



CITY COUNCIL

Agenda

April 11, 2017, 6 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

We Welcome Your Participation

Addressing the Council

If you would like to provide comments to the City Council, please:

1. Fill out a "speaker card" located in the foyer.
2. Submit to the City Clerk or City Clerk Services Manager.
3. Speakers will be provided a maximum of three minutes, which may be shortened at the discretion of the Mayor, depending on the number of people wishing to speak.
4. Groups: Group representatives will be permitted only for items listed on the agenda. Group speakers will speak first. Groups of six or more speakers may appoint one person to speak on their behalf. All members of the group must be present and fill out a speaker card. The group's representative will be given 10 minutes to speak.

Written Materials

Written agenda related items provided to the city's legislative leaders after distribution of the agenda packet will be available for inspection during normal business hours at the City Clerk's Office, 1200 Carlsbad Village Drive, Carlsbad, CA 92008. All agenda related items will also be available at the meeting. Please see the City Clerk to review.

Decorum

Carlsbad Municipal Code sections 1.20.320 and 1.20.330 require members of the public to observe order and decorum at this meeting and to conduct themselves in a courteous manner. California Penal Code section 403 makes it a misdemeanor for any person to willfully disturb or break up any assembly or meeting with lawful authority. The ordinances were adopted to allow for public input and to facilitate city business without disruption of the meeting. The Mayor, as presiding officer, has the authority to run the meeting. This includes the authority to issue warnings, call for recesses or even clear the Council Chamber in the event of disruptive behavior, such as applause or heckling. Applause is appropriate for items listed under the Presentation portion of the agenda only.

Future Agendas

Members of the public may have an item listed on a future agenda by submitting a letter to the City Manager. Unless the Mayor, with the consent of the Council, otherwise directs, such presentations shall be limited to 10 minutes. No action may be taken on public presentation items.

Visual Materials

Please coordinate with the City Manager's Office regarding submission of visual materials for Council meetings. All visual materials must be submitted to the City Manager's office by noon the Monday prior to the Council meeting. Visual materials will only be permitted for items listed on the agenda, not as part of the Public Comment portion of the agenda. Please label all materials with the related agenda item number and observe stated time limits. Visual materials are considered part of the maximum time limit provided to speakers. All materials exhibited to the Council during the meeting (slides, maps, etc.) are part of the public record. Your materials will be returned upon written request. **Video cannot be accommodated.**

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday preceding the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

INVOCATION: None.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held March 14, 2017.

Minutes of the Special Meeting held March 21, 2017.

Minutes of the Regular Meeting held March 28, 2017.

PRESENTATION:

Presentation of CERT 10 Introductions.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed. There will be no separate discussion on these items prior to the vote, unless an item is removed.*

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **OUT-OF-STATE TRAVEL TO CAMBRIDGE, MA** – Adoption of a resolution authorizing out-of-state travel for one fire division chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017. (Staff contact: Michael Calderwood, Fire Department)
2. **2016 REGIONAL REALIGNMENT RESPONSE (R3) AGREEMENT** – Adoption of a resolution authorizing the Police Department to accept \$183,826 from the City of San Diego per the Budget Act 2016, Item 5227-102-001. (Staff contact: Cindy Anderson, Police Department)
3. **APPROPRIATION OF CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) FUNDS** – Adoption of a resolution authorizing the Police Department to appropriate available funds in the amount of \$255,000 from the COPS Special Revenue Fund. (Staff contact: Cindy Anderson, Police Department)

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC COMMENT:

In conformance with the Brown Act, no Council action can occur on items presented during Public Comment.

A total of 15 minutes is provided so members of the public can address the Council on items that are not listed on the Agenda. Speakers are limited to three (3) minutes each. If you desire to speak during Public Comment, fill out a SPEAKER CARD and provide it to the City Clerk. If there are more than five (5) speakers, the remaining speakers will be heard at the end of the agenda just prior to Council Reports.

When you are called to speak, please come forward to the podium and state your name.

PUBLIC HEARING:

4. **CARLSBAD BOAT CLUB AND RESORT** – Adoption of a resolution denying Carlsbad Tract CT 14-11, Nonresidential Planned Unit Development Permit PUD 16-02, and Conditional Use Permit CUP 14-10 for a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street, on the south side of Adams Street between Highland Drive and Park Drive, within the Agua Hedionda Segment of the Local Coastal Program (LCP) and in Local Facilities Management Zone 1. Case Name: Carlsbad Boat Club & Resort; Case No.: CT 14-11/PUD 16-02/CUP 14-10. (Staff contact: Teri Delcamp, Community & Economic Development)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

**ADJOURNMENT TO THE SPECIAL MEETING OF THE
COMMUNITY DEVELOPMENT COMMISSION**



COMMUNITY DEVELOPMENT COMMISSION
SPECIAL MEETING

Agenda

April 11, 2017, 6 p.m.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

Minutes of the Joint Special Meeting held June 28, 2016.

PUBLIC HEARING:

5. **2017 PUBLIC HOUSING AGENCY ANNUAL PLAN** – Adoption of a resolution authorizing the chairperson to execute the Public Housing Agency (PHA) Certifications of Compliance with the PHA Plans and related regulations and approving the Annual PHA Plan for Fiscal Year 2017 for submission to the U.S. Department of Housing and Urban Development (HUD). (Staff contact: Bobbi Nunn, Housing & Neighborhood Services)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ADJOURNMENT TO THE CONTINUATION OF THE CITY COUNCIL MEETING

DEPARTMENTAL AND CITY MANAGER REPORTS:

6. BATIQUITOS LAGOON MONITORING AND MANAGEMENT PLAN PROGRAM – Consider adoption of a resolution (1) authorizing the appropriation of \$100,000 from the Agricultural Conversion Mitigation Fee (ACMF) fund to the Batiquitos Lagoon Foundation (BLF) to prepare a resiliency plan for the lagoon pursuant to a previously awarded grant (AGP 06-12); (2) directing staff to return AGP 06-12 to the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee for further discussion and recommendation regarding disposition of remaining funds previously awarded to BLF and (3) extending the term of the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee (Committee) by 4 years. (Staff contact: Pam Drew, Community & Economic Development)

City Manager's Recommendation: Adopt the resolution.

7. UPDATE FROM BIO, TECH AND BEYOND LIFE SCIENCES INCUBATOR – Receive an annual program update from the founders of Bio, Tech and Beyond, the organization responsible for the City's life sciences incubator in fulfillment of the requirement within their lease agreement. (Staff contact: Kevin Pointer, Community & Economic Development)

City Manager's Recommendation: Receive report.

8. PILOT PROGRAM LIFEGUARD SERVICES AND ENHANCED LAW ENFORCEMENT ON BEACH BETWEEN OAK AVENUE AND THE NORTHERN CARLSBAD CITY LIMIT – Consider adoption of a resolution authorizing a 2017 Pilot Program to provide peak season lifeguard services and enhanced law enforcement on the beach between Oak Avenue and the northern Carlsbad city limit (the North Beach), in an amount not to exceed three hundred thousand dollars (\$300,000). (Staff contact: Mike Davis, Fire Department)

City Manager's Recommendation: Adopt the resolution.

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section.

When you are called to speak, please come forward to the podium and state your name. The remainder of the categories are for reporting purposes. In conformance with the Brown Act, no public testimony and no Council action can occur on these items.

COUNCIL REPORTS AND COMMENTS: (Revised 1/24/17)

PACKARD

Chamber of Commerce Liaison (alternate)
City/School Committee
North County Transit District Board of Directors
NCTD Performance, Administration and Finance Committee
North County Dispatch Joint Powers Authority (alternate)

C. SCHUMACHER

Buena Vista Lagoon JPC
League of California Cities - SD Division
North County Transit District Board of Directors (alternate)
SANDAG Board of Directors (2nd Alternate)
SANDAG Regional Planning Committee (alternate)
SANDAG Shoreline Preservation Working Group

M. SCHUMACHER

Chamber of Commerce Liaison
City/School Committee
Encina Joint Powers (JAC)
Encina Wastewater Authority Board of Directors
Encina Wastewater Authority Policy & Finance Committee
San Diego County Regional Airport Authority Board of Directors

BLACKBURN

Buena Vista Lagoon JPC
Encina Joint Powers (JAC)
Encina Wastewater Authority Board of Directors
Encina Wastewater Authority Capital Improvement Committee
North County Dispatch Joint Powers Authority
SANDAG Board of Directors (1st Alternate)
SANDAG Public Safety Committee

HALL

North County Mayors and Managers
San Diego County Water Authority (SDCWA) Board of Directors
SDCWA Legislation & Public Outreach Committee
SDCWA Administrative & Finance Committee
SANDAG Board of Directors

CITY MANAGER COMMENTS:**CITY ATTORNEY COMMENTS:****ANNOUNCEMENTS:****ADJOURNMENT**

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

In accordance with Carlsbad Municipal Code (CMC) Section 20.20.20, notice is hereby given that the City Engineer has reviewed and, immediately following this City Council Meeting of April 11, 2017 will approve the following final map:

Carlsbad Tract CT 13-04, located generally on the north side of Camino De Las Ondas east of Paseo Del Norte.

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded, unless an interested party files a valid appeal of the City Engineer's action to City Council no later than 10 calendar days from the date of the City Engineer's action. The appeal shall specifically state the reason(s) for the appeal; see CMC Section 20.20.165 and 21.54.150.

If you have any question about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact the City Clerk's Office at (760) 434-2808.



CITY COUNCIL Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

March 14, 2017, 6 p.m.

CALL TO ORDER: 6:00 p.m.

ROLL CALL: M. Hall, K. Blackburn, M. Schumacher, C. Schumacher, M. Packard.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blackburn led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held January 24, 2017.

Minutes of the Joint Special Meeting held January 24, 2017.

Minutes of the Special Meeting held February 14, 2017

Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to approve the minutes as presented. Motion carried, 5/0.

PUBLIC REPORT OF ACTION TAKEN IN CLOSED SESSION:

City Attorney Celia Brewer announced the City of Carlsbad and North County Advocates have reached a tentative resolution of the General Plan lawsuit. However that item is linked to and dependent upon the City Council's action on Item No. 5. The City Council has full authority to exercise its discretion on the item.

PRESENTATION: None.

CONSENT CALENDAR:

Item No. 4 was pulled for discussion by Council Member Cori Schumacher.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to approve Consent Calendar Item Nos. 1 through 3. Motion carried unanimously, 5/0.

1. **APPOINTMENT TO THE CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT BOARD** – Adoption of Resolution No. 2017-039 reappointing Ulrich Samietz to the Carlsbad Golf Lodging Business Improvement District Board. (Staff contact: Tammy McMinn, City Clerk Department)
2. **CONTRACT WITH RAN ENTERPRISES, INC. FOR THE CITY HALL ROOF REPLACEMENT AND HVAC REFURBISHMENT, PROJECT NO. 4718** - Adoption of Resolution No. 2017-040 accepting bids and awarding a contract to RAN Enterprises, Inc., in the amount of \$681,490 for the City Hall roof replacement and HVAC refurbishment. (Staff contact: Steven Stewart, Public Works)

3. TERMINATION OF CITY MANAGER'S DECLARATION OF A LOCAL EMERGENCY – Adoption of Resolution No. 2017-041 declaring that the Local Emergency on the west side of Batiquitos Drive, 0.25 miles south of Poinsettia Lane is terminated, pursuant to Carlsbad Municipal Code Section 3.28.120 and Public Contract Code 22050. (Staff contact: Elaine Lukey, Public Works)

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

4. AGREEMENT WITH SANDAG SERVICE BUREAU FOR EXPEDITED SERVICES WITH THE CALIFORNIA COASTAL COMMISSION - Adoption of Resolution No. 2017-042 reaffirming a commitment to the full term of an agreement with the SANDAG Service Bureau for expedited services with the California Coastal Commission. (Staff contact: Don Neu, Community & Economic Development)

In response to Council Member Cori Schumacher, City Planner Don Neu presented the staff report and stated that the list of projects for next fiscal year had not yet been finalized.

Council Member C. Schumacher made a motion to approve and discuss, seconded by M. Schumacher.

In response to Council Member Cori Schumacher's inquiry about using this agreement to only fund projects that were City initiated and City led, Mayor Matt Hall stated that he believed that private projects often also give to the greater good of the community.

In response to Council Member Cori Schumacher's inquiry about adding a stipulation to prioritize public projects and projects with critical infrastructure over private projects, City Planner Don Neu stated that they have handled it in that manner and that in coordination with the Coastal Commission, they prioritize projects on a monthly basis.

ACTION: Motion by Council Member C. Schumacher, seconded by M. Schumacher to adopt Resolution No. 2017-042. Motion carried unanimously, 5/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC COMMENT:

Josephina Di Salvo requested that the ACLU's Model 9 state and local law enforcement policies and rules to protect local immigrant and refugees be adopted by the City Council.

Laurie Boone spoke regarding the City Stuff program and the suggestion of the third grade participants that the City adopt an official city bird on the City's 60th anniversary.

Fred Sandquist expressed concerns relating to the issues regarding SANDAG'S Measure A.

Kim Trujillo spoke regarding concerns relating to vacation rentals and fairness.

Scott Engel spoke regarding decorum of the public and Council. He stated that he would like the common courtesy of feeling like his words were heard during the meeting.

PUBLIC HEARINGS:

Mayor Pro Tem Blackburn recused himself due to a potential conflict of interest and stepped down from the dais at 6:28 pm.

Mayor Hall and Council Members M. Schumacher, C. Schumacher and M. Packard disclosed that they had met with the project applicant.

This item was continued from the Regular Meeting of February 28, 2017.

5. POINSETTIA 61 (PROJECT NO. EIR 15-03/GPA 14-06/ZC 14-04/LCPA 14-06/CT 14-10/PUD 14-12/SDP 14-15/CDP 14-34/HDP 14-07/HMP 14-04) – Introduce Ordinance No. CS-316 approving Zone Change ZC 14-04; and, Adopt Resolution No. 2017-043 to certify the Environmental Impact Report EIR 15-03 and Errata, including the Candidate Findings of Fact and a Mitigation Monitoring and Reporting Program, approve General Plan Amendment 14-06, Local Coastal Program Amendment LCPA 14-06, Vesting Tentative Tract Map 14-10, Planned Development Permit 14-12, Site Development Plan 14-15, Coastal Development Permit 14-34, Hillside Development Permit 14-07 and Habitat Management Plan Permit 14-04 for the development of a 50.8 acre site for a 123-unit single family detached condominium project and construction of the last remaining section of Poinsettia Lane ("Reach E") located within the Mello II Segment of the Local Coastal Program and Local Facilities Management Zone 21; and, Adopt Resolution No. 2017-044 to approve a Settlement and Community Benefit Agreement. (Staff contact: Teri Delcamp, Community & Economic Development)

City Manager's Recommendation: Take public input, close the public hearing, introduce the ordinance and adopt the resolutions.

Principal Planner Teri Delcamp and Assistant City Manager Gary Barberio presented the staff report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

The applicant's representative, David Sterne, reviewed a PowerPoint presentation (on file in the Office of the City Clerk) giving an overview of the project benefits.

Mayor Hall opened the duly noticed Public Hearing at 7:08 p.m.

Speakers in Support of staff's recommendation: Bronson Jacoway; John Beery; Stacie Greene; Ralph Williams; Marcela Escobar-Eck; Gayle Hays; Cheri Hoffman; Bob Gilbert; Jeremy Peyton; Fred Sandquist; Chancellor Shay; Howard Krausz; Robert Douglas Dentino; Lisa McAthen; De'Ann Weimer; Mary Anne Viney; Diane Ngaard; Everett Delano; Nicole.

Speakers Neutral of staff's recommendation: Brian Connor; Brett Porath.

Speakers in Opposition to staff's recommendation: Josh Bourgeois; Carl Krumrei; Theresa Perkins-Kirven.

Seeing no one else wishing to speak, Mayor Hall closed the Public Hearing at 8:04 p.m.

In response to Council Member C. Schumacher, the applicant stated that the rules are if a homeowner wishes to rent out a secondary unit it has to be a qualified renter approved through the City's Housing Authority.

In response to Council Member M. Schumacher, the applicant stated that there would be an endowment for the open space habitat area south of the project.

In response to an inquiry from Mayor Hall, Transportation Manager Craig Williams explained that currently he is not aware of a project in the CIP to improve the right turn lane.

In response to Mayor Hall, City Planner Neu explained that through annual reports, the road networks are evaluated to determine whether a roadway is meeting the City standards. Through this project, the developer will be conditioned to complete the segment of Poinsettia Lane.

Council Member Packard confirmed with staff that adequate parking would be provided for the homes constructed within the proposed project site.

In response to Council Member C. Schumacher, HDR Inc. EIR Consultant Tim Gnibus confirmed a hazardous materials study was prepared as part of the EIR and any materials such as tires and refrigerators would be removed from the project site.

In response to Council Member C. Schumacher, Manager Williams explained that the City has a residential traffic management program that they use. He stated that there is a traffic signal evaluation policy that was approved by Council that is used to look at signal light needs.

Council Member M. Schumacher asked the applicant how potential homeowners will be made aware of the impacts of the adjacent airport to the properties. In response, Mr. Stern explained the disclosures are provided with each home sale.

Motion by Council Member C. Schumacher, seconded by Council Member M. Schumacher to direct staff to utilize the Carlsbad Residential Traffic Management Program to develop traffic-calming solutions to discourage pass-through traffic in the Viadana and Pavoreal neighborhoods concurrent with the completion of Poinsettia Lane; and complete a comprehensive traffic analysis in neighborhoods encompassed by the Viadana HOA, Pavoreal HOA, Poinsettia Heights HOA and Voscana HOA located along Poinsettia Lane, including Mimosa Lane, Oriole Court, Skimmer Court, Cassia Lane, and the El Camino Real southbound turn onto Poinsettia Lane.

In response to an inquiry by Council Member M. Schumacher, Manager Williams stated that findings from staff's report will go through the Traffic Safety Commission and later be presented to Council.

Council discussion ensued regarding their support for the project.

City Attorney Celia Brewer titled the Ordinance.

ACTION: Motion by Council Member M. Schumacher, seconded by Council Member C. Schumacher, to introduce Ordinance No. CS-316 and adopt Resolution Nos. 2017-043 and 2017-044. Motion carried 4/0/1 (Mayor Pro Tem Blackburn – Absent).

ACTION: On a Minute Motion by Council Member C. Schumacher, seconded by Council Member M. Schumacher, Council directed staff to utilize the Carlsbad Residential Traffic Management Program to develop traffic-calming solutions to discourage pass-through traffic in the Viadana and Pavoreal neighborhoods concurrent with the completion of Poinsettia Lane; and complete a comprehensive traffic analysis in neighborhoods encompassed by the Viadana HOA, Pavoreal HOA, Poinsettia Heights HOA and Voscana HOA located along Poinsettia Lane, including Mimosa Lane, Oriole Court, Skimmer Court, Cassia Lane, and the El Camino Real southbound turn onto Poinsettia Lane. Motion carried 4/0/1 (Mayor Pro Tem Blackburn – Absent).

RECESS:

Mayor Hall declared a recess at 8:54 p.m. Mayor Hall reconvened the meeting at 9:00 p.m. with all Council Members present.

6. PROP D CANNON ROAD AGRICULTURAL/OPEN SPACE ZONE (PROJECT NO. ZCA 16-04/ZC 16-02/SP 207(L)/LCPA 16-03) – Adoption of Resolution No. 2017-045 approving an addendum to the Negative Declaration for Prop D Cannon Road Agricultural/Open Space Lands ZCA 09-02/ZC 09-06/SP 207(I)/SP 144(K)/LCPA 09-05 and an amendment to the Local Coastal Program; and, Introduce Ordinance No. CS-317 approving an amendment to the Carlsbad Municipal Code Title 21 (Zoning Ordinance) to add Chapter 21.209 – Cannon Road Agricultural/Open Space Zone (CR-A/OS) and recommending approval of other related amendments to the Zoning Ordinance, Zoning Map, Carlsbad Ranch Specific Plan, and the Local Coastal Program. (Staff contact: Carl Stiehl, Community & Economic Development)

Associate Planner Carl Stiehl and City Planner Don Neu presented the staff report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

In response to Council Member Cori Schumacher's inquiry, Mr. Stiehl confirmed that Council would be able to revisit the south shore beach access during the next phase of the LCP apprehensive update.

Mayor Hall opened the duly noticed Public Hearing at 9:08 p.m.

Spoke in Support: Vicky Syage; Chris Calkins.

Seeing no one else wishing to speak, Mayor Hall closed the Public Hearing at 9:12 p.m.

In response to Mayor Hall, Mr. Neu confirmed that the materials relating to this item were available prior to the Planning Commission meeting.

Council Member C. Schumacher referenced pages 12 and 13 of the staff report and pointed out that the Coastal Commission made a change to the retail sales of goods and products related to a primary permitted open space use with a cumulative area of more than 500 square feet, changing it from the administrative hearing process to the Planning Commission process. She stated that she agreed with the change but also thought that there are two other areas where that same change should also be made. She stated she would like to see the secondary agricultural uses with retail sales of agricultural crops with a cumulative area of more than 1,000 square feet and food service including restaurants and cafes with a cumulative area of more than 500 square feet go to Planning Commission rather than an Administrative Hearing process.

Council Member M. Packard spoke in support of staff's recommendation as opposed to forcing further review process.

Council Member M. Schumacher and Mayor Pro Tem Blackburn concurred with Council Member Packard.

Council discussion ensued regarding support for the agenda item.

City Attorney Celia Brewer titled the Ordinance.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to introduce Ordinance No. CS-317 and adopt Resolution No. 2017-045. Motion carried unanimously, 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

7. CONTRACT WITH MALLORY SAFETY & SUPPLY FOR A FIXED AND MOBILE LICENSE PLATE RECOGNITION SYSTEM – Adopt Resolution No. 2017-046 to enter into a contract with Mallory Safety & Supply for a fixed and mobile license plate recognition system in an amount not to exceed \$807,025.20. (Staff contact: Cindy Anderson, Police Department)

Captain Mickey Williams presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Council Member M. Packard encouraged staff to provide data relating to reduction in crime as a result of license plate recognition systems being used within a community.

In response to Council Member C. Schumacher's inquiry regarding the width of the camera angle to capture the license plate, Captain Williams stated that the LPR's are designed to recognize and detect the license plate.

In response to an inquiry from Council Member M. Schumacher, Captain Williams explained that staff is recommending a one-year retention of the photographs. He further explained that other agencies within San Diego County also retain LPR images for one year.

In response to Council Member C. Schumacher, Captain Williams gave an overview of the crime statistics from 2015 and 2016.

Vicky Syage spoke in opposition to the proposed fixed 51 LPR's.

Pat Amador expressed concerns relating to the personal data that would be acquired through the use of the LPR's.

Noel Breen spoke in opposition to the proposed fixed 51 LPR's.

Bill Fowler spoke in opposition to the proposed contract.

Laura Drelleshak spoke in opposition to the proposed 51 fixed LPR's.

Kasey Cinciarelli spoke in support of the mobile LPR's; however, spoke in opposition of the proposed fixed LPR's.

In response to an inquiry from Council Member M. Schumacher, Captain Williams explained the source of funding for this request would be the City's Innovation Fund.

Council Member C. Schumacher confirmed that the camera also captures the area around the license plate and may capture photographs of people.

In response to Council Member C. Schumacher, Captain Williams explained that the Vigilant solution maintains a nationwide database. He further explained that the ARJIS system is a San Diego County System.

Mayor Pro Tem K. Blackburn spoke in support of the contract.

Council Member M. Schumacher spoke in favor of giving officers the tools they need.

Council Member M. Packard also spoke in support of the contract and the technology to protect Carlsbad residents.

Council Member C. Schumacher expressed concerns relating to the collection of personal information and the lack of a cost benefit analysis being prepared for the proposed contract; therefore, would not be voting in support of the agenda item.

Council Member M. Schumacher requested that the City Manager report back at a later date on the effectiveness of the cameras once the LPR's are implemented.

Mayor Hall spoke in support of the contract.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher to adopt Resolution No. 2017-046. Motion carried 4/1 (C. Schumacher – No).

COUNCIL REPORTS AND COMMENTS:

Mayor Hall and Council Members reported on activities and meetings of some committees and sub-committees of which they are members.

CITY MANAGER COMMENTS: None.

CITY ATTORNEY COMMENTS: None.

ANNOUNCEMENTS:

Mayor Hall announced that Council Members may be participating in the upcoming events:

Saturday, March 18, 2017 – 1:00 p.m.
Council Goals Workshop – Public Comment
Faraday Center
1635 Faraday Avenue
Carlsbad, CA

ADJOURNMENT:

Meeting was adjourned at 11:00 p.m.

Sheila R. Cobian, CMC
City Clerk Services Manager



CITY COUNCIL Minutes

Faraday Center, Room 173 A/B
1635 Faraday Avenue
Carlsbad, CA 92008

March 21, 2017, 9:00 a.m.

CALL TO ORDER: 8:33 a.m.

ROLL CALL: M. Hall, K. Blackburn, M. Schumacher, C. Schumacher, M. Packard.

PUBLIC COMMENT ON AGENDA ITEM:

Liz Myers-Chamberlin spoke in support of carbon fee and dividend returns and provided a handout (copy on file in the Office of the City Clerk).

Glenn Bernard spoke in favor of license plate readers (LPR's), increasing video recorders around Carlsbad, increasing the number of roundabouts used for traffic calming and adding public restrooms along main thoroughfares.

Chris McKellar spoke against any blanket building moratoriums and suggested in lieu of that the city review each project on its own merits.

Don Christiansen spoke in support of carbon fee and dividend returns and Community Choice Energy (CCE).

Lance Schulte spoke in support of a world class tourist destination at Ponto's coastal area. He supported the two developments currently underway and suggested the creation of a citizen engagement committee to work collaboratively with Ponto neighbors.

DEPARTMENTAL AND CITY MANAGER REPORTS:

1. 2017 CITY COUNCIL GOALS WORKSHOP

Receive a status report on the 2016 City Council Goals, discuss City Council goals and priorities for the coming year, and direct staff to prepare a resolution affirming the 2017 City Council Goals.

Council Action: Council received public comment and concurred to hold a weekend workshop at a later date to gather additional public comments.

Assistant to the City Manager Jason Haber delivered a power point presentation (copy on file in the Office of the City Clerk). Mr. Haber also provided a summary analysis of public and City Council Member comments which provided an at a glance analysis of community goals compared to council goals (on file in the Office of the City Clerk).

Consultant Trudy Sopp moderated the question and answer portion of the presentation for the Council Members and staff.

Goals reviewed:

- Become a leader in multimodal transportation.
- Plan for a new city hall.
- Develop lifelong learners through education.
- Enhance Carlsbad's coastline.
- Trench the railroad tracks.
- Build vitality in the Village of Carlsbad and Barrio neighborhood.

Consultant Trudy Sopp invited the Council to pose questions to staff regarding the transportation goal. Discussion ensued with four Council Members agreeing this should remain a priority. Council Member C. Schumacher noted that she is not clear about this goal's objectives and suggested that several of the goals need to be more clearly defined. The audio/video of the entire commentary can be found at <http://carlsbadca.swagit.com/play/03212017-753>.

All Council Members agreed that the plan for a new city hall should remain a priority.

City Manager Kevin Crawford asked Council how staff should report back on the third goal since the effort to bring a higher STEM oriented satellite campus to Carlsbad is no longer being pursued. Council agreed that all other aspects of the education goal remain in place and Mayor Hall provided that direction to staff.

Ms. Sopp asked if Council would like to add any new goals.

Council Member Cori Schumacher suggested adding the Sage Project Partnership (a San Diego State University program) which would connect San Diego State University students and city staff to work on projects, much like an internship approach which helps students get hands on experience and could potentially reduce some of staff's workload. City Manager Kevin Crawford noted this program is currently being investigated. Council Member Michael Schumacher suggested that our own Carlsbad residents who want to volunteer in Carlsbad should take precedence to San Diego State University students.

Council Member Cori Schumacher suggested an update of the Growth Management Plan be added as a goal. Discussion resulted in City Manager Kevin Crawford advising that staff can come back with a briefing on how a Growth Management Plan work and the Council consensus was to learn more from staff and target this as a goal in one to two years.

Council Member Cori Schumacher suggested Campaign Finance Reform be added to Council goals. Discussion included the statewide election law restrictions and municipal code updates with consensus that this is not a high priority item, particularly since much of the campaign finance regulations are outside of the City's jurisdiction.

Council Member Michael Schumacher suggested a Sustainability Commission to evaluate the value of implementing a Community Choice Energy (CCE) program, but withdrew his suggestion after staff updated Council that the Climate Action Plan includes this option and Council will continue to be updated about Community Choice Energy as part of the Climate Action Plan.

No further new goals were discussed. Ms. Sopp proceeded to existing goal discussion. City Attorney Celia Brewer reminded Ms. Sopp to discuss items Mayor Hall can participate in prior to recusing himself due to a possible conflict of interest pertaining to the Tamarack Avenue improvements.

All Council Members agreed that goal number four remain a priority. Mayor Hall noted the city will need to have as much control of its coastline as possible in order to make the level of improvements the citizen's desire. Expenditures to make these enhancements will almost certainly exceed the \$1 million dollar general fund expenditure ceiling, which may require voter approval.

Mayor Hall recused himself from the meeting at 10:50 a.m.

The four remaining council members unanimously agreed to keep the Tamarack part of the coastline goal as a priority and to keep the railroad trenching goal as a priority.

Council Member Cori Schumacher requested clarity pertaining to goal number six, enhancing the Village and Barrio. Discussion ensued and resulted in all four council members agreeing to keep this goal.

Mayor Hall returned to the meeting at 11:02 a.m.

Discussion on all other goals concluded.

ACTION:

Goal #1: Become a leader in multimodal transportation – 4/1 (C. Schumacher – No).

Goal #2: Plan for a new city hall – 5/0.

Goal #3: Develop lifelong learners through education – 5/0.

Goal #4: Enhance Carlsbad's coastline (sections of this goal not including Tamarack, RR trenching, and Village and Barrio) – 5/0.

Goal #4: Enhance Carlsbad's coastline (sections of this goal including Tamarack, RR trenching, and Village and Barrio) – 4/1 (M. Hall – Abstain).

Goal #5: Trench the railroad tracks – 4/1 (M. Hall – Abstain).

Goal #6: Build vitality in the Village of Carlsbad and Barrio neighborhood – 4/1 (M. Hall – Abstain).

Ms. Sopp summarized the result of the votes and it was noted that any building moratorium in the Village and Barrio needs to be an agenized item to allow for further discussion.

The full audio and video recording of this meeting can be found on the City of Carlsbad's website at <http://carlsbadca.swagit.com/play/03212017-753>.

ADJOURNMENT: Meeting was adjourned at 11:13 A.M.

Barbara Engleson
City Clerk



CITY COUNCIL
Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

March 28, 2017, 6 p.m.

CALL TO ORDER: 6:00 p.m.

ROLL CALL: M. Hall, K. Blackburn, M. Schumacher, C. Schumacher, M. Packard.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Council Member Cori Schumacher led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Special Meeting held February 14, 2017.
Minutes of the Regular Meeting held February 14, 2017.
Minutes of the Special Meeting held February 21, 2017.
Minutes of the Regular Meeting held February 21, 2017.
Minutes of the Regular Meeting held February 28, 2017.
Minutes of the Special Meeting held March 7, 2017.
Minutes of the Special Meeting held March 14, 2017.

Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to approve the minutes as presented. Motion carried unanimously, 5/0.

PUBLIC REPORT OF ACTION TAKEN IN CLOSED SESSION: None.

PRESENTATION:

Presentation of Proclamation in recognition of Earth Month

Mayor Pro Tem Keith Blackburn read the proclamation for Earth Month and presented it to Public Works Director Elaine Lukey. Director Lukey encouraged everyone to work together towards a more sustainable Carlsbad.

Presentation for Officer of the Year

Police Chief Neil Gallucci thanked the Mayor and Council and introduced Officer of the Year Detective Scott Stallman. Detective Stallman thanked everyone for the award.

CONSENT CALENDAR:

Item No. 2 was pulled for discussion.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to approve Consent Calendar Item Nos. 1 and 3 through 6. Motion carried unanimously, 5/0.

1. REPORT ON CITY INVESTMENTS – Acceptance of report on City Investments as of February 28, 2016. (Staff contact: Nancy Sullivan, Administrative Services)

This item was pulled for discussion.

2. TROLLEY FEASIBILITY STUDY AGREEMENT WITH KIMLEY-HORN – Adoption of Resolution No. 2017-047 authorizing execution of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for an amount not to exceed \$130,300 for a Trolley Feasibility Study. (Staff contact: Lolly Sangster, Public Works)
3. WEED ABATEMENT PROGRAM - DECLARATION OF PUBLIC NUISANCES – Adoption of Resolution No. 2017-048 declaring as public nuisances, weeds, rubbish, and refuse upon private property in the City of Carlsbad Weed Abatement Program. (Staff contact: Randy Metz, Fire Department)
4. OUT-OF-STATE TRAVEL TO DALLAS, TX – Adoption of Resolution No. 2017-049 approving out-of-state travel for one Police Lieutenant and one Human Resource Management Analyst from June 6-8, 2017 to Dallas, Texas for the Southwest Airlines Culture Connection Conference. (Staff contact: Cindy Anderson, Police Department)
5. MOU FOR CARLSBAD UNIFIED SCHOOL DISTRICT SCHOOL RESOURCE OFFICER – Adoption of Resolution No. 2017-050 approving the Memorandum of Understanding between the City of Carlsbad and Carlsbad Unified School District for the Fiscal Year 2016-17 School Resource Officer Program. (Staff contact: Cindy Anderson, Police Department)
6. AMENDMENT TO EXECUTIVE RECRUITING SERVICES AGREEMENT WITH TERI BLACK & COMPANY, LLC – Adoption of Resolution No. 2017-051 approving Amendment No. 2 to the Professional Services Agreement between the City of Carlsbad and Teri Black & Company, LLC, for executive recruiting services. (Staff contact: Julie Clark, Human Resources)

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

Council Member Cori Schumacher requested further discussion of Item No. 2.

2. TROLLEY FEASIBILITY STUDY AGREEMENT WITH KIMLEY-HORN – Adoption of Resolution No. 2017-047 authorizing execution of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for an amount not to exceed \$130,300 for a Trolley Feasibility Study. (Staff contact: Lolly Sangster, Public Works)

Public Works Director Elaine Lukey and Public Works Program Manager Lolly Sangster presented the staff report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

In response to Council Member Cori Schumacher, Public Works Director Elaine Lukey stated that Kimley-Horn would be reviewing information contained in draft documents to conduct a study to explore what the vision is of residents and businesses for Carlsbad and will provide options and an implementation plan.

Noel Breen spoke against funding the trolley project and recommended that more funding should be spent in attracting businesses to the Faraday area.

In response to Mayor Matt Hall, Public Works Director Lukey explained that this multimodal transportation component is to encourage alternative transportation usage and make the community aware of the different options that the City offers and supports.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to approve Consent Calendar Item No. 2. Motion carried, 4/1 (C. Schumacher – No).

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

7. POINSETTIA 61 – Adoption of Ordinance No. CS-316 approving an amendment to the Zoning Map (ZC 14-04) to allow a Zone Change from One Family Residential (R-1) and Open Space to Residential Density-Multiple (RD-M) and Open Space and to adjust boundaries of open space for a 50.8-acre site and the existing western and eastern segments of Poinsettia Lane, and east of Ambrosia Lane within the Mello II Segment of the Local Coastal Program and Local Facilities Management Zone 21. Case Name: Poinsettia 61; Case No. ZC 14-04. (Staff contact: Sheila Cobian, City Clerk Department)

City Manager's Recommendation: Adopt the ordinance.

City Attorney Celia Brewer titled the Ordinance.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to adopt Ordinance No. CS-316. Motion carried unanimously, 5/0.

8. PROP D CANNON ROAD AGRICULTURAL/OPEN SPACE ZONE – Adoption of Ordinance No. CS-317 approving an amendment Carlsbad Municipal Code Title 21 (Zoning Ordinance) to add Chapter 21.209 – Cannon Road Agricultural/Open Space Zone (CR-A/OS) and recommending approval of other related amendments to the Zoning Ordinance, Zoning Map, Carlsbad Ranch Specific Plan, and the Local Coastal Program. Case Name: Prop D Cannon Road Agricultural/Open Space; Case No. ZCA 16-04/ZC 16-02/SP207L/LCPA 16-03. (Staff contact: Sheila Cobian, City Clerk Department)

City Manager's Recommendation: Adopt the ordinance.

City Attorney Celia Brewer titled the Ordinance.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to adopt Ordinance No. CS-317. Motion carried unanimously, 5/0.

PUBLIC COMMENT:

Scott Engel spoke regarding concerns over license plate recognition systems and privacy issues.

Brian Flock spoke regarding his qualifications and the Planning Commission appointment process.

Gina McBride invited everyone to the "Fashion Flowers & Fido" event at the Flower Fields.

Larry Posner spoke regarding his support for the license plate recognition systems.

Christine Bevilacqua spoke regarding vacation rentals and their effect on her neighborhood.

Patricia Amador spoke regarding the Village and Barrio Plan asking the Council to take more public input.

Kym Szalkiewicz thanked the Council on behalf of the Carlsbad Education Foundation for their continued support. Ms. Szalkiewicz also invited everyone to celebrate Carlsbad Day at Legoland on April 29, 2017.

PUBLIC HEARINGS:

9. 2017 HOUSING ELEMENT UPDATE (CASE NO. GPA 16-02) – Adoption of Resolution No. 2017-052 approving an amendment to the Housing Element of the General Plan to adopt an update of the Housing Element for the 2013-2021 housing cycle as required by the California Government Code. Case Name: 2017 Housing Element Update; Case No. GPA 16-02. (Staff contact: Scott Donnell, Community & Economic Development)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

Senior Planner Scott Donnell and City Planner Don Neu presented the staff report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Mayor Hall opened the duly noticed Public Hearing at 6:55 p.m.

Julie Ajdour asked if it is a mandatory State strategy to provide the inventory of under used properties to interested developers.

Mayor Hall closed the duly noticed Public Hearing at 6:58 p.m.

At the request of Mayor Matt Hall and in response to public speaker Julie Ajdour, Senior Planner Scott Donnell explained that when the City prepares its Housing Element and determines ways in which it can reach its housing needs, it looks at land inventory.

In response to an inquiry from Council Member Cori Schumacher, Planner Donnell explained that residents were not able to opt-out of being on the list of properties sent to the state as it is a public document and a requirement to have it be made available to the public.

In response to Council Member Cori Schumacher, Senior Planner Scott Donnell stated that they can place a statement to further clarify the chart on pg. 10-22 to indicate that the Area Median Income used for calculations is the \$75,900 Area Median Income for San Diego County.

Council Member Cori Schumacher requested that comments from the February 9, 2017 Housing Commission meeting be included as part of the record (available in the Office of the City Clerk and in the City's Document Management System at <http://edocs.carlsbadca.gov/HPRMWebDrawer/RecordHTML/467623>) for future review. She commented that suggestions were made regarding a Rent Review Board and reassessment of the Housing in Lieu Fee and that those items should be considered in the future.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher, to adopt Resolution No. 2017-052. Motion carried unanimously, 5/0.

10. FY 2017-2018 Community Development Block Grant (CDBG) Funding Recommendations and Accept Public Funding – Accept comments on the housing and community development needs of lower income households within the City of Carlsbad and on the various proposals that have been submitted for funding under the City of Carlsbad's 2017-2018 Community Development Block Grant (CDBG) Program. (Staff contact: Courtney Pene, Housing & Neighborhood Services)

City Manager's Recommendation: Continue the item to April 25, 2017.

ACTION: Item was continued to the April 25, 2017 Regular City Council Meeting.

DEPARTMENTAL AND CITY MANAGER REPORTS:

11. 2017 City Council Goals – Adoption of Resolution No. 2017-053 affirming the 2017 City Council Goals. (Staff contact: Jason Haber, City Manager's Office)

City Manager's Recommendation: Adopt the resolution.

Assistant to the City Manager Jason Haber presented the staff report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Hope Nelson spoke regarding the Village Barrio and the possibility of a building moratorium.

In response to an inquiry from Council Member Cori Schumacher, Mayor Matt Hall stated that he believed that the "promote education to increase civic engagement and attract and retain talent in Carlsbad" goal needs to remain as is. He stated that the education partnerships that are being built are to retain future leadership for Carlsbad.

City Attorney Celia Brewer clarified for the record that the reason why Mayor Matt Hall was able to vote on this item, even though he has a real property based conflict of interest with the rail road trenching, Village Barrio Master Plan and a quarter of the Coastal goal, is because he was segmented out and kept from those conversations. The remaining Council Members approved those goals and so he is now able to vote on this final resolution.

ACTION: Motion by Mayor Pro Tem K. Blackburn, seconded by Council Member M. Schumacher to adopt Resolution No. 2017-053. Motion carried unanimously, 5/0.

12. PLANNING COMMISSION APPOINTMENTS – Adoption of resolutions appointing two members to the Planning Commission. (Staff contact: Sheila Cobian, City Clerk Department)

City Manager's Recommendation: Consider Council nominations and appoint two members to the Planning Commission.

City Attorney Celia Brewer explained the Maddy Act. She also stated that in compliance with the Maddy Act, everything relating to this item was prepared legally and properly for the meeting proceedings.

Patricia Amador suggested that there be a clearer process for applying to serve on a board.

Brian Flock requested that each Council Member do their duty and make their own nominations.

Jan Neff-Sinclair stated that she too was unclear on the process and requested that the process be more open and clear.

Mayor Matt Hall nominated Velyn Anderson for the first of the two seats available on the Planning Commission. Mayor Pro Tem Keith Blackburn seconded the nomination.

Council Member Cori Schumacher made a motion to continue this item to a future meeting. The motion failed due to lack of a second.

Council Member Cori Schumacher nominated Caroline Luna for the first of the two seats available on the Planning Commission.

The Council initiated the vote for Mayor Hall's nomination of Velyn Anderson for the first of the two seats available on the Planning Commission. Motion carried to adopt Resolution No. 2017-055 re-appointing Velyn Anderson to the Planning Commission, 4/1 (C. Schumacher – No).

Council Member Cori Schumacher nominated Caroline Luna for the last seat available on the Planning Commission.

Council Member Michael Schumacher nominated Lisa Rodman for the last seat available on the Planning Commission.

The Council initiated the vote for Council Member Cori Schumacher's nomination of Carolyn Luna for the last seat available on the Planning Commission. Motion failed, 1/4 (M.Hall, K.Blackburn, M.Schumacher and M.Packard - No).

The Council initiated the vote for Council Member Michael Schumacher's nomination of Lisa Rodman for the last seat available on the Planning Commission. Motion carried to adopt Resolution No. 2017-054 appointing Lisa Rodman to the Planning Commission, 4/1 (C. Schumacher – No).

13. LIBRARY BOARD APPOINTMENT – Adoption of a resolution appointing one member to the Library Board of Trustees. (Staff contact: Sheila Cobian, City Clerk Department)

City Manager's Recommendation: Consider Mayor's recommendation and appoint one member to the Library Board of Trustees.

Mayor Matt Hall recommended Dane Pearson for the seat available on the Library Board of Trustees.

ACTION: Motion by Mayor Hall to adopt Resolution No. 2017-056 appointing Dane Pearson to the Library Board of Trustees. Motion carried unanimously, 5/0.

COUNCIL REPORTS AND COMMENTS:

Mayor Hall and Council Members reported on activities and meetings of some committees and sub-committees of which they are members.

CITY MANAGER COMMENTS: None.

CITY ATTORNEY COMMENTS: None.

CITY CLERK COMMENTS:

City Clerk Barbara Engleson stated that although there are various channels of communication used to relay information to the public, there are still many that may not receive the information. She encouraged anyone from the public that needed further clarification on various topics or processes to contact the Office of the City Clerk for assistance.

ANNOUNCEMENTS:

Mayor Hall announced that Council Members may be participating in the upcoming events:

Thursday, April 6, 2017 – 12:00 p.m.-1:00 p.m.

Interfaith Community Services Carlsbad Service Center Open House

5731 Palmer Way

Carlsbad, CA

ADJOURNMENT:

Meeting was adjourned at 7:52 p.m.

Faviola Medina
Deputy City Clerk



CITY COUNCIL

Staff Report

Meeting Date: April 11, 2017

To: Mayor and City Council

From: Kevin Crawford, City Manager *KC*

Staff Contact: Michael Calderwood, Fire Division Chief
Michael.Calderwood@carlsbadca.gov or (760) 931-2141

Subject: Adopt a resolution authorizing out-of-state travel for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017.

Recommended Action

Adopt a Resolution authorizing out-of-state travel for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017.

Executive Summary

The Senior Executives in State and Local Government program at Harvard University's John F. Kennedy School of Government provides a balance of traditional and hands-on learning experiences to help seasoned public officials meet the changing needs of their constituents and communities. This program enables participants to become more effective public managers by:

- Challenging assumptions about how to exercise leadership in the public sector.
- Developing new conceptual frameworks for addressing policy issues.
- Examining innovative partnerships and new models of collaborative governance.
- Exploring the relationship between citizens and their government.
- Understanding the behavioral dimensions of decision-making.
- Exchanging ideas with experienced faculty and a diverse group of colleagues.

Discussion

The Fire department is requesting approval of out-of-state travel to send a Fire Division Chief to this three-week program where faculty and participants work together on real-life case studies in a collaborative classroom environment. One of the most frequently cited problems of public officials is how to create and engage in public discourse about difficult subjects. Participants will be in an environment where the classroom serves as a forum for raising difficult issues and practicing the skill of creating and maintaining a conversation that leads to change.

Harvard Universities Senior Executives in State and Local Government program is designed to inspire and provide participants with new leadership tools. The Harvard Program is often referred to as "The learning experience of a lifetime."

Fiscal Analysis

The approximate cost to attend this three-week program, including registration, travel, and accommodations is \$13,700, which will be equally divided between the Fire Department and Human Resources budget.

Next Steps

Approval of out-of-state travel for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017 will allow for this educational experience to be communicated and exercised throughout the Fire Department and City organization. Shared information fosters relationships through leadership, innovation, and the exchange of ideas, promoting collaborative governance and success.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code Section 21065, this action does not constitute a “project” within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Public Notification

N/A

Exhibits

1. Resolution authorizing out-of-state travel for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING OUT-OF-STATE TRAVEL FOR ONE FIRE DIVISION CHIEF TO ATTEND THE HARVARD KENNEDY SCHOOL OF EXECUTIVE EDUCATION, SENIOR EXECUTIVES IN STATE AND LOCAL GOVERNMENT IN CAMBRIDGE, MA FROM JUNE 3-24, 2017.

WHEREAS, City Council Policy Number 2 governs requests for out of state travel by employees when such travel benefits the City of Carlsbad; and

WHEREAS, the City Council agrees that it is in the public's best interest to authorize out-of-state travel for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017; and

WHEREAS, the Senior Executives in State and Local Government program at Harvard University's John F. Kennedy School of Government provides a balance of traditional and hands-on learning experiences to help seasoned public officials meet the changing needs of their constituents and communities; and

WHEREAS, over the course of three weeks the program will focus on challenging assumptions about how to exercise leadership in the public sector, developing new conceptual frameworks for addressing policy issues, examining innovative partnerships and models of collaborative governance, exploring the relationship between citizens and their government, and understanding the behavioral dimensions of decision-making; and

WHEREAS, the approximate cost of this program, including travel and registration, is \$13,700, which will be split between the Fire Department and Human Resources budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California as follows:

1. That the above recitations are true and correct.

2. In accordance with city policy, out-of-state travel is hereby authorized for one Fire Division Chief to attend the Harvard Kennedy School of Executive Education, Senior Executives in State and Local Government in Cambridge, MA from June 3-24, 2017.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)



CITY COUNCIL

Staff Report

Meeting Date: 4/11/17
To: Mayor and City Council
From: Kevin Crawford, City Manager 
Staff Contact: Cindy Anderson, Senior Management Analyst
cindy.anderson@carlsbadca.gov or 760-931-2170
Subject: Adopt resolution authorizing the Carlsbad Police Department to accept \$183,826 from the City of San Diego per the 2016 Regional Realignment Response (R3) Agreement

Recommended Action

Adopt a resolution authorizing the Administrative Services Director to accept and appropriate \$183,826 from the City of San Diego on the Carlsbad Police Department's behalf to conduct law enforcement operations per the 2016 Regional Realignment Response Agreement.

Executive Summary

Per the 2016 Budget Act, Chapter 23, Item 5227-102-0001, the City of San Diego received \$1,417,836 from a \$20 million allocation from the Board of State and Community Corrections (BSCC). The Carlsbad Police Department will receive \$183,826 of this allocation for the purpose of conducting enforcement operations with regard to AB109 realigned offenders.

Discussion

On June 15, 2016, the State of California passed Senate Bill 826 (SB 826) for the budget bill to take effect immediately. Item 5227-102-0001 of the Budget Act 2016 (Chapter 23, Statutes of 2016) appropriates \$20 million for cities for law enforcement activities. The City of San Diego received \$1,417,836 in Fiscal Year 2016-17 for distribution with participating agencies throughout the county.

On September 22, 2016, city council adopted a resolution authorizing the police chief to execute a memorandum of agreement for the 2016 Regional Realignment Response (R3). The agreement was for participating agencies in the County of San Diego to receive funding from the Board of State and Community Corrections (BSCC) and conduct operations with regard to AB109 realigned offenders. The terms of the agreement is in effect through December 31, 2017 with the option to renew for successive one year increments beyond December 31, 2017.

The City of Carlsbad Police Department will receive \$183,826 from the BSCC fund allocated to the county. Allocation is based on number of sworn police officers in the agency. These funds will be used by the Police Department to conduct additional enforcement activity with regard to AB109 realigned offenders.

Fiscal Analysis

The City of Carlsbad will receive \$183,826 from the City of San Diego. This amount is Carlsbad's share of \$1,417,836, based on an allocation by population size, number of probationers, and number of sworn police officers in the agency. These funds will be used by the Police Department to conduct additional enforcement activity with regard to AB109 realigned offenders in the city. Staff will monitor use and expenditure of these funds.

Next Steps

If council adopts the resolution, the police department will accept \$183,826 from the City of San Diego and will conduct additional enforcement activity with regard to AB109 realigned offenders in the city.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code section 21065, this action does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore, does not require environmental review.

Public Notification

None required.

Exhibits

1. Resolution
2. Agreement for the 2016 R3
3. Senate Bill 826, Item 5227-102-001
4. San Diego City Claim Schedule
5. Data completion Certification Form

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT \$183,826 FROM THE CITY OF SAN DIEGO PER THE BUDGET ACT 2016, ITEM 5227-102-0001.

WHEREAS, city council previously adopted a resolution approving the agreement for 2016 Regional Realignment Response (R3); and

WHEREAS, the R3 Agreement is in effect through December 31, 2017 with the option to renew for successive one year increments beyond December 31, 2017; and

WHEREAS, the State of California passed Senate Bill 826 (SB 826) on June 15, 2016 for the budget bill to take effect immediately; and

WHEREAS, Item 5227-102-0001 of the Budget Act of 2016 appropriates \$20 million for cities for law enforcement activities; and

WHEREAS, the City of San Diego received \$1,417,836 in Fiscal Year 2016-17 for distribution based on number of sworn police officers; and

WHEREAS, the City of Carlsbad will receive \$183,826 of the allocation; and

WHEREAS, Carlsbad's share of these funds will be used by the Police Department to conduct additional enforcement activity in the City of Carlsbad.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City of Carlsbad will receive \$183,826 from the City of San Diego. These funds will be used by the Police Department to conduct additional enforcement activity.
3. That the Administrative Services Director is authorized to accept the appropriate grant funds from the City of San Diego to the General Fund to conduct additional enforcement in the City of Carlsbad.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk
(SEAL)

**AGREEMENT FOR THE
2016 REGIONAL REALIGNMENT RESPONSE (R3)**

1. PARTIES TO THE AGREEMENT

This Agreement is between the COUNTY OF SAN DIEGO ("COUNTY"), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO ("CITIES"), collectively the "PARTIES", for program support of the Regional Realignment Response Group ("R3").

1.1 Party Departments or Agencies Participating in the Agreement

For the COUNTY, participating agencies are the Sheriff's Department ("SHERIFF") and the Probation Department ("PROBATION"). For the CITIES, participating agencies are their respective police department.

2. RECITALS

2.1 COUNTY through SHERIFF received funds from the State of California Local Revenue Fund 2011, Community Corrections Subaccount to continue the Regional Realignment Response Group (R3) program.

2.2 Funds shall be used to support the R3 program and its primary goal of public safety by developing and implementing a targeted, proactive, intelligence-based approach to control and counteract the risks associated with realigned offenders (which include those sentenced pursuant to California Penal Codes 1170(h)(5)(A) PC and 1170(h)(5)(B) PC and Post Release Community Supervision Offenders) released into San Diego County.

2.3 Government Code §55632 authorizes COUNTY through SHERIFF and PARTIES, to contract with SHERIFF for provision of joint law enforcement services.

2.4 PARTIES desire to enter into an agreement with provisions concerning the nature and extent of R3 collaboration, services rendered, and compensation.

2.5 COUNTY, by action of the Board of Supervisors on June 28, 2016 (3), approved and authorized the SHERIFF to execute expenditure contracts to use 2016 R3 funds to reimburse all PARTIES for overtime expenses incurred in R3 activities not to exceed the amounts described in Exhibit A - Agency Allocations, during the project period July 1, 2016 to December 31, 2017.

2.6 PARTIES agree to maintain documentation supporting all expenditures reimbursed from R3 funds.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, PARTIES jointly intend that COUNTY through SHERIFF will reimburse, and PARTIES will provide, a level of R3 services, as set forth in this Agreement.

3. PURPOSE AND INTENT

The purpose of this Agreement is to satisfy the R3's goal of ensuring public safety in the post AB 109 environment.

4. SCOPE OF SERVICES

4.1 Method of Service Delivery

SHERIFF will maintain the R3 funding and will be administratively responsible for reimbursement of PARTIES' obligations under this Agreement.

4.2 Overview of Basic Services

PARTIES will provide R3 activities ("Activities") in their designated areas of jurisdiction and/or in coordination with other R3 partner agencies in order to counteract the risks associated with realigned offenders released into San Diego County.

4.2.1 Framework of Operations

A Regional Realignment Response Group (R3 Group) is formed to oversee R3 Operations and Activities. The Membership of the Group will consist of the Designated Coordinators of each PARTY, as outlined in Section 6.2.3. The R3 Group will meet every 6 months to discuss and plan R3 Operations and Activities.

4.2.2 Regional Sub-Groups

Regional Sub-Groups are created for the Northern, Central, and Southern areas of the County. The Regional Sub-Groups are responsible for the planning and coordination of allied or regional operations involving two or more PARTIES. Membership of the Regional Sub-Groups is as follows:

NORTHERN: A Police Lieutenant from the cities of Escondido, Carlsbad, Oceanside, a Lieutenant from SHERIFF, and a Supervising Probation Officer from PROBATION.

CENTRAL: A Police Lieutenant from the cities of San Diego, El Cajon, La Mesa, a Lieutenant from SHERIFF, and a Supervising Probation Officer from PROBATION.

SOUTHERN: A Police Lieutenant from the cities of San Diego, National City, Chula Vista, a Lieutenant from SHERIFF, a Commander from the City of Coronado, and a Supervising Probation Officer from PROBATION.

5. TERM OF AGREEMENT

5.1 Initial Term

The term of this Agreement shall be July 1, 2016 and shall continue in effect through and terminate at midnight on December 31, 2017 subject to the termination provision in sections 5.2 and 5.3 below.

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5.2 Option to Extend

COUNTY shall have the option to renew this Agreement for successive one year increments beyond December 31, 2017. Renewal or extension of the Agreement beyond December 31, 2017 shall be subject to available funding.

5.3 Termination

Subject to the applicable provisions of state law, each PARTY may terminate its participation in this Agreement upon ninety-day (90) minimum written notice to the other PARTIES.

6. STANDARDS OF SERVICE: OBLIGATIONS OF THE PARTIES

6.1 Anticipated Outcome

The anticipated outcome of the R3 Activities, provided by PARTIES under this Agreement, is increased law enforcement presence in each respective PARTY's designated area of jurisdiction in order to counteract the risks associated with realigned offenders released into San Diego County. The anticipated outcome will be reached by achieving the goals and accomplishing the missions set forth below by the PARTIES.

6.1.1 PARTIES will provide enhanced enforcement by increasing patrol presence in areas where realigned offenders reside, jurisdictions where they are released, and areas they are known to frequent. This patrol presence will include 4th waiver searches, probation compliance checks, directed patrol, and coordinated multi-agency sweeps. In addition, PARTIES will utilize their unique investigatory areas of expertise in operations.

6.1.2 Increase intelligence/information sharing among PARTIES, including but not limited to the following activities:

- (a) Utilize Criminal Intelligence Analysts, dedicated to the R3 program, located at the San Diego Law Enforcement Coordination Center (SD-LECC). The SD-LECC will serve as the centralized clearinghouse for information and documentation of realigned offender post-release packets.
- (b) Conduct meetings every 6 months with a minimum of one representative from each PARTY.
- (c) Increase information sharing during operations.

6.1.3 Prior to R3 "Activities", or Operations, an Operations Plan must be approved by the Regional Realignment Response Group. The Operations Plan is to be submitted by the Operations Coordinator via email to R3G@sdsheriff.org at least 72 hours prior to the operation.

6.1.4 At the conclusion of each shift (Operation) funded by Regional Realignment Response (R3), law enforcement officers in each agency will complete a Daily Activity Report (DAR). The DAR will be submitted to the agency's designated Operation's Coordinator.

6.1.5 At the conclusion of each shift (Operation) funded by R3, the Operation Coordinator will email the following to R3G@sdsheriff.org:

- (a) An OVERALL Operation Statistics Form
- (b) All Daily Activity Report (DAR) Forms (from Deputies/Officers)
- (c) A complete Operation Roster (includes all personnel assigned to operation with sign in and sign out times)

6.2 Personnel Qualifications and Assignment

6.2.1 Qualifications

Each PARTY shall ensure that personnel it assigns to perform activities pursuant to this Agreement meet the minimum qualification for their specific classification.

6.2.2 Management, Direction and Supervision; Independent Contractors

The hiring, firing, management, direction, and supervision of each PARTY's personnel, the standards of performance, the discipline of each PARTY'S personnel, and all other matters incident to the performance of such services, shall be performed by and be the responsibility of each PARTY in each PARTY's sole but reasonable judgment and in accord with the provisions of applicable labor agreements. Each PARTY shall be the appointing authority for all its personnel provided to R3 by this AGREEMENT. PARTIES shall have no liability for any direct payment of salary, wages, indemnity, or other compensation or benefit to any other PARTY's personnel.

Each PARTY and its respective officers, agents, and employees are independent contractors and are not officers, agents and employees of any other PARTY. Each PARTY's personnel are under the direct and exclusive supervision of that PARTY, and each PARTY assumes full responsibility for the performance of its own personnel in connection with this Agreement. No PARTY has the authority to bind any other PARTY.

6.2.3 Designated Coordinators

SHERIFF shall select and designate a coordinator who shall manage and direct the R3. Each other PARTY shall select and designate a coordinator under this Agreement. The designated coordinators for each PARTY shall represent their agency on the R3 Group outlined in Section 4.2.2, perform the activities outlined in Section 6.1.5 and implement, as needed, appropriate procedures governing the performance of all requirements under this Agreement and shall be responsible for meeting and conferring in good faith in order to address any disputes which may arise concerning implementation of this Agreement.

6.2.4 Staffing for Basic Services

PARTIES shall ensure that adequate numbers of their qualified respective personnel are provided to R3 Activities at all times during the term of this Agreement to meet the Basic Services, Scope of Services, and Standards of Service commitments set forth herein.

6.2.5 Equipment and Supplies

Each PARTY will supply its own personnel with all supplies and/or prescribed safety gear, body armor, and/or standard issue equipment necessary to perform R3 Activities under this agreement.

7. COST OF SERVICES/CONSIDERATION

7.1 General

As full consideration for the satisfactory performance and completion by PARTIES of Activities set forth in this Agreement, COUNTY through SHERIFF shall reimburse PARTIES for personnel assigned to perform R3 Activities on the basis of claims and submittals as set forth hereunder not to exceed the amounts specified in Exhibit A -Agency Allocations. Such payments by COUNTY through SHERIFF are dependent on the continued availability of funds from the County Local Revenue Fund 2011, Community Corrections Subaccount.

7.2 Personnel Costs/Rate of Compensation

During the term of this Agreement, COUNTY through SHERIFF shall reimburse PARTIES for overtime worked by personnel assigned to perform R3 Activities based upon the actual costs incurred by PARTIES to provide Activities under this Agreement, not to exceed the amounts specified in Exhibit A -Agency Allocations.

7.3 Method of Payment

PARTIES shall submit correct and complete reimbursement forms, labor reports, and timesheets, as documentation that represents amounts due under this Agreement to SHERIFF no later than the final business day of the subsequent month from the month being claimed. All requests for reimbursement shall be sent to:

San Diego County Sheriff's Department
Grants Unit (R3G)
P. O. Box 939062
San Diego, CA 92193-9062

7.3.1 Reimbursement forms, labor reports and timesheets must have the signature of PARTY's designated coordinator or his or her designee, certifying that the invoice, labor reports and timesheets are true and correct.

7.3.2 PARTIES shall provide payroll records for every person whose costs are reimbursable under this Agreement, to include, at a minimum, the person's name, classification, duty position, task, regular hourly rate, overtime-hourly rate, overtime hours worked, date overtime worked, and fringe benefit rate and cost. PARTIES shall make available to SHERIFF for inspection, upon request, all payroll records and any other records that relate to the Basic Services provided under this Agreement.

7.3.3 Within sixty (60) business days upon receipt of valid invoice and complete documentation, SHERIFF will reimburse PARTIES for the Basic Services agreed to.

7.3.4 Each PARTY is responsible for tracking the claims submitted by their agency to ensure the total claims do not exceed the Agency allocations provided in Exhibit A.

8. INDEMNIFICATION - WORKERS COMPENSATION, EMPLOYMENT

8.1 The COUNTY shall fully indemnify and hold harmless non-County PARTIES and their respective officers, employees and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs and/or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of the COUNTY or any contract labor provider retained by the COUNTY, or (2) any claim, demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of the COUNTY or any contract labor provider retained by the COUNTY.

8.2 Each non-County PARTY shall fully indemnify and hold harmless the COUNTY, its officers, employees, and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of that respective agency or any contract labor provider retained by that respective agency, or (2) any claim, demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of that respective agency or any contract labor provider retained by that respective agency.

8.3 Each non-County PARTY shall fully indemnify and hold harmless the other non-County PARTIES, its officers, employees, and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of that respective agency or any contract labor provider retained by non-County party, or (2) any claim, demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of that respective law enforcement agency or any contract labor provider retained by the law enforcement agency.

9. INDEMNIFICATION RELATED TO ACTS OR OMISSIONS; NEGLIGENCE

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9.1 Claims Arising From Sole Acts or Omissions of a PARTY

Each PARTY to this Agreement hereby agrees to defend and indemnify the other PARTIES to this Agreement, their agents, officers and employees, from any claim, action or proceeding against the other PARTIES, arising solely out of its own acts or omissions in the performance of this Agreement. At each PARTY's sole discretion, each PARTY may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve any PARTY of any obligation imposed by this Agreement. PARTIES shall notify each other promptly of any claim, action or proceeding and cooperate fully in the defense.

9.2 Claims Arising From Concurrent Acts or Omissions

The PARTIES hereby agree to defend themselves from any claim, action or proceeding arising out of the concurrent acts or omissions of the PARTIES. In such cases, PARTIES agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph 9.4 below.

9.3 Joint Defense

Notwithstanding paragraph 9.2 above, in cases where PARTIES agree in writing to a joint defense, PARTIES may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of PARTIES. Joint defense counsel shall be selected by mutual agreement of PARTIES. PARTIES agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in section 9.4 below. PARTIES further agree that no PARTY may bind the others to a settlement agreement without the written consent of the others.

9.4 Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, PARTIES may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

10. GENERAL PROVISIONS

10.1 Notices

Any notice, request, demand or other communication required or permitted hereunder shall be in writing and may be personally delivered or given as of the date of mailing by depositing such notice in the United States mail, first-class postage prepaid and addressed as follows or, to such other place as each party may designate by subsequent written notice to each other:

To COUNTY and SHERIFF:

Sheriff
San Diego County Sheriff's Department
P. O. Box 939062
San Diego, CA 92193

Chief Probation Officer
Probation Department
9444 Balboa Avenue, Ste. 500
San Diego, CA 92123

To Non-County PARTIES:

Chief of Police
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

Chief of Police
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910

Chief of Police
Coronado Police Department
700 Orange Avenue
Coronado, CA 92118

Chief of Police
El Cajon Police Department
100 Civic Center Way
El Cajon, CA 92020

Chief of Police
Escondido Police Department
1163 North Centre City Parkway
Escondido, CA 92026

Chief of Police
La Mesa Police Department
8085 University Ave
La Mesa, CA 91942

Chief of Police
National City Department
1200 National City Blvd
National City, CA 91950

Chief of Police
Oceanside Police Department
3855 Mission Ave
Oceanside, CA 92058

Chief of Police
San Diego Police Department
1401 Broadway
San Diego, CA 92101

A notice shall be effective on the date of personal delivery if personally delivered before 5:00p.m. on a business day or otherwise on the first business day following personal delivery; or two (2) business days following the date the notice is postmarked, if mailed; or on the first business day following delivery to the applicable overnight courier, if sent by overnight courier for next business day delivery and otherwise when actually received.

10.2 Amendment

This Agreement may be modified or amended only by a written document signed by the COUNTY through SHERIFF and the affected PARTY or PARTIES, and no oral understanding or agreement shall be binding on any PARTY or PARTIES.

10.3 Entire Agreement

This Agreement constitutes the complete and exclusive statement of agreement between the COUNTY and Non-County PARTIES with respect to the subject matter hereto. As such, all prior written and oral understandings are superseded in total by this Agreement.

10.4 Construction

This Agreement will be deemed to have been made and shall be construed, interpreted, governed, and enforced pursuant to and in accordance with the laws of the State of

California. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand, or limit the terms of the Agreement and shall not be construed against any one party.

10.5 Waiver

A waiver by COUNTY or Non-County PARTIES of a breach of any of the covenants to be performed by COUNTY or Non-County PARTIES shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. In addition, the failure of any party to insist upon strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by COUNTY or Non-County PARTIES of either performance or payment shall not be considered a waiver of PARTY's preceding breach of this Agreement.

10.6 Authority to Enter Agreement

COUNTY and Non-County PARTIES have all requisite power and authority to conduct their respective business and to execute, deliver, and perform the Agreement. Each PARTY warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

10.7 Cooperation

COUNTY through SHERIFF and Non-County PARTIES will cooperate in good faith to implement this Agreement.

10.8 Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

10.9 Severability

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any Court or other legal authority, or is agreed upon by the PARTIES, to be in conflict with any law or regulation, then the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of this Agreement to any PARTY is lost, then the Agreement may be terminated at the option of the affected PARTY, with the notice as required in this Agreement. In all other cases, the remainder of this Agreement shall be severable and shall continue in full force and effect.

10.10 Representation

PARTIES' Chief, or their respective designee, shall represent PARTIES in all discussions pertaining to this Agreement. SHERIFF, or his or her designee, shall represent SHERIFF in all discussions pertaining to this Agreement.

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10.11 Dispute Resolution Concerning Services and Payment

In the event of any dispute concerning services and payment arising from this Agreement, the SHERIFF, or his or her designee, and PARTIES' Chief of Police, or his or her respective designee, will meet and confer within 10 (ten) business days after receiving notice of the dispute to resolve the dispute.

10.12 Termination of Funding

In the event that funding for reimbursement of costs related to R3 Activities is terminated, this Agreement in its entirety shall be considered null and void and COUNTY through SHERIFF and PARTIES shall no longer be required to provide R3 Activities as described herein. In such event, the COUNTY through SHERIFF and PARTIES shall meet immediately, and if agreed upon by the COUNTY through SHERIFF and PARTIES, mutually develop and implement within a reasonable time frame, a transition plan for the provision of R3 Activities through alternate means.

10.13 Obligation

This Agreement shall be binding upon the successors of the PARTIES.

10.14 California Law

This Agreement is executed and delivered within the State of California and the rights and obligations of the PARTIES hereto shall be construed and enforced in accordance with, and governed by the laws of the State of California.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement on this _____ day of _____, 2016.

**COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT**

William D. Gore
Sheriff

**CARLSBAD POLICE
DEPARTMENT**


Neil Gallucci
Chief

**COUNTY OF SAN DIEGO
PROBATION DEPARTMENT**

Adolfo Gonzales
Chief

**CHULA VISTA
POLICE DEPARTMENT**

David Bejarano
Chief

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**CORONADO POLICE
DEPARTMENT**

Jon Froomin
Chief

**ESCONDIDO POLICE
DEPARTMENT**

Craig Carter
Chief

**NATIONAL CITY
POLICE DEPARTMENT**

Manuel Rodriguez
Chief

**SAN DIEGO POLICE
DEPARTMENT**

Shelley Zimmerman
Chief

Approved as to form and legality:

Mark Day
Senior Deputy

APPROVED AS TO FORM

PAUL G. EDMONSON
Assistant City Attorney
City of Carlsbad

S.R.

Item #2

CITY OF EL CAJON

Douglas Williford
City Manager

**LA MESA POLICE
DEPARTMENT**

Walt Vasquez
Chief

**OCEANSIDE POLICE
DEPARTMENT**

Frank McCoy
Chief

CITY OF SAN DIEGO

Mayor Kevin Faulconer
or Designee

Approved as to form:
**JAN GOLDSMITH, CITY ATTY.,
CITY OF SAN DIEGO**

Linda L. Peter
Deputy City Attorney

Exhibit 3

5227-102-0001--For local assistance, Board
of State and Community Corrections..... 20,000,000

Schedule:

- (1) 4945-Corrections
Planning and Grant
Program..... 20,000,000

Provisions:

1. According to a schedule provided by the Department of Finance, the funds appropriated in this item shall be allocated by the Controller to cities to increase positive outcomes between municipal law enforcement and high-risk populations. The Department of Finance shall work collaboratively with the California Police Chiefs Association to develop an allocation schedule that provides a minimum of 60 percent of the funding to police departments employing 100 or fewer officers and gives consideration to the following factors:
 - (a) Jurisdictions with high homeless populations and mental illness rates.
 - (b) Departments lacking existing resources for these efforts.
 - (c) Jurisdictions who wish to use the funding for co-deployment teams, which consist of peace officers with crisis intervention training and either a county mental health professional or social worker.
 - (d) Jurisdictions funding evidence-based programs that have been proven effective in improving interactions between law enforcement and high-risk populations.
2. Local law enforcement agencies may use the funds to supplement, not supplant, the following:
 - (a) Homeless outreach teams.
 - (b) Crisis Intervention Training for officers.
 - (c) Gang Resistance Education and Training (GREAT).
 - (d) Resources for drug endangered children.
 - (e) Outreach to high-risk youth.

- (f) Youth diversion programs.
 - (g) Gang and violence prevention programs.
- 3. Each department that receives funding from this item shall report the following, as applicable:
 - (a) The number of new teams established, or planned to be established.
 - (b) The type of training and the number of peace officers trained, or planned to be trained.
 - (c) The type of equipment or resources that were purchased, or planned to be purchased.
- 4. The Board of State and Community Corrections shall compile the data reported by the local entities and shall provide it to the Legislature by April 1, 2017.

CONTROLLER OF CALIFORNIA, STATE OF CALIFORNIA

P O BOX 942850, SACRAMENTO, CA 94250-0001

REMITTANCE ADVICE

CLAIM SCHEDULE NUMBER: 1600222A
 PAYMENT ISSUE DATE: 01/19/2017

SAN DIEGO CITY TREASURER
 PO BOX 1859

SACRAMENTO

CA 95812 1859

Financial Activity

Additional Description:

Item 5227-102-0001 Budget Act of 2016 (Chapter 23, Statutes of 2016)

More information at http://www.sco.ca.gov/ard_local_apportionments.html

Item 5227-102-0001 of the Budget Act 2016 (Chapter 23, Statutes of 2016) appropriates Fiscal Year: 2016
 \$20 million for cities for law enforcement activities.

Collection Period: 07/01/2016 To 06/30/2017

Payment Calculations:

Gross Claim	\$1,417,836.00
Net Claim / Payment Amount	\$1,417,836.00
YTD Amount:	\$1,417,836.00

For assistance, please call: Erika Bosnich at (916) 323-2892

Data Completion Certification Form

	City Police Department	Number of Officers	Amount	City Police Department Contract Responsible for Reporting Requirements			Signature of Police Chief or Designee Certifying Agreement to Use Funds and Report Data as Required by SB 826	
				Name	Phone No.	Email	Name	Signature
1	City of Carlsbad	100 115	\$183,826	MATT THOMPSON	760-931-2279	MATTHEW.THOMPSON@CARLSBADCA.GOV	CPT. MICKEY WILLIAMS	M. Williams
2	City of Chula Vista	211	\$52,426					
3	City of Coronado	39	\$33,466					
4	City of San Diego	1,835	\$328,464					
5	County of San Diego		\$231,825					
6	City of El Cajon	115	\$44,203					
7	City of Escondido	153	\$37,560					
8	City of La Mesa	63	\$175,473					
9	City of National City	86	\$294,084					
10	City of Oceanside	198	\$36,509					

Please Return Completed Form To: Adam Lwin at Adam.Lwin@bscc.ca.gov OR Attn: Adam Lwin 2590 Venture Oaks Way Suite 200 Sacramento, CA 95833

Exhibit 5



CITY COUNCIL

Staff Report

Meeting Date: 4/11/17
To: Mayor and City Council
From: Kevin Crawford, City Manager
Staff Contact: Cindy Anderson, Senior Management Analyst
cindy.anderson@carlsbadca.gov or 760-931-2170
Subject: Adopt a resolution to authorize the police department to appropriate available funds in the amount of \$255,000 from the COPS Special Revenue Fund.

Recommended Action

Adopt a resolution to authorize the police department to appropriate available funds in the amount of \$255,000 from the Citizens' Option for Public Safety (COPS) Special Revenue Fund.

Executive Summary

The Carlsbad Police Department currently has an available cash balance in the amount of \$255,000 in the Citizens' Option for Public Safety (COPS) Special Revenue Fund and is requesting to appropriate it for the purposes of purchasing new equipment, replacing old equipment that has expired, undergoing required training, and conducting enforcement operations.

Discussion

AB1913 provides supplemental funding for local law enforcement. The law requires that the funds be placed in a Supplemental Law Enforcement Services Fund (SLESF). It provides that those funds only be spent to provide "front line police services" and must supplement and not supplant existing funding for front line police services. Examples of front-line services include anti-gang efforts, crime prevention, overtime for police officers, and civilian positions which free up officers' time for community engagement.

Under California Government Code 30061, the County of San Diego receives funds from the state for the county's SLESF and must distribute 39.7% to local agencies, based on population. The allocation for the City of Carlsbad for Fiscal Year 2016-17 was \$173,918. The police department currently funds half of one full-time police sergeant and half of one full-time Community Services Officer (CSO) annually at a total of \$158,672. There is an available cash balance in the amount of \$255,000 due to the revenues being higher than the budgeted expenses over the past five years.

The police department plans on utilizing the appropriated funds on the items listed below:

Training: All police employees, especially police officers, must undergo new and continuing professional training in order to maintain and enhance their skills on the job. \$40,000 of the COPS grant will be used to send all police personnel to an 8-hour "Mental Health Training in Law Enforcement Course" which will assist employees in dealing with calls involving people with

mental illnesses. Specialized training on the topic of mental health helps prepare police personnel to resolve these incidents in a safe and effective manner.

Crime Suppression Overtime Details: The police department will hire officers to work overtime to conduct extra patrol operations, work special details, conduct compliance checks, and address homeless issues. The number of overtime operations conducted will depend on the amount leftover from the appropriated funds after other purchases.

960 Annuitant Employees: The police department currently employs five annuitant employees who are paid an hourly rate of approximately \$35.00 and work approximately 700 hours a year each. Annuitant employees fill police positions such as investigative aides, patrol, background investigators, and school resource officers. \$125,000 of the COPS fund will be used to fund the five annuitant employees working approximately 700 hours a year. The annuitant employees are not currently budgeted and are paid out of police contingency.

Property and Evidence Storage Bins: The storage containers currently used in Property and Evidence (P&E) are in need of replacement due to age and wear and tear. \$10,000 of the COPS grant will be used to purchase new plastic storage bins that will contain and protect invaluable evidence at the police department.

Trauma Kits: Trauma kits for police officers are designed to provide police personnel with a compact and durable individual hemorrhage kit to treat bleeding from penetrating and traumatic injuries on either civilian or police casualties. The kits include a vented chest seal, an advanced hemostatic gauze, combat compression bandages, a tourniquet, and gloves. The police department currently issues one trauma kit per officer, but the kits expire after five years. \$6,670.00 of the COPS grant will be used to purchase 115 trauma kits to replace the current trauma kits which are nearing expiration, at \$58.00 per kit.

Spare Radio Batteries: Every police officer and CSO are assigned a police radio with one battery. The battery lasts approximately 12-16 hours of continuous use before needing a recharge. An officer or CSO working an extended shift or call-back must then find another means to charge their radio after working a normal 12-hour shift. \$18,000 of the COPS grant will be used to purchase a spare battery for each officer and CSO in the event their battery loses power for their radios.

Fiscal Analysis

The police department will be able to utilize funds from the COPS grant in the amount of \$255,000 on the items listed above instead of using police contingency or requesting general funds. Sufficient funds are available for this appropriation request.

Next Steps

If council approves the resolution to authorize the police department to appropriate the available funds from the COPS grant, the Admin Services Director will move the funds from the pooled assets to the police department's fund balance.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code section 21065, this action does not constitute a “project” within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore, does not require environmental review.

Public Notification

None required.

Exhibits

1. Resolution to authorize the police department to appropriate available funds in the amount of \$255,000 from the COPS Special Revenue Fund.
2. Fiscal Year 2016-17 Allocation Letter from the California Department of Finance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A RESOLUTION TO AUTHORIZE THE POLICE DEPARTMENT TO APPROPRIATE AVAILABLE FUNDS IN THE AMOUNT OF \$255,000 FROM THE COPS SPECIAL REVENUE FUND.

WHEREAS, the City Council of the City of Carlsbad, California has determined that the County of San Diego receives funds from the state for the county's Supplemental Law Enforcement Services Fund and must distribute 39.7% to local agencies based on population; and

WHEREAS, the funds must only be spent to provide front line police services; and

WHEREAS, the allocation for the City of Carlsbad for fiscal year 2016-17 was \$173,918; and

WHEREAS, the police department has an available cash balance of \$255,000 in the Citizens' Option for Public Safety (COPS) grant due to the revenues being higher than the budgeted expenses over the past five years; and

WHEREAS, the police department is requesting to appropriate \$255,000 for the purposes of purchasing new equipment, replacing old equipment that has expired, undergoing required training, and conducting enforcement operations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the Administrative Services Director is authorized to appropriate \$255,000 from the COPS Fund for the purposes of purchasing new equipment, replacing old equipment that has expired, undergoing required training, and conducting enforcement operations.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk
(SEAL)


**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

September 8, 2016

Honorable Betty T. Yee
State Controller
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

Attention: Mr. Jim Reisinger
Cost Plans and Local Apportionments

Dear Controller Yee:

Pursuant to Government Code section 30029.05, subdivision (e), paragraph (2), the Department of Finance respectfully submits the attached (Attachments I and II) percentages for the 2016-17 allocation of \$214,200,000 in Citizens' Option for Public Safety (COPS) and Juvenile Justice Crime Prevention Act (JJCPA) funds deposited in the Enhancing Law Enforcement Activities Subaccount (ELEAS) in the Law Enforcement Services Account within the Local Revenue Fund 2011.

Pursuant to Government Code section 30061, subdivisions (b) and (g), subsequent to the allocation described in subdivision (d) of Section 29552, 47.08727192 percent of the remaining funds deposited in the ELEAS for the COPS (23.54363596 percent) and JJCPA (23.54363596 percent) programs are to be allocated, according to the relative population for each county and city, as follows:

- (1) 5.15 percent to the county sheriff for county jail construction and operation (\$11,031,300).
- (2) 5.15 percent to the district attorney for criminal prosecution (\$11,031,300).
- (3) 50 percent to the county or city and county to implement a comprehensive multi-agency juvenile justice plan (\$107,100,000).
- (4) 39.7 percent to the county and the cities within the county for front-line law enforcement (\$85,037,400). Note that pursuant to Government Code section 30061, subdivision (b), paragraph (3), each law enforcement jurisdiction receiving front-line law enforcement funding is to receive a minimum grant of \$100,000. The percentages included in Attachment II are calculated in a manner that provides for a minimum grant allocation of \$100,000 to each law enforcement jurisdiction listed in Attachment II.

Note that the by-county percentages for the first three allocations above: (1) county jail construction, (2) district attorney criminal prosecution, and (3) multi-agency juvenile justice plans, are specified on Attachment I and the by-county/city percentages for the fourth allocation, front-line law enforcement, are identified on Attachment II.

Honorable Betty T. Yee
September 2, 2015
Page 2

Also note that the allocations shown on Attachments I and II may be slightly different from the final allocations made by the State Controller's Office due to rounding.

If you have any questions, or need additional information, please call Phaelen Parker, Finance Budget Analyst, at (916) 445-8913.

Sincerely,



Amy Jarvis
Assistant Program Budget Manager

Attachments

cc: Mr. George Lolas, Chief Operating Officer, State Controller's Office
Ms. Casandra Moore-Hudhall, Chief, Division of Accounting and Reporting, State
Controller's Office
Ms. Ann Kato, Chief, Bureau of Payments, State Controller's Office
Ms. Kathleen Howard, Executive Director, Board of State and Community Corrections

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety and Juvenile Justice Crime Prevention Act Allocations
Based on Jan. 1, 2016 Population Estimates

Attachment I

COUNTY	1/1/2016 Population by County	Percent of 1/1/2016 Population by County	COPS (Excluding Front-line Enforcement)*				JJCPA		Total		Net Total (Including Front-line Enforcement)		
			5.15%		5.15%		50.00%		60.30%		100.00%		
			11,031,300		11,031,300		107,100,000		129,162,600		214,200,000		
			Co. Jail Operation Allocation by County	Percent of Co. Jail Operation Allocation by County	District Attorney Allocation by County	Percent of District Attorney Allocation by County	Juvenile Justice Allocation by County	Percent of Juvenile Justice Allocation by County	Total Allocation by County	Percent of Total Allocation by County	Net Total Allocation by County	Front-line Law Enforcement	Percent of Net Total Allocation by County
Alameda	1,627,865	4.14680521%	457,447	4.14680521%	457,447	4.14680521%	4,441,228	4.14680521%	5,356,122	4.14680521%	8,141,484	2,785,362	3.27545570%
Alpine	1,166	0.00297026%	328	0.00297026%	328	0.00297026%	3,181	0.00297026%	3,837	0.00297026%	103,837	100,000	0.11759532%
Amador	37,707	0.09605439%	10,596	0.09605439%	10,596	0.09605439%	102,874	0.09605439%	124,066	0.09605439%	724,066	600,000	0.70557192%
Butte	224,601	0.57214609%	63,115	0.57214609%	63,115	0.57214609%	612,768	0.57214609%	738,998	0.57214609%	1,405,005	666,007	0.78319337%
Calaveras	45,207	0.11515981%	12,704	0.11515981%	12,704	0.11515981%	123,336	0.11515981%	146,744	0.11515981%	348,744	200,000	0.23519064%
Colusa	21,948	0.05591009%	6,168	0.05591009%	6,168	0.05591009%	59,880	0.05591009%	72,218	0.05591009%	372,218	300,000	0.35278596%
Contra Costa	1,123,429	2.86181055%	315,695	2.86181055%	315,695	2.86181055%	3,064,999	2.86181055%	3,696,389	2.86181055%	6,236,603	2,540,214	2.98717276%
Del Norte	26,811	0.06829804%	7,534	0.06829804%	7,534	0.06829804%	73,147	0.06829804%	86,215	0.06829804%	288,215	200,000	0.23519064%
El Dorado	183,750	0.46808271%	51,636	0.46808271%	51,636	0.46808271%	501,317	0.46808271%	604,589	0.46808271%	1,039,408	434,459	0.51090377%
Fresno	984,541	2.50800880%	276,666	2.50800880%	276,666	2.50800880%	2,686,077	2.50800880%	3,239,409	2.50800880%	5,776,231	2,536,822	2.98318341%
Glenn	28,666	0.07302854%	8,056	0.07302854%	8,056	0.07302854%	78,214	0.07302854%	94,326	0.07302854%	394,326	300,000	0.35278596%
Humboldt	135,116	0.34419300%	37,969	0.34419300%	37,969	0.34419300%	368,631	0.34419300%	444,566	0.34419300%	1,255,191	810,622	0.95325358%
Imperial	185,831	0.47338382%	52,220	0.47338382%	52,220	0.47338382%	506,994	0.47338382%	611,434	0.47338382%	1,411,434	800,000	0.94076256%
Inyo	18,650	0.04750880%	5,241	0.04750880%	5,241	0.04750880%	50,882	0.04750880%	61,364	0.04750880%	261,364	200,000	0.23519064%
Kern	886,507	2.25827808%	249,117	2.25827808%	249,117	2.25827808%	2,418,616	2.25827808%	2,916,850	2.25827808%	5,177,231	2,260,381	2.65810190%
Kings	150,373	0.38305851%	42,256	0.38305851%	42,256	0.38305851%	410,256	0.38305851%	494,768	0.38305851%	994,768	500,000	0.58797660%
Lake	64,306	0.16381239%	18,071	0.16381239%	18,071	0.16381239%	175,443	0.16381239%	211,585	0.16381239%	511,585	300,000	0.35278596%
Lassen	30,780	0.07840863%	8,649	0.07840863%	8,649	0.07840863%	83,976	0.07840863%	101,274	0.07840863%	301,274	200,000	0.23519064%
Los Angeles	10,241,335	26.0866293%	2,877,919	26.0866293%	2,877,919	26.0866293%	27,940,961	26.0866293%	33,696,796	26.0866293%	52,789,029	19,092,230	22.45156865%
Madera	155,349	0.39573432%	43,655	0.39573432%	43,655	0.39573432%	423,831	0.39573432%	511,141	0.39573432%	821,823	310,682	0.36534795%
Marin	262,274	0.66811387%	73,702	0.66811387%	73,702	0.66811387%	715,550	0.66811387%	862,954	0.66811387%	2,068,559	1,205,605	1.41773453%
Mariposa	18,159	0.04625803%	5,103	0.04625803%	5,103	0.04625803%	49,542	0.04625803%	59,748	0.04625803%	159,748	100,000	0.11759532%
Mendocino	88,378	0.22513313%	24,835	0.22513313%	24,835	0.22513313%	241,116	0.22513313%	290,788	0.22513313%	790,788	500,000	0.58797660%
Merced	271,579	0.69181733%	76,316	0.69181733%	76,316	0.69181733%	740,936	0.69181733%	893,568	0.69181733%	1,666,296	772,728	0.90869204%
Modoc	9,638	0.02455173%	2,708	0.02455173%	2,708	0.02455173%	26,295	0.02455173%	31,711	0.02455173%	231,711	200,000	0.23519064%
Mono	13,721	0.03495272%	3,856	0.03495272%	3,856	0.03495272%	37,434	0.03495272%	45,146	0.03495272%	245,146	200,000	0.23519064%
Monterey	437,178	1.11366238%	122,851	1.11366238%	122,851	1.11366238%	1,192,732	1.11366238%	1,438,434	1.11366238%	2,948,992	1,510,558	1.77634577%
Napa	142,028	0.36180055%	39,911	0.36180055%	39,911	0.36180055%	387,488	0.36180055%	467,310	0.36180055%	1,091,401	624,091	0.73390222%
Nevada	99,095	0.24988611%	27,566	0.24988611%	27,566	0.24988611%	267,628	0.24988611%	322,760	0.24988611%	725,188	402,429	0.47323762%
Orange	3,183,011	8.10836684%	894,458	8.10836684%	894,458	8.10836684%	8,684,061	8.10836684%	10,472,977	8.10836684%	16,147,715	5,674,738	6.67322605%
Placer	373,796	0.95220378%	105,040	0.95220378%	105,040	0.95220378%	1,019,810	0.95220378%	1,229,890	0.95220378%	2,104,548	874,658	1.02855692%
Plumas	19,879	0.05063954%	5,588	0.05063954%	5,588	0.05063954%	54,235	0.05063954%	65,407	0.05063954%	265,407	200,000	0.23519064%
Riverside	2,347,828	5.98083095%	659,763	5.98083095%	659,763	5.98083095%	6,405,470	5.98083095%	7,724,996	5.98083095%	12,160,091	4,435,093	5.21546363%
Sacramento	1,495,297	3.80910296%	420,194	3.80910296%	420,194	3.80910296%	4,079,549	3.80910296%	4,919,637	3.80910296%	7,382,277	2,462,340	2.89559662%
San Benito	56,648	0.14430449%	15,919	0.14430449%	15,919	0.14430449%	154,550	0.14430449%	186,388	0.14430449%	486,388	300,000	0.35278596%
San Bernardino	2,139,570	5.45031684%	601,241	5.45031684%	601,241	5.45031684%	5,837,289	5.45031684%	7,039,771	5.45031684%	10,993,277	3,953,506	4.64913823%
San Diego	3,288,812	8.37737365%	924,133	8.37737365%	924,133	8.37737365%	8,972,167	8.37737365%	10,820,433	8.37737365%	16,289,716	5,469,283	6.43162061%
San Francisco	866,583	2.20752390%	243,519	2.20752390%	243,519	2.20752390%	2,364,258	2.20752390%	2,851,296	2.20752390%	4,185,880	1,334,584	1.56940846%
San Joaquin	733,383	1.86821170%	206,088	1.86821170%	206,088	1.86821170%	2,000,855	1.86821170%	2,413,031	1.86821170%	3,777,510	1,364,479	1.60458282%
San Luis Obispo	277,977	0.70811552%	78,114	0.70811552%	78,114	0.70811552%	758,392	0.70811552%	914,620	0.70811552%	1,798,736	884,116	1.03697659%
San Mateo	766,041	1.95140433%	215,265	1.95140433%	215,265	1.95140433%	2,089,954	1.95140433%	2,520,484	1.95140433%	4,879,510	2,359,026	2.77410364%
Santa Barbara	446,717	1.13796192%	125,532	1.13796192%	125,532	1.13796192%	1,216,757	1.13796192%	1,469,821	1.13796192%	2,592,949	1,123,128	1.32074646%
Santa Clara	1,927,888	4.91108046%	541,756	4.91108046%	541,756	4.91108046%	5,259,767	4.91108046%	6,343,279	4.91108046%	9,743,129	3,399,850	3.99906468%
Santa Cruz	275,902	0.70282969%	77,531	0.70282969%	77,531	0.70282969%	752,731	0.70282969%	907,793	0.70282969%	1,517,373	609,580	0.71683722%
Shasta	178,562	0.45494328%	50,186	0.45494328%	50,186	0.45494328%	487,244	0.45494328%	587,616	0.45494328%	1,030,304	442,688	0.52058010%
Sierra	3,203	0.00815929%	900	0.00815929%	900	0.00815929%	8,739	0.00815929%	10,539	0.00815929%	201,539	200,000	0.23519064%
Siskiyou	44,739	0.11396763%	12,572	0.11396763%	12,572	0.11396763%	122,059	0.11396763%	147,203	0.11396763%	1,247,203	1,100,000	1.28354852%
Solano	431,498	1.09919321%	121,255	1.09919321%	121,255	1.09919321%	1,177,236	1.09919321%	1,419,746	1.09919321%	2,424,308	1,004,562	1.18131736%
Sonoma	501,959	1.27668478%	141,056	1.27668478%	141,056	1.27668478%	1,369,471	1.27668478%	1,651,563	1.27668478%	2,954,381	1,302,798	1.53202969%
Stanislaus	540,214	1.37613514%	151,806	1.37613514%	151,806	1.37613514%	1,473,841	1.37613514%	1,777,453	1.37613514%	3,089,500	1,312,047	1.54290527%
Sutter	97,308	0.24788132%	27,345	0.24788132%	27,345	0.24788132%	265,481	0.24788132%	320,171	0.24788132%	624,975	304,804	0.35843491%
Tehama	63,934	0.16286476%	17,966	0.16286476%	17,966	0.16286476%	174,428	0.16286476%	210,360	0.16286476%	610,360	400,000	0.47038128%
Trinity	13,687	0.03481516%	3,841	0.03481516%	3,841	0.03481516%	37,287	0.03481516%	44,966	0.03481516%	144,966	100,000	0.11759532%
Tulare	466,339	1.18794678%	131,046	1.18794678%	131,046	1.18794678%	1,272,291	1.18794678%	1,534,383	1.18794678%	2,658,330	1,123,947	1.32170960%
Tuolumne	54,900	0.13985165%	15,427	0.13985165%	15,427	0.13985165%	149,781	0.13985165%	180,635	0.13985165%	380,635	200,000	0.23519064%
Ventura	856,508	2.18185896%	240,687	2.18185896%	240,687	2.18185896%	2,336,771	2.18185896%	2,816,145	2.18185896%	4,462,918	1,644,773	1.93417554%
Yolo	214,555	0.54655502%	60,292	0.54655502%	60,292	0.54655502%	585,360	0.54655502%	705,944	0.54655502%	1,211,151	505,207	0.59410003%
Yuba	74,345	0.18938563%	20,892	0.18938563%	20,892	0.18938563%	202,832	0.18938563%	244,816	0.18938563%	544,816	300,000	0.35278596%
Total	39,255,883	100.00000000%	11,031,300	100.00000000%	11,031,300	100.00000000%	107,100,000	100.00000000%	129,162,600	100.00000000%	214,200,000	85,037,400	100.00000000%

*Note that the COPS Front-line Law Enforcement breakdown by county and city for SCO distribution is provided in Attachment II.

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
Alameda	1,627,865	\$ 2,785,362	3.27545570%
Alameda	79,277	\$ 122,091	0.14357309%
Albany	18,893	\$ 100,000	0.11759532%
Berkeley	119,915	\$ 184,676	0.21716975%
Dublin	57,349	\$ 100,000	0.11759532%
Emeryville	11,721	\$ 100,000	0.11759532%
Fremont	229,324	\$ 353,171	0.41531282%
Hayward	158,985	\$ 244,845	0.28792672%
Livermore	88,138	\$ 135,737	0.15962063%
Newark	44,733	\$ 100,000	0.11759532%
Oakland	422,856	\$ 651,221	0.76580522%
Piedmont	11,219	\$ 100,000	0.11759532%
Pleasanton	74,982	\$ 115,476	0.13579471%
San Leandro	87,700	\$ 135,063	0.15882740%
Union City	72,952	\$ 112,350	0.13211832%
Unincorporated	149,821	\$ 230,732	0.27133044%
Alpine	1,166	\$ 100,000	0.11759532%
Unincorporated	1,166	\$ 100,000	0.11759532%
Amador	37,707	\$ 600,000	0.70557192%
Amador	190	\$ 100,000	0.11759532%
Ione	7,085	\$ 100,000	0.11759532%
Jackson	4,902	\$ 100,000	0.11759532%
Plymouth	1,015	\$ 100,000	0.11759532%
Sutter Creek	2,588	\$ 100,000	0.11759532%
Unincorporated	21,927	\$ 100,000	0.11759532%
Butte	224,601	\$ 666,007	0.78319337%
Biggs	1,899	\$ 100,000	0.11759532%
Chico	92,464	\$ 142,399	0.16745514%
Gridley	6,575	\$ 100,000	0.11759532%
Oroville	17,996	\$ 100,000	0.11759532%
Paradise	25,405	\$ 100,000	0.11759532%
Unincorporated	80,262	\$ 123,608	0.14535695%
Calaveras	45,207	\$ 200,000	0.23519064%
Angels City	4,045	\$ 100,000	0.11759532%
Unincorporated	41,162	\$ 100,000	0.11759532%
Colusa	21,948	\$ 300,000	0.35278596%
Colusa	6,315	\$ 100,000	0.11759532%
Williams	5,413	\$ 100,000	0.11759532%
Unincorporated	10,220	\$ 100,000	0.11759532%
Contra Costa	1,123,429	\$ 2,540,214	2.98717276%
Antioch	112,968	\$ 173,977	0.20458852%
Brentwood	58,784	\$ 100,000	0.11759532%
Clayton	11,209	\$ 100,000	0.11759532%
Concord	129,707	\$ 199,756	0.23490337%
Danville	42,865	\$ 100,000	0.11759532%

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
El Cerrito	24,378	\$ 100,000	0.11759532%
Hercules	24,791	\$ 100,000	0.11759532%
Lafayette	24,924	\$ 100,000	0.11759532%
Martinez	37,057	\$ 100,000	0.11759532%
Moraga	16,513	\$ 100,000	0.11759532%
Oakley	40,141	\$ 100,000	0.11759532%
Orinda	18,749	\$ 100,000	0.11759532%
Pinole	18,739	\$ 100,000	0.11759532%
Pittsburg	67,817	\$ 104,442	0.12281868%
Pleasant Hill	34,077	\$ 100,000	0.11759532%
Richmond	110,378	\$ 169,988	0.19989795%
San Pablo	30,829	\$ 100,000	0.11759532%
San Ramon	78,363	\$ 120,683	0.14191780%
Walnut Creek	70,018	\$ 107,831	0.12680475%
Unincorporated	171,122	\$ 263,537	0.30990721%
Kensington Police Protection	0	\$ 100,000	0.11759532%
Del Norte	26,811	\$ 200,000	0.23519064%
Crescent City	6,592	\$ 100,000	0.11759532%
Unincorporated	20,219	\$ 100,000	0.11759532%
El Dorado	183,750	\$ 434,459	0.51090377%
Placerville	10,702	\$ 100,000	0.11759532%
South Lake Tahoe	20,807	\$ 100,000	0.11759532%
Unincorporated	152,241	\$ 234,459	0.27571313%
Fresno	984,541	\$ 2,536,822	2.98318341%
Clovis	108,039	\$ 166,386	0.19566196%
Coalinga	16,667	\$ 100,000	0.11759532%
Firebaugh	8,154	\$ 100,000	0.11759532%
Fowler	5,944	\$ 100,000	0.11759532%
Fresno	520,453	\$ 801,525	0.94255639%
Huron	6,914	\$ 100,000	0.11759532%
Kerman	14,366	\$ 100,000	0.11759532%
Kingsburg	12,101	\$ 100,000	0.11759532%
Mendota	11,763	\$ 100,000	0.11759532%
Orange Cove	9,220	\$ 100,000	0.11759532%
Parlier	15,395	\$ 100,000	0.11759532%
Reedley	25,999	\$ 100,000	0.11759532%
Sanger	26,024	\$ 100,000	0.11759532%
San Joaquin	4,047	\$ 100,000	0.11759532%
Selma	24,844	\$ 100,000	0.11759532%
Unincorporated	174,611	\$ 268,910	0.31622590%
Glenn	28,668	\$ 300,000	0.35278596%
Orland	7,676	\$ 100,000	0.11759532%
Willows	6,213	\$ 100,000	0.11759532%
Unincorporated	14,779	\$ 100,000	0.11759532%
Humboldt	135,116	\$ 810,622	0.95325358%
Arcata	18,169	\$ 100,000	0.11759532%

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
Blue Lake	1,287	\$ 100,000	0.11759532%
Eureka	26,765	\$ 100,000	0.11759532%
Ferndale	1,434	\$ 100,000	0.11759532%
Fortuna	11,848	\$ 100,000	0.11759532%
Rio Dell	3,416	\$ 100,000	0.11759532%
Trinidad	367	\$ 100,000	0.11759532%
Unincorporated	71,830	\$ 110,622	0.13008634%
Imperial	185,831	\$ 800,000	0.94076256%
Brawley	26,566	\$ 100,000	0.11759532%
Calexico	40,211	\$ 100,000	0.11759532%
Calipatria	7,468	\$ 100,000	0.11759532%
El Centro	45,170	\$ 100,000	0.11759532%
Holtville	6,093	\$ 100,000	0.11759532%
Imperial	18,165	\$ 100,000	0.11759532%
Westmorland	2,256	\$ 100,000	0.11759532%
Unincorporated	39,902	\$ 100,000	0.11759532%
Inyo	18,650	\$ 200,000	0.23519064%
Bishop	3,971	\$ 100,000	0.11759532%
Unincorporated	14,679	\$ 100,000	0.11759532%
Kern	886,507	\$ 2,260,381	2.65810190%
Arvin	20,978	\$ 100,000	0.11759532%
Bakersfield	379,110	\$ 583,850	0.68657987%
California City	13,992	\$ 100,000	0.11759532%
Delano	52,999	\$ 100,000	0.11759532%
Maricopa	1,140	\$ 100,000	0.11759532%
McFarland	14,658	\$ 100,000	0.11759532%
Ridgecrest	28,064	\$ 100,000	0.11759532%
Shafter	18,048	\$ 100,000	0.11759532%
Taft	9,405	\$ 100,000	0.11759532%
Tehachapi	12,217	\$ 100,000	0.11759532%
Wasco	26,471	\$ 100,000	0.11759532%
Unincorporated	309,425	\$ 476,531	0.56037819%
Bear Valley Community Services District	0	\$ 100,000	0.11759532%
Stallion Springs Community Services District	0	\$ 100,000	0.11759532%
Kings	150,373	\$ 500,000	0.58797660%
Avenal	12,373	\$ 100,000	0.11759532%
Corcoran	22,691	\$ 100,000	0.11759532%
Hanford	55,840	\$ 100,000	0.11759532%
Lemoore	26,199	\$ 100,000	0.11759532%
Unincorporated	33,270	\$ 100,000	0.11759532%
Lake	64,306	\$ 300,000	0.35278596%
Clearlake	15,468	\$ 100,000	0.11759532%
Lakeport	4,765	\$ 100,000	0.11759532%
Unincorporated	44,073	\$ 100,000	0.11759532%
Lassen	30,780	\$ 200,000	0.23519064%

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Susanville	14,614	\$ 100,000	0.11759532%
Unincorporated	16,166	\$ 100,000	0.11759532%
Los Angeles	10,241,335	\$ 19,092,230	22.45156895%
Agoura Hills	21,211	\$ 100,000	0.11759532%
Alhambra	86,782	\$ 133,649	0.15716487%
Arcadia	57,050	\$ 100,000	0.11759532%
Artesia	16,883	\$ 100,000	0.11759532%
Avalon	3,678	\$ 100,000	0.11759532%
Azusa	49,485	\$ 100,000	0.11759532%
Baldwin Park	74,738	\$ 115,101	0.13535282%
Bell	36,716	\$ 100,000	0.11759532%
Bellflower	76,363	\$ 117,603	0.13829574%
Bell Gardens	42,952	\$ 100,000	0.11759532%
Beverly Hills	34,763	\$ 100,000	0.11759532%
Bradbury	1,123	\$ 100,000	0.11759532%
Burbank	105,110	\$ 161,875	0.19035744%
Calabasas	24,263	\$ 100,000	0.11759532%
Carson	93,993	\$ 144,754	0.17022422%
Cerritos	49,412	\$ 100,000	0.11759532%
Claremont	36,218	\$ 100,000	0.11759532%
Commerce	13,127	\$ 100,000	0.11759532%
Compton	101,226	\$ 155,893	0.18332340%
Covina	49,291	\$ 100,000	0.11759532%
Cudahy	24,602	\$ 100,000	0.11759532%
Culver City	40,448	\$ 100,000	0.11759532%
Diamond Bar	57,081	\$ 100,000	0.11759532%
Downey	114,181	\$ 175,845	0.20678531%
Duarte	22,177	\$ 100,000	0.11759532%
El Monte	113,885	\$ 175,389	0.20624924%
El Segundo	16,646	\$ 100,000	0.11759532%
Gardena	60,785	\$ 100,000	0.11759532%
Glendale	201,668	\$ 310,580	0.36522695%
Glendora	52,362	\$ 100,000	0.11759532%
Hawaiian Gardens	14,926	\$ 100,000	0.11759532%
Hawthorne	88,003	\$ 135,529	0.15937615%
Hermosa Beach	19,801	\$ 100,000	0.11759532%
Hidden Hills	1,872	\$ 100,000	0.11759532%
Huntington Park	59,718	\$ 100,000	0.11759532%
Industry	441	\$ 100,000	0.11759532%
Inglewood	116,648	\$ 179,644	0.21125312%
Irwindale	1,415	\$ 100,000	0.11759532%
La Canada Flintridge	20,556	\$ 100,000	0.11759532%
La Habra Heights	5,459	\$ 100,000	0.11759532%
Lakewood	78,471	\$ 120,850	0.14211340%
La Mirada	49,639	\$ 100,000	0.11759532%
Lancaster	157,094	\$ 241,933	0.28450207%
La Puente	40,521	\$ 100,000	0.11759532%
La Verne	33,200	\$ 100,000	0.11759532%
Lawndale	33,496	\$ 100,000	0.11759532%
Lomita	20,290	\$ 100,000	0.11759532%

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Long Beach	484,958	\$ 746,861	0.87827385%
Los Angeles	4,030,904	\$ 6,207,807	7.30008981%
Lynwood	72,505	\$ 111,662	0.13130879%
Malibu	12,706	\$ 100,000	0.11759532%
Manhattan Beach	35,297	\$ 100,000	0.11759532%
Maywood	28,219	\$ 100,000	0.11759532%
Monrovia	37,531	\$ 100,000	0.11759532%
Montebello	63,924	\$ 100,000	0.11759532%
Monterey Park	61,346	\$ 100,000	0.11759532%
Norwalk	105,292	\$ 162,155	0.19068705%
Palmdale	160,072	\$ 246,519	0.28989532%
Palos Verdes Estates	13,712	\$ 100,000	0.11759532%
Paramount	56,400	\$ 100,000	0.11759532%
Pasadena	141,023	\$ 217,183	0.25539699%
Pico Rivera	64,272	\$ 100,000	0.11759532%
Pomona	155,604	\$ 239,638	0.28180363%
Rancho Palos Verdes	43,041	\$ 100,000	0.11759532%
Redondo Beach	69,494	\$ 107,024	0.12585578%
Rolling Hills	1,943	\$ 100,000	0.11759532%
Rolling Hills Estates	8,028	\$ 100,000	0.11759532%
Rosemead	55,231	\$ 100,000	0.11759532%
San Dimas	34,144	\$ 100,000	0.11759532%
San Fernando	24,533	\$ 100,000	0.11759532%
San Gabriel	40,424	\$ 100,000	0.11759532%
San Marino	13,566	\$ 100,000	0.11759532%
Santa Clarita	219,611	\$ 338,213	0.39772227%
Santa Fe Springs	18,459	\$ 100,000	0.11759532%
Santa Monica	93,640	\$ 144,211	0.16958492%
Sierra Madre	11,013	\$ 100,000	0.11759532%
Signal Hill	11,673	\$ 100,000	0.11759532%
South El Monte	20,814	\$ 100,000	0.11759532%
South Gate	99,578	\$ 153,355	0.18033882%
South Pasadena	26,028	\$ 100,000	0.11759532%
Temple City	36,534	\$ 100,000	0.11759532%
Torrance	147,175	\$ 226,657	0.26653845%
Vernon	210	\$ 100,000	0.11759532%
Walnut	30,152	\$ 100,000	0.11759532%
West Covina	107,873	\$ 166,130	0.19536132%
West Hollywood	35,923	\$ 100,000	0.11759532%
Westlake Village	8,384	\$ 100,000	0.11759532%
Whittier	88,341	\$ 136,050	0.15998826%
Unincorporated	1,051,989	\$ 1,620,119	1.90518444%
Madera	155,349	\$ 310,682	0.36534795%
Chowchilla	18,547	\$ 100,000	0.11759532%
Madera	65,474	\$ 100,833	0.11857543%
Unincorporated	71,328	\$ 109,849	0.12917720%
Marin	262,274	\$ 1,205,605	1.41773453%
Belvedere	2,162	\$ 100,000	0.11759532%
Corte Madera	9,344	\$ 100,000	0.11759532%

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Fairfax	7,426	\$ 100,000	0.11759532%
Larkspur	12,445	\$ 100,000	0.11759532%
Mill Valley	14,880	\$ 100,000	0.11759532%
Novato	54,749	\$ 100,000	0.11759532%
Ross	2,527	\$ 100,000	0.11759532%
San Anselmo	12,867	\$ 100,000	0.11759532%
San Rafael	60,582	\$ 100,000	0.11759532%
Sausalito	7,217	\$ 100,000	0.11759532%
Tiburon	9,503	\$ 100,000	0.11759532%
Unincorporated	68,572	\$ 105,605	0.12418601%
Mariposa	18,159	\$ 100,000	0.11759532%
Unincorporated	18,159	\$ 100,000	0.11759532%
Mendocino	88,378	\$ 500,000	0.58797660%
Fort Bragg	7,672	\$ 100,000	0.11759532%
Point Arena	448	\$ 100,000	0.11759532%
Ukiah	16,186	\$ 100,000	0.11759532%
Willits	4,879	\$ 100,000	0.11759532%
Unincorporated	59,193	\$ 100,000	0.11759532%
Merced	271,579	\$ 772,728	0.90869204%
Atwater	30,061	\$ 100,000	0.11759532%
Dos Palos	5,378	\$ 100,000	0.11759532%
Gustine	5,842	\$ 100,000	0.11759532%
Livingston	13,849	\$ 100,000	0.11759532%
Los Banos	39,359	\$ 100,000	0.11759532%
Merced	83,962	\$ 129,306	0.15205777%
Unincorporated	93,128	\$ 143,422	0.16865767%
Modoc	9,638	\$ 200,000	0.23519064%
Alturas	2,684	\$ 100,000	0.11759532%
Unincorporated	6,954	\$ 100,000	0.11759532%
Mono	13,721	\$ 200,000	0.23519064%
Mammoth Lakes	8,024	\$ 100,000	0.11759532%
Unincorporated	5,697	\$ 100,000	0.11759532%
Monterey	437,178	\$ 1,510,558	1.77634577%
Carmel-by-the-Sea	3,833	\$ 100,000	0.11759532%
Del Rey Oaks	1,666	\$ 100,000	0.11759532%
Gonzales	8,473	\$ 100,000	0.11759532%
Greenfield	17,446	\$ 100,000	0.11759532%
King City	14,221	\$ 100,000	0.11759532%
Marina	20,982	\$ 100,000	0.11759532%
Monterey	28,610	\$ 100,000	0.11759532%
Pacific Grove	15,352	\$ 100,000	0.11759532%
Salinas	161,042	\$ 248,013	0.29165201%
Sand City	381	\$ 100,000	0.11759532%
Seaside	34,071	\$ 100,000	0.11759532%
Soledad	25,556	\$ 100,000	0.11759532%

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Unincorporated	105,545	\$ 162,545	0.19114524%
Napa	142,028	\$ 624,091	0.73390222%
American Canyon	20,374	\$ 100,000	0.11759532%
Calistoga	5,180	\$ 100,000	0.11759532%
Napa	80,576	\$ 124,091	0.14592562%
St Helena	6,004	\$ 100,000	0.11759532%
Yountville	2,987	\$ 100,000	0.11759532%
Unincorporated	26,907	\$ 100,000	0.11759532%
Nevada	98,095	\$ 402,429	0.47323762%
Grass Valley	12,955	\$ 100,000	0.11759532%
Nevada City	3,260	\$ 100,000	0.11759532%
Truckee	15,370	\$ 100,000	0.11759532%
Unincorporated	66,510	\$ 102,429	0.12045166%
Orange	3,183,011	\$ 5,674,738	6.67322605%
Aliso Viejo	50,509	\$ 100,000	0.11759532%
Anaheim	358,136	\$ 551,549	0.64859531%
Brea	43,710	\$ 100,000	0.11759532%
Buena Park	83,347	\$ 128,359	0.15094398%
Costa Mesa	114,603	\$ 176,495	0.20754956%
Cypress	49,743	\$ 100,000	0.11759532%
Dana Point	33,415	\$ 100,000	0.11759532%
Fountain Valley	56,714	\$ 100,000	0.11759532%
Fullerton	142,457	\$ 219,391	0.25799401%
Garden Grove	177,303	\$ 273,056	0.32110119%
Huntington Beach	195,212	\$ 300,637	0.35353494%
Irvine	258,386	\$ 397,928	0.46794500%
Laguna Beach	23,617	\$ 100,000	0.11759532%
Laguna Hills	30,681	\$ 100,000	0.11759532%
Laguna Niguel	66,142	\$ 101,862	0.11978520%
Laguna Woods	16,213	\$ 100,000	0.11759532%
La Habra	62,064	\$ 100,000	0.11759532%
Lake Forest	83,910	\$ 129,226	0.15196359%
La Palma	16,057	\$ 100,000	0.11759532%
Los Alamitos	11,738	\$ 100,000	0.11759532%
Mission Viejo	96,701	\$ 148,925	0.17512848%
Newport Beach	84,270	\$ 129,780	0.15261557%
Orange	141,420	\$ 217,794	0.25611597%
Placentia	52,263	\$ 100,000	0.11759532%
Rancho Santa Margarita	48,516	\$ 100,000	0.11759532%
San Clemente	66,245	\$ 102,021	0.11997173%
San Juan Capistrano	36,085	\$ 100,000	0.11759532%
Santa Ana	342,930	\$ 528,131	0.62105678%
Seal Beach	25,078	\$ 100,000	0.11759532%
Stanton	39,751	\$ 100,000	0.11759532%
Tustin	82,717	\$ 127,389	0.14980303%
Villa Park	5,948	\$ 100,000	0.11759532%
Westminster	94,073	\$ 144,877	0.17036910%
Yorba Linda	67,637	\$ 104,165	0.12249269%

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Unincorporated	125,420	\$ 193,154	0.22713948%
Placer	373,796	\$ 874,658	1.02855692%
Auburn	14,070	\$ 100,000	0.11759532%
Colfax	2,068	\$ 100,000	0.11759532%
Lincoln	47,339	\$ 100,000	0.11759532%
Loomis	6,692	\$ 100,000	0.11759532%
Rocklin	60,351	\$ 100,000	0.11759532%
Roseville	134,073	\$ 206,480	0.24281033%
Unincorporated	109,203	\$ 168,178	0.19776999%
Plumas	19,879	\$ 200,000	0.23519064%
Portola	2,180	\$ 100,000	0.11759532%
Unincorporated	17,699	\$ 100,000	0.11759532%
Riverside	2,347,828	\$ 4,435,095	5.21546363%
Banning	30,834	\$ 100,000	0.11759532%
Beaumont	45,118	\$ 100,000	0.11759532%
Blythe	19,813	\$ 100,000	0.11759532%
Calimesa	8,289	\$ 100,000	0.11759532%
Canyon Lake	10,681	\$ 100,000	0.11759532%
Cathedral City	54,261	\$ 100,000	0.11759532%
Coachella	45,407	\$ 100,000	0.11759532%
Corona	164,659	\$ 253,584	0.29820251%
Desert Hot Springs	29,048	\$ 100,000	0.11759532%
Eastvale	63,162	\$ 100,000	0.11759532%
Hemet	80,070	\$ 123,312	0.14500923%
Indian Wells	5,412	\$ 100,000	0.11759532%
Indio	88,058	\$ 135,614	0.15947575%
Jurupa Valley	98,177	\$ 151,198	0.17780157%
Lake Elsinore	61,006	\$ 100,000	0.11759532%
La Quinta	39,977	\$ 100,000	0.11759532%
Menifee	89,004	\$ 137,071	0.16118898%
Moreno Valley	205,383	\$ 316,301	0.37195493%
Murrieta	113,795	\$ 175,250	0.20608624%
Norco	26,896	\$ 100,000	0.11759532%
Palm Desert	49,335	\$ 100,000	0.11759532%
Palm Springs	46,654	\$ 100,000	0.11759532%
Perris	73,722	\$ 113,536	0.13351281%
Rancho Mirage	18,070	\$ 100,000	0.11759532%
Riverside	324,696	\$ 500,049	0.58803444%
San Jacinto	47,656	\$ 100,000	0.11759532%
Temecula	109,064	\$ 167,964	0.19751826%
Wildomar	35,168	\$ 100,000	0.11759532%
Unincorporated	364,413	\$ 561,216	0.65996315%
Sacramento	1,495,297	\$ 2,462,340	2.89559662%
Citrus Heights	86,291	\$ 132,893	0.15627565%
Elk Grove	167,965	\$ 258,675	0.30418978%
Folsom	77,246	\$ 118,963	0.13989488%
Galt	25,450	\$ 100,000	0.11759532%

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Isleton	846	\$ 100,000	0.11759532%
Rancho Cordova	72,203	\$ 111,196	0.13076185%
Sacramento	485,683	\$ 747,978	0.87958685%
Unincorporated	579,613	\$ 892,635	1.04969697%
San Benito	56,648	\$ 300,000	0.35278596%
Hollister	36,484	\$ 100,000	0.11759532%
San Juan Bautista	1,843	\$ 100,000	0.11759532%
Unincorporated	18,321	\$ 100,000	0.11759532%
San Bernardino	2,139,570	\$ 3,953,506	4.64913823%
Adelanto	33,497	\$ 100,000	0.11759532%
Apple Valley	74,656	\$ 114,974	0.13520431%
Barstow	24,360	\$ 100,000	0.11759532%
Big Bear Lake	4,905	\$ 100,000	0.11759532%
Chino	85,934	\$ 132,343	0.15562911%
Chino Hills	78,866	\$ 121,458	0.14282876%
Colton	53,351	\$ 100,000	0.11759532%
Fontana	209,895	\$ 323,250	0.38012630%
Grand Terrace	12,315	\$ 100,000	0.11759532%
Hesperia	93,226	\$ 143,573	0.16883515%
Highland	53,645	\$ 100,000	0.11759532%
Loma Linda	24,649	\$ 100,000	0.11759532%
Montclair	38,686	\$ 100,000	0.11759532%
Needles	5,035	\$ 100,000	0.11759532%
Ontario	169,869	\$ 261,607	0.30763798%
Rancho Cucamonga	175,251	\$ 269,896	0.31738495%
Redlands	68,368	\$ 105,290	0.12381656%
Rialto	107,330	\$ 165,294	0.19437793%
San Bernardino	215,491	\$ 331,868	0.39026083%
Twentynine Palms	26,138	\$ 100,000	0.11759532%
Upland	75,774	\$ 116,696	0.13722904%
Victorville	123,510	\$ 190,212	0.22368040%
Yucaipa	53,779	\$ 100,000	0.11759532%
Yucca Valley	21,281	\$ 100,000	0.11759532%
Unincorporated	309,759	\$ 477,045	0.56098307%
San Diego	3,288,612	\$ 5,469,283	6.43162061%
Carlsbad	112,930	\$ 173,918	0.20451971%
Chula Vista	265,070	\$ 408,222	0.48004992%
Coronado	25,230	\$ 100,000	0.11759532%
Del Mar	4,274	\$ 100,000	0.11759532%
El Cajon	102,337	\$ 157,604	0.18533545%
Encinitas	61,928	\$ 100,000	0.11759532%
Escondido	150,760	\$ 232,178	0.27303100%
Imperial Beach	27,434	\$ 100,000	0.11759532%
La Mesa	59,982	\$ 100,000	0.11759532%
Lemon Grove	26,611	\$ 100,000	0.11759532%
National City	60,768	\$ 100,000	0.11759532%
Oceanside	175,948	\$ 270,969	0.31864724%
Poway	50,103	\$ 100,000	0.11759532%

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San Diego	1,391,676	\$ 2,143,255	2.52036804%
San Marcos	93,295	\$ 143,679	0.16896012%
Santee	56,757	\$ 100,000	0.11759532%
Solana Beach	13,494	\$ 100,000	0.11759532%
Vista	98,896	\$ 152,305	0.17910370%
Unincorporated	511,119	\$ 787,151	0.92565223%
San Francisco	866,583	\$ 1,334,584	1.56940846%
San Francisco	866,583	\$ 1,334,584	1.56940846%
San Joaquin	733,383	\$ 1,364,479	1.60456282%
Escalon	7,065	\$ 100,000	0.11759532%
Lathrop	22,112	\$ 100,000	0.11759532%
Lodi	63,219	\$ 100,000	0.11759532%
Manteca	73,841	\$ 113,719	0.13372832%
Ripon	14,724	\$ 100,000	0.11759532%
Stockton	315,592	\$ 486,029	0.57154681%
Tracy	89,208	\$ 137,385	0.16155843%
Unincorporated	147,622	\$ 227,346	0.26734798%
San Luis Obispo	277,977	\$ 884,116	1.03967959%
Arroyo Grande	17,731	\$ 100,000	0.11759532%
Atascadero	30,879	\$ 100,000	0.11759532%
El Paso de Robles	31,398	\$ 100,000	0.11759532%
Grover Beach	13,397	\$ 100,000	0.11759532%
Morro Bay	10,722	\$ 100,000	0.11759532%
Pismo Beach	8,181	\$ 100,000	0.11759532%
San Luis Obispo	46,117	\$ 100,000	0.11759532%
Unincorporated	119,552	\$ 184,116	0.21651235%
San Mateo	766,041	\$ 2,359,026	2.77410364%
Atherton	7,150	\$ 100,000	0.11759532%
Belmont	27,834	\$ 100,000	0.11759532%
Brisbane	4,699	\$ 100,000	0.11759532%
Burlingame	29,724	\$ 100,000	0.11759532%
Colma	1,509	\$ 100,000	0.11759532%
Daly City	109,139	\$ 168,080	0.19765409%
East Palo Alto	30,545	\$ 100,000	0.11759532%
Foster City	33,201	\$ 100,000	0.11759532%
Half Moon Bay	12,528	\$ 100,000	0.11759532%
Hillsborough	11,687	\$ 100,000	0.11759532%
Menlo Park	33,863	\$ 100,000	0.11759532%
Millbrae	23,136	\$ 100,000	0.11759532%
Pacifica	37,806	\$ 100,000	0.11759532%
Portola Valley	4,751	\$ 100,000	0.11759532%
Redwood City	85,992	\$ 132,432	0.15573416%
San Bruno	45,360	\$ 100,000	0.11759532%
San Carlos	29,008	\$ 100,000	0.11759532%
San Mateo	102,659	\$ 158,100	0.18591861%
South San Francisco	64,585	\$ 100,000	0.11759532%
Woodside	5,664	\$ 100,000	0.11759532%

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
Unincorporated	65,201	\$ 100,413	0.11808102%
Broadmoor Police Protection District	0	\$ 100,000	0.11759532%
Santa Barbara	446,717	\$ 1,123,128	1.32074646%
Buellton	4,957	\$ 100,000	0.11759532%
Carpinteria	13,928	\$ 100,000	0.11759532%
Goleta	31,235	\$ 100,000	0.11759532%
Guadalupe	7,348	\$ 100,000	0.11759532%
Lompoc	44,116	\$ 100,000	0.11759532%
Santa Barbara	93,190	\$ 143,518	0.16876995%
Santa Maria	104,404	\$ 160,788	0.18907885%
Solvang	5,451	\$ 100,000	0.11759532%
Unincorporated	142,088	\$ 218,823	0.25732574%
Santa Clara	1,927,888	\$ 3,399,850	3.99806468%
Campbell	42,584	\$ 100,000	0.11759532%
Cupertino	58,185	\$ 100,000	0.11759532%
Gilroy	55,170	\$ 100,000	0.11759532%
Los Altos	31,353	\$ 100,000	0.11759532%
Los Altos Hills	8,658	\$ 100,000	0.11759532%
Los Gatos	31,376	\$ 100,000	0.11759532%
Milpitas	75,521	\$ 116,306	0.13677086%
Monte Sereno	3,475	\$ 100,000	0.11759532%
Morgan Hill	43,645	\$ 100,000	0.11759532%
Mountain View	77,925	\$ 120,009	0.14112458%
Palo Alto	68,207	\$ 105,042	0.12352498%
San Jose	1,042,094	\$ 1,604,880	1.88726429%
Santa Clara	123,752	\$ 190,585	0.22411868%
Saratoga	30,219	\$ 100,000	0.11759532%
Sunnyvale	148,372	\$ 228,501	0.26870625%
Unincorporated	87,352	\$ 134,527	0.15819716%
Santa Cruz	275,902	\$ 609,580	0.71683722%
Capitola	10,150	\$ 100,000	0.11759532%
Santa Cruz	64,632	\$ 100,000	0.11759532%
Scotts Valley	12,143	\$ 100,000	0.11759532%
Watsonville	52,891	\$ 100,000	0.11759532%
Unincorporated	136,086	\$ 209,580	0.24645594%
Shasta	178,592	\$ 442,688	0.52058010%
Anderson	10,485	\$ 100,000	0.11759532%
Redding	90,230	\$ 138,959	0.16340930%
Shasta Lake	10,523	\$ 100,000	0.11759532%
Unincorporated	67,354	\$ 103,729	0.12198016%
Sierra	3,203	\$ 200,000	0.23519064%
Loyalton	772	\$ 100,000	0.11759532%
Unincorporated	2,431	\$ 100,000	0.11759532%
Siskiyou	44,739	\$ 1,100,000	1.29354852%
Dorris	981	\$ 100,000	0.11759532%

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
Dunsmuir	1,618	\$ 100,000	0.11759532%
Etna	736	\$ 100,000	0.11759532%
Fort Jones	710	\$ 100,000	0.11759532%
Montague	1,456	\$ 100,000	0.11759532%
Mount Shasta	3,367	\$ 100,000	0.11759532%
Tulelake	1,010	\$ 100,000	0.11759532%
Weed	2,769	\$ 100,000	0.11759532%
Yreka	7,832	\$ 100,000	0.11759532%
Unincorporated	24,260	\$ 100,000	0.11759532%
Lake Shastina Community Services District	0	\$ 100,000	0.11759532%
Solano	431,498	\$ 1,004,562	1.18131736%
Benicia	27,501	\$ 100,000	0.11759532%
Dixon	19,018	\$ 100,000	0.11759532%
Fairfield	112,637	\$ 173,467	0.20398907%
Rio Vista	8,601	\$ 100,000	0.11759532%
Suisun City	29,091	\$ 100,000	0.11759532%
Vacaville	97,667	\$ 150,412	0.17687794%
Vallejo	117,322	\$ 180,682	0.21247375%
Unincorporated	19,661	\$ 100,000	0.11759532%
Sonoma	501,959	\$ 1,302,798	1.53202969%
Cloverdale	8,825	\$ 100,000	0.11759532%
Cotati	7,153	\$ 100,000	0.11759532%
Healdsburg	11,699	\$ 100,000	0.11759532%
Petaluma	60,375	\$ 100,000	0.11759532%
Rohnert Park	42,003	\$ 100,000	0.11759532%
Santa Rosa	175,667	\$ 270,537	0.31813834%
Sebastopol	7,527	\$ 100,000	0.11759532%
Sonoma	10,865	\$ 100,000	0.11759532%
Windsor	27,031	\$ 100,000	0.11759532%
Unincorporated	150,814	\$ 232,262	0.27312879%
Stanislaus	540,214	\$ 1,312,047	1.54290527%
Ceres	47,166	\$ 100,000	0.11759532%
Hughson	7,150	\$ 100,000	0.11759532%
Modesto	211,903	\$ 326,342	0.38376285%
Newman	10,840	\$ 100,000	0.11759532%
Oakdale	22,348	\$ 100,000	0.11759532%
Patterson	22,590	\$ 100,000	0.11759532%
Riverbank	23,913	\$ 100,000	0.11759532%
Turlock	72,050	\$ 110,961	0.13048476%
Waterford	8,788	\$ 100,000	0.11759532%
Unincorporated	113,466	\$ 174,744	0.20549042%
Sutter	97,308	\$ 304,804	0.35843491%
Live Oak	8,346	\$ 100,000	0.11759532%
Yuba City	68,052	\$ 104,804	0.12324427%
Unincorporated	20,910	\$ 100,000	0.11759532%
Tehama	63,934	\$ 400,000	0.47038128%

2016-17 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2016-17

ATTACHMENT II

City/County	City/County Population Estimates 1/1/2016	Projected Allocations by City/County	Percent of Allocation by City/County
Corning	7,500	\$ 100,000	0.11759532%
Red Bluff	14,048	\$ 100,000	0.11759532%
Tehama	431	\$ 100,000	0.11759532%
Unincorporated	41,955	\$ 100,000	0.11759532%
Trinity	13,667	\$ 100,000	0.11759532%
Unincorporated	13,667	\$ 100,000	0.11759532%
Tulare	466,339	\$ 1,123,947	1.32170960%
Dinuba	24,657	\$ 100,000	0.11759532%
Exeter	11,047	\$ 100,000	0.11759532%
Farmersville	11,161	\$ 100,000	0.11759532%
Lindsay	12,960	\$ 100,000	0.11759532%
Porterville	60,070	\$ 100,000	0.11759532%
Tulare	63,515	\$ 100,000	0.11759532%
Visalia	130,231	\$ 200,563	0.23585234%
Woodlake	7,648	\$ 100,000	0.11759532%
Unincorporated	145,050	\$ 223,385	0.26269002%
Tuolumne	54,900	\$ 200,000	0.23519064%
Sonora	4,892	\$ 100,000	0.11759532%
Unincorporated	50,008	\$ 100,000	0.11759532%
Ventura	856,508	\$ 1,644,773	1.93417554%
Camarillo	69,924	\$ 107,687	0.12663452%
Fillmore	15,529	\$ 100,000	0.11759532%
Moorpark	36,715	\$ 100,000	0.11759532%
Ojai	7,477	\$ 100,000	0.11759532%
Oxnard	206,997	\$ 318,786	0.37487794%
Port Hueneme	22,702	\$ 100,000	0.11759532%
San Buenaventura	108,557	\$ 167,184	0.19660006%
Santa Paula	30,752	\$ 100,000	0.11759532%
Simi Valley	127,167	\$ 195,844	0.23030335%
Thousand Oaks	132,365	\$ 203,849	0.23971709%
Unincorporated	98,323	\$ 151,423	0.17806598%
Yolo	214,555	\$ 505,207	0.59410003%
Davis	68,314	\$ 105,207	0.12371875%
West Sacramento	53,082	\$ 100,000	0.11759532%
Winters	7,214	\$ 100,000	0.11759532%
Woodland	57,526	\$ 100,000	0.11759532%
Unincorporated	28,419	\$ 100,000	0.11759532%
Yuba	74,345	\$ 300,000	0.35278596%
Marysville	12,010	\$ 100,000	0.11759532%
Wheatland	3,519	\$ 100,000	0.11759532%
Unincorporated	58,816	\$ 100,000	0.11759532%
CALIFORNIA TOTAL	39,255,883	85,037,400	100.00000000%
CALIFORNIA CITY TOTAL	32,746,444	73,345,306	86.25064553%



CITY COUNCIL

Staff Report

Meeting Date: April 11, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager *KCC*
Staff Contact: Teri Delcamp, Principal Planner
teri.delcamp@carlsbadca.gov or 760-602-4611

Subject: Deny a request for a Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit for the construction of a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street on the north shore of Agua Hedionda Lagoon.

Project Name: Carlsbad Boat Club & Resort
Project No.: CT 14-11/PUD 16-02/CUP 14-10

Recommended Action

That the City Council hold a public hearing and adopt a resolution confirming the Planning Commission recommendation and denying Tentative Tract Map CT 14-11, Nonresidential Planned Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10 for the construction of a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street. Alternatively, the City Council could direct staff to return to council with a resolution approving the project per staff's original recommendation.

Executive Summary

The applicant, Jim Courtney, is seeking approval of a Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit to demolish existing buildings for the construction of a twenty (20) unit timeshare condominium project. The proposed timeshare project would be constructed on approximately one acre of land located at 4509 Adams Street on the north shore of Agua Hedionda Lagoon. The timeshare would be three stories over an underground parking garage, and the roof of the timeshare would be no higher than Adams Street. The project would retain the existing boat ramp and small recreational building near the water's edge.

From the 1950s through the 1980s, the subject site and four other surrounding properties had General Plan Land Use designations of Recreational Commercial (RC, later redefined as Travel Recreation/Commercial (TR) and recently redefined as Visitor Commercial (VC)), and were zoned as Residential Tourist (R-T). The other four sites (one to the east, and three on the north side of Adams Street) have since had their General Plan Land Use and Zoning designations changed to Residential (R-4 and R-1-15,000, respectively). The Carlsbad Boat Club site is the last remaining parcel with a VC Land Use designation and R-T Zoning in the immediate area.

The Local Coastal Program policies stipulate that the site's existing recreational commercial use needs to be preserved or enhanced. In meetings at different times with the applicant and with city staff, Coastal Commission staff has indicated that a land use change or development of the site with a traditional residential use would not be approved because it would not be consistent with the Local Coastal Program and Coastal Act policies.

The site's existing boat launch/ramp facility and recreational building were originally approved by the City Council in 1955 (Ordinance 9043). Until approximately 10 years ago, the site had been in continuous operation as a boat club and restaurant. There is no longer a restaurant, but the Carlsbad Paddle Club currently operates from the site. The applicant had previously proposed a 26 unit timeshare condominium project in 2006, which was subsequently reduced to 25 units before ultimately being brought forward with a staff recommendation for denial, and was denied at Planning Commission and City Council in 2008. The current application proposes fewer units, with less square footage, has eliminated a roof deck and height protrusions, and is stepped back more from the Lagoon at each level of the building than the prior project.

Discussion

Staff analyzed the current application, found that the modified project met the applicable development standards and the necessary findings, and recommended approval of the project. The project was originally scheduled for consideration by the Planning Commission on September 21, 2016, but the applicant requested a continuance to a future date. The project was then scheduled for the February 1, 2017, Planning Commission meeting but other business on that agenda necessitated a continuance of the public hearing to February 15, 2017. On February 15, 2017, the Planning Commission conducted a public hearing.

The majority of public correspondence from residents in the surrounding area has been in opposition to the project due to concerns about compatibility with the surrounding residential uses, conflicts with existing traffic on Adams Street, and impacts on the environment and use of Agua Hedionda Lagoon. At the Planning Commission hearing, several speaker slips (15) and eight speakers (time was ceded) were in opposition to the project while seven speaker slips and five speakers were in favor. After due consideration, the Planning Commission was unable to make the necessary findings for approval and instead recommended denial (5-2, Commissioners Black and Siekmann voting no) of the project.

Planning Commission discussion primarily focused on the timeshare project's massing, compatibility with the neighborhood, operational details, and traffic. Commissioners opposing the project voiced concerns including:

- Commercial infill projects adjacent to existing residential uses need to meet a higher standard of compatibility, and the project would need to be significantly reduced in massing and the number of units in order to meet that higher standard.
- The nature of a transient visitor use may cause incompatible noise, traffic, and other operational impacts on surrounding residences.
- The design and use of Adams Street presents inherent conflicts between vehicles, bicyclists and pedestrians, and the timeshare project will exacerbate the conflicts.

- The number of timeshare unit bedrooms allows for higher occupancy of the units with more cars, which may exceed the number of parking spaces proposed by the project.
- The project does not include a pool, so guests will want to use boats on the lagoon. The project is not designed with enough parking or space for boats, trailers and maneuvering.
- Other uses could be proposed, such as a small six-to-ten bedroom bed and breakfast inn, are allowed in the Residential Tourist zone and would be less intensive and more compatible with the character of the neighborhood.

Commissioners in support of the project stated:

- The project has been sufficiently modified, compared to the previously denied project, so that it is more compatible with the neighborhood.
- The issues and concerns about the previously denied project in 2008 had been adequately mitigated with the current project design.
- Landscaping along Adams Street will help screen the roof, and still allow views over the building to the lagoon.
- The neighborhood is diversified in keeping with the California Coastal Commission's goals and policies, and a timeshare retains the diversity while generating less traffic than other more intensive uses.

In contrast to the Planning Commission's action, staff's analysis found that the project is sufficiently reduced in massing and intensity to be compatible with the neighborhood, given the site's singular Visitor Commercial Land Use designation. The traffic generated by the project will be less than the historical use, and is well below significance thresholds. Coastal Act policies and the California Coastal Commission call for preservation and enhancement of the visitor-serving use of the site so residential uses will not be allowed. The project plans show a boat and trailer maneuvering diagram, six parking spaces more than is required by the code, and two additional visitor parking spaces. There is no evidence to indicate that use of the timeshare will exceed the available on-site parking spaces which more than meet the parking ratio required for timeshares.

Pursuant to Chapters 20.12 and 21.47 of the Carlsbad Municipal Code (CMC), Planning Commission approval is required for a tentative tract map and nonresidential planned development permit. Pursuant to Section 21.42.140(B)(155) of the CMC, City Council approval is required for a timeshare conditional use permit. Per Section 21.42.070(A)(3), the Planning Commission shall prepare a recommendation and findings for a CUP that requires City Council approval. Section 21.54.040 of the CMC requires all concurrent project applications to be considered by the highest decision-maker.

Project Application(s)	Administrative Approval	Planning Commission	City Council
CT 14-11/PUD 16-02/CUP 14-10		RA	×
RA = Recommended Approval × = Final City decision-making authority			

The project site is within a deferred certification area of the Local Coastal Program; if the project were to be approved by the City Council, then the applicant would need to apply to the California Coastal Commission for a Coastal Development Permit which would be the project's final entitlement approval.

Fiscal Analysis

There is no fiscal impact if the project is denied. If approved, all required improvements needed to serve this project would be funded and/or constructed by the developer.

Next Steps

City Council's action on this item is final.

Environmental Evaluation (CEQA)

Denial of the project is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15270 of the CEQA Guidelines. If approved, the City Planner has determined that the project is exempt from the requirements of CEQA pursuant to Section 15332 (In-fill Development Projects).

Climate Action Plan (CAP) Consistency

The net increase for the development of 20 timeshare units is below the threshold of 900 MT CO₂e, and is not subject to the CAP.

Public Notification

Information regarding public notification of this item such as mailings, public hearing notices posted in the newspaper and on the City website are available in the Office of the City Clerk.

Exhibits

1. City Council Resolution confirming the Planning Commission recommendation of denial
2. Location Map
3. Planning Commission Resolution No. 7200 recommending denial
4. Planning Commission Staff Reports dated February 15, 2017, and September 21, 2016 (including correspondence to the Planning Commission and staff's resolution recommending approval) and Minutes
5. Exhibit provided to City Council February 1, 2017
6. Public Correspondence to the City Council

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, DENYING CARLSBAD TRACT CT 14-11, NONRESIDENTIAL PLANNED UNIT DEVELOPMENT PERMIT PUD 16-02, AND CONDITIONAL USE PERMIT CUP 14-10 FOR A TWENTY (20) UNIT TIMESHARE CONDOMINIUM PROJECT WITH UNDERGROUND PARKING ON APPROXIMATELY ONE ACRE OF LAND LOCATED AT 4509 ADAMS STREET, ON THE SOUTH SIDE OF ADAMS STREET BETWEEN HIGHLAND DRIVE AND PARK DRIVE, WITHIN THE AGUA HEDIONDA SEGMENT OF THE LOCAL COASTAL PROGRAM (LCP) AND IN LOCAL FACILITIES MANAGEMENT ZONE 1

CASE NAME: CARLSBAD BOAT CLUB & RESORT

CASE NO.: CT 14-11/PUD 16-02/CUP 14-10

WHEREAS, the City Council of the City of Carlsbad, California has determined that, pursuant to the provisions of the Municipal Code, the Planning Commission did, on February 15, 2017, hold a duly noticed public hearing as prescribed by law to consider Tentative Tract Map CT 14-11, Nonresidential Planned Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10 and adopted Planning Commission Resolution No. 7200, recommending denial of CT 14-11/PUD 16-02/CUP 14-10; and

WHEREAS, the City Council of the City of Carlsbad held a duly noticed public hearing to consider said Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the recommendation of the Planning Commission for the denial of Tentative Tract Map CT 14-11, Nonresidential Planned Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10, is approved, and that the findings and conditions of the Planning Commission contained in Planning Commission Resolution No. 7200, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

3. This action is final the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2017, by the following vote, to wit:

AYES:

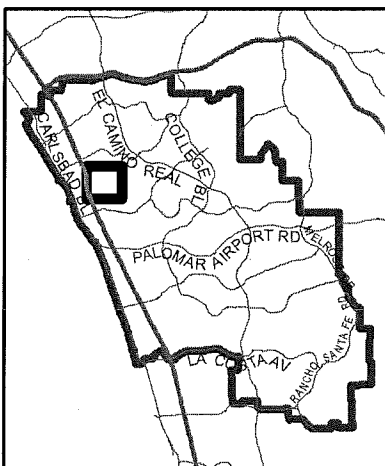
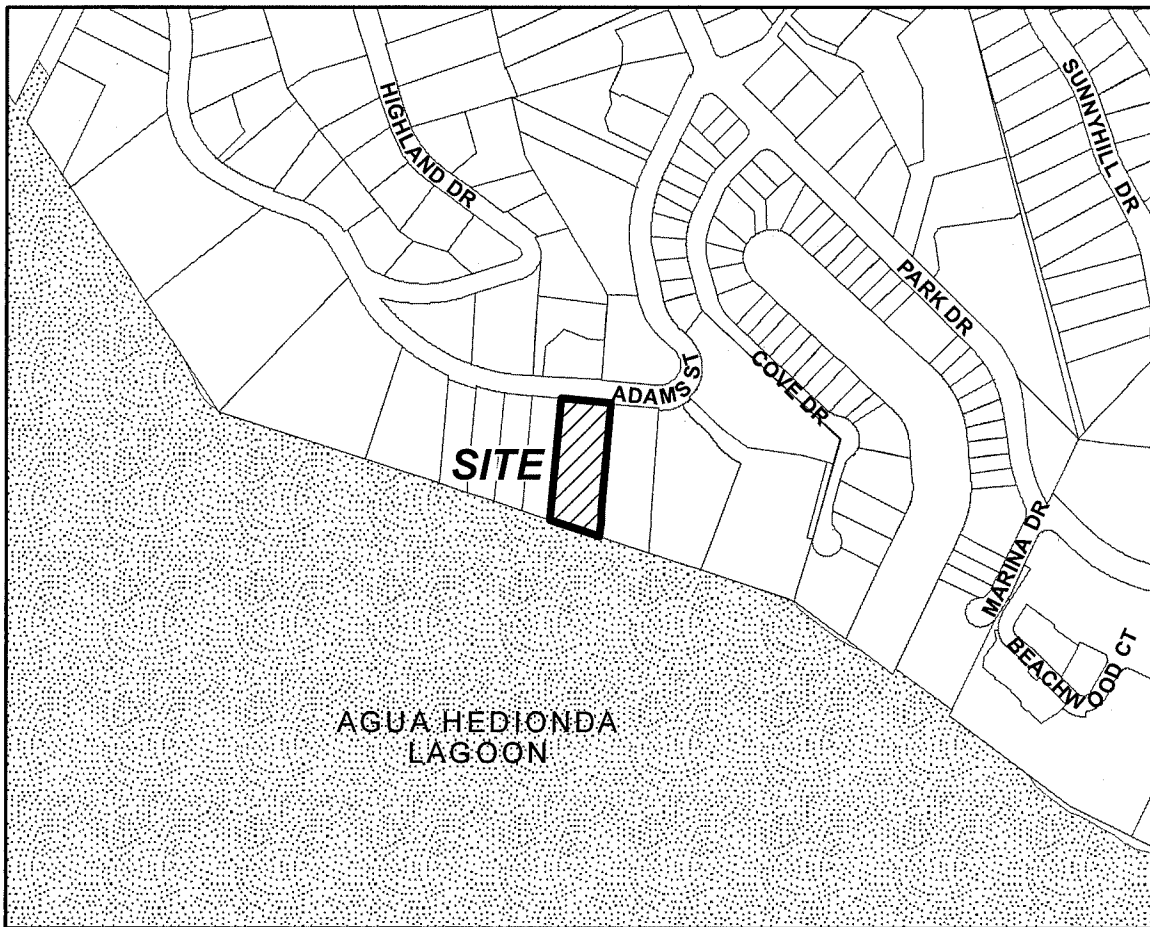
NOES:

ABSENT:

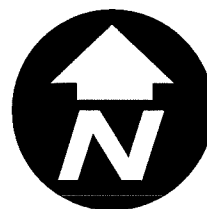
MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)



SITE MAP



NOT TO SCALE

Carlsbad Boat Club and Resort

CT 14-11 / PUD 16-02 / CUP 14-10

PLANNING COMMISSION RESOLUTION NO. 7200

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING DENIAL OF CARLSBAD TRACT CT 14-11, NONRESIDENTIAL PLANNED UNIT DEVELOPMENT PERMIT PUD 16-02, AND CONDITIONAL USE PERMIT CUP 14-10 FOR THE DEMOLITION OF A RESTAURANT AND SINGLE FAMILY RESIDENCE AND TO ALLOW THE CONSTRUCTION OF A TWENTY (20) UNIT TIMESHARE CONDOMINIUM PROJECT WITH UNDERGROUND PARKING ON APPROXIMATELY ONE ACRE OF LAND LOCATED AT 4509 ADAMS STREET, ON THE SOUTH SIDE OF ADAMS STREET BETWEEN HIGHLAND DRIVE AND PARK DRIVE, WITHIN THE AGUA HEDIONDA SEGMENT OF THE LOCAL COASTAL PROGRAM (LCP) AND IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: CARLSBAD BOAT CLUB & RESORT

CASE NO.: CT 14-11/PUD 16-02/CUP 14-10

WHEREAS, **James Courtney**, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by **VIP Partners**, "Owner," described as

THE WESTERLY 133.71 FEET OF LOT 7 IN BLOCK "D" OF BELLAVISTA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2152, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 7, 1929, SAID 133.71 FEET MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT

("the Property"); and

WHEREAS, said verified application constitutes a request for a Tentative Tract Map, Non-Residential Planned Development Permit, and Conditional Use Permit as shown on Exhibit(s) "A" – "Q" dated **September 21, 2016**, on file in the Planning Division **CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT**, as provided by **Chapters 20.12, 21.47, and 21.42** of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **September 21, 2016**, hold a duly noticed public hearing as prescribed by law to consider said request, and at the request of the applicant, tabled consideration of the request; and

WHEREAS, the Planning Commission did, on **February 1 and February 15, 2017**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of persons desiring to be heard, said Commission considered all factors relating to the Tentative Tract Map, Non-Residential Planned Development Permit, and Conditional Use Permit.

1 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of
2 Carlsbad as follows:

- 3 A) That the foregoing recitations are true and correct.
- 4 B) That based on the evidence presented at the public hearing, the Commission
- 5 **RECOMMENDS DENIAL** of CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB &
6 RESORT, based on the following findings:

7 **Findings:**

8 **Tentative Tract Map**

- 9 1. That the proposed project is **not** compatible with the surrounding future land uses since
10 surrounding properties are designated for residential development on the General Plan, in that:
- 11 a. The massing and intensity of use associated with the timeshare project is **not**
12 compatible with the existing and future single family land uses and character of the
13 surrounding properties. Commercial infill projects adjacent to existing residential uses
14 need to meet a higher standard of compatibility than is provided by the proposed
15 project. The project would need to be significantly reduced in massing and size, and be
16 a less intensive use than 20 timeshare units, in order to meet that higher standard.
- 17 b. The nature of the transient visitor use and the potential for noise, traffic and other
18 operational impacts of the timeshare use are not compatible with the surrounding
19 single family neighborhood. The use of Adams Street already presents inherent
20 conflicts between vehicles, bicyclists and pedestrians, and adding traffic from the
21 timeshare project will exacerbate the conflicts. The number of timeshare unit
22 bedrooms allows for higher occupancy of the units with more cars, which may exceed
23 the number of parking spaces proposed by the project.
- 24 c. The traffic associated with the addition of 20 timeshare units, nine of which are two-or
25 three-bedroom units, will exacerbate the existing potential for pedestrian, bicycle and
26 vehicle conflicts on the adjacent Adams Street given its curvilinear design including
27 blind curves. The project does not propose a swimming pool and swimming is not
28 permitted in the lagoon, so timeshare guests would primarily want to use boats on the
lagoon. The project is not designed with enough parking or space to accommodate the
number of public boats and trailers that should realistically be expected onsite.
2. That the site is **not** physically suitable for the type and density of the development since the site
is **not** adequate in size and shape to accommodate the proposed project because it does not
include sufficient parking spaces and maneuvering room for the 20 timeshare units combined
with public boat and trailer access to the boat ramp. Even if the project limits public boats to a
maximum of six boat launches at any given time as stated by the applicant, the applicant was
unable to demonstrate that the plans show sufficient parking spaces for six vehicles and boat
trailers.

26 **Nonresidential Planned Development Permit**

- 27 3. The proposed use at the particular location is **not** necessary and desirable to provide a service or
28 facility, and will **not** contribute to the general well-being of the neighborhood and the community,
in that other uses could be proposed for development on the site consistent with the Residential

Tourist zone that would be less intensive and more compatible with the character of the neighborhood, and the timeshare use without any more publicly available amenity does not contribute to the general well-being of the neighborhood.

Conditional Use Permit

4. That the requested use is **not** necessary or desirable for the development of the community, and is **not** in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan, in that **other uses could be proposed for development on the site consistent with the Residential Tourist zone that would be less intensive and more compatible with the character of the neighborhood, and the design of the proposed timeshare project is not compatible with the surrounding single family residential neighborhood at the scale and intensity proposed.**

5. That the site for the proposed conditional use is **not** adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the City Planner, planning commission or city council, in order to integrate the use with other uses in the neighborhood, in that:

- a. **The proposed project does not include sufficient parking spaces and maneuvering room for the 20 timeshare units combined with public boat and trailer access to the boat ramp. Even if the project limits public boats to a maximum of six boat launches a day as stated by the applicant, the plans do not show sufficient parking spaces for six vehicles with boat trailers.**
- b. **The design of the proposed timeshare project is not compatible with the surrounding single family residential neighborhood at the scale and intensity proposed.**
- c. **The nature of the transient visitor use and the potential noise, traffic and other operational impacts of the timeshare use are not compatible with the surrounding single family neighborhood.**

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1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of
2 the City of Carlsbad, California, held on **February 15, 2017**, by the following vote, to wit:
3

4 AYES: Chairperson Segall, Commissioners Anderson, Goyarts, L'Heureux and
5 Montgomery

6 NOES: Commissioners Black and Siekmann

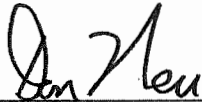
7 ABSENT:

8 ABSTAIN:

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10 
11

12 JEFF SEGALL, Chairperson
13 CARLSBAD PLANNING COMMISSION

14 ATTEST:

15 
16

17 DON NEU
18 City Planner
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The City of Carlsbad Planning Division
A REPORT TO THE PLANNING COMMISSION

Item No.

1

P.C. AGENDA OF: February 15, 2017

Application complete date: June 24, 2016

Project Planner: Teri Delcamp/Greg Fisher

Project Engineer: Kyrenne Chua

SUBJECT: CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT – Request for a Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit for the demolition of a restaurant and single family residence and to allow the construction of a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street, on the south side of Adams Street between Highland Drive and Park Drive, within the Agua Hedionda Segment of the Local Coastal Program (LCP) and in Local Facilities Management Zone 1. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to state CEQA Guidelines Section 15332 - In-fill Development Projects. The Agua Hedionda LCP Segment is in an area of deferred certification where the City of Carlsbad does not have permit authority to issue Coastal Development permits and thus, the project will need to obtain a Coastal Development Permit issued by the California Coastal Commission.

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No. 7200 **RECOMMENDING APPROVAL** of Tentative Tract Map CT 14-11, Non-Residential Planned Unit Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10, based upon the findings and subject to the conditions contained therein.

II. BACKGROUND

At the September 21, 2016, Planning Commission hearing, the applicant requested and was granted a continuance of the Carlsbad Boat Club project to a date uncertain. The stated intent of the request was to allow time for the applicant to conduct further outreach with the neighboring community and to prepare a traffic study. Because the project was not continued to a date certain, a new public hearing notice was provided in advance of this meeting.

Since the previous hearing, the applicant has continued to meet with the neighboring community, including a community meeting at the Faraday Center on January 11, 2017. The applicant decided not to prepare a traffic study. The applicant stated that, even though a traffic study is not required for the project, they did consider having one prepared because they thought it might deflect some of the concerns of the neighbors about increased traffic. The applicant found the estimates to be cost prohibitive, and decided to instead focus efforts on outreach and the Planning Commission presentation to convey that the project will reduce traffic compared to the historical use of the site as a restaurant.



The original staff report for the September 21, 2016, meeting is attached. Staff has continued to receive correspondence regarding the project, both before and after the community meeting. The recent correspondence that was not previously transmitted to the Planning Commission is attached to this staff report.

A member of the public brought a typographical error in the previous staff report to staff's attention. On page 8, the paragraph under item 2 erroneously characterizes the reduction from the previous project's 25 timeshare units to 20 current units as a 25 percent reduction, whereas it is of course a 20 percent reduction.

ATTACHMENTS:

1. Planning Commission Resolution No. 7200
2. Planning Commission Staff Report dated September 21, 2016
3. Correspondence from the Public Received after September 21, 2016

PLANNING COMMISSION RESOLUTION NO. 7200

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF CARLSBAD TRACT CT 14-11, NONRESIDENTIAL PLANNED UNIT DEVELOPMENT PERMIT PUD 16-02, AND CONDITIONAL USE PERMIT CUP 14-10 FOR THE DEMOLITION OF A RESTAURANT AND SINGLE FAMILY RESIDENCE AND TO ALLOW THE CONSTRUCTION OF A TWENTY (20) UNIT TOWNHOUSE CONDOMINIUM PROJECT WITH UNDERGROUND PARKING ON APPROXIMATELY ONE ACRE OF LAND LOCATED AT 1509 ADAMS STREET, ON THE SOUTH SIDE OF ADAMS STREET BETWEEN HIGHLAND DRIVE AND PARK DRIVE, WITHIN THE AGUA HEDIONDA SEGMENT OF THE LOCAL COASTAL PROGRAM (LCP) AND IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: CARLSBAD BOAT CLUB & RESORT
CASE NO.: CT 14-11/PUD 16-02/CUP 14-10

WHEREAS, James Courtney, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by VIP Partners, "Owner," described as:

THE WESTERLY 133.71 FEET OF LOT 7 IN BLOCK "D" OF BELLAVISTA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2152, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 7, 1929, SAID 133.71 FEET MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT

(the "property"); and

WHEREAS, said verified application constitutes a request for a Tentative Tract Map, Non-Residential Planned Development Permit, and Conditional Use Permit as shown on Exhibit(s) "A" – "Q" dated September 21, 2016, on file in the Planning Division CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT, as provided by Chapters 20.12, 21.47, and 21.42 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on September 21, 2016, hold a duly noticed public hearing as prescribed by law to consider said request, and at the request of the applicant, tabled consideration of the request; and

WHEREAS, the Planning Commission did, on February 1 and February 15, 2017, hold a duly noticed public hearing as prescribed by law to consider said request; and

1 WHEREAS, at said public hearing, upon hearing and considering all testimony and
2 arguments, if any, of persons desiring to be heard, said Commission considered all factors relating to the
3 Tentative Tract Map, Non-Residential Planned Development Permit, and Conditional Use Permit.

4 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of
5 Carlsbad as follows:

- 6 A) That the foregoing recitations are true and correct.
- 7 B) That based on the evidence presented at the public hearing, the Commission
8 **RECOMMENDS APPROVAL** of **CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB**
9 **& RESORT**, based on the following findings and subject to the following conditions:

10 **Findings:**

- 11 1. That the proposed map and the proposed design and improvement of the subdivision as
12 conditioned, is consistent with and satisfies all requirements of the General Plan, any applicable
13 specific plans, Titles 20 and 21 of the Carlsbad Municipal Code, and the State Subdivision Map Act,
14 and will not cause serious public health problems, in that **the proposed subdivision is a single lot**
15 **for condominium timeshare purposes. The property's Visitor Commercial land use designation**
16 **encourages commercial uses that serve the travel and recreation needs of visitors and residents.**
- 17 2. That the proposed project is compatible with the surrounding future land uses since surrounding
18 properties are designated for residential development on the General Plan, in that **the timeshare**
19 **units have been designed to have the roof no higher than the street, the building consists of**
20 **high quality architecture and is designed to step down toward the lagoon.**
- 21 3. That the site is physically suitable for the type and density of the development since the site is
22 adequate in size and shape to accommodate **the proposed project while complying with all**
23 **development standards.**
- 24 4. That the design of the subdivision or the type of improvements will not conflict with easements
25 of record or easements established by court judgment, or acquired by the public at large, for
26 access through or use of property within the proposed subdivision, in that **the proposed**
27 **subdivision is a single lot for condominium timeshare purposes, will not conflict with existing**
28 **easements, and proposes to widen an existing utility easement. Lateral and vertical access**
easements will be provided as shown on the map and/or required by the conditions of approval.
5. That the property is not subject to a contract entered into pursuant to the Land Conservation Act
of 1965 (Williamson Act).
6. That the design of the subdivision provides, to the extent feasible, for future passive or natural
heating or cooling opportunities in the subdivision, in that structures are oriented **such that the**
timeshare units will be able to take advantage of prevailing breezes and regulate heating and
cooling by actuating fully functioning doors and windows within the units.

- 1 7. That the design of the subdivision and improvements are not likely to cause substantial
2 environmental damage nor substantially and avoidably injure fish or wildlife or their habitat, in
3 that **there are no protected habitat and/or species onsite.**
- 4 8. That the discharge of waste from the subdivision will not result in violation of existing California
5 Regional Water Quality Control Board requirements, in that **the project has been designed to and
will comply with the current Regional Water Quality Control Board requirements as well as any
new requirement established prior to the issuance of a building permit.**
- 6 9. The **Planning Commission** finds that the project, as conditioned herein, is in conformance with
7 the Elements of the City's General Plan, based on the facts set forth in the staff reports dated
8 **September 21, 2016, and February 15, 2017**, including, but not limited to the following: **the
proposed timeshare land use is specified as allowed and encouraged in the General Plan as a
Visitor Commercial use.**
- 9 10. The project is consistent with the Citywide Facilities and Improvements Plan, the Local Facilities
10 Management Plan for Zone 1 and all City public facility policies and ordinances. The project
11 includes elements or has been conditioned to construct or provide funding to ensure that all
12 facilities and improvements regarding sewer collection and treatment; water; drainage;
13 circulation; fire; schools; parks and other recreational facilities; libraries; government
14 administrative facilities; and open space, related to the project will be installed to serve new
15 development prior to or concurrent with need. Specifically,
- 16 A. The Public Facility fee is required to be paid by Council Policy No. 17 and will be collected
17 prior to the issuance of building permit.
- 18 B. The Local Facilities Management fee for Zone 1 is required by Carlsbad Municipal Code
19 Section 21.90.050 and will be collected prior to issuance of building permit.
- 20 11. The project has been conditioned to pay any increase in public facility fee, or new construction
21 tax, or development fees, and has agreed to abide by any additional requirements established by
22 a Local Facilities Management Plan prepared pursuant to Chapter 21.90 of the Carlsbad Municipal
23 Code. This will ensure continued availability of public facilities and will mitigate any cumulative
24 impacts created by the project.
- 25 12. This project has been conditioned to comply with any requirement approved as part of the Local
26 Facilities Management Plan for Zone 1.
- 27 13. That all necessary public facilities required by the Growth Management Ordinance will be
28 constructed or are guaranteed to be constructed concurrently with the need for them created by
this project and in compliance with adopted City standards.

Nonresidential Planned Development Permit

14. The granting of this permit will not adversely affect and will be consistent with the code, the
general plan, applicable specific plans, master plans, and all adopted plans of the city and other
governmental agencies in that **the nonresidential planned development permit allows for the
creation of timeshare condominium units which is established as an encouraged and allowed
use within the Visitor Commercial General Plan Land Use designation and the land use table for
the Residential Tourist Zone.**

15. The proposed use at the particular location is necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood and the community, in that **the use is consistent with the General Plan vision for the Visitor Commercial (VC) Land Use designation of the site. As such, the use is considered desirable for the development of the community as it will provide tourist serving units and support the economic viability of the city through visitors patronizing local establishments.**
16. Such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity in that **the proposed timeshare project complies with the Residential Tourist Zone and Agua Hedionda LCP requirements, and is required to be designed in compliance with all applicable codes and standards for development prior to the issuance of grading and building permits.**
17. The proposed nonresidential planned development meets all of minimum development standards of the underlying zone.
18. In granting a nonresidential planned development permit, the City Council, Planning Commission or City Planner may modify the plan or impose such conditions as it deems necessary to protect the public health, safety, and general welfare in that **conditions of approval are included to address the timeshare project's compatibility with the surrounding area in terms of operation and noise.**

Conditional Use Permit

19. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan, in that **the use is consistent with the General Plan vision for the Visitor Commercial (VC) Land Use designation of the site. As such, the use is considered desirable for the development of the community as it will provide tourist serving units and support the economic viability of the city through visitors patronizing local establishments. The visitor serving use and preservation of the private boat club and boat launching facility furthers the goals of the city's Local Coastal Plan. Lateral coastal access along the Agua Hedionda Lagoon is proposed by the project. A condition requires dedication of vertical public access (street to shore) if and where required by the Coastal Commission. The design of the proposed timeshare project is compatible with the surrounding neighborhood at the scale and intensity proposed. The timeshare project now proposes 20 timeshare units within a 26,288 square foot building on an 11,360 square foot above-grade building footprint. The surrounding area has been developed with single family homes. The project meets the required development standards for the zone without any variances, includes underground parking and has been designed to step down toward the lagoon so as to reduce its scale and massing. The timeshare use will generate 200 Average Daily Trips (ADT) which is roughly half the ADT that was generated by the historical use of the site as a restaurant and boat launching facility.**
20. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located in that **the 20-unit timeshare project will not be detrimental to the existing boat club and boat launching facility, which is the only existing use on the same site and zone in which the timeshare use is proposed. The project site is the only remaining Residential Tourist (R-T) site in the immediate vicinity, surrounded by single family residential development. The timeshare project is designed in such a way, and is conditioned, so as not to be detrimental to the surrounding residential neighborhood. The design and**

intensity of the project, given the level of intensity that could be developed on this site in the Residential Tourist (R-T) zone, is compatible with the surrounding residential neighborhood. The architecture of the building is well-designed, and steps down toward the lagoon. The number of timeshare units is 20, which is a 25 percent reduction compared to the previous timeshare project that was denied on the site. The parking garage, and portions of the floors above, are below grade, which helps to further reduce the massing of the project. The height of the building will not exceed the centerline height of Adams Street, so the timeshare will not impose massing on the streetscape character of the neighborhood. Conditions of approval are proposed to address potential impacts that could otherwise occur related to noise and operations, which will further ensure the use is not detrimental to the surrounding neighborhood.

21. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the City Planner, planning commission or city council, in order to integrate the use with other uses in the neighborhood, in that as designed the project site accommodates the proposed development without the inclusion of special adjustments or variances to development standards. The primary use of the site has not been residential, and the site has accommodated commercial and recreational uses. The timeshare building footprint is outside the required 100-foot wetland buffer, and provides the necessary stormwater treatment improvements to protect the lagoon. The boat club recreation building and launching ramp are within the wetland buffer, but they have existed at the site for decades and are a use that is protected under Local Coastal Plan policies and requirements.
22. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use, in that access to the site is by way of Adams Street, which is adequate in size to handle the proposed 200 Average Daily Trips that will be generated by the proposed timeshare use and boat club facility.
23. That the time-share project is located in reasonable proximity to an existing resort or public recreational area and, therefore, can financially and geographically function as a successful timeshare project and that the project will not be disruptive to existing or future uses in the surrounding neighborhood, in that the project is located adjacent to the Agua Hedionda Lagoon which provides recreational activities for water sports such as boating, sailing, fishing and kayaking. Water access from the site would allow the aquatic activities which will help ensure that the project can financially and geographically function as a successful timeshare use. The Residential Tourist (R-T) zoning implements the Visitor Commercial (VC) Land Use designation, which is a nonresidential designation of the General Plan, so it is a nonresidential zone. Timeshares in nonresidential zones are conditioned to be converted to a hotel use if they cannot be successfully marketed as a timeshare project. The project has been designed to accommodate conversion and a hotel would need to meet all of the same requirements and conditions of the CUP and Section 21.42.140(B)(155) of the CMC.
24. The project is consistent with the adopted Airport Land Use Compatibility Plan for the McClellan-Palomar Airport (ALUCP), dated December 2011, in that the project is compatible with the projected noise levels of the ALUCP; and, based on the noise/land use compatibility matrix of the ALUCP, the proposed land use is compatible with the airport.
25. That the project is consistent with the City's Landscape Manual and Water Efficient Landscape Ordinance (Carlsbad Municipal Code Chapter 18.50).

- 1 26. That the City Planner has determined that the project belongs to a class of projects that the State
2 Secretary for Resources has found do not have a significant impact on the environment, and it is
3 therefore categorically exempt from the requirement for the preparation of environmental
4 documents pursuant to Section 15332 – **In-fill Development Projects** of the state CEQA
Guidelines. In making this determination, the City Planner has found that the exceptions listed in
5 Section 15300.2 of the state CEQA Guidelines do not apply to this project.
- 6 27. The Planning Commission has reviewed each of the exactions imposed on the Developer
7 contained in this resolution, and hereby finds, in this case, that the exactions are imposed to
8 mitigate impacts caused by or reasonably related to the project, and the extent and the degree
9 of the exaction is in rough proportionality to the impact caused by the project.

10 **Conditions:**

11 **NOTE:** Unless otherwise specified herein, all conditions shall be satisfied prior to **issuance of a grading**
12 **permit, building permit or recordation of final map, whichever comes first.**

- 13 1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented
14 and maintained over time, if any of such conditions fail to be so implemented and maintained
15 according to their terms, the City shall have the right to revoke or modify all approvals herein
16 granted; deny or further condition issuance of all future building permits; deny, revoke, or further
17 condition all certificates of occupancy issued under the authority of approvals herein granted;
18 record a notice of violation on the property title; institute and prosecute litigation to compel their
19 compliance with said conditions or seek damages for their violation. No vested rights are gained
20 by Developer or a successor in interest by the City's approval of this **Tentative Tract Map, Non-**
21 **Residential Planned Development Permit, and Conditional Use Permit.**
- 22 2. Staff is authorized and directed to make, or require the Developer to make, all corrections and
23 modifications to the **Tentative Tract Map, Non-Residential Planned Development Permit, and**
24 **Conditional Use Permit** documents, as necessary to make them internally consistent and in
25 conformity with the final action on the project. Development shall occur substantially as shown
26 on the approved Exhibits. Any proposed development, different from this approval, shall require
27 an amendment to this approval.
- 28 3. Developer shall comply with all applicable provisions of federal, state, and local laws and
regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment of any
fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged,
this approval shall be suspended as provided in Government Code Section 66020. If any such
condition is determined to be invalid, this approval shall be invalid unless the City Council
determines that the project without the condition complies with all requirements of law.
5. **Prior to the commencement of any ground disturbing activities, the project developer shall:**
- A. **Retain the services of a qualified paleontologist who shall be on-site for the original**
cutting of previously undisturbed native soil (part-time for marine terrace deposit areas
and full-time for Santiago Formation deposit areas. The paleontologist shall recover
any discovered fossils and is empowered to temporarily divert or halt grading to allow
recovery in a timely manner. Fossils shall be treated appropriately, catalogued, and
deposited with pertinent field notes, photos, and maps, etc., as a donation with
financial support for initial specimen storage in a scientific institution with permanent
paleontological collections.

- 1 B. Retain the services of a qualified archaeologist who shall be on-site for ground
2 disturbing activities. In the event cultural material is encountered, the archaeologist is
3 empowered to temporarily divert or halt grading to allow for coordination with the
4 Luiseño Native American monitor and to determine the significance of the discovery.
The archaeologist shall follow all standard procedures for cultural materials that are not
Tribal Cultural Resources.
- 5 C. Enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources
6 Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission
7 Indians or other Luiseño tribe that meets all standard requirements of the tribe for such
8 Agreements. This agreement will address provision of a Luiseño Native American
monitor and contain provisions to address the proper treatment of any tribal cultural
resources and/or Luiseño Native American human remains inadvertently discovered
during the course of the project. The agreement will outline the roles and powers of the
Luiseño Native American monitors and the archaeologist.
- 9 6. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold
10 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
11 representatives, from and against any and all liabilities, losses, damages, demands, claims and
12 costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly,
13 from (a) City's approval and issuance of this **Tentative Tract Map, Non-Residential Planned
Development Permit, and Conditional Use Permit**, (b) City's approval or issuance of any permit
14 or action, whether discretionary or nondiscretionary, in connection with the use contemplated
15 herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby,
including without limitation, any and all liabilities arising from the emission by the facility of
electromagnetic fields or other energy waves or emissions. This obligation survives until all legal
proceedings have been concluded and continues even if the City's approval is not validated.
- 16 7. Prior to submittal of the building plans, improvement plans, grading plans, or final map, whichever
17 occurs first, developer shall submit to the City Planner, a 24" x 36" copy of the **Tentative Map and
Site Plan**, conceptual grading plan and preliminary utility plan reflecting the conditions approved
18 by the final decision making body. The copy shall be submitted to the city planner, reviewed and,
if found acceptable, signed by the city's project planner and project engineer. If no changes were
required, the approved exhibits shall fulfill this condition.
- 19 8. Prior to the issuance of a building permit, the Developer shall provide proof to the Building
20 Division from the **Carlsbad Unified** School District that this project has satisfied its obligation to
provide school facilities.
- 21 9. This project shall comply with all conditions and mitigation measures which are required as part
22 of the Zone 1 Local Facilities Management Plan and any amendments made to that Plan prior to
the issuance of building permits.
- 23 10. This approval shall become null and void if building permits are not issued for this project within
24 24 months from the **date on which the California Coastal Commission votes to approve the
project**.
- 25 11. Building permits will not be issued for this project unless the local agency providing water and
26 sewer services to the project provides written certification to the City that adequate water service
and sewer facilities, respectively, are available to the project at the time of the application for the
27 building permit, and that water and sewer capacity and facilities will continue to be available until
the time of occupancy. **A note to this effect shall be placed on the Final Map.**

12. Developer shall pay the citywide Public Facilities Fee imposed by City Council Policy #17, the License Tax on new construction imposed by Carlsbad Municipal Code Section 5.09.030, and CFD #1 special tax (if applicable), subject to any credits authorized by Carlsbad Municipal Code Section 5.09.040. Developer shall also pay any applicable Local Facilities Management Plan fee for Zone 1, pursuant to Chapter 21.90. All such taxes/fees shall be paid at issuance of building permit. If the taxes/fees are not paid, this approval will not be consistent with the General Plan and shall become void.
13. Developer shall submit to the City a Notice of Restriction executed by the owner of the real property to be developed. Said notice is to be filed in the office of the County Recorder, subject to the satisfaction of the City Planner, notifying all interested parties and successors in interest that the City of Carlsbad has issued a **Tentative Tract Map, Non-Residential Planned Development Permit, and Conditional Use Permit** by Resolution(s) No. 7200 on the property. Said Notice of Restriction shall note the property description, location of the file containing complete project details and all conditions of approval as well as any conditions or restrictions specified for inclusion in the Notice of Restriction. The City Planner has the authority to execute and record an amendment to the notice which modifies or terminates said notice upon a showing of good cause by the Developer or successor in interest.
14. The first submittal of Final Landscape and Irrigation Plans shall be pursuant to the landscape plancheck process on file in the Planning Division and accompanied by the project's building, improvement, and grading plans.
15. **CUP 14-10** shall be reviewed by the City Planner annually to determine if all conditions of this permit have been met and that the use does not have a substantial negative effect on surrounding properties or the public health, safety and general welfare. If the City Planner determines that: 1) the Conditional Use Permit was obtained by fraud or misrepresentation; or 2) the use for which such approval was granted is not being exercised; or 3) the Conditional Use Permit is being or recently has been exercised contrary to any of the terms or conditions of approval or the conditions of approval have not been met; or 4) the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or 5) the use is in violation of any statute, ordinance, law or regulation; or 6) the use permitted by the Conditional Use Permit is being or has been so exercised as to be detrimental to the public health, safety or welfare or so as to constitute a nuisance, the City Planner shall recommend that the Planning Commission hold a public hearing and after providing the permittee the opportunity to be heard, the Planning Commission may revoke and terminate the Conditional Use Permit in whole or in part, reaffirm the Conditional Use Permit, modify the conditions or impose new conditions.
16. This Conditional Use Permit is granted without an expiration date. This permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed herein have not been met.
17. All roof appurtenances, with the exception of photo voltaic systems, including air conditioners, shall be architecturally integrated and concealed from view and the sound buffered from adjacent properties and streets, in substance as provided in Building Department Policy No. 80-6, to the satisfaction of the Directors of Community and Economic Development Department and Planning.
18. Developer shall construct trash receptacle and recycling areas enclosed by a six-foot-high masonry wall with gates pursuant to City Engineering Standards and Carlsbad Municipal Code Chapter 21.105. Location of said receptacles shall be approved by the City Planner. Enclosure shall be of similar colors and/or materials to the project to the satisfaction of the City Planner.

19. No outdoor storage of materials shall occur onsite unless required by the Fire Chief. When so required, the Developer shall submit and obtain approval of the Fire Chief and the City Planner of an Outdoor Storage Plan, and thereafter comply with the approved plan.
20. Developer shall submit and obtain City Planner approval of an exterior lighting plan including parking areas. All lighting shall be designed to reflect downward and avoid any impacts on adjacent homes or property.
21. Prior to issuance of a building permit, the developer shall submit a noise study to the satisfaction of the City Planner and Building Official demonstrating that the project's construction will not exceed the Allowable Noise Exposure levels in Table 5-3 of the General Plan Noise Element for adjacent residences.
22. The timeshare use shall comply with the following operational standards:
- A. No live music or entertainment is allowed in the exterior areas of the site including but not limited to the walkways, parking garage, courtyard, decks, balconies and covered patios, etc.
 - B. Quiet hours shall be from 9 p.m. to 7 a.m. daily.
 - C. Boat Club use and activities shall be allowed concurrent with the timeshare use to the extent that surplus parking spaces beyond those required for the timeshare use are available and on-site circulation is not adversely affected.
 - D. The timeshare management shall not be a vendor of on-site recreational water sport equipment (jet skis, boats, etc.) rentals. Any agreements with other vendors such as at Snug Harbor shall provide for delivery of such equipment to the site via the lagoon to the extent feasible. The timeshare is limited to non-motorized recreational items for guest use such as bicycles, kayaks, fishing rods, etc.
 - E. Dedicated accesses for the general public to and adjacent to the lagoon are being provided on the property, and shall not be impeded at any time by timeshare management, owners or guests.
 - F. Prior to any proposed use of the lagoon/water, the developer shall execute a use agreement and obtain any and all necessary permits and licenses, etc., from the City of Carlsbad for said lagoon/water use by entities on the subject property. The use agreement, permits and licenses, and any other applicable requirement for use of the lagoon/water, are subject to amendment by the City from time to time, and are required to be kept valid and in effect for the life of the timeshare project.
23. If the project cannot be successfully marketed as a timeshare project, it shall be converted to a hotel use pursuant to CMC Section 21.42.140(B)(155).
24. The management and maintenance plan submitted by the Developer titled "Management and Maintenance Plan – Resort Site" attached hereto as Exhibit 1, is approved and made a part of the permit for the project. Prior to the issuance of grading permits or final map approval, whichever comes first, Developer shall provide a copy of the complete final Management and Maintenance Plan for the Carlsbad Boat Club and Resort to the satisfaction of the City Planner or designee.

- 1 25. The maximum number of timeshare units is 20, including a resident manager unit if provided
2 on-site. Lock-off units are prohibited. The maximum time increment for recurrent exclusive
3 use of occupancy of a timeshare unit shall be four months and the minimum time increment
4 shall be no less than seven (7) consecutive days. A note indicating these requirements shall be
5 placed on the final map.

6 Engineering

7 **General**

- 8 26. Prior to hauling dirt or construction materials to or from any proposed construction site within
9 this project, developer shall apply for and obtain approval from, the city engineer for the proposed
10 haul route.
- 11 27. This project is approved upon the express condition that building permits will not be issued for
12 the development of the subject property, unless the district engineer has determined that
13 adequate water and sewer facilities are available at the time of permit issuance and will continue
14 to be available until time of occupancy.
- 15 28. Developer shall submit to the city engineer an acceptable instrument, via CC&Rs and/or other
16 recorded document, addressing the maintenance, repair, and replacement of shared private
17 improvements within this subdivision, including but not limited to private utilities, landscaping,
18 water quality treatment measures, low impact development features, storm drain facilities, and
19 pump systems located therein and to distribute the costs of such maintenance in an equitable
20 manner among the owners of the properties within this subdivision.
- 21 29. Developer shall prepare, submit and process for city engineer approval a final map to subdivide
22 this project. There shall be one Final Map recorded for this project. Developer shall pay the city
23 standard map review plan check fees.

24 **Fees/Agreements**

- 25 30. Developer shall cause property owner to execute and submit to the city engineer for recordation,
26 the city's standard form Geologic Failure Hold Harmless Agreement.
- 27 31. Developer shall cause property owner to execute and submit to the city engineer for recordation
28 the city's standard form Drainage Hold Harmless Agreement.
- 29 32. Developer shall cause property owner to submit an executed copy to the city engineer for
30 recordation a city standard Permanent Stormwater Quality Best Management Practice
31 Maintenance Agreement.
- 32 33. Prior to approval of a grading permit or any building permits for this project, developer shall cause
33 owner to give written consent to the city engineer for the annexation of the area shown within
34 the boundaries of the Subdivision into the existing City of Carlsbad Street Lighting and
35 Landscaping District No. 1 and/or to the formation or annexation into an additional Street Lighting
36 and Landscaping District. Said written consent shall be on a form provided by the city engineer.

37 **Grading**

- 1 34. Based upon a review of the proposed grading and the grading quantities shown on the tentative
2 map, a grading permit for this project is required. Developer shall prepare and submit plans and
3 technical studies/reports as required by city engineer, post security and pay all applicable grading
4 plan review and permit fees per the city's latest fee schedule.
- 5 35. Upon completion of grading, developer shall file an "as-graded" geologic plan with the city
6 engineer. The plan shall clearly show all the geology as exposed by the grading operation, all
7 geologic corrective measures as actually constructed and must be based on a contour map which
8 represents both the pre and post site grading. The plan shall be signed by both the soils engineer
9 and the engineering geologist, and shall be submitted on a 24" x 36" mylar or similar drafting film
10 format suitable for a permanent record.
- 11 36. This project requires off site grading. No grading for private improvements shall occur outside
12 the project unless developer obtains, records, and submits a recorded copy, to the city engineer,
13 a temporary grading, construction or slope easement or agreement from the owners of the
14 affected properties. If developer is unable to obtain the temporary grading or slope easement,
15 or agreement, no grading permit will be issued. In that case developer must either apply for and
16 obtain an amendment of this approval or modify the plans so grading will not occur outside the
17 project and apply for and obtain a finding of substantial conformance and/or consistency
18 determination from both the city engineer and city planner.
- 19 37. **Developer shall ensure that the final design proposing any permanent tie-backs do not go
20 beyond the property line into public right-of-way unless otherwise approved by city engineer.
21 Any structural support system (i.e. tie-backs, shoring, etc.) is required to be shown on the
22 grading plan to the satisfaction of the city engineer.**

23 Storm Water Quality

- 24 38. Developer shall comply with the city's Stormwater Regulations, latest version, and shall
25 implement best management practices at all times. Best management practices include but are
26 not limited to pollution control practices or devices, erosion control to prevent silt runoff during
27 construction, general housekeeping practices, pollution prevention and educational practices,
28 maintenance procedures, and other management practices or devices to prevent or reduce the
29 discharge of pollutants to stormwater, receiving water or stormwater conveyance system to the
30 maximum extent practicable. Developer shall notify prospective owners and tenants of the above
31 requirements.
- 32 39. Developer shall submit for city approval a Tier 3 Storm Water Pollution Prevention Plan (TIER 3
33 SWPPP). The TIER 3 SWPPP shall comply with current requirements and provisions established
34 by the San Diego Regional Water Quality Control Board and City of Carlsbad Requirements. The
35 TIER 3 SWPPP shall identify and incorporate measures to reduce storm water pollutant runoff
36 during construction of the project to the maximum extent practicable. Developer shall pay all
37 applicable SWPPP plan review and inspection fees per the city's latest fee schedule.
- 38 40. This project is subject to 'Priority Development Project' requirements. Developer shall prepare
39 and process a Storm Water Quality Management Plan (SWQMP), subject to city engineer
40 approval, to comply with the Carlsbad BMP Design Manual latest version. The final SWQMP
41 required by this condition shall be reviewed and approved by the city engineer with final grading
42 plans. Developer shall pay all applicable SWQMP plan review and inspection fees per the city's
43 latest fee schedule.

41. Developer is responsible to ensure that all final design plans (grading plans, improvement plans, landscape plans, building plans, etc.) incorporate all source control, site design, pollutant control BMP and applicable hydromodification measures.

Dedications/Improvements

42. Developer shall cause owner to dedicate to the city and/or other appropriate entities for the public street & public utility, public access, and public sewer purposes as shown on the Tentative Map. The offer shall be made by a Certificate on the Final Map. All land so offered shall be free and clear of all liens and encumbrances and without cost to the city. Streets that are already public are not required to be rededicated. Additional easements may be required at final design to the satisfaction of the city engineer.
43. Developer shall design the private drainage systems, as shown on the Tentative Map to the satisfaction of the city engineer. All private drainage systems (12" diameter storm drain and larger) shall be inspected by the city. Developer shall pay the standard improvement plan check and inspection fees for private drainage systems.

44. Developer shall prepare and process public improvement plans and, prior to city engineer approval of said plans, shall execute a city standard Subdivision Improvement Agreement to install and shall post security in accordance with C.M.C. Section 20.16.070 for public improvements shown on the Tentative Map. Said improvements shall be installed to city standards to the satisfaction of the city engineer. These improvements include, but are not limited to:

A. **Frontage improvements along Adams Street including but not limited to curb, gutter, sidewalk, relocation of the power pole, fire hydrant, paving, guardrail, double detector check valve assembly, water meter and water service line.**

B. **Sewer manhole on existing 24" VCP sewer main and sewer lateral.**

Developer shall pay the standard improvement plan check and inspection fees. Improvements listed above shall be constructed within 36 months of approval of the subdivision or development improvement agreement or such other time as provided in said agreement.

Non-Mapping Notes

45. Add the following notes to the final map as non-mapping data:

A. Developer has executed a city standard Subdivision Improvement Agreement and has posted security in accordance with C.M.C. Section 20.16.070 to install public improvements shown on the Tentative Map. These improvements include, but are not limited to:

i. **Frontage improvements along Adams Street including but not limited to curb, gutter, sidewalk, relocation of the power pole, fire hydrant, paving, guardrail, double detector check valve assembly, water meter, and water service line.**

ii. **Sewer manhole on existing 24" sewer main and sewer lateral.**

B. Building permits will not be issued for development of the subject property unless the appropriate agency determines that sewer and water facilities are available.

C. Geotechnical Caution:

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- i. Slopes steeper than two parts horizontal to one part vertical exist within the boundaries of this subdivision.
 - ii. The owner of this property on behalf of itself and all of its successors in interest has agreed to hold harmless and indemnify the City of Carlsbad from any action that may arise through any geological failure, ground water seepage or land subsidence and subsequent damage that may occur on, or adjacent to, this subdivision due to its construction, operation or maintenance.
- D. The owner of this property on behalf of itself and all of its successors in interest has agreed to hold harmless and indemnify the City of Carlsbad from any action that may arise through any diversion of waters, the alteration of the normal flow of surface waters or drainage, or the concentration of surface waters or drainage from the drainage system or other improvements identified in the city approved development plans; or by the design, construction or maintenance of the drainage system or other improvements identified in the city approved development plans.

10 **Utilities**

- 11 46. Developer shall meet with the fire marshal to determine if fire protection measures (fire flows, fire hydrant locations, building sprinklers) are required to serve the project. Fire hydrants, if proposed, shall be considered public improvements and shall be served by public water mains to the satisfaction of the district engineer.
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- 13
- 14 47. Developer shall design and agree to construct public facilities within public right-of-way or within minimum 20-foot wide easements granted to the district or the City of Carlsbad. At the discretion of the district or city engineer, wider easements may be required for adequate maintenance, access and/or joint utility purposes.
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- 17 48. Developer shall install potable water and/or recycled water services and meters at locations approved by the district engineer. The locations of said services shall be reflected on public improvement plans.
- 18
- 19 49. The developer shall agree to install sewer laterals and clean-outs at locations approved by the city engineer. The locations of sewer laterals shall be reflected on public improvement plans.
- 20 50. **Developer shall submit sewer calculations prepared by a registered engineer that identifies the peak flows of the project and required pipe sizes. Said calculations shall be submitted concurrently with the improvements plans for the project and the calculations shall be prepared to the satisfaction of the city engineer.**
- 21
- 22
- 23 51. **Developer shall submit water calculations prepared by a registered engineer that identifies the peak demands of the project and required pipe size. Said calculations shall be submitted concurrently with the improvements plans for the project and the calculations shall be prepared to the satisfaction of the city engineer.**
- 24
- 25
- 26 52. Prior to using one potable water meter to serve a multi-ownership building, developer shall apply for and receive approval from the utilities director. Upon application for and good cause shown, the utilities director may allow a single potable water service connection and meter to a multi-ownership building within this Subdivision provided:
- 27

1 A. Developer shall record a deed restriction or other such document as approved by the
2 public works director and general counsel placing future owners on notice that each and
3 every residential or commercial/office unit is served by a single service connection and
4 meter, and in the event that the water bill is not paid by the party or entity responsible
5 for paying the monthly water service charges to CMWD for the respective building
6 occupied by the multi-ownership, CMWD may at its direction shut off the water service
7 to such multi-ownership building in accordance with CMWD adopted rules and
8 regulations.

6 B. Developer shall install a private sub-meter for each separately established residence or
7 business within a multi-ownership building having a single potable water service
8 connection and meter.

8 If denied, developer shall revise all design drawings to provide separate potable water meters for
9 each separately owned unit within this Subdivision per district requirements.

10 **Fire**

11 53. Prior to issuance of a building permit, developer shall submit a separate plan showing required
12 fire sprinklers and alarm system to the satisfaction of the fire marshal.

13 **Code Reminders**

14 54. Developer shall pay a landscape plan check and inspection fee as required by Section 20.08.050
15 of the Carlsbad Municipal Code.

16 55. Approval of this request shall not excuse compliance with all applicable sections of the Zoning
17 Ordinance and all other applicable City ordinances in effect at time of building permit issuance,
18 except as otherwise specifically provided herein.

19 56. The project shall comply with the latest nonresidential disabled access requirements pursuant to
20 Title 24 of the California Building Code.

21 57. Premise identification (addresses) shall be provided consistent with Carlsbad Municipal Code
22 Section 18.04.320.

23 58. Any signs proposed for this development shall at a minimum be designed in conformance with
24 the City's Sign Ordinance and shall require review and approval of the City Planner prior to
25 installation of such signs.

26 59. This tentative map shall expire two years from the date on which the City Council voted to approve
27 this application.

28 60. Developer shall pay traffic impact and sewer impact fees based on Section 18.42 and Section
13.10 of the City of Carlsbad Municipal Code, respectively. The Average Daily Trips (ADT) and
floor area contained in the staff report and shown on the Tentative Map are for planning purposes
only.

NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of
the City of Carlsbad, California, held on **February 15, 2017**, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

JEFF SEGALL, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

DON NEU
City Planner

Minutes of: PLANNING COMMISSION
 Time of Meeting: 6:00 p.m.
 Date of Meeting: February 15, 2017
 Place of Meeting: COUNCIL CHAMBER

CALL TO ORDER

Chairperson Segall called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Siekmann led the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Segall, Commissioners Anderson, Black, Goyarts, L'Heureux, Montgomery, and Siekmann

Absent: None

STAFF PRESENT

Don Neu, City Planner
 Ron Kemp, Assistant City Attorney
 Farah Nisan, Secretary
 Teri Delcamp, Principal Planner
 Scott Donnell, Senior Planner
 Chris Garcia, Associate Planner
 Greg Fisher, Associate Planner
 Austin Silva, Associate Planner
 Jason Geldert, Engineering Manager
 David de Cordova, Principal Planner
 Craig Williams, Transportation Manager
 Debbie Fountain, Housing and Neighborhood Services Director
 Mick Calarco, Parks and Recreation Special Projects Manager

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Robert Wilkinson, Imagine Carlsbad, Suite I, 2911 State Street, shared a handout to the Planning Commission regarding future development in the Village and Barrio Master Plan.

PLANNING COMMISSION PUBLIC HEARING

Chairperson Segall asked Mr. Neu to introduce the first item and opened the public hearing on Agenda Item 4.

4. **CDP 16-30 – VIGILUCCI'S SEAFOOD & STEAKHOUSE REMODEL** – Request for a Coastal Development Permit for an interior remodel to relocate the restaurant's kitchen to the rear of the building, relocate an existing dining area to the front of the restaurant with no increase in square footage or in overall seating, and an associated exterior remodel. The site is located at 3878 Carlsbad Boulevard in the Commercial Tourist (C-T) zone, within the Mello II Segment of the Local Coastal Program and Local Facilities Management Zone 1. The project qualifies as a CEQA Guidelines Section 15301(a) (Existing Facilities) Class 1 Categorical Exemption. This project is not located within the appealable area of the California Coastal Commission.

Mr. Neu stated that the applicant has requested a continuance and staff is recommending that Agenda Item 4 be continued to a date certain of March 15, 2017.

MOTION

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner L'Heureux that the Planning Commission continue Agenda Item 4 to March 15, 2017.

VOTE: 7-0

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Black, Commissioner Goyarts, Commissioner L'Heureux, Commissioner Montgomery and Commissioner Siekmann

NOES: None

ABSENT: None

ABSTAIN: None

Chairperson Segall closed the public hearing on Agenda Item 4, asked Mr. Neu to introduce the next item and opened the public hearing on Agenda Item 3.

3. **SDP 86-02(E)/CDP 16-44 – FOUR SEASONS RESIDENCE CLUB** – Request for a Site Development Plan Amendment and Coastal Development Permit to allow the construction of parking areas and recreation facilities for the existing timeshare development generally located east of Kingfisher Lane in Aviara Planning Area 2b, in Local Facilities Management Zone 19. The project site is located within the Mello I Segment of the city's Coastal Zone, but is not within the appealable area of the California Coastal Commission. The City Planner has determined that the project is subject to the provisions of CEQA; however, the potential environmental effects of the project were adequately analyzed by the previously Certified EIR for the Aviara Master Plan – MP 177/EIR 83-02(A). No additional environmental review is required.

Mr. Neu stated Agenda Item 3 would normally be heard in a public hearing context; however, the project appears to be minor and routine in nature with no outstanding issues and staff recommends approval. He recommended that the public hearing be opened and closed, and that the Commission proceed with a vote as a consent item. Staff would be available to respond to questions if the Commission or someone from the public wished to comment on Agenda Item 3.

Chairperson Segall asked if any member of the audience wished to address Agenda Item 3. Seeing none, he opened and closed public testimony.

MOTION

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner Siekmann that the Planning Commission adopt Planning Commission Resolution No. 7227 approving Site Development Plan Amendment No. SDP 86-02(E) and Coastal Development Permit No. CDP 16-44, based on the findings and subject to the conditions contained therein.

VOTE: 7-0

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Black, Commissioner Goyarts, Commissioner L'Heureux, Commissioner Montgomery and Commissioner Siekmann

NOES: None

ABSENT: None

ABSTAIN: None

Chairperson Segall closed public hearing on Agenda Item 3, asked Mr. Neu to introduce the next item and opened the public hearing on Agenda Item 1.

1. **CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT** – Request for a Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit for the demolition of a restaurant and single family residence and to allow the construction of a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street, on the south side of Adams Street between Highland Drive and Park Drive, within the Agua Hedionda Segment of the Local Coastal Program (LCP) and in Local Facilities Management Zone 1. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to state CEQA Guidelines Section 15332 – In-fill Development Projects. The Agua Hedionda LCP Segment is in an area of deferred certification where the City of Carlsbad does not have permit authority to issue Coastal Development permits and thus, the project will need to obtain a Coastal Development Permit issued by the California Coastal Commission.

Mr. Neu introduced Agenda Item 1 and stated Principal Planner Teri Delcamp would make the staff presentation.

Chairperson Segall asked if any of the Commissioners have ex parte communications to disclose for this item.

Commissioner Anderson disclosed that she drove by the property.

Commissioner Goyarts stated that he has viewed the property from the water and has also visited the site.

Commissioner Siekmann disclosed that she has gone paddle boarding many times, walked and driven by the property.

Commissioner L'Heureux disclosed that he lives a quarter mile from the project site, therefore he has walked and driven by the property on Adams Street weekly for the last thirty years. Commissioner L'Heureux stated that he has viewed the site from the ground as well as on Google Earth, read an article from the Coast News dated February 10, 2017 regarding the project and has previously represented the applicant's consultant's father-in-law.

Assistant City Attorney Ron Kemp stated that the city prepares conflict maps for each Commissioner to see if they reside within the 600 foot boundary and Commissioner L'Heureux is well outside the 600 foot boundary, and therefore is not conflicted for that reason.

Commissioner Montgomery disclosed that he is very familiar with the site, has walked around and visited the restaurant.

Chairperson Segall disclosed that he has been on the water side of the site and has also used Google.

Ms. Delcamp gave a brief presentation and stated she would be available to answer any questions.

Chairperson Segall asked if there were any questions of staff.

Commissioner Anderson asked if the clubhouse is non-conforming. Ms. Delcamp stated that the recreational building has had an existing use since the 1950s. Commissioner Anderson asked if it cannot be expanded, but can be remodeled. Ms. Delcamp replied stating that as part of the proposal for a use that is allowed within the zone, there could be opportunities to make modifications to that as part of the project. The applicant has selected not to expand given its location in close proximity to the lagoon.

Commissioner Anderson asked what would happen to the building if the water level rose and made the building unusable. Mr. Neu stated that if the building had damage and needed to be rebuilt, it would then need to comply with the development standards.

Chairperson Segall asked if there were any further questions of staff. Seeing none, he asked if the applicant wished to make a presentation.

Bill Hofman, Hofman Planning & Engineering, 3150 Lionshead, assisted by James Courtney, 1861 South View Drive, made a presentation.

Chairperson Segall asked if there were questions of the applicant.

Commissioner Siekmann inquired about the operation of the paddle boarding available to the public. Mr. Courtney stated that there is currently a tenant that provides paddle boarding, yoga classes and various lessons.

Commissioner Black asked if the existing landscaping will remain or be removed and replaced. Mr. Hofman stated that some will be replaced because of the street improvement requirement and some landscaping will be added. Commissioner Black inquired about onsite management. Mr. Hofman stated that there will be a person available for 24 hours in one of the units devoted to managing the property.

Commissioner Goyarts asked if the applicant has considered a small bed and breakfast with potentially a café on the water with public access. Mr. Hofman stated yes.

Commissioner L'Heureux asked where the traffic count was taken on Adams Street. Mr. Courtney stated Highland Drive and Park Drive. Commissioner L'Heureux asked if the boat club is a separate business from the timeshare or if the timeshare and the boat club will be one unit as far as ownership and management. Mr. Hofman stated that it will be as one entity. Commissioner L'Heureux inquired about trash pickup. Mr. Hofman stated that the garbage trucks go all the way down the hill for pickup. Commissioner L'Heureux asked where employees will park. Mr. Hofman stated that since there will be six additional parking spaces, there will be available onsite parking for most of the year, and a management employee will have a designated parking space.

Mike Pfankuck, 1250 Magnolia Avenue, clarified that the intent of this project is to bring tourist attraction to Carlsbad, have boats and paddle boards provided. Commissioner Anderson asked if jet skis will be on the property. Mr. Pfankuck stated no.

Commissioner Montgomery asked what would make this project different from the first submittal besides the reduction in units if the building is the same size. Mr. Hofman replied stating that a 20 % reduction of total units from 25 to 20, traffic decrease from 240 to 200 Average Daily Trips (ADT), a profile step back of the building with increase of patio decks, and an approximate 2,000 square footage reduction of the floor area.

Commissioner Siekmann asked if there will be bathroom facilities available for public use. Mr. Hofman stated that there will be public restrooms in the boat house. Commissioner Siekmann asked if any person who might want to take their private paddle board to the water could walk down to the water from the property. Mr. Hofman stated no, the project site is private property. He stated that the California Coastal Commission (CCC) will try and make a public easement coming from the street to the water.

Chairperson Segall asked if Mr. Hofman would be okay with adding a condition to the operation standards to remove live amplified music. Mr. Hofman stated yes.

Chairperson Segall asked if the project cannot be successfully marketed as a timeshare, is it required to be converted into a hotel. Mr. Neu stated that since it is a requirement of the Carlsbad Municipal Code, in the event of a timeshare that is not successful, the hotel would be the fallback use.

Commissioner Black asked what would preclude a timeshare owner of the week to only have three or four days that they own to come for something less than seven days. Mr. Hofman stated that the unit would have to stay vacant the days they are not occupied.

Commissioner L'Heureux inquired about the relocation of the power pole. Mr. Geldert stated that the power pole will be relocated to allow for the sidewalk.

Chairperson Segall asked if there were any further questions for the applicant. Seeing none, he asked if any members of the audience wished to address Agenda Item 1. Chairperson Segall opened public testimony.

Julie Hamilton, 4112 Adams Avenue, San Diego, assisted by Tommy Dean, 4517 Adams Street, Carlsbad, and Jim Strickland, 4747 Marina Drive made a presentation in opposition to the project due to consistency, pedestrian access, compatibility, safety, traffic, density and parking. The following speakers ceded their time to Ms. Hamilton, Mr. Dean and Mr. Strickland; Scott Engel, 4220 Isle Drive, Fred Jamsson, 4519 Cove Drive, Amber Depace, 2965 Carlsbad Boulevard and Kevin Bender, 4070 Adams Street.

Sam Ross, Visit Carlsbad, 5106 Lynch Court, stated that he supports the project.

RECESS

Chairperson Segall called for a 10-minute recess at 8:02 p.m.

MEETING CALLED TO ORDER

Chairperson Segall called the meeting to order at 8:14 p.m. with all Commissioners present.

Mr. Neu stated that staff is recommending that Agenda Items 5 and 6 be continued to a date certain of March 15, 2017 due to time constraints.

5. **RP 16-12/CDP 16-28 – ARMY & NAVY ACADEMY STUDENT ENRICHMENT CENTER**
– Request for a recommendation of approval of a Major Review Permit and Coastal Development Permit to allow for the construction of a two-story 4,714 square foot building for student meeting and exhibition space at the south end of the athletic complex at 2800 Carlsbad Boulevard in District 9 of the Village Review Zone, the Village Segment of the Local Coastal Program, and within Local Facilities Management Zone 1. The City Planner has determined that this project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines.
6. **CT 16-02/RP 16-08 – OCEAN** – Request for a recommendation of approval of a Tentative Tract Map and Major Review Permit to demolish an existing office building for the construction of 17 multi-family residential air space condominium units on a 0.487-acre project site located at 2501 State Street within District 4 – Residential Support Area of the Village Review (VR) Zone and Local Facilities Management Zone 1. The City Planner has determined that this project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to section 15332 (In-fill Development Projects) of the State CEQA guidelines.

MOTION

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner L'Heureux that the Planning Commission continue Agenda Item 5 to a date certain of March 15, 2017.

VOTE: 7-0

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Black, Commissioner Goyarts, Commissioner L'Heureux, Commissioner Montgomery and Commissioner Siekmann

NOES: None

ABSENT: None

ABSTAIN: None

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner L'Heureux that the Planning Commission continue Agenda Item 6 to a date certain of March 15, 2017.

VOTE: 7-0

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Black, Commissioner Goyarts, Commissioner L'Heureux, Commissioner Montgomery and Commissioner Siekmann

NOES: None

ABSENT: None

ABSTAIN: None

Chairperson Segall closed the public hearing on Agenda Items 5 and 6.

The following speakers spoke in opposition of the project due to traffic, density, parking, noise, compatibility and pollution from powerboats:

Allen Sweet, 4444 Highland Drive
Brian Connor, 4815 Windjammer Way
Sarah Huber, Flat 29, St. Andrews Mansions, 4 Dorset Street, London W1U 4EQ
David Turner, 2553 Cove Drive
Gary Algier, Suite 2D, 4513 Cove Drive
Kalon Morris, Suite 15, 4513 Cove Drive
Idora Lee Roelofs, Suite A, 4533 Cove Drive

The following speakers spoke in favor in the project:

Alan Wannamaker, 2399 Jefferson Street
Janna Streelman, 3502 Santa Clara Way
Arnie Cohen, 2853 Cazadero Drive
Melanie Burkholder, 4040 Sunnyhill Drive
Susan Toft, 7000 Ballena Way

Chairperson Segall asked if there were any other members of the audience who wished to speak on the item. Seeing none, he asked if the applicant could respond to the issues raised and closed public testimony.

Chairperson Segall asked if there were any questions of staff.

Commissioner Montgomery asked why a Hillside Development Permit (HDP) is not required for the project. Ms. Delcamp stated that the determination was made when the previous project was processed and proposed because the site is already developed. Commissioner Montgomery asked if the project would be restricted to a right turn only onto Adams Street. Engineering Manager Jason Geldert stated that it would not be necessary as some improvements will be made to enhance visibility to make a safe turn.

Commissioner L'Heureux inquired about the number of dump truck trips traveling during construction. Mr. Geldert clarified that there will be 8 dump trucks transporting soil, and depending on the distance, it may take up to 760 loads.

Commissioner Anderson asked what is happening to the runoff. Mr. Geldert stated that the project is subject to stricter requirements that meet the priority project thresholds for water quality. He stated that there are two basins located below biofiltration areas.

Commissioner Black asked what kind of precautions a contractor would take to prevent dirt runoff during construction. Mr. Geldert stated that the Stormwater Pollution Prevention Plan (SWPPP) is implemented and Best Management Practices (BMP) will be taken into account during construction.

DISCUSSION

Commissioner Siekmann suggested that four additional amendments be added to the resolution such as no amplified music on the roof decks, limit the number of boats provided onsite for the users to two, not allow any of the timeshare owners or their guests to bring motorized boats to the property and to limit the public parking use of the facility to six trailers with proper reservations.

MOTION

A motion was made by Commissioner Montgomery, which was seconded by Commissioner Siekmann, to add no amplified music on the roof decks to condition number 22 A. The Commission voted 7-0.

A motion was made by Commissioner Montgomery, which was seconded by Commissioner Siekmann, to provide a public access easement on the eastern side of the building from Adams Street to the lagoon, or at another location as approved by the CCC. The Commission voted 7-0.

A motion was made by Commissioner Montgomery, which was seconded by Commissioner Siekmann, to limit the number of boats provided to the timeshare owners to two and to not allow any guest boats. The Commission voted 2-5 (Chairperson Segall, Commissioners Anderson, Black, Goyarts and Montgomery).

A motion was made by Commissioner Montgomery, which was seconded by Commissioner Siekmann, to limit public boats to six trailers on a reservation basis. The Commission voted 6-1 (Commissioner Montgomery).

Commissioner Montgomery commented that he stands behind private property rights and the ability of the property owners to develop property. He stated that there are possible impacts from the project such as traffic, impacts to the lagoon, to the citizenry that live around the site and he does not believe that those particular impacts are of a significant nature that would make him rule against the project on those issues. Commissioner Montgomery stated that the project meets all the development standards, although it comes down to intensity and compatibility. He stated that he cannot make a finding against the project and he cannot support the project based on compatibility and intensity.

Commissioner Siekmann stated that she feels differently than Commissioner Montgomery and added that the property owner has made changes in order to make the project more compatible with the neighborhood. She stated that she can support the project.

Commissioner Goyarts stated that the project is too intense and is not compatible with the surrounding neighborhood. He believes, if the project is visitor serving, a small six-to-ten bedroom bed and breakfast would be more appropriate for the site.

Commissioner Anderson stated that she cannot find the project as necessary and desirable or compatible and in harmony with the neighborhood.

Commissioner Black stated that he is concerned with the boats pulling on the opposite side of the road to try to pull into the driveway. He stated that he is in favor of what the applicants have done to mitigate the concerns that existed back in 2008. Commissioner Black stated that he is happy to hear that the landscaping in the front of the project is going to either remain or be replaced with something similar which will block the view of the roof. He stated that the neighborhood is diversified and the CCC would like to keep it that way, therefore he would rather see this project constructed than a hotel that would attract more traffic. Commissioner Black can support the project.

Commissioner L'Heureux thanked staff and the applicant that have invested endless hours on the project. He concurs with Commissioner Montgomery and stated that one of his biggest problems is the way Adams Street is physically constructed in that area. He stated that there are many pedestrians, bicyclists, and people that are using it today and is apprehensive in adding more traffic on Adams Street. Commissioner L'Heureux stated that Adams Street is not designed for higher intensity use and he cannot support the project.

Chairperson Segall stated that he supports land owner use however, he thinks it needs to be compatible. He added that the timeshare use is not compatible in a residential neighborhood because of the transient nature of timeshare. Chairperson Segall stated that he thinks Adams Street is not a well thought out street for this type of intensity. He concluded that he cannot support the project.

MOTION

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner Siekmann that the Planning Commission adopt Planning Commission Resolution No. 7200 recommending approval of Tentative Tract Map CT 14-11, Non-Residential Planned Unit Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10, based upon the findings and subject to the conditions contained therein including the amendments and the errata sheet.

VOTE: 2-5

AYES: Commissioner Black and Commissioner Siekmann

NOES: Chairperson Segall, Commissioner Anderson, Commissioner Goyarts, Commissioner L'Heureux and Commissioner Montgomery

ABSENT: None

ABSTAIN: None

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner Goyarts that the Planning Commission deny Planning Commission Resolution No. 7200 recommending denial of Tentative Tract Map CT 14-11, Non-Residential Planned Unit Development Permit PUD 16-02 and Conditional Use Permit CUP 14-10 based on the discussion of the Commission and the individual rational provided.

VOTE: 5-2

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Goyarts, Commissioner L'Heureux and Commissioner Montgomery

NOES: Commissioner Black and Commissioner Siekmann

ABSENT: None

ABSTAIN: None

Chairperson Segall closed the public hearing on Agenda Item 1, asked Mr. Neu to introduce the next item and opened the public hearing on Agenda Item 2.

MOTION

A motion was made by Commissioner Siekmann, which was seconded by Commissioner L'Heureux to extend the meeting until 11:00 p.m. The Commission voted 6-1 (Commissioner Anderson) to extend the meeting.

2. **GPA 16-02 – 2017 HOUSING ELEMENT UPDATE** – Request for a recommendation of approval of a General Plan Amendment to revise the General Plan Housing Element. As an element of the General Plan, the Housing Element is a policy document applicable city-wide. The project is within the scope of the prior environmental documents certified and adopted in September 2015 for the Comprehensive General Plan Update, and no further environmental documentation is required per CEQA Guidelines Section 15162.

Mr. Neu introduced Agenda Item 2 and stated Senior Planner Scott Donnell would make the staff presentation.

Mr. Donnell gave a brief presentation and stated he would be available to answer any questions.

Commissioner Goyarts asked if the city has a forecast and a contingency plan to the City Council that states by February of 2027, the city has reached the maximum number of dwelling units permitted by Growth Management and expect to stop receiving funding leading to have enough tax revenue to cover the city's needs. Mr. Neu replied stating that the process of the assignment of the Regional Housing Need Allocation (RHNA) number is a negotiated effort at SANDAG. A number is given to the region and SANDAG and the member cities negotiate a formula for the allocation of the RHNA. He stated that the Carlsbad requirement may shrink in size, but as the region gets an assigned number with the same constraints, it will get allocated.

Commissioner Black asked if it would be possible for the Excess Dwelling Units (EDU) bank to run out given that the developers may not want to fund it in place of the actual units. Housing and Neighborhood Service Director Debbie Fountain replied stating that the EDU bank is a numbers game, if a developer develops less, then they are entitled to that there would not be any pull from the EDU bank, only if it were granted additional density.

Chairperson Segall asked if any member of the audience wished to address Agenda Item 2 and opened public testimony.

Mario Monroy, 2955 Ocean Street, stated that it is illegal to try to control how many people live in the city and shared his concerns with affordable housing.

Socorro Anderson, Vice President of Friends of La Posada, 3420 Don Juan, stated her concerns with the difficulty in finding affordable housing.

Margie Monroy, 2955 Ocean Street, stated her concerns with affordable housing available to residents.

Chairperson Segall asked if there were any other members of the audience who wished to speak on the item. Seeing none, he closed public testimony.

MOTION

ACTION: Motion by Commissioner Montgomery and duly seconded by Commissioner Black that the Planning Commission adopt Planning Commission Resolution No. 7228 recommending approval of General Plan Amendment GPA 16-02 to the City Council based on the findings contained therein.

VOTE: 7-0

AYES: Chairperson Segall, Commissioner Anderson, Commissioner Black, Commissioner Goyarts, Commissioner L'Heureux, Commissioner Montgomery and Commissioner Siekmann

NOES: None

ABSENT: None

ABSTAIN: None

Chairperson Segall closed the public hearing on Agenda Item 2.

COMMISSION COMMENTS

Commissioner L'Heureux commented that the Commissioners who will be attending the 2017 Planning Commissioners Academy conference should organize and carpool to Los Angeles.

CITY PLANNER COMMENTS

Mr. Neu stated that there will be an informational presentation held at the Shulman Auditorium at the Dove Library on the Road to Carlsbad Past and Future regarding the Highway 101 historic corridor from 4:00 p.m. to 5:30 p.m. on **February 16, 2017**.

CITY ATTORNEY COMMENTS

None.

ADJOURNMENT

By proper motion, the Regular Meeting of the Planning Commission of February 15, 2017 was adjourned at 10:50 p.m.

A handwritten signature in black ink, appearing to read "Don Neu". The signature is stylized with a large, looped "D" and a cursive "Neu".

DON NEU
City Planner

Farah Nisan
Minutes Clerk

The City of Carlsbad Planning Division
A REPORT TO THE PLANNING COMMISSION

Item No.

4

P.C. AGENDA OF: September 21, 2016

Application complete date: June 24, 2016

Project Planner: Greg Fisher/Teri Delcamp

Project Engineer: Kyrenne Chua

SUBJECT: **CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT** – Request for a Tentative Tract Map, Nonresidential Planned Unit Development Permit and Conditional Use Permit for the demolition of a restaurant and single family residence and to allow the construction of a twenty (20) unit timeshare condominium project with underground parking on approximately one acre of land located at 4509 Adams Street, on the south side of Adams Street between Highland Drive and Park Drive, within the Agua Hedionda Segment of the Local Coastal Program (LCP) and in Local Facilities Management Zone 1. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to state CEQA Guidelines Section 15332 - In-fill Development Projects. The Agua Hedionda LCP Segment is in an area of deferred certification where the City of Carlsbad does not have permit authority to issue Coastal Development permits and thus, the project will need to obtain a Coastal Development Permit issued by the California Coastal Commission.

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No. 7200 **RECOMMENDING APPROVAL** of Tentative Tract Map (CT) 14-11, Non-Residential Planned Unit Development Permit (PUD) 16-02 and Conditional Use Permit (CUP) 14-10, based upon the findings and subject to the conditions contained therein.

II. PROJECT DESCRIPTION AND BACKGROUND

The project consists of demolishing the existing restaurant and single family residence at the "Boat Club" facility and constructing a new 20-unit timeshare condominium project along the north shore of the Agua Hedionda Lagoon. A prior request for a 25-unit timeshare condominium project with remodels of the boat launch and recreation building was denied in 2008 (CT 06-16/CUP 06-16/SUP 07-05/V 07-04). That project initially included 26 timeshare units and significantly greater square footage than the current project. The Planning Commission had continued the prior project's public hearing to allow the applicant to address concerns raised by the Commission and several neighbors relating to compatibility with the adjacent single family uses based on the massing, scale, and intensity of the project, suggesting that the number of units should be reduced to about 19 with some associated reduction in building square footage and coverage. The prior project was revised to provide minor design modifications and was reduced to 25 units, but the Planning Commission was still unable to make the necessary findings for approval. The Planning Commission recommended denial of the CUP, and denied the other entitlements. The City



Council concurred and denied the CUP, along with the other entitlements on appeal. The purpose of this staff report is not to compare the current project with the prior project, although some comparisons are noted where appropriate, but to address the current project's consistency with the development regulations for the site and the proposed use. Staff's position is that the current proposed project meets the necessary findings, and is recommending approval. A public notice was mailed to property owners within 600 feet of the project site on September 6, 2016. Prior to and after the notice date, staff received several letters and emails in opposition to the project. The correspondence is an attachment to the staff report.

The new timeshare building is three stories over an underground parking garage. Access is via a concrete driveway off Adams Street, which will circulate down on the westerly side of the property to the garage level. The garage level is at the eight foot elevation, or eight feet above mean sea level. The parking garage provides 30 parking spaces plus two boat storage spaces. Two visitor parking spaces are provided outside the parking garage, adjacent to the existing boat ramp. Above the garage is the first floor with an office, seven timeshare units and most of the required storage areas for the timeshare units. In the center of the first floor is a courtyard, roughly 30 feet by 45 feet, which is open to the sky above. The second floor provides seven timeshare units and the remaining required storage areas. The third floor contains six timeshare units and a balcony between two of the units that is roughly 25 feet by 35 feet. The project provides a balanced mix of studio, one, two and three bedroom units. The roof plan is primarily flat, with a compact mechanical equipment area in roof screens to obscure views and noise of the equipment. No roof deck amenities are provided or proposed. The building has sloped 4:12 barrel tile roof parapet elements which wrap around most of the building. The project does not propose any changes to the existing recreation building or the existing boat launch ramp, other than addressing stormwater quality treatment requirements. Trash enclosures will be located at the garage level. Two stairwells and an elevator provide vertical access from the parking garage to the third floor, and do not extend to the roof. An at-grade exterior stairway is located on the east side of the property from Adams Street to the bottom of the property. As part of the citywide trail plan, a pedestrian trail parallel to the lagoon is proposed above the high tide line, traversing the site across the lower portion of the property.

The existing private boat club's launch/ramp facility and boathouse building were originally approved by the City Council in 1955 (Ordinance 9043). The restaurant that is to be demolished has operated as part of the boat club sporadically under a variety of different restaurant names over the years, including Peanuts, The Restaurant, La Mason Du Lac, Chez Milene, and Jose's Baja Grill. The Boat Club, which provides the boat launch facility for members, has been in continuous operation. As early as 1956, the subject site and four other surrounding properties were General Plan Land Use designated as Recreational Commercial (RC, later redefined as Travel Recreation/Commercial (TR) and recently redefined as Visitor Commercial (VC)), and were zoned as Residential Tourist (R-T). The other four sites (one to the east, and three on the north side of Adams Street) have since had their General Plan Land Use and Zoning designations changed to Residential (R-4 and R-1-15,000, respectively). The private boat club facility operated from the 1950s until the early 1990s without neighbors. Residential construction began to fill in around the site from about 1991 through the 2000s. The Carlsbad Boat Club site is the last remaining parcel with a VC Land Use designation and R-T Zoning in the immediate area. Table 1 below includes the General Plan designations, zoning and current land uses of the project site and surrounding properties.

TABLE 1

Location	General Plan Designation	Zoning	Current Land Use
Site	Visitor Commercial (VC)	Residential Tourist (R-T)	Boat dock/launch and recreation building, single family home, former restaurant
North	Residential (R-4)	Single Family Residential (R-1-15,000)	Single family homes
South	Open Space (OS)	OS	Agua Hedionda Lagoon
East	R-4	R-1-15,000	Single family home
West	R-4	R-1-15,000	Single family home

The CUP for a timeshare development requires City Council approval. Per Carlsbad Municipal Code (CMC) Section 21.54.040(C)(3), because the CUP requires City Council action, the CT and PUD also require a recommendation from the Planning Commission to the City Council as the final decision-maker.

III. ANALYSIS

The proposed project is subject to the following regulations:

- A. Visitor Commercial (VC) General Plan Land Use designation;
- B. Subdivision Ordinance (Title 20 of the CMC);
- C. Residential Tourist Zone (R-T) (Chapter 21.20 of the CMC);
- D. Nonresidential Planned Development Ordinance (Chapter 21.47 of the CMC);
- E. Conditional Use Permit (Section 21.42.140(B)(155) of the CMC);
- F. Local Coastal Program Agua Hedionda Segment;
- G. Hillside Development Ordinance (Chapter 21.95 of the CMC); and
- H. Growth Management – Local Facilities Management Plan (LFMP) Zone 1.

The recommendation for approval of this project was developed by analyzing the project's consistency with the applicable regulations and policies. The project's compliance with each of the above regulations is discussed in detail in the sections below.

A. General Plan – Visitor Commercial (VC)

The project is consistent with the applicable policies and programs of the General Plan. The VC land use designates areas for commercial uses that serve the travel, retail, shopping, entertainment, and recreation needs of visitors, tourists, and residents. Particularly relevant to the timeshare project are the Land Use, Mobility, Noise, and Public Safety elements of the General Plan. Table 2 below indicates how the development of the site under a VC land use designation complies with the elements of the General Plan.

TABLE 2: GENERAL PLAN COMPLIANCE

ELEMENT	USE CLASSIFICATION, GOAL, OBJECTIVE, OR PROGRAM	PROPOSED USES AND IMPROVEMENTS	COMPLY
Land Use	2-G.3 Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.	The proposed 20-unit timeshare is on the only remaining VC designated site in the immediate vicinity. The floor levels step back from the lagoon, with underground parking and portions of floor levels below grade. The height of the building will not exceed the height of the centerline of Adams Street. No variances to development standards are proposed.	Yes
Land Use	2-G.5 Protect the neighborhood atmosphere and identity of existing residential areas.	The site is not residentially zoned, but is surrounded by residentially zoned properties on the east, west and north. The site has been an existing commercial/boat club use since the 1950s, and the proposed timeshare use is less intensive in terms of average daily traffic (ADT) than the historical use of the site. The size, scale and height of the proposed timeshare is designed to be below Adams Street so as not to negatively affect the neighborhood atmosphere of the surrounding residential area.	Yes
	2-G.10 Promote continued growth of visitor-oriented land uses, and provide enhanced opportunities for new hotels and visitor services in desirable locations.	The proposed 20-unit timeshare development at the existing boat launching facility will serve visitor travel and recreational needs adjacent to Agua Hedionda Lagoon.	Yes
	2-P.23 Sites designated for "Visitor Commercial" uses should generally be located near major transportation corridors and proximate to key tourist/visitor draws such as lagoons and recreation venues.	The project site is on the north shore of Agua Hedionda Lagoon, on the site of an existing private boat club with a boat ramp facility. The project is in close proximity to water activity rental facilities at Snug Harbor located on the lagoon west of the timeshare.	Yes

TABLE 2: GENERAL PLAN COMPLIANCE CONTINUED

ELEMENT	USE CLASSIFICATION, GOAL, OBJECTIVE, OR PROGRAM	PROPOSED USES AND IMPROVEMENTS	COMPLY
Land Use	2-P.24(d) and 2-P.41 Build and operate commercial uses in such a way as to complement but not conflict with adjoining residential areas. Ensure building mass does not adversely impact surrounding residences. Ensure that the review of future projects places a high priority on the compatibility of adjacent land uses along the interface of different residential density and non-residential intensity categories.	The height of the proposed timeshare project does not exceed the centerline height of Adams Street and the structure is partially below grade and stepped down toward the lagoon so the mass will not adversely impact surrounding residences.	Yes
Mobility	3-P.5 Require developers to construct or pay their fair share toward improvements for all travel modes consistent with the Mobility Element, the Growth Management Plan, and specific impacts associated with their development.	The project would be conditioned to provide street improvements to Adams Street. Adams Street is adequate for the traffic generated by the use. The proposed timeshare use is roughly half the traffic generation of the historical restaurant/boat club uses.	Yes
Noise	5-P.5 As part of development project approval, require that noise generated by a project does not exceed standards established in Table 5-3 of the General Plan.	The project site is not impacted by noise, but as a VC designated site, it has the potential to generate noise. The site has been historically used as a private boat club facility and restaurant; traffic generation was higher with the historical uses than currently proposed. The conditions requiring compliance with the standards of Table 5-3 and annual monitoring of CUP compliance will ensure the project does not exceed Allowable Noise Exposure levels for adjacent residences and that noise impacts are adequately addressed.	Yes
Public Safety	6-P.15 In accordance with the California Subdivision Map Act, deny subdivision maps if a project site is not physically suitable for either the type or density of a proposed development because of geologic, seismic, or other hazards.	The geotechnical report prepared for the project, as conditioned, indicates that the site is suitable for the type and density of development and will not result in geologic, seismic or other hazards. The proposed building is well outside the 100-year flood buffer.	Yes

B. Subdivision Ordinance (Title 20 of the CMC)

The project proposes an airspace subdivision of 20 timeshare units. Chapter 20.16, Subdivision Ordinance, of the Carlsbad Municipal Code (CMC) addresses the requirements of a major subdivision (or tentative tract map for a subdivision creating more than four parcels). These requirements deal mostly with providing the drainage, sewerage, and circulation dedications and improvements needed to serve the subdivision.

The proposed timeshare subdivision will provide all necessary facilities prior to, or concurrent with, construction. The preliminary hydrology report submitted by the applicant indicates that all runoff can be controlled on-site with no overall increase. The on-site sewer system would be connected to the existing system which traverses the site. The water system would involve provision of looped service from the existing lines in Adams Street. Street improvements consisting of curb, gutter and sidewalk will be made along the frontage on Adams Street. No variances are needed to approve the project. Based on the analysis in this staff report, the proposed subdivision of airspace for 20 timeshare units meets the required findings of the Subdivision Map Act and CMC Section 20.12.19.

C. Zoning – Residential Tourist (R-T) (Chapter 21.20 of the CMC)

The Residential Tourist (R-T) Zone (CMC Chapter 21.20) implements the Visitor Commercial (VC) General Plan Land Use designation. The R-T Zone only permits dwellings and large and small family day care homes by right. A variety of conditional uses, which are commercial and recreational in nature including timeshares, are allowed by approval of a Conditional Use Permit (CUP). The project complies with the development standards of the R-T Zone as shown in Table 3 below.

TABLE 3: RESIDENTIAL TOURIST COMPLIANCE

Standard	Required/Allowed	Proposed/Provided	Comply
Building Height	Not to exceed 35 feet	35 feet	Yes
Setbacks – Buildings	Front: 20 feet Street side: N/A Interior side: 5 foot minimum one side 10 foot minimum on other side Rear: 20 feet	Front: 43'-6" Street side: N/A Interior side: 10'-6" to building, 6 feet to balconies on east side 25'-4" on west side Rear: 80 feet minimum	Yes
Setbacks – Driveways and Parking	Front: 20 feet Street side: N/A Interior side: 5 feet Rear: 20 feet	Front: 26 feet Street side: N/A Interior side: 5'-4" Rear: 57 feet minimum	Yes
Lot Area	7,500 square feet minimum	1.02 Ac (44,431 sq. ft.) existing	Yes
Lot Width	60 foot minimum	133 feet existing	Yes
Lot Coverage	75% maximum	43%*	Yes
Parking	1.2 parking spaces per unit required, or 24	30 spaces, plus 2 boat parking spaces in underground garage, and 2 visitor spaces in parking lot	Yes

*19,066 square feet (includes subterranean parking level, covered trash enclosure, existing recreation building, and three above grade deck areas.

D. Nonresidential Planned Development Ordinance (Chapter 21.47 of the CMC)

The project is subject to the Nonresidential Planned Development (PUD) Ordinance (Chapter 21.47 of the CMC). The intent of Chapter 21.47 is in part to provide a method for approval of separate ownership of units within multiple-unit buildings. In this case, a Nonresidential PUD is required for the airspace subdivision of 20 timeshare units identified on the proposed subdivision map. The allowable uses and required development standards for a Nonresidential PUD are those of the underlying zone as well as the Subdivision Ordinance. As indicated in the previous two sections, the project meets all requirements of the R-T Zone and the Subdivision Ordinance.

E. Conditional Use Permit (Section 21.42.140(B)(155) of the CMC);

The purpose of a Conditional Use Permit (CUP) is to allow special consideration for certain uses to be located in zones because of their particular characteristics. Such uses may only be suitable in specific locations or if designed in a particular manner on a site, or may require specific conditions to ensure compatibility within the zone and with their surroundings. Timeshare developments are conditionally allowed uses within the Residential Tourist (R-T) Zone per Section 21.20.010 of the CMC. The project is subject to the findings in CMC Section 21.42.030 for timeshare projects as a conditional use per CMC Section 21.42.140(B)(155). In accordance with Section 21.42.140(B)(155)(d), because the timeshare project is located within a nonresidential zone, a condition requires it to be converted to a hotel use if the project cannot be successfully marketed as a timeshare project. Another conditions addresses Section 21.42.140(B)(155)(e), which requires timeshare project applications to include a management and maintenance plan that describes proposed methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance for the project. The proposed conditions of approval also note the requirement of Section 21.42.140(B)(155)(f) that the maximum time increment for recurrent exclusive use of occupancy of a timeshare unit is four months. Timeshare projects are considered by the Planning Commission, with a recommendation being forwarded to the City Council which is the final decision-making body.

The proposed timeshare use is on a Visitor Commercial, Residential Tourist designated site surrounded by single family zoned properties developed with homes. The proposed design, scale, massing and intensity of the timeshare is compatible with the surrounding neighborhood based on the following findings:

- 1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan.**

The use is consistent with the General Plan vision for the Visitor Commercial (VC) Land Use designation of the site. As such, the use is considered desirable for the development of the community as it will provide tourist serving units and support the economic viability of the city through visitors patronizing local establishments. The visitor serving use and preservation of the private boat club and boat launching facility furthers the goals of the city's Local Coastal Plan as discussed below. Lateral coastal access is required to be provided by projects along the Agua Hedionda Lagoon and is proposed by this project. A condition requires dedication of vertical public access (street to shore) if and where required by the Coastal Commission (stairs on the east or via the driveway on the west side of the project). The project site is not within the boundary of a Specific or Master Plan.

The General Plan Land Use and Community Design Element requires projects to be found compatible with adjacent land uses. The design of the proposed timeshare project is compatible with the surrounding neighborhood at the scale and intensity proposed. The previously denied project consisted of 26 timeshare units within a 40,500 square foot building on a 12,000 square foot above-grade building footprint. The timeshare project now proposes 20 timeshare units within a 26,288 square foot building on an 11,360 square foot above-grade building footprint. The surrounding area has been developed with single family homes. However, the zoning for this one acre project site is Residential Tourist (R-T), and could allow from 15 up to a maximum of 30 dwelling units per acre as a secondary use in the VC Land Use designation per Table 2-3, Density and Intensity Standards, of the General Plan Land Use Element. The project meets the required development standards for the zone without any variances, includes underground parking and has been designed to step down toward the lagoon so as to reduce its scale and massing. The timeshare use will generate 200 Average Daily Trips (ADT). The restaurant has been closed during the time that the applicant has been processing applications to try to obtain approval of a timeshare project, so 200 ADT is higher than the ADT generated from the site in recent years. However, the 200 ADT is roughly half the ADT that was generated by the historical use of the site as a restaurant and boat launching facility. The proposed conditions to be applied to the project help ensure compatibility of the use with the neighborhood, and annual monitoring of the CUP allows for any issues regarding compliance to be addressed.

2. **That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.**

The 20-unit timeshare project will not be detrimental to the existing boat club and boat launching facility, which is the only existing use on the same site and zone in which the timeshare use is proposed. In past years, four other parcels adjacent to the project site were also zoned for Residential Tourist uses. Over time as the surrounding area began to be developed, those other similarly zoned sites were developed with homes and their Land Use and Zoning designations were changed to residential. The project site is now the only remaining Residential Tourist (R-T) site in the immediate vicinity. The timeshare project is designed in such a way, and is conditioned, so as not to be detrimental to the surrounding residential neighborhood. The design and intensity of the project, given the level of intensity that could be developed on this site in the Residential Tourist (R-T) zone, is compatible with the surrounding residential neighborhood. The architecture of the building is well-designed, and steps down toward the lagoon. The number of timeshare units is 20, which is a 25 percent reduction compared to the previously denied timeshare project on the site. The parking garage, and portions of the floors above, are below grade, which helps to further reduce the massing of the project. The height of the building will not exceed the centerline height of Adams Street, so the timeshare will not impose massing on the streetscape character of the neighborhood. Conditions of approval are proposed to address potential impacts that could otherwise occur related to noise and operations, which will further ensure the use is not detrimental to the surrounding neighborhood.

3. **That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the city planner, planning commission or city council, in order to integrate the use with other uses in the neighborhood.**

The site is adequate in size and shape to accommodate the proposed 20-unit timeshare use as the project meets all required development standards. While the restaurant building has been vacant for several years, a number of restaurants previously occupied the site over the years along with the boat club facility. The primary use of the site has not been residential, and the site has accommodated the commercial and recreational uses. The timeshare building footprint is outside the required 100-foot wetland buffer, and provides the necessary stormwater treatment improvements to protect the lagoon. The boat club recreation building and launching ramp are within the wetland buffer, but they have existed at the site for decades and are a use that is protected under Local Coastal Plan policies and requirements.

4. **That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use.**

Access to the site is by way of Adams Street. Adams Street is adequate in size to handle the proposed 200 ADT in traffic that will be generated by the proposed timeshare use.

5. **That the time-share project is located in reasonable proximity to an existing resort or public recreational area and, therefore, can financially and geographically function as a successful time-share project and that the project will not be disruptive to existing or future uses in the surrounding neighborhood.**

The project is located adjacent to the Agua Hedionda Lagoon which provides recreational activities for water sports such as boating, sailing, fishing and kayaking. Water access from the site would allow the aquatic activities which will help ensure that the project can financially and geographically function as a successful timeshare use. The Residential Tourist (R-T) zoning implements the Visitor Commercial (VC) Land Use designation, which is a nonresidential designation of the General Plan, so it is a nonresidential zone. Timeshares in nonresidential zones are conditioned to be converted to a hotel use if they cannot be successfully marketed as a timeshare project. The project has been designed to accommodate conversion and a hotel would need to meet all of the same requirements and conditions of the CUP and Section 21.42.140(B)(155) of the CMC. The project has submitted the required management and maintenance plan.

F. Agua Hedionda Segment of the Local Coastal Program

The project site is within the Agua Hedionda Segment of the Local Coastal Program (LCP), an area of Deferred Certification, and will require Coastal Development Permit approval from the Coastal Commission. The LCP recognizes that there are a wide variety of land uses and that a balance must be maintained which provides for continuance and expansion of recreational opportunities. Policy 1.1 of the Agua Hedionda LCP Land Use Plan states that "Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Plan." The project site is designated as Visitor Commercial (VC) on the Land Use Plan.

Environment: The project does not propose any improvements near the water's edge. There are existing improvements within the 100 foot wetland buffer (recreation building and boat ramp) which will remain. The project will provide required stormwater treatment facilities adjacent to the existing recreation building.

Recreation and visitor serving facilities: There are a variety of Coastal Act Policies which encourage, where appropriate and feasible, public facilities for recreational use and visitor commercial serving recreational facilities. The plan recognizes Sung Harbor and Whitey's Landing (subject property) as major boating facilities. As such, the plan states that Snug Harbor and Whitey's Landing shall be designated for continued recreational-commercial use and expansion of existing facilities at these locations shall be encouraged. The timeshare would provide some additional recreational access for visitors staying at the timeshare. The required public access across the property is being provided, and a condition of approval requires vertical access from Adams Street to the shore in a location as required by the Coastal Commission.

Shoreline access: The project will provide lateral access across the property. A pedestrian walkway and steps, or alternatively the vehicular driveway, could provide vertical access to the shoreline. A condition of approval requires dedication of a vertical access to the shore in a location as required by the Coastal Commission.

Visual Resources and Historic Preservation: Adams Street is designated as a scenic roadway in the LCP. Policy 8.3 of the Agua Hedionda LCP states that no portion of a structure shall be permitted to exceed the elevation of the adjacent roadway (Adams Street). The centerline elevation of Adams Street is shown to be 53 feet Above Sea Level (ASL). The project has been designed at a height of 53 feet ASL and there are no proposed protrusions above that height. Therefore, the project complies with the LCP building height requirement. In addition, shoreline development shall "step down" in height to avoid casting shadows and to produce a perceived transition from open space (lagoon) areas to developed areas. The proposed building does step down in height toward the lagoon. The previously denied project stepped back from the lagoon approximately five feet from the first to the second levels, and five feet from the second to the third levels and the rooftop observation deck above. Thus, the stepbacks occurred within a 10 foot depth. The currently proposed project steps back from the lagoon approximately seven feet from the first to the second levels, and 14 feet from the second to the third levels and there is no rooftop observation deck above. These proposed stepbacks occur within a 21 foot depth which creates a more pronounced stepping effect that helps reduce the visual and physical mass of the building and creates more of a transition from the lagoon to developed areas than the prior project.

No agricultural uses currently exist on the site, nor are there any sensitive resources located on the property. The proposed project is not located on an area of known geologic instability or flood hazard. To reduce the potential for soil erodibility and sedimentation, driveway and parking areas shall be limited in size and shall be restricted to an area adjacent to the local street. The project design provides a long driveway which circulates down to the bottom, or garage, level, similar to the existing driveway pattern on the site. The underground parking is covered and helps to prevent contaminants from leaving the site and entering the lagoon. Based on estimated grading quantities, the project will require a grading permit. Construction of the project will adhere to the City's Master Drainage and Storm Water Quality Management Plan and Grading Ordinance to avoid increased runoff and soil erosion. Best Management Practices (BMP) treatment facilities are proposed to capture and treat stormwater so that there is no increase in runoff from the site.

The subject site is located in the Coastal Resource Protection Overlay Zone (CMC Chapter 21.203 of the Zoning Ordinance). The project is consistent with the provisions of the Coastal Resource Protection Overlay Zone in that the project will adhere to the City's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual and Jurisdictional Runoff Management Program (JRMP) to avoid

increased urban run-off, pollutants and soil erosion. The subject property does not include steep slopes (equal to or greater than 25% gradient) or native vegetation. In addition, the site is not located in an area prone to landslides, or susceptible to accelerated erosion, floods or liquefaction.

G. Hillside Development Ordinance

Because the site contains slopes that are over 15 percent, and over 15 feet in height, the project is subject to the Hillside Development Ordinance. Since the site was previously graded, a Hillside Development Permit is not required, but the project must follow the Hillside Development and Design Guidelines. The project site does not have any slopes over 25 percent or prominent landform features. The proposed grading is approximately 6,000 cubic yards per acre (or 7,300 cubic yards per acre excluding the shoreline area of the site) and is within the "acceptable" limits of hillside grading. No slopes or contour grading is required or proposed for the project. The development of the site is primarily cutting into the upper portion of the existing site for the development of the parking garage and portions of building levels that are underground.

The building is subject to the Hillside Development and Design Guidelines for the development of hillsides. Hillside architecture is encouraged to step away from the dominant slope face and have roof structures oriented in the same direction as the slope. As discussed above, the building provides adequate stepping of the structure and the roofed parapets follow the orientation of the slope. The depth of the 4:12 roofed parapets, in combination with the increased stepbacks, are adequate to soften the building edges. Overall, the project complies with the Hillside Development Ordinance and the Hillside Development Guidelines.

H. Growth Management (Chapter 21.90 of the Carlsbad Municipal Code) and Local Facilities Management Plan Zone 1

The project is subject to the provisions of the Growth Management Program, as contained in Chapter 21.90 of the Zoning Ordinance. Table 4 below details the project's conformance with the requirements of the Growth Management Program.

TABLE 4 – GROWTH MANAGEMENT COMPLIANCE

STANDARD	IMPACTS	COMPLIANCE
City Administration	N/A	N/A
Library	N/A	N/A
Waste Water Treatment	20 EDU	Yes
Parks	N/A	N/A
Drainage	Drainage Basin "B"	Yes
Circulation	200 ADT	Yes
Fire	District No. 1	Yes
Open Space	N/A	N/A
Schools	N/A	N/A
Sewer Collection System	20 EDU (Equivalent Dwelling Unit)	Yes
Water	5,000 gallons per day (gpd) (250 gpd/EDU x 20 EDUs)	Yes

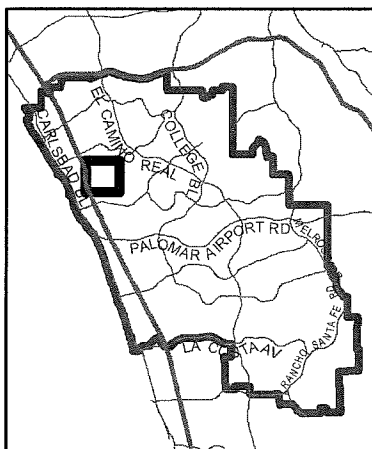
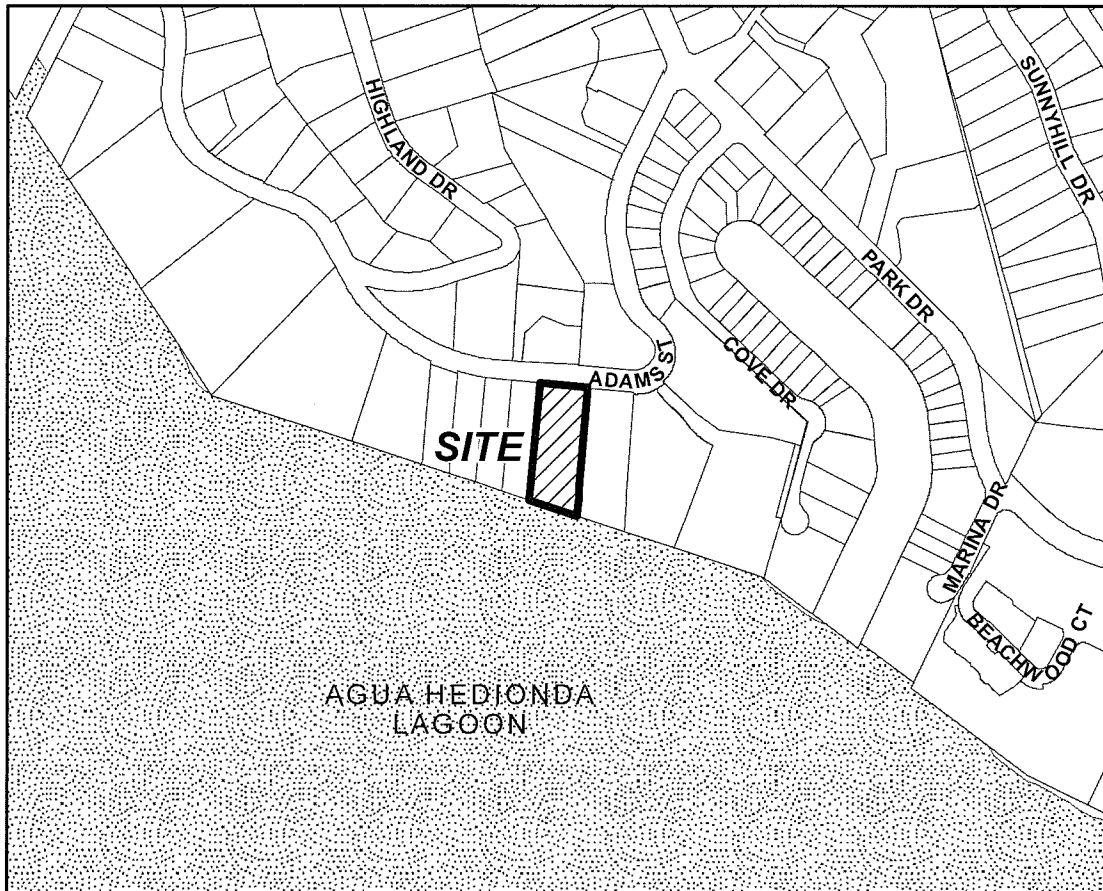
IV. ENVIRONMENTAL REVIEW

While no significant cultural resources have been or are anticipated to be encountered on the site, conditions of approval require archaeological, paleontological and Native American monitoring to ensure no impacts in the case of inadvertent discoveries. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to state CEQA Guidelines Section 15332 - In-fill Development Projects.

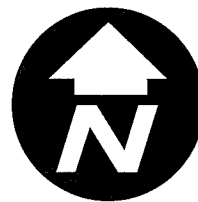
ATTACHMENTS:

1. ~~Planning Commission Resolution No. 7200~~
2. Location Map
3. Disclosure Statement
4. Correspondence from the Public
5. Reduced Exhibits
6. Full Size Exhibits "A" – "Q" dated September 21, 2016
7. Prior Project City Council Staff Report, Resolution and Minutes*

**Denotes separately distributed documents; copy on file with the Planning Division.*



SITE MAP



NOT TO SCALE

Carlsbad Boat Club and Resort **CT 14-11 / PUD 16-02 / CUP 14-10**



DISCLOSURE STATEMENT P- 1(A)

Development Services

Planning Division
1635 Faraday Avenue
(760) 602-4610
www.carlsbadca.gov

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

Note:

Person is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. **APPLICANT** (Not the applicant's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person JAMES COURTNEY
Title CO-OWNER/GENERAL PARTNER
Address 1861 S. VIEW DR. CARLSBAD, CA

Corp/Part VIP PARTNERS
Title CALIFORNIA GENERAL PARTNERSHIP
Address 1250 MAGNOLIA, CARLSBAD, CA 92008

2. **OWNER** (Not the owner's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person JAMES COURTNEY
Title CO-OWNER - GENERAL PARTNER
Address 1861 S. VIEW DR.
CARLSBAD, CA 92008

Corp/Part MICHAEL PFANKUCH
Title CO-OWNER - GENERAL PARTNER
Address 1250 MAGNOLIA AVE.
CARLSBAD, CA 92008

3. **NON-PROFIT ORGANIZATION OR TRUST**

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust _____

Non Profit/Trust _____

Title _____

Title _____

Address _____

Address _____

4. Have you had more than \$500 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

☐

Yes

☒

No

If yes, please indicate person(s): _____

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

James Courtney 12-15-2014
Signature of owner/date

James Courtney 12-15-2014
Signature of applicant/date

JAMES COURTNEY CO-OWNER

Print or type name of owner

JAMES COURTNEY

Print or type name of applicant

Signature of owner/applicant's agent if applicable/date

Print or type name of owner/applicant's agent

Greg Fisher

From: John Sodano <jcsodano@me.com>
Sent: Tuesday, March 10, 2015 8:08 PM
To: Greg Fisher
Subject: CT 14-11/CUP14-10

Dear Mr Fisher,

I write to express my opposition to the proposed Carlsbad Boat Club and Resort, currently under preliminary review. I have lived in Bristol Cove since 1983 and given that experience, the proposed timeshare condo project is wholly incompatible with the area. The traffic on Adams is already precarious and the additional traffic that such a development would produce will make it even more so.

My family is a supporter of the AHLF, my wife serves on the board of that organization. I am particularly sensitive to the health and maintenance of Agua Hedionda Lagoon. It is a rare asset that is one of Carlsbad's characteristic elements. The impact on lagoon usage by additional vacationers, particularly if they have minimal familiarity with tradition usage guidelines, will create additional stress on this unique body of water. Will vacationers get temporary boat permits? Will they have access to the water? What about additional transients in the neighborhood? Will the city permit vendors to provide services to the visitors? Will the CPD or the City of Carlsbad have to increase its on water presence to maintain order?

The adjacent properties are single family residences. I doubt that those property owners will want a steady stream of hundreds of new people coming and going week in, week out.

I'm all about free enterprise and property rights. But as a long time resident I expect to receive due consideration for what I believe is an intrusion in the neighborhood and an incompatible project for the lagoon. I would recommend that the proposed project be rejected in favor of a project that is somewhat more benign and compatible with the area.

Thank you.

John C Sodano

Teri Delcamp

From: Jim strickland <jim.strickland1@sbcglobal.net>
Sent: Tuesday, August 16, 2016 10:03 AM
To: Teri Delcamp
Cc: Greg Fisher
Subject: 20 Unit TIMESHARE

Teri,

Thanks very much for your time on our phone call. Thanks for letting me know that the project will go to the Planning Commission on September 21st. We neighbors will be looking forward to the meeting notice in the mail.

I live at 4747 Marina Drive #30 92008 here on Bristol Cove on the lagoon.

I am very strongly opposed to this project at 4509 Adams Street, CT14-11/CUP 14-10. It was judged to be too intense and incompatible last time and I strongly believe that is still the case.

My HOA Board had this project on our Agenda for our meeting last night and everyone in the meeting was against the project. We will be sending a letter to you opposing the project. This subject is on our Bristol Cove Property Owner's Association meeting agenda also.

I respect that the property owners should be able to build on their property but this 20 Unit Timeshare is far too intense and incompatible with the area. I would not be opposed to a more reasonably sized project that was not a timeshare.

I appreciate that you agreed to save and accumulate the mail and emails you receive regarding the project

Thanks,
Jim
760 720-6181

Teri Delcamp

From: Jan Bandich <jbandich@att.net>
Sent: Friday, August 19, 2016 3:40 PM
To: Teri Delcamp
Subject: 20 Unit TIMESHARE

Hi Teri,

I appreciate all your help in answering questions and I am sending you a copy of my statement to the Planning Commission at the August 17 Meeting to add to your letters and e-mails regarding the permit pending 20 Unit TIMESHARE at 4509 Adams St in Carlsbad along the Agua Hedionda Lagoon.



I've included the photo I shared of the dead sea turtle I found and reported on August 9, 2016 on the beach right next to the 4509 property, which I believe is due to increased amount of traffic on the Lagoon.

My name is Janis Bandich and I live at 4529 Cove Dr. #101 in Carlsbad, 92008 and I am hear to share my concerns about the pending permit for a 20-unit TIMESHARE at 4509 Adams St on the Agua Hedionda Lagoon.

I have walked and paddleboarded on the Agua Hedionda Lagoon almost daily for the last 4 years and have watched the passive and active craft use of the Lagoon increase at Bayshore Public Access and the use of rental equipment more and more each year, with no supervision or concerns for safety.

Adding the density of a 19,884 sq ft bldg, with 34 bedrooms with itinerant guest on one Lagoon site will exacerbate:

- the noise level on the lagoon
- pollution and threat to wildlife - State Water Quality Board has proposed that the Agua Hedionda Lagoon be put on the list of polluted water bodies for high level of toxicity
- safety issues on the beach and lagoon
- traffic safety on Adams - increased number of cars is threat to pedestrians and bicyclists
- parking issues
- adequate water and sewage

The owner has the right to build something on his property, but it should be appropriate to the setting

Changing the land use designation and zoning designation from Commercial to something appropriate to a residential neighborhood would be greatly appreciated.

Jan

May you always have: Love to share, Friends who care, and Health to spare.

Teri Delcamp

From: Jim strickland <jim.strickland1@sbcglobal.net>
Sent: Tuesday, August 23, 2016 11:00 AM
To: Teri Delcamp; Greg Fisher; Planning; Van Lynch
Subject: Fw: 20 Unit TIMESHARE

Teri,
Please add this to the record.
Thanks,
Jim

----- Forwarded Message -----

From: Ann Tanner <tanner4carlsbad@gmail.com>
To: Jim strickland <jim.strickland1@sbcglobal.net>
Sent: Monday, August 22, 2016 8:29 PM
Subject: Re: 20 Unit TIMESHARE

Jim,

Thank you for reaching out to me. The development sounds like a disaster to the surrounding community. I believe in smart, balanced, thoughtful development and am surprised that a similar plan opposed years ago is back on the table. Developers should not be making the decisions in our community. The City Council must represent the best interests of their residents/taxpayers and request citizen input.

I'm against this project. We can do better. In the next 4-6 years major decisions about our Carlsbad coast will be decided that will affect generations to come. We need to get this right. I believe we need fiscal responsibility and transparency in our development decisions that preserves the character of our community.

Please contact me if you need further information.

Thank You.

Ann Tanner
tanner4carlsbad.com
760-720-1847

On Mon, Aug 22, 2016 at 12:38 PM, Jim strickland <jim.strickland1@sbcglobal.net> wrote:

Dear Ann,

Bristol Cove Property Owners Association

c/o CHAMPS/A Division of AAM, LLC

5731 Palmer Way - Suite B

Carlsbad, CA 92010-7247

760/603-0501 · FAX 760/603-0505

August 24, 2016

City of Carlsbad
Planning Division
1635 Faraday Ave
Carlsbad, CA 92008

**RE: OPPOSITION TO
Carlsbad Boat Club & Resort Project, a 20-Unit Timeshare
4509 Adams Street Carlsbad CA 92008
CT 14-11 CUP 14-10**

Dear Carlsbad Planning Staff,

The Board of the Bristol Cove Property Owners Association unanimously resolved to oppose this project. The Board represents 268 living units which is approximately 800 people and 500 voters.

Our community is located very close to the project and our homes are on the water at Agua Hedionda Lagoon as is the Boat Club property. Most of us love our community and chose to live here because of our beautiful lagoon and the recreational opportunities it provides.

Last time around we opposed this project and supported Carlsbad Planning Staff and Commissioners who declared the project "too intense and incompatible for the surrounding neighborhood." We supported and applauded the City Council who also denied the project.

Many people hoped this bad idea was done and gone for good but it is not, it is back. The old failed project was a massive bulky 25 units with 37 bedrooms and 40,500 square feet. This new project appears on the surface to be less massive since it is 20 units. This is misleading since the drawings don't disclose the total square feet but instead it indicates "habitable square footage." When the "habitable square footage" of each of the old and new projects is added up, they are essentially the same. It is essentially the same building with a different interior. It has 34 bedrooms and the number of studios went from 9 to only 1, so it will house essentially the same amount of people. This many additional people, cars and lagoon usage will be disruptive to the surrounding neighborhood.

This project is not compliant with some of our Carlsbad zoning principles, for example:
21.47.010 Intent and purpose.

The intent and purpose of the nonresidential planned development regulations are to:
(2) Provide for nonresidential projects which are compatible with surrounding developments;

21.47.080 Development standards.

All nonresidential planned developments...but they shall be reasonable as to intended use and relation to the project and the surrounding area and shall meet the intent and purpose of this chapter as stated herein. (Ord. 9685 § 1, 1983)

This incompatible project is not orderly growth and development of our community. We hope that you, our Carlsbad Planners, will faithfully protect the public interest and not just that of a single property owner. You are the guardians of our common future and are trusted to plan for the needs of present and future generations.

We are not against development on this lot and we would probably support a smaller project that is not a Timeshare.

We ask that you help our neighborhood preserve its special Carlsbad small town beach character and deny the application for this massive, incompatible project.

Sincerely,

Board of Directors
Bristol Cove Property Owners Association

CC: Bristol Cove Property Owners
council@carlsbadca.gov
planning@carlsbadca.gov

Teri Delcamp

From: Jim strickland <jim.strickland1@sbcglobal.net>
Sent: Thursday, August 25, 2016 9:40 AM
To: Teri Delcamp; Greg Fisher; Van Lynch; Council Internet Email; Planning
Subject: Fw: 20 Unit TIMESHARE

FYI

----- Forwarded Message -----

From: Geri Peterson <petersonger@att.net>
To: Jim strickland <jim.strickland1@sbcglobal.net>
Sent: Monday, August 22, 2016 8:12 AM
Subject: Re: 20 Unit TIMESHARE

Jim,

Thank God we have you as our neighbor and lagoon watch. I had no idea this was going before the planning commission AGAIN. I still can't believe they considered it in the first place.

Thanks for staying on it.

Geri Peterson

On Sunday, August 21, 2016 3:39 PM, Jim strickland <jim.strickland1@sbcglobal.net> wrote:

Dear Lagoon Friends and Neighbors,

This 20 Unit Timeshare is a project proposal to be built on the lagoon at 4509 Adams Street. I attached the drawings for it. It was soundly rejected about 5 years ago and now it is back. Although it is described as 20 units its basically the same proposal in size and square footage as last time.

It is tentatively scheduled to go before the Planning Commission meeting on September 21st. I hope you will attend. The BCPOA Board re-scheduled our meeting so we can attend.

Our voices and opinions are important and I believe the City will consider what we say.

All the emails and letters will be accumulated and presented to the Commission.

If you want to give your input you can email the planning staff and City Council.

Van.Lynch@carlsbadca.gov
Teri.Delcamp@carlsbadca.gov
Greg.Fischer@Carlsbadca.gov

▪ planning@carlsbadca.gov

Teri Delcamp

From: areysbergen@juno.com
Sent: Thursday, August 25, 2016 10:57 AM
To: Teri Delcamp
Subject: 20 Timeshares on Adams Street !?!

to City Senior Planner Teri Delcamp..

as a local property owner/resident, I'm concerned why the Boat Club property remains as a VC zoning designation -- with residential homes surrounding it ??

the VC property needs to be rezoned to fit in with the ambiance of the local community.
a single family home would co-exist naturally with the surrounding homes on Adams St as well as the larger community.

PLEASE -- do the right thing - request a zoning change --

the lagoon has been spared commercialization via an election by which the registered voters of Carlsbad spoke -
- and said -- NO -- to the 85/15 plan.

we, Carlsbad residents, are speaking again -- just say NO to timeshares which are a commercialization of and
on.. the lagoon.

we want to SAVE the lagoon for future generations - not trample it with timeshares.

thank you,
alice and terry reysbergen

Teri Delcamp

From: Upinder Singh <upinder1@att.net>
Sent: Saturday, August 27, 2016 10:59 AM
To: Teri Delcamp
Subject: 20 TIMESHARE UNITS IN CARLSBAD LAGOON "NO"

To whom it may concern,

Living in Carlsbad can stay nice if we do not keep building more housing. We do not like another time share in Carlsbad. This is a letter of protest to the City Council not to approve this project to raise money. Keep it small and beautiful. Enough is Enough.
Thanks

Upinder Singh
A-HARPMAN INC.
Office: (760) 729-9400
Cell: (760) 525-6100

Teri Delcamp

From: Planning
Sent: Monday, August 29, 2016 9:11 AM
To: Teri Delcamp
Subject: FW: 20 Timeshare Units

From: att ray heller [mailto:ray.heller@att.net]
Sent: Friday, August 26, 2016 6:37 PM
To: Planning
Subject: 20 Timeshare Units

To the Planning Commission,

I am a homeowner and voter living on Calavo Ct. It has come to my attention that 20 units of time share are being planned on Adams. Being retired, I walk my dog 4 or 5 times a day in my neighborhood (that includes Adams). Adams is already a very dangerous road – the sidewalks stop right in the middle of a blind curve, making it very dangerous for pedestrians and vehicles alike. Since the infrastructure is not even currently safe, adding additional pedestrians and vehicles from building 20 additional units is asking for disaster (accidents and deaths). Please note when voting on this issue that I am totally against it. Thank you.

Sincerely,

Ray Heller
1726 Calavo Ct.
Carlsbad

Teri Delcamp

From: GERRIE BOONE <gerrieboone@sbcglobal.net>
Sent: Monday, August 29, 2016 5:14 PM
To: Van Lynch; Teri Delcamp; Greg.Fischer@Carlsbadca.gov; Planning; Council Internet Email
Subject: BOAT CLUB PROJECT - 20 UNITS
Attachments: Boat Club project Square feet.pdf

DEAR CARLSBAD PLANNERS,

THE CARLSBAD BOAT CLUB & RESORT PROJECT IS INCOMPATIBLE WITH OUR NORTH SHORE LAGOON NEIGHBORHOOD. THANK YOU FOR DENYING THE PROJECT LAST TIME.

THE APPLICANT HAS COME BACK WITH ALMOST THE SAME PROJECT. WHEN YOU COMPARE THE PLANS OF THE OLD DENIED PROJECT WITH THE NEW PROJECT YOU CANNOT SEE WHAT THE SQUARE FOOTAGE IS. I HAD TO ADD UP ALL THE UNITS' SQUARE FOOTAGE TO DISCOVER THAT THE NEW BUILDING IS VERY CLOSE IN SIZE TO THE DENIED ONE.

DENIED 19,978 SQFT- NEW 19,902 SQFT = A MERE 76 SQUARE FEET OF HABITABLE SPACE DIFFERENCE.

PLEASE SEE THE ATTACHED PROJECT COMPARISON.

PLEASE TELL ME YOU WON'T DENY A PROJECT BASED ON BULK AND SCALE AND INCOMPATIBILITY ONE TIME AND APPROVE THE SAME PROJECT 8 YEARS LATER.

THANK YOU,

GERRIE KAY BOONE
4747 MARINA DRIVE 92008

Teri Delcamp

Subject: FW: 26 unit time-share condominium project

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

From: Julie Nygaard [mailto:NygaardJ@TCMC.com]

Sent: Monday, August 29, 2016 10:28 AM

To: Van Lynch <Van.Lynch@carlsbadca.gov>; jim.strickland1@sbcglobal.net

Subject: 26 unit time-share condominium project

Dear Van,

It has come to my attention that the time-share condo on Adams street is once again on the agenda. I think mixing time-shares in a basically residential neighborhood is not a very good idea. The two venues are not compatible. I voted against this project when it came before for us before and I would vote against it again. We pride ourselves in creating neighborhoods that are pleasant, peaceful places to live. We need to protect them.

Warm regards,

Julie Nygaard

Sent from my iPad

CONFIDENTIALITY NOTICE

This message and any included attachments are from the Tri-City Healthcare District and are intended only for the addressee. The information contained in this message is confidential and may constitute non-public information under international, federal, or state securities laws and is intended only for the use of the addressee. Unauthorized forwarding, printing, copying, distributing, or using such information is strictly prohibited and may be unlawful. If you are not the addressee, please promptly delete this message and notify the sender of the delivery error by e-mail.

Teri Delcamp

Subject: FW: 20 Timeshares

From: Steve [mailto:sbandich@att.net]
Sent: Thursday, September 01, 2016 5:36 PM
To: Teri Delcamp <Teri.Delcamp@carlsbadca.gov>
Subject: 20 Timeshares

My name is Steve Bandich. I live at 4529 Cove Dr. in Bristol Cove in Carlsbad. I am the past Presidential and current Secretary of the Villas at the Cove HOA. I speak for all of our members and many of our neighbors in Bristol Cove. We are opposed to the approval of a 20 unit timeshare on Hedionda Lagoon for 3 primary reasons: Safety-Security-and Sustainability.

First, the Lagoon is now very busy with many boats, jet-skiers, and passive water sports vehicles, such as kayaks, paddle boards and water bikes. While there are designate areas for each, may people choose to disregard these rules and utilize unauthorized areas. Carlsbad police and Parks & Rec. do not have the capacity or will to supervise the lagoon except on the 2 or 3 major holidays. The addition of several dozens more people will only exacerbate this dangerous situation. It is only a matter of time before there is a serious accident.

Secondly, the approval of a timeshare on our lagoon will add many- out of the area-people to the congestion and impact to our cove, which is almost adjacent to the proposed timeshare site. Temporary timeshare guest at our lagoon will not know or heed the no trespassing rules of our private cove. Currently many lagoon day users traverse our cove with boats and passive water vehicles and, at times avail themselves of the use of our private docks. Our Bristol Cove residents enjoy the narrow waters of our cove with their power boats, small watercraft and flotation devises, and this additional use buy nonresidents, at times, presents dangerous confrontations. I am told that the police cannot enforce the privacy of our cove because it it private property.

Finally, the fragile ecosystem of our lagoon will be further threatened by the additional of human damage caused by people not necessarily concerned with its preservation. The lagoon and our cove are constantly littered with paper waste, bottles and cans, and all sorts of plastic products. The Hedionda Lagoon Association, and volunteer organization such as H2O Patrol are encountering more and more debris in the clean up efforts. More sightings of dead sea creatures, fish and birds are seen along our shores. Many day users trespass into the restricted area of the Fish and Game Preserve. This damage will only increase with the addition of out of the area visitors.

Sincerely,

Steven Bandich

Teri Delcamp

From: Linda A Shafer <las0510@yahoo.com>
Sent: Saturday, September 03, 2016 8:48 AM
To: Van Lynch; Teri Delcamp; Greg.Fischer@Carlsbadca.gov; Planning; Council Internet Email
Subject: 20 Unit Time Share on Aqua Hedionda Lagoon to go before planning commission

I have lived in Carlsbad within Bristol Cove on Aqua Hedionda Lagoon since 1980 and I love Carlsbad as much today as when I moved first moved here. Of course it has grown tremendously, but mostly well planned. I realize the City and Planning Commission has a tough job to forward think about the implications of each project that comes before them and weigh the rights of property owners against the impact to the community: integrity, safety and quality of life. In the instance of the 20 unit time share being proposed on Aqua Hedionda Lagoon, I am hoping the foreseeable negative impact to our community will guide your decision.

This is a relatively small area that is being pushed today to absorb a huge growth in recreational use. I see thousands of Groupons sold for paddle boarding on the lagoon and any given weekend over summer we see the eastern shore (passive access beach area) completely covered with people settled in to enjoy the day. This is a lot to handle today. On any sunny day, there is little to no parking on any of the residential streets near the lagoon because of visitor traffic. Walking, jogging, rolling strollers and bike riding on Adams (near the site of the proposed time share) is extremely dangerous due to blind intersections, lack of sidewalks and distracted drivers looking down at the action on the lagoon. I believe it is easy to foresee the danger involved if the City and Planning Commission were to move forward to approve adding a 20 unit time share to the mix, with every week a new set of folks that are unfamiliar with the neighborhood rushing in and out for their week of fun.

Again, I urge you to turn down the proposal for a 20 Unit time share on Adams at this time.

Respectfully,

Linda Shafer
4747 Marina Dr #26, Carlsbad, CA 92008
Phone: 858-336-5562

Teri Delcamp

From: Donna Kilpatrick <donnaskilpatrick@gmail.com>
Sent: Tuesday, September 06, 2016 10:02 AM
To: Teri Delcamp
Subject: 20 timeshares

Hi,
I recently bought a home in Bristol Cove and do not wish to have 20 timeshares close by.
Thank you,
Donna Kilpatrick
4548 Cove Dr
Carlsbad, CA 92008

City of Carlsbad

SEP 08 2016

Planning Division

September 5, 2016

Dear Carlsbad Planners Mr. Fisher and Ms. Delcamp and Mr. Neu,

I am very disappointed to see that the Carlsbad Boat Club and Resort project is haunting us again.

I have been a homeowner on the lagoon since 1979 and have enjoyed the lagoon the neighborhood's charm. This project will certainly erode the charm and ambiance of the area. It is much too large and will adversely affect the recreation on the lagoon. The other for profit recreational business on the lagoon has already overburdened this small lagoon with its thousands of tourists.

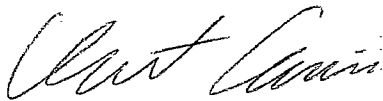
The City Planners got it right last time when they denied the project. The City Council also got it right. Now the property owners have returned with the same oversized building as the last time. A huge timeshare business didn't belong here in 2008 and it doesn't belong here in 2016 or in the future.

I would support a smaller scale project but not this giant timeshare business.

Please protect our neighborhood from this bad idea.

Thank you for your service to Carlsbad.

Regards,



Clint Cowie

4747 Marina Drive Carlsbad, CA 92008

CC: Carlsbad City Council

Teri Delcamp

From: Don Neu
Sent: Wednesday, September 07, 2016 4:05 PM
To: Teri Delcamp
Subject: FW: Carlsbad Boat Club & Resort Project a 20 Unit Timeshare at 4509 Adams Street Carlsbad CA 92008 CT 14-11 CUP 14-10

FYI

From: Council Internet Email
Sent: Wednesday, September 07, 2016 12:58 PM
Subject: FW: Carlsbad Boat Club & Resort Project a 20 Unit Timeshare at 4509 Adams Street Carlsbad CA 92008 CT 14-11 CUP 14-10

From: Bob Ross [<mailto:rrml123@sbcglobal.net>]
Sent: Wednesday, September 07, 2016 12:34 PM
To: Council Internet Email <CityCouncil@carlsbadca.gov>
Subject: Carlsbad Boat Club & Resort Project a 20 Unit Timeshare at 4509 Adams Street Carlsbad CA 92008 CT 14-11 CUP 14-10

Dear Carlsbad Planning Staff,

I live and own my home at 4619 Park Drive Carlsbad. I am very much against the subject project.

Parking on Adams, Cove Dr. and Park Dr. are already a problem and we certainly don't need any overflow from Adams. Also the project seems much too massive for the lagoon and if the project has a boat ramp to use the lagoon it will become too crowded and unmanageable.

This project has already been turned down once, please don't approve it this time around.

Thank you,

Myra Finch
Robert Ross

Teri Delcamp

From: Gail Huntington <gailhuntington@yahoo.com>
Sent: Thursday, September 08, 2016 6:49 PM
To: Teri Delcamp
Subject: No to timeshares

Please do not allow the 20 unit timeshare to be built at the lagoon.
Thank you
Jerry and Gail Huntington

Sent from my iPhone

Teri Delcamp

From: Kathy Perry <kperry1048@gmail.com>
Sent: Friday, September 09, 2016 4:00 PM
To: Teri Delcamp
Subject: 20 Unit timeshare project CT 14-11 CUP 14-10

Dear Carlsbad Planning Staff,

I am writing to strongly oppose this proposed project. It is incompatible with the existing neighborhood and would negatively impact the lagoon. Adams Street itself is already busy and lacks parking so adding twenty units on one lot on this street seems to defy reason.

This is not orderly growth, merely greed on the part of the owner to maximize profits at the expense of the entire neighborhood.

We hope you will deny this project until it is considerably reduced in size and scope.

Sincerely,

Katharine Perry
4555 Cove Drive,
Carlsbad, CA 92008

Sent from my iPad

CARLSBAD BOAT CLUB & RESORT

4509 ADAMS STREET
CARLSBAD, CALIFORNIA

CT 14-11
CUP 14-10



REVISIONS	
◆	PRELIMINARY
◇	FINAL
DATE	DESCRIPTION

10-10-14	Response to city comments
11-20-14	Response to city comments
01-10-15	Response to city comments

VICINITY MAP



PROJECT DATA

LEGAL JURISDICTION: CITY OF CARLSBAD
300 MARADAY AVENUE, SUITE 200
CARLSBAD, CA 92008

BUILDING CODE:
SBO CALIFORNIA ADMINISTRATIVE CODE (PART 1, TITLE 24, CCR)
SBO CALIFORNIA BUILDING CODE (PART 2, VOLUMES 1-3)
SBO CALIFORNIA ELECTRICAL CODE (PART 3, TITLE 24, CCR)
SBO CALIFORNIA MECHANICAL CODE (PART 4, TITLE 24, CCR)
SBO CALIFORNIA PLUMBING CODE (PART 5, TITLE 24, CCR)
SBO CALIFORNIA FIRE CODE (PART 6, TITLE 24, CCR)
SBO CALIFORNIA REFERENCED STANDARDS CODE (PART 7, TITLE 24, CCR)

CONSTRUCTION TYPE: TYPE I-II-NC

OCCUPANCY: R

ZONE: RT

GENERAL PLAN: VC

SITE AREA: 1.65 AC. (144,618 SQ. FT.)

NET COVERABLE: ABOVE GRADE FOOTPRINT (SMA) OF 1 TRAILER BAY SP. + REC. CENTER 800 SQ. FT. + 20K SQ. FT. + 300K

UNDEVELOPABLE: 100K SQ. FT. (APPROX.) AREA BELOW HIGH TIDE

SPECIAL NOTE:
ALL SITES IN A TIME-SHARE PROJECT SHALL BE TYPE S-SMA UNITS EXCEPT A PERMANENT ON-SITE MANAGER RESIDENCE UNIT THAT MAY BE PROVIDED. THE MAXIMUM TIME INCENTIVE FOR RESERVING EXCLUSIVE USE OF OCCUPANCY OF A TIME-SHARE UNIT SHALL BE 180 DAYS PER YEAR.

A PERMANENT ON-SITE MANAGER RESIDENCE WILL BE PROVIDED.

SHEET INDEX

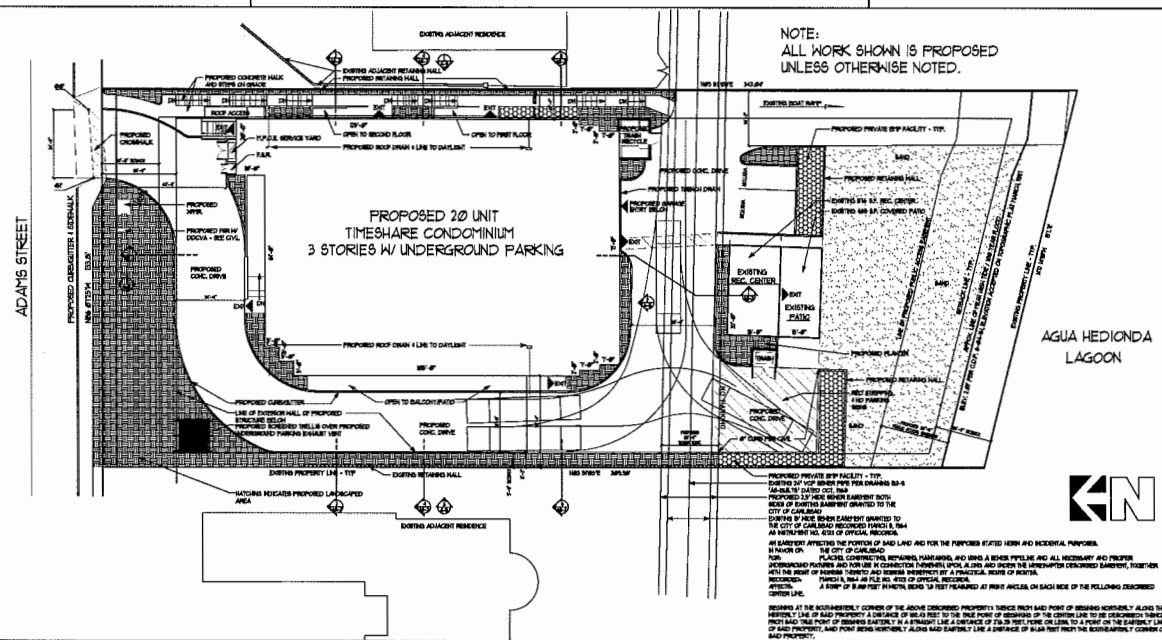
- AB-1 TITLE SHEET / SITE PLAN
- AB-2 BUILDING SECTIONS & BOAT LAUNCHING PLAN
- AB-3 UNDERGROUND PARKING
- A-1 FIRST FLOOR PLAN
- A-2 SECOND FLOOR PLAN
- A-3 THIRD FLOOR PLAN
- A-4 ROOF PLAN
- A-5 EXISTING ELEVATIONS
- A-6 BUILDING HALL PLANE STUDY
- C-1 TENTATIVE HAP (PROPOSED)
- C-1 TENTATIVE HAP (EXISTING TOPOG)
- C-1 EXISTING COVERED PATIO
- BWP STORY WATER MANAGEMENT PLAN
- LC-1 LANDSCAPE CONCEPT PLAN
- LC-2 LANDSCAPE CONCEPT PLAN
- LC-3 WATER CONSERVATION PLAN

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
HEASTERLY 1/2 OF LOT 1 BLOCK D OF TRACT 280

ASSASSIN'S PARCEL NUMBER:
280-100-00

SITE ADDRESS:
4509 ADAMS STREET
CARLSBAD, CALIFORNIA 92008



SITE PLAN

TITLE SHEET / SITE PLAN
CARLSBAD BOAT CLUB & RESORT
FOR: V.I.P. PARTNERS

DATE: 01-09-14
SCALE: AS NOTED
DRAWN: T100LKH
JOB NO.: 01-04

AS-1

CT 14-11
CUP 14-10

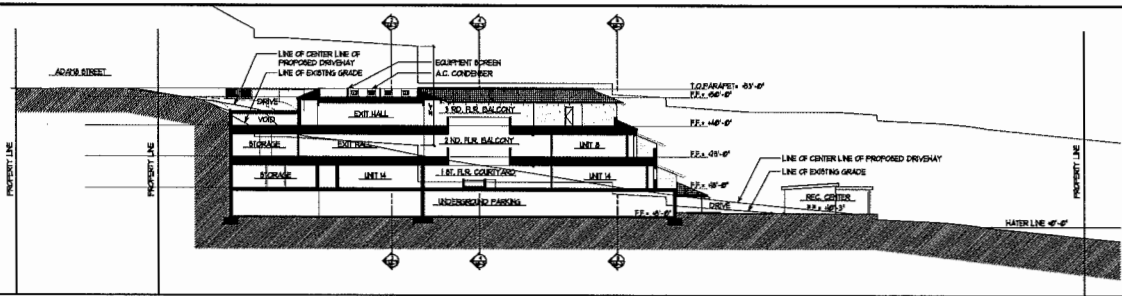


ARCHITECTURAL FIRM
1010 N. W. 10th Ave.
5th Floor, Suite 500, Fort Lauderdale, FL 33304



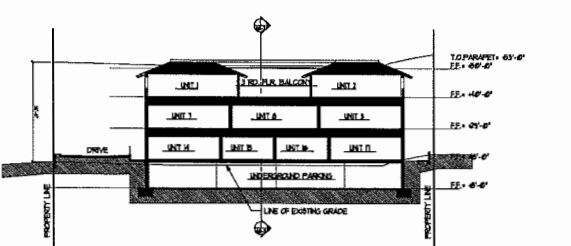
REVISIONS	
◆	PRELIMINARY
◇	PRELIMINARY
△	POST PRELIMINARY

DATE	DESCRIPTION
9-1-15	Response to city comments
9-20-15	Response to city comments
9-18-16	Response to city comments



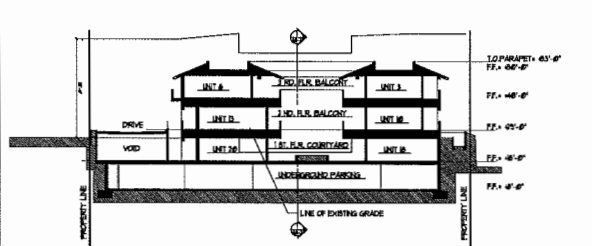
BUILDING SECTION

SCALE: 1/8"=1'-0" (1)



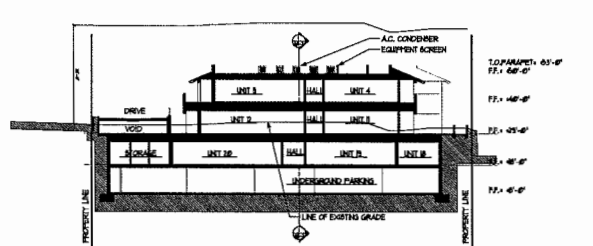
BUILDING SECTION

SCALE: 1/8"=1'-0" (5)



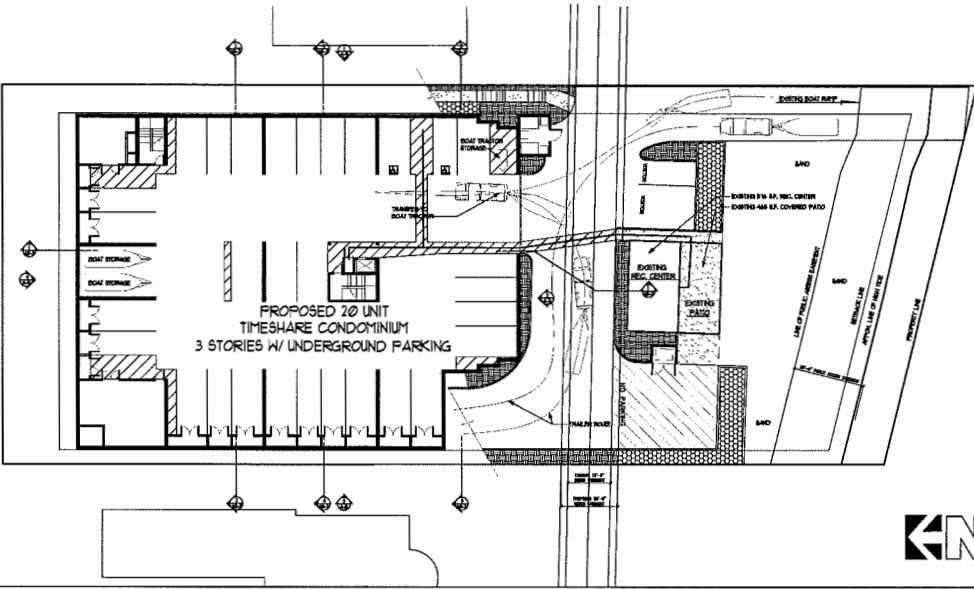
BUILDING SECTION

SCALE: 1/8"=1'-0" (4)



BUILDING SECTION

SCALE: 1/8"=1'-0" (2)



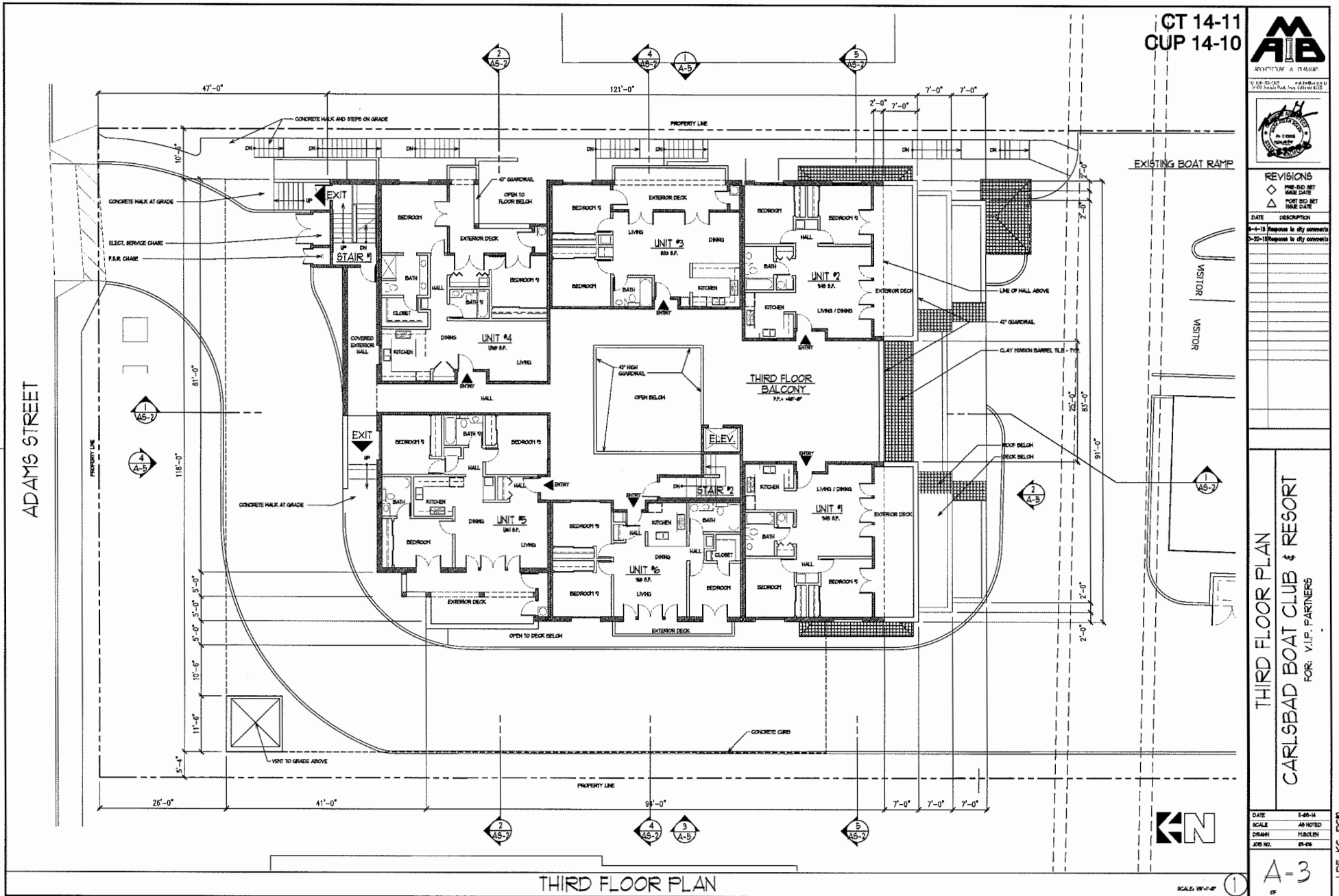
BOAT LAUNCHING PLAN

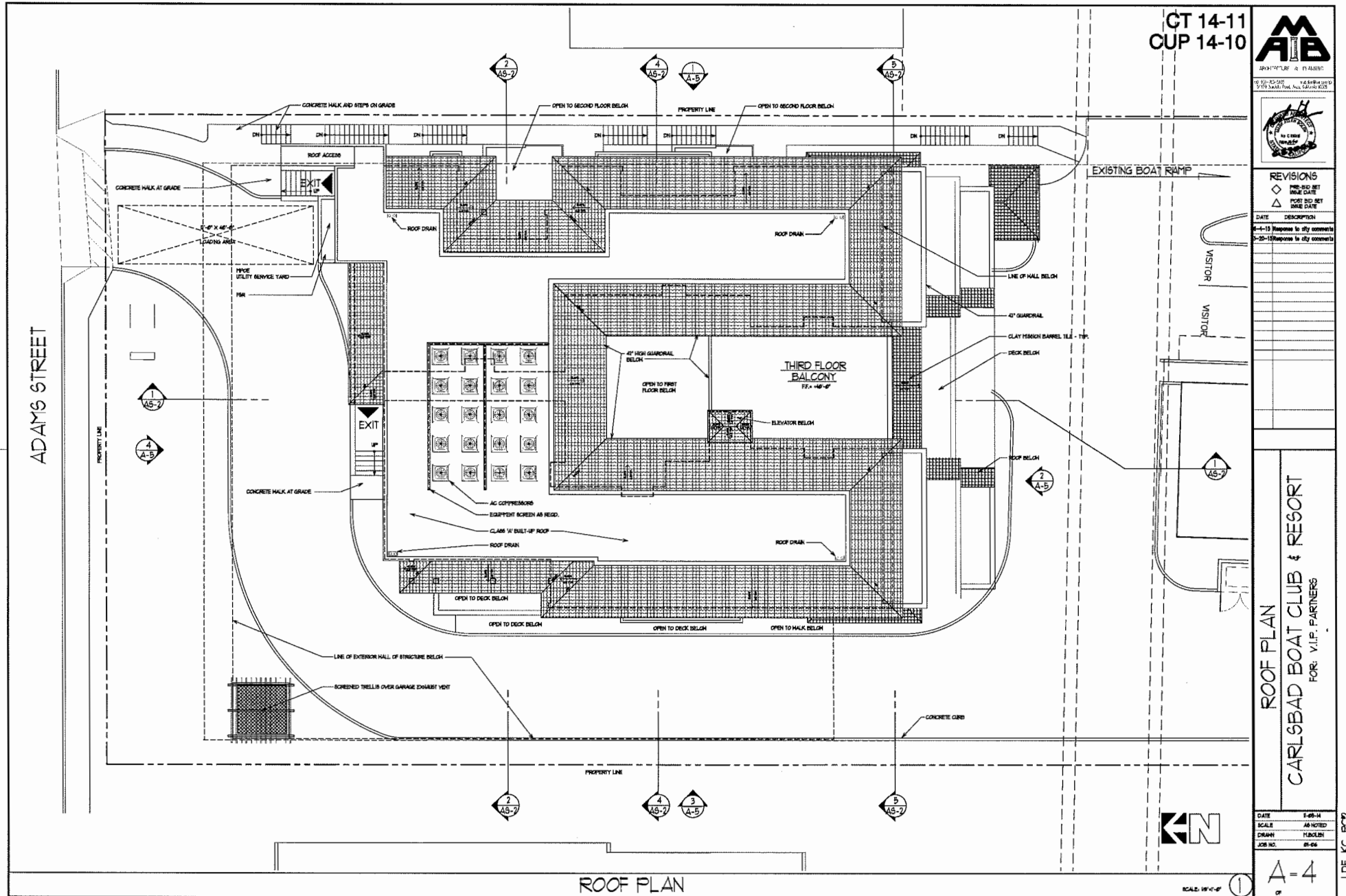
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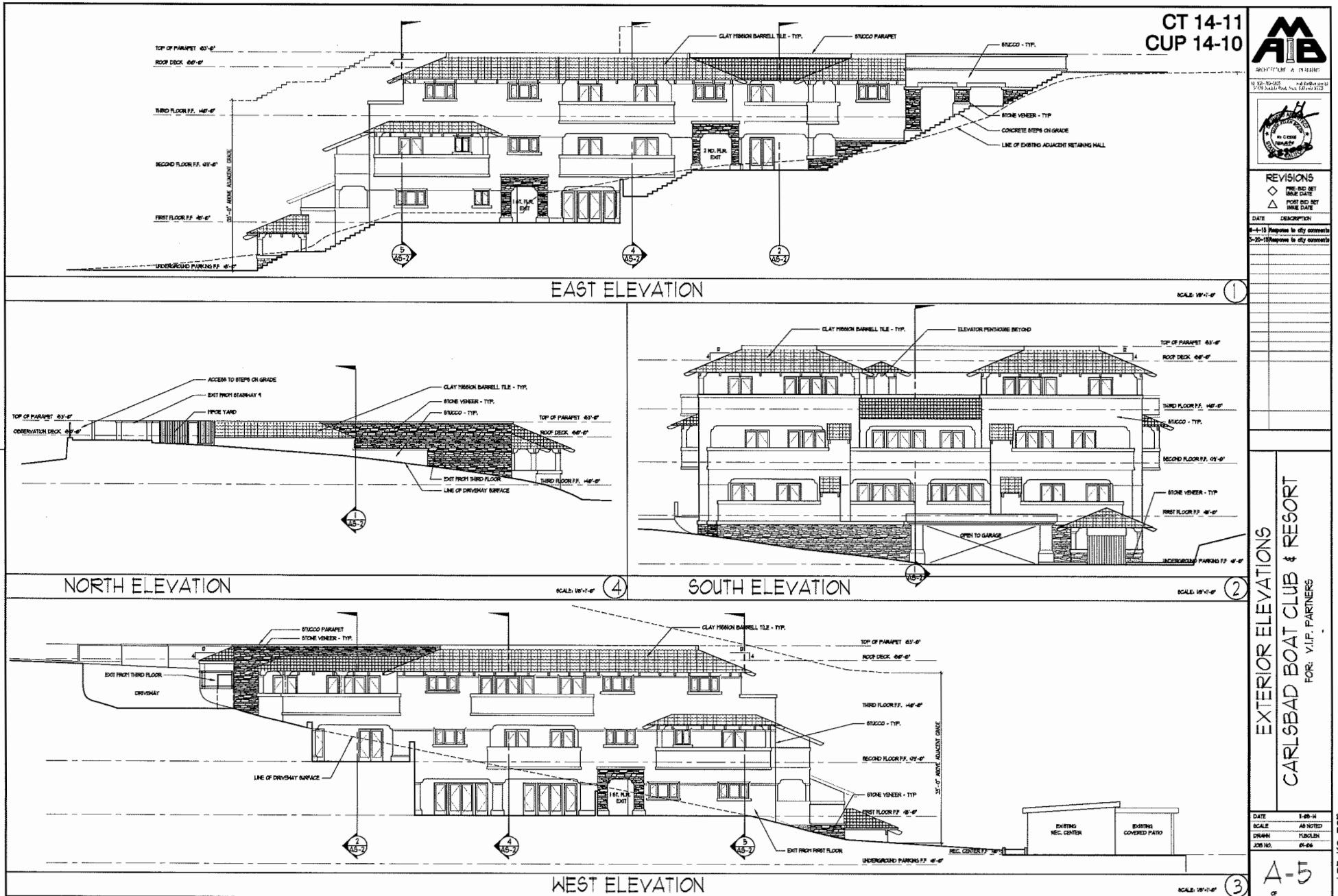
BLDG. SEC. & BOAT LAUNCHING PLAN
CARLSBAD BOAT CLUB & RESORT
FOR: V.I.P. PARTNERS

DATE	9-28-14
SCALE	AS NOTED
DRAWN	M. JOHNSON
JOB NO.	09-06

AS-2









MAB
ARCHITECTURE & PLANNING



	PRE-BID ISSUE DATE
	POST BID ISSUE DATE

DATE	DESCRIPTION
6-4-15	Response to city comments
3-20-15	Response to city comments

SCALE: 1/8"=1'-0"

SCALE: 1/8" = 1'-0" (4)

SCALE: 1/8" = 1'-0" (2)

SCALE: 1/8"=1'-0" (3)

BUILDING WALL PLANE STUDY
CARLSBAD BOAT CLUB & RESORT
FOR: V.I.P. PARTNERS

DATE	8-29-84
SCALE	AS NOTED
DRAWN	MUSOLEN
JOB NO.	84-06

A-6

LD	DE	KC	PC	2
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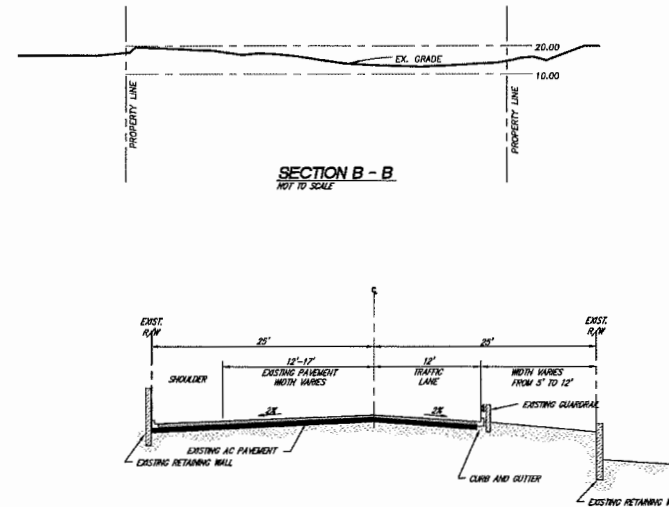
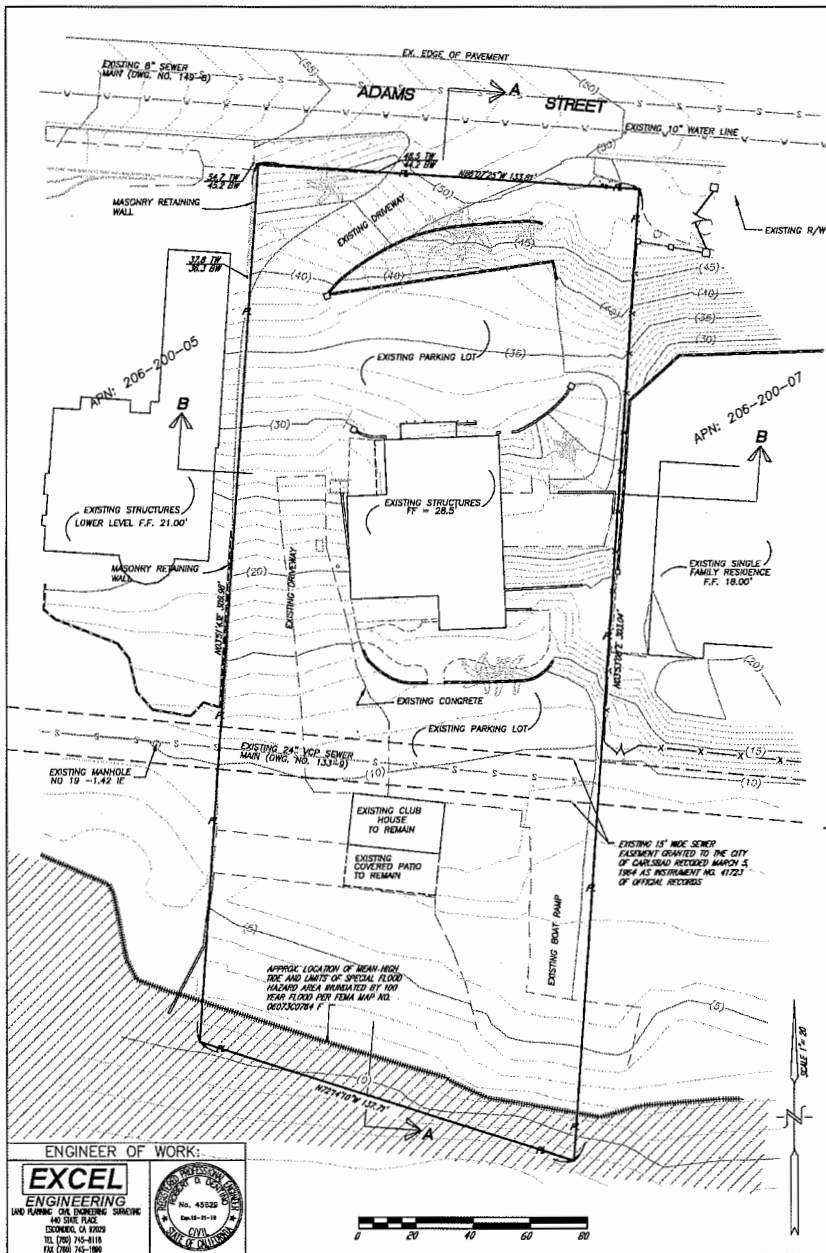
CARLSBAD BOAT CLUB & RESORT

CITY OF CARLSBAD TENTATIVE MAP

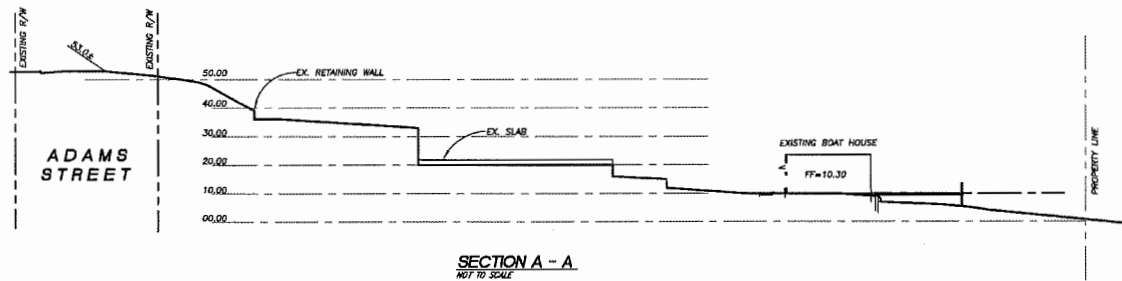
EXISTING CONDITIONS EXHIBIT

SHEET 2 OF 4

CT 14-11
CUP 14-10



TYPICAL SECTION ADAMS STREET (EXISTING)
NOT TO SCALE



EXISTING /PROPOSED EASEMENTS

EXISTING 15' WIDE SEWER EASEMENT GRANTED TO THE CITY OF CARLSBAD RETIRED MARCH 5, 1984 AS INSTRUMENT NO. 41722 OF OFFICIAL RECORDS

PROPOSED 2.5' WIDE SEWER EASEMENT BOTH SIDES OF EXISTING EASEMENT GRANTED TO THE CITY OF CARLSBAD

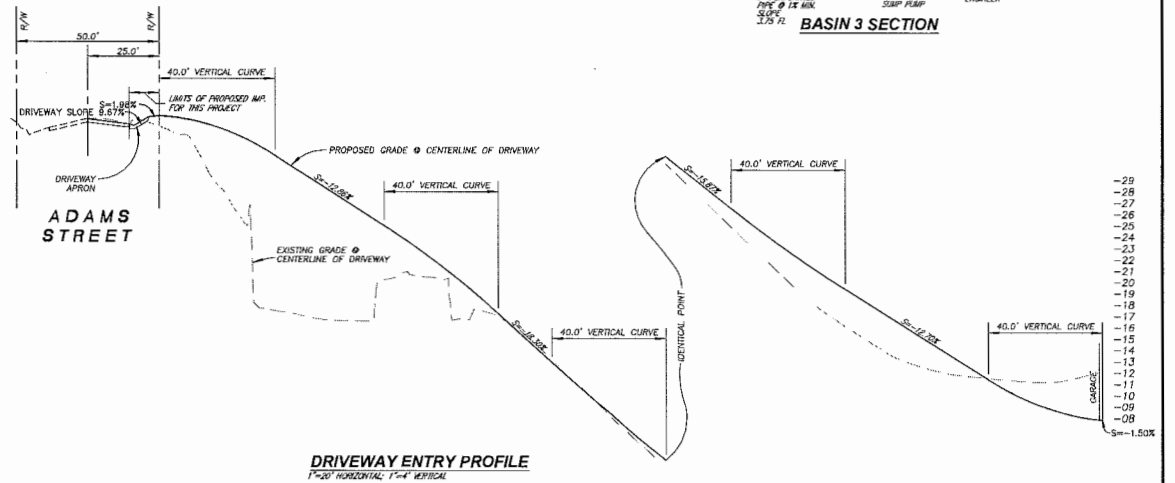
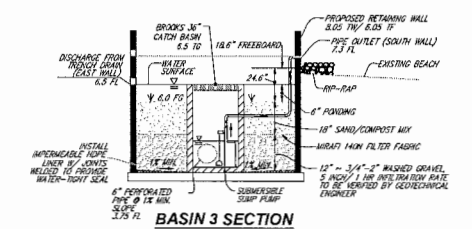
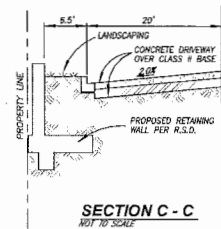
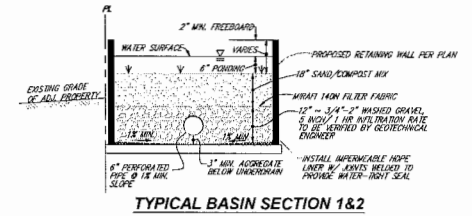
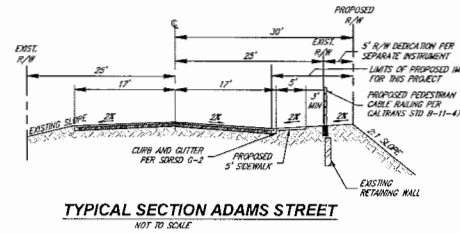
NOTE: TOPOGRAPHY FOR APN 206-200-05 IS SHOWN PER CITY OF CARLSBAD DRAWING NO. 433-1

ENGINEER OF WORK:
EXCEL
ENGINEERING
LAND PLANNING CIVIL ENGINEERING SURVEYING
440 STATE PLACE
ESCONDIDO, CA 92025
TEL (760) 745-8118
FAX (760) 745-1990



SHEET C2

SHEET 3 OF 4
CT 14-11
CUP 14-10



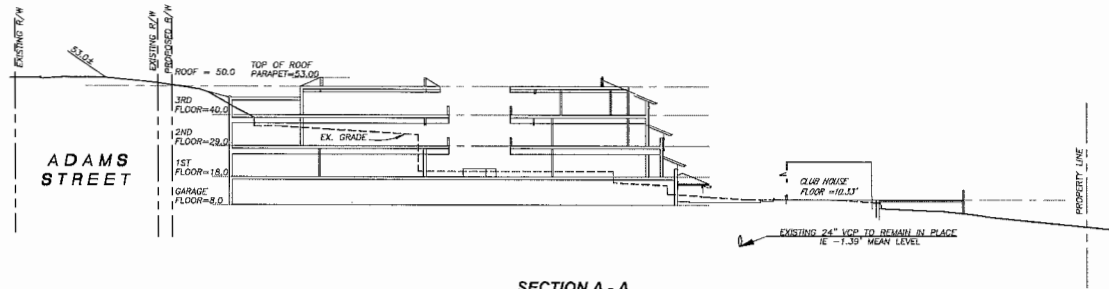
SHEET C3

CARLSBAD BOAT CLUB & RESORT

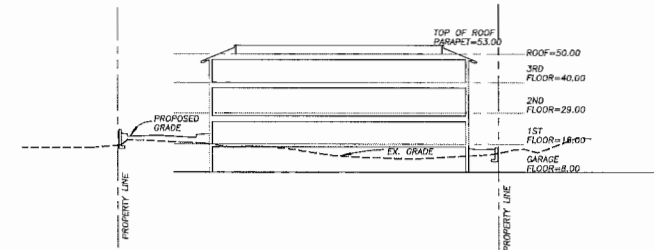
CITY OF CARLSBAD TENTATIVE MAP
CROSS-SECTIONS & DETAILS

SHEET 4 OF 4

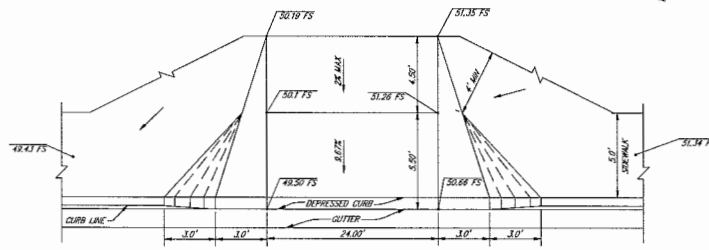
CT 14-11
CUP 14-10



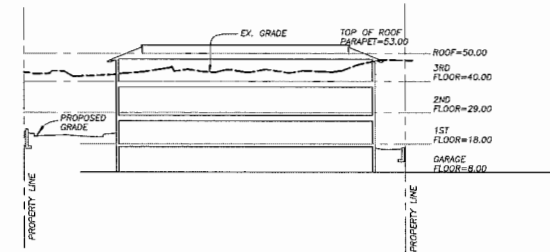
SECTION A - A
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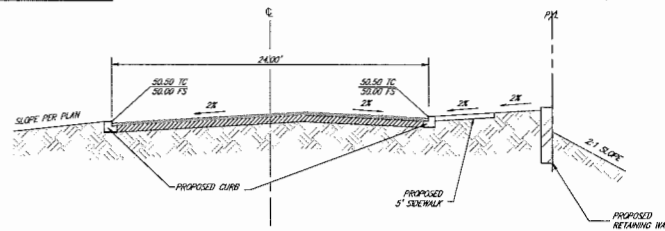
SECTION B - B
NOT TO SCALE



CONCRETE DRIVEWAY AT ADAMS STREET
NOT TO SCALE

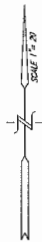


SECTION D - D
NOT TO SCALE

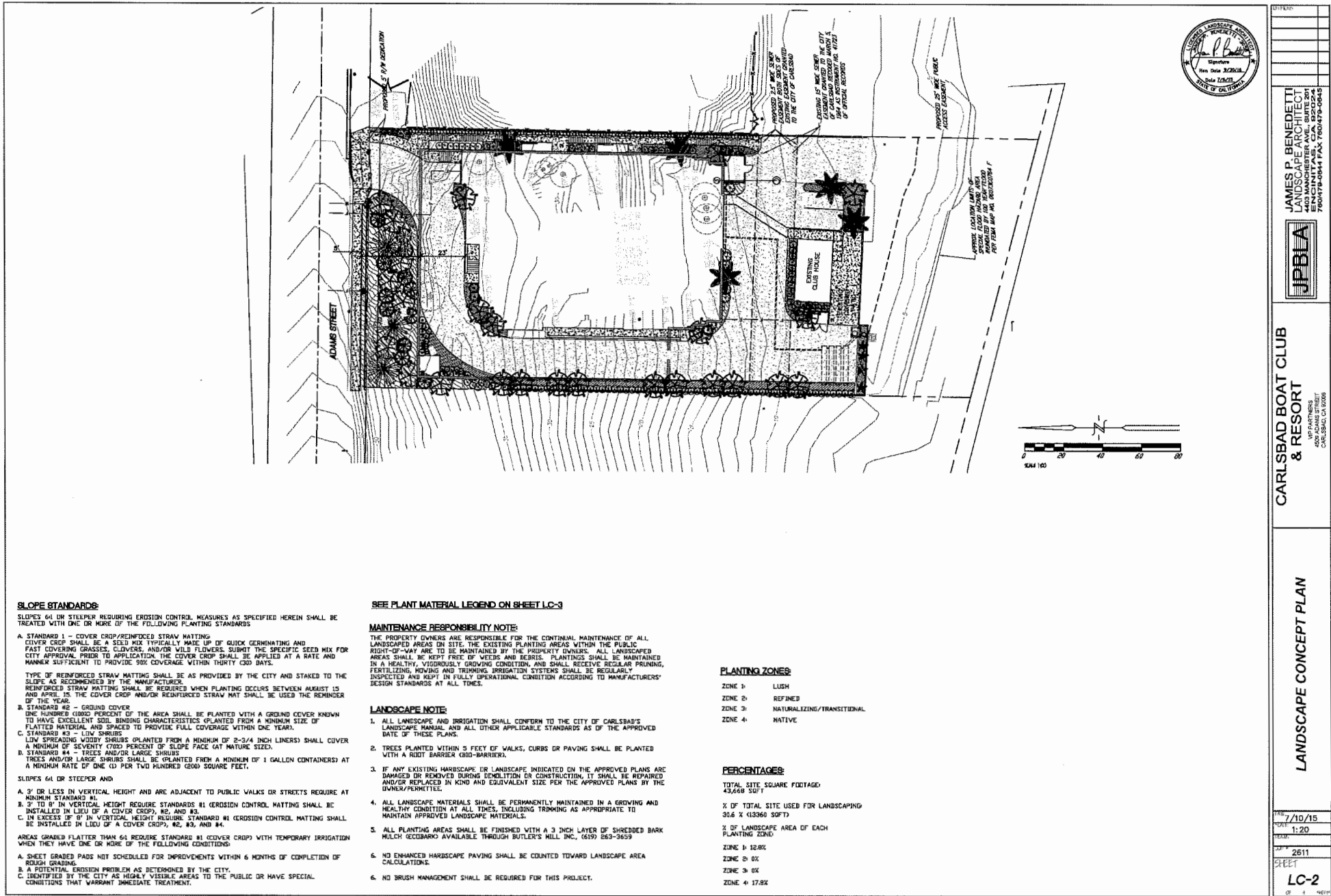


SECTION E - E
NOT TO SCALE

ENGINEER OF WORK:
EXCEL
ENGINEERING
LAND PLANNING, CIVIL, ENVIRONMENTAL, SURVEYING
445 S. MAIN STREET
CARLSBAD, CA 92008
TEL: (760) 745-9116
FAX: (760) 745-9196



SHEET C4



SLOPE STANDARDS:

SLOPES 6:1 OR STEEPER REQUIRING EROSION CONTROL MEASURES AS SPECIFIED HEREIN SHALL BE TREATED WITH ONE OR MORE OF THE FOLLOWING PLANTING STANDARDS

- A. STANDARD 1 - COVER CROP/REINFORCED STRAW MATTING
COVER CROP SHALL BE A SEED MIX TYPICALLY MADE UP OF QUICK GERMINATING AND FAST COVERING GRASSES, CLOVERS, AND/OR WILD FLOWERS. SUBMIT THE SPECIFIC SEED MIX FOR CITY APPROVAL PRIOR TO APPLICATION. THE COVER CROP SHALL BE APPLIED AT A RATE AND MANNER SUFFICIENT TO PROVIDE 90% COVERAGE WITHIN THIRTY (30) DAYS.

TYPE OF REINFORCED STRAW MATTING SHALL BE AS PROVIDED BY THE CITY AND STAKED TO THE SLOPE AS RECOMMENDED BY THE MANUFACTURER.
REINFORCED STRAW MATTING SHALL BE REQUIRED WHEN PLANTING OCCURS BETWEEN AUGUST 15 AND APRIL 15. THE COVER CROP AND/OR REINFORCED STRAW MAT SHALL BE USED THE REMINDER OF THE YEAR.

- B. STANDARD #2 - GROUND COVER
ONE HUNDRED (100) PERCENT OF THE AREA SHALL BE PLANTED WITH A GROUND COVER KNOWN TO HAVE EXCELLENT SOIL BINDING CHARACTERISTICS PLANTED FROM A MINIMUM SIZE OF FLATTED MATERIAL AND SPACED TO PROVIDE FULL COVERAGE WITHIN ONE YEAR.

- C. STANDARD #3 - LOW SHRUBS
LOW SPREADING WOODY SHRUBS (PLANTED FROM A MINIMUM OF 2-3/4" INCH LINERS) SHALL COVER A MINIMUM OF SEVENTY (70) PERCENT OF SLOPE FACE (AT MATURE SIZE).

- D. STANDARD #4 - TREES AND/OR LARGE SHRUBS
TREES AND/OR LARGE SHRUBS SHALL BE PLANTED FROM A MINIMUM OF 1 GALLON CONTAINERS AT A MINIMUM RATE OF ONE (1) PER TWO HUNDRED (200) SQUARE FEET.

SLOPES 6:1 OR STEEPER AND:

- A. 3' OR LESS IN VERTICAL HEIGHT AND ARE ADJACENT TO PUBLIC WALKS OR STREETS REQUIRE AT MINIMUM STANDARD #1.

- B. 3' TO 8' IN VERTICAL HEIGHT REQUIRE STANDARDS #1 EROSION CONTROL MATTING SHALL BE INSTALLED IN LIEU OF A COVER CROP, #2, AND #3.

- C. IN EXCESS OF 8' IN VERTICAL HEIGHT REQUIRE STANDARD #1 EROSION CONTROL MATTING SHALL BE INSTALLED IN LIEU OF A COVER CROP, #2, #3, AND #4.

AREAS GRADED FLATTER THAN 6:1 REQUIRE STANDARD #1 COVER CROP WITH TEMPORARY IRRIGATION WHEN THEY HAVE ONE OR MORE OF THE FOLLOWING CONDITIONS:

- A. SHEET GRADED PADS NOT SCHEDULED FOR IMPROVEMENTS WITHIN 6 MONTHS OF COMPLETION OF ROUGH GRADING.

- B. A POTENTIAL EROSION PROBLEM AS DETERMINED BY THE CITY.

- C. IDENTIFIED BY THE CITY AS HIGHLY VISIBLE AREAS TO THE PUBLIC OR HAVE SPECIAL CONDITIONS THAT WARRANT IMMEDIATE TREATMENT.

SEE PLANT MATERIAL LEGEND ON SHEET LC-3

MAINTENANCE RESPONSIBILITY NOTE:

THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE. THE EXISTING PLANTING AREAS WITHIN THE PUBLIC RIGHT-OF-WAY ARE TO BE MAINTAINED BY THE PROPERTY OWNERS. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION, AND SHALL RECEIVE REGULAR PRUNING, FERTILIZING, MOVING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS' DESIGN STANDARDS AT ALL TIMES.

LANDSCAPE NOTE:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF CARLSBAD'S LANDSCAPE MANUAL AND ALL OTHER APPLICABLE STANDARDS AS OF THE APPROVED DATE OF THESE PLANS.

2. TREES PLANTED WITHIN 5 FEET OF WALKS, CURBS OR PAVING SHALL BE PLANTED WITH A ROOT BARRIER (BIO-BARRIER).

3. IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS ARE DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED PLANS BY THE OWNER/PERMITTEE.

4. ALL LANDSCAPE MATERIALS SHALL BE PERMANENTLY MAINTAINED IN A GROWING AND HEALTHY CONDITION AT ALL TIMES, INCLUDING TRIMMING AS APPROPRIATE TO MAINTAIN APPROVED LANDSCAPE MATERIALS.

5. ALL PLANTING AREAS SHALL BE FINISHED WITH A 3 INCH LAYER OF SHREDDED BARK MULCH (CECIBARK) AVAILABLE THROUGH BUTLER'S MILL INC., (619) 263-3659

6. NO ENHANCED HARDSCAPE PAVING SHALL BE COUNTED TOWARD LANDSCAPE AREA CALCULATIONS.

6. NO BRUSH MANAGEMENT SHALL BE REQUIRED FOR THIS PROJECT.

PLANTING ZONES:

- ZONE 1: LUSH
ZONE 2: REFINED
ZONE 3: NATURALIZING/TRANSITIONAL
ZONE 4: NATIVE

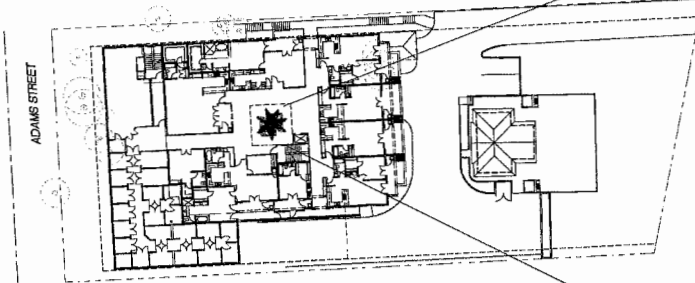
PERCENTAGES:

TOTAL SITE SQUARE FOOTAGE:
43,660 SQFT

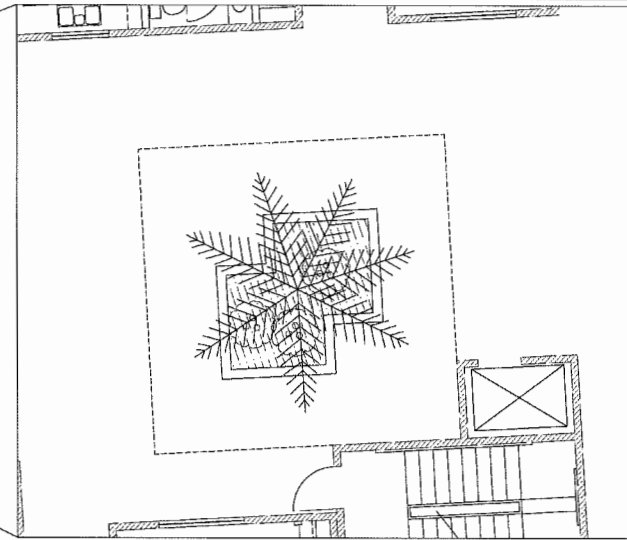
% OF TOTAL SITE USED FOR LANDSCAPING
30.6 % (13360 SQFT)

% OF LANDSCAPE AREA OF EACH PLANTING ZONE:

- ZONE 1: 12.8%
ZONE 2: 6%
ZONE 3: 6%
ZONE 4: 17.8%



INNER COURTYARD AREA
SCALE 1:30



BLOW-UP OF COURTYARD AREA

SCALE 1:4

PLANT MATERIAL LEGEND

BOTANICAL NAME	COMMON NAME	SIZE	HT.	SPD.	QTY.	REMARKS	PLANTING ZONES
EXISTING TREE TO BE REMOVED	REMOVE AND LAND STUMP	"	"	"	"	"	"
ARCHITECTURAL PALM	CING PALM	24" BOX	5'-7"	2'-3"	6	STRAIGHT TRUNK, FULL HEAD	ZONE 1 LUSH
PHOENIX DACTYLIFERA	DATE PALM	24" BOX	5'-7"	2'-3"	3	STRAIGHT TRUNK, FULL HEAD	ZONE 2 LUSH
PHOENIX ROSELENI	PYGMY DATE PALM	10 GAL.	2'-3"	2'-3"	4	STRAIGHT TRUNK, FULL HEAD	ZONE 2 LUSH
<u>SHRUBS</u>							
ASPLENIUM BULBIFERUM	MOTHERS FERN	5 GAL.	12"-15"	12"-15"	12	FULL AND BUSHY, GOOD COLOR	ZONE 1 LUSH
ASPLENIUM NIDUS	BIRD'S NEST FERN	5 GAL.	12"-15"	12"-15"	4	FULL AND BUSHY, GOOD COLOR	ZONE 1 LUSH
CLUSARIA ESCULENTA "BLACK NAGS"	BLACK TARD	5 GAL.	12"-15"	12"-15"	3	FULL AND BUSHY, GOOD COLOR	ZONE 1 LUSH
DICTYOTIS BUCCINATORIA	BLOOD-RED TRUMPET VINE	5 GAL.	4'-6"	"	88	FULL AND BUSHY, GOOD COLOR	ZONE 1 LUSH
LAVALIERA MARITIMA	TREE MALLOW	5 GAL.	12"-15"	12"-15"	12	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
LEUCOSTRUM JAPONICUM "TENAX"	WAX FAF PRIVET	5 GAL.	12"-15"	12"-15"	120	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
PHORUM TENAX	NEW ZEALAND FLAX	10 GAL.	12"-15"	12"-15"	10	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
PHORUM "BRENZE BAR"	NEW ZEALAND FLAX	5 GAL.	12"-15"	12"-15"	1/	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
PHLOEDENDRON "MAHAI"	WINTERBURN PHLOEDENDRON	5 GAL.	12"-15"	12"-15"	3	FULL AND BUSHY, GOOD COLOR	ZONE 1 LUSH
STRELITZIA NICOLAI	GRANT BIRD OF PARADISE	24" BOX	12"-15"	12"-15"	15	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
STRELITZIA REGINAE	BIRD OF PARADISE	5 GAL.	12"-15"	12"-15"	21	FULL AND BUSHY, GOOD COLOR	ZONE 2 LUSH
<u>GRASSES/POPPERS/VINES</u>							
ANNUAL COLOR	YELLOW DAYLILY	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 1 LUSH	
HEMEROCALLIS "YELLOW"	YELLOW DAYLILY	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 1 LUSH	
LIRIODEN MUSCAR	LILY TURP	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 1 LUSH	
PHLOEDENDRON "JAPONICUS"	KINDO GRASS	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 1 LUSH	
CLIVIA PINATA	GAFFER LILY	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 1 LUSH	
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 2 LUSH	
ROSEMARINUS OFFICINALIS "TANNING BLUE"	RUSHMART	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 2 LUSH	
CAREX DIVALSA	BORCELY SCOE	1 GAL.	6"-8"	"	8 18" D.C.	ZONE 2 LUSH	

IRRIGATION NOTES:

ALL PLANTING AREAS SHALL BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE. ALL IRRIGATED AREAS SHALL RECEIVE UNIFORM COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND 1/2" DRAIN IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION. STATE OF THE ART AUTOMATIC CONTROLLER WITH MASTER VALVE AND ZONE SHUTOFF CAPABILITIES. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED IN ACCORDANCE WITH LOCAL AND REGIONAL STANDARDS. ZONE VALVES SHALL BE USED WITH LOW PRECIPITATION HEADS FOR REDUCED WATER CONSUMPTION. PRESSURE COMPENSATING DRIP AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED WHERE APPROPRIATE. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE PER LOCAL AND REGIONAL STANDARDS. AN AUTOMATIC WATER EFFICIENT IRRIGATION SYSTEM SHALL BE PROVIDED TO ESTABLISH AND MAINTAIN LANDSCAPING.

MAINTENANCE RESPONSIBILITY NOTE:

THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE. THE EXISTING PLANTING AREAS WITHIN THE PUBLIC RIGHT-OF-WAY ARE TO BE MAINTAINED BY THE PROPERTY OWNERS. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION AND SHALL RESIST DISEASE, PESTS, FERTILIZING, MOWING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS' DESIGN STANDARDS AT ALL TIMES.

LANDSCAPE NOTE:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF CARLSBAD'S LANDSCAPE MANUAL AND ALL OTHER APPLICABLE STANDARDS AS OF THE APPROVED DATE OF THESE PLANS.
- TREES PLANTED WITHIN 5 FEET OF WALKS, CURBS OR PAVING SHALL BE PLANTED WITH A ROOT BARRIER (GEO BARRIER).
- IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS ARE DAMAGED OR REMOVED DURING CONSTRUCTION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED PLANS BY THE OWNER/PERMITTEE.
- ALL LANDSCAPE MATERIALS SHALL BE PERMANENTLY MAINTAINED IN A GROWING AND HEALTHY CONDITION AT ALL TIMES, INCLUDING MOWING AS APPROPRIATE TO MAINTAIN APPROVED LANDSCAPE MATERIALS.
- ALL PLANTING AREAS SHALL BE FINISHED WITH A 2" INCH 1/2" OF 5-80% TO 60% BARK MULCH (ECONOMY AVAILABLE THROUGH BUTLER'S MILL, INC. (619) 263-3659).
- NO ENHANCED HARDSCAPE PAVING SHALL BE COUNTED TOWARD LANDSCAPE AREA CALCULATIONS.
- NO BRUSH MANAGEMENT SHALL BE REQUIRED FOR THIS PROJECT.

PLANTING ZONES:

- ZONE 1: LUSH
- ZONE 2: REFINED
- ZONE 3: NATURALIZING/TRANSITIONAL
- ZONE 4: NATIVE

PERCENTAGES:

- TOTAL SITE SQUARE FOOTAGE: 43,668 SQFT
- % OF TOTAL SITE USED FOR LANDSCAPING: 30.6 X (13366 SQFT)
- % OF LANDSCAPE AREA OF EACH PLANTING ZONE:
- ZONE 1: 12.8%
- ZONE 2: 3%
- ZONE 3: 3%
- ZONE 4: 17.8%



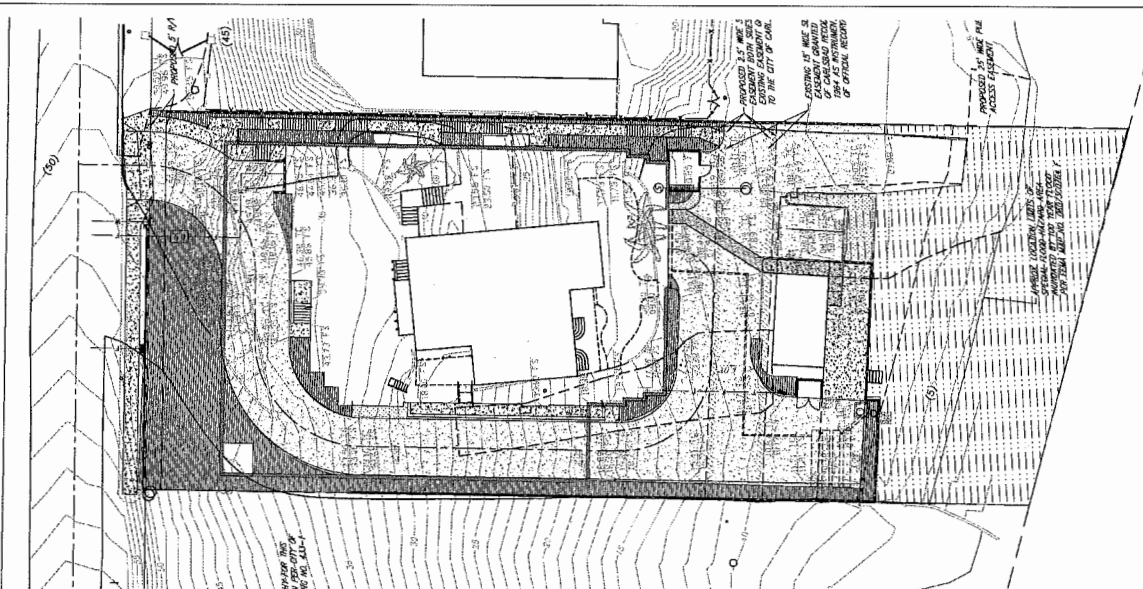
JAMES P. BENEDETTI
LANDSCAPE ARCHITECT
4403 MANCHESTER AVE., SUITE 201
CARLSBAD, CA 92008
760-471-0614 FAX 760-471-0645



CARLSBAD BOAT CLUB
& RESORT
4403 MANCHESTER AVE.
CARLSBAD, CA 92008

LANDSCAPE CONCEPT PLAN

7/10/15
1:20
2511
LC-3



ZONE 1-LUSH LANDSCAPE

1. Criteria:
 - a. Zone One should be utilized only in areas of a development which require a lush green landscape such as areas of high use or visual importance.
 - b. The plantings require an intensive maintenance operation to produce the desired appearance
 - c. This Zone's anticipated appearance relies on large amounts of irrigation. Annual amounts for a healthy, mature landscape are estimated at over thirty (30") inches of supplemental water annually.

2. Description:
Zone One may be thought as a traditional landscape, green, lush, and flowering. Most plants used to produce this effect do not come from a semi-arid type climate found in Southern California. These exotic plants require large amounts of water and intensive maintenance.

Although Carlsbad has a mild temperate climate, it remains a semi-arid region, characterized by poor, infertile soil. Natural lush landscapes are found within our area, but only in very limited micro-climates whose special environment can produce the requirements to support this types of landscapes.

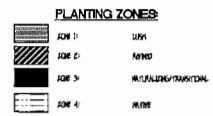
This natural pattern of limited lush landscapes should act as a guide for Zone One's use. These lush landscapes should be utilized for areas of intensive use is as a sensory rich setting in areas visible and important to the majority of users, such as entries, courtyards, pedestrian ways, and recreational areas.

ZONE 4-NATIVE LANDSCAPE

1. Criteria:
 - a. Zone Four is an area of existing vegetation whose native character shall remain with very little modification.
 - b. It is planned for low-level active use, which is compatible with the area's natural character.
 - c. In this zone, no water is required. The use of irrigation can adversely affect many plants found in this zone. Introduced plants should be watered individually

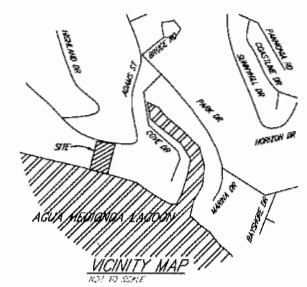
2. Description:
Zone four consists of natural vegetation, native or naturalized, in which there is no or very little disturbance from site improvements. An area may be planned as a Zone Four landscape to preserve its physical features, its qualities as a natural ecosystem, wildlife habitat, or as open space. These qualities may be used to provide passive recreational opportunities, possibly linked to hiking trails.

Zone Four will require a minimal level of upkeep. Its maintenance program will consist of periodic control of debris and minor clearing and/or pruning for fire protection and removal of nonnative species. Retained in their natural non-irrigated condition, these areas will remain relatively dry. Due to this characteristic, a "Fire Protection Program" may be required.



PERCENTAGES:

EXIST. SITE SQUARE FOOTAGE	43,860 SQFT
% OF EXIST. SITE USED FOR LANDSCAPING	20.6 % (9,030 SQFT)
% OF LANDSCAPE AREA OF EACH PLANTING ZONE	
ZONE 1: LUSH	12.6%
ZONE 2: OPEN	0%
ZONE 3: OPEN	0%
ZONE 4: NATIVE	17.0%



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TEL: 760-434-1144 FAX: 760-439-0646

JPBLA

**CARLSBAD BOAT CLUB
& RESORT**

VP PARTNERS
4000 ALABAMA STREET
CARLSBAD, CA 92008

WATER CONSERVATION PLAN

DATE: 7/10/15
SCALE: 1"=20'
SHEET: 2611
LC-4

OF 4 SHEETS

Case CT14-11/PuD/6-02/Cap 14-10
Carlsbad Beach Club and Resort

ATTACHMENT 3
ITEM #4



Protect Our Lagoon and Neighborhood

Carlsbad Lagoon Protection Council ()



RECEIVED

SEP 21 2016

CITY OF CARLSBAD
PLANNING DIVISION

223 Signatures

Goal: 1,000



Show support for the Agua Hedionda Lagoon and neighborhood. Object to the development of a 20-unit timeshare on Adams St. for the following reasons:

1. The proposed structure size and design do not conform to the neighborhood.
2. This proposed development could bring in 3,000 to 4,000 new users to the lagoon each year. The water quality of Aqua Hedionda is already in jeopardy of pollution according to the State Water Control Agency. More users will accelerate contamination.
3. Adams Street has 7 blind turns and has only 5% paved sidewalks. By adding hundreds of unfamiliar drivers in a vacation mode to a street that is highly used by pedestrians, joggers, and cyclists; accidents are certain.

2 HIGHLIGHTS

September 5

Petition has reached 100 signatures!

May 5

We are now live!

96 COMMENTS

Filter

Susan Sauter United States, Fallbrook
Sep 21, 2016



Sep 21, 2016

upvote reply show

This is a horrible project. The lagoon is taxed to the max as it is, as are our residential streets. NO..NO..NO good to our community will come of this project

Alex Torreblanca United States, Carlsbad
Sep 21, 2016



upvote reply show

Sep 21, 2016

NO to the project

Shirley Forsch United States, Carlsbad
Sep 21, 2016

1  Sep 21, 2016
upvote reply show

This should not be in an area of single family homes!

Janis Bandich United States, Carlsbad
Sep 21, 2016

1  Sep 21, 2016
upvote reply show

This 20=unit Timeshare proposal is completely inappropriate for a residential neighbor, for the impact on the Lagoon, and for the traffic issues on Adams.

Debra Mullin United States, Carlsbad
Sep 20, 2016

 Sep 20, 2016
upvote reply show

I am against the proposed 20 unit timeshare on Adams Street.

Thomas Shearer United States, Carlsbad
Sep 20, 2016

Sep 20, 2016

←
upvote reply show

I live near Park and Bayshore and I am also a bicyclist. The safest route to get to Coast Hwy is along Adams Street. If the development is approved El Camino Real would be my only option.

Kristine Wright United States, Carlsbad
Sep 20, 2016

← Sep 20, 2016
upvote reply show

I object to the development of 20 unit time share at the Carlsbad Boat club on Adams St. This project is to large for such a small area of land and has been successfully used in the past as having restaurants.

Robert Johnson United States, Carlsbad
Sep 20, 2016

← Sep 20, 2016
upvote reply show

the north side of the lagoon is a residential area it does not need a timeshare.

Deborah Cowden United States, Carlsbad
Sep 20, 2016

← Sep 20, 2016
upvote reply show

We live near the south end of Highland, just above Adams and the lagoon, and the neighborhood cannot support extra traffic. Neither can the lagoon support any extra pollution. I've seen first hand how vacation rentals effect our quiet neighborhood, as the house across the street from us was sold to investors and is now a vacation rental. Non residents are rude, noisy at night, perhaps not realizing we enjoy, and deserve, our privacy and quiet.

Anonymous
Sep 20, 2016

Sep 20, 2016

upvote reply show

We live on Highland Dr and are 100% against this!

Syndi poling United States, Carlsbad

Sep 20, 2016

upvote reply show

Sep 20, 2016

I live on the lagoon

James Courtney United States, Carlsbad

Sep 20, 2016

upvote reply show

Sep 20, 2016

Before signing this petition, please be advised that it contains misleading and false statements in all 3 stated reasons.

Statement # 1 is FALSE! Please read the Staff report to the Planning Commission to learn the truth.

Statement # 2 is FALSE! Common sense will tell you, that it's simply an outrageous statement!

Statement # 3 is FALSE! He says, "Adams has 7 blind curves and is only 5% paved". That's ridiculous! It's a standard city street, and is paved. Drive down Adams St. and see for yourself.

A commercial restaurant and Boat club have been operating at this site, since the 1950s, charged with approximately 570 trips per day. The timeshare project will generate 200 trips per day, which is about 60% LESS! That is correct. It reduces the traffic far below the previous allowed commercial uses and makes the street safer. Check with the City for the actual facts.

If you have already signed this petition, because you took the word of one person who has an ulterior motive, I recommend you have your name deleted before it is soiled when the truth is revealed.



Elizabeth Ward United States, Carlsbad

Sep 19, 2016



Sep 19, 2016

upvote reply show

Adams street absolutely CANNOT accommodate a timeshare! Way too many people in one place. I can't imagine all the cars going in and out through that small street, speeding around those dangerous curves. My parked car got hit last week! It could have been a person!

Carolyn Rodosta United States, Carlsbad

Sep 19, 2016



Sep 19, 2016

upvote reply show

A timeshare property has no business on Adams street, no matter how large or small it is. One goes to a timeshare to see an area, in this case San Diego. People will be making numerous trips back and forth on Adams, a street not set up for traffic and unsafe for the timeshare occupants as well as for people who live in Carlsbad.

Shirley Anderson United States, Carlsbad

Sep 19, 2016



Sep 19,

upvote reply show

2016

Please no more timeshares.

Gail Huntington United States, Carlsbad

Sep 18, 2016



Sep 18, 2016

upvote reply show

Please do not allow this time share unit to be built. It will ruin our lagoon and add more traffic and congestion.

Anonymous

Sep 17, 2016



upvote reply show

Sep 17, 2016

Dumb idea.

Michael Maras United States, Carlsbad
Sep 17, 2016



upvote reply show

Sep 17, 2016

Save the lagoon!

Anonymous
Sep 17, 2016



upvote reply show

Sep 17, 2016

I own and live on Cove Dr. And do not want this development.

Anonymous
Sep 17, 2016



upvote reply show

Sep 17, 2016

The Adams Street Area is not sufficiently prepared to safely support the proposed timeshare development. The development should not be completed.

Jean Isbell United States, Carlsbad
Sep 17, 2016



upvote reply show

Sep 17, 2016

This development should be denied.

Laura Drelleshak United States, Carlsbad
Sep 17, 2016

← Sep 17, 2016
upvote reply show

The location is not appropriate for any development of this size, and especially not timeshares.

sandra meador United States, Carlsbad
Sep 17, 2016

← Sep 17, 2016
upvote reply show

Sandra Meador

Smart Growth, not growth for the sake of growth and developer profits.

Josh Leupold United States, Carlsbad
Sep 17, 2016

← Sep 17, 2016
upvote reply show

I run Adams St regularly, often with my daughter, and the additional traffic from short-term tenants unfamiliar with the area and without any real investment in the community and keeping it safe is dangerous.

Doris Schiller United States, Carlsbad -
Sep 17, 2016

← Sep 17, 2016
upvote reply show

Not the right place for time-shares

Anonymous

Sep 17, 2016



Sep 17, 2016

upvote reply show

I've lived in north county my entire life and never thought that it would look the way that it does now, we are one step away from being Los Angeles. Gone is the quiet little beach town, and in its place a congested, polluted city with every spare inch of free land being built upon. It's time to say no more.

Penny Johnson United States, Carlsbad

Sep 17, 2016



Sep 17, 2016

upvote reply show

Time shares in that area are not a good fit ! Keep it a residential area.

Emily Schroder United States, Carlsbad

Sep 17, 2016



Sep 17, 2016

upvote reply show

Please, No timeshares on Adams for all the reasons indicated in comments already posted.

Miriam brunhaver United States, Carlsbad

Sep 17, 2016

Sep 17, 2016

↩
upvote reply show

No on timeshare

Don Burton United States, Carlsbad
Sep 16, 2016

↩ Sep 16, 2016
upvote reply show

These people have no shame. It's the same group every time, all the so-called do-gooders who are in tight with the local establishment. so sick of it. Time for some serious change come November 8.

Dan Kalin United States, Carlsbad
Sep 16, 2016

↩ Sep 16, 2016
upvote reply show

We don't need it and we don't want it.

Anonymous
Sep 16, 2016

↩
upvote reply show
Sep 16, 2016

Huge safety concern

sharon johnson United States, Carlsbad
Sep 14, 2016

Sep 14, 2016

upvote reply show

My concern is that the soil that this large development will be built on is basically sand.....not smart.

Elizabeth banks United States, Carlsbad
Sep 02, 2016

upvote reply show Sep 02, 2016

Developers use timeshares so they won't have to contribute to schools. Also timeshares don't count toward the city build out requirements. Good for all except the citizens that live here.
No timeshares by the lagoon

steve commins United States, Carlsbad
Aug 28, 2016

upvote reply show Aug 28, 2016

a time share complex is not an appropriate addition to this neighborhood and would not fit the current character of the area

Anonymous
Aug 28, 2016

upvote reply show Aug 28, 2016

No time shares! There are enough places for visitors to stay. The lagoon is already too crowded.

Anonymous
Aug 28, 2016

Aug 28, 2016

↩
upvote reply show

No more building.

Penny Johnson United States, Carlsbad
Aug 28, 2016

↩ Aug 28, 2016
upvote reply show

Stop the madness that this city council and planning commission keep trying to shove on us!!

Anonymous
Aug 28, 2016

↩
upvote reply show
Aug 28, 2016

Just say NO!

T Brown United States, Carlsbad
Aug 28, 2016

↩ Aug 28, 2016
upvote reply show

To ensure the preservation of the lagoon, we do not support further building and development on and surrounding tghe Agua Hedionda Lagoon.

Anonymous
Aug 28, 2016

Aug 28, 2016

 upvote reply show

Let's work together to keep Carlsbad clean and preserved.

Anonymous
Aug 28, 2016

 upvote reply show **Aug 28, 2016**

No condos on the lagoon

Linda seymour United States, Sacramento
Aug 27, 2016

 upvote reply show **Aug 27, 2016**

No timeshares on this lagoon

Linda Farnsworth United States, Carlsbad
Aug 27, 2016

 upvote reply show **Aug 27, 2016**

Unlike a single homeowner, time share developments bring in de-facto "renters" with no sense of ownership and stewardship of Carlsbad's natural resources. Out of town tourists already leave too much impact in the form of trash left on these lagoon beaches and crowding street parking. This is a sensitive environment that needs to be protected.

Jaime Kessinger United States, Carlsbad
Aug 27, 2016

Aug 27, 2016

↩
upvote reply show

The lagoon is already over crowded during peak season as it is.

Kristine Wright United States, Carlsbad
Aug 27, 2016

↩ Aug 27, 2016
upvote reply show

I agree that we do not need time share units on our lagoon.

Anonymous
Aug 27, 2016

↩
upvote reply show
Aug 27, 2016

I agree

Tamara De Santi United States, Carlsbad
Aug 26, 2016

↩ Aug
upvote reply show 26,
2016

Keep our water is clean!

Anonymous
Aug 14, 2016

Aug 14, 2016

upvote reply show

As a long time employee of the carlsbad lagoon I've spent much time on Adams st. driving to and from work. Ive already had many close calls on this road as there are many blind turns and no sidewalks for pedestrians or cyclist.

I feel safer driving on the 5 fwy then i do driving on Adams st. These timeshares will bring unfamiliar drivers in to a an already precarious situation. "Adams st. belongs to the joggers and cyclist of carlsbad". keep our streets safe and traffic low. All i see is bad news when i think of these time shares.

Anonymous
Jul 16, 2016

upvote reply show Jul 16 2016

North Coastal San Diego has seen an a much higher percentage rate of high density housing than any other southern calif. area. Enough! We need to vote out any council members who continue to vote for this kind of growth.

Anonymous
Oct 19, 2015

upvote reply show Oct 19 2015

This would be detrimental to the family neighborhood.

Steven Bandich United States, Carlsbad
Sep 12, 2015

upvote reply show Sep 12 2015

The addition of 20 timeshare units with associated docks and water access, in a very confined and con jested area of the Lagoon, will certainly add to the potential for safety and loss of enjoyment issues.

Janis Bandich United States, Carlsbad
Sep 11, 2015

upvote reply show  Sep 11, 2015

I agree that a timeshare on the Lagoon would add severe impact to the ecology of the environment and add many more to an overcrowded use of limited resources and supervision, which will lead to escalating many safety issues that already exist and are not being dealt with currently.

Gitiand Kiumars samadani United States
Sep 05, 2015

upvote reply show  Sep 05, 2015

This is a small community safe and secure do not ruin it

Kirk Gruenwald United States, Carlsbad
Sep 03, 2015

upvote reply show  Sep 03, 2015

Traffic would be a problem.

spencer gonzalez United States, Newport Beach
Aug 28, 2015

upvote reply show  Aug 28, 2015

we just moved to Bayshore and prefer the traffic to remain as is.

Roberta J Ash United States, Carlsbad
Aug 25, 2015

Aug 25, 2015

⏪
upvote reply show

NO TO LAGOON DEVELOPMENT!!!

Roberta Aah Doherty United States, La Puente
Aug 25, 2015

⏪ Aug 25, 2015
upvote reply show

NO TIMESHARES ON LAGOON

Christine Griffin United States, Carlsbad
Aug 24, 2015

⏪
upvote reply show
Aug 24, 2015

Thank you

Anonymous
Aug 24, 2015

⏪ Aug 24, 2015
upvote reply show

No! I do not want more traffic on Adams; the blind curves are so dangerous at this point you can barely cross the street for fear of being hit!

Anonymous
Aug 24, 2015

Aug 24, 2015

⏪
upvote reply show

We are against these timeshares and want to keep the lagoon natural!!!

Anonymous
Aug 23, 2015

⏪ Aug 23, 2015
upvote reply show

Any project that establishes a transient population has no business in an established residential neighborhood

Bruce Roelofs United States, Carlsbad
Aug 21, 2015

⏪ Aug 21, 2015
upvote reply show

I am vehemently opposed. How can this be forwarded like an e-mail?

Stephen cramer United States, Carlsbad
Aug 20, 2015

⏪ Aug 20, 2015
upvote reply show

I am against any proposed time share or other residential development on the lagoon

marydawn gonzalez United States, Carlsbad
Aug 20, 2015

Aug 20, 2015

 upvote reply show

Thank you for the heads up.

jj United States, Carlsbad
Aug 20, 2015

 Aug 20, 2015
upvote reply show

Is this a legitimate petition? Where can we sign something that has legal standing?

Anonymous
Aug 20, 2015

 Aug 20, 2015
upvote reply show

This project is inconsistent with the surrounding residential uses and fails to meet the compatibility requirement for issuance of a conditional use permit. It will create traffic, safety, and noise issues that will adversely affect the values of the surrounding single-family homes. It's a poorly-conceived, poorly-designed project that should be rejected by the City.

Anonymous
Aug 19, 2015

 Aug 19, 2015
upvote reply show

Don't ruin my peaceful home.

Sandra Blake United States, Carlsbad
Aug 19, 2015

Aug 19, 2015


upvote reply show

This is not an environmentally sound proposition. Adams Street cannot handle this type of traffic.

Brian United States, Carlsbad
Aug 19, 2015

 Aug 19, 2015
upvote reply show

A timeshare whether on the lagoon or upslope is an inappropriate use of a sensitive environment.

Russ Shafer United States, Carlsbad
Aug 19, 2015

 Aug 19, 2015
upvote reply show

I support this petition and it's effort to protect Aqua Hedionda Lagoon.

Linda Shafer United States, Carlsbad
Aug 19, 2015

 Aug 19, 2015
upvote reply show

I am against the proposed development. To me, Carlsbad's charm has been it's open space and dedication to nature and recreation. This development in particular will negatively impact the City, and the lagoon in particular, by adding density and heavy tourism with potential disrespect for our natural habitat.

Alex Ning United States, Carlsbad
Aug 19, 2015

Aug 19, 2015

 upvote reply show

I support this petition.

Erik Geraldson United States, Carlsbad
Aug 19, 2015

 **Aug 19, 2015**
upvote reply show

No way...the lagoon is too small for such a big development. Keep it the way it is!!!

Larry Geraldson United States, Carlsbad
Aug 19, 2015

 **Aug 19, 2015**
upvote reply show

I support the petition...this area doesn't need more traffic.

ute geraldson United States, Carlsbad
Aug 19, 2015

 **Aug 19, 2015**
upvote reply show

I am against more development on the lagoon.

Fred Jansson United States, Carlsbad
Aug 18, 2015

Aug 18, 2015

upvote reply show

It is going to threaten the lagoons eco system

Anonymous
Aug 18, 2015

upvote reply show Aug 18, 2015

I am against the proposed development for the reasons of increased traffic as well as potential impact in other regards to this delicate area.

Bruce Roelofs United States, Carlsbad
Aug 18, 2015

upvote reply show Aug 18, 2015

I am vehemently opposed for all the same reasons - traffic, parking, pollution, disrespect for the lagoon and our community, decreasing property values, etc. How can we best spread this information?

Sharon Johnson United States, Carlsbad
Aug 18, 2015

upvote reply show Aug 18, 2015

Years ago a destination hotel was proposed on the lagoon. Residents in the neighborhood fought the project and the proposal was denied. Adams Street is a designated scenic route and no structures can exceed the height of Adams.

Dian Sodano United States, San Diego
Jun 02, 2015

Jun 02, 2015

 upvote reply show

I whole heartedly agree with this petition, this resource is fragile and 20 (really 20) more units of unfamiliar visitors is not responsible. All of us property owners have had to downgrade our developments over the years as density has gone up.

Travis Washburn United States, Atlanta
May 21, 2015

 upvote reply show
May 21, 2015

Locals only

Amber depace United States, Carlsbad
May 19, 2015

 upvote reply show May 19, 2015

There is not enough Space and the lagoon is small it is already over crowded in the summer time . Parking would be an issue too . And these are peoples homes .

Martin Pohlmann United States, Carlsbad
May 18, 2015

 upvote reply show May 18, 2015

I support this petition.



Michael Moot United States, Corona
May 14, 2015
May 14, 2015

upvote reply show

As a professional real estate agent , a time share is not conducive to a single family neighborhood

Jeanette Werner United States, Vista

May 14, 2015



May 14, 2015

upvote reply show

The lagoon is a special place in Carlsbad that should not be allowed to be deteriorated by people coming and going with no regard for the natural beauty.

Tiffani Baumgart United States

May 14, 2015



May 14, 2015

upvote reply show

Please help perserve the lagoon!
It now has the perfect balance of fun and serenity. With a time share comes chaos!

Anonymous

May 13, 2015



May 13, 2015

upvote reply show

Bad place for timeshare environment

Randy United States, Carlsbad

May 13, 2015



May 13, 2015

upvote reply show

Commercializing a local Laguna for a tourist spot will PROVE to pay off... Just ask the city of New Braunfels Texas. The new "state of the art condos" have brought unwelcoming guest whom have littered the local rivers & streams with unwanted beer cans, cigarette butts & loud noise complaints at random hours of the night so I will contest to this unlawful action of

and only 5% paved side-walks. I am also concerned about a lack of respect for the lagoon visitors may have to our lagoon.

2 HIGHLIGHTS

September 5

Petition has reached 100 signatures!

May 5

We are now live!

48 COMMENTS

Filter

Anonymous

Aug 14, 2016



Aug 14, 2016

upvote reply show

As a long time employee of the carlsbad lagoon I've spent much time on Adams st. driving to and from work. Ive already had many close calls on this road as there are many blind turns and no sidewalks for pedestrians or cyclist.

I feel safer driving on the 5 fwy then i do driving on Adams st. These timeshares will bring unfamiliar drivers in to a an already precarious situation. "Adams st. belongs to the joggers and cyclist of carlsbad". keep our streets safe and traffic low. All i see is bad news when i think of these time shares.

Anonymous

Jul 16, 2016



Jul 16, 2016

upvote reply show

North Coastal San Diego has seen an a much higher percentage rate of high density housing than any other southern calif. area. Enough! We need to vote out any council members who continue to vote for this kind of growth.

Anonymous

Oct 19, 2015



Oct 19, 2015

upvote reply show

This would be detrimental to the family neighborhood.

SIGN PETITION

Steven Bandich United States, Carlsbad
Sep 12, 2015

← Sep 12, 2015
upvote reply show

The addition of 20 timeshare units with associated docks and water access, in a very confined and congested area of the Lagoon, will certainly add to the potential for safety and loss of enjoyment issues.

Janis Bandich United States, Carlsbad
Sep 11, 2015

← Sep 11, 2015
upvote reply show

I agree that a timeshare on the Lagoon would add severe impact to the ecology of the environment and add many more to an overcrowded use of limited resources and supervision, which will lead to escalating many safety issues that already exist and are not being dealt with currently.

Gitiand Kiumars samadani United States
Sep 05, 2015

← Sep 05, 2015
upvote reply show

This is a small community safe and secure do not ruin it

Kirk Gruenwald United States, Carlsbad
Sep 03, 2015

← Sep 03,
upvote reply show 2015

Traffic would be a problem.

spencer gonzalez United States, Newport Beach
Aug 28, 2015

⬅ Aug 28, 2015
upvote reply show

we just moved to Bayshore and prefer the traffic to remain as is.

Roberta J Ash United States, Carlsbad
Aug 25, 2015

⬅ Aug 25, 2015
upvote reply show

NO TO LAGOON DEVELOPMENT!!!

Roberta Aah Doherty United States, La Puente
Aug 25, 2015

⬅ Aug 25, 2015
upvote reply show

NO TIMESHARES ON LAGOON

Christine Griffin United States, Carlsbad
Aug 24, 2015

⬅
upvote reply show
Aug 24, 2015

Thank you

Anonymous

Aug 24, 2015

← Aug 24, 2015
upvote reply show

No! I do not want more traffic on Adams; the blind curves are so dangerous at this point you can barely cross the street for fear of being hit!

Anonymous

Aug 24, 2015

← Aug 24, 2015
upvote reply show

We are against these timeshares and want to keep the lagoon natural!!!!

Anonymous

Aug 23, 2015

← Aug 23, 2015
upvote reply show

Any project that establishes a transient population has no business in an established residential neighborhood

Bruce Roelofs United States, Carlsbad

Aug 21, 2015

← Aug 21, 2015
upvote reply show

I am vehemently opposed. How can this be forwarded like an e-mail?

Stephen cramer United States, Carlsbad

Aug 20, 2015

Aug 20, 2015
upvote reply show

I am against any proposed time share or other residential development on the lagoon

marydawn gonzalez United States, Carlsbad

Aug 20, 2015

Aug 20,
upvote reply show 2015

Thank you for the heads up.

jj United States, Carlsbad

Aug 20, 2015

Aug 20, 2015
upvote reply show

Is this a legitimate petition? Where can we sign something that has legal standing?

Anonymous

Aug 20, 2015

Aug 20, 2015
upvote reply show

This project is inconsistent with the surrounding residential uses and fails to meet the compatibility requirement for issuance of a conditional use permit. It will create traffic, safety, and noise issues that will adversely affect the values of the surrounding

single-family homes. It's a poorly-conceived, poorly-designed project that should be rejected by the City.

Anonymous

Aug 19, 2015

Aug 19,
upvote reply show 2015

Don't ruin my peaceful home.

Sandra Blake United States, Carlsbad

Aug 19, 2015

Aug 19, 2015
upvote reply show

This is not an environmentally sound proposition. Adams Street cannot handle this type of traffic.

Brian United States, Carlsbad

Aug 19, 2015

Aug 19, 2015
upvote reply show

A timeshare whether on the lagoon or upslope is an inappropriate use of a sensitive environment.

Russ Shafer United States, Carlsbad

Aug 19, 2015

Aug 19, 2015
upvote reply show

I support this petition and it's effort to protect Aqua Hedionda Lagoon.

Linda Shafer United States, Carlsbad
Aug 19, 2015

⬅ Aug 19, 2015
upvote reply show

I am against the proposed development. To me, Carlsbad's charm has been it's open space and dedication to nature and recreation. This development in particular will negatively impact the City, and the lagoon in particular, by adding density and heavy tourism with potential disrespect for our natural habitat.

Alex Ning United States, Carlsbad
Aug 19, 2015

⬅ Aug
upvote reply show 19,
2015

I support this petition.

Erik Geraldson United States, Carlsbad
Aug 19, 2015

⬅ Aug 19, 2015
upvote reply show

No way...the lagoon is too small for such a big development. Keep it the way it is!!!

Larry Geraldson United States, Carlsbad
Aug 19, 2015

⬅ Aug 19, 2015
upvote reply show

I support the petition...this area doesn't need more traffic.

ute geraldson United States, Carlsbad
Aug 19, 2015

⬅ Aug 19, 2015
upvote reply show

I am against more development on the lagoon.

Fred Jansson United States, Carlsbad
Aug 18, 2015

⬅ Aug 18, 2015
upvote reply show

It is going to threaten the lagoons eco system

Anonymous
Aug 18, 2015

⬅ Aug 18, 2015
upvote reply show

I am against the proposed development for the reasons of increased traffic as well as potential impact in other regards to this delicate area.

Bruce Roelofs United States, Carlsbad
Aug 18, 2015

⬅ Aug 18, 2015
upvote reply show

I am vehemently opposed for all the same reasons - traffic, parking, pollution, disrespect for the lagoon and our community, decreasing property values, etc. How can we best spread this information?

Sharon Johnson United States, Carlsbad
Aug 18, 2015

 Aug 18, 2015
upvote reply show

Years ago a destination hotel was proposed on the lagoon. Residents in the neighborhood fought the project and the proposal was denied. Adams Street is a designated scenic route and no structures can exceed the height of Adams.

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Jun 02, 2015

 Jun 02, 2015
upvote reply show

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May 21, 2015

 May 21, 2015
upvote reply show

Locals only

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May 18, 2015

↩
upvote reply show
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May 14, 2015

↩ May 14, 2015
upvote reply show

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Anonymous

May 13, 2015


[upvote](#)
[reply](#)
[show](#)

May 13, 2015

Bad place for timeshare environment

Randy United States, Carlsbad

May 13, 2015


[upvote](#)
[reply](#)
[show](#)

May 13, 2015

Commercializing a local Laguna for a tourist spot will PROVE to pay off... Just ask the city of New Braunfels Texas. The new "state of the art condos" have brought unwelcoming guest whom have littered the local rivers & streams with unwanted beer cans, cigarette butts & loud noise complaints at random hours of the night so I will contest to this unlawful action of building condos on a quite relaxing Laguna. Keep the peace & leave the condos for a urbanized area!

James Arnold United States, Carlsbad

May 13, 2015


[upvote](#)
[reply](#)
[show](#)

May 13, 2015

I support this petition

Tammy Stevens United States, Carlsbad

May 13, 2015


[upvote](#)
[reply](#)
[show](#)

May 13, 2015

No Timeshares.



Jan Smith United States, Columbus

May 07, 2015


[upvote](#)
[reply](#)
[show](#)

May 07, 2015

No timeshares

Darren D United States
May 06, 2015

May 06, 2015
upvote reply show

stop this "fertelli" esque slippery slope.
A development like this could easily attract more of the same. The resulting "drainage" from any more developing around the lagoon will lead to further pollutants entering the lagoon ecosystem.

Eldein fathi United States
May 06, 2015

May 06, 2015
upvote reply show

No condos.

Anonymous
May 06, 2015

May 06, 2015
upvote reply show

No timeshares on the lagoon

Tommy dean United States, Carlsbad
May 06, 2015

May 06, 2015
upvote reply show

This time share must be stopped. Once this is approved, the lagoon will never be the same. Also the safety of Adams.St. pedestrians will be even more dangerous than ever.

[Sign in to comment](#)

[Sign in to comment](#)

108

SIGNATURES

10 months ago
Zoltan Iles United States
10 months ago

















Tu Casa Homeowners Association

C/o Lindsay Management Services

6126 Innovation Way

Carlsbad, CA 92009

760/436-1144 · FAX 760/436-2566

August 29, 2016

City of Carlsbad
Planning Division
1635 Faraday Ave
Carlsbad, CA 92008

Subject: Incompatibility of the proposed Carlsbad Boat Club & Resort Project a 20 Unit Timeshare at 4509 Adams Street Carlsbad CA 92008 CT 14-11 CUP 14-10

Dear Carlsbad Planning Staff and Commissioners,

The Board of Directors for the Tu Casa Homeowners Association, which is a sub Association in Bristol Cove, **unanimously resolved to oppose this project.**

Thankfully, the project that was denied in 2008 was determined to be too massive in bulk and scale of the surrounding residential area. The "new" proposed project is basically the same as the denied project. Last time around we opposed this project and supported Carlsbad Planning Staff and Commissioners who declared the project "too intense and incompatible for the surrounding neighborhood". We supported and applauded the City Council who also denied the project.

Our HOA has been harmonious and compatible with the surrounding area for 40 years. One of the ways we have achieved this is to not allow vacation rentals. Our CC&Rs do not allow leases for less than nine months. This project will have about 100 vacationers cycling through 52 times per year!

This incompatible project is **not orderly growth and development** of our community. We hope that you, our Carlsbad Planners, will faithfully protect the public interest and not just that of a single property owner. You are the guardians of our common future and are trusted to plan for the needs of present and future generations.

We are not against development on this lot and we would probably support a smaller project that is not a Timeshare.

We ask that you help our neighborhood preserve its special Carlsbad small town beach character and deny the application for this massive "in bulk and scale", incompatible project.

Sincerely,

Board of Directors
Tu Casa Homeowners Association

CC: Van.Lynch@carlsbadca.gov Teri.Delcamp@carlsbadca.gov Greg.Fisher@Carlsbadca.gov
planning@carlsbadca.gov Council@carlsbadca.gov

Teri Delcamp

From: KLINTMIKE <klintmike@yahoo.com>
Sent: Tuesday, September 13, 2016 10:30 AM
To: Teri Delcamp
Subject: "20" TIMEHASHRES

Teri,

The number one concern in Carlsbad is the continued building. This has to stop, and this project is a good one to finally

let the residents (voters) of Carlsbad that the Mayor and City Council are **finally** listening.

Mike Klint

2759 Spokane Way

Carlsbad, Ca. 92010

Teri Delcamp

Subject: FW: CT 14-11/PUD 16-02/CUP 14-10 - Carlsbad Boat Club & Resort

From: Kirk Cowles [<mailto:Kirk.Cowles@cmiamerica.com>]
Sent: Wednesday, September 14, 2016 2:24 PM
To: Don Neu <Don.Neu@carlsbadca.gov>
Subject: CT 14-11/PUD 16-02/CUP 14-10 - Carlsbad Boat Club & Resort

City of Carlsbad Planning Commission,

My name is Kirk Cowles and I am a long time resident of Carlsbad residing at 2684 Sutter St. Carlsbad CA. 92010. A few years back I was appointed by the City Council as one of the eight original citizens of Carlsbad to the Envision Committee and I served the entire term. I am writing today to voice my negative opinion of this Boat Club and Resort project. Please do not approve this project.

The area this project being proposed in a unique rural part of Carlsbad with no sidewalks and beautiful homes. Building a huge resort on a small piece of land is not at all compatible with this beautiful rural residential area of Carlsbad.

Please do not approve this project as it is exactly what citizens of Carlsbad are against.

Best Regards,

Kirk Cowles
CMI San Diego
Office 619 661 5240
Cell 619 346 9521



Teri Delcamp

From: David Turner <davidhturner@cox.net>
Sent: Friday, September 16, 2016 5:40 PM
To: Teri Delcamp
Subject: 20 Timeshares

Dear City Planners,

Thank you for requesting input from the community. I am a condo owner in Bristol Cove. I have lived and/or owned a home there since 1994.

The timeshare is too dense for the location in my opinion. I agree with the Bristol Cove Property Owners Association in opposing this development as described.

Thank you for your thoughtful consideration on this project.

Sincerely,
David H. Turner
4553 Cove Dr.
Carlsbad, CA 92008
DavidHTurner@cox.net

Teri Delcamp

From: Planning
Sent: Monday, September 19, 2016 7:40 AM
To: Teri Delcamp
Subject: FW: Time shares on lagoon

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

From: Penny Johnson [mailto:pennyofcbad@roadrunner.com]
Sent: Friday, September 16, 2016 6:20 PM
To: Planning
Subject: Time shares on lagoon

Sent from my iPad It would be shameful for you to OK the proposed time shares on the lagoon. The precedence on Adams street is single family residence . Why would you do that to them and cause a decline in their home values. I would like to think we can depend on you to show your integrity and not " stick it " to the citizens of that area ! Time shares are not a good fit for that area (and many other areas in Carlsbad). Penny Johnson 760 729-4689

Teri Delcamp

From: Planning
Sent: Monday, September 19, 2016 7:40 AM
To: Teri Delcamp
Subject: FW: a proposal for a 20-unit timeshare complex at 4509 Adams Street

From: Doris Schiller [mailto:dorisschiller55@gmail.com]
Sent: Saturday, September 17, 2016 1:15 PM
To: Planning
Subject: a proposal for a 20-unit timeshare complex at 4509 Adams Street

I would like to express my opposition to the proposal for a 20 unit timeshare at 4509 Adams St. I do not think that this neighborhood should have this type of project built. The density of the proposed project and the number of tourists using the area is way too high for the the exiting surrounding use.

Doris Schiller
6753 Oleander Way
Carlsbad, CA 92011

Teri Delcamp

From: Don Neu
Sent: Monday, September 19, 2016 5:50 PM
To: Teri Delcamp
Cc: Van Lynch
Subject: FW: 20 unit timeshare on the lagoon

For your information.

From: Council Internet Email
Sent: Monday, September 19, 2016 9:01 AM
Subject: FW: 20 unit timeshare on the lagoon

From: Candy Chesnut [<mailto:ckchesnut@yahoo.com>]
Sent: Sunday, September 18, 2016 8:21 AM
To: Council Internet Email <CityCouncil@carlsbadca.gov>
Subject: 20 unit timeshare on the lagoon

This type of building really doesnt belong on the lagoon. The planning council denied it in 2008 and essentially the building size has not changed. (76 sq feet of habitable space less). And a 17,000 sq foot parking garage? This plan is incompatible with the neighborhood. Lets work on finding a solution for this space that does not upset everyone in Carlsbad (again!)

Candy Chesnut

Teri Delcamp

From: Bill Kilpatrick <musik1954@gmail.com>
Sent: Sunday, September 18, 2016 11:51 AM
To: Teri Delcamp
Subject: 20 Time Shares

Dear Ms. Delcamp

I am writing to express my strong opposition to the planned "20 Time Shares" development on Adams Avenue overlooking the Agua Hedionda Lagoon. Plopping what is essentially a hotel down in this clearly residential neighborhood makes no sense whatsoever.

It would appear that the rampant overdevelopment of Carlsbad's iconic Village area is beginning to spill over into other areas of our beach town, threatening to turn this once unique coastal haven into yet another overcrowded, overburdened and faceless California city.

I ask you please not to approve this project, and would urge your fellow City Planning staff to follow suit.

Sincerely,

Bill Kilpatrick

<http://www.cdbaby.com/cd/billkilpatrick>

Teri Delcamp

From: JAMES BUSCHER <JJBUSCH@aol.com>
Sent: Sunday, September 18, 2016 8:37 PM
To: Teri Delcamp
Subject: LAGOON PROJECT

HI I HAVE LIVED IN CARLSBAD ALL OF MY LIFE AND WANTED YOU TO KNOW THAT I OPPOSE THE TIMESHARE PROJECT ON ADAMS ST. IT IS ALREADY CROWDED ENOUGH AROUND HERE AND I REALLY DON'T WANT A LOT MORE TRAFFIC AND PARKING IN MY NEIGHBORHOOD. WE SEEM TO HAVE MORE THAN ENOUGH TOURIST GROWTH DOWN ON THE BEACH. LET'S BE SMART LIKE DEL MAR AND MINIMIZE ADDITIONAL LOGJAMS AND SLOW DOWN SOME MORE. THANKS FOR YOUR ATTENTION— JIM BUSCHER

Teri Delcamp

From: Planning
Sent: Monday, September 19, 2016 7:41 AM
To: Teri Delcamp
Subject: FW: Adams Street timeshare

From: Carolyn Rodosta [mailto:rodostac@gmail.com]
Sent: Sunday, September 18, 2016 8:38 PM
To: Planning
Subject: Adams Street timeshare

Adams Street is not conducive to timeshares. Timeshare users exchange into an area to utilize it as a launching pad for the county. We are fortunate to have lots to offer between Orange and San Diego Counties. These exchangers would not go to Adams Street to stay put; they would be on the move constantly.

Timeshares would endanger the traders, the residents who use Adams Street to get around their local neighborhood, and the entire ambiance of the area. Neon signage would be necessary to alert timeshare users of their destination.

Please seriously considering the rejection of this or any timeshare project for Adams Street.

Carolyn Rodosta
Resident in the Laguna Riviera area of Carlsbad for 30+ years.

Teri Delcamp

From: Tom Suess <tom@crstelling.com>
Sent: Monday, September 19, 2016 6:58 PM
To: Greg Fisher; Teri Delcamp
Subject: Pending Approval of Case Name CT 14-11/PUD 16-02/CUP 14-10 - Carlsbad Boat Club & Resort

Dear Greg Fisher and Teri Delcamp:

We, Thomas and Pamela Suess, have just been made aware of a Pending Planning Commission/Staff Approval for the Subject Development, the Carlsbad Boat Club & Resort (Project). We are owners of a Condominium on the Aqua Hedionda Lagoon (Lagoon). Our property is located at 4747 Marina Drive, Unit 4, Carlsbad, CA 92008.

We find this Pending Approval disconcerting and premature, primarily since we are not cognizant of an Environmental Impact Report (EIR) being completed Per California Environmental Impact Act (CEQA). Due to the Location of the Project, Size of the Construction (approximately 40,000 sq. ft.), Number of Potential Users (20 Units X 4 People on Average = 80 Potential Users per Week X 52 Weeks = 4,160 People per year), there simply are too many Significant Negative Impacts that have not been properly addressed per CEQA. If this has been completed, being a Homeowner on the same Lagoon, we were never made aware of same. While we understand we may not have been in the Required Distance from the Project to be Legally Notified, certainly we are neighbors and share the same Lagoon and would have common concerns; and we believe the Owner(s) of the Project, and future Users would want this too.

We believe the Project will cause Significant Negative Impacts that most likely will not be able to be Mitigated, and we believe have not been properly studied Per CEQA. The first Significant Negative Impact is to the very Lagoon itself. Certainly with 4,160 potentially new and different Users per year this will create various Significant Negative Impacts that have not been properly addressed. One such issue is the Significant Negative Impact to the Native Eelgrass (*Zostera*) along the shoreline of the Project. Since there are no docks, the Resort's boats would have to pull up to the beach to bring passengers aboard and for them to disembark. This would result in the boats crossing through the Eelgrass habitat time, and time again. Due to the intense nature of the Resort this would occur throughout every day, and every day of the year. At low tide the boats' props would mow the eelgrass and uproot it. Additionally, hundreds of kayaks and stand up boards and people wading, that are not currently there now, would be traversing the eelgrass habitat and damaging same. How shall the Carlsbad Boat Club & Resort mitigate for this eelgrass habitat destruction?

We believe the added Users of the Project will have a Significant Negative Impact to Fire Services, Police Services, and City Staff, and again we believe it has not been properly studied per CEQA. We believe the Project has a Significant Negative Impact to the Surrounding Neighborhood not only due to the size, but because of the multiple units being rented on a weekly basis in a community/neighborhood that is considered a Long-term Single Family Environment. We believe there is a Significant Negative Impact to Traffic Safety due to the potential of the many new vehicles. Traffic Safety not only to all Drivers but to the vehicles' Passengers. We believe there will be a Significant Negative Impact to Pedestrians (Walking, Running, Skating, Babies in Carriages) and Bicyclists using the same street as the additional vehicles; especially due to no sidewalks, the street's curves, and changing grade of the road.

The above is just a quick response to our just finding out of the Pending Planning Commission Approval of the Project. Again, the most disconcerting issue is that we believe a proper study of the Significant Negative Impacts were not properly addressed per CEQA. We ask for City Staff's response before this Project moves to the final Planning Commission Approval. We also ask that all neighbors that live on the Lagoon be notified as well.

*PS: Eelgrass Background and Information Eelgrass species (*Zostera marina* L. and *Z. pacifica*) are seagrasses that occur in the temperate unconsolidated substrate of shallow coastal environments, enclosed bays, and estuaries. Eelgrass is a*

highly productive species and is considered to be a "foundation" or habitat forming species. Eelgrass contributes to ecosystem functions at multiple levels as a primary and secondary producer, as a habitat structuring element, as a substrate for epiphytes and epifauna, and as sediment stabilizer and nutrient cycling facilitator. Eelgrass provides important foraging areas and shelter to young fish and invertebrates, food for migratory waterfowl and sea turtles, and spawning surfaces for invertebrates and fish such as the Pacific herring. Eelgrass also provides a significant source of carbon to the detrital pool which provides important organic matter in sometimes food-limited environments (e.g., submarine canyons). In addition, eelgrass has the capacity to sequester carbon in the underlying sediments and may help offset carbon emissions. Given the significance and diversity of the functions and services provided by seagrass, Costanza et al. (2007) determined seagrass ecosystems to be one of Earth's most valuable.

http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf

PS: I just talked to Greg Fisher, he advised that an EIR was not completed. He also advised that the Planning Commission Meeting Scheduled for September 22, 2016 will not be addressing the Project.

Sincerely,

Thomas A. Suess License No. 00555453

C. R. Stelling Insurance Agency

631 East Foothill Boulevard

Monrovia, CA 91016-2095

Office 626.359.6626 Cell 626.437.9484

Office 800.350.6626 Fax 626.359.6444

Certificate of Insurance Request: Elsa Flores

Commercial Lines Account Executive: Robyn Mee

Accounting Payment Processing: Angela Taylor

We appreciate referrals! When your referral becomes a client, we will send you a \$10.00 Starbucks Gift Card!

Teri Delcamp

From: Therese Dolkas <theresedolkas@earthlink.net>
Sent: Tuesday, September 20, 2016 1:33 PM
To: Teri Delcamp
Subject: 20 timeshares

I am very against having 20 timeshares on the Carlsbad boat club property. This project does not fit into the neighborhood around the property at all. The traffic alone, on that quaint road would be a disaster. This is not at all what I would like to see on this site. Thanks for your consideration. Therese Dolkas, Carlsbad home owner and resident

Teri Delcamp

From: Sarah Osborne <SarahD@callawaygolf.com>
Sent: Tuesday, September 20, 2016 8:24 PM
To: Teri Delcamp
Subject: 20 timeshares

Hi,

I am very opposed to having 20, let alone any, timeshares on the Carlsbad boat club property. That is such a special and private Street in our City. It does not make any sense to bring tourists there. The traffic increase on such a windy and scenic road increases the danger factor, as well as lowers the value for the special properties in that area that deserve the privacy and high property values for the unique and unlike any other view in Carlsbad. Please take this into consideration. Our City, and it's treasures, should be for the Citizens and not visitors.

I am a home owner, and Carlsbad resident since 1975. Please respect the Citizen's wishes.

Thank you,
Sarah Osborne

Teri Delcamp

From: Planning
Sent: Wednesday, September 21, 2016 2:39 PM
To: Teri Delcamp
Subject: FW: against proposed 20-unit timeshare on Adams St.

From: Kevin Bender [mailto:kevinallanbender@gmail.com]
Sent: Wednesday, September 21, 2016 12:36 PM
To: Planning
Subject: against proposed 20-unit timeshare on Adams St.

I'm joining my neighbors here on Adams St to let you know we oppose the proposed 20-unit timeshare on Adams St and the Agua Hedionda Lagoon.

Have lived in this house on Adams and Harborview since 1970. We don't want the timeshare. It's inappropriate, will cause danger and more pollution and congestion in the lagoon.

Please listen to our opinions.

--
Kevin Bender
Carlsbad, CA
(760) 710-1422
kevinallanbender@gmail.com

Teri Delcamp

From: Planning
Sent: Thursday, September 22, 2016 11:11 AM
To: Teri Delcamp
Subject: FW: Adams St. Timeshare application

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

From: Bonnie Dominguez [mailto:edomin4378@aol.com]
Sent: Wednesday, September 21, 2016 4:55 PM
To: Planning
Subject: Adams St. Timeshare application

Dear Planning Commission Members:

As residents in close proximity to this application, we know the history and the applicant, and therefore support the re-application of the project wholeheartedly.

Your support would be appreciated as well.

Edmond "Bill" Dominguez

4378 Adams Street

Carlsbad, CA 92008

Teri Delcamp

From: Planning
Sent: Thursday, September 22, 2016 11:11 AM
To: Teri Delcamp
Subject: FW: Against time share on Adam's Street

From: John Obrien [mailto:jrspobrien1@gmail.com]
Sent: Wednesday, September 21, 2016 4:24 PM
To: Planning
Subject: Against time share on Adam's Street

To the City of Carlsbad planning division,

As a resident just above the Hedionda Lagoon for 20 years, I've been witness to many construction sites around this area. Many of the changes have proven to be environmentally responsible, however, this time share proposal would open the door to transient population.

This isn't an acceptable way to maintain the beauty of the lagoon area. Over the past few years the "dog beach" has become overrun with trash and waste.

Here is your chance to stand WITH the residents. Vote no tonight.

Sincerely,
John OBrien

Teri Delcamp

From: Planning
Sent: Thursday, September 22, 2016 1:13 PM
To: Teri Delcamp
Subject: FW: Timeshares on Adams Ave.

From: Kasey McCarthy [mailto:kaseymcc@yahoo.com]
Sent: Thursday, September 22, 2016 1:10 PM
To: Planning
Subject: Timeshares on Adams Ave.

Dear Carlsbad Planning,

As a ten year resident of Carlsbad living on Agua Hedionda Lagoon and as a lifetime resident of North County, I am concerned about the request to develop timeshares along Adams Street and the Agua Hedionda Lagoon. This is reference to Dr. Sarkaria Property; PRE 08-15; Project File ; [2061720300|2061720400|2061720500|2061720600|2061720700]. I cannot locate the current permit. Dr. Sarkaria has bought multiple homes and vacant property along the Agua Hedionda Lagoon to serve his desire to change the makeup of Agua Hedionda Lagoon and the quiet RESIDENTIAL Adams Street,

Approving this development is not the right thing for the city of Carlsbad to do. This is not the appropriate location for timeshares nor similar developments. Adams Street is a dangerous street with multiple curves and blind corners. Everyday bikers, walkers and runners use this street that has a short or no sidewalks to get to and from their homes or for recreation. Already there are more and more people using this road to access the Agua Hedionda Lagoon on Cove Drive and Bay Shore Driv, but this another issue.

In addition to the extra number of cars and crowding along Adams Street, this development will impact the Agua Hedionda Lagoon health of the water and wildlife. With the addition of the timeshares, it will bring more pollution to the lagoon with runoff from the landscaping and waste left by the residents. The wildlife have been forced to move their habitat to the Eastern portion of the lagoon from the overuse of the lagoon.

The city of Carlsbad already knows the feelings of the majority of their residents regarding development along the Agua Hedionda Lagoon and I hope you consider the opinions of your residents in regards to this development.

Best regards,
Kasey McCarthy
Cove Drive, Carlsbad

Teri Delcamp

From: Planning
Sent: Monday, September 26, 2016 9:05 AM
To: Teri Delcamp
Subject: FW: ADAMS ST TIMESHARE

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

From: Pauline Morisoli [mailto:pmorisoli@roadrunner.com]
Sent: Friday, September 23, 2016 12:15 PM
To: Planning
Subject: ADAMS ST TIMESHARE

I VOTE NO ON THIS DEVELOPMENT. I LIVE IN CLOSE PROXIMITY TO THIS PARTICULAR PROPOSED DEVELOPMENT. The way in, out and around this area is a dangerous problem. It will add to the pollution of the air, water and detract from the quality of life for this community. Already the East side of ElCamino is being covered by developments. Our planning department folks are responsible for the proper care and maintenance of our city. Builders will come in, grab up our premium land, build the houses, take their high profits and move on to the next beautiful site. Please don't allow this to happen. Thank you for reading my message. PAULINE HENDREN MORISOLI, resident of Carlsbad since 1972.

Sent from my iPad

Teri Delcamp

From: Alan Katof <akatof@yahoo.com>
Sent: Tuesday, October 25, 2016 8:29 PM
To: Teri Delcamp; Mick Calarco
Cc: Jim Strickland; Stu Scheidler; Craig Elliot; Dave Duet
Subject: Boat Club Time Share Project - 4509 Adams

Gentlemen:

My wife and I have lived at 4719 Bryce Circle on the Agua Hedionda Lagoon for more than 12 years and want to express our strong opposition to the proposed Boat Club Time Share project proposed at 4509 Adams (CT14-11/CUP 14-10). A 20 Unit time share does not belong in a residential neighborhood on a very narrow street that will no doubt effect traffic flow and safety.

It has already been deemed incompatible in an earlier cycle of review, and that continues to be the case. As homeowners in this neighborhood, we appreciate that the property owners want to build on the lot, but this is not a reasonable project. In addition, this timeshare would significantly increase the amount of people on Adams throughout the year, and create a negative impact on the lagoon itself. We believe that this combination of conditions makes the project incompatible with our neighborhood.

I hope you will take these concerns into consideration.

Thank you.

Alan and Barbro Katof
4719 Bryce Circle
Carlsbad, CA 92008

Gentlemen:

I have been a resident on the Agua Hedionda Lagoon at 4732 Bryce Circle for more than 16 years. During that time I have witnessed the buildup of traffic and congestion in the area due to use of the lagoon area by dog owners and paddle boaters to a disagreeable level. Now I have learned of the Boat Club Time Share project proposed for 4509 Adams (CT14-11/CUP 14-10). A 20-unit timeshare in this confined area is far too intense a development. I understand that this project has already been deemed incompatible in an earlier review, and nothing has changed to alter that conclusion now. As a homeowner in the area, I appreciate that the owners of this property may want to build on the lot but this is not a reasonable-sized project. Furthermore, a timeshare property will significantly increase the incipient congestion in the area, bringing in volumes of people throughout the year, as well as contributing a potential negative impact on the lagoon itself. This combination makes the project incompatible with our area.

I trust you will take these concerns into consideration.
Thank you.

Stuart Scheidler
4732 Bryce Circle
Carlsbad, CA 92008

City of Carlsbad

NOV 03 2016

City of Carlsbad
Planning Division
1635 Faraday Ave
Carlsbad, CA 92008

Planning Division

RE: Opposition to the proposed Carlsbad Boat Club & Resort Project

Dear Carlsbad Planning Commissioners and Staff,

I have lived at 4747 Marina Drive for five years and I have been part of a timeshare sales staff in Carlsbad for over 20 years. I love my home on the lagoon and I get out on the water often.

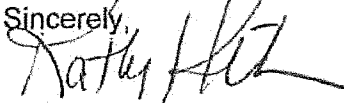
I am really surprised that anyone would think a timeshare business in the middle of a peaceful residential neighborhood is a good idea. **It is a bad mix – totally incompatible.** I work at a timeshare 5 days a week and I see how the guests enjoy their vacations. They pack as many people as possible into each unit. A one bedroom designed for four will have eight to ten people staying there. So a 20 unit timeshare will have well over a hundred people every day! That is far too many people for that property = **too intense!** Additionally, timeshare vacationers don't have to go to work tomorrow and they party all night long as a result. You wouldn't want this in your neighborhood would you?

The parking lots at our timeshare are huge but they are always completely full. Each unit has at least two cars and another car for their guests. Plus, there are housekeepers, gardeners, maintenance workers, sales people, the front desk crew and this one will also have boat drivers – where do they all park? **32 parking spots is a bad joke.** How can this property possibly handle the parking necessary? Cars parked on Adams Street make driving very hazardous. Just pulling in and out of that property on the hill with the blind curve will be dangerous.

This proposed project is **immense and out of place** for the lot it would be built on. It would be a **massive 53 feet tall, four story, monstrosity** far bigger than the big houses around it. In a word - INCOMPATIBLE.

I hope that you, our City Planners, will **protect us** and our special neighborhood from this ill-conceived business on our precious lagoon. **Please deny the application.**

Sincerely,



Kathy Hutchinson

Joe and Dee Dee Polzin
39408 Cardiff Ave.
Murrieta, CA 92563

Owners of 4382 Adams St., Carlsbad, CA 92008
951-757-1297 951-757-2211
joepolzin@me.com dpolzin@me.com

November 21, 2016

City of Carlsbad

1635 Faraday Ave.
Carlsbad, CA 92008

**Re: Opposition to
Carlsbad Boat Club and Resort Project
A 20 Unit Timeshare
4509 Adams Street, Carlsbad, CA 92008
CT 14-11 CUP 14-10**

Dear Carlsbad Planning Staff,

We are the owners of APN 206-180-40-00, aka 4382 Adams Street, Carlsbad, CA. 92008. We are in the process of working on plans to submit an application to the City for a single-family home on our lot. We are gravely concerned about the possibility that the above mentioned high-density (by comparison to the surrounding area) condo project being developed so close to our future home. Adams Street is just a quiet, narrow, winding lane by the peaceful and spectacular lagoon. This high-density project and the traffic it would bring to our little lane is totally out of character to our low-density community. The impact of traffic, the noise and the danger it creates to the many pedestrians, joggers and bicyclists would be far too great. It is completely out of character to our quiet area.

Furthermore, the fact that timeshare is being considered is simply astonishing! How could there be any development more foreign or out of character to this low-density portion of the lagoon?

Despite what developers/speculators may claim, all of us who live in coastal areas know how people will crowd into each bedroom to enjoy the proximity of the water. This will invite intense partying, loud noise and music, barbequing on the beach, ignoring the peace of neighbors, fast and careless driving, loose dogs, overcrowding, and a general disregard of the peaceful ambience of our neighborhood. The transient nature of the thousands of short-term occupants will insure a complete change to the character of the neighborhood. What a shame it would be! Surely it is not the intent of Staff to allow something that would be so at odds to the essence of our area. Clearly, such intense high-density as (compared to the surrounding area), especially when compounded by timeshare use, is astoundingly incompatible with this long established, quiet residential area. Just the marketing alone and the intense traffic it would bring to the narrow and winding Adams Street, would create a nuisance as well as a danger to residents. The transients it would attract are typically careless of the peace and safety of others around them.

In fact, we would argue that such a use would constitute spot zoning and an incompatible blight on this neighborhood.

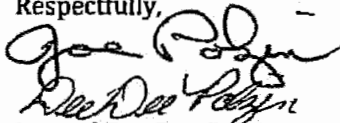
We ask that you deny this project application and protect the lagoon neighborhood, its residents and values.

We would further ask that when next updating the General Plan, you revise and eliminate all but single-family use for the lagoon area to maintain the character of the lagoon for which Carlsbad is famous.

We are certainly not against orderly and rational development, but it must be compatible and not create marked negative impact to the surrounding area. The subject portion of the neighborhood is attractive, low density residential that should be maintained. The ambience of the famed lagoon, its reputation and residents should be rigorously protected.

Thank you for your careful and considerate attention to this impactful and sensitive matter.

Respectfully,



Joe and Dee Dee Polzin

(951) 757-1297

(951)-757-2211

Farah Nisan

From: Planning
Sent: Monday, September 26, 2016 9:05 AM
To: Teri Delcamp
Subject: FW: ADAMS ST TIMESHARE

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

From: Pauline Morisoli [mailto:pmorisoli@roadrunner.com]
Sent: Friday, September 23, 2016 12:15 PM
To: Planning
Subject: ADAMS ST TIMESHARE

I VOTE NO ON THIS DEVELOPMENT. I LIVE IN CLOSE PROXIMITY TO THIS PARTICULAR PROPOSED DEVELOPMENT. The way in, out and around this area is a dangerous problem. It will add to the pollution of the air, water and detract from the quality of life for this community. Already the East side of ElCamino is being covered by developments. Our planning department folks are responsible for the proper care and maintenance of our city. Builders will come in, grab up our premium land, build the houses, take their high profits and move on to the next beautiful site. Please don't allow this to happen. Thank you for reading my message. PAULINE HENDREN MORISOLI, resident of Carlsbad since 1972.

Sent from my iPad

Farah Nisan

From: Ellen Wolfe <wolfe.ellen@gmail.com>
Sent: Sunday, October 23, 2016 2:29 PM
To: Terj Delcamp; Mick Calarco
Cc: Alan & Barbro Katof
Subject: Boat Club Time Share Project - 4509 Adams

Gentlemen - I have lived at 4778 Bryce Circle on the Agua Hedionda Lagoon for more than 15 years and want to express my strong opposition to the proposed Boat Club Time Share project proposed at 4509 Adams (CT14-11/CUP 14-10). A 20-Unit Timeshare on this narrow road in this location is far too intense a development - It has already been deemed incompatible in an earlier cycle of review, and that continues to be the case. As a homeowner in this area, i appreciate that the property owners will want to build on the lot, but this is not a reasonably sized project. In addition, a timeshare property significantly increases the impact, bringing in volumes of people throughout the year, not to speak of the impact on the lagoon itself. This combination makes the project incompatible to the location.

I hope you will take these concerns into consideration.

Thank you.

Ellen Wolfe
4778 Bryce Circle
Carlsbad, CA 92008

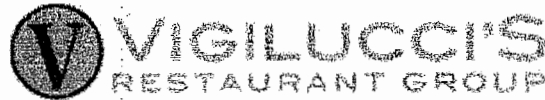
.....
Ellen K. Wolfe
office: +1.760.730.9098 | mobile: +1.858.405.9431

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City of Carlsbad

JAN 17 2017

Planning Division



January 10, 2017

City of Carlsbad
Planning Division
1635 Faraday Ave
Carlsbad, CA 92008

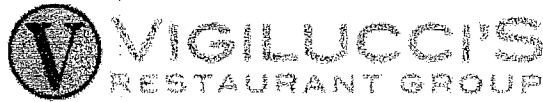
Dear Carlsbad Planning Staff and Commissioners,

I am Roberto Vigilucci and my beautiful wife Jadine and I live at 4520 Adams Street. We bought our piece of paradise in 2004 and we love our home, Carlsbad and our view of the lagoon. Now that piece of paradise could be taken away from us. The Carlsbad Boat Club and Resort 20 unit timeshare project would ruin our neighborhood, property values and quality of life.

In 2008 the City of Carlsbad rejected this project in part because: "the requested use is not necessary or desirable for the development of the community in that the timeshare use does not provide any services to other uses within the community, is not in harmony with the various elements and objectives of the General Plan in that the use would be detrimental to the existing surrounding residential uses specifically permitted in the zone in which the proposed use is located, in that the proposed timeshare project at the intensity, bulk and scale of development proposed is not compatible with the existing surrounding single family residential uses in addition to generating increased traffic on residential streets and noise associated with the timeshare operation...."

This is the same incompatible, out of place project that was, fortunately, soundly rejected the last time. How could the same thing be proposed again or approved?

Our home is right across the street on the hill above the property. There is a long list of things wrong with this project but one that will greatly affect us - also affects all the walkers, joggers, bicyclists, dog walkers and stroller pushers - is the rooftop. Since Adams Street is a designated scenic roadway the roof top cannot rise above the street level. So, the enormous 8,300 plus square foot industrial style rooftop will be very much visible from our home and the street. It is larger than a baseball infield! The problems start with a bank of 20 air conditioning units on the roof! Ugly and noisy and the screening won't help.



Not shown on the included drawing is all the other sidewalk level rooftop annoyances. There will need to be vents for 20 stoves which will vent unwelcomed cooking aromas. Even more unwelcomed aromas will come from the numerous bathroom sewer stack vents, which are sometimes called stink pipes, which will emit sewer gasses. But wait there's more – add another 20 to 30 bathroom fan vents! The building will be occupied by approximately 100 people.

Also, not shown is the possible array of TV satellite dishes, solar panels and skylights. Since that's still not enough noxious smells there is a garage exhaust fan vent at the front Northwest corner of the lot at sidewalk level spewing the exhaust from 34 cars. These are just some of the examples of what makes this business incompatible with the existing surrounding family homes. The project stinks figuratively and literally.

This project caters only to tourists and although the Carlsbad tourism industry is important to the City it should not come at the expense of the residents. My restaurants cater to tourists as well as locals and they smell beautiful. I would gladly forgo the possible added business the project might bring.

We are not opposed to development in general or even something reasonable on this particular lot.

We ask that you help our neighborhood preserve its special Carlsbad small town beach character and deny the application for this massive, incompatible project.

Sincerely,

A handwritten signature in black ink, appearing to be 'Roberto and Jadine Vigilucci', written over a horizontal line.

Roberto and Jadine Vigilucci

CC

Mayor and City Council members

1200 Carlsbad Village Drive

Carlsbad, CA 92008

Planning Staff report

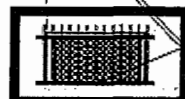
6. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, in that structures are oriented such that the timeshare units will be able to take advantage of prevailing breezes and regulate heating and cooling by actuating fully functioning doors and windows within the units.

TWENTY AIR CONDITIONERS AT STREET LEVEL

The 8,370 square foot rooftop is level with Adams Street and the top of the roof will be very visible when you stand and look down on it.

In addition to the noise of the 20 AC units despite any screening they will still be visible. There will be numerous sewer plumbing Vents, bathroom fans and stove vents looking bad and smelling bad, protruding from the roof and likely skylights and TV dish antennas, perhaps solar panels.

As an added bonus there is the parking structure automobile exhaust vent at street level.



Automobile exhaust vent from the parking structure

Teri Delcamp

From: Greg Nelson <gnelsonsr@gmail.com>
Sent: Tuesday, January 10, 2017 11:13 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club

My family and I have enjoyed our fine city since moving here in 1959.... I am a graduate of Carlsbad High School as are my 4 children. We love this city, the people in it and our city government !!! Buddy Lewis was my football coach and history teacher !!!!

I write this note to you to encourage you and your staff to recommend for approval Mike Pfankuch's Time Share project. It will be an added "flower" to our beautiful coastal city and built by one of our own long time local businessman who has contributed much that helps make Carlsbad special!!!!

Yes our Lagoon is special but this project will allow more people to enjoy it !!!

If I can be of any service feel free to call me at 769-420-4950...

Thank you!!!

Sincerely
Greg Nelson
3664 Maria Lane
Carlsbad , Ca 92008

Teri Delcamp

From: Leo Brodeur <leobrodeur2@comcast.net>
Sent: Saturday, January 14, 2017 8:11 PM
To: Teri Delcamp
Subject: New Project

We need to have new projects to keep the city active with new ideas.
The lagoon project would give a new
look for the area and bring activity to a stagnant Lagoon.

Sent from my iPhone

Teri Delcamp

Subject: FW: Carlsbad Boat Club

From: Jack Brey [<mailto:jackbrey231@gmail.com>]

Sent: Sunday, January 15, 2017 2:39 PM

To: Greg Fisher

Subject: Carlsbad Boat Club

Dear Mr. Fisher -

This is to inform you of my support for the project proposed by Mr. Jim Courtney. As someone who has been in the civil engineering and land development business for over forty years, I am a strong believer in responsible development relative to both the community and developer needs. As with any development project, there will always be opposition however; it is my understanding the Mr. Courtney has endured a long and arduous process of working with both the city and local residents concerns; and has made substantial concessions to both. I also believe strongly in owners and property rights. After a decade and a half of his numerous compromise and concessions, I truly believe it is time to allow this project to move forward. I hope the city will at last find closure with the project approval.

Thank You!

Jack Brey
President
JB Consulting Services, LLC
Land Development Consulting/ADS Affiliate
9519 Lake Superior Drive
Bakersfield, CA 93312
Mobile (661) 747-4924
jbrey@bak.rr.com

Teri Delcamp

From: Marcy Agatep <magatep@yahoo.com>
Sent: Monday, January 16, 2017 11:09 AM
To: Teri Delcamp
Cc: Jim Courtney
Subject: Carlsbad Boat Club Project

I am in favor of the development known as The Carlsbad Boat Club. I think it will be an asset to our wonderful Carlsbad community.

Thank you
Marcy Agatep

Sent from my iPad

Teri Delcamp

From: Arnie Cohen <arnter@gmail.com>
Sent: Monday, January 16, 2017 1:07 PM
To: Don Neu; Teri Delcamp; Greg Fisher
Subject: Carlsbad Boat Club project

We are writing to express our full support of the proposed Carlsbad Boat Club project. We recently attended Jim Courtney's public meeting and once again heard that this plan is in line with what the Coastal Commission has repeatedly said is the only use they would approve, which is Visitor Commercial. It is clear that Jim and his team have worked long and hard to create a plan that meets the zoning requirements, is sensitive to the look and feel of the neighborhood and has features to help protect the lagoon. It is a good compromise for that property while allowing a land owner to effectively use their property.

As strong proponents of private property rights we do not see any justifiable reason to deny this project and we encourage Planning Commission approval when it hears this matter.

Sincerely,

Arnie & Teri Cohen

Teri Delcamp

From: James Brubaker <jim@brubakerassociates.com>
Sent: Monday, January 16, 2017 1:31 PM
To: Teri Delcamp
Cc: Don Neu; Greg Fisher
Subject: Carlsbad Boat Club Project CT 14-11 / CUP 14-10

Teri, et al,

As an actively involved resident and avid proponent of the continued quality stewardship of the Agua Hedionda Lagoon, I highly recommend this project be approved. The fact that the land is zoned for commercial and cannot be built residential, and will meet all codes, regulations and requirements, makes it imperative to allow it to go forward just based on a private property rights issue – the owners have been working for a project approval for 15 years. The additional facts that: it will not bring in more, (possibly less), traffic than the prior restaurant (there were always a lot more than 20 diners there when I went, timeshares are rarely 100% occupied and vehicle time of use varies greatly, and not all tenants will have cars.); the owners have reduced the project size by 25% to cooperate with the neighbors; it will fit in with the neighboring properties and environment; and it will benefit Carlsbad by bringing in additional visitors to spend their money. It is a great example of the “smart growth” that we need at this stage of buildout. This project needs to be approved for the good of the city and of all residents of Carlsbad, with the exception of those that oppose all development/improvements. Please approve this project. Thank you.

James L. Brubaker
1410 Buena Vista Way
Carlsbad, CA 92008

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Teri Delcamp

From: Tracy Carmichael <whatzuptlc@yahoo.com>
Sent: Monday, January 16, 2017 2:29 PM
To: Teri Delcamp
Subject: Fw: CT 14-11/CUP 13-10

On Monday, January 16, 2017 2:24 PM, Tracy Carmichael <whatzuptlc@yahoo.com> wrote:

To whom this may concern,
My husband and I have been Carlsbad residents since 1988 and property and business owners since 1989. We love the City of Carlsbad. We have seen the city grow and change over the years which has allowed everyone to enjoy a beautiful place to live. We support property owners' rights to develop within the guidelines of the City of Carlsbad, the California Coastal Commission and the State of California. Today we are writing to you in support of the CT 14-11/CUP 14-10, a proposed project by Jim Courtney and Mike Pfankuch. We have known Mr. Courtney and Mr. Pfankuch; both Carlsbad residents for many years. We have read and understand their proposed project. It is our understanding and belief that it is zoned for commercial use and is a compatible good fit for the neighborhood while benefiting the City of Carlsbad and it's residents. We are hoping everyone can see the value of good planning, compromise, and will recommend approval of this project CT 14-11/CUP 14-10. If you should have any further questions for us please see the contact information listed below.

Best Regards,
Tracy & Scott Carmichael
4566 Horizon Drive
Carlsbad, CA 92008
760-207-9751

Philip J. Urbina
7933 Las Mientes Lane
Carlsbad, CA 92009

Teri Del Camp
Planning Dept.
City of Carlsbad

RE: Carlsbad Boat Club Timeshares Project – Support

Dear Ms. Del Camp:

I am writing in support of the Carlsbad Boat Club Timeshare Project that will be going before the Planning Commission at its February meeting.

The property has been used for a boat launch on Agua Hedionda Lagoon for decades and the proposed project is an ideal fit for the area. It is zoned for commercial use and the 20-unit timeshare project meets all zoning requirements without generating undue traffic to the area.

The project will bring visitors to our city and those visitors will contribute to the City's tax base.

In today's days of renting via Airbnb or VRBO, which is certainly going on in the area, this project is compatible with the Agua Hedionda Lagoon neighborhood.

After exhaustive reviews, City staff is recommending approval and the Planning Commission should follow the staff recommendation.

Respectfully,

Philip Urbina

Teri Delcamp

From: Mail Center <rdimond@sbcglobal.net>
Sent: Tuesday, January 17, 2017 10:25 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club Timeshares

This correspondence is to support the project of Mr. Pfankuch for the Carlsbad Boat Club Timeshares. We feel that the project meets the zoning criteria and is compatible with all the Air b&b use in the area. It would also be a financial asset to the City of Carlsbad.

Thank you,

Richard and Pauline Dimond
519 Chiquapin Ave.
Carlsbad, CA

Teri Delcamp

From: tricia benton <triciasimons@hotmail.com>
Sent: Thursday, January 19, 2017 9:08 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club Timeshares

Hi Teri- I know there is a Time Share project currently under review by the City on the Lagoon. While I know there are many outspoken people against this project, there are also many of us, a little bit more silent perhaps, that are actually in favor of this project. My family and I fully support this project and think it would be a great addition for Carlsbad. It appears that it is currently zoned for this type of project and I think it sounds awesome. Thank you for your consideration. I am sure you've been inundated with opposition, so I wanted to be sure to voice my positive opinion on the subject. Many thanks!

Tricia Benton

Teri Delcamp

From: Daniel Meritt <danmeritt@gmail.com>
Sent: Thursday, January 19, 2017 9:29 PM
To: Teri Delcamp
Subject: Support for the Carlsbad Boat Club Timeshare

I'm a retired firefighter and 40 year resident of Carlsbad. I'm a proud Carlsbad citizen having raised my family here all of whom also reside here in Carlsbad. I own and reside on property overlooking the beautiful Agua Hedionda and believe the Carlsbad Boat Club development is long overdue and will be an excellent example of proper land use planning. It would serve all the citizens Carlsbad by creating tax revenue for our city and by providing accommodations for visiting tourists eager to enjoy the rest of our fine city and all its amenities. Please support this win-win project.

Daniel Meritt, 4129 Adams St. Carlsbad, Ca

danmeritt@gmail.com

760-519-6042

Teri Delcamp

From: Laura Simons <laurasimons@yahoo.com>
Sent: Friday, January 20, 2017 8:14 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club Timeshares

Teri,

I know there is a Time Share project currently under review by the City on the Lagoon. While I know there are many outspoken people against this project, there are also many of us that are actually in favor of this project. My family and I fully support this project and think it would be a great addition for Carlsbad. It appears that it is currently zoned for this type of project and I think it sounds awesome. I live on the north shore of the lagoon and think this would make my neighborhood even more special! Thank you for your consideration. I am sure you've been inundated with opposition, so I wanted to be sure to voice my positive opinion on the subject. Many thanks!

Laura Simons Ross

Teri Delcamp

From: Laurie Pfan <lauriepfan@gmail.com>
Sent: Friday, January 20, 2017 5:25 PM
To: Teri Delcamp
Subject: Carlsbad Boat Club Timeshare Project

January 18, 2017

City of Carlsbad Planning Commission

RE: CARLSBAD BOAT CLUB TIMESHARE PROJECT

Dear Members of the Planning Commission,

My name is Laurie Pfankuch and I am a lifetime resident of Carlsbad and a Community Service Officer at the Carlsbad Police Department. I currently live at 4090 Adams Street, which is just up the street from the proposed timeshare project at 4509 Adams Street. I grew up in my current home and returned there in 2015 with my husband and two small children. While growing up on Adams Street in the 1980's and 1990's, using the lagoon was part of our lives. During that time, 4509 Adams Street operated as Carlsbad Boat Club, where the public could pay to launch boats and use the beach. For a short time, there was also a popular Mexican restaurant called Jose's on the site. Neither of these businesses affected the neighborhood or the lagoon in a negative way and it was nice to have a place that made the lagoon accessible to the public. Even with the boat club, restaurant and the rental/launch site that is now Carlsbad Lagoon, the area still had a very residential feel. We did not have heavy traffic or parking issues, especially because there was always onsite parking at the Boat Club and Jose's.

Since returning to the neighborhood in 2015, we have purchased a boat and use it on the Agua Hedionda Lagoon frequently. The lagoon is very safe and regulated by the buoys that mark the jet ski, boating and no wake zones. Unfortunately, there seems to be a presumption by the Bristol Cove residents that the lagoon is for their private use. We have many friends in Bristol Cove who often say, "This is our lagoon," and talk about how the City needs to shut down the Carlsbad Lagoon rental business. To be honest, it appears that the Agua Hedionda Lagoon has become private, for the sole use of the residents of Bristol Cove and the few large single family homes on the water. Asking the owners of 4509 Adams Street to build another multi-million dollar residence on the lagoon will only make this problem worse. By approving a timeshare project, the City could maintain tourism use of the Agua Hedionda Lagoon without marring the surrounding neighborhood. I truly hope the Planning Commission does not allow residents with immediate access to the lagoon to dictate the development of 4509 Adams Street, which is zoned for tourism use.

I have worked for the Carlsbad Police Department for nine years as a Community Service Officer. During six of those years, I worked for the Traffic Division, doing parking enforcement and assisting with collision investigations. In my experience, there have been no parking issues or major collisions on Adams Street near the proposed timeshare site. The only traffic related issue on Adams Street is speeding, which needs to be

Teri Delcamp

From: Jim Boone <jboonecbad@aol.com>
Sent: Friday, January 20, 2017 12:27 PM
To: Teri Delcamp
Subject: Carlsbad Boat Club Time Shares

I sincerely hope you will recommend approval of the project called Carlsbad Boat Club Time Shares. A small boutique time share on the lagoon shore would be a much better venue than a hotel or restaurant. The long time Carlsbad residents proposing this project want the best for Carlsbad and so do I. Thank you for your thoughtful consideration of this proposed project Jim Boone.....Carlsbad resident since 1971

Sent from my iPhone

Teri Delcamp

From: Talin Haritunians <talin.haritunians@gmail.com>
Sent: Friday, January 20, 2017 2:39 PM
To: Don Neu; Greg Fisher; Teri Delcamp
Subject: Carlsbad Boat Club Project (CT 14-11 / CUP 14-10)

To Whom it May Concern:

I am writing to you in SUPPORT of the project proposed at the Carlsbad Boat Club. Mr. Courtney and Mr. Pfankuch have spent considerable time and thought in carefully planning this project. As long term Carlsbad citizens, they have made every effort to listen to their neighbors and have modified their project accordingly to address any concerns. This project will be beneficial to both the city and its residents and I strongly urge you to approve this project.

Thank you for your attention to this matter.

Regards,
Talin Haritunians, Ph.D.

Teri Delcamp

From: Kevin Bender <kevinallanbender@gmail.com>
Sent: Sunday, January 22, 2017 4:18 PM
To: Kevin Bender
Subject: CT 14-11/PUD 16-02/CUP 14-10 Carlsbad Boat Club & Resort

I'm writing Carlsbad Planning Division staff and the Carlsbad City Council, Carlsbad Planning Commission and California Coastal Commission to **register my opposition to this proposed 20 unit timeshare condominium project.**

My opposition centers on:

- increased traffic on already over-burdened Adams St.
- time share condos are inappropriate use of the site, surrounded as it is by single family homes
- potential for abuse of the lagoon waters and shore by scores of visitors who don't share the regard 'locals' have for this precious lagoon resource

NIMBY Note: Having first moved into 4070 Adams St in 1970, I've seen the south end of Adams St. turn from a sleepy dead-end into a thoroughfare of traffic. Can we begin to consider the quality of life for long-time area residents as being more important than short-term enjoyment by out-of-towners?

I attended a community meeting with project applicant Jim Courtney and even he admitted this is not the idea use of this site. I'd like to emphasize that what is allowed is not always appropriate.

I encourage denial of these permit requests.

I also heartily encourage all council, commission and staff concerned as well as our community at large to regard and treat the *Agua Hedionda* Lagoon area as the important historic site and cultural landmark it is. We must zealously protect it and prevent its mis-development and mis-use.

Thank you for your time and attention.

--
Kevin Bender
Carlsbad, CA
(760) 710-1422
kevinallanbender@gmail.com

Teri Delcamp

From: Sam Ross <asrcomm@yahoo.com>
Sent: Monday, January 23, 2017 11:31 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club

Hello Teri,

I have heard there is a time share project currently under review by the City on the Agua Hedionda Lagoon. While there are many outspoken people against this project, I'd like to let you know my family and I are in favor of the Carlsbad Boat Club and hope the City will approve the development.

I live in the community called The Bluffs and think it will be a great addition for Carlsbad. With only 20 units, I do not feel the local roads will be greatly impacted by increased traffic from people staying at the club.

The land is zoned for this type of project and I think it sounds awesome. Thank you for your consideration. I am sure you've been inundated with opposition, so I wanted to be sure to voice my positive opinion on the subject. Many thanks!

Kindest Regards,
Sam Ross

4037 Bluff View Way
Carlsbad, CA 92008

DEAR PLANNING COMMISSIONERS,
I AM WRITING THIS LETTER TO
LET YOU KNOW OUR FEELINGS ON YOUR
AGENDA TO ALLOW THE BOAT CLUB PROPERTY
ON ADAMS ST. (THE OWN YOUR OWN COMPLEX)
MY WIFE AND I DEFINITELY OPPOSE
THIS PROJECT.

REASONS, AS A TRAFFIC PROBLEM AND
BEING IN A VERY EXCLUSIVE NEIGHBORHOOD.
WE ARE SENIOR CITIZENS LIVING NEAR
THE SITE.

WE BUILT OUR HOME AT 4368 ADAMS ST
37 YEARS AGO
WE HOPE YOU WILL CONSIDER REJECTING
THIS BUILDING.

SINCERELY,

 Beverly Kennedy

City of Carlsbad

JAN 30 2017

Planning Division

Teri Delcamp

From: joede@roadrunner.com
Sent: Tuesday, January 24, 2017 9:16 AM
To: Teri Delcamp
Subject: Carlsbad Boat Club Project

I have been a Carlsbad resident for nearly 60 years. Our city has done a wonderful job of planning its growth. We presently have a group that want to stop all growth. That is insane. A person has a right develop his land and profit from his investments. The Carlsbad Boat Club P:reject is a reasonable request and deserves your approval. Thank you for your service to Carlsbad, and I am confident you will do the what is best for the entire city and not just what the no growth people want Joe DeDiminicanio 4708 Telescope Ave 760 420 5713

While every attempt has been made to remove all malware and computer viruses sender assumes no liability

Carlsbad Boat Club and Resort Opposition



Project Description

- Tentative Tract Map
Nonresidential Planned Development Permit
Conditional Use Permit
CEQA Categorical Exemption
- 1.02 acres
- Demolition of Restaurant and Single Family Residence
- Construction of 20 Unit Timeshare Condominium Project
 - Height – 35' above existing grade
 - Parking – 26 + 2 boat parking
 - Lot Coverage – 43% (19,066 sq.ft.)
 - Gross Floor Area – Unavailable

Required Findings Cannot Be Made Nonresidential Planned Development Permit

1. The granting of this permit will not adversely affect and will be consistent with the code, the general plan, applicable specific plans, master plans, and all adopted plans of the city and other governmental agencies;
2. The proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
3. Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
4. The proposed nonresidential planned development meets all of the minimum development standards of the underlying zone, except for lot area;
5. In granting a nonresidential planned development permit, the decision-making authority may modify the plan or impose such conditions as it deems necessary to protect the public health, safety and general welfare.

Required Findings Cannot Be Made Conditional Use Permit

1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan;
2. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;
3. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the city planner, planning commission or city council, in order to integrate the use with other uses in the neighborhood;
4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use.

Required Findings Cannot Be Made Tentative Tract Map

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, applicable master and specific plans and with applicable provisions of Title 21.
 2. All approvals and permits required by Title 21 for the project have been obtained or will be concurrently obtained with the approval of the subdivision.
 3. The site is physically suitable for the type of development.
 4. The site is physically suitable for the proposed density of development.
- (addn'l findings required but not pertinent to this presentation.)

Not Consistent with General Plan

2-G.3 Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.

2-G.5 Protect the neighborhood atmosphere and identity of existing residential areas.

2-P.41 Ensure that the review of future projects places a high priority on the compatibility of adjacent land uses along the interface of different residential density and non-residential intensity categories. Special attention should be given to buffering and transitional methods, especially, when reviewing properties where different residential densities or land uses are involved.

- Project site is sole Residential Tourist zoned lot within area of R-4 zoning. Proposed 20-unit time share is not compatible with adjacent single family residence on large lots. This project is an anomaly in the existing development pattern of the neighborhood and breaks up the existing cohesive development pattern.
- A 20-unit Timeshare with 20 families transitioning every week is not compatible with the adjacent single family residences.
- The small beach cannot accommodate the number of people anticipated from this development.
- Adams Street is narrow with several blind curves. Adams Street cannot accommodate this increased intensity of development.

Existing Development Pattern

Only Residential Tourist
Parcel amongst low
density residential
development



1/31/2017

Opposition to Carlsbad Boat Club & Resort

7

Land Use Plan



1/31/2017

Opposition to Carlsbad Boat Club & Resort

8

Use

- The proposed Timeshare project at this location is not necessary or desirable, does not contribute to the general well-being of the neighborhood or community and is not in harmony with the general plan. The proposed use is detrimental to the existing uses.
 - This use at this location places a very intense residential use with weekly turnover of 20 families immediately adjacent to single-family residences on large lots.
 - The project site is adjacent to rare eel grass beds.
 - Adams Street is narrow with several blind curves, this street is not suitable for increased intensity of development.

California Environmental Quality Act

- Categorical Exemption under CEQA Guidelines Section 15332

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.
 - (b) The proposed development occurs within city limits on a project site with no more than five acres substantially surrounded by land uses.
 - (c) The project site has no value as habitat for endangered, rare or threatened species.
 - (d) Approval of the project would not result in any significant effects relating to traffic, air quality or water quality.
 - (e) The site can be adequately served by all required utilities and public services.
- The project is not consistent with all applicable general plan policies; therefore the project does not qualify for a categorical exemption from CEQA requirements under Section 15332.
 - The project site is located adjacent to Eel Grass beds, a rare species in California and has the potential to impact the Eel Grass beds due to increased turbidity during project construction and increased use of the boat ramp and boating area with the increase in the intensity of use.
 - Project fits within exception to exemptions due to its location adjacent to a lagoon with a rare plant species and the potential for significant impacts related to biology, archaeology, paleontology, land use and public safety.

1/31/2017

Opposition to Carlsbad Boat Club & Resort

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February 11, 2017

City of Carlsbad Planning Commission
C/O: Teri Delcamp,
Senior Planner - Community & Economic Development Department
City of Carlsbad
1635 Faraday Ave.
Carlsbad, CA 92008

**RE: Letter of Opposition to Carlsbad Boat Club & Resort Timeshare Project
(CASE NAME: CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT)**

To the Members of the City of Carlsbad Planning Commission;

My mother and I own lot APN 206-200-04, a 75-foot wide lagoon-front lot located approximately 100 feet west of 4509 Adams Street (Carlsbad Boat Club & Resort). I am writing this letter in opposition to the 20-unit timeshare proposed for this site (Case No. CT 14-11/PUD 16-02/CUP 14-10). I have attempted to present my comments at Planning Commission hearings in December 2016 and February 2017. Given that I may be unable to attend the next scheduled hearing on February 21, 2017, I am submitting these written comments to the City for the public record.

Many development projects have been proposed for the Carlsbad Boat Club & Resort over the years. For the record, please reference my 2007 letter of comment that was submitted to the City of Carlsbad Planning Department in opposition to one of the original timeshare proposals (Attachment 1). Many of my comments in this letter overlap and expand upon points made historically. Overall, my concerns include:

- LAND USE / COMMUNITY NON-COMPATABILITY;
- TRAFFIC / STREET SAFETY; and
- ENVIRONMENTAL / LAGOON IMPACT.

LAND USE / COMMUNITY NON-COMPATABILITY

The proposed timeshare project is not compatible with current or historical use of the property and will likely have an adverse impact on the community.

Historical Use and Community Relations: My father, Gene A. Huber, purchased APN 206-200-04 and two adjoining lots along Adams Street in the 1990s. At that time, the Carlsbad Boat Club & Resort featured a Mexican restaurant, a handful of small offices, and a small lounge space and watercraft launch area. My adolescence includes delightful memories of eating tacos on the patio, while watching Mullet fish leap in the distance. I remember good relations with the property owners. Before the Agua Hedionda Lagoon Foundation building existed, our community of lagoon-lovers were permitted to use Carlsbad Boat Club & Resort driveway and parking areas for lagoon clean-up events and other environmentally-focused community building activities. The potential impact associated with the Carlsbad Boat Club & Resort seemed do-able – hours of expected facility operation were finite and well defined, and facility use was open to and appreciated by residents. This allowed the Carlsbad Boat Club & Resort to integrate with the community, in spite of its visitor-commercial land use. Alas, these amiable relations between the Carlsbad Boat Club & Resort and my family ceased sometime in the early 2000s. Since then, my family has almost exclusively accessed our property from the steep hillside off Adams Street and ceased any visits to the property not directly related to annual site maintenance.

Privatization of Use: Timeshares are private vacation properties provided as ownership use rights on a per-week-basis. Timeshares often are exclusive to owners and guests of owners. This privatization of use will prohibit the community from potentially leasing, renting or otherwise interacting with the property. This is a reversal of interaction that has been permitted historically (i.e., rental of the Boat Club, participation in the Floating Yogies, patronage of the restaurant, etc.). Given ongoing hostilities between the Carlsbad Boat Club & Resort and Adams Street property owners, and my personal experience with a similar adversarial living situation, I believe that this privatization of the lagoon-front through construction of a timeshare will alienate and isolate residents of the lagoon community.

Unbounded Hours of Operation: This project will impose on the tranquility and privacy of residents 24 hours a day, 7 days week, 52 weeks each year. Unlike residential projects that would allow for community integration, or previous uses which had reduced hours of operation, this project represents a constant impact to the lagoon community.

High Use Rate: Assuming a forecast use rate of 2 to 4 people per unit x 20 units x 52 weeks, the timeshare will result in an annual rotation of 2,000-4,000 vacationers to Adams Street. However, as a timeshare owner, my experience makes me anticipate a higher actual rate of property use. This forecast only represents registered timeshare guests. It does not include property management personnel, visitors to the units, or "day-use" privileges offered to timeshare owners living in close vicinity of the property. This forecast also does not account for non-traditional rental of timeshare units. As a working professional, I have limited vacation-time will often "optimize" use of a timeshare week by sharing with friends (e.g., 2-4 users for the first half week period and 2-4 different users for the second half-week period). Based on these factors, I propose that the actual annual use rate may be as high as 5,000 persons per year. This high property use rate is not compatible with the surrounding residential community.

Issues of Privacy, Safety, Etc.: Social media is full of vacation-selphies depicting travelers amidst the "local scene." I am concerned that timeshare guests will feel entitled to seeking out the "authentic lagoon experience," and as a result, will wander onto APN 206-200-04 private open spaces not barricaded by fences to climb or do yoga poses on posts, fences and furniture, or even peak into windows to "see what's going on" behind closed doors. Alas, City regulations prohibit APN 206-200-04 and my water-front neighbors from constructing a fence along the water-side border of private property. Being unable to mitigate potential future trespassing by vacationers, I am concerned about the potential for vandalism, noise, lack of privacy, and even culpability should injury occur while a timeshare guest is on APN 206-200-04.

TRAFFIC / STREET SAFETY:

I am concerned about traffic and street safety as follows:

Traffic Load and Increased Safety Risk on Adams Street: The timeshare will increase the traffic flow on all the narrow streets around the lagoon, and will have significant impact along Adams Street. Adams Street is a daunting, sinuous stretch of road to navigate because of sharp turns, driveways and roads with poor lines of site, many changes in grade, and limited road infrastructure such as sidewalks, curbs, and lights. I am concerned that dawn, dusk and evening driving along Adams Street by non-residents will be correlated with an increase in traffic accidents. Adams Street is also home to children that bike ride, skateboard, and recreate. I am concerned for their safety. The increased traffic load associated with the proposed timeshare project is not compatible with the surrounding residential neighborhood.

Incomplete Traffic Load Analysis: The proposed traffic impact should be re-evaluated to accurately reflect likely property use and traffic trips. The Vons and RiteAid located on Tamarack is 0.8 miles away from the Carlsbad Boat Club & Resort. This strip map represents the nearest "hub" for obtaining food and supplies required to subsist for a week at a timeshare. The lack of sidewalks along Adams will deter non-residents

SARA S. HUBER

Comments on Project CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT

from walking, while the short distance will likely encourage more frequent, short trips to and from Tamarack for as-needed groceries, snacks, beach and water toys, etc. These trips would likely be in addition to other forecast traffic trips generated by guests, visitors, day-use, and property management personnel.

Inadequate Parking: The project assumes all parking associated with the project may be conducted on-site, but there are only two parking spaces designated for visitors. According to the 2016 Visitor Industry Performance index, 22%-32% more vacationers overnight in San Diego County during the summer compared to the rest of the year. The frequency of day use is 52-58% greater during the summer (see Attachment 2). Given the idyllic water-front setting of the Carlsbad Boat Club & Resort, I would expect that during the summer, more than 10% of the units would have a batch of visitors (e.g., 1 car per 10 timeshare units). During summer weekends, I would also expect that "day-use" would become an additional demand for visitor parking. For these reasons, I strongly believe that the proposed on-site parking will be inadequate, especially during peak seasonal use.

Safety is the primary reason for my concern about parking overflow. There is little space along Adams Street for parallel parking. Street-parked vehicles will likely have a direct impact on the lines of site from the blind turn from Park Drive, as well as the future driveway at APN-206-000-04 (and other adjoining residences). Therefore, additional parking onsite should be mandatory for this project to be even be considered acceptable by the Planning Commission.

ENVIRONMENTAL / LAGOON IMPACT:

The Agua Hedionda Lagoon represents a precious community resource that is designated in the San Diego Basin Plan as a State Marine Reserve and Ecological Reserve. In my previous letter, I raised concerns about lagoon water quality and appropriate recreational use of the lagoon by visitors and guests of the timeshare. My concerns link the high vacationer turn-over expected and a resulting lack of lagoon-stewardship as a direct result of a lack of personal knowledge and understanding of the lagoon's unique environmental history. I am concerned about how this project may change trash generation rates along the waterfront and around the lagoon. New trash regulations are coming online as part of the California Trash Amendments (*Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California*). This project's unique water-front location and proposed high-density use may warrant further scrutiny by the City.

In 2007, I wrote a letter in protest of the original 29 unit timeshare proposal, which was rejected by the City. Ten years later, the timeshare project has once again inspired the community to rally together in opposition. We do not want a "hotel" constructed along Adams Street.

I strongly urge you to vote against approval of this project.

Sincerely,



Sara S. Huber

Attachments:

Attachment 1: Historical Project Comment Letters in Opposition (2007 and 2006)

Attachment 2: Statistics from San Diego Visitor Industry Performance Report (2016)

SARA S. HUBER

Flat 29 St. Andrews Mansions, 4 Dorset Street, London W1U 4EQ – sara.s.huber@hotmail.com

July 23, 2007

City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008-7314

PROJECT NAME: Carlsbad Boat Club and Resort - Adams Street, Carlsbad
PROJECT NUMBER: CT 06-16/CUP 06-16

Gentlemen:

My family owns property on Adams Street (APN 206-200-03 and 04). At this time, the properties are undeveloped, but we intend to build a single family residence on one of the lots in the future. The grading for a single family home has just begun on the lot adjacent to our lots and next to the Boat Club. The surrounding existing properties are all single family residences.

I have some serious concerns regarding the proposed development of a 29-unit timeshare on above mentioned site.

According to the October 2006 City Zoning Map, the Boat Club is zoned as "Residential Tourist." Since 1995 when my family purchased the three lots adjacent to the Boat Club, that property has been used as a boat launch, restaurant, residence, and a small office space. Surface parking has been provided on site. The facilities have so far been relatively small and the location has been able to handle the people traffic and large gatherings have been the exception. The proposed timeshare would bring a sizable year-round population in "vacation mood" to the area which significantly would disrupt life around Agua Hedionda Lagoon.

Tourists, as a general rule, are not concerned with the long term effects their stay has on the local ambiance and environment (particularly sensitive in this area). They are usually unaware of local rules and historical problems. For example, I doubt children or their parents will feel the need to obey the safety imposed ban on swimming. Similarly, tourists are most likely unaware of the Lagoon's historical water quality problems with *Caulerpa taxifolia* and a heavy use of watercraft will probably result in further deterioration of the water quality.

I am also concerned about the future safety and sanctity of my future home. In accordance with development regulations, I will not be able to build a fence along the south side of the property (towards the water) which potentially would render the public easy access onto the property.

That makes me wonder what would prevent visitors from trespassing and possibly vandalizing the homes along the shore.

The project proposal also includes an underground parking structure. I cannot see how it would be possible to build a garage large enough to satisfy the actual demand for parking from all timeshare owners and staff in addition to the vehicles of the visiting friends of guests and day-use visitors. How would the site handle potential parking overflow? There is certainly not any safe parking along the street.

The timeshare would not only increase the traffic flow on all the narrow streets in the neighborhood, but specifically on a particularly *dangerous portion of Adam Street*.

I hope that these concerns of mine and many more will be thoroughly addressed in future public forums and the project Environmental Impact Report. I am very much against this project and hope that all authorities involved will deny this development to go forward.

I am currently studying in United Kingdom and am unable to access the public records kept at the City, but I would appreciate it if you would be able to give me information on how I can stay informed of the development of this project.

Thank you for your time.

Sincerely,

Sara Suzanna Huber, E.I.T.

SARA S. HUBER

G 9.03 Mount Pleasant, Belmont Tower, Dundee, DD1 4HD, Scotland – sara_suzanna@msn.com

October 20, 2006

City of Carlsbad
Mr. Van Lynch
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008-7314

PROJECT NAME: Carlsbad Boat Club and Resort - Adams Street, Carlsbad
PROJECT NUMBER: CT 06-16/CUP 06-16

Gentlemen:

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Thank you for your time.

Sincerely,

Sara Suzanna Huber, E.I.T.

SARA S. HUBER

Comments on Project CT 14-11/PUD 16-02/CUP 14-10 – CARLSBAD BOAT CLUB & RESORT

Results from the San Diego Visitor Industry Performance Report for 2016

<https://www.sandiego.org/about/industry-research.aspx>

San Diego County Visitor Volume by Calendar Year Month (2016 Overnight Visitor Volumes)

Visitor Location	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16
Hotel/Motel	664,000	684,000	879,000	837,000	799,000	1,011,000	1,026,000	908,000	829,000	802,000	725,000	682,000
Household	585,000	423,000	380,000	448,000	471,000	506,000	870,000	686,000	450,000	436,000	616,000	737,000
Other Overnight*	75,000	64,000	68,000	79,000	80,000	84,000	101,000	105,000	78,000	75,000	84,000	80,000
Overnight Visitor	1,324,000	1,171,000	1,327,000	1,364,000	1,350,000	1,601,000	1,997,000	1,699,000	1,357,000	1,313,000	1,425,000	1,499,000

*Assumed to represent Timeshares, Air B&B and other alternative forms of housing.

January-May 2016 Average: 73,200 visitors

June-August represents 32% more than January-May average.

June-August 2016 Average: 96,667 visitors

September-December 2016 Average: 79,250 visitors

June-August represents 22% more than January-May average.

San Diego County Visitor Volume by Calendar Year Month (2016 Day Time Visitor Volumes)

Day Visitor Volume	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16
Day Visitors	541,000	671,000	1,139,000	1,019,000	1,076,000	1,116,000	2,119,000	1,618,000	934,000	1,023,000	695,000	1,001,000
Mexican Day Visitors	361,000	318,000	413,000	390,000	362,000	347,000	390,000	373,000	360,000	383,000	422,000	411,000
Total Visitors	902,000	989,000	1,552,000	1,409,000	1,438,000	1,463,000	2,509,000	1,991,000	1,294,000	1,406,000	1,117,000	1,412,000

January-May 2016 Average: 1,258,000 visitors

June-August represents 58% more than January-May average.

June-August 2016 Average: 1,987,700 visitors

September-December 2016 Average: 1,307,300 visitors

June-August represents 52% more than January-May average.

Teri Delcamp

From: James Courtney <JCourtney@spcllp.com>
Sent: Tuesday, January 17, 2017 5:53 PM
To: Teri Delcamp; Greg Fisher; Don Neu
Subject: Carlsbad Boat Club Project (CT 14-11 / CUP 14-10)

Dear Carlsbad City Planners:

I just wanted to drop you a note in support of the project at the Carlsbad Boat Club. I know that this project has been in the works for more than a decade and that Jim and Mike have put together a very well thought out project that will be as great for the citizens of Carlsbad as it will be for the City of Carlsbad itself. Given the zoning restrictions and the goals of the City of Carlsbad and the Coastal Commission, I cannot think of a better developed project for this site. I strongly urge you to approve the project and I will lend my support in any way I can.

Thanks much for your attention to this important matter and please let me know if I can provide any further information or otherwise answer any questions.

Best regards,
James J. Courtney

Teri Delcamp

From: Don Neu
Sent: Tuesday, January 24, 2017 3:06 PM
To: Teri Delcamp
Cc: Farah Nisan
Subject: FW: Carlsbad Boat Club Project

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

From: joede@roadrunner.com [mailto:joede@roadrunner.com]
Sent: Tuesday, January 24, 2017 9:28 AM
To: Don Neu <Don.Neu@carlsbadca.gov>
Cc: Greg Fisher <Greg.Fisher@carlsbadca.gov>
Subject: Carlsbad Boat Club Project

I have lived in Carlsbad for nearly 60 years. The city has done a wonderful job in protecting its growth. The best growth plan in the County. However, we have a group who wish to stop all growth. That is insane. A person has a right to develop his land and make a profit on his investment. The Carlsbad Boat Club P:reject is a reasonable plan and deserve your approval. Thank you for your service to our city, and I know you will do the correct thing fort our city and not just the no growth people. If the don't want the project, they should buy the plan and keep it as open space. Joe DeDiminicanio 4708I Telescope Ave 760 420 5713

While every attempt has been made to remove all malware and computer viruses sender assumes no liability

Teri Delcamp

From: Planning
Sent: Monday, February 06, 2017 10:24 AM
To: Teri Delcamp
Subject: FW: 20 unit timeshare

From: Mo Nowell [mailto:jerzeemo@aol.com]
Sent: Wednesday, February 01, 2017 3:42 PM
To: Planning
Subject: 20 unit timeshare

To whom it may concern, My family have been residents in Bristol Cove since 1973 and feel very strongly that the timeshare project and all that is inherent to that type of project, in this area ,would be detrimental, not only to the residents but the community that participates in all the Lagoon has to offer. We need people more permanent, that take part in the Carlsbad community as a whole, on an on going basis and that are vested in the beauty and value of this beautiful area for the long haul not just a week or so vacation. . Thank you for all your time and consideration in this matter.

The Nowell Family, Marina Drive, Carlsbad

Teri Delcamp

From: Planning
Sent: Monday, February 06, 2017 10:24 AM
To: Teri Delcamp
Subject: FW: 20 Unit Timeshare

From: Scott Engel [mailto:luvtv979@yahoo.com]
Sent: Wednesday, February 01, 2017 6:46 AM
To: Planning
Subject: 20 Unit Timeshare

Greetings,

Regarding the 20 unit timeshare proposal at the boathouse on Adams.

My family and I near the lagoon and are on Adams daily, either going to work, school or exercising. With the understanding that the property will be developed at some point via input from Mayor Hall, it would be our stance that the 20 unit timeshare is not a compatible solution. It would be preferable to have something that would serve as an amenity for the visitors AND residents. The surrounding vicinity is entirely residential and a timeshare would provide no benefit to the residents, only inconvenience. It's not unreasonable to want some level of value in exchange for the impact of increased traffic and access by non-residents.

Thank you for your consideration.

In good faith,
Scott Engel, East Tamarack

Teri Delcamp

From: Planning
Sent: Monday, February 06, 2017 5:05 PM
To: Teri Delcamp
Subject: FW: Proposed Timeshare Development on Adams

From: Cori Schumacher
Sent: Monday, February 06, 2017 11:21 AM
To: Planning
Subject: Fwd: Proposed Timeshare Development on Adams

Hello,

I am forwarding this for the Planning Department and Planning Commissioners, given the project has not yet come before the Commission.

Kindly,

Cori Schumacher
Council Member
1200 Carlsbad Village Drive
Carlsbad, Ca. 92008

760.434.2830 | cori.schumacher@carlsbadca.gov

Begin forwarded message:

From: Wendy Hein <wghein@gmail.com>
Date: February 3, 2017 at 8:15:22 AM PST
To: cori.schumacher@carlsbadca.gov
Subject: Proposed Timeshare Development on Adams

Dear Councilwoman Schumacher,

My name is Wendy Gray Hein. My husband, Greg and I have lived at 4264 Highland Drive in Old Carlsbad since 2000. Our home was built in 1950 and we were pleased to move into an established, older neighborhood. We recently retired from our full-time jobs as primary teacher (I taught at Magnolia Elementary School for 26 years) and Greg was an electrical engineer (at Qualcomm). Our neighborhood is amazing... quiet and family oriented. Several of my former students live nearby. I feel comfortable taking our 5 grandchildren for walks to Holiday Park or over to my former school playground to play. Our streets feel safe and secure, as our neighbors observe the speed limits and watch for youngsters crossing the roads on their way to schools and/or sports activities. There are no sidewalks on my block, but there is not much traffic either.

This idyllic neighborhood setting is sure to change with the construction of a proposed timeshare

development on Adams Street, right below us. There may be up to 3,000 potential visitors in vacation mode using our highly pedestrian and scenic Adams Street in the future. Parking alone would be a nightmare on this quaint country road. It has 7 blind turns and only 5% paved sidewalks... a perfect invitation for tragedy to walkers, joggers and bike riders alike. Has the Coastal Commission approved of this timeshare development? Carlsbad used to be much more discerning about land use this close to our lagoons or ocean.

It is my understanding that this timeshare project was defeated years ago due to size and density. The newer design today has made minimal changes to their original plans. The small concessions by the builder cannot offset the fact that insufficient parking for visitors' cars will surely be an eyesore, as well as a traffic hazard for full-time residents in the area. Most of the buildings on Adams Street are single family dwellings, purchased or built by homeowners who appreciate a serene and quiet neighborhood for their families. This project will turn our settled neighborhood into a tourist zone for transients, where vacationers have little regard for speed limits or children walking to school (there are 5 schools within walking distance of the proposed timeshare project). Accidents will happen, and the city of Carlsbad will ultimately be responsible, because it allowed this sort of development to occur at such an ill-suited building site in the midst of an established neighborhood.

Please do not allow a high density project that caters to temporary visitors every week to take place here. The increased traffic will place full-time residents (especially younger ones) at much greater risk. Please protect this wonderful established neighborhood in Carlsbad.

Respectfully yours,

Wendy Hein
wghein@gmail.com

Sent from my iPad

Tammy McMinn

From: Council Internet Email
Sent: Monday, April 03, 2017 11:27 AM
To: City Clerk
Cc: Teri Delcamp
Subject: FW: 20 timeshare unit development in Carlsbad

This is regarding the Carlsbad Boat Club that is on the agenda for April 11.

From: loremojo@gmail.com [mailto:loremojo@gmail.com] **On Behalf Of** Lore Miranda
Sent: Sunday, April 02, 2017 2:53 PM
To: Matthew Hall <Matt.Hall@carlsbadca.gov>; Cori Schumacher <Cori.Schumacher@CarlsbadCA.gov>; Keith Blackburn <Keith.Blackburn@carlsbadca.gov>; Michael Schumacher <michael.schumacher@carlsbadca.gov>; Council Internet Email <CityCouncil@carlsbadca.gov>; Mark Packard <Mark.Packard@carlsbadca.gov>
Subject: 20 timeshare unit development in Carlsbad

There are many reasons why I am not in favor of the 20 timehare development in Carlsbad. Some of my reasons are: parking (almost none), traffic and the problems with people coming in and out of that driveway from a street that is precarious to circumvent anyhow, fitting in with the neighborhood which is very upscale.

I am a Carlsbad resident living along the lagoon and would appreciate your vote for NO.

Thank you, Lore Miranda

Tammy McMinn

From: Council Internet Email
Sent: Monday, April 03, 2017 11:28 AM
To: City Clerk
Cc: Teri Delcamp
Subject: FW: 20 Unit TIMESHARE
Attachments: BCPOA - City of Carlsbad opposition letter to Council.16.docx

This is regarding the Carlsbad Boat Club that is on the agenda for April 11. Letter attached.

From: Jim strickland [mailto:jim.strickland1@sbcglobal.net]
Sent: Sunday, April 02, 2017 1:51 PM
To: Council Internet Email <CityCouncil@carlsbadca.gov>
Subject: 20 Unit TIMESHARE

I attached a letter for the Council regarding the Carlsbad Boatclub & Resort project **CT 14-11 CUP 14-10** which is on the agenda for April 11th.

Thanks,
Jim
760 720-6181

Bristol Cove Property Owners Association

c/o CHAMPS/A Division of AAM, LLC

5731 Palmer Way - Suite B
Carlsbad, CA 92010-7247
760/603-0501 · FAX 760/603-0505

April 2, 2017

City of Carlsbad
Planning Division
1635 Faraday Ave
Carlsbad, CA 92008

**RE: OPPOSITION TO
Carlsbad Boat Club & Resort Project a 20 Unit Timeshare
4509 Adams Street Carlsbad CA 92008
CT 14-11 CUP 14-10**

Dear Carlsbad City Council,

The Board of the Bristol Cove Property Owners Association unanimously resolved to oppose this project. The Board represents 268 living units which is approximately 800 people and 500 voters.

Our community is located very close to the project and our homes are on the water at Agua Hedionda Lagoon as is the Boat Club property. Most of us love our community and chose to live here because of our beautiful lagoon and the recreational opportunities it provides.

Last time around we opposed this project and supported Carlsbad Planning Staff and Commissioners who declared the project "too intense and incompatible for the surrounding neighborhood". We supported and applauded the City Council who also denied the project.

Many people hoped this bad idea was done and gone for good but it is not, it is back. The old failed project was a massive bulky 25 units with 37 bedrooms and 40,500 square feet. This new project appears on the surface to be less massive since it is 20 units. This is misleading since the drawings don't disclose the total square feet but instead it indicates "habitable square footage". When the "habitable square footage" of each the old and new projects is added up they are essentially the same. It is essentially the same building with a different interior. It has 34 bedrooms and the number of studios went from 9 to only 1 so it will house essentially the same amount of people. This many additional people, cars and lagoon usage will be disruptive to the surrounding neighborhood.

This project is not compliant with some of our Carlsbad zoning principles, for example:

21.47.010 Intent and purpose.

The intent and purpose of the nonresidential planned development regulations are to:

- (2) Provide for nonresidential projects which are compatible with surrounding developments;

21.47.080 Development standards.

All nonresidential planned developments...but they shall be reasonable as to intended use and relation to the project and the surrounding area and shall meet the intent and purpose of this chapter as stated herein. (Ord. 9685 § 1, 1983)

This incompatible project is not orderly growth and development of our community. We hope that you, our Carlsbad City Council, will faithfully protect the public interest and not just that of a single property owner. You are the guardians of our common future and are trusted to plan for the needs of present and future generations.

On February 15th 2017 the Planning Commissioners stepped up and voted against Staff's recommendation for approval and denied the project. We believe this is a very strong message. We ask this Council to deny this project like the Council did in 2008.

We are not against development on this lot and we would probably support a smaller project that is not a Timeshare.

We ask that you help our neighborhood preserve its special Carlsbad small town beach character and deny the application for this massive, incompatible project.

Sincerely,

Board of Directors

Bristol Cove Property Owners Association



Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

June 28, 2016, 6 p.m.

MEETING OF: CARLSBAD COMMUNITY DEVELOPMENT COMMISSION, CARLSBAD MUNICIPAL WATER DISTRICT BOARD, CITY COUNCIL, CARLSBAD PUBLIC FINANCING AUTHORITY, AND CITY OF CARLSBAD AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
(Joint Special Meeting)

CALL TO ORDER: 6:26 p.m.

ROLL CALL: Hall, Wood, Schumacher, Blackburn, Packard

APPROVAL OF MINUTES:

Minutes of the Joint Special Meeting held June 23, 2015 (Public Financing Authority Board Only)

Minutes of the Joint Special Meeting held June 30, 2015 (Public Financing Authority Board Only)

Minutes of the Special Meeting held April 12, 2016 (Community Development Commission Only)

Motion by Vice Chair/Vice President/Mayor Pro Tem Wood, seconded by Commissioner/Board Member/Council Member Schumacher to approve the minutes. Motion carried unanimously.
(5/0)

CONSENT CALENDAR: None.

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

PUBLIC HEARING:

13. AB #22,337 – Approval of Resolution No. 2016-130 of the City Council adopting the final Operating Budget and Capital Improvement Program for FY 2016-17 for the City of Carlsbad and establishing controls on changes in appropriations for the various funds; and

Approval of Resolution No. 1552 of the Board of Directors of the Carlsbad Municipal Water District adopting the water district final Operating Budget and Capital Improvements Program for FY 2016-17; and

Approval of a Resolution No. 535 of the Community Development Commission of the City of Carlsbad adopting the final Operating Budget of the Housing Authority for FY 2016-17; and

Approval of Resolution No. 2016-131 of the City Council of the City of Carlsbad establishing the FY 2016-17 appropriation limit as required by Article XIII B of the California State Constitution and State law; and

Approval of Resolution No. 2016-132 of the City Council of the City of Carlsbad adopting changes to the Master Fee Schedule; and

COMMUNITY DEVELOPMENT COMMISSION, CARLSBAD MUNICIPAL WATER DISTRICT BOARD; CITY COUNCIL, CARLSBAD PUBLIC FINANCING AUTHORITY, AND CITY OF CARLSBAD AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

Approval of Resolution No. 2016-133 of the City Council of the City of Carlsbad determining that the FY 2016-17 Capital Improvement Program Budget is consistent with the General Plan based upon the findings; and

Approval of Resolution No. 2016-134 of the City Council of the City of Carlsbad approving the City of Carlsbad's share of the Fiscal Year 2016-17 Capital and Operating Budget of the Encina Wastewater Authority; and

Approval of Resolution No. 2016-135 of the City Council of the City of Carlsbad approving adjustments to the FY 2015-16 Operating Budget; and

Approval of Resolution No. 2016-136 of the City Council of the City of Carlsbad, acting as the Successor Agency for the Carlsbad Redevelopment Agency, approving the Operating Budget of the Carlsbad Redevelopment Obligation Retirement Funds for FY 2016-17; and

Approval of Resolution No. 1553 of the Board of Directors of the Carlsbad Municipal Water District, approving adjustments to the FY 2015-16 Capital Improvement Program Budget; and

Approval of Resolution No. 2016-137 of the City Council of the City of Carlsbad appropriating funds to prepay obligations of the Carlsbad Public Financing Authority's 2006 Series A Revenue Bonds (Carlsbad Municipal Golf Course Project); and

Approval of Resolution No. 71 of the Board of Directors of the Carlsbad Public Financing Authority appropriating funds to prepay obligations of the Carlsbad Public Financing Authority's 2006 Series A Revenue Bonds (Carlsbad Municipal Golf Course Project); and

Approval of Resolution No. 2016-138 of the City of Carlsbad establishing a General Fund Pension Stabilization assignment of \$10,000,000.

Director of Administrative Services Chuck McBride and Finance Manager Helga Stover provided the report via PowerPoint presentation.

Chair/President/Mayor Hall opened the duly noticed Public Hearing at 6:50 p.m.

Laura Drashel spoke in favor of the City participating in fully funded pension plans.

Carl Pope spoke in support of the Crossings Golf Course becoming self-sustaining once the bonds are paid off.

Robert Wilkinson spoke in support of the City creating a Grand Promenade in the downtown area.

Seeing no one else wishing to speak, Chair/President/Mayor Hall closed the Public Hearing at 6:59 p.m.

COMMUNITY DEVELOPMENT COMMISSION, CARLSBAD MUNICIPAL WATER DISTRICT BOARD, CITY COUNCIL, CARLSBAD PUBLIC FINANCING AUTHORITY, AND CITY OF CARLSBAD AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

In response to an inquiry Chair/President/Mayor Hall, Director McBride stated that there were approximately 56,000 rounds of golf played at the Crossings in the past fiscal year which is about the maximum amount of rounds that could be played.

The Commission/Board/Council/Authority expressed their appreciation for staff's comprehensive presentation.

ACTION: Motion by Vice Chair/Vice President/Mayor Pro Tem Wood, seconded by Commissioner/Board Member/Council Member Schumacher to adopt City Council Resolution Nos. 2016-130, 2016-131, 2016-132, 2016-133, 2016-134, 2016-135, 2016-136, 2016-137, 2016-138; and, Carlsbad Municipal Water District Resolution Nos. 1552 and 1553; and, Community Development Commission Resolution No. 535; and, Public Financing Authority Resolution No. 71. Motion carried unanimously (5/0).

ADJOURNMENT:

Meeting was adjourned at 7:16 p.m.

Sheila R. Cobian, CMC
City Clerk Services Manager



COMMUNITY DEVELOPMENT COMMISSION

Staff Report

Meeting Date: April 11, 2017
To: Chair and Commission Members
From: Kevin Crawford, Secretary 
Staff Contact: Bobbi Nunn, Housing Program Manager
bobbi.nunn@carlsbadca.gov or 760-434-2816
Subject FY 2017 Public Housing Agency Annual Plan Public Hearing

Recommended Action

Hold a Public Hearing and adopt a Resolution approving the City of Carlsbad Public Housing Agency Annual Plan and authorizing submission to the U.S. Department of Housing and Urban Development.

Executive Summary

The Housing & Neighborhood Services Department administers the federally funded Section 8 Rental Assistance Program for the City of Carlsbad Public Housing Agency (PHA). Pursuant to Code of Federal Regulations 24 Part 903, a PHA is required to submit a 5-Year and Annual Plan to the U.S. Department of Housing and Urban Development (HUD). The 5-Year and Annual PHA Plan provide a basic guide to PHA policies, rules, and requirements concerning the Agency's operations, programs and services. In addition, the Plan advises HUD and members of the public about the mission and strategies for serving the needs of low-income and very low-income families within the Agency's jurisdiction.

Discussion

On April 7, 2015, the Community Development Commission approved the 5-Year Plan for fiscal years 2015-2019 and approved the submission of the plan to HUD.

For the Annual Plan, the PHA is required to identify any PHA Plan elements that have been revised since the last Annual Plan submission. There are two areas that have been revised and are addressed in the Annual PHA Plan Elements segment:

- Financial Resources – the amount of funding received for housing assistance payments and administration changed since the last reporting period.
- Rent Determination – payment standards increased effective October 1, 2016 resulting in a change in the participant rent determination calculation.

Further, the PHA needs to indicate the progress in meeting the goals and objectives identified in the last 5-Year PHA Plan that was adopted. The purpose of the 5-Year PHA Plan is to identify goals and objectives to serve the needs of low-income (under 80% of the area median income - AMI), very low-income (under 50% of the AMI), and extremely low-income (under 30% of the

AMI) families for the next 5 years.

The goals are:

1. Expand the supply of assisted housing;
2. Improve the quality of assisted housing;
3. Increase assisted housing choices;
4. Promote self-sufficiency and asset development of families and individuals;
5. Ensure equal opportunity and affirmatively further fair housing; and
6. Ensure the needs are met of child and adult victims of domestic violence, dating violence, sexual assault or stalking per the Violence Against Women Reauthorization Act of 2005.

Fiscal Analysis

The PHA Plan governs the federal funds allocated for administration of the Section 8 Rental Assistance Program. For calendar year (CY) 2016, the City of Carlsbad's allocation was \$5,545,117 for rental assistance payments and \$588,690 for operating expenses. HUD is currently operating under a Continuing Resolution until April 28, 2017. Since January 2017, the housing agency has been receiving 94% of CY 2016 housing assistance payments funding and 77% of administrative funding allocation. Once the CY 2017 Appropriations Act is approved, HUD will notify the housing agencies within 60 days what the final funding appropriations will be for CY 2017.

Next Steps

Once the Plan is approved, the following documents are required to be submitted with the PHA Plan template (Form HUD-50075-HP):

- Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights);
- Form HUD-50077-SL, Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan; and
- Resident Advisory Board (RAB) comments and a narrative describing the analysis of any recommendations and decisions made regarding the recommendations.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code section 21065, this action does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Public Notification

The draft Public Housing Agency Annual Plan is available for public review and comment for 45 days prior to adoption by the Community Development Commission. The public review period began on February 25, 2017 and will end on April 11, 2017. Public comments from the public review period and the public hearing will be addressed and included in the final Public Housing Agency Plan submission to HUD.

Information regarding public notifications of this item such as mailings, public hearing notices posted in the newspaper and on the City website are available in the Office of the City Clerk.

Exhibits

1. Resolution to approve the City of Carlsbad Public Housing Agency Annual Plan and authorize submission to the U.S. Department of Housing and Urban Development
2. Draft Housing Commission Meeting Minutes, March 9, 2017
3. Housing Commission Resolution No. 2017-002, adopted March 9, 2017
4. Housing Commission Staff Report, dated March 9, 2017

RESOLUTION NO.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE CHAIRPERSON TO EXECUTE THE PUBLIC HOUSING AGENCY (PHA) CERTIFICATIONS OF COMPLIANCE WITH THE PHA PLANS AND RELATED REGULATIONS AND APPROVING THE ANNUAL PHA PLAN FOR FISCAL YEAR 2017 FOR SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

WHEREAS, Housing & Neighborhood Services ("Housing Agency") administers the Section 8 Rental Assistance Program for the City of Carlsbad; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued regulations requiring Public Housing Agencies (PHA) to submit a 5-year and Annual Plan consistent with the City of Carlsbad's Consolidated Plan and local objectives; and

WHEREAS, the Department of Housing and Urban Development (HUD) requires that the Community Development Commission approve the Annual PHA Plan for Fiscal Year 2017 and authorize the Chairperson of the Community Development Commission to execute the PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan for submission to the U.S. Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED by the Community Development Commission of the City of Carlsbad, California, as follows that:

1. The above recitations are true and correct.
2. That the Annual PHA Plan for Fiscal Year 2017 (Attached hereto as Attachment A) is hereby approved.
3. That the Chairperson of the Community Development Commission is hereby authorized to execute the PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan (Attached hereto as

Attachment B) and the Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan (Attached hereto as Attachment C) for submission to the U.S. Department of Housing and Urban Development.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Community Development Commission of the City of Carlsbad on the ____ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MATT HALL, Chair

KEVIN CRAWFORD, Secretary

(SEAL)



PUBLIC HOUSING AGENCY

Annual Plan for Fiscal Year 2017



Approved by the Housing Commission on:
Adopted by the Community Development Commission on:

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

A.	PHA Information.
A.1	PHA Name: CARLSBAD HOUSING AGENCY – HOUSING & NEIGHBORHOOD SERVICES PHA Code: CA077 PHA Type: ☐ Small ☒ High Performer PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2017 PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>not applicable</u> Number of Housing Choice Vouchers (HCVs) 703 baseline Total Combined 703 units PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. Location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan: Main administrative office of the PHA: • City of Carlsbad Housing & Neighborhood Services 1200 Carlsbad Village Drive Carlsbad, CA 92008 Main administrative office of the local, county or State government: • City of Carlsbad – City Hall City Clerk 1200 Carlsbad Village Drive Carlsbad, CA 92008 Public libraries: • City of Carlsbad Main Library 1775 Dove Lane Carlsbad, CA 92011 • City of Carlsbad Georgina Cole Library 1250 Carlsbad Village Drive Carlsbad, CA 92008

Other:

- City of Carlsbad
Senior Center
799 Pine Avenue
Carlsbad, CA 92008

PHA Plan Supporting Documents are available for inspection at:**Main business office of the PHA:**

- City of Carlsbad
Housing & Neighborhood Services
1200 Carlsbad Village Drive
Carlsbad, CA 92008

☐ **PHA Consortia:** (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

B. Annual Plan Elements**B.1 Revision of PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

Y N

- ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs.
☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
☒ ☐ Financial Resources.
☒ ☐ Rent Determination.
☐ ☒ Homeownership Programs.
☐ ☒ Safety and Crime Prevention.
☐ ☒ Pet Policy.
☐ ☒ Substantial Deviation.
☐ ☒ Significant Amendment/Modification

(b) The PHA must submit its Deconcentration Policy for Field Office Review.

DECONCENTRATION POLICY (Excerpt from PHA Administrative Plan)**Local Objectives***Mission of Housing & Neighborhood Services:*

Enhance the quality of life and sense of community for those who live in Carlsbad by providing better connections to city information and services and through focused program development and implementation, community engagement and outreach services and provision of affordable housing opportunities.

The Section 8 Rental Assistance Program is designed to achieve three major objectives:

1. To provide affordable decent, safe and sanitary rental housing, of a modest (non-luxury) nature, for very low-income families.
2. To promote freedom of rental housing choice and spatial deconcentration of very low-income families of all racial and ethnic backgrounds.
3. To provide an incentive to private property owners to rent to very low-income families by offering timely assistance payments and annual inspections.

Owner Outreach

The PHA encourages owners of decent, safe, and sanitary rental units to rent to Section 8 participants. The PHA maintains an ongoing list of available rental units and interested owners/property managers. The list is available in the lobby and is updated on a monthly basis. When listings from owners/property managers are received, they will be compiled by the PHA staff by bedroom size and date of availability.

Actions to encourage participation by owners of suitable rental units located outside areas of low-income and minority areas:

1. The PHA maintains communication with the San Diego County Apartment Association and local property management companies. These resources will be used to make owners aware of the benefits of the Section 8 Rental Assistance Program.
2. In order to expand participation of new owners who are interested in the program or are unfamiliar with the program, the Housing Program Manager will call the prospective owner to explain the benefits of the Section 8 program and encourage their participation.
3. Housing representatives will attend local agency and community fairs to increase awareness of the program and benefits for owners. Housing representatives will also participate in Owner seminars/workshops, which are organized in coordination of with other local housing agencies, San Diego County Apartment Association, North County Apartment Managers Association, and local property management companies.
4. Owner information packets describing the benefits of the rental assistance program will be available upon request.
5. The PHA will market the Section 8 program by conducting Rental Owner workshops for prospective owners periodically to explain the program benefits, especially during periods of low voucher utilization and low vacancy rates.
6. The PHA will utilize the media, including newspapers, magazines, internet, television, and radio to market the Section 8 program as determined necessary.

The PHA will periodically evaluate the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

Family Outreach

Outreach will inform all eligible segments of Carlsbad's population of the availability of the Section 8 Rental Assistance program. If applicant groups are not reflective of the eligible population, additional outreach aimed at targeted groups will be increased. The PHA will publicize the availability of rental assistance for very low-income families in newspapers of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish.

In addition, the PHA will distribute fact sheets to the broadcasting media, and initiate personal contact with members of the news media and community service agencies to utilize public service announcements.

Liaisons have been established with a variety of city and county agencies, private social service agencies, non-profit agencies and special interest groups. The PHA will communicate the status of rental assistance availability to the service providers in the community, advising them of eligibility factors and guidelines so that they can make appropriate referrals.

Payment Standards

Payment Standards are currently set above 100% but at or below 110% of the Fair Market Rent (FMR). Traditionally FMRs have not been adequate to ensure success among assisted families in Carlsbad's segment of the FMR area. The higher payment standards reflect the higher rents in Carlsbad and increase the housing options for families in Carlsbad; therefore, furthering the PHA's efforts for fair housing and deconcentration.

(c) If the PHA answered yes for any element, describe the revisions for each element below:

Financial Resources – CY 2016

Annual Contributions for HCV Program – Housing Assistance Payments (HAP)	\$ 5,545,117.
Annual Contributions for HCV Program – Administrative Fees for Program Operations	\$ 588,690.
Total Resources	\$ 6,133,807.

Rent Determination

Payment Standards were increased in accordance with FFY 2017 published FMRs. Payment Standards are set between 100% and 110% of the FMR.

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

- Y N
- ☐ ☒ Hope VI or Choice Neighborhoods.
 - ☐ ☒ Mixed Finance Modernization or Development.
 - ☐ ☒ Demolition and/or Disposition.
 - ☐ ☒ Conversion of Public Housing to Tenant Based Assistance.
 - ☐ ☒ Conversion of Public Housing to Project-Based Assistance under RAD.
 - ☐ ☒ Project Based Vouchers.
 - ☐ ☒ Units with Approved Vacancies for Modernization.
 - ☐ ☒ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.

B.3 Progress Report.

Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.

PHA ANNUAL PLAN – FY 2017

PROGRESS IN MEETING MISSION AND GOALS STATEMENT

PROGRESS OF 5-YEAR PLAN GOALS AND OBJECTIVES: FY 2015 - 2019

PHA Goal: Expand the supply of assisted housing

*Objective: 1) Leverage private or other public funds to create additional housing opportunities; and
2) Collaborate with private developers and non-profit agencies.*

- Affordable Housing Construction Assistance - Carlsbad's affordable housing program allows the City to assist in the development of new affordable housing units; resulting in an increase of the availability of affordable rental housing that is decent and safe.

PHA 5-YEAR PLAN GOALS AND OBJECTIVES	2015	2016	2017	2018	2019	Total Units 2015 - 2019
Assist in construction of new affordable housing.	0	0				

Pending Developments:

- Preserve (formerly Quarry Creek) was approved and is currently under construction; will provide 64 low-income family rental units; rents will be determined at 50% and 60% of the AMI.
- Sea Grove Condo Townhomes is currently under construction and will provide six (6) for-sale units price restricted at 80% of AMI.
- Robertson Ranch – 101 senior restricted, low-income rental units at 70% of AMI are currently under construction.
- Robertson Ranch – 56 moderate income rental units @ 90% of AMI are currently under construction.
- Windsor Point – 50 rental units for homeless veterans and veteran families @ 30-50% of AMI are currently in the approval process for financing.
- Pacific Wind – 93 rental units affordable at 50-60% of AMI are at the project approval phase.

PHA Goal: Improve the quality of assisted housing

Objective: Improve voucher management (SEMAP score).

- Designated by HUD as a high-performer for FY 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.
- Maintained and utilized HAP costs within the HUD funding allocation.
- Maintained a 100% PIC reporting rate.
- Continually seeking ways to streamline processing functions.
- Requested a budget enhancement to convert current Section 8 software to a paper-less/hosted option.

PHA Goal: Increase assisted housing choices

- Continue to reach out to owners to increase awareness of the benefits of renting through the rental assistance program. In addition, contact owners monthly to document any current or upcoming vacancies. Participate in community events and provide information about the Section 8 Program and other affordable housing options in Carlsbad.
- Continue to maintain payment standards above 100%, not to exceed 110%, to allow for a broader range of rental opportunities in Carlsbad.
- Worked with non-profit agencies and developers to collaboratively provide affordable housing options, as outlined in the above table.

PHA Goal: Promote self-sufficiency and asset development of families and individuals

- PHA continues to administer the Family Self-Sufficiency (FSS) Program for the clients who port in as an FSS participant.
- PHA staff meet with non-profit organizations and support services agencies to obtain information about programs and benefits that will promote self-sufficiency for participant families. In addition, information is made available in the lobby for the community and others seeking resources.
- Staff maintains a Community Resource Directory that breaks down services by subject matter, gives a brief description of services for each organization, and provides contact information.
- Carlsbad Service Center opens April 6, 2017 providing job training, employment preparedness, food distribution, Cal Fresh application assistance, and a hiring center.

PHA Goal: Ensure equal opportunity and affirmatively further fair housing

- Fair housing and equal opportunity information is provided in program and move briefing packets
- Staff attended an 8 hour course on working effectively with clients who have Mental Health issues and disabilities.
- Have a contract with Center for Social Advocacy (CSA); to provide Fair Housing counseling and landlord/tenant mediation for residents of Carlsbad. — this doesn't get to Council until April 25
 - Center for Social Advocacy provided a Fair Housing workshop for staff and tenants on April 25, 2016. A Fair Housing workshop is being scheduled in April 2017.

PHA Goal: Ensure the needs are met of child and adult victims of domestic violence, dating violence, sexual assault or stalking per VAWA Reauthorization Act of 2005

- Staff advised of outside resources available to child or adult victims of domestic violence, dating violence, and sexual assault or stalking.
- Staff has been directed to provide referrals to outside agencies that provide such services, such as the Women's Resource Center, which is located in Oceanside and provides domestic violence services in the PHA service area.

	• Brochure titled: <i>Violence Against Women Act – What Applicants, Tenants, Owners and Landlords Need to Know</i> is available in the lobby of the housing department and is included in the Briefing Packets, Recertification Packets, and Portability Packets. Brochure is also available in Spanish. • HUD form 5380 <i>Notice of Occupancy Rights under the Violence Against Women Act (VAWA)</i> and HUD form 5382 <i>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation</i> are now included in the Briefing Packets, Recertification Packets, Intake Packets, Move Packets, Port In Packets and are also included with any Notice of Intended Action to terminate or deny Rental Assistance.
	Most Recent Fiscal Year Audit. (a) Were there any findings in the most recent FY Audit? Y N ☐ ☒ Fiscal Year Audit: Year ended June 30, 2016 – The single audit report on expenditures of federal awards disclosed no audit findings required by the auditors to be reported under paragraph .510(a) of OMB Circular A-133. (b) If yes, please describe:
C.	Other Document and/or Certification Requirements.
C.1	Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan <u>Form 50077-ST-HCV-IHP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.2	Civil Rights Certification. <u>Form 50077-ST-HCV-IHP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	Resident Advisory Board (RAB) Comments. (a) Did the RAB(s) provide comments to the PHA Plan? Y N ☐ ☐ If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.
C.4	Certification by State or Local Officials. <u>Form HUD 50077-SL</u>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
D	Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP). – NOT APPLICABLE
D.1	Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.

PUBLIC COMMENTS AND CHALLENGES

DRAFT

**Certifications of Compliance with
PHA Plans and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 2017, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

City of Carlsbad Housing Agency

PHA Name

CA077

PHA Number/HA Code

XX Annual PHA Plan for Fiscal Year **2017**

____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official

Title

Signature

Date

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Matt Hall, the Chair, Community Development Commission
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

City of Carlsbad Housing Agency – CA077

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of

Impediments (AI) to Fair Housing Choice of the City of Carlsbad, California

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

The City of Carlsbad Housing & Neighborhood Services serves at the City's PHA and is also the organization responsible for preparing the Consolidated Plan and the AI for the City of Carlsbad. Therefore, staff preparing the PHA Plan, Consolidated Plan and the AI work together to ensure that the documents are consistent and in line with the City's needs.

The following are specific examples:

- **Designated 10 vouchers to serve homeless veterans and chronic homeless. In addition, veterans receive a higher preference on the Section 8 Waiting List.**
- **Extremely low-income households receive a higher preference on the Section 8 Waiting List.**
- **Actively collaborate with non-profit agencies and social service agencies for resources to assist the underserved needs of the community.**
- **Provide Fair Housing Workshops to Section 8 participants and property owners.**

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Matt Hall

Title

Chair, Community Development Commission

Signature

Date

Minutes of: HOUSING COMMISSION
Time of Meeting: 6:00 P.M.
Date of Meeting: MARCH 9, 2017
Place of Meeting: COUNCIL CHAMBERS

CALL TO ORDER

Acting Chairperson Newman called the Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Williams led with the Pledge of Allegiance.

ROLL CALL

Present: Commissioners: Arline Carrillo
Joy Evans
Alan Newman
Shaunee Williams

Absent: Susan Igoe, Chairperson

Staff Present:

Housing Program Manager: Bobbi Nunn

APPROVAL OF MINUTES

Minutes of February 9, 2017, were approved as written.

ITEM NOT ON AGENDA

There were no items not on the agenda.

NEW BUSINESS

Chairperson Newman brought the meeting to order.

Bobbi Nunn, Housing Program Manager, gave a presentation of the Carlsbad Annual Public Housing Agency Plan.

Chairperson Newman commented the \$1915 for a two-bedroom, that sets the price that the rental has to be for Section 8.

Ms. Nunn said that is what we will subsidize. If they had a two-bedroom voucher, and they were looking for a unit to rent, they would want to rent a place that was right at \$1915 so they are not paying more than 30% of their income towards their rent.

Chairperson Newman asked if the \$1915 is supposed to include utilities.

Ms. Nunn answered correct.

Chairperson Newman asked can people rent for more than that and then just pay the difference.

Ms. Nunn answered within a limit. When they are first moving into a unit, they cannot pay more than 40% of their adjusted income toward their rent. That is a federal regulation. The rent and utility allowance needs to be factored in when we are looking at whether we can approve a higher rent when it is more than the payment standard.

Chairperson Newman said if they keep it at the \$1915, then the most they have to pay is 30%.

Ms. Nunn answered correct.

Chairperson Newman said then it can actually stretch their income. It will give them a little more leeway.

Ms. Nunn said correct. It will give them a little more flexibility. Of course, it depends on what their income source is too. The more income the participant has coming in, then the higher their 10% is going to be, which gives them more flexibility in choosing a rental.

Chairperson Newman said that was a big leap.

Ms. Nunn said it was a very nice surprise. It has helped, especially in this very tight market.

Commissioner Evans said she has a question. First thing, thank you for a wonderful presentation. My question is, the Seagrove Townhouses, six units for sale, what does that mean. I didn't know Section 8 could buy anything.

Ms. Nunn answered actually it is not Section 8. Someone would have to be able to qualify on their own with their own income. It is not a Section 8 subsidized unit. They are the same thing as our affordable complexes, but once in a while we will have developers that will provide their requirement in a for sale product instead of a for rent product. For most of our affordable units, developers choose to do it in a for rent product. They can also get additional funds from the state and the federal government for tax credits. This one developer decided to do it as a for sale product. There are six units for sale. The prices are based on 80% of the median income. I am just throwing out numbers, but if something would be on the market selling for \$550,000, but if you figured out the 80%, it may only be \$200,000. Someone would have to be able to have enough income to qualify for that unit and be able to make that payment and make the associated costs and their costs can't exceed 30% of their income. It has nothing to do with the Rental Assistance Program. It is something that we report on to the Housing and Urban Development to advise them what we are doing as an agency and as a city to promote affordable housing besides the Section 8 Rental Assistance Program and affordable housing options.

Chairperson Newman said thank you for the presentation.

Commissioner Williams made a motion to approve that the Housing Commission adopt Resolution No. 2017-002, recommending that the Community Development Commission approve the Carlsbad Public Housing Agency (PHA) Annual Plan for fiscal year 2017 for submission to the U.S. Department of Housing and Urban Development. Commissioner Williams seconded the motion.

VOTE:	4-0
AYES:	Carrillo, Evans, Newman and Williams
NOES:	None
ABSTAIN:	None
ABSENT:	Igoe

Ms. Nunn gave the Housing Commissioners a flyer about one of the affordable complexes, Juniper at the Preserve, which is the one in the Quarry Creek area. It will have 64 units.

Commissioner Newman commented that is the one we approved about a year ago.

Ms. Nunn said right. The flyer has their phone number and also information about their bedroom layouts. There is not a waiting list yet. This is just an interest list. Also, Debbie wanted to share with you information that was sent to the Mayor and City Council members regarding homelessness in Carlsbad. I believe that was a major topic of conversation at your last Housing Commission meeting. She asked me to share this briefing paper that is an Executive Summary with a strategy of what the city is looking to do regarding the homeless situation here in Carlsbad. Right now we were involved in the Point in Time count, which it was the first year we did that as a city itself. Marie Jones-Kirk in our office is the Community Services Coordinator and she initiated the City of Carlsbad doing their own Point in Time count. The Point in Time count happens every January, where we go out at 4 a.m. to count homeless people and count places that look like people are sleeping or if they are sleeping in cars. This is turned into the Regional Center, and then at the end of April they will actually tabulate all of that information and then advise us what they feel our numbers are for homelessness in Carlsbad. At that time, that information will be taken to City Council for direction on what they would like to do from that point.

Commissioner Carrillo commented that she lives at Pacific Wind. The developer met at the school, Jefferson Elementary.

Ms. Nunn asked which place is that. Is it the one where they are taking out the duplexes and putting in 93 units?

Commissioner Carrillo said yes. I plan to stay unless I get a higher rent. The developer was really nice and told us what the future plans are. He said the plans are to help people find places starting in January.

Ms. Nunn asked January 2018?

Commissioner Carrillo said yes, the beginning of next year.

Ms. Nunn added she wanted to advise the Commission about the Hiring Center. I am not sure if you are aware that the City of Carlsbad has had a Hiring Center for a while now. They recently changed contract and Interfaith Community Services is now in charge of the Hiring Center. Interfaith Community Services has a grand opening on April 6th. I wanted to give the Commission invitations to the grand opening. Not only is the Hiring Center moving out of the modular trailer that it was in over by the water building, it is moving in to a new location on Palmer Way, and they will also have case management, employment training, job readiness, ESL classes, Cal Fresh applications for people to apply; Cal Fresh is the new term for food stamps or a food supplement program, and then they will have storage for emergency food supplies and hygiene items for clients. In May of 2016, the City Council approved \$600,000 of Community Block grant money to assist Interfaith with the property acquisition and the building that they are now in. It is easily accessible to residents from all over the city as it is just off of El Camino Real and Faraday. It is conveniently located by the bus route. We are excited about that, and it is down the street from La Posada de Guadalupe. That is all of the announcements.

The Housing Commission for March 9, 2017, was adjourned at 6:25 p.m.

Respectfully submitted,

Deborah Fountain

Housing & Neighborhood Services Director

PATRICIA CRESCENTI, Minutes Clerk

MINUTES ARE ALSO TAPED AND KEPT ON FILE UNTIL THE WRITTEN MINUTES ARE APPROVED.

HOUSING COMMISSION RESOLUTION NO. 2017-002

A RESOLUTION OF THE HOUSING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF THE CARLSBAD ANNUAL PUBLIC HOUSING AGENCY (PHA) PLAN FOR FISCAL YEAR 2017 AND AUTHORIZATION TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Housing & Neighborhood Services Department administers the Section 8 Rental Assistance Program for the City of Carlsbad's Public Housing Agency (PHA); and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued regulations requiring PHAs to submit 5-Year and Annual Plans consistent with the City of Carlsbad's Consolidated Plan and local objectives; and

WHEREAS, federal regulations provide that the 5-Year and Annual Plans must be adopted by the Board of Commissioners of the Housing Agency and submitted to the U.S. Department of Housing and Urban Development.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Housing Commission of the City of Carlsbad, California, as follows:

1. The above recitations are true and correct.
2. That based on the information provided within the Housing Commission Staff Report, the Housing Commission **ADOPTS** Resolution No. 2017-002, recommending to the

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Community Development Commission **APPROVAL** of the Carlsbad Annual PHA Plan for Fiscal Year 2017 and authorization to submit to the U.S. Department of Housing and Urban Development.

The Housing Commission hereby recommends that the Housing & Neighborhood Services Director be authorized to execute all appropriate documents required for the submittal of said Annual PHA Plan.

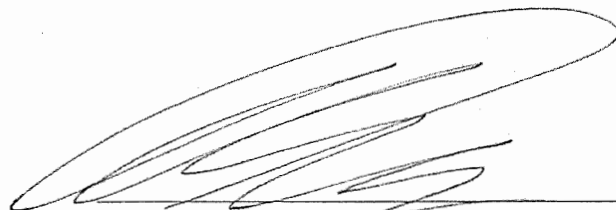
PASSED, APPROVED, AND ADOPTED at a regular meeting of the Housing Commission of the City of Carlsbad, California, held on the 9th day of March 2017, by the following vote, to wit:

AYES: CARRILLO, EVANS, NEWMAN AND WILLIAMS

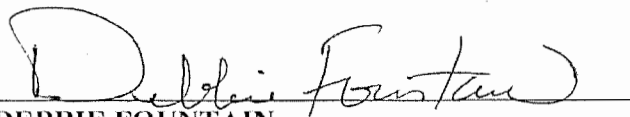
NOES: N/A

ABSENT: IGOE

ABSTAIN: N/A



ALAN NEWMAN, CO-CHAIRPERSON
CARLSBAD HOUSING COMMISSION



DEBBIE FOUNTAIN
HOUSING & NEIGHBORHOOD SERVICES DIRECTOR

The City of Carlsbad Housing & Neighborhood Services
A REPORT TO THE HOUSING COMMISSION

Staff: Bobbi Nunn
Housing Program Manager
Item No. 1

DATE: March 9, 2017

SUBJECT: CARLSBAD PUBLIC HOUSING AGENCY ANNUAL PLAN

I. RECOMMENDATION

That the Housing Commission **ADOPT** Resolution No. 2017-002, **RECOMMENDING** that the Community Development Commission **APPROVE** the Carlsbad Public Housing Agency (PHA) Annual Plan for Fiscal Year 2017 for submission to the U.S. Department of Housing and Urban Development.

II. BACKGROUND

Housing & Neighborhood Services administers the federally funded Section 8 Rental Assistance Program for the Public Housing Agency in Carlsbad, which is more specifically known as the Carlsbad Housing Agency. Pursuant to code of federal regulations (CFR) 24 Part 903, a Public Housing Authority (PHA) is required to submit a 5-Year and Annual Plan. The 5-Year and Annual PHA Plan provide a basic guide to PHA policies, rules, and requirements concerning the PHA's operations, programs, and services. In addition, the Plan advises HUD and members of the public the PHA's mission and strategies for serving the needs of low-income and very low-income families for the next five years. The 5-Year Plan covering fiscal years 2015 - 2019 was approved by the Community Development Commission on April 7, 2015.

The PHA Plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners or other PHA officials. The Community Development Commission is the governing board for the Carlsbad Housing Agency.

III. DISCUSSION

The Draft PHA Annual Plan is available for public review and comment prior to the Public Hearing and adoption by the Community Development Commission. The public review period will end on April 11, 2017, and the Public Hearing is tentatively scheduled for April 11, 2017. All public comments received on the draft PHA Annual Plan will be addressed and included in the final documents that will be submitted to HUD.

The PHA is required to identify any PHA Plan elements that have been revised since the last Annual Plan submission. The following areas are addressed:

- Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions;
- Financial Resources; and
- Rent Determination

Further, the PHA needs to indicate the progress in meeting the goals and objectives identified in the last 5-Year PHA Plan that was adopted on April 7, 2015. The purpose of the 5-Year PHA Plan is to identify goals and objectives to serve the needs of low-income (under 80% of the area median income - AMI), very low-income (under 50% of the AMI), and extremely low-income (under 30% of the AMI) families for the next 5 years.

The goals are:

1. Expand the supply of assisted housing;
2. Improve the quality of assisted housing;
3. Increase assisted housing choices;
4. Promote self-sufficiency and asset development of families and individuals; and
5. Ensure equal opportunity and affirmatively further fair housing.

Once the Plan is approved, the following documents are required to be submitted with the PHA Plan template (Form HUD-50075-HP):

- Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights);
- Form HUD-50077-SL, Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan; and
- Resident Advisory Board (RAB) comments and a narrative describing the analysis of any recommendations and decisions made regarding the recommendations.

IV. STAFF RECOMMENDATION

Staff recommends that the Housing Commission adopt Resolution No. 2017-002, recommending that the Community Development Commission approve the Annual PHA Plan for Fiscal Year 2017 for submission to the U.S. Department of Housing and Urban Development.

V. EXHIBITS

1. Housing Commission Resolution No. 2017-002
2. Annual PHA Plan (Form HUD-50075-HP) for Fiscal Year 2017



CITY COUNCIL

Staff Report

Meeting Date: April 11, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager
Staff Contact: Pam Drew, Associate Planner
pam.drew@carlsbadca.gov or 760-602-4644

Subject: Approval of a Resolution (1) authorizing the appropriation of \$100,000 from the Agricultural Conversion Mitigation Fee (ACMF) fund to the Batiquitos Lagoon Foundation (BLF) to prepare a resiliency plan for the lagoon pursuant to a previously awarded grant (AGP 06-12), (2) directing staff to return AGP 06-12 to the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee for further discussion and recommendation regarding disposition of remaining funds previously awarded to BLF and (3) extending the term of the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee by 4 years.

Project Name: Batiquitos Lagoon Monitoring and Management Plan Program
Project No.: AGP 06-12

Recommended Action

Approval of a Resolution (1) authorizing the appropriation of \$100,000 from the Agricultural Conversion Mitigation Fee (ACMF) fund to the Batiquitos Lagoon Foundation (BLF) to prepare a resiliency plan for the lagoon pursuant to a previously awarded grant (AGP 06-12), (2) directing staff to return AGP 06-12 to the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee for further discussion and recommendation regarding disposition of remaining funds previously awarded to BLF and (3) extending the term of the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee (Committee) by 4 years.

Executive Summary

The Committee met on November 29, 2016 and recommended that the City Council appropriate \$100,000 in previously awarded ACMF funds to the BLF to prepare Phase I and II of the Batiquitos Lagoon Resiliency Plan (BLRP).

If authorized as recommended, the \$100,000 would be used to determine potential future conditions, identify data gaps, perform data collection, and develop climate change adaptation strategies that can address potential impacts to sensitive resources. The Phase I and II work is anticipated to identify additional data collection needs requiring future additional funding. Until the preliminary work is complete, the scope of the additional data needed is unknown. Once the preliminary work is complete and the additional costs are known, staff will bring forward a funding request to the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee and City Council. Phase I and II of the BLRP is anticipated to be finished in 2018.

When complete, the BLRP will be a component of the long term lagoon monitoring and maintenance plan being prepared by the California Department of Fish and Wildlife (CDFW).

Discussion

BLF originally submitted its grant request (AGP 06-12) to the Committee in 2006 for the Batiquitos Lagoon Monitoring and Management Plan Program, a 6-year program of technical surveys, monitoring, reporting and maintenance, including development of lagoon management plan. At its June 6, 2007 meeting the Committee supported BLF's request and recommended to City Council that BLF receive \$780,589 from the ACMF fund. At its February 19, 2008 meeting, City Council awarded the full grant request and approved a two-part funding plan in Resolution 2008-50.

The first part of the approved funding plan, totaling \$74,995, was appropriated and has been disbursed to the BLF to collect bathymetric and tidal data (completed, \$20,995) and implement maintenance activities such as invasive plant removal and habitat restoration (on-going, \$40,185.88 spent to date, \$13,814.12 remaining).

The second portion, totaling \$705,594, was awarded but not appropriated until CDFW's stewardship responsibilities and capabilities were clarified, and some data regarding the current health and maintenance needs of the lagoon was available. At the time of the council action, it was anticipated that the BLF would be back before council within nine months with a plan for the remaining \$705,594.

It has taken longer than nine months to make sufficient progress on these issues. Recently however, CDFW began the process of hiring a consultant to update their existing draft management plan, and will have TRANSNET funding from SANDAG to mitigate for the I-5 widening project, to fund dredging of the lagoon. The dredging work will take advantage of the bathymetric and tidal data gathered with the initial \$74,995 funding to the BLF. Based on this progress, staff is recommending approval of the Committee's recommendation to appropriate \$100,000 of the remaining \$780,589 original grant to fund the BLRP preparation.

Staff proposes the City Council direct staff to refer AGP 06-12 back to the Committee for further discussion and recommendation regarding disposition of the remaining funds of \$605,594, after completion of the BLRP.

The Committee was established in August, 2005 for a period of 4 years. City Council approved 4-year extensions of the committee in 2009 and 2013. Given the extended timeline necessary for coordinating with state agencies, staff recommends that City Council extend the term of the Committee by an additional 4 years, to August, 2022.

Fiscal Analysis

Agricultural Conversion Mitigation Fees (ACMF) are collected as coastal agricultural lands convert to urban uses. These fees have been set aside in a special city fund (ACMF fund) dedicated to providing the types of grants the BLF has been awarded during previous project solicitation/evaluation processes. As of January 26, 2017, the total amount in the ACMF fund is \$1,193,483. Of this amount, \$350,598 is appropriated for disbursement to previously awarded

projects. The remaining \$842,885 has not been appropriated, although \$705,594 was previously awarded to BLF. If the entire \$705,594 is ultimately appropriated to the BLF, the remaining available cash for future grants will be \$137,291.

Next Steps

Upon authorization of City Council to approve the funding, staff will coordinate with project partners Climate Science Alliance-South Coast, CDF&W, and BLF, to: 1) begin the stakeholder involvement process by convening an introductory stakeholder meeting; 2) determine potential future scenarios and identify data needs; and 3) collect necessary data. Once data is collected and analyzed, and any additional data needs are known and funded, the project will 4) develop adaptation strategies for each potential future scenario; and 5) prepare the BLRP.

After completion of the BLRP, staff will schedule a meeting of the Committee to discuss the disposition of the remainder of the funds awarded to BLF. The Committee's recommendation will be returned to the City Council for consideration at a future meeting.

Environmental Evaluation (CEQA)

The recommended action to approve funding for the project is exempt from environmental review per CEQA Guidelines Section 15061(b)(3). This Section states that CEQA applies only to projects with the potential to have a significant effect on the environment, which the recommended action does not. The future use of the BLRP in a long-term management and monitoring plan would be exempt per CEQA Guidelines Section 15262 a project involving only feasibility or planning studies for possible future actions.

Public Notification

The public meeting notice for the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee was published in the *Union-Tribune* on November 23, 2016 and also on the city's website. An email notification to a list of those expressing interest in the Committee meetings was also sent out.

Exhibits

1. City Council Resolution
2. Status Update for AGP 06-12 – Lagoon Monitoring and Management Plan Program, dated November 28, 2016, provided by the BLF
3. Batiquitos Lagoon Resiliency Plan – Scope of Work Summary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, (1) AUTHORIZING THE APPROPRIATION OF \$100,000 FROM THE AGRICULTURAL CONVERSION MITIGATION FEE (ACMF) FUND TO THE BATIQUITOS LAGOON FOUNDATION (BLF) PURSUANT TO A PREVIOUSLY AWARDED GRANT (AGP 06-12) TO PREPARE A RESILIENCY PLAN FOR THE LAGOON, (2) DIRECTING STAFF TO RETURN AGP 06-12 TO THE AGRICULTURAL CONVERSION MITIGATION FEE AD HOC CITIZEN'S ADVISORY COMMITTEE FOR FURTHER DISCUSSION AND RECOMMENDATION REGARDING DISPOSITION OF REMAINING FUNDS PREVIOUSLY AWARDED TO BLF, AND (3) EXTENDING THE TERM OF THE AGRICULTURAL CONVERSION MITIGATION FEE AD HOC CITIZEN'S ADVISORY COMMITTEE BY FOUR YEARS.

CASE NAME: BATIQUITOS LAGOON MONITORING AND MANAGEMENT
PLAN PROGRAM

CASE NO.: AGP 06-12

WHEREAS, the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee (Committee), on November 29, 2016, recommended to the City Council approval of Batiquitos Lagoon Foundation's (BLF) request for an appropriation of \$100,000 from the Agricultural Conversion Mitigation Fee (ACMF) fund pursuant to a previously awarded grant (AGP 06-12) to prepare the Batiquitos Lagoon Resiliency Plan (BLRP); and

WHEREAS, the BLF originally submitted AGP 06-12 in 2006 to develop the Batiquitos Lagoon Monitoring and Management Plan Program; and

WHEREAS, the Committee, at its June 6, 2007 meeting, supported AGP 06-12 to develop the plan program and receive its full funding request of \$780,589 from the ACMF fund; and

WHEREAS, at the June 2007 and prior meetings, while some committee members questioned approving the proposed BLF program proposal since the California Department of Fish and Wildlife (CDFW) is the responsible lagoon steward and property owner, the Committee acknowledged that support of the proposal would be in the city's best interest; and

WHEREAS, city staff additionally realized that if substantive data on the lagoon were available, the data could change tasks identified in BLF's proposal; and

WHEREAS, staff accordingly proposed a modified committee recommendation that Council award the full amount requested but only appropriate for disbursement a portion of the funding; and

WHEREAS, at its February 19, 2008 meeting, the Council awarded the full grant request and approved a two-part funding plan with the stipulation funding of part or all of the remaining encumbered balance may first require Committee review and shall require City Council approval within approximately nine months from the date of City Council action as expressed in City Council Resolution 2008-050; and

WHEREAS, the first part of the approved funding plan, totaling \$74,995, was appropriated and disbursed to the BLF to collect bathymetric and tidal data and implement maintenance activities; and

WHEREAS, the second portion, totaling \$705,594, was awarded but not appropriated until objectives could be achieved that identified CDFW's stewardship responsibilities and capabilities, assess the current health of the lagoon, and possibly identify any needed actions; and

WHEREAS, these objectives were not achieved in the nine month time frame stipulated, and no follow up recommendation by the Committee or additional action by the City Council occurred; and

WHEREAS, recent efforts by CDFW, BLF, and the city, however, have achieved progress toward the goals, including CDFW is in the process of hiring a consultant to update their draft management plan and now has funding to help ensure adequate lagoon dredging; and

WHEREAS, a recommended first step in the process of developing a monitoring and management plan would be to prepare the BLRP; and

WHEREAS, the BLRP will be modeled after a successful stakeholder and science driven process undertaken at the Tijuana River National Estuarine Research Reserve (TRNERR); and

WHEREAS, the results of the BLRP will help inform and may be incorporated into the CDFW's long-term management and monitoring plan, the contents of which will be discussed by CDFW, BLF, the city, and other interested parties; and

WHEREAS, given the length of time since City Council's original funding approval (nine years), the approval's stipulation, and the evolving nature of Batiquitos Lagoon planning, it is appropriate for City Council to direct staff to return AGP 06-12 to the Committee for further discussion and recommendation regarding disposition of the remaining funds (approximately \$605,600) previously awarded as part of AGP 06-12.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. That the City Council hereby authorizes the appropriation of \$100,000 to the Batiquitos Lagoon Foundation to develop a Resiliency Plan for the lagoon.
3. That the City Council hereby authorizes staff to return AGP 06-12 to the Committee for further discussion and recommendation regarding disposition of the remaining funds (approximately \$605,600) previously awarded as part of AGP 06-12.
4. That the City Council hereby extends the term of the Agricultural Conversion Mitigation Fee Ad Hoc Citizen's Advisory Committee for a period of four years.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2017, by the following vote, to wit:

AYES:

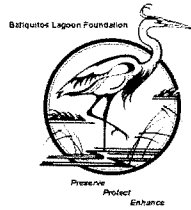
NOES:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)



November 28, 2016

Agricultural Conversion Mitigation Fee Grant Project Status Summary 8

Lagoon Monitoring and Management Plan Program (BLF Grant Class G-8)
(Includes ongoing trail maintenance, and invasive plant removal and restoration
along the North Shore Trail (Including establishment and maintenance of a Native
Plant Demonstration Garden adjacent to the Park Hyatt – Aviara trailhead)
Grant Proposal No. AGP-06-12, April 29, 2008

Grant Summary

Project Award: \$780,589. Grant Agreement Signed by Mayor Lewis: March 3, 2008.
First funding installment: \$23,995 (City of Carlsbad Ck# 175684 dated June 5, 2008).
Second funding installment: \$18,000, July 30, 2013. **Additional income returned**
item credit: \$194.33. **Total grant disbursed plus additional income to date:**
\$42,189.33. **Project expenses to date: \$30,991.05.** **Current funding remaining (via**
payments received to date): \$11,198.28. **Total Grant funding (Total Award)**
remaining: \$749,597.95.

Total project funding of \$780,589 was approved, with the stipulation that \$74,995 of that total be approved for funding now to allow some data collection and reporting, and lagoon maintenance in areas surrounding the lagoon-proper to proceed. Of the total of \$74,995 initial approved funding, \$20,995 is to be used to support data collection and reporting as follows: (1) Task 1.1 – Physical Monitoring: Bathymetric and Beach Monitoring and Tidal Monitoring: \$18,713; and (2) Task 1.3 – Reporting: \$2,282. The remaining \$54,000 is distributed over 6 years as indicated in the table above for ongoing trail maintenance, and invasive plant removal and restoration along the North Shore Trail (Including establishment and maintenance of a Native Plant Demonstration Garden adjacent to the Park Hyatt – Aviara trailhead).

The remaining \$705,594 of the approved project funds are to be held pending review of the report of the results of the study report, review by the Agricultural Conversion Mitigation Fee Committee, and approval by the Carlsbad City Council (expected to start in the Spring of 2017). If the balance of funding is approved for release by the City, a revised funding schedule, and project schedule and milestones will be submitted.

Project Status

- Through careful project management, the BLF has leveraged the maintenance funding portion of the grant. This translates into more years of support for invasive plant removal, restoration, trail maintenance, and associated maintenance activities
- Batiquitos Lagoon Foundation volunteers continued work including: invasive plant removal; restoration; trail maintenance; and various maintenance activities in support of California Department of Fish and Wildlife associated with the Batiquitos Lagoon Ecological Reserve.
- Replaced frayed rope fencing along the North Shore Trail.
- Installed water diverters to correct erosion problem along the Kumeyaay Trail.
- Removed invasive plant material (e.g., Tamarisk, Arundo Donax, Castor Bean, Fennel, and Wild Radish).
- Continued the expansion of our public volunteer base for invasive plant removal, restoration and trail maintenance by offering regular work opportunities on the 1st and 3rd Saturday's of every month, 12 months per year. Our program is very well attended by families, high school students and students from local colleges and universities.
- Formulated and conducted a major Eucalyptus tree trimming/removal effort to improve public safety along the trail. Working in concert with CDFW and Aviara Master [Homeowners] Association, CEQA requirements were met and removal authority was given. Over 70 trees were identified. The first phase of the project was successfully completed, with Phase 2 still pending.
- Significant work by volunteers resulted in a number of trail improvements, invasive plant removal, brush removal, and trail drainage improvements. Over a mile of rope fencing was replaced.
- A major legal issue with the Aviara Master (Homeowners) Association has impacted our trail maintenance, restoration and volunteer work on portions of the North Shore Trail. The Batiquitos Lagoon Foundation General Council is actively working on this issue and we expect to successfully resolve it by early 2015. The issue concerns: the use of volunteers rather than contractors; the use of tools, equipment and trail vehicles on the trail by volunteers; and volunteer liability insurance coverage. Work on CDFW and Park Hyatt – Aviara properties is unaffected, as is the BLF's right-of-access to use the North Shore Trail. Note: the BLF holds the trail and open space easement for Aviara's property within and adjacent to the Batiquitos Lagoon Ecological Reserve. This easement was passed to the BLF by the California Coastal Commission and was part of their conditions for the Aviara Development Project Coastal Development Plan approval.
- The legal issue with Aviara Master (Homeowners) Association has been successfully resolved (see previous bullet item).
- Project funding is being effectively managed and leveraged with our large base of volunteers. A number of local businesses and church groups also routinely have helped with needed equipment and materials. As a result, grant funding for

maintenance activities is expected to be available for use for additional years, now projected to be through 2020.

- Following a series of meeting with City of Carlsbad Staff, California Department of Fish and Wildlife, Climate Science Alliance – South Coast, and the BLF, we formulated a strategy, plan of action and milestones that will lead to preparation of a Batiquitos Lagoon Management Plan that will ensure the health of the Batiquitos Lagoon Ecological Reserve and associated watershed into the future. This management plan will include global climate change, sea level rise, and other environmental variables to ensure sustainability. The first effort is a four phase project leading to completion of a *Batiquitos Lagoon Resiliency Plan (BLRP)*.

Disbursement Request

The Batiquitos Lagoon Foundation is requesting disbursement of \$100,000 to support preparation of the *Batiquitos Lagoon Resiliency Plan (BLRP)*. The Climate Science Alliance – South Coast will lead the four phase project to develop the BLRP, and include California Department of Fish and Wildlife (CDFW), the Batiquitos Lagoon Foundation (BLF), and the City of Carlsbad.

The BLRP project overview, four phases, key deliverables and timeline will be presented at the AG Conversion Mitigation Fee Committee meeting scheduled to be held on Tuesday, November 29, 2016.

This disbursement request is considered consistent with the scope of the original grant application.



Batiquitos Lagoon Resiliency Plan

Scope of Work Summary

Goal: To outline climate scenarios, perform prioritized data collection, develop adaptation strategies and prepare a Resiliency Plan to include in the long-term management and monitoring plan for the Batiquitos Lagoon Ecological Reserve.

Phase I – Scenario Planning and Identification of Data Needs

1. Stakeholder kick-off workshop – establish ideal state and outline scenario framework
2. Physical landscape workshop – convene physical science experts to identify conditions for scenarios and data needs
3. Habitat vulnerability workshop – convene biological science experts to identify conditions for scenarios and data needs
4. Stakeholder update meeting – present results of science workshops and receive feedback
5. Prepare Phase I report

Timeline: Winter/Spring 2017

Key Deliverables:

- *Two science-focused workshops*
- *Two stakeholder workshops*
- *Phase I report outlining scenarios and data needs*

Phase II – Baseline Conditions Data Collection

1. Convene Steering Committee
2. Review data needs and prioritization from Phase I report
3. Prepare timeline and budget for data collection
4. Perform data collection
5. Prepare Phase II report

Timeline: Summer/Fall 2017 – Winter/Spring 2018

Phase II – Baseline Conditions Data Collection, cont'd

Key Deliverables:

- *Steering committee convened*
- *Baseline data collection*
- *Phase II report outlining monitoring findings*

Phase III – Adaptation Strategies

1. Conduct stakeholder kick off workshop – review scenarios and baseline data collected, and begin brainstorming strategies
2. Conduct stakeholder workshops – identify strategies, outline implementation and monitoring plan, including triggers for action
3. Prepare Phase III report

Timeline: Summer/Fall 2018 - Winter 2019

Key Deliverables:

- *Two stakeholder workshops (min)*
- *Phase III report outlining adaptation strategies*

Phase IV – Resiliency Plan

1. Prepare final Resiliency Plan - to include information from Phase I, II, and III reports
2. As needed, assist CDFW with incorporation of Resiliency Plan into long-term management plan

Timeline: Spring/Summer 2019

Key Deliverables:

- *Resiliency Plan outlining results from Phases I, II, & III*



CITY COUNCIL

Staff Report

Meeting Date: April 11, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager *KCC*
Staff Contact: Kevin Pointer, Management Analyst – Community & Economic Development
kevin.pointer@carlsbadca.gov or 760-602-4620
Subject: Receive an annual program update from Bio, Tech and Beyond Life Sciences Incubator

Recommended Action

Receive an annual program update from the founders of Bio, Tech and Beyond, the organization responsible for the city's life sciences incubator in fulfillment of the requirement within their lease agreement.

Executive Summary

In February 2013, the City Council approved a five year lease with Bio, Tech and Beyond for the city-owned building located at 2351 Faraday Avenue for the purposes of operating a life sciences incubator. As required by the lease agreement Bio, Tech and Beyond must provide regular reports to the city on its benchmarks, including number of jobs created, gross and net revenues, local suppliers and support services used. This summary program update is the fourth annual report to the City Council on the incubator.

Discussion

The goals of the incubator are to: create new life sciences companies and jobs in Carlsbad; help Carlsbad become a national leader in the citizen science movement, strengthening the life sciences cluster; add Carlsbad's core technology base, resulting in new development and new invention patents; and serve as a key source for regional science education outreach efforts.

The incubator founders Joseph Jackson and Kevin Lustig will be presenting an update of current activities and results.

The following table includes the reporting measures established in the lease with Bio, Tech and Beyond and reports progress to date. Additional highlights of the lessee's performance are included in the presentation from Bio, Tech and Beyond, which is attached.

Benchmarking/Reporting Measure	Performance to Date															
Number of jobs/companies created	- Created 50 jobs - Helped create 47 startup companies (25 successfully incubated)															
Amount of salaries paid	\$80,000 (1 FTE)															
Gross and net revenues earned	Gross:<table><tr><td>2013</td><td>\$</td><td>10,000</td></tr><tr><td>2014</td><td>\$</td><td>60,000</td></tr><tr><td>2015</td><td>\$</td><td>160,000</td></tr><tr><td>2016</td><td>\$</td><td>200,000</td></tr><tr><td>TOTAL</td><td>\$</td><td>430,000</td></tr></table> Lessee unable to provide net revenue for incubated businesses	2013	\$	10,000	2014	\$	60,000	2015	\$	160,000	2016	\$	200,000	TOTAL	\$	430,000
2013	\$	10,000														
2014	\$	60,000														
2015	\$	160,000														
2016	\$	200,000														
TOTAL	\$	430,000														
Amount of any investment in the company and list of investors	Fluctuates. Recent examples: - Biospyder—\$10 million in Series C financing - Neofluidics—\$2-4 million in financing															
Local suppliers/support services used	32—see Exhibit 1 (\$1 million annually)															
Total amount of gross sales outside the city	\$20 – 40 million (market cap estimate)															

This is the fourth annual update to City Council on the facility and incubator program and includes next steps related to meeting the benchmarks outlined in the five year lease agreement with the city.

Fiscal Analysis

There is no fiscal impact to the city for receiving an annual program update.

Next Steps

Bio, Tech and Beyond is in its fifth and final year of the agreement with the city, which expires on January 31, 2018. As such staff and the lessee are in exploratory discussions on the future of the city's life sciences incubator and are discussing lease renewal options. Per the lease, the incubator has two one-year options to renew upon the city's written consent.

Environmental Evaluation (CEQA)

Pursuant to Public Resources code Section 21065, this action does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Public Notification

None.

Exhibits

1. PowerPoint presentation for Bio, Tech and Beyond program—2017 Annual Update



2017 Annual Update

Joseph Jackson
Kevin Lustig
April 2017
2351 Faraday Ave, Carlsbad, CA

Exhibit 1

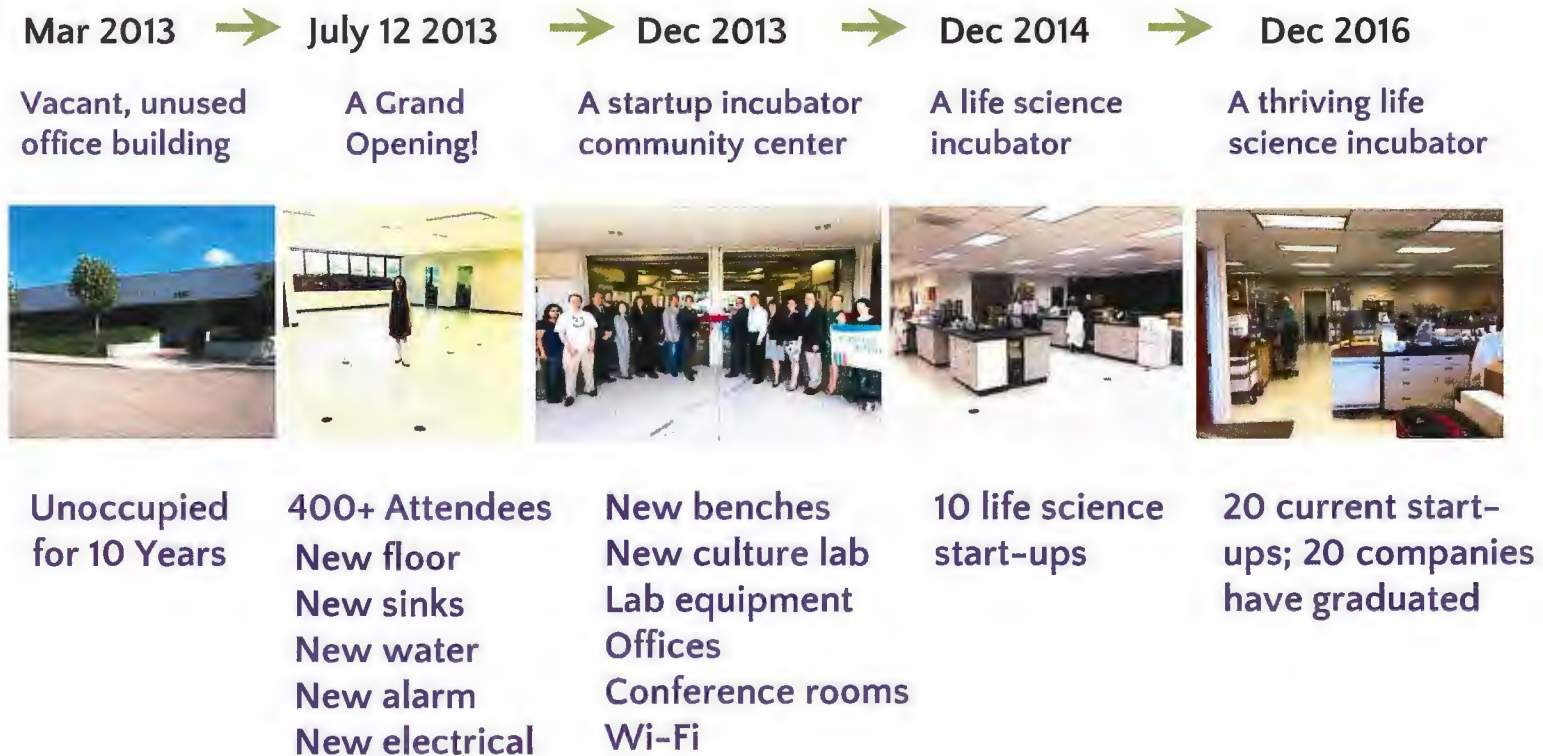
BTNB – Carlsbad's Start-Up Lab Incubator



20 Current Companies



The Transformation of 2351 Faraday Ave



Current Tenants (22) new in red

Company	Field of Research	Full Time Employees
Aomics	Cancer drug antibody conjugates	2
Sand Hill Crane Diagnostics	Smart Phone Diagnostic Tools	2
EcoFeedstock	Green waste recycling	3
Elliptical Therapeutics	Anesthetic topical drug delivery	1
Exeligen Scientific	Genome editing CRISPR	3
GPB Scientific	Rare cancer cell diagnostics	6
August Therapeutics	Obesity, Appetite regulation	1
Pure Graft LLC	Fat Stem Cell Transplant	2
S.H.E. Analytical	GC/HPLC testing services	1
Tinoro	PCR	2
Nasseo, Inc	Dental Medical Implant	2
Biomarker Profiles	Pain biomarker discovery	1
Dapcell Inc.	Cytokines	1
Phyllom Bioproducts	Natural pesticides	2
Dodo OmniData Inc	DNA Storage	4
UST Inc.	Next generation DNA sequencing	4
Librede	Yeast genetic engineering	2
Magothy Consulting	Analytica Chemistry Instrument Calibration	2
Stemnext	Wound Healing	1
Persilience LLC	Biofuel Butanol Production	2

Current Tenants (22) new in red

Company	Field of Research	Full Time Employees
Azolla Biotech	BioFuel Production	2
Chemotactics	Cytokine, Cancer reagent manufacture	3

Former Tenants (25)

- Gatacco
- Aastrom Biosciences
- Biospyder
- Orphi Therapeutics
- Ze Resource
- Ascus Bioscience
- Viking Scientific
- Lab Fellows
- Crosslife Technologies
- Neofluidics
- ProtoMedex
- Mesa Tech
- Cell Store LLC
- IsoCell Dx
- Koliber Biosciences
- Gilbun
- Zymi
- Soludot
- Qbisci
- Cascade Biosystems
- Lumira
- Vanadis Labs
- Reo Labs
- Trinity Genomics, Alloster

Finance Update

Expenses

Utilities (Electric, Water, Gas)		
Wi-Fi		
Alarm System		
Waste Disposal		
Janitorial		
CO ₂ Gas		
Insurance		
License Fees		
Taxes		
Salary and Benefits		
Building Upgrades, Equipment and Lab Improvements July– Dec 2016		
		\$14,000/month
		\$12,000
		\$1000/month for Internet)

Revenue and Assets

Current Monthly Memberships	\$18,000/month
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Outreach Events

Date	Event	Attendees
July 16	Biotech in Space Visit	8
July 28	CEMSU In Vitro Devices Seminar	12
Aug 26	Illumina Instrument Demo	8
Aug 29	Flow Cytometry Demo (ElveFlow)	7
Sept 7	Trinet HR Luncheon/Seminar	20
Sept 22	Argonaut Happy Hour	24
Sept 26	Xconomy Reception	120
Oct 11	ThermoFisher Design Group	10
Dec 21	BTNB Holiday Potluck	15

Diverse and Growing Online Membership (1,562 Members)



BIO TECH & Beyond

San Diego, CA
Founded Feb 18, 2011

Citizen Scientists	1,562
Group reviews	12
Upcoming Meetups	3
Past Meetups	60
Our calendar	

Help support your Meetup

[Chip In](#)

Organizers:

Joseph P. Jackson, Kevin Lustig, Richard Sportsman

DIYbio San Diego is the DIY bio meetup group for San Diego County. We do not have our own mailing list yet, so join the discussions on the SoCal DIYBio Google Group (groups.google.com/group/socal-diybio).

Inspired by the DIY science of the Hackerspace movement, and other DIY bio groups like BioCurious (www.BioCurious.org) and SoCal DIYbio (www.meetup.com/SoCal-DIYBio/), DIYbio San Diego aims to gather like-minded science geeks from the Greater San Diego area.

We believe that if BioTech is to be as revolutionary in the 21st century as the personal computer and the automobile were in the 20th, that it needs to reach beyond the walls of Academia and Industry to the hobbyist and the self-starter. In a field where a PhD is often taken as minimum requirement, we want to throw open the doors to everyone with a kitchen sink and a desire to learn.

We believe that if we as a society are to meet the challenges of the new millennium, everyone must understand the basics of the scientific method. Science is not an occult art, practiced only by eggheads in lab-coats, but a way of looking at the world around us that every one is capable of.

To quote our sister organization, BioCurious:

"Whether you are a professional scientist or merely curious, BioCurious has a spot for you to learn, play and work. We are a community of people who thrive off of sharing ideas and building tools. If you've got MacGyver instincts and a desire to impact the world, you're our kind of person!"

-Brett Bowman and Todd Chamoy

2016 Goals Update

- ✓ Maintain full capacity of 20 start-up companies (achieved)
- ✓ Host at least one educational event each quarter (achieved)
- ✓ Increase SBIR applications and success rate (partially achieved)
- ✓ Expand hands-on mentorship program for tenants (achieved)
- ✓ Host and run Demo Day for top tenants (delayed to 2017)

2017 Proposed Goals

- Maintain full capacity of 20 start-up companies
- Host at least one educational event each quarter
- Expand mentorship program for tenants
- Host and run Investor Showcase for top tenants

BTNB Company Highlights in 2016

- GPB – Bridge financing obtained from manufacturing partner
- Reo Labs – \$300K seed financing
- Tinoro – \$350K seed financing
- UST Corp. – \$600K Series A (est.)

Economic Impact Summary + 4 Year Total Impacts Analysis

Economic Impact Summary

- ✓ 50 “Active” Jobs in Dec 2016
- ✓ 20 Current Startups (20 Former Tenants)
- ✓ 1 BTNB FTE (\$80K)
- ✓ 2016 Gross Revenue of \$200K
- ✓ \$20-40M Combined Market Cap Estimate
- ✓ \$1.2M in 2016 Funding/Contracts
- ✓ \$1M+ Per Year on Supplies and Services

Jobs created Summary

22 Tenants Avg 2FTE, Avg Research Scientist
Position 5-6k per month. $44 \times 5K = 220K$
monthly = 2.6M Annual job creation impact.

25 Former Tenants (2013-2016) = Avg 50 jobs
annually. Some expanded to Carlsbad, Vista, 30
new employees (BioSpyder 2013-2014)

Total Direct Investment and Gross Revenue

90K capital equipment 2013–2014 launch period,
10–15K annual equipment upgrades= 130K to date
Building improvements, infrastructure upgrades
15–20K annually (80K to date).

2013 10K gross revenue

2014 60K gross revenue 2015, 160K 2016, 180K

Total capital secured by BTnB current/past
occupants estimated 20–25M

Select Examples

1. Biospyder early tenant Sept 2013–Oct 2014, grown to 30 employees \$10M series C financing, resides in Carlsbad, Loker Ave.
2. Neofluidics, moved to BTnB from Texas, expanded to Vista (Lab Trader). 2–4M in financing
3. Ascus Biosciences located to BTnB from San Francisco, expanded to Vista (Lab Trader)

Local Suppliers Used by BTNB

SDG&E	BioSurplus
TWG	Occupational Services Inc. (OSI)
FUZE Electric	Environmental Health and Safety
Waste Management	FMO Advisors Inc.
Fire Department	Good and Roberts
AT&T	CRB
ADT Security	CoreFocus
ADT Keycard Entry	Herich, John
Door Systems Inc.	Technical Safety Services
Jan Pro Cleaning Services	Collaborative Drug Discovery (CDD)
Kleen and Greene	Life Technologies
Water Works Inc.	Neptune Scientific/BioTixx
Ingenium Inc.	BioCom Institute
Praxair	Mo-Bio
VWR	Sustainable Surplus
Recycled Labs	Furniture Environments

BTNB Supports Local Strategic Initiatives



Capitalize on R&D Capabilities

- Serves as highly visible sign of Carlsbad's commitment to life science research
- Serves as a hub for life science start-up companies in Carlsbad
- Creates new high paying jobs that attract other high paying jobs
- Solidifies Carlsbad's role as one of two San Diego science hubs



Harness Local Innovation

- Dramatically lowers the barrier for formation of life science research companies in Carlsbad
- Connects and empowers Carlsbad scientists interested in diverse areas of research
- Makes it easy to access sophisticated life science technologies and experts
- Educates next generation of Carlsbad scientist entrepreneurs



CITY COUNCIL
Staff Report

Meeting Date April 11, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager
Staff Contact: Mike Davis, Fire Chief 760-931-2141
Michael.Davis@carlsbadca.gov
Neil Gallucci, Police Chief 760-931-2130
Neil.Gallucci@carlsbadca.gov

Subject A resolution authorizing a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement on the beach between Oak Avenue and the northern Carlsbad city limit

Recommended Action

Adopt a resolution authorizing a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement on the beach between Oak Avenue and the northern Carlsbad city limit, in an amount not to exceed \$300,000.

Executive Summary

Increased usage and calls for service on the beach between Oak Avenue and the northern Carlsbad city limit (the north beach) have raised public safety concerns, prompting the City Council to direct staff on February 28, 2017 to conduct community outreach and present recommendations regarding public safety service needs and the need for locking gates to restrict access to the north beach by summer 2017. This report summarizes the community feedback received to date, and presents a resolution for City Council consideration, authorizing a 2017 pilot program to implement staff's public safety service recommendations, as described in detail below.

Discussion

Lifeguarding and law enforcement services are currently provided by the California Department of Parks and Recreation on the majority of Carlsbad's coastline because those areas are part of the State Parks system, owned and managed by the State of California. The north beach is not part of the State Parks system and therefore, generally lacks these services (see North Beach Area Vicinity Map – Exhibit 2). The city maintains easements along the north beach, which allow public access and would allow the city to provide services there. The primary mission of implementing the recommended 2017 pilot program on the north beach would be to reduce risk to the community through preventive actions, user education, rescue and emergency services, and regular lifeguard and law enforcement patrols.

Staff has researched and evaluated public safety needs for the north beach using a combination of direct observations, data analysis, and the advice and assistance of lifeguard agencies operating throughout Southern California. This included research and assistance provided by lifeguard agencies serving the cities of Oceanside, Encinitas, Newport Beach, Santa Monica, Del Mar, Solana Beach, Ventura, Huntington Beach, Pismo Beach, LA County's Avalon Beach, and California State Parks, as well as Carlsbad Fire Department personnel with full-time lifeguard experience.

Based upon staff's research and analysis, a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement is recommended for the period of Memorial Day through Labor Day. Staff has also determined that the need for locking gates to restrict access to the north beach presents a variety of complex land use and permitting issues requiring additional research and evaluation prior to making a formal recommendation. Implementing the recommended pilot program would allow staff time to conduct additional research and evaluation of the need for locking gates to restrict access to the north beach. Following the conclusion of the 2017 pilot program, staff will return to Council with recommendations concerning the need for locking gates and the overall approach to safety services on the north beach going forward.

Community Feedback

Over the past nine months, the city heard from several community members expressing their concerns about public safety on the north beach. Throughout March, 2017, city staff gathered community feedback on the need for lifeguard services and locking gates, as directed by the City Council. About 150 people provided input through a variety of channels, including a public meeting attended by about 50 community members, an online survey with 135 responses, and emails and phone calls with city staff. A summary of public comments received at the March 27, 2017 public meeting is attached as Exhibit 5. Online survey responses are attached as Exhibit 6.

Although the feedback cannot be considered representative of the entire Carlsbad community, the majority of those who provided input felt there was a need for lifeguards and enhanced law enforcement in this area. Many expressed concern for their own safety and the safety of families with small children and visitors unfamiliar with ocean safety. Most also agreed law enforcement issues such as having items stolen, smoking and drinking on the beach needed more enforcement. The issue of enforcement against dogs on the beach was raised by some, while others indicated they would like the city to consider allowing dogs, at least under some conditions.

Staff did not specifically seek community input on the need for locking access gates since it was determined that the variety of complex land use issues and permitting requirements would require additional time for research and evaluation prior to making a formal recommendation. It is anticipated that, should Council direct staff to proceed with the recommended 2017 pilot program, it would provide staff the necessary time and opportunity to more fully evaluate the need for locking gates to restrict access to the north beach. However, some community members raised the issue of gates and requested the existing gates remain unlocked and no additional gates be installed.

Some community members questioned why the city had not previously provided lifeguard services, expressed concerns about the cost and thought the beach in this area should remain as is since lifeguard service is available elsewhere for those who want it.

Other beach related issues beyond the scope of the lifeguard and law enforcement pilot program included the need for public restrooms and concern about neighbor impacts from creating new gathering places as part of the planned beach access improvements.

Service Model Options

Coastal California cities that provide lifeguard services primarily utilize two service delivery models: 1) lifeguards employed by the city, and 2) lifeguard services contracted through neighboring cities, the county, or the state. Fire Department staff contacted several neighboring and countywide agencies, including Oceanside, Encinitas/Solana Beach/Del Mar, San Diego, and California State Parks to discuss potential partnering opportunities for a 2017 pilot program.

California State Parks was the only agency that expressed interest in entering a service contract with the city; however, it was determined that a contract could not be negotiated and executed in time for a summer 2017 pilot program. However, a preliminary cost estimate is provided later in the staff report to provide the general magnitude of this future potential option.

Recommended 2017 Pilot Program Service Model

Without the option to contract with a neighboring agency for services, it is recommended that the city's Fire and Police departments administer the recommended 2017 pilot program.

Due to the short duration of the proposed pilot program, staff is recommending that enhanced law enforcement and beach maintenance services be provided utilizing existing city staff and contractors. This service would be provided without incurring significant additional costs or decreasing the levels of service in other parts of the city.

Typical methods to deploy lifeguard services include the use of lifeguard towers, patrols in motorized vehicles, and on personal watercraft and other rescue vessels. The Carlsbad Fire Department will deploy resources in a variety of methods during the pilot program in order to gain an understanding of predictable beach use patterns and to identify best practices for effective service delivery. At the conclusion of the pilot program (after the 2017 Labor Day holiday), the information, experience, and feedback from the community will be the basis to develop an aquatic safety plan, scalable to jurisdictional boundaries, and to be presented to the City Manager and City Council.

The Fire Department anticipates taking a phased approach to the pilot program. Initial deployment will include two existing firefighter paramedics with previous lifeguarding experience and recent United States Lifesaving Association (USLA) training, patrolling in a 4WD vehicle. This initial phase will focus on prevention and risk reduction, and will not degrade current citywide fire and EMS service levels.

From mid-June through Sept 4th programming will incorporate the addition of seasonal lifeguards (1,000 hour employees). Increased staffing will allow the Fire Department to provide a greater measure of safety on the beach to meet the recommended pilot program service level, including three observation points, one supervisor, common communications, and access to watercraft in the north beach area.

The pilot program is proposed to run from Memorial Day weekend through Labor Day weekend (May 26-September 4, 2017), and provide the following services:

- Lifeguard and law enforcement patrols
- Preventative actions (i.e., signage to close dangerous sections of the beach and separate uses)
- Safety contacts
- Water rescues
- Enforcement by education (referring citable offenses to the Carlsbad Police Department)
- Common communications among Police and Fire departments
- Access to rescue watercraft from neighboring agencies
- Advanced life support care
- Record keeping and data collection on preventative actions, safety contacts, rescues, and beach attendance

Pilot Program Cost

The estimated cost of the pilot program will be \$242,000, including personnel, equipment, and the purchase of a new 4WD vehicle equipped with Code 3 emergency lights. Staff is also requesting an operating contingency of approximately \$58,000 and a not to exceed amount of \$300,000. For a detailed breakdown of estimated program costs, see Exhibits 3 and 4.

As shown below, the baseline cost to provide beach patrol (two full time personnel for 12 hours per day from May 26 to September 4, 2017, and four seasonal personnel for 12 hours per day from mid-June to September 4, 2017), including equipment and uniforms, will be \$197,026. Actual costs will be dependent on variables such as length of season, ocean conditions, weather, supply/equipment replacement, crowds after hours, and after hours incidents, which may require over-staffing or extended work hours. The purchase and outfitting of a 4WD vehicle is estimated at a cost of \$45,000. This vehicle could be repurposed within city operations at the conclusion of the pilot program, if deemed necessary.

2017 Pilot Program Cost Estimate

Personnel	\$188,136
Equipment/Uniforms	\$8,890
Operating Subtotal	\$197,026
Vehicle Purchase/Outfit	\$45,000
Total Program Cost	\$242,026
Operating Contingency	\$57,974
Not to Exceed Amount	\$300,000

California State Parks (State) Cost Estimate

Although it has been determined that the State is unable to provide lifeguard services on the north beach this year, the following information summarizes a conceptual service model outlined by the State, and serves as a point of comparison to help evaluate the Police and Fire departments' approach.

In the State model, three fixed observation points staffed with lifeguards, a lifeguard supervisor, partial coverage by a vehicle, and a rescue watercraft from Memorial Day weekend through Labor Day weekend (May 26-September 4, 2017) would be provided.

The State estimated their cost to provide services at \$195,000. The State would also require that the city provide a 4WD vehicle equipped with Code 3 emergency lights at an estimated cost of \$45,000. Therefore, the total estimated cost would be \$240,000.

Legal Issues

Three primary legal issues have been raised in recent conversations regarding Carlsbad's north beach coastal area.

The first issue focused on the potential for city liability, and how or whether the city's exposure to risk might relate to incidents occurring on either a guarded or unguarded north beach. A full discussion on that subject was provided in the February 28, 2017 staff report to City Council. To briefly summarize, staff determined that the city is immune from liability for a claim of dangerous condition of public property should a swimmer drown at the unguarded north beach area, as warning signs are posted and maintained. It was further noted that a variety of other immunities would apply to shield the city from liability, notwithstanding the provision or absence of public safety services such as lifeguards.

The second issue focused on access to the public beach, which is protected under the California Constitution, which affirms the common law public trust doctrine. Article X, Section 4 prohibits any person or entity with a claim to or possession of tidal lands or a harbor, bay, inlet, estuary, or other navigable water, to exclude the right of way to such water when required for any "public purpose." The California Supreme Court includes recreational purposes among "public purposes" for this provision. (*Gion v. Santa Cruz* (1970) 2 Cal.3d 29, 42-43; Cal. Public Resources Code § 30314(b).)

To implement this constitutional protection, the California legislature enacted California Government Code section 66478.3, which declares that public access to public natural resources is essential to the health and well-being of all citizens of California.

A basic principle governing California's shoreline is that land below mean high tide is public. California owns all land below tide water and below the ordinary high-water mark within the state. (See Cal. Civil Code § 670.) Generally speaking, wet sand is public. Dry sand can be private, but subject to easements or agreements that entitle the public to use the beach.

A "public beach" is any beach area used for recreational purposes that is owned, operated, or controlled by the State, a state agency, or a local agency. (Cal. Gov. Code § 54090.) California Government Code section 53035, protects public access to beaches and coastal lands.

The California Coastal Commission is charged with implementing the California Coastal Act of 1976. (See Cal. Public Resources Code § 30330; *See also Marine Forests Society et al. v. California Coastal Comm'n* (2002) 104 Cal.App.4th 1232, 1235.) The Coastal Act contains a legislative declaration that one of the "basic goals of the state for the coastal zone" is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." (*La Costa Beach Homeowners' Assn. v. California Coastal Comm'n* (2002) 101 Cal.App.4th 804, 815; Cal. Public Resources Code, § 30001.5, subd. (c).) The Coastal Act authorizes the Commission to issue permits for development in the coastal zone and to place conditions on the permits to mitigate the adverse effects of the development.

A common form of mitigation takes place in the form of "offers to dedicate" [OTD] public access to the beach from the highway, or along the beach. A property owner who wishes to develop coastal property can offer to dedicate a portion of the property to public use in exchange for and as a condition of receiving a coastal development permit. (*Nolan v. California Coastal Comm'n* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) For example, a beachfront property owner may offer to dedicate access to a path from the highway to the beach (a "vertical OTD") in exchange for a permit to build onto his or her house. A property owner may also offer to dedicate access to land that runs parallel to the ocean above the mean high tide line (a "lateral OTD"). OTDs are recorded legal documents that run with the land – typically for 21 years from the date of recording – OTDs are only offers of easements. Until the offer is accepted by a government agency or a nonprofit organization, the interest belongs to the property owner. (See Cal. Public Resources Code § 30212(a)(3).)

In 2002, California passed legislation that declared the state's intent to accept OTDs that are about to expire to prevent permanent loss of public access. (Cal. Public Resources Code § 31402.1.) Under that legislation, the California Coastal Conservancy must accept all public access OTDs that are within 90 days of their expiration. (Cal. Public Resources Code § 31402.2.)

Finally, the issue of whether the city has the authority to provide services and enforce laws on the north beach was raised. The California Constitution grants charter cities the power to make and enforce “all ordinances and regulations *in respect to municipal affairs.*” (Cal. Const., art. XI, § 5, subd. (a), italics added.) Enforcement of the Carlsbad Municipal Code is a municipal affair. Police officers have the authority to enforce state and local laws throughout the state. (See *Brierton v. Department of Motor Vehicles* (2005) 130 Cal. App. 4th 499, 513; Cal. Penal Code § 830.1(a).)

Research and analysis concerning these issues leads staff to conclude that: a) the city would not be faced with a material increase or decrease in exposure to civil liability based on the provision or absence of public safety services (i.e. lifeguards) on the north beach; b) the public, including the city have the right to access the north beach for public purposes (e.g. recreation); and c) the city has the power to provide safety services and enforce laws on the north beach.

Permitting Requirements

The installation of permanent or temporary structures, such as lifeguard towers, located in the coastal zone require the issuance of a coastal development permit (CDP). Locking gates or other improvements designed to limit or restrict access to the beach via the access easements would also require a CDP. Feedback and data collected during the proposed pilot program will give city personnel an opportunity to better understand the needs and wishes of the public, providing an opportunity to address these issues in the future and move forward with any necessary permitting.

Enforcement

Lifeguards will serve as a visual presence upon the beach. Lifeguards will be knowledgeable of the relevant municipal codes and associated laws and have the ability to educate beach goers of the laws when violations are observed. If the need for enforcement arises, lifeguards will notify the Police Department via radio or telephone of the incident so that police personnel may respond to take enforcement action.

There will be police officers assigned to the north beach area during the Memorial Day, 4th of July, and Labor Day weekends; additional foot patrols will occur as needed.

Fiscal Analysis

The 2017 pilot program requires an appropriation of \$300,000 for staffing, equipment, and vehicle purchase. Staff recommends appropriating the funds from Council Contingency. Sufficient funds are available in the Council Contingency account to accommodate this request.

Next Steps

If the pilot program is approved by the City Council, staff would immediately begin implementation with the goal of starting May 26, 2017, Memorial Day weekend. Staff would return to the City Council with a report and further recommendations following the Sept. 4 Labor Day holiday.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code section 21065, this action does not constitute a “project” within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require further environmental review.

Public Notification

City staff has maintained a list of community members who have expressed an interest in this issue and invited them to provide input on the proposed plan. Input collected through this process is included in attachments to this staff report (Exhibits 5 and 6). In addition, staff notified the public of the opportunity to provide input through the following:

- Direct mail post card to 763 owners and occupants in the surrounding neighborhood
- Emails to stakeholders who have participated in the outreach efforts for the Ocean Street Beach Access project, groups and individuals with an interest in coastal issues in general, city boards and commission members, and people signed up for the city's e-newsletter
- Public meeting attracting 55-60 attendees
- Banner notifying passersby just south of the Ocean Street parking lot.
- Online survey with 137 responses
- Facebook post reaching 1,865 people
- Facebook ad reaching 16,488 people, with 433 clicks on the link for more information
- Twitter post to the city's 9,472 followers
- News release to local media
- Notification of state agencies with jurisdiction over coastal issues

Exhibits

1. A resolution authorizing a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement on the beach between Oak Avenue and the northern Carlsbad city limit (the north beach), in an amount not to exceed three hundred thousand dollars (\$300,000)
2. North Beach Area Vicinity Map
3. 2017 Lifeguard Pilot Program Cost Estimate
4. Medical Supplies Cost Estimate
5. Summary of March 27, 2017 Public Meeting Comments
6. Online Survey Report

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING A 2017 PILOT PROGRAM TO PROVIDE PEAK SEASON LIFEGUARD SERVICES AND ENHANCED LAW ENFORCEMENT ON THE BEACH BETWEEN OAK AVENUE AND THE NORTHERN CARLSBAD CITY LIMIT (THE NORTH BEACH), IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000)

WHEREAS, the City Council of the City of Carlsbad, California directed staff on February 28, 2017 to conduct community outreach and present recommendations regarding public safety service needs and the need for locking gates to restrict access to the north beach by summer 2017; and

WHEREAS, city staff gathered community feedback on the need for public safety services and locking gates through a variety of channels, including a public meeting held on March 27, 2017, an online survey, and emails and phone calls; and

WHEREAS, city staff have researched and evaluated public safety service needs for the north beach using a combination of direct observations, data analysis, and the advice and assistance of lifeguard agencies operating throughout Southern California; and

WHEREAS, upon concluding the research and evaluation of public safety service needs, staff recommends implementing a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement on the north beach; and

WHEREAS, staff has determined that the need for locking gates to restrict access to the north beach presents a variety of complex land use and permitting issues requiring additional research and evaluation prior to making a formal recommendation; and

WHEREAS, implementing a 2017 pilot program to provide peak season lifeguard services and enhanced law enforcement would allow staff to conduct additional research and evaluation of the need for locking gates to restrict access to the north beach; and

WHEREAS, the focus of the pilot program will be to reduce risk to the community through preventive actions, user education, rescue and emergency services, and regular lifeguard and law enforcement patrols; and

WHEREAS, at the conclusion of the pilot program (after the 2017 Labor Day holiday), the information, experience, and feedback from the community will inform the development of an aquatic safety plan, scalable to jurisdictional boundaries, to be presented to the City Manager and City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Manager is authorized to implement a 2017 pilot program to provide peak season lifeguards and enhanced law enforcement on the beach between Oak Avenue and the northern Carlsbad city limit (the north beach).
3. That the Administrative Services Director is authorized to transfer and appropriate \$300,000 from Council Contingency to the participating departments for implementation of the 2017 lifeguard pilot program and purchase of associated vehicle.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ____ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)

North Beach Area Vicinity Map



2017 Lifeguard Pilot Program Cost Estimate**ESTIMATED PERSONNEL COST - SHIFT, FULL TIME & SEASONAL**Shift Personnel

Stays on 24 hr shift - 12 hrs. lifeguard / 12 hrs. firefighter (12 hrs. OT to cover shift)	
# of positions per day	1
# of hours per day	12
Estimated # of shifts	100
Estimated OT cost per hour	\$47
	<u>\$56,400</u>

Full-Time Personnel

Moved from 24 hr shift to 40 hr work week (24 hrs. OT to cover shift)	
# of positions per day	1
# of hours per day	24
Estimated # of shifts	67
Estimated OT cost per hour	\$47
	<u>\$75,576</u>

Seasonal Personnel

1,000 hr employees - staffed as needed	
# of positions	4
# of hours per day	12
Estimated # of shifts	78
Estimated cost per hour	\$15
	<u>\$56,160</u>

Total Estimated Shift, Full Time & Seasonal Personnel Cost	\$188,136
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ESTIMATED UNIFORM/EQUIPMENT COSTShift/Full Time PersonnelUniforms

no cost

Equipment

Rescue Can	1 per position	\$	50	\$	100
Fins	1 set per person	\$	50	\$	250
Rescue Board	1 per vehicle	\$	1,000	\$	1,000
Medical Supplies				\$	1,500
				\$	<u>2,850</u>

Seasonal PersonnelUniforms

Board shorts	2/person	\$	20.00	\$	480
T-shirt	4/person	\$	15.00	\$	720
Sweatshirt	2/person	\$	30.00	\$	720
Jacket	1/person	\$	50.00	\$	600
Sweatpants	2/person	\$	20.00	\$	480
Hat	1/person	\$	20.00	\$	240
Sunscreen				\$	1,000
				\$	<u>4,240</u>

Equipment

Rescue Can	1 per position	\$	50	\$	200
Fins	1 set per person	\$	50	\$	600
Rescue Board	1 per vehicle	\$	1,000	\$	1,000
				\$	<u>1,800</u>

Medical Supplies Cost Estimate

Item	Vendor	Catalog #	Quantity	Price	total
Pelican Airway Box 1600	Boundtree	6816041	1	\$264.87	\$264.87
Lid Insert 1600	Boundtree	21604	1	\$81.59	\$81.59
Adult C-collar	Boundtree	260281H	1	\$12.21	\$12.21
Child C-collar	Boundtree	260280H	1	\$12.21	\$12.21
STA Block Headbed	Boundtree	260975	1	\$5.83	\$5.83
Adult BVM	Boundtree	D5101	1	\$11.29	\$11.29
Infant BVM	Boundtree	D5103	1	\$18.39	\$18.39
Child BVM	Boundtree	D5102	1	\$18.02	\$18.02
Nasal Airways	Boundtree	28055	1	\$55.99	\$55.99
Oral Airways	Boundtree	21008	1	\$2.91	\$2.91
Adult BP Cuffs	Boundtree	170775	1	\$15.27	\$15.27
Child BP cuff	Boundtree	170775C	1	\$15.27	\$15.27
Stethoscopes	Boundtree	5402210	1	\$9.99	\$9.99
O2 Regulator	Boundtree	D2401	1	\$107.23	\$107.23
V-Vac Starter Kit	Boundtree	590100	1	\$79.95	\$79.95
Pulse Oximeter	Amazon		1	\$20.00	\$20.00
Trauma Sheers	Boundtree	68008	1	\$1.79	\$1.79
Nasal Canulas	Boundtree	30050	4	\$0.50	\$2.00
Non Rebreathers Child	Boundtree	3058	3	\$2.90	\$8.70
Non Rebreathers Adult	Boundtree	30052	3	\$1.62	\$4.86
Shovel	HomeDepot	204412401	1	\$9.97	\$9.97
First Aid Box	Boundtree	36102	1	\$126.90	\$126.90
Pelican Buoy	WalMark		1	\$36.46	\$36.46
Bk Board Straps	Boundtree	16684	4	\$5.29	\$15.87
Tow Box	WalMart		1	\$20.99	\$20.99
Medical Clipboard	Boundtree	16806	1	\$33.99	\$33.99
Shaps Container-1 Quart	Boundtree	R1008	1	\$12.69	\$12.69
Husky Flashlight (1000Lumen)	HomeDepot	1001392674	1	\$28.31	\$28.31
Trauma Gauze, Hemostatic	LifeAssist	BA7350	1	\$36.17	\$36.17
Trauma Tourniquet	LifeAssist	TQ31	1	\$26.19	\$26.19
Trauma Chest Seal	LifeAssist	AT0037	1	\$12.87	\$12.87
Trauma Kit (PPE)	Boundtree	295814	1	\$14.79	\$14.79
Medical Blanket	Boundtree	661258	2	\$6.79	\$13.58
Box Gloves M	Boundtree	295202	1	\$14.79	\$14.79
Box Gloves L	Boundtree	17650	1	\$11.29	\$11.29
Box Gloves XL	Boundtree	17643	1	\$14.79	\$11.00
Glove Holders	Boundtree	290003	2	\$60.00	\$120.00
Binoculars	West Marine		1	\$189.99	\$189.99
					\$1,484.22

Summary of March 27, 2017 Public Meeting Comments North Beach Area Lifeguard & Law Enforcement Services

Breakout Tables

City Services

- Concerns about gates. Don't want them locked. Don't want more.
- Questions about easements, rights to access, rights to provide services, limitations
- Questions about beach access project and restrooms.

Law Enforcement

- Concerns about drinking, dogs, homelessness, fires on the beach, quality of life

Lifeguard Services

- Questions about lifeguard towers, number and locations. Concerns about blocking views

Public Comments

Neighborhood Resident

A year and a half ago I was boogie boarding with all the ladies here dressed like me. On that day, they were wise enough to get out when the water got rough. I was not that smart. So I was tumbled about by the waves and broke my neck. As I washed on the beach there was an off-duty lifeguard who came to help. Without his help, I would not be here today. Knowing the part of the beach that they are mentioning, that $\frac{3}{4}$ mile, there are senior citizens, there are children and there will be incidents that happen, particularly during the summer months, there are circumstances when a lifeguard will be required not just in the water but on the beach as well. So because of my experience I truly urge all of you to consider it's not just people who are injured but people who have other problems. There could be a heart attack on the beach. There could be a child bitten by a dog or stinging nettle or something like that. It is extremely important and thank you for letting me speak.

Neighborhood Resident

On the condo board. We are concerned about more people using the beach. Our thinking is maybe we want more mobile service, like a big jeep type truck and something in the water, seems to be the most effective. We were there last July when it was really bad and they made most of those rescues. We noticed that the water rescues were much more effective than people coming down the beach through the heavy surf.

Carlsbad Resident

Glad to see this is being looked at. As a former lifeguard, I want to make sure everyone understands that seconds count and minutes count. So having a presence on the beach as much as possible is really what is needed. I do know some of the history here and why the city hasn't taken this step in the past were both financial and liability concerns and those are still there. What I would like to see is if this is going to be done that it needs to be done right and not a token effort. It needs to be done on a year-round basis. Those of you who've been in Carlsbad for a while know that our weather is highly variable. We can have prolonged heat

waves at any time of year, so we really need to think about – summer is obviously a priority – but we need think about this on a year-round basis.

Neighborhood Resident

At the risk of being redundant, I've been at the beach many years and I've seen it morph into something very different. My family used be the only ones down there and now it is just packed. I'm talking about the lagoon area, lots more people are in jeopardy. Time is of the essence. Many times cell phones don't work down there and you can't even call for help. You can always climb up the stairs but you are losing valuable time. Our friend Judy proves that it has to be immediate when the help comes. I am so excited you are looking at this and are so sincere this time because I've been waiting for this for many, many years and I want to say thank you. Let's get it done.

Neighborhood Resident

I am new in town. We live next to the Buena Vista Lagoon in a new complex. I have a big thank you. We came from another city nearby. We called on some graffiti and in the city we lived in before it would have taken years to get rid of the graffiti and it was gone in two days in Carlsbad. Incredibly impressed with how you took care of the homeless city developing and urban core which took care of that as well were so impressive. My suggestion is to look at cities like Coronado for a night curfews. I'm not really for gates but I think if we had curfew 11 p.m.-4 a.m. and limited parking by time in the evening that might be a way to start with some of the crime. Thank you again, City of Carlsbad.

Tanglewood Resident

I've lived here for 22 years and my son is a state park lifeguard. I have seen what happened at north beach last year. It was really a nightmare for the lifeguards to go through that. I just want to say I'm really happy Carlsbad is considering this. I have a lot of confidence in my city and I want them know that I don't want Carlsbad to be another community. I want Carlsbad to be Carlsbad. I don't want us to try and do what other cities are doing if it's not what's best. I just want us to what's best for the safety of the citizens that use our beaches. That's what's important: people's lives.

Oceanside Resident

I am a resident of Oceanside but I am a prolific surfer and I love to spend time in the water. My comments are fully in support of putting lifeguards on this beach. I've done a little research into this and the City of Carlsbad, this section of beach, it is the only city beach south Ventura that does not provide lifeguards. The state park has always offered their hand, they have offered countless times, please contract with us, please use our guards. Their guards have stood in the backs of their trucks with binoculars and looked at those beaches on really busy days in order to take care of the people that are there, and a lot of people there are us, residents. But I think tourists expect that there is safety there. We have a lot of tourists there and we have a moral obligation to not only take of ourselves but to take care of those people who are coming here to recreate. It's common sense. It's what you should do. It's also moral. It's a moral imperative. So thank you for considering this for this summer.

Carlsbad Connected – Survey Report

TOPIC: Help us develop a plan to provide lifeguards and increased law enforcement on the beach from Oak Avenue to the northern border with Oceanside.

DATES: March 23 through March 31, 2017

During the summer, on average, about how many times a month do you visit the beach north of Oak Avenue (see map above) in Carlsbad?

Average: 10.48

Count: 168

Skipped: 4

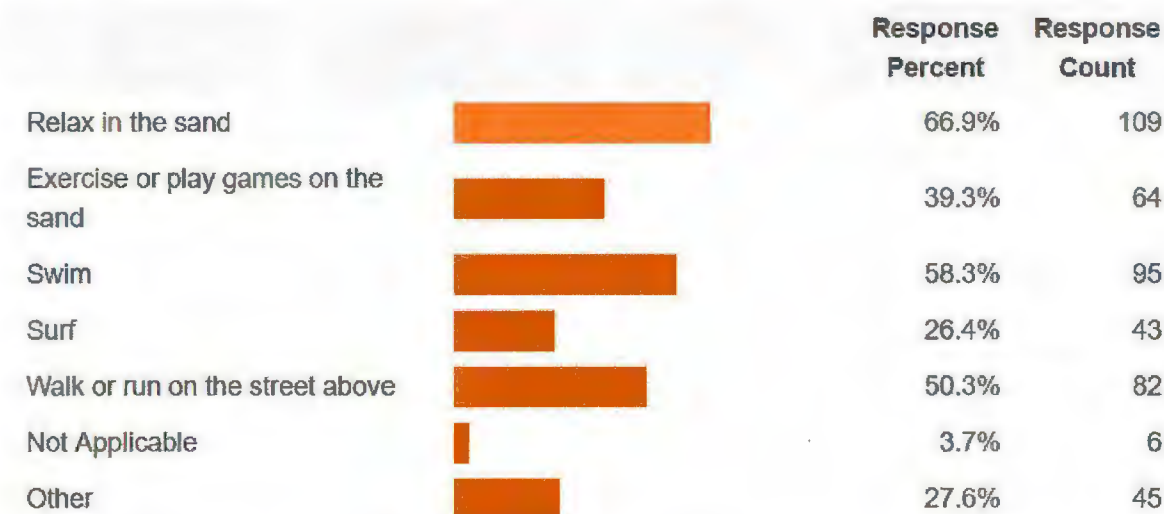
What about other times of year? About how many times a month?

Average: 7.12

Count: 166

Skipped: 6

What do you do when you come to this part of the beach? (check all that apply)



From your observations, please tell us when you think this part of the beach is the most crowded (1=ghost town; 5=peak crowds):

January/February



March/April

		Response Percent	Response Count
1		5.7%	9
2		29.7%	47
3		41.8%	66
4		14.6%	23
5		0.6%	1

May

		Response Percent	Response Count
1		1.9%	3
2		15.8%	25
3		27.2%	43
4		39.2%	62
5		9.5%	15

June

		Response Percent	Response Count
1		0.6%	1
2		4.4%	7
3		12.7%	20
4		24.7%	39
5		53.8%	85

Lifeguard survey
responses

July



August



September



Lifeguard survey
responses

October



November



December



Lifeguard survey
responses

Please rate your agreement with the following statements?

I would visit this area more if it had lifeguard service.



If lifeguard service is important to people, they can go to the other nearby beaches that have that.



I feel unsafe in the water because there is no lifeguard service in this area.



I am worried about other people's safety in the water because there is no lifeguard service.



I don't want lifeguard service because it will attract more people to the area and negatively affect my quality of life.



Lifeguard survey
responses

Please tell us which of these laws need better enforcement in this area
(1=No problem with current level of enforcement; 5=Needs a lot more enforcement):

No dogs on the beach



No smoking



No littering



No loitering



Lifeguard survey
responses

No alcohol on the beach



No public urination



Theft of personal items on the beach



Car and bicycle theft



No fighting

		Response Percent	Response Count
1		31.4%	49
2		10.3%	16
3		35.3%	55
4		10.3%	16
5		7.1%	11

Other*

		Response Percent	Response Count
1		3.2%	5
2		0.6%	1
3		3.8%	6
4		1.9%	3
5		5.1%	8

*If other, please specify:

Answered: 24

Skipped: 148

The homeless problem.

Helicopters flying TOO LOW, TOO CLOSE to homes and people on the beach. It's a HUGE safety and noise issue. Last summer a helicopter crashed and injured beach goers. No one died but it's only a matter of time. FAA laws NEED to be enforced on Carlsbad beaches.

Fires on the beach at night. People sleeping on the beach at night. Graffiti has increased. Night curfew and/or locked gates at night coupled with a greater police presence would be appreciated for these issues.

Lifeguard survey
responses

no fishing in swimming area; regulation of dangerous objects that could present a hazard to swimmers in the surf zone; restrictions on launching/operation of motorized vessels; damage/removal of natural resources (preservation of beach sand/seashells); blocking/impeding public coastal access; tampering with lifesaving equipment; failure to follow the lawful direction/order/signal of a city lifeguard; vending/solicitation/peddling on public beach; tents/camping/vagrancy

cluttered with poles and people soliciting on the beach

Anyone taking pictures or video of children that do not belong to them. Survey Monkey

Graffiti

skateboards, rollers skates, and bikes often on seawall and no enforcement.

Not exactly on the beach, but the street that runs parallel to the beach between Beech and Christiansen behind the Episcopal church (can't remember the name of the street) that is mostly for parking, there are RVs that park there and live in them. I hate parking my car on that block and leaving it because they can see exactly when I leave and what my plans are (whether I'm running or have a beach chair for the sand). I don't feel safe about that.

I keep moving and haven't observed any fighting or theft.

Graffiti

parking enforcement - blocking beach access, driveways, sidewalks, etc. RV Parking on public streets overnight

Bathrooms needed

bathroom no. beach please

dogs are a real problem I have been bitten on the beach no animal control ever

The biggest problem we have had is theft from items on patio and garage and cars in street. Every once in a while, we have people from the clubs get a little loud at night, but it is pretty mild compared to other areas, like Mission Beach or the urban beaches toward and in L.A. We like the current rules on fires on the beach. (i.e. they are allowed, but must be in a metal container, not on the sand)

Lifeguard survey
responses

Excessive late night partying involving drinking and drugs on beach in front of residences on Ocean Street.

Fishing in the Surfline where children are nearby

Please leave the dogs alone unless you receive a complaint re aggressive or owner not cleaning up after dog

Dont want any gates they reduce access to dusk to dawn in the(cypress ave) gate and are subject to abuse by private property owners and have no affect on saftey stats

after Christmas we saw an incredible amount of DRONES on the beach. Noisy and disturbing. And not the feeling we want on our coastlines.

there should be no fires on the beach;....even police operators disagree on what is or isn't ok

Japanese Lanterns that are launched from the beach are a fire hazard & bonfires on the beach that don't conform to the ordinance

sleeping on the beach thru the night, the city ordinance of no fires of any kind

What else would you like us to consider when creating a plan to provide lifeguard and law enforcement services?

Answered: 109

Skipped: 63

Should already be enforcing laws because it is within the city limits. Nothing else necessary.

Creation and implementation of a junior lifeguard program. It will educate our youth about water safety(which will have a compounding effect on beach safety), teach them CPR, and teach responsibility and sense of community to our kids.

this beach area is fine

Lifeguard survey
responses

I have been waiting 30+ years for the City to add lifeguard service to this area. Thanks.

Lifeguards not only respond to emergencies but a large portion of their services are preventative. They focus on warning beachgoers of potential unsafe conditions, as well as providing first aid and water rescues. Police and fire respond AFTER an event has occurred, lifeguards save many lives through PREVENTION.

This area of beach is absolutely fine how it is. There is no need to revamp public safety in the area because of a couple people complaining. I've lived in Carlsbad for over 25 years and never had a single issue with this stretch of beach. Lastly, I am strongly for public safety and law enforcement in almost all situations. That being said, we apparently have enough law enforcement in Carlsbad that they have the time to be increasingly petty with their citations and interpersonal relations. I strongly oppose any proposal to increase the number of LEOs in our city.

Because there are lifeguards on the other beaches most people assume that the lifeguards cover this area as well. That's a dangerous assumption. It makes me nervous to take children to the beach closest to my house because of the lack of lifeguards and would probably choose other beaches. Unfortunately to get to the other beaches I would probably have to drive and find parking, increasing congestion and parking problems in an already busy area.

both lifeguard & law enforcement essential.

Please make this commitment to safety. A public restroom is also needed.

None

Law enforcement is most important. Currently lifeguards are not present 12 months of the year along the portion of beach that is under state parks jurisdiction. The Northern portion has less beach traffic and the beach is not wide enough at high tide to accommodate a lifeguard stand. Plus, a stand would severely effect most of the homes along that portion of the beach. It will potentially create more problems than any good.

Lifeguard service includes "Prevention". Lifeguards constantly scan the beach to keep the public safe - if they see potential situations (i.e. people unfamiliar with the water heading out in unsafe conditions) they will warn people to prevent them from becoming an emergency response statistic. Prevention saves lives and money. Police and fire respond AFTER something has happened; lifeguards focus on prevention as well as

Lifeguard survey
responses

rescues. This area is highly visited by tourists with small kids who may be unfamiliar with the ocean -

In the last few weeks, graffiti had increased on the northern most part of the beach. Additionally a homeless encampment had sprouted up by the railroad tracks. I want to thank the city of Carlsbad for responding to our calls and immediately removing graffiti and taking action to remove the homeless. The homeless people were using the Buena Vista Lagoon as their toilet and garbage was increasingly a health hazard. Since the removal of graffiti and the elimination of the homeless camp and increased police presence, our beautiful beach is beautiful again. Carlsbad might look at Coronado's curfew on the beach (and parking) at night and the success in minimizing crime.

Please do this now. This issue is a decades old problem. I first became aware in the late 1990's when I started life-guarding for the state parks. It creates an unnecessary stress and workload on State Lifeguards. It is technically not within their area of responsibility, but try telling that to the tower guard at Pine Av who essentially needs to guard almost a mile of beach.

permanent/full time staff to be on-duty 365 days/year from dusk to dawn and based at a station/office that has clear and unobstructed view of the shoreline. Permanent staff must reside within City limits and be available for emergency response to water/ocean related incidents. ALL-terrain emergency vehicle outfitted for lifeguard response to ocean rescue incidents; additional patrol /support vehicles as needed: permanent lifeguard staff shall have authority of "Public/peace officer" in order to issue citations and make arrests for muni code violations and State codes (Fish & Game, Harbors & Navigation; staff should also monitor/record/report the daily surf/beach/weather conditions and make them available for the public via phone/internet; permanent lifeguard staff augmented by, and provide training for, seasonal / part-time staff of lifeguards utilized during summer months)

If towers are considered, they can be moved off of the beach during the off season. A world-class City should have world-class lifeguards. Jr. Lifeguard programs can provide revenue for the program.

We just need them there -- that's all there is to it!

Lifeguard survey
responses

Distinctly separate the lifeguard service plan from the law enforcement change plan. The two should not be connected. I am perfectly OK with not changing anything about the lifeguard situation, but want the law enforcement enhancements.

Beaches need lifeguards during the summer months. It's the right thing to do. It saves lives.

Clearly post what dates and hours lifeguards will be on duty. Consider increasing TOT rate by small amount to cover annual expense.

I think it is an urgent matter and should be resolved before this summer season.

I don't visit the beach much anymore, but we need to provide basic safety to those who do use the beach. The beach and ocean are beautiful and we wouldn't want it fenced or made inaccessible. We have to protect the safety of beach goers if we have a beach.

should consider using the existing services already in place from the adjacent State Beach as opposed to building a separate new entity with the associated costs

Lots of tourists in the area have no idea of water safety, we need guards

Save money - buy signs: NO LIFEGUARD ON DUTY
ENTER THE WATER AT YOUR OWN RISK

Lifeguards are always a worthy investment no matter the time of year. We are famous for our beaches. It is irresponsible to not have proper lifeguard services.

Signs explaining ripcurrents for visitors. Survey Monkey

Since the beach access program will be inviting people to the north shore, we need to have enough lifeguard services. This is a dangerous beach with lots of rip tides.

The most important thing to consider is the safety of people on the beach and in the water. Lifeguard services are needed to help people and save lives.

Carlsbad has inns and vacation rentals along this entire stretch. Lifeguards absolutely should be stationed here. As locals it's our favorite area with our kids along since it's near restaurants.

Lifeguard survey
responses

Year round service. Restrooms other than just Pine and Magee Park. Placement of the Lifeguard towers.

Leave it and keep the mobile lifeguards and warn folks that don't understand rips.

This survey is geared towards residents, and the lifeguard services would greatly enhance and protect the lives of VISITORS. We care about those visiting our beaches. A tourist drowned last year in front of his granddaughter. We have a moral obligation to protect those visiting our beaches that aren't familiar with the ocean.

1) Cost

2) Army Navy has life guard most of the time

Please take into account Quality of Life for permanent residents. One of the main social and physical activities I participate in is playing volleyball in this area of beach. Adding a lifeguard tower could jeopardize this quality asset for myself and other permanent Carlsbad residents.

Large number of rescues being made by State Guards who leave their posts to the south to save lives. State Guards are forced to split their attention between the area they are employed to cover and the north beach area. This detracts from the safety on the State beach. The State already faces staffing shortages without this extra burden. The City should contract with the State to provide guards on the northern beach area. This would be the most efficient approach. We would be willing to have a tower in front of our residence.

A year round lifeguard and law enforcement presence. Police and lifeguards in vehicles that can patrol and respond to public safety needs year round. Additional lifeguards and towers added seasonally. Police vehicles (ATV's considering the crowds) and rescue water craft (Rescue water ski) during summer months and the weekends before and after summer.

Please consider forming alliance with Army and Navy Academy for a lifeguard presence. I have been part of the community next to Rue de Chateaux entrance since 1964 (before that entrance) and would like to see Army & Navy Academy be greater part of this issue. My family and I are excellent swimmers and used to the rip current, etc. at beach. However, I have pulled others from ocean who are not equipped and/or aware and feel with more people accessing this beach that lifeguard presence is essential. Really appreciate the City's interest and time on this issue.

Lifeguard survey
responses

The city is decades behind in offering basic life guarding services on their beaches that every other city in SoCal offers.

A roving lifeguard truck during non peak months. Coordinate with Army Navy Academy as they do have lifeguards on duty at certain times of the year.

If Packard wants to spend millions to trench the train tracks because he's worried about a few dopes who get killed, then why isn't he equally concerned with the people who drown here?

Army Navy Academy has a lifeguard a lot of the time.
Put lifeguard at Beech st. where most people are.

Times POSTED on lifeguard stations of when they will be on duty

Only offer service when service is needed

ask and provide for donations at the beach to help pay for lifeguards

Two or three public restrooms

There are lots of kids that play and swim there in summer. The tides aren't very safe and it would be better for them to swim elsewhere, but since that isn't happening, I think we need lifeguards. The lifeguards could give warnings to families and kids about tides or

I would support regulations allowing dogs on the beach.

What time of day will they be guarding? Will it just be during the summer months? How many people who frequent the north beach are tourist? Locals?

People are sue happy and my worry is that the City will be liable if something happens. Unfortunately, everyone assumes they will be safe in the water, even if they are not swimmers and the reality is that tourists are not likely to go a distance from where they are staying just for lifeguards. As a mother of a former lifeguard, I have many stories about stupid tourists. Growing up here, I went to the Beach Terrace Beach and never had a problem, but I just don't trust people to make wise choices these days.

I was hurt at this beach and the lifeguards made it in time but had I been having a rip tide emergency or near drowning I would have been lost

Lifeguard survey
responses

Restrooms. At least port-a-pottys in peak months. Trash cans

I see Lifeguards from Oceanside and Carlsbad daily patrol this area as well as Carlsbad police. The jet ski lifeguards patrol on key summer weekends as well. I once saw a threatening homeless man on the top steps one day and reported it to police who promptly responded. The beach is clean and safe. Trash cans are provided, used and emptied daily by city crews.

Rip currents and past drownings or near drownings

Enforcement of seawall rules of what's not allowed

I think it would be great to officially allow dogs on part of that stretch of beach; they have a blast and people take them there anyway.

Get rid of the \$880000.00 cameras and pay for state lifeguards This is the only city south of Ventura that doesn't have guards.

The surfers are causing issues with those that want to swim. It's very dangerous for all of us in the water when they surf right at us and we have to duck. Also some of the surfers don't leash their boards and the boards come in fast and hard and we've had to yell at people to watch out or they'd get hit with a board.

I thought this was all private property and that is why there is no lifeguard services down there

Cost -- and appearance on the beach with the life-guard stations. The beach is narrower in this area than south and the stations are unsightly.

Same coverage for other areas on Carlsbad beaches.

This is long overdue. I've lived and gone to the beach here my entire life(I'm 60+) until the rip currents and my sensibility sent me to Warm waters near the power plant several years ago.

Has the state offered to help or support Carlsbad in these lifeguarding efforts?

For small children in the area, it would be better to have lifeguard service.

Lifeguard survey
responses

The placement of movable lifeguard stands would be something to consider. Crowds are thickest from Christiansen and south in the summer months.

Don't decrease lifeguard services in other areas of the beach to bring them here.

Have fire pits in this area

If additional services are approved, just extend the contract with the State to cover this portion. Hiring full-time City lifeguards costs too much.

Safety

All public beaches should have a lifeguard on duty, especially over the summer.

The main issue appears to be vagrancy. The enforcement needs to extend to the village where people are using the alleys as public restrooms and using drugs

Only during peak season. Warning signs posted at beach entrance about beach hazards such as rip tides.

Inexperienced beach goers should stay out of water! I go to secluded beaches to get away, but I stay out of water if it is not safe. Visitors should do the same.

Consider the cost to the City to provide permanent restroom facilities as well as the cost of lifeguard service in an area that is unlikely to be crowded due to the minimal parking available, especially from the Army-Navy Academy north to the Oceanside City Limits. Perhaps a compromise plan that would extend from Oak Street only to the Army-Navy Academy would be better than trying to cover the entire area?

Some type of Cost-Benefit Study might also be appropriate. For example, a few more traffic officers to control speeding and crosswalk violations could save far more lives than lifeguards on a relatively deserted part of Carlsbad beachfront.

The Northern most part of the beach is never crowded because of the limited nearby parking and the complete isolation of the southern part of Oceanside by a gated community. Oceanside does not have permanent lifeguards south of the Strand except at Buccaneer Beach. Providing expensive lifeguard service in this area would not seem to be a top priority to the majority of people who use Carlsbad beaches if it is considered in relation to many other amenities and services that could be provided.

Please consider creating a Park Ranger program for the City of Carlsbad. Even if unarmed (with the exception of pepper spray and/or batons), they could have peace officer status, direct communication with Carlsbad Police, and the ability to issue

Lifeguard survey
responses

citations for most of the above nuisance/quality of life issues. The City of Del Mar and the City of San Diego both have park rangers with peace officer status that could serve as models. Designate this portion of beach a city park and provide it enhanced lifeguard and park ranger service. The park rangers could serve other city parks, as well.

-
1. Please don't remove life guards from the areas to the south.
 2. CPD ignores the people using bikes, skateboards, and roller skates in the state beach area nine months out of the year. On a recent Sunday I witnessed five violations on the lower sea wall walkway in a ten minute period including a father teaching his daughter how to ride a bike. State lifeguards tell me their patrol starts at the sand and CPD ignores these violations.

If we are going to provide services. Why can't we then allow leashed dogs on the beach. This is the primary reason. I do not use a beach in carlsbad

more dog enforcement.. no lifeguards

Have year round lifeguard service ASAP. A service needs to be in operation. Summer is only 9 weeks away until Memorial Day. Better consistent weekend lifeguard services for all of Carlsbad

consider effects on neighbors

someone who walks the beach to set precedence. Enforce the rules. Lifeguards in the stations will not be enough

safety in water

I've witnessed a few accidents along this stretch of coast that probably could have been avoided if we'd had lifeguards out. There are many tourist rentals / resorts along that stretch, and the tourists tend to be the ones with the least amount of experience with the ocean and / or with swimming. I've seen little kids (under 10) playing along the shore or venturing into the ocean, with their parents nowhere in sight (or maybe they were the ones enjoying a cocktail from their third floor balcony while "watching their children). Also, the ocean tends to be more rough in some spots along this stretch....I'm not sure why. So lifeguards would be really helpful along here.

If you are going to erect lifeguard towers, I would hope they would be in front of the public access and not block any home owners view of the ocean. I hope that public rest rooms, if erected, will not block any views and not be a smelly area on the beach.

Lifeguard survey
responses

I can see where life guard towers would be good for increased safety. Towers should be strategically located near public access points so that visual sight lines are not taken away for people like myself that watch there loved ones in the water from our home (2955 ocean street). I would imagine no one would want there view blocked which is huge. My family is in the water all day long, and my parents have the luxury of sitting inside and watching them from our place.

Towers should be placed in front of public access points, so that the ocean view from the home located along the beach is not obstructed.

The lifeguard stations and or public restrooms need to be located at the end of the public access stairs. Putting them in front of homes, condos or other residences would block residential views. Putting them at the end of the public access stairs would make them quickly accessible to emergency personnel.

If lifeguard stands are placed in this area, please place them at public access points and not in front of privately owned properties. Owners pay a high price for the peacefulness that comes from not having public restroom facilities or lifeguard stands near them.

I would like to see at least 2 LG towers on this beach. we shouldn't wait for someone else to drown before we do this. I think guards are more important than police. it is always really mellow and family friendly when I am there but I don't visit in the evening so maybe that's when there are issues.

if lifeguard stands or toilets are to be installed, they should be near the public access to the beach. They should not be located in front of the homes and condos that have been built facing the beach.

place it near public access

Life guard plan- I think they do a pretty good job of patrolling, especially when the rip tide is running strong. As far as I know, they amount of rescues that have had to be performed is relatively low. I don't know of any drownings on that beach in last 10 years. Policing: I think the owners of property along that stretch do a very good job of policing themselves and their guests and making sure that people respect beach and neighbors, Could use more bike and foot patrols at night to stopp theft and vandals.

We would not like a lifeguard tower in front of our property at 2955 Ocean Street which would block our view. In addition, at night people already party and drink on the other lifeguard towers further south. If there are restrooms they should be near public access,

Lifeguard survey
responses

but these will not stop people from trying urinating at the base of our building. There should also be additional enforcement at night along Ocean Street.

I believe we must provide law enforcement but don't necessarily need to provide life guard services

If must add more lifeguards, place them where public stairs and bathrooms already exist and make sure they are cleaned and locked each evening. As for police, please have more night patrols on the beach reduce loitering, drug use, break-ins, and thefts. The officers do a great job and are always tell us in casual conversation he/she want to focus on the "bigger" issues that affect Carlsbad's reputation so unless there is a complaint received about specific dog (re aggressive or owner not cleaning up after dog), let responsible dog owners have their dogs play in peace, especially in late-afternoon or evening. Also, so long as campfires in metal containers, they should be permitted as should basic firecrackers and sparklers lit by/over the water on 4th of July. If someone is shooting them at a building or vegetation, ticket them. For the families letting their kids waive sparklers or set of a bottle rocket over the waves, let it go for one night.

a dog beach, just like Del Mar and Ocean beach

It is a nice quiet stretch of beach where people can just go sit and read or walk without dodging frisbees and crowds. There are plenty of lifeguarded areas where families can go and swim safely. The parking around the stretch is very limited and not conducive to busy beachgoing. Just leave it alone and maybe put signs that say no lifeguards, swim at your own risk.

Please try to place lifeguard stations at public access points instead of putting them in front of residences.

Signs on beach showing location of restrooms and early morning hours for dog owners ie 6:30 - 7:30am some communities have this option

Don't go overboard

I think that we would decrease serious ocean incidents if this portion of the Carlsbad beach had lifeguards during the peak season (June-August). Has there been a study to measure the cost to the city to dispatch police and fire to this portion of the beach versus the projected cost of employing lifeguards for this area?

Lifeguard survey responses

This beach is as representative of our community as any other beach along our 7 mile coastline. The City of Carlsbad and its citizens have a responsibility to protect our visitors and our citizens on ALL 7 miles of our beaches. People's lives are at risk, and that is not OK! Second of all the best solution needs to be whatever will provide the best protection to the people at these beaches during all of the hours that people will be visiting these beaches. State Parks lifeguards are protecting the rest of our beaches between 9:00 am and 7:00 pm and they stay on the beach longer if requested ahead of time. There is a vehicle driving along the beaches this whole time and I think the towers are under operation between 11:00 am and 7:00 pm. The North Beach in Carlsbad needs and deserves and should have the same coverage.

You need to consider that the stretch north of Oak has a large number of beach rentals, hotels and a school. It also has a high number of rips. The Best Western is known as the "Death Western" due to the number of near drownings and drownings. That area is notorious for rip currents. Lifeguards that sit at the towers south should not jeopardize the safety of their beaches by having to run half a mile to do a rescue in an area not covered by the city. The city wastes a lot of money on needless things like promoting Measure A instead of paying for safety at their north beaches.

Leave that area as is. Better signage including no lifeguard on duty. Patrol Ocean and parking lots more if needed.

I think that "law enforcement" would perhaps be better phrased as "safe places for community working with engaged police staff". We are not a police state and we want to have a good relationship with our officers. We want to know that they are there to keep us safe and not to look for criminals. It is a pretty safe place, but could definitely use restrooms, better trash pick up, and lifeguards for sure. And additional measure for those who live adjacent for what they see.

Reduce or eliminate backshore flooding....there are weeks where people cannot access the beach at CVD and Beech Hotel and tourism industry should provide beach safety brochures for adults/kids who have not been in the ocean before...and should be signs warning of dangers of riptides

All beach access-ways should have gates and be locked at 11 pm

I would want to see the lifeguard towers/bathrooms on the beach at the end of the public access stairs from Ocean Street so that so that they are easily accessible in emergencies and so that beach house views of local residents are not obstructed.

Lifeguard survey
responses

maintain the beauty of those beaches / safety at night/ no dogs even when it begins to get dark (not good for quality of water for swimmers)/ no dog law also needs to be enforced on seawall and beach (blatantly ignored) particularly around sunset and after

Depending on what the standard is for the length of beach a lifeguard can cover, there should be one or two stands in front of the motel areas from Christiansen Way to Pine. There should be a mobile unit that patrols to the north keeping an eye on rips and unsafe behavior. The crowd north of the Academy is not large enough to warrant the cost of a permanent guard.

There should be a more present police presence. Guards have a bigger job to do than enforcing city ordinances, and many of the problems on the beach happen after guard hours. Police presence should not be limited to daylight hours. If the ordinances posted at beach entrances are not going to be enforced, they should be changed. It breeds disrespect for the law.

How to pay for this? Forget the stupid idea of trenching the train tracks. Return the cameras that are an invasion of our privacy.

Some responses to this survey re: fires on the beach show ignorance of the actual ordinance. Currently there are no fires allowed under any conditions on city or state beaches. When the state beach had fire pits and allowed fires in containers, there were never any fires allowed north of Pine. People leave the detritus of a fire behind in the sand or dump it in the ocean.

Having taken this survey, what questions do you have?

Answered: 70

Skipped: 102

Where will the money for this come from?

None

how much money does Carlsbad have to spend? there are Carlsbad citizens in need - why not reach out to them?

What's taken so long? This is long overdue.

It's about time - thanks

Why aren't there lifeguards on the north beaches?

When will this happen?

Lifeguard survey
responses

none

Just how much is this survey costing the taxpayers? We pay consultants for so called "input" but the majority never gets what they want. It's usually all smoke and mirrors so City Council can do whatever they (5 people, possibly 4 if you exclude Cori Schumacher) want. Will it be any different this time?

The cost is part of the public's expectation of government - to provide safety.

I've only been a resident of Carlsbad for one year....I am so impressed with the City government including the police for being so interested, responsive, and competent in keeping the Village, especially the beautiful place it is. Thank you!

will staff also patrol the lagoon?

How soon?

Please don't allow the selfish interests of a few privileged homeowners to endanger the lives of visitors to our beaches.

The beaches belong to ALL of us. Lifeguards are long overdue at all of Carlsbad beaches.

-
1. what is the overall goal of the City in managing beaches in Carlsbad?
 2. what are the proposed costs to provide
 3. what are the costs to let the State provide

The sooner the better we get lifeguards.

Why is the city AGAIN wasting more money and time with more insignificant nonsense?

Things are fine. People can go swim where they already have lifeguards.

How soon can they start?

Why wouldn't the nearby hotels insist upon better safety?!

What day will the service begin? I don't think it should end.

Lifeguard survey
responses

This is the last stretch of south west facing coast that I dont have to worry about black ball. Please leave it.

Why have you waited this long to put in lifeguards? It is unconscionable that you have put so many lives at risk on City beaches. We hope this happens this summer, before another life is lost or someone else is seriously hurt.

1)What is the cost and who is paying for it.

When and where will public conversation on this topic be held? I don't disagree with providing safer beaches, however I hope the wishes of Carlsbad residents will be heeded.

Why would we want more parking issues and visitors on this beach ? Leave them at Frazee.

Why was the North Beach Public Safety Agenda Item taken off the September 27, 2016 Council Meeting Agenda? (At that time city staff was prepared to make the same presentation that was presented to Council on February 28, 2017.)

When will we get real leadership in Carlsbad? We need more Coris.

Why has it gone unguarded for so long?

no, thanks for addressing public safety needs.

how many accidents before you put traffic lights near Carlsbad high, Magnolia, and Valley???? 6000 kids daily and you put the traffic lights all over downtown, which does not have 12000/day crossings daily!!!!!!

Why have there been no lifeguard services or public restrooms for all of these years? This is a public stretch of Carlsbad Beach that people come from all over to use. Your lack of concern for public safety is appalling.

How soon can we get lifeguards? I'd love to see lifeguards on this stretch of the beach.

Would this mean that Carlsbad assumes or has a plan to assume municipal ownership/stewardship of these beach areas?

Lifeguard survey
responses

How will the city pay for the services? What about portable toilets for the north end of the beach?

None

why hasn't there been a lifeguard in that area during the summer before now?

When will the lifeguards be there? What is their job aside from dealing with water safety?

Do the right thing for once. Come on city.

Just think dogs, smoking & surfers are issues that need to be addressed.

I am surprised this is even an issue. Sure hope it's not a few voices making this a bigger issue than it needs to be. I also thought this was private property and that is why we don't have services there.

Has this plan been initiated because of complaints by beach-goers or has the city come up with an-other reason to spend money?

Will you consider the greater good of safety for beach-goers over concerns of property owners that life-guard stand impedes their view of the ocean?

What happened to the green foliage that lined the access stairs near McGee Park?
Could you please budget a bathroom north of CVD/Grand Ave?

n-a

None

We need amenities like food and bathrooms
survey monkey

how much would additional services costs?

you will do the best for the city

The issue is village wide, not just one little strip of beach. You need to look at the big picture.

Lifeguard survey
responses

How much will this plan cost? Will the lifeguards be Carlsbad employees, with the cost of their benefits and retirement plans included? Or will Oceanside and/or State Lifeguards be hired under contract to Carlsbad?

Will a Cost-Benefit Study be part of the plan before it is submitted to the City Council? What other alternatives could be provided for the same cost for more police, fire, or EMT protection throughout the City? Same question for more recreational opportunities? Same question for more traffic calming?

None.

CPD won't patrol beach area already assigned to them. What makes you think putting lifeguards in the area to the north will reduce any crime? What makes you think CPD will take care of this area when they ignore the area already assigned to them?

just do it

as a public beach it is Carlsbad city to protect the public in water. Tourists do not know about rip tides high tides, etc. cell phone service is poor in this area. no emergency phone or way to get help.

If you add towers, PLEASE watch the locations and place them in line with the public walkways. THANK YOU!

Will this increase property taxes for property that 'fronts' on the beach?

If it is decided that lifeguard towers will cover the beach in the area not covered now, when will it be implemented?

what do we have to do to get animal control?

I think the restrictions on fireworks should be suspended on certain holidays. We used to have firework display/contests between groups of property owners and it was well controlled and handled safely. We should be allowed to have those again. Is the city willing to consider letting us adults be treated like adults on this issue? I think dogs should be allowed on beach provided that people are responsible and have access to waste bags and disposal bins.

please have surveys for ALL actions requiring input from residents, i.e, new planning issues, barrio issues....

Lifeguard survey
responses

How about coop with Army Navy academy for beachside lifeguard tower providing enhanced safety for students and public?

The question of money should NOT come into this equation. When lives are at stake we need to step up and do the right thing. No one needs to die at Carlsbad beaches because of lack of lifeguard coverage or lifeguard's not trained adequately. They City Council need to complete a thorough evaluation of this situation and then make the right decision. I do not want to feel like this is a knee jerk reaction where everyone is running around trying to come up with a quick solution. I want to know and believe that all angles were researched and the visitors and citizens of Carlsbad are getting the best lifeguard's in the state. I am not sure if adding a lifeguard department to our current Fire Department is the best solution, but if the Fire Department truly believes that they can handle, the scheduling, and provide above average guards, than that solution could work. When I say above average lifeguard training, I am talking about the State Parks training program in Huntington Beach, not a City provided 3 day classroom training and a two day beach activities. Being a lifeguard is a high pressure job that requires people with a strong commitment and a strong resolve and that needs to be proven to someone who gets it before that lifeguard is put in a tower.

Are you going to have the California State Lifeguards add towers to cover that area?

None

What are you considering? How will you engage the community? Will the solutions benefit residents or tourists. Residents should be first priority. This is our favorite beach and the one we go to most often from the time since our children were small. We love keeping natural places in Carlsbad.

I know our Police Department is 'small' and 'stretched thin'. However, dogs on the beach are a major issue at the north end of the beach. Could another department be tasked with issuing tickets or citations when people [EVERY morning] bring their dogs down and let them 'run free'? Senior Volunteers?

If a plan for lifeguard Services is approved, how soon would it be implemented?

In what ZIP code do you live?



If "None of the above" please specify your ZIP code here:

91107 x1
92024 x1
92056 x1

(Note 2 of 5 responses to this question had actually responded with "92008" i previous question and repeated that response in this field)

Do you live in the neighborhood around this stretch of beach?



Do you own property in this neighborhood?



Do you own a business in this neighborhood?



Which age category are you in?



If you would like to be kept up to date on this issue, please provide your email. It will not appear on this website, nor be used for any other purpose.

Lifeguard survey responses

Answered: 10
Skipped: 162

Lifeguard survey
responses