** So emailed and asked for City confirmation of these conclusions reached from the documents the City supplied in reply to the PRR.
 - d. Actions based on summary: send 8/17/17 email to Faviola asking 1] since no PBVVP documents then no 'consideration and documentation' done; 2] no 'Subarea F consideration and documentation in the 10 large files, can City provide specific page numbers with the PRR data, or was there no 'consideration and documentation' as required by the LCP during the General Plan process and adoption?
 - i. City Reply: 8/31/17 email stating – "Good Afternoon Mr. Schulte, Your follow up request for information includes questions which requires a City employee to read and provide answers to "yes/no" and narrative style questions. Your request for information is authorized pursuant to the California Public Records Act ("CPRA") "California Government Code §6250 – 6270). The responding entity is required to provide access to disclosable public records. "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (§6252(e)). Therefore, the City has produced those records that are currently in existence. The CPRA does not require an entity to either create a record that does not exist or to answer questions (form or interrogatory). In reviewing your email you are

asking the City to answer questions about information not found in the documents of existence provided. The City is unable to assist you in this manner. Should you have any questions, please do not hesitate to contact the Planning Department for assistance at 760-602-4610. Thank you, Faviola Faviola Medina, Deputy City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008, www.carlsbadca.gov”

So, clearly the City did not follow its own ordinance and its Local Coastal Program requirements to “As part of any future planning effort, the city and developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad.” when the City adopted the PBVVP and the General Plan Update.

Actions: Contact CCC, communicate to the community and press, consider legal action to void the change from “Non-residential Reserve” until done in compliance with the LCP.

3. Documentation of the City outreach and communication specifically to the San Pacifico Community Association [major component of the Poinsettia Shores Master Plan & Local Coastal Program] regarding the land use discussions, analysis, and considerations regarding Sub Area F of the Poinsettia Shores Master Plan and Local Coastal Program before and during the process to adopt the Carlsbad General Plan in 2015.
 - a. Submitted: 8/10/17
 - b. Reply: PRR-2017-261 on 8/15/17
 - c. Records request summary: **“San Pacifico HOA was not directly contacted specifically regarding Ponto or subarea F during the GP update process. Residents of the San Pacifico neighborhood were notified of GP update workshops and meetings like all other community members (website, newspaper, enews blasts, media announcements, and direct email if they signed up on the project contact list). There was no direct mailing to San Pacifico HOA, except for the PC and CC public hearings in 2015 (a copy of those notices are attached)”.**
 - d. Actions based on summary: An issue as to why the City did not consider the San Pacifico HOA a ‘Stakeholder’ in a change to the Subarea F portion of our Poinsettia Shores Planned Community

4. The list of City’s Envision Carlsbad Committee and other General Plan Committee(s) members during the General Plan Adoption process. Envision Carlsbad Committee member minutes concerning Subarea F of the Poinsettia Shores Master Plan & Local Coastal Program [i.e. Ponto]
 - a. Submitted: 8/10/17
 - b. Reply: PRR-2017-262 on 8/14/17
 - c. Records request summary: only minutes.
 - i. No discussion of Park or Low-cost visitor serving land use alternatives on the minutes.
 - ii. Only a discussion that although it is to improve commercial centers and access yet it reduces that by adding residential in Ponto. The added residential at Ponto then removed residential from El Camino Real.

- iii. On 8/10/11 p.2 B; the minutes state: “Concept B - Active Waterfront. **This concept tries to improve commercial and activity centers along the waterfront**, as well as accessibility and walkability. There is opportunity for a pedestrian promenade with a realigned Carlsbad Boulevard, and even a notion of a pier. **The concept includes opportunities for additional housing such as at Ponto** and the power plant site. Since more housing is shifted to the coast **under this concept, parcels along El Camino Real can stay the same with their commercial uses.”**
 - iv. Envision Carlsbad Citizens Committee meeting on May 11, 2011 to discuss ‘Alternatives Brainstorming Focus area issues and potential land uses for consideration’ did not consider a Park or Low-cost visitor serving land use alternatives per the LCP. The summary notes were: “Ponto/Southern Waterfront – Opportunities for coastal amenities and services as a result of Carlsbad Blvd. realignment – Commercial uses – Visitor serving uses (hotels, restaurants, etc.) – Mixed use – Residential density – Campground” [From 6/8/11 Developers Roundtable meeting minutes].
 - v. Primary Members on 3/23/11: Eric Larsen (Chair) Jim Farley (Vice-Chair) Diane Proulx, **Mike Howes**, Jeannie Sprague-Bentley Sean Bentley Barbara Hamilton **Fred Sandquist**, Robert Gates Allen Sweet Jeff Segall John O’Reilly Gina McBride Hap L’Heureux, Kirk Cowles, Jim Comstock, Julie Baker, Greg Nelson.
 - vi. Primary members on 4/17/12: Eric Larsen (Chair), Julie Baker, Jim Farley, Robert Gates, Barbara Hamilton, **Mike Howes**, Hap L’Heureux, Gina McBride, Diane Proulx, **Fred Sandquist**, Jeff Segall, Allen Sweet, Jim Comstock, Kirk Cowles, Greg Nelson, Jeannie Sprague-Bentley.
 - d. Actions based on summary:
 - i. Get Alternatives Concept and other exhibits/data used to discuss and make decisions on 8/10/11, 4/17/12 [Preferred Pan], 3/28/12 [get all Ponto Concepts A-?] – Provided in PRR 2017-260 in #2 above.
 - ii.
5. Communications [email, letters, public testimony, etc.] between the City [City Council and Planning Commission, City Staff, etc.] and the Poinsettia Shores Master Plan and Local Coastal Program Subarea F property owner, developer, and their representatives [particularly Lone Star Funds et. al., LSFs Carlsbad Holding LLC, Shopoff Realty Investments, Howes, Weiler and Associates, Mike Howes, etc.] before and during the process to adopt the Carlsbad General Plan in 2015.
- a. Submitted: 8/29/17
 - b. Reply: PRR-2017-290 on 9/8/17
 - c. Records request summary: on 9/8/17 the City asked for a time extension to respond by 9/22/17. On 9/22/17 the City **Provided various documents:**
 - i.
 - ii. No records of documents or meetings between the individual City Council members and Shopoff or the representatives were provided. When asked on 9/22/17 that “I did not notice any records of communications or meetings between individual City Council members and the developers and/or their consultants. Were there no such meetings at all? Can this be confirmed?” the reply on 9-28-17 was “We have confirmed with the City Council members that they have no additional documents responsive to your request.”

- d. Actions based on summary:
6. Any developer and/or City analysis, maps, acreage calculations, and communications related to Growth Management Program Open Space standard in Local Facility Management Plan Zone 9.
- a. Submitted: 8/29/17
 - b. Reply: PRR-2017-288 on 9/8/17
 - c. Records request summary: **“We do not have any records related to analysis of the GM open space standard for LFMP zone 9 because that zone is not subject to the GM open space standard. At the time the GM open space performance standard was established in 1986, LFMP zone’s 1-10 and 16 were already developed or met the standard, and therefore are not subject to it (Citywide Facilities and Improvements Plan, p. 46). This question has come up in the past relative to other LFMP zones and we have not found any record of analysis that resulted in the 1986 City Council decision to exclude some of the zones from the open space standard. A copy of the 1989 Zone 9 LFMP, 1993 LFMP Amendment, Zone 9 1994 Finance Plan, and the 1992 Open Space and Conservation Resource Management Plan (OSCRMP) are available for review.** The OSCRMP has some discussion about open space in Zone 9 but it, and the LFMP documents all confirm the above. To schedule an appointment to review these documents, you may contact our office at 760-434-2808 Monday through Friday 8 a.m. to 5 p.m.”
 - d. Actions based on summary:
7. The Poinsettia Shores Master Plan and Local Coastal Program amendment file MP-175 C & D, including developer and City analysis, maps, acreage calculations, and communications related to Growth Management Program Open Space standard in Local Facility Management Plan Zone 9.
- a. Submitted: 8/29/17
 - b. Reply: PRR-2017-289 on 9/8/17
 - c. Records request summary: on 9/8/17 the City asked for a time extension to respond by 9/22/17.
 - d. Actions based on summary:
8. A copy of the City and or City Planning Department Policy or Policies that guarantees developers the Growth Management Program Control Point Density.
- a. Submitted:
 - b. Reply:
 - c. Records request summary:
 - d. Actions based on summary: