

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

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

Emailed: 3-22-18

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

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

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

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

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

Jean Camp: jeanscamp@yahoo.com
Michael Sebahar: sebbiessixpack@att.net
Lance Schulte: meyers-schulte@sbcglobal.net
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Subject: Citywide Carlsbad Local Coastal Program Amendment, City's SW Quadrant Park planning compliance, and Shopoff Ponto West and Ponto East land use planning and development permit applications - 1st application submittal 5/1/15 - GPA-15-01, MP-175 (L), LCPA-15-03, HMP-15-04, MS-15-02 & MS-15-03, CT-15-02 & CT-15-03, PUD-15-07 & PUD-15-08, SDP-15-08, CDP-15-14 & CDP-15-15; and

2nd application submittal 4/20/17 - MP-16-01, LCPA-16-02 amend 2017-01, HMP-15-04 & HMP-2017-01, MS-16-02, CT-16-03, PUD-16-01 & PUD-16-02, SDP-16-02, CDP-16-07 & CDP-16-08

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

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

1. NEIGHBOR AND PROPERTY OWNER

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

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

2. MISLEADING SHOPOFF INFORMATION - CHECK THE FACTS

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

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

3. MEETINGS WITH NEIGHBORS

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

- If there is to be a residential development, it should be like the images in the Ponto Beachfront Village Vision Plan: Shopoff is proposing a tall and massive wall of stacked flat condos, not 2-story Townhomes as called for and shown in the Ponto Beachfront Village Vision Plan (PBVVP).

See Shopoff’s Stacked Flat imagines compared to the PBVVP Townhome images. See the PBVVP, and the 1st and 2nd Shopoff Planning Submittals at www.pontolocals.com

- **Lower density:** Even though Shopoff’s development would be part of our Poinsettia Shores (San Pacifico, et al.) Planned Community, Shopoff is proposing residential density (21 dwelling units/acre) that is 250% more than, or 3.5 times San Pacifico’s residential density (6 dwelling units/acre). The City’s General Plan promises only the minimum 15 dwelling units/acre density or 71% of the density Shopoff is proposing. See the “Ponto” unit capacity table below from the City of Carlsbad General Plan Housing Element Table B-1 that lists 98 dwellings for the site on the east side of Ponto Road and 11 optional dwellings on the west side of Ponto Road for 109 total units for both sites, v. Shopoff’s proposed 136 dwellings on the east side of Ponto Road. Table B-1 is on page B-2 of the City’s Housing Element on the city’s website: <http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29360>

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

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

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

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

4. SHORT TERM RENTALS AND PARKING

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

5. ZONING

Shopoff states that their plans are consistent with current zoning. This is not true. The current zoning for the site is in the Poinsettia Shores Master Plan and Local Coastal Program, in which Shopoff (or the City)

needs to make major changes to this zoning before Shopoff's development proposals can be permitted by the City and California Coastal Commission. Look at the yellow signs on the sites which show Shopoff's applications to change zoning (MP-16-01, and LCAP-16-02 to amend 2017-01). Go to www.pontolocals.com to see Shopoff's actual proposed changes to the zoning. Changing the Master Plan and Local Coastal Program will require approval from both the City of Carlsbad and the California Coastal Commission.

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

6. GENERAL PLAN UPDATE

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

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

The Coastal Commission staff has indicated that "The City has received direction from both the Commission (May 2016 CCC hearing) and Commission staff, that as a part of this update the City shall undertake an inventory of visitor serving uses currently provided within the City's Coastal Zone which will then serve to inform updates to the City's land use and zoning maps as necessary. **This inventory could have future implications for the appropriate land use and zoning associated with the Ponto area.**"

7. CITIZENS' INPUT NEEDED

The City and California Coastal Commission have the discretion to approve or deny a developer's application to change City regulations and developer's proposed development applications. The process requires that the Carlsbad Planning Commission and City Council, and California Coastal Commission hold Public Hearings to hear community concerns before making any approval or denial of applications. If you want to provide your input and be notified of any of these upcoming Public Hearings, please

contact Walters Management and www.pontolocals.com. Your PBDRC will consolidate and forward everyone's email input to the City and Coastal Commission and notify you in advance to attend the public hearings.

8. PONTO BEACHFRONT VILLAGE VISION PLAN (PBVVP)

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

9. RESIDENTIAL DENSITY

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

10. AFFORDABLE HOUSING

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

11. TRAFFIC IMPACTS

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

12. COMMUNITY INPUT AND DESIGN

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

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

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

13. NEXT STEPS

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

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

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

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

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

Sincerely,
Your PBDRC