

From: [Lance Schulte](#)
To: [Eric Lardy](#); [Council Internet Email](#); [City Clerk](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); [Ross, Toni@Coastal](#); [Kyle Lancaster](#); [Don Neu](#)
Cc: info@peopleforponto.com
Subject: citizen input for Carlsbad Tomorrow Growth Management Committee (et. al.) regarding Parks - Park land dedication requirements for developers - an example of Ponto Site 18
Date: Thursday, July 14, 2022 9:05:43 AM
Attachments: [image002.png](#)

Dear Carlsbad City Council, Carlsbad Tomorrow Growth Management Committee, Carlsbad Park and Planning Commissions, and CA Coastal Commission:

This email is a follow-up to the July 7th email below, and only in regards to item #2 that deals with Park land dedication rules of 20.44 of the Carlsbad Municipal Code. Please include this email as public input to the Carlsbad Tomorrow Growth Management Committee (CTGMC), Parks Master Plan Update, Local Coastal Program Amendment, and Ponto Site 18 development file. Sorry for the length of this email, due to documentation to counter staff's incomplete information.

Role of Carlsbad Ordinance 20.44 - DEDICATION OF LAND FOR RECREATIONAL FACILITIES

The primary 20.44 requirement for developers to (at no cost to the City) provide land to the City to meet the development's demand for more City park acres, and the specific Park demand/supply situation at Ponto that clearly justifies the City Council pursuant to Council's (not staff's) authority under 20.44 to 1) require development to provide (dedicate without cost to the City) land for City Park that is sufficient to meet that development's park land demand (in the example of Ponto Site 18 that land area is 0.6118 acres), and 2) that pursuant to Council authority in 20.44, it is fiscally prudent and much better for the City and Citizens of Carlsbad to accept 'free' land v. receive a "park land in-lieu-fee" that only provides for 27% of the required land area called out in 20.44 and is thus ultimately results in a tax-payer subsidy of development. Tax-payer subsidy of development is also counter to the purpose of the City's Growth Management Program.

Staff misrepresentation of Citizen input

Some staff misrepresented my and other Carlsbad Citizens when staff said **their** Thursday, July 7, 2022 4:05 PM below: "The comment (citizen's 7/4/2022 8:33am email) claims that there is a requirement for the city to build a park in the southwest quadrant." What we said in our Mon 7/4/2022 8:33 AM emails was:

"2. Ponto needs a 6-7 acre Neighborhood Park to serve Neighborhood needs based on the current Ponto population & City's minimal Parkland Standard of 3 acre per 1,000 population. The SW Quadrant needs a new 6-7 acre City Park to make up for the Park acreage Deficit in the SW Quadrant since 2012. South Carlsbad (62% of the Carlsbad's population) needs a significant Coastal Park, as there is no City Park west of I-5 in South Carlsbad. Ponto is at the center of a 6-mile Regional Coastal Park gap. Ponto is the last remaining vacant land that can provide a true Park. Carlsbad's Park Master Plan maps Ponto as an 'area unserved by parks, and an area that the City should provide new parks'.

Since 2017 Carlsbad citizens have sent over 5,000 petitions to the City and CA Coastal Commissions regarding the need for a Neighborhood Ponto Park, and larger Coastal Park for

South Carlsbad's (and region's) inland population. Citizens also called out flaws in the City's Ponto planning that failed to and consider and document these Park needs (and the need for "Low-cost Visitor Accommodation" land use). Citizens shared these citizen concerns and data to Fenton. Citizens asked Fenton to provide their required City Park land dedication in actual Park Land at Ponto. Carlsbad's park land dedication ordinance is CMC 20.44. Fenton and People for Ponto Citizens have indicated they would like together [meet] with the City to define how Fenton can provide Fenton's fair-share of actual Ponto Park land. Fenton's fair-share would be about .7 acre of Parkland. Fenton is trying to set a meeting with the City to do that."

We Citizens are saying we NEED a Ponto Park adequate for local Ponto Citizen needs, AND also a park adequate to serve the Coastal Park needs for All South Carlsbad (inland citizens) and address a regional 6-mile long Coastal Park gap centered around Ponto. Sadly, current City 'requirements' fail to recognize these NEEDS. The CTMC is charged with addressing these NEEDS and suggesting changes to City 'requirements'.

As a citizen, I am troubled by the some City Staff not being able to read what is being sent to them. Most troubling is some staff misrepresentations to Citizens serving as the City Council, City Commissions and Citizens Committees on what your fellow Carlsbad Citizens are communicating to you. It seems from a Citizen perspective that some staff are biased against citizens and citizen input that maybe contrary to what some staff want to do. As Citizens elected and appointed officials charged with directing, recommending, questioning, and overseeing City Policy and staff we hope you assure your processes, and City Staff serving you, provide an honest and truthful consideration of fellow Citizens' input.

Staff misrepresentation of Growth Management Program and Ordinance

Also of critical Citizen concern is that some City Staff are fundamentally misrepresenting what Carlsbad's Growth Management fundamentally is - setting MINIMUM required public facilities thresholds (aka MINIMUM Performance standards) below which development will be halted. All of Carlsbad's Growth Management resolves around this fundamental Principle - the GM Performance Standards are ONLY MINIMUMS that define when development must stop until that public facility is raised ABOVE the MINIMUM Performance Standard. Some City Staff are inaccurately presenting GM Performance Standards as the Ultimate, Final or Maximum desired level of a public facility to define Carlsbad's Quality of Life. Any facility above the MINIMUM Performance Standard is simply above the 'failure level' where development stops until we are above the Performance Standard threshold. Some of City Staff's misrepresentation of Performance Standards is very serious, and needs firm correcting. Reading the ballots establishing Growth Management and the City's own FY 2019-20 Growth Management Plan Monitoring Report confirms that: ""FAILURE TO MEET PRERFORMANCE STANDARD: The Growth Management Plan requires development activity to stop if a performance standard is not being met." The Growth Management Performance Standard line is a 'failure line', not a Maximum or Average level of Quality of Life we all voted for and aspire to. Some City Staff sadly thing that anything above failure (an F-grade defined by the GM Performance Standard) is success and deserves an A-grade.

The Growth Management Plan or City Growth Management Ordinance 21.90 does not restrict the

City Council in any way from providing Public Facilities ABOVE the Growth Management (Minimum) Performance Standard: ““21.90.140 Obligation to pay fees or install improvements required by any other law. - **Nothing in this chapter [Growth Management Ordinance 21.90 and the Plans it is based on] shall be construed as relieving a builder, developer or subdivider from any public improvement requirement, dedication requirement** or fee requirement which is imposed pursuant to **Titles 13, 18, 20** or 21 of this code or pursuant to any city council policy. (Ord. 9808 § 1, 1986)”

This portion of Carlsbad law is supported by multiple City Council actions to exceed the MINIMUM Performance Standards, such as the ‘oversupply’ (relative to the MINIMUM Park Standard) of City Parks in the NW Quadrant. The Growth Management Plan plans for the NW Quadrant to have far more Park acreage than required by the MINIMUM (you have been provided this data in the Coastal Recreation data file). The SW and SE (and to a lesser extent the NE) Quadrants are failing to meet the MINIMUM, but the City uses an ‘accounting trick’ to say that Parks that are in the NW Quadrant are ‘on-paper’ in the SW, SE, NE Quadrant so a permanent future “Park failure” in the SW and SE Quadrants are covered up in accounting. But the reality on-the-ground for Citizens and their children is the reality – permanent Park actual acreage/access failure in the SW & SE Quadrants. The City’s ‘accounting trick’ thus CREATES AN ACTUAL PERFORMANCE STANDARD FAILURE in the SW & SE Quadrants that Citizens and their families actually experience. You have seen the pictures of families having to play in streets, railroad right-of-way, and trespass on other vacant Ponto land to use as a Park; and been provided the 5,000+ emails as testament to these facts.

The fact is that the SW, SE and NE Quadrants do not have their MINIMUM required Park acreage Performance Standard actually within their Quadrants. The City used an ‘accounting trick’ to cover the that do not their bare MINIMUM of Park acres.

City Council regularly directs actions and funds to Oversupply (exceed) the Minimum Performance Standard for most all Growth Management public facilities

The Council recently acted to increase this ‘oversupply’ of Park land in NW Quadrant with the new Buena Vista Reservoir Park. This Park was NEVER in the Growth Management Plan nor was it REQUIRED to meet a MINIMUM Performance Standard. Sadly (for South Carlsbad Citizens) SW Carlsbad (that has had a 6.5 acre MINIMUM Park Deficit since 2015) has had to absorb more development and that SW Quad development paid for the NW Quadrant Buena Vista Reservoir Park via “Poinsettia 61”. The City Council has also increased public facilities beyond the MINIMUM Performance Standard on multiple other occasion such as the recent Fire Service investments beyond the Performance Standard, and all over the City with City Administrative Facilities, Water, sewer, most Streets, and other public facilities in the City that are being provided Over and Above the MINIMUM Performance Standards (failure/no further development threshold) established for those facilities.

Carlsbad Citizens, in over 5,000 petitions and overwhelming input at numerous public meetings, clearly is documenting the NEED for the City Council to do (and direct Staff to do) what Carlsbad has done before:

- provide for Park acreages and Parks at Ponto and SW Quad that are above the Minimum Performance Standard (failure threshold),
- properly address the current 6-7 acre Park Deficit that has existed in the SW Quadrant since 2012 with a park WITHIIN the SW Quadrant,

- Properly address Carlsbad Citizens overwhelming desire for a True Ponto Park,
- Get rid of accounting tricks that falsely say that Parks actually in the NW Quadrant are ‘considered to be in the SW, SE, and NE Quadrants’
- Require developers to provide their fair-share of actual Park Land per 20.44. Do this at Ponto! Park land is needed AT Ponto.
- Listen to Citizens, don’t fight and try to crush Citizens’ input and requests for you to address critical Quality of Life issues

City Council (not City Staff) Authority under Carlsbad Ordinance 20.44 - DEDICATION OF LAND FOR RECREATIONAL FACILITIES

As noted in my Thursday, July 7, 2022 5:17 PM email below, some City staff are also misdirecting issues and incomplete in their assessment on the City’s Dedication of Land for Recreational Facilities Ordinance 20.44, and in what appear to be some staff trying to assume and take over the City Council’s authority to make Park decisions under 20.44. Following is CMC 22.44.060 that clearly spells out the City Authority responsible for determining if Park land dedication or a “fee-in-lieu” is used. In the case of if only a SDP and CDP applications are needed for Ponto Site 18 development that ‘decision making authority’ would be Carlsbad Planning Commission, or if/when appealed to the City Council, the City Council.

20.44.060 Determination of land or fee.

A. **Whether the decision-making authority for the tentative map or tentative parcel map requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the decision-making authority at the time of approval of the tentative map or tentative parcel map.** In making that determination, **the decision-making authority shall consider** the following:

- 1 Park and recreation element of the general plan;
- 2 Topography, geology, access and location of land in the subdivision available for dedication;
- 3 Size and shape of the subdivision and land available for dedication;
- 4 The feasibility of dedication;
- 5 Availability of previously acquired park property.

B. The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. CS-192 § 49, 2012; Ord. 9614 § 1, 1982; Ord. 9190 § 6)

20.44.060 requires (shall) “consideration” of factors, but Council has discretion on how it ‘considers’ factors. “Consideration” is by definition a respectful, thoughtful, reflection and deliberation of issues. “Consideration” is NOT a straight-jacket. The City Council has already provided critical Policy direction to Staff to form the Carlsbad Tomorrow Growth Management Committee because according to the City’s website “the city is entering a new phase **where different tools will be needed to effectively manage growth.**” And that **“The city is now in the beginning stages of creating a new approach to managing growth in Carlsbad,** starting with a citizens committee.” So the decision whether to do what Park land dedication ordinances are intended to do receive land dedicated to the City by developers to offset that developer’s impact on Parks is solely the City Councils, and the City Council has started a processes to create new Park Standards and

requirements. The CTGMC is charged with considering past and future Park Standards and Park Growth Management standards. The Ordinance allows the City Council to consider this and past information at the time the entire development application comes before the Council for approval, denial, or conditioning.

An example Carlsbad Ordinance 20.44 - DEDICATION OF LAND FOR RECREATIONAL FACILITIES using as example the Fenton Ponto Site 18 development proposal:

Fenton recently purchased most of Ponto Site 18. They are proposing to develop most (4.64 acres), but not all their land. Fenton wants to reserve some (about 1 acre) of their Ponto Site 18 vacant land for future development. Fenton has land resources to provide actual Land as the DEDICATION OF LAND FOR RECREATIONAL FACILITIES per 20.44.

Dedication of Land for Recreational Facilities calculation:

86 (DU of Fenton proposed development) X 2.64 (Carlsbad's average population per DU per 2020 US Census) = 227 (population of Fenton project)

227 ÷ 1,000 (population that needs a minimum of 3 acres of Park land per CMC 20.44) = 0.22704 (the percentage of the 3 acres of Park land minimally required for 227 people)

0.22704 X 3 acres (minimally required Park land per 1,000 people) = **0.68112 acres of Park land is minimally required for Fenton's proposed 86 home based on City's minimum requirement**

Fenton recent land purchase cost is about \$2.178 million per acre. So Fenton's 0.68112 acre minimum park site requirement's land cost is \$1.484 million. However, the City's "Park in-lieu-fee" for Fenton's proposal is only \$4,636 per home or \$398,696. **So the City's Park in-lieu-fee only covers 27% of the Park land value the City would receive if the City accepted land under 20.44.**

Cost of City failure to acquire 'free Park land' from developers, 'in-lieu fees loose significant value adding to tax-payer liabilities, and failure to get free park Land dedication loses critically important opportunities to provided needed park:

The Fenton example shows that getting for free land is a much better deal for the City and Citizens. It seems fiscally irresponsible for the City Council not to acquire Free park land per 20.44. The City would be losing \$1.085 million per acre by accepting "Park in-lieu-fees" that are inadequate to pay for the cost of park land that the City would otherwise be provided free by a developers in their Park land dedication. **The City's "Park in-lieu-fee" is basically a developer/development subsidy by the City and the City's tax-payers.** This subsidy will ultimately be paid by Carlsbad tax-payers. This is one reason that developers love to pay "in-lieu-fees" as these fees never cover the developer's full cost to mitigate their development's impact on and obligations to a community/City. This subsidy dynamic of "in-lieu-fees" is well known but, cities tend to hide this information from citizens. Recall the history of Affordable Housing in-lieu-fees and update a while back. Per 20.44.08 the Park in-lieu-fee" is supposed to cover the fair-market value to buy the land that would otherwise be dedicated (for free) to the City. As shown above the City's current Park-in-lieu-fee is not doing that:

20.44.080 Amount of fee in lieu of land dedication.

A. **When a fee is required to be paid in lieu of land dedication, the amount of the**

fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 20.44.040. The fair

market value shall be determined by the city council using the following method:

1 The city manager may from time to time survey the market value of undeveloped property within the city. This survey may be prepared through various means including, but not limited to, selection of several real estate professionals within Carlsbad to provide current estimates of undeveloped property values with each of the city's four quadrants.

2 The council shall adopt a resolution establishing the value of one acre of park land in each quadrant after considering the results of this survey and any other relevant information.

B. Subdividers objecting to such valuation, may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the city council if found to be reasonable. If accepted, the fee shall be based on that appraisal. (Ord. NS-120 § 1, 1990; Ord. 9831 § 1, 1987; Ord. 9781 § 1, 1985; Ord. 9614 § 1, 1982; Ord. 9190 § 8)

A critical consideration for Carlsbad is that we are rapidly running out 'relatively cheaper' vacant land like at Ponto, and the City is better off getting developers to provide actual park land, or if an "in-lieu-fee" is paid that fee should accurately represent 100% of the actual cost to buy the acreage of park land within a 10-minute walk of that development. The City should not subsidize development and make parks inaccessible and outside of the 10-minute walk to the developments generating the need for park land. **These facts/issues should be consider by the CTGMC in formulating recommendations to City Council on Growth Management and Park land dedication.**

I am using the Fenton proposal as an example of Park Standard issues and the shortcomings of Carlsbad's current Park standards the CTGMC is charged with studying and making update recommendations to the Council. People for Ponto Carlsbad Citizens are trying to collaboratively work with Fenton to get park land at Ponto dedicated. This initial Park land dedication can be the beginnings of a much needed and larger Ponto Park to address the acute park needs at Ponto and in Coastal South Carlsbad that are documented by the City, Carlsbad Citizens, and many others. Fenton has graciously offered to try to set a meeting between People for Ponto Citizens-City-Fenton to see how Fenton's Ponto park land dedication requirements can be met in Ponto. We are hopeful Fenton will provide a 0.68112 acre Park site as the 'down payment' for a much needed larger Ponto Park. We are hopeful the City Council will direct City Staff to work with Carlsbad Citizens to effect this.

Thank you for your consideration. Please know P4P citizens truly care and love Carlsbad and want to leave a better Carlsbad to future generation. P4P citizens have a lot of successful and creative expertise and can help the City in these issues.

Sincerely and with Aloha Aina,
Lance Schulte

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

Sent: Thursday, July 7, 2022 5:17 PM

To: 'Jason Goff'

Cc: 'Eric Lardy'; 'Cliff Jones'; Carrie Boyle (carrie.boyle@coastal.ca.gov); 'Prahler, Erin@Coastal'; Ross, Toni@Coastal (Toni.Ross@coastal.ca.gov); 'info@peopleforponto.com'

Subject: RE: CITY RESPONSE RE: EMAIL DATED JULY 4, 2022 - public input on CDP 2022-0023 & SDP 2022-0003 - Ponto Site 18 - 4 major issues - CCC needs to be contacted

Jason, City Council, and Carlsbad Tomorrow Growth Management Committee:

Thanks-

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Regarding #1: Thank you. Is it possible to receive a copy of the CCC's response to your communication?

Regarding #2: Your reading of 20.44, is incomplete. It also seems you are also incorrectly speaking 'as the City Council' on what is a City Council decision based on 20.44 and that has yet to be rendered by the Council regarding this development proposal. 20.44 does NOT explicitly disallow Dedication of Ponto land for a needed Ponto Park from and for a Ponto development. Not acquiring Park land or not using park land "in-lieu-fees" at Ponto to provide a Park at Ponto for a Ponto development is further removed from the intent and purpose of the Park land dedication ordinance.

What is the City Council's and City staff's intent to use Park land dedication 'In-lieu-fees' for to serve the Park needs of this Ponto development? There is a 6.5+ acre Park deficit in the SW Quadrant. Where will the Park for this Ponto development be provided - 6-miles away in the NW Quadrant's Veterans Park?

If you read 20.44 how the Council chooses to require park land dedication or accept a Park land dedication 'In-lieu-fee' is a City Council policy decision that is made when the project is being heard for consideration. Your 20.44 citation even supports the dedication of park land at Ponto by the proposed development as such a land dedication would be the best way to "... shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision." As clearly documented in the City Park Master Plan, Ponto is an area of the City 'unserved by Parks' and an 'area the City should look to provide new Parks'. Again, per 20.44 it is The City Council's policy decision/direction as to if the City wants park land dedicated at Ponto for Ponto development or it wants to receive a park land dedication 'in-lieu-fee'. The City Council should make that policy decision/directive to staff if it wants park land or equivalent park land 'in-lieu-fees'.

Also, the City is formally in the process of re-evaluating the Growth Management Parks Standard. Citation of past GM Park Standard compliance reports to City Council when the City Council has already provided direction to staff and acknowledged such Standards should be studied and potentially updated or replaced should have been acknowledged, and is a critical aspect of information City Council should consider as part of a 20.44 Council determination of whether to require Park land at Ponto for Ponto Park impacts or accept a park land 'in-lieu-fee' for Ponto Park impacts. This issues seems appropriate for the Citizens Carlsbad Tomorrow Growth Management Committee to provide input to the City Council on.

~~Regarding #4: What will be the City's response and responsibilities if/when parking impacts spill on to City Streets and Public beach parking (from inadequate City parking requirements)?~~

From: Jason Goff [mailto:Jason.Goff@carlsbadca.gov]
Sent: Thursday, July 7, 2022 4:05 PM
To: Lance Schulte
Cc: Eric Lardy; Cliff Jones
Subject: CITY RESPONSE RE: EMAIL DATED JULY 4, 2022 - public input on CDP 2022-0023 & SDP 2022-0003 - Ponto Site 18 - 4 major issues - CCC needs to be contacted

Dear Mr. Schulte,

Thank you for the email comments on the project known as FPC Residential (SDP 2022-0003/CDP 2022-0023). The following is the City's response to the email comments received on July 4, 2022 (attached):

City's Response to Comment No. 1:

The comment claims that the project should be required to apply for various amendments to the city's land use documents. However, the applicant is proposing a development project that is consistent with the current land use designations for the property; therefore, amendments to the General Plan, Zoning and Local Coastal Program Land Use and Zoning designations are not included. As previously noted, the property is currently designated a combination of VC (Visitor Serving Commercial) and R-23 (19 to 23 dwelling units per acre). The comment implies that the current project requires written confirmation from the Coastal Commission to process consistent with these designations. The city disagrees. The city's review of current policies indicates that the combo districts in Ponto can be built as one or the other land use or as a combination of both with the area of each land use delineated on the land use map (typically determined at the time of a development proposal).

Additionally, the hotel north of the subject Ponto combo district is on parcels that were also previously a combination district; however, the parcels were built entirely with visitor serving uses (parcels redesignated VC during GP update but were previously TR/RMH).

Development of the property is subject to the city's review and approval. The city has authority to issue Coastal Development Permits (CDPs) in this area, and therefore, Coastal Commission approval of the project is not required. In addition, the property is not within the Coastal Commission's appeal jurisdiction and the city's approval of a CDP on the property is not appealable to the Coastal Commission. This information has been shared with Coastal Commission staff.

City's Response to Comment No. 2:

The comment claims that there is a requirement for the city to build a park in the southwest quadrant. There is not a requirement for construction of a park in this area. As reported in the city's latest Growth Management Plan (GMP) Annual Report and further detailed to the City Council on

January 26, 2021, and July 13, 2021, the city is in compliance with the GMP's performance standards for open space and parks and there is not a requirement to purchase additional park land in the southwest quadrant. We acknowledge the conversations with the citizens and developer relating to applying park fees for park space in this area. However, Carlsbad Municipal Code § 20.44.090 governs the use of the collected fee and states *the land and fees received under this chapter shall be used for the purpose of developing new or rehabilitating existing park and recreational facilities which serve the population within the park quadrant within which the subdivision for which the fees are received is located and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. (Ord. NS-842 § 1, 2007; Ord. 9680 § 12, 1983; Ord. 9190 § 11)*. As currently written, the code does not explicitly allow for park fees to be dedicated to a specific park or area within the quadrant.

Link to latest GMP Annual Report:

<https://www.carlsbadca.gov/home/showpublisheddocument/8573/637744924012530000>

Link to January 13, 2021, City Council Staff Report:

<https://records.carlsbadca.gov/WebLink/DocView.aspx?id=5244472&dbid=0&repo=CityofCarlsbad&searchid=4d4f5873-14c1-42fb-a3c6-d6da0037b658>

Link to July 13, 2021, City Council Staff Report:

<https://records.carlsbadca.gov/WebLink/DocView.aspx?id=5432896&dbid=0&repo=CityofCarlsbad&searchid=8e946f0a-1e58-462f-98f5-11d939f53b36>

City's Response to Comment No. 3:

Comment highlights the existence of the SoCal Gas natural gas easement. This is acknowledged. Staff is aware of the SoCal Gas natural gas easement and pipeline running north-south through the subject site as well as along the west side of the railroad right-of-way, which is also located directly adjacent to other residential land uses throughout the city. The applicant was notified in the first review of the project application as to the gas line's presence and is presently working with SoCal Gas and the city to provide proper setbacks to ensure that the public's health and safety is maintained.

City's Response to Comment No. 4:

Regarding concerns with parking adequacy, the city's municipal code section covering parking ratios associated with multiple-family residential dwellings (apartments only) and required visitor parking is outlined in § 21.44.020.B.Table A. This section of the municipal code is used throughout the city, including the coastal zone pursuant to our local coastal plan, for required parking associated with apartments and visitor parking needs. While the applicant can voluntarily add additional parking stalls, the city cannot legally require more parking spaces than what current code requires.

Thank you,

Jason Goff



Community Development Department

Jason Goff | Senior Planner

Planning Division

1635 Faraday Avenue

Carlsbad, CA 92008

442-339-2643 | jason.goff@carlsbadca.gov

FOR SUBMITTAL APPOINTMENTS PLEASE CALL OR EMAIL YOUR REQUEST:

Phone: 442-339-2600 (select Option 2)

Email: planning@carlsbadca.gov

www.carlsbadca.gov

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Comments on PCH Relocation & design Options offered – Manzano to Island Way – 2022 July

Comments on all three Options:

1. PCH Relocation as noted in the City's 2001 Study was focused on allowing the City to develop PCH Median land for commercial uses and advance the City acquiring in-trade State land (primarily the Manzano site just south of the Terramar neighborhood) for commercial development. The land trade would then allow the Carlsbad Campground to move inland along PCH so as to move out of the "Coastal hazard zone" of coastal erosion, bluff erosion and now sea level rise and climate changes that will accelerate these Coastal Hazards. There are several vacant areas in all three Options that are similar to the areas proposed for commercial development in the City 2001 PCH Study. Although the 1-mile PCH Relocation proposal includes the Manzano Site and covers the northern tip of the Campground, a clear explanation if the original intents of PCH Relocation are still part of the City's proposal – commercial development of PCH median land.
2. The City should map and enumerate the actual length of PCH roadway facilities – vehicle lanes, bike lanes, sidewalks that are in the "Coastal hazard zone". For instance if only a couple hundred feet of the southbound lanes of PCH at "the dip" bridge are in the "Coastal hazard zone", it may be more cost effective to simply address Relocation of that segment.
3. Was a simple and likely far less costly PCH redesign that simply lifted up and/or moved inland those PCH roadway facilities – vehicle lanes, bike lanes, sidewalks that are in the "Coastal hazard zone" considered and designed? Why?
4. Clearly provide a 'profile of the Existing Condition' of PCH lanes, bike lanes, pedestrian paths for the various segments of the Study Area. It should be clear to citizens what we have now and what new added features each design provides for the various segments.
5. A basic traffic study showing impact to both link and intersection Vehicle LOS and Vehicle speed should be conducted now so citizens clearly understand what the vehicle LOS and speed consequences from existing PCH and all PCH Relocation designs.
6. Clearly describe what the "Coastal hazard zone" is, and if it conforms to the latest CCC requirements of SLR analysis and Coastal planning.
7. Clearly describe what the "Las Encinas Creek restoration area" is and clearly outline the borders of the "Las Encinas Creek restoration area".
8. Use wider landscaped medians to provide areas for shade, a coastal tree-scape and soften the extensive hardscape. The proposed minimal 4' wide median in all three Options is a very 'urban roadway' design and very out of character with our existing Historic 101 and well regarded wide and natural landscaped PCH median. The proposed minimal 4' wide and landscaped median is grossly out-of-character, particularly when seen in profile with the continuous/adjointing pavement.
9. A clear map and itemization of all existing parking spaces should be conducted and names or letters used to identify each existing parking area.
10. All new parking areas should be named or a numbered to correspond to the Existing Parking lot name or letter. For example Existing Turnarounds lot A, Proposed Turnarounds Lot A-1
11. An Existing and Proposed Parking map and accounting of the number of spaces should be provided so citizens know where and how many beach parking spaces we have and where and how many proposed spaces there are and the net difference between existing and proposed.
12. Move "Retain existing parking" at "turnarounds" inland to be outside of "Coastal hazard zone", and use old PCH pavement as parking spaces.
13. Provide a plan to transfer the spaces in the "existing parking to remain" at the "glider port" to the "Turnarounds" parking area. Label the "glider port"

14. Move “Retain existing parking” at the north end of the Campground (north of Island Way) inland to be next to the PCH Roadway so vehicles do not have to cross the “Class 1 shared path for pedestrians, slower moving mobility options”, and to place this parking outside of “Coastal hazard zone”.

Comments on Option 1: 4-lane road with traffic signals:

1. Replace all 4 traffic signals with 4 traffic circles. For PAR use separate ‘free-right’ lanes outside of traffic circle to reduce volume in the circle. This design is used at LEGOLAND. Given T-intersections using free-right or straight through bi-pass lanes will allow better flow.
2. A narrow 4’ wide median maybe needed on the Bridge, but an honest consideration of a separate 2-lane bridge or 2 2-lane bridges that provides more separation between NB and SB lanes should be explored.

Comments on Option 2: 2-lane road with roundabouts & Option 3: 2-lane road with roundabout and one enhanced pedestrian crossing:

1. A 50% reduction in vehicle travel lanes will have a dramatic impact on current and future vehicle and transit capacity on PCH. This impact is over 50% in that by removing the 2nd passing lane and ability to pass, all vehicle speeds are reduced the ‘slowest’ vehicle in the lane. This will have significant impacts not only to citizens in their vehicles, but also to transit vehicles as they will be slowed down due to more than doubling lane congestion, being slowed down in trying to re-enter the single lane after dropping/picking up passengers, and by the slower speeds that will accompany the 50% lane reduction to a single lane in each direction and by reducing the existing wide landscape median with a minimal 4’ wide urban street median.
2. A 50% reduction in vehicle travel lanes will have a dramatic impact on the City’s current and future Emergency Vehicles (police-fire-ambulance-lifeguard) travel speeds on PCH. This impact is over 50% in that by removing the 2nd passing lane and ability to pass, all vehicle speeds are reduced the ‘slowest’ vehicle in the lane. As noted before this will have significant impacts to Emergency Vehicles as they will be slowed down due to more than doubling lane congestion, and maybe completely stopped as the most likely Emergency will be on the single PCH lane and all traffic will be stopped. The adjacent 11’ wide bike lane and buffer area is narrow and limits Emergency Vehicles using that bike lane area as a ‘passing lane’ around stopped vehicles, or for vehicles to pull over into the bike lane to try to let Emergency Vehicles pass.
3. The City has noted wanting to provide a new Emergency Vehicle Services operation along PCH, noted the higher Emergency incidence along PCH, and noted the very high cost to buy, build, equip, provide personal to operate, and post-service pension costs to provide an additional fire/EMT and/or Lifeguard operation along PCH. If PCH travel is slowed down, or more emergency incidents be created by a reducing PCH to one-lane in each direction with a minimal 4’ median would a 2nd Emergency Vehicle Services operation along PCH be needed?
4. Given the State of California’s requirement that Carlsbad and all other areas of the State provide for unlimited population growth and that PCH vehicle, transit, bike and pedestrian volumes will have commensurate increases into the future, and that PCH Relocation and lane reduction would be very expensive (\$70 million from 2022 CIP Council meetings April 20 & 26, and May 3, 2022) and forever City commitment it would be difficult to under consider the impacts and consequences of forever reducing lanes while Carlsbad has to accommodate forever unlimited population and traffic growth.

From: [Lance Schulte](#)
To: [Council Internet Email](#); [City Clerk](#); [Tom Frank](#); [Nathan Schmidt](#); [Kyle Lancaster](#); [Don Neu](#); [Eric Lardy](#); [Boyle, Carrie@Coastal](#); ["Prahler, Erin@Coastal"](#); [Ross, Toni@Coastal](#)
Subject: Public input to 1-mile PCH Relocation Proposal - FW: public input to 7-5-22 Traffic Committee meeting - South Carlsbad Boulevard Climate Adaptation Project
Date: Sunday, July 17, 2022 6:05:10 PM
Attachments: [Comments on PCH Relocation and design Options offered - 2022 July.pdf](#)

Dear Carlsbad City Council, Traffic, Parks, Planning Commission; Carlsbad Tomorrow Growth Management Committee; & CA Coastal Commission:

I was unable to attend July 5th meeting. However today I had time to watch the July 5th Traffic Committee meeting but did not see the issues noted in the July 4th email and attachment noted. I am not sure if the July 4th input (attached and below) was considered, but was encouraged by the Traffic Commission's call for data, comprehensiveness, congestion considerations; and logical and principled desire to make 'data driven decisions'.

The Traffic Commission's concerns reflected some of the attached and below concerns. Of key concern is rushing in asking for 'incremental' decisions on what is to be a critical MM (vehicle, bike, ped, Transit vehicle, and emergency vehicle) Traffic corridor without a verified Multi-modal Traffic LOS (vehicle, bike, ped, Transit vehicle, and emergency vehicle) data that not only covers the 'pre-Covid' condition, but addresses also addresses the "Forever/Final/Buildout MM Traffic Volumes" that any major reconfiguration of PCH will have to perform within.

I can appreciate and sympathize with staff in their rush, but potentially tragically, in that rush (solely driven by timing of a grant and grant funds) to be forcing Citizen Commissions to make disconnected decisions without critical data and a comprehensive perspective on such an important issue seems both unfair and "penny wise and pound foolish", "putting the cart before the horse", "jumping before looking" or any other common sense truth about rushed uninformed actions. In retrospect maybe planning a Joint Commission meeting on this issue after all the critical data was compiled may have been a better processing approach.

To the July 4th email/attachments of issues and data I hoped the City's Commissions and City Council would have considered on July 5th etc. I add the following:

1. Study keeping existing PAR/PCH design (free flowing) and simply move SB PCH lane (and bike/ped improvements) inland before "turnarounds" to merge with the PAR to SB PCH lane to a 4-lane PCH at So Lamar (option 2 design - south of So Lamar). I think this was what one Traffic Commissioner was suggesting.
2. The Staff report used traffic volumes for a location about 2-miles away (PCH/Avenida Encinas) v. using traffic counts for PCH/Cannon Road & Terramar that is a lot closer, is directly impacted by any induced congestion from NB PCH Traffic entering Terramar and the PPCH/Cannon intersection and by possible congestion backups into Terramar and the PCH/Cannon intersection from removing the current SB free flow of traffic until you reach Solamar. Terramar congestion is bad and potentially congesting 1-mile of PCH directly south of congested Terramar seems will make Terramar congestion worse and likely extend congestion further south (possibly to Island Way). Terramar also represents how pedestrian

traffic across PCH impacts PCH non-pedestrian congestion.

3. Taking MM Traffic counts (vehicle-bike-ped-transit-emergency vehicle) at Carlsbad's current 3-way & 1-lane PCH/State Street Traffic roundabout would give an 'on-the-ground' model on which to test the same type of roundabouts in the two roundabout based alternatives and then MM Traffic Model the future/final/buildout growth in all MM volumes on such 3-way 1-lane roundabouts. Any major PCH redesign/relocation will be a permanent/final/forever decision so making 100% sure we know how it will work in the future is critical.
4. Conduct a documented MM (vehicle-bike-ped-transit-emergency vehicle) Traffic LOS analysis of 3-way 1-lane PCH/State Street Roundabout for existing, pre-Covid, and future/final/buildout growth in volumes, so we have an understanding of how present MM LOS differs from Pre-Covid and future/final/buildout growth MM LOS.
5. Calibrate the above MM LOS models to a) the current MM Traffic Counts at the 1-mile PAR/PCH volumes and then adjust for both b) Pre-Covid volumes and also to c) projected final/Forever Carlsbad MM Traffic volumes based on 2015 General Plan and updated projections used to define Carlsbad's 'buildout MM Traffic Volumes' at and along PAR and PCH for the 1-mile PAR/PCH segment; and how it impacts the current, pre-Covid and future/final/buildout growth MM LOS at Terramar.
6. Provide a clear understanding of how Transit services will be impacted by delay, congestion and removing a NB and SB passing-lane in the 2-lane (50%) reduced proposals. Confirmation from the NCTD as to the Transit Service impacts should be provided to the public and City decision makers.
7. Provide a clear understanding of how Emergency vehicles, response times and services will be impacted by delay, congestion and removing a NB and SB passing-lanes in the 2-lane (50%) reduced proposals. Emergency vehicles will not be able to pass congested traffic, which seems like a significant impact in an area the City is spending millions in capital and forever operational and pension costs to provide another fire station along PCH for the current 4-lane (with passing lanes) condition. Will the proposed PCH reconfigurations force the City to have to provide another fire station along PCH due to potential increases in congestion and inability to pass congestion during emergencies? City decision makers should have that data so they can make data driven decisions relative to emergency services.

I hope this email and attachment are provided to you and that you honestly and sincerely consider it.

I am not against a possible 2-lane PCH if it Performs Better both now and forever into the future. The concerns are that we do not yet have the data to judge if the limited options (or other viable options) Perform Better and will be Perform Better forever for Carlsbad. We also seem to be shortchanging (or glossing over) significant citizen and stakeholder concerns/issues in the incremental rush.

Thank you for your thoughtful consideration.
Lance Schulte

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

Sent: Monday, July 4, 2022 3:39 PM

To: traffic@carlsbadca.gov; 'Nathan Schmidt'

Cc: 'City Clerk'; council@carlsbadca.gov; 'info@peopleforponto.com'

Subject: public input to 7-5-22 Traffic Committee meeting - South Carlsbad Boulevard Climate Adaptation Project

Dear Carlsbad Traffic Commission:

We hope you had a wonderful 4th of July, and ask you please sincerely consider the attached questions/comments regarding on 7-5-22 and on other meetings regarding the South Carlsbad Boulevard Climate Adaptation Project.

I travel PCH often from South to North Carlsbad – car, bike and walk. It is my main travel and exercise corridor. The congestion at Terramar as 4-lanes are compressed into 2-lanes is kind of a nightmare at times and will get more traffic from continued growth. Proposing to permanently and irreversibly doubling that nightmare and congestion with some of the designs needs serious and very well vetted public discussion. Providing needed pedestrian sidewalks/paths is critical, and providing safer bike lanes are appreciated, but permanently eliminating over 50% of vehicle capacity and expanding congestion does not seem to make any common sense. The Roadway options also urbanize (see the profiles) PCH and fundamentally change the open wide median and rural Old Carlsbad and Old California Character of our Historic 101.

Having worked as a City Planner for several Coastal cities, and having lived on the coast for my entire adult life, I speak with some experience about the folly that can occur by abandoning capacity, and by unneeded lane reduction that is not fully and properly analyzed and public vetted with a specific focus on the long-term transportation demands. With a price-tag of \$70 million per mile, to in 2 of the options permanently reduce by over 50% vehicle transportation capacity, we hope your considerations are very thorough and future orientated.

It is in-fad to promote vehicle congestion, to slow traffic, and max-out LOS to close to failure as a wise use of pavement. This is counter to what most all people want. Imagine how difficult and unpleasant it is to travel in a congested lane, and how frustrating and 'LA like' it is to travel in a congested network. We may be using pavement efficiently, but we pay the price in our mobility, travel experience, and road rage. Roads should work for people, not people having to work frustratingly on congested roads.

Thank you for your consideration,
Lance Schulte

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

Sent: Sunday, July 3, 2022 4:50 PM

To: 'Katie Hentrich'

Cc: 'James Wood'; 'Tom Frank'; 'Nikki Matosian'; 'Nichols, Katie@SCC'

Subject: RE: South Carlsbad Boulevard Climate Adaptation Project

Katie:

Thanks. Yes I do have questions and comments. See attached.

I look forward to hearing from you and understanding/participating in the next steps in gathering citizen input.

Thanks,

Lance Schulte

From: Katie Hentrich [mailto:Katie.Hentrich@carlsbadca.gov]
Sent: Wednesday, June 29, 2022 4:09 PM
Cc: James Wood; Tom Frank; Nikki Matosian; Nichols, Katie@SCC
Subject: South Carlsbad Boulevard Climate Adaptation Project

Hi all,

Thank you for participating in the listening sessions held for the [South Carlsbad Boulevard Climate Adaptation Project](#). Since then, Mike Grim, who served as the previous project manager, has retired and I have taken his place; if I've yet to meet you in person or virtually, hello!

Due to your participation and interest in this project, I wanted to share a status update. We now have three draft conceptual roadway options that protect public infrastructure from future sea level rise for the one-mile project area along south Carlsbad Boulevard from Manzano Drive to Island Way. At this time, the conceptual designs are just focused on the roadway and enhancements to walking and biking.

The City of Carlsbad is committed to engaging the community and is continuing to provide public input opportunities about the future use of Carlsbad's southern coastline. You can learn more about the project's current status and next steps [here](#). The [project webpage](#) is also updated.

Please let me know if there are any questions.

Thank you very much,



Katie Hentrich
she | her | hers
Climate Action Plan Administrator
Environmental Management

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TO: Growth Management Committee
From: Mike Howes
Subject: Growth Management Background & History
Date: July 22, 2022

Following is a very brief, simplified history of Carlsbad's Growth Management Program from someone that was there throughout the entire process. I was only a part of the process; it was a team effort by a number of individuals.

Unfortunately, during our first meeting there was only a very superficial discussion of the history and creation of Carlsbad's Growth Management Ordinance and Program. It might be easier to update the Growth Management Program if everyone had a better understanding of why it was created in the first place and what would have occurred if it did not happen. Also, what it addresses and what it does not address. None of the staff were around at that time and only a few of us that are on the Committee were present and involved during the creation of Carlsbad's Growth Management Ordinance.

Development in the 1980's

Most committee members do not realize that during the past 5-10 years Carlsbad has been going through a period of relatively slow growth. At one of our previous meetings staff pointed out that during the past five years only around 500 building permits were issued. During the 1980's the City was approving tentative maps for 2600-2900 units a year. Builders were then rushing to final the tentative maps and obtain building permits. The City was approving more units in one year than they have in the past 10 years. Staff was concerned about the rate of growth and the lack of ability to get some of the public facilities we believed were needed for the City. We were able to get frontage improvements for roads adjacent to a project site, but it was difficult to get offsite improvements. Often developers of large projects would say that the buildout of their project might take up to 10 years and the needed public facilities would come towards the end of the project and up front.

Proposition E

Some of Carlsbad's citizens were also getting concerned about the rate of growth. In 1985 a citizen's initiative created a ballot measure to limit the number of residential permits to 1000 the first year (1987), 750 the second year and 500 for the following 8 years to slow the rate of growth. This was a very simplistic, naïve concept that did nothing to address the impacts of commercial or industrial development or do anything to address the need for public facilities. All it would have done is create a beauty contest for residential projects and increase the price of housing for a 10-year period. Most people do not realize that the demand for residential units is created by non-residential development which creates jobs. Other than retirees, people do not move to Carlsbad, buy a million-dollar house and then look for a job.

City Response to Proposition E

Fortunately, the City Council and staff realized that this initiative would have a negative impact on the City and do nothing to ensure the provision of the needed public facilities. They appointed a citizen's committee to consider alternatives to counter this initiative while ensuring the provision of public

facilities concurrently with future development. Based on their input staff was directed to work with consultants prepare a Growth Management Program addressing 11 public facilities: City Administrative Facilities, Library, Wastewater Treatment Capacity, Parks, Circulation, Fire, Open Space, Schools, Sewer Collection System, Water Distribution System and Drainage.

We did not have a pattern to follow and had to figure it out as we went along. At the same time, we were working with developers pushing to get their projects to a hearing before the election. We had to get the program prepared so it could get on the ballot as Measure G to counter the housing cap initiative. We also did not have a blank slate to work with. Some of the public facilities were already in place while others were in the planning phase or just shown as potentials on the General Plan. We also had to determine the future buildout of residential units for the City to determine the size of some of the facilities that were based on population such as libraries, parks and administrative facilities. This led to the creation of Quadrant Caps (maximum number of residential units in each quadrant of the City.)

Existing Districts within the City

To complicate matters we had to deal with three sewer districts, three water districts and three school districts. At one of our previous meetings there was some questions from members of the Committee as to why there were different districts within the City limits of Carlsbad. These district boundaries were formed before Carlsbad's existing boundaries were created when those areas were part of the County. It would have been easier if those boundaries could have been eliminated and all the area covered by those districts become part of a Carlsbad district. However, changing district boundaries is very difficult and time-consuming requiring hearings before LAFCO, Local Agency Formation Committee. In addition, districts, especially school districts are opposed to reducing their boundaries and would have opposed any changes.

Quadrant Caps

As a part of the Growth Management Program staff had to determine the maximum buildout of the City. This was done by counting the number of existing units, counting all the units in approved, but unbuilt tentative maps, and calculating the number of potential units in the residential areas without any approvals based on the control yield point of each General Plan residential designation. Figure 3 from the Growth Management Program shows the number of units estimated for each quadrant of the City. (Figure 3 also shows how few of our existing major roadways actually existed in 1986.) Added up this came out to 54,599 dwelling units. Based on an average of 2.471 persons per household this resulted in a buildout population of 134,914 residents (Figure 5). This is the number that the City has been working with for the past few decades when determining the need for public facilities since this number was included in the Prop G ballot measure approved by the citizens of Carlsbad.

Many of us involved with the planning process on a daily basis have known for years that the housing crisis in California and changing laws were going to force the City to revise and update the Growth Management Program. In 2019 the State passed SB 330 that prohibited cities from establishing a housing cap. This message has been passed down to the City via letters from the State informing Carlsbad that the requirements of SB 330 superseded the growth cap created by Carlsbad's Growth Management Program. This is one of the main reasons that this committee has been formed.

Local Facility Management Zones

As a part of the City's Growth Management Program, I drew a map, which was later approved by the City Council, that divided the City into 25 Zones each of which had to prepare a Local Facilities Management Plan, LFMP. Each LFMP showed how development in each of the Zones would comply with and implement the Citywide Growth Management Program, see attached map. Zones 1-6 were the developed portions of Carlsbad at that time. Zones 7-12 were classified as developing because they had some level of development or planning. Zones 13-25 were classified as undeveloped areas because at that time there were no plans for development in those areas. Staff was directed to prepare the Local Facilities Management Plans for Zones 1-6, the developed areas of the City in 1986. The other Local Facilities Management Plans were prepared by property owners and submitted for City review as a part of the develop plans for that particular part of the City. Many of these Local Facilities Management Plans coincided with the boundaries of Master Plans, such as Calavera Hills, Rancho Carrillo, Bressi Ranch, or Aviara.

The Future

It is now our responsibility to update it for the coming years with the understanding that we do not have a completely blank slate to work with. Most of the City has already been developed and there is relatively little raw land left to develop and other than the Sunny Creek area (Zone 15), Village/Barrio and redevelopment of Plaza Camino Real most of the future development will be smaller infill sites. Any new standards recommended by this committee can only apply to new development, which as mentioned above is only going to occur in a few areas of the City.

This is the major difference between 1986 and the current time. When the Growth Management Plan was created most of the City was undeveloped. We need to remember that it is not legally possible to make new development make up for existing deficiencies. Per State Law, new projects can only be required to mitigate for the impacts created by their own development. The Growth Management Program does not address changes to land use or designate City Administrative sites or Park sites. This was done by other documents such as the General Plan, Parks Master Plan or Citywide Drainage Plan. The Growth Management Program and Local Facilities Management Plans showed how future development would provide these facilities in accordance with other approved City documents.

Conclusion

This is a very simplified explanation of the history of Carlsbad's Growth Management Program and how it has been implemented over the past 35 years. It is not a perfect document, but it has given Carlsbad some of the best public facilities in North County. We did the best we could with the information we had and the technology that was available at that time. The Program was innovative enough that it received a number of awards from planning groups when it was created. Hopefully this explanation is useful to some of you that were not around during the development of the Growth Management Program.

Attachments:

Local Facility Management Zones

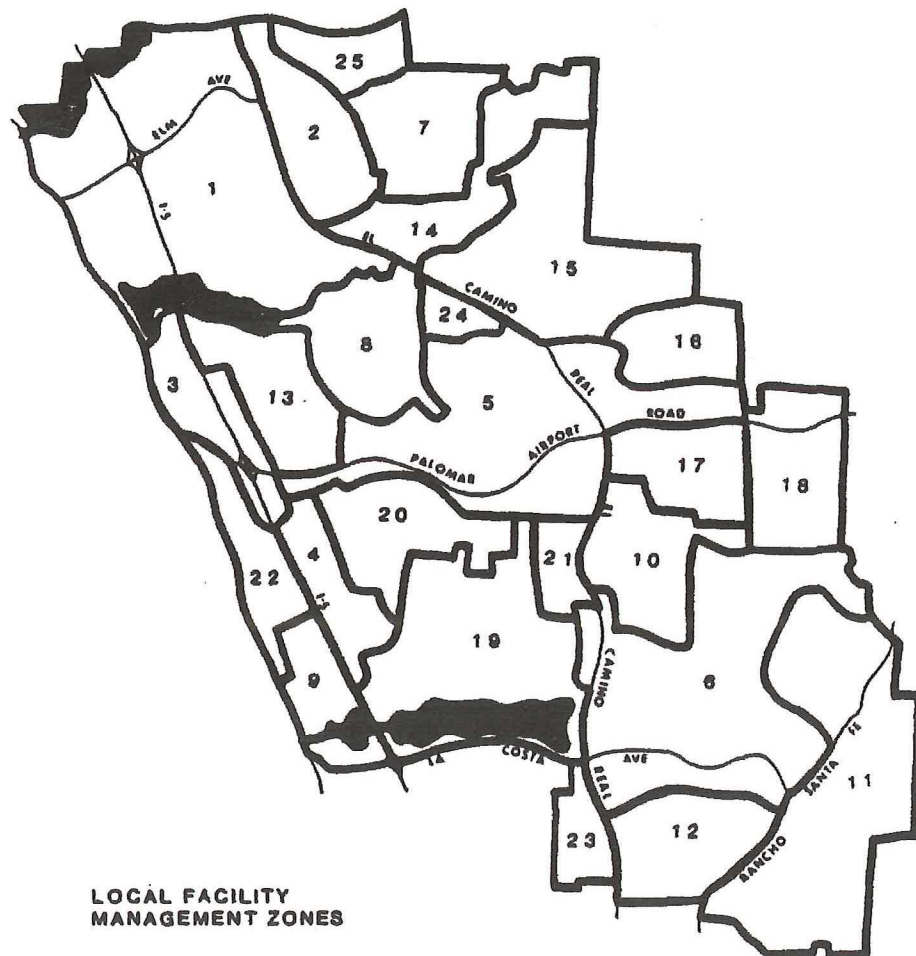
Dwelling Units by Quadrant

Projected Dwelling Unit and Population Buildout

**SECTION III. REQUIREMENTS FOR LOCAL FACILITY
MANAGEMENT PLANS - RELATIONSHIP
TO THE CITYWIDE FACILITIES AND
IMPROVEMENTS PLAN**

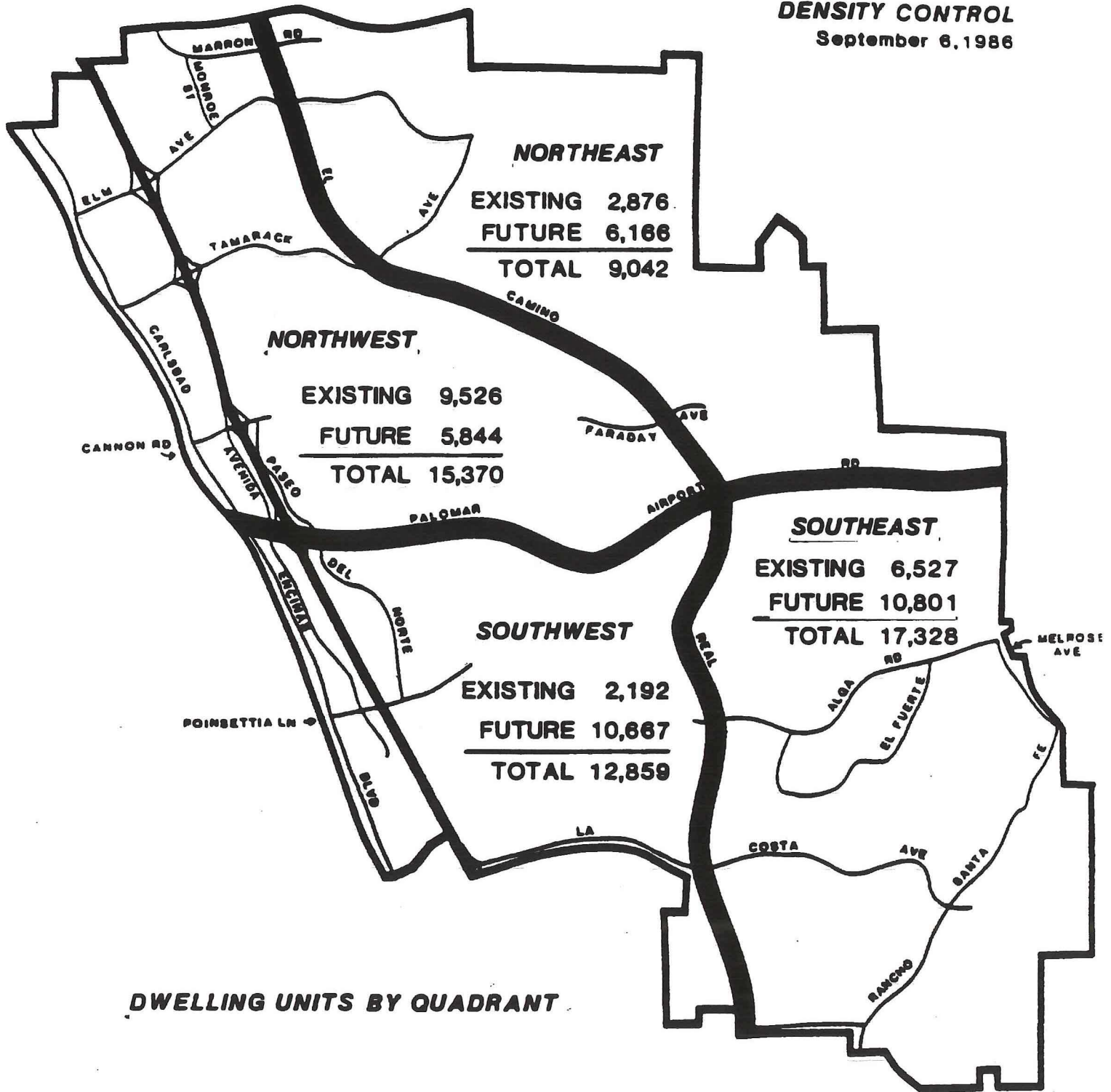
As part of the overall Growth Management Program the City was broken down into 25 Local Facility Management Zones (See Figure 1). The boundaries for each of the 25 Local Facility Management Zones were established based upon logical facilities and improvements planning, construction and service relationships to ensure the economically efficient and timely installation of required public facilities and improvements. After the adoption of the Citywide Facilities and Improvements Plan and prior to any development occurring in any of these zones, a Local Facility Management Plan must be submitted and approved. The plan must be consistent with all aspects of the Citywide Facilities Improvements Plan and shall implement the Citywide Facilities and Improvements Plan within the zone. It must ensure that each public facility and improvement meets the adopted performance standard prior to allowing any development.

FIGURE 1



LOCAL FACILITY
MANAGEMENT ZONES

FIGURE 3
DENSITY CONTROL
 September 6, 1986



CITY OF CARLSBAD
Projected Dwelling Unit and Population at Buildout

LAND USE	NET ACRES	CONTROL YIELD	D.U.s at BUILDOUT	POPULATION at BUILDOUT
RL	1,364	1	1,364	3,371
RLM	6,895	3.2	22,065	54,522
RM	2,376	6	14,252	35,218
RMH	1,081	11.5	12,430	30,713
RH (& RVH)	233	19	4,488	11,090
NON-RES	6,680			
	18,629		54,599	134,914

ASSUMPTIONS

- 1) PERSONS PER DWELLING UNIT ^{2.3178}~~2.474~~ AS PER THE STATE DEPT. OF FINANCE

July 25, 2022

To: Carlsbad Tomorrow Committee

From: Committee Member Steve Linke (Traffic & Mobility Commission)

Re: GMP circulation performance standards

SIGNIFICANCE

In Carlsbad's recent annual resident satisfaction surveys, transportation issues consistently ranked in the top two or three priorities/quality of life issues—along with police/fire and parks/open space. However, the satisfaction rate was much lower for transportation.

About 50% of greenhouse gas generation comes from surface transportation. Thus, improving both vehicle traffic flow and conditions to encourage non-single occupancy vehicle alternatives (walking, biking, transit, ride-sharing, telecommuting, etc.) is critical for the environment.

SUMMARY

The current Growth Management Plan (GMP) performance standard for circulation facilities is a level of service (LOS) grade "D" (on a scale of "A" through "F"). Prior to the 2015 General Plan update, this standard was applied only to vehicle LOS. The update re-prioritized each street to specific modes of travel—vehicle, pedestrian, bicycle, and/or transit—and LOS "D" is supposed to be maintained for each prioritized mode on the corresponding street.

Unlike all of the other GMP facilities we have discussed, our streets have been consistently failing their standard for many years. Four general approaches have been employed that camouflage the deficiencies and help avoid identification of mandatory improvements by developers and the city:

1. The analysis methods adopted by the city to determine the LOS grades have been designed to virtually never result in grades worse than "D," and exceptions and changes to the analysis rules are routinely made without public review.
2. The City Council now has the authority to simply exempt street facilities from the GMP standard when they fail the performance standard (32 facilities and counting have been exempted so far, representing a large portion of our arterial system).
3. The city has simply skipped or delayed monitoring of facilities and travel modes that would fail.
4. Legal arguments have emerged claiming the city never intended to enforce the LOS "D" standard through annual monitoring, and that the city may not be willing or able to create a "nexus" to enforce it with developers either.

Going forward, the LOS "D" performance standard itself is fine, but, given the above four loophole areas, it is rendered virtually meaningless. I have been working on these issues for the past 11 years—the last three on the Traffic & Mobility Commission. My hope is that this committee will be provided reliable professional guidance on how to navigate these problems, and then make a forceful recommendation to close the loopholes to the maximum extent possible.

DISCUSSION

During its 2015 adoption process, the General Plan Mobility Element was promoted as the new “Bible” (i.e., “authoritative text”) guiding how the GMP would be applied to circulation facilities going forward. It was to be a transformative reimagining of our transportation network by requiring citywide maintenance of the new performance standards and developer funding of projects.

It was supposed to ensure the completion of our arterial street network through widening of the last several streets to their ultimate two or three-lane directional widths, completion of the Poinsettia Lane and College Boulevard gap closures, and implementation of an advanced traffic signal control system. And it was simultaneously supposed to foster an aggressive shift to non-single occupancy vehicle travel modes through improvements to pedestrian, bicycle, and transit facilities/services and other so-called Transportation Demand Management (TDM) strategies.

The reality has been underwhelming. I detailed some of the following in my April 26th and May 23rd letters to this committee, but here are some highlights and additional examples.

VEHICLE LOS

GMP monitoring methods designed not to fail

Before the 2015 update, the city knowingly used vehicle LOS analysis methods for annual GMP monitoring (the “Carlsbad methods”) that generated unrealistically good LOS grades, rather than using the validated methods recommended by the original GMP citizen advisory committee.

After complaining about this for several years, an industry-validated vehicle LOS methodology was finally required in 2015. Applying the new method to historical annual GMP monitoring traffic count data shows that LOS “D” failures began occurring on Carlsbad streets going back to at least 2008. Demonstrating the virtually worthless nature of the original Carlsbad methods, a majority of streets/intersections degraded an average of two letter grades, and many went from “A” to “E” or “F.”

Exemptions and promises made

Knowing that many streets would fail the LOS “D” GMP performance standard when the new validated LOS method was applied, the 2015 update introduced the power to “exempt” deficient street segments from the GMP standard. Many promises were made to justify and quell concerns about exemptions.

For example, exemptions were projected to be very limited and were not going to be done until completion of the gap closures, and, even then, the exempted segments were not to be forgotten: The vehicle capacities of the streets were to be increased through widening to their final widths, intersection improvements (e.g., turn-lane additions and lengthening), and traffic signal coordination; and an aggressive Mobility Element-specific TDM program would be implemented, along with an update to the Traffic Impact Fee (TIF) program for funding.

Promises broken

The reality has been very different. The monitoring was delayed for a few years, and then done in a piecemeal fashion over the next several years to soften the blow of the numerous deficiencies and exemptions that have accumulated, now representing a significant portion of our arterial system.

While the Poinsettia Lane gap closure is complete, the College Boulevard gap closure was just put on indefinite hold, and it has been proposed to remove it entirely from the General Plan, despite the heavy congestion and GMP exemptions of the adjacent arterials, which would be alleviated by its completion.

Further, with some exceptions, there has been significant resistance to studying or making the capacity-increasing improvements. Exemptions are often proposed without capacity studies and/or recommendations against making such improvements. Intersection analysis has even been removed from Carlsbad's Transportation Impact Analysis Guidelines, despite the 2015 testimony that most congestion arises there and the promises to make improvements.

Perhaps most disturbingly, it has been **seven years**, but no Mobility Element-specific TDM program or TIF program update has yet been implemented to shift travelers to different modes—let alone programs that could have meaningful impacts on congestion.

MULTIMODAL (PEDESTRIAN, BICYCLE, AND TRANSIT) LEVEL OF SERVICE (MMLOS)

Skipped monitoring

There have been six annual GMP monitoring reports since the requirement to assess MMLOS was adopted in the 2015 update. However, not one of the reports has included MMLOS monitoring—just repetitive excuses and broken promises about including them before the next report comes out. I relayed the Traffic & Mobility Commission's concerns on this subject to the City Council a couple of weeks ago.

Exceptions and methodological changes without public review

Unlike vehicle LOS, which is based on traffic volumes and street capacities, MMLOS analyses are based on amenities/quality (e.g., widths of sidewalks, types of bike lanes, presence of benches/shelters at bus stops, etc.). Carlsbad is trying to use point systems that assign MMLOS letter grades based on a 100-point scale, with a score of "60" being required to achieve LOS "D."

There have been multiple iterations of the point systems since 2015, and I would argue that we are falling into the same trap as the pre-2015 vehicle LOS methods—concocting "Carlsbad methods" that are designed not to fail, making them meaningless in the quest to drive infrastructure improvements.

One example of the implications of the changing MMLOS methods on the final LOS grades is the Poinsettia gap closure. In one traffic study, the pedestrian LOS was calculated as "F," and the bicycle LOS was "D." However, in a subsequent traffic study—done by the same consultant using exactly the same input data—both the pedestrian and bicycle LOS results were "A" or "B." The only difference between the two studies was that staff had changed the point values for the amenities.

Another example is that, in 2019, staff began assigning 60 transit LOS points (just enough to achieve LOS "D") based on the City Council's adoption of a Climate Action Plan TDM Program. That effectively provided a blanket, citywide passing grade for transit, even though that program provides zero improvements to the transit system. This ridiculous move appears to have been at least partially rescinded but is indicative of the mindset that has been driving MMLOS method development.

Yet another example is a car dealership project being developed near a transit-prioritized street. The applicant made the inexplicable argument that it was exempt from having to conduct a transit LOS analysis, because there are no current transit stops within the prescribed distance from their project (one-half mile). However, the very lack of stops means the developer needs to make improvements to

transit or implement alternatives to bring the LOS to “D”—not be exempt because service is currently abysmal. Yet, staff and the Planning Commission allowed the project to go forward without the required MMLOS analysis or improvements.

Adopted standards vs. methods

The approach for Vehicle Miles Traveled (VMT) analysis under CEQA has been similar. Similar to the LOS “D” standard officially adopted by council for the GMP, certain “thresholds” have been officially adopted for VMT. For both GMP/MMLOS and CEQA/VMT, staff has given themselves broad discretion to change the methods and allow case-by-case exceptions to the methods without public review or council adoption. Then, it can be argued at the final decision-making meetings before the Planning Commission or City Council that the adopted MMLOS standard or VMT threshold is being met, and that any changes or exceptions to the methods used for the calculations and conclusions were at staff’s discretion.

Again, I cannot overemphasize how the performance standard itself (LOS grade of “D”) becomes meaningless when broad discretion is provided to manipulate the methods (e.g., the number of MMLOS points assigned for each amenity) used to calculate the grades.

Legal arguments minimizing potential impact of MMLOS

City GMP monitoring

The 2015 updates to the General Plan and the GMP implementing document state the following:

Implement the city’s MMLOS methodology and maintain LOS D or better for each mode of travel for which the MMLOS standard is applicable...

The proposed General Plan requires a LOS D or better...for the prioritized travel mode.

However, in the last couple of years as I have been raising this issue, staff has adopted the legal stance that the city never really intended to maintain the MMLOS D standard for any parts of the city that were already developed in 2015. But that is not how the language reads or how the MMLOS system was presented. Because the city is largely built-out, this stance would make MMLOS largely irrelevant, even if reasonable point systems could be adopted.

Developer nexus

The MMLOS system was presented by staff in 2015 as a means to create the required nexus to condition developments to fund projects for the prioritized modes. Recently, though, staff also has started suggesting that it may not be plausible to use MMLOS to assess the impacts of individual developments, because any identified deficiencies could be considered “pre-existing,” and a nexus cannot be established.

Despite promises in 2015 that the system would bring crosswalks, curb extensions, improved bike lanes, transit benches and shelters, pedestrian-scale lighting, etc., my analysis of dozens of development applications over the past three years indicates the following. Through the GMP, the city is only willing to require sidewalk completion on the same block as the development, and, in some cases, a bench being added next to an otherwise standalone, pre-existing bus stop sign within one-half mile—even if buses rarely stop there.

WE CAN DO BETTER THAN THIS!

RESPONSE TO DISTRICT 2 COMMITTEE MEMBER MARY RYAN'S NOTE ON GROWTH MANAGEMENT PERFORMANCE STANDARDS

HERE IS MY RESPONSE TO MS. RYAN'S NOTE

1. City Administrative Facilities. Current standard based on population ratio to floor area is useless. Need depends on the scope of city services provided. As Carlsbad has a water department and I presume staff to operate this service, office space would need to be provided. Cities can also choose to contract out certain services, such as landscape and park maintenance to the private sector as it does waste disposal, this requiring little or no administrative facilities. In addition, having space, such as the Dove Library auditorium allows for such spaces to serve multiple functions, such as doubling as meeting chamber space for the city council and various commissions. To me, this standard is useless in its current form.

2. Schools. How much larger will the city grow, population wise, once all developable residential land is built out using the newest mandates from the State?? Does the type of dwelling impact the expected population per dwelling unit? Condos and apartments usually have fewer bedrooms and thus fewer persons per dwelling unit. How do we factor in senior living facilities, of which Carlsbad has quite a few?

As for the ebb and flow of school age children over the years, my experience in five different cities from the 1960's to the present demonstrates that generational turnover is a real thing, especially among single family residences. School age populations in established neighborhoods will ebb and flow about every fifteen to twenty years. The current standard should remain in place, as it is the only practical method to tie school capacity with residential development. However, city may need to factor in potential impact of new law on auxiliary unit legislation's expansion.

3. Drainage. NO CHANGE PROPOSED.

4. Wastewater Treatment. NO CHANGE PROPOSED.

5. Sewer Collection System. NO CHANGE PROPOSED.

6. Water Distribution System. Consider storage capacity expansion to 14 days based on water conservation needs throughout the State, including Carlsbad.

7. Circulation. TDM Handbook has requirement for annual monitoring reports for certain residential developments. This seems to be impractical unless the city is requiring all such developments to 1. Have Private streets, 2. a functioning HOA, and 3. Having the requirement written into the development's CCR's with the city as a reporting organization similar to doing an annual financial audit. What are components of the "Local Mobility Analysis"? What are the assumptions behind the 11 peak hour trips or 110 daily trips given the perhaps permanent impacts on offices being used less frequently on a per employee basis as a side effect of the COVID pandemic? What standards are in the General Plan Mobility Element and should they be revisited on the same basis as above? Tax Funding (Transnet). How much of the ½ cent sales tax does Carlsbad get? Is it based on getting ½ a cent on all sales taxes paid in Carlsbad, or is it on a per capita basis?? How would this figure in with jobs in businesses which

are not retail establishments, such as offices and corporations, hotels, Legoland, etc.? Same thing with the gas tax. How much does Carlsbad get and how is its share determined?? How does this tie to future development, both residential and commercial?? What is the SANDAG regional travel demand model? How is it calculated? What other models currently exist? How do they differ?

8. Library. Has this been realized with the presence of the three libraries in Carlsbad?? Personal experience in visiting the libraries frequently is they are not overcrowded. In addition, the creation of eBooks, such as Kindle has reduced need to visit the library to check out books.

9. Fire. This standard begs the question of why leaving 1,500 d.u.s per fire station outside the 5-minute response time window is an acceptable standard. If my math is right, this means that almost 10% of all d.u.s will be outside the 5-minute limit. Since three of the station service areas are aggregated, it seems to me that at least one more fire station, somewhere near the former power plant property needs to be constructed, if the map shows things correctly, and a second station needs to be constructed in the station 5 and 6 area where some 1,500+ plus units are outside the 5-minute response time window.

10. Open Space. In my part of the city (the southwest quadrant) this Performance Standard has not come even close to being met. City brags about the "fact" that 40% of the city is "open space". But in that amount as all of the lagoons which can never be anything but, unless their outlets are dammed and the lagoons are drained. Also, involving the general fund requirement as a part of the funding seems to suggest that all open space acquisition would be exempted from the Measure C \$1million general fund voter requirement. Is this the case? Also, in my view, a significant percentage of what is being counted as "parks" to meet the 3.0 acres per 1,000 population requirement is actually an open space area adjacent to a park. Poinsettia Park is but one example.

11. Parks. 3.0 acres per 1,000 has not been met by the city. Again, especially in my quadrant of the city. Standard needs to be increased to 5.0 acres per 1,000 as Oceanside and Encinitas have done. If we want to be the best city in north county, that is the least we can do. Also, the City's emphasis on "community" size parks makes the goal set by The National Recreation and Parks Association, The Trust for Public Land and the Urban Land Institute of having a park within a 10-minute walk of every person in the city impossible to meet. Further, the emphasis on these larger parks means that much more of the acreage of the park is taken up with parking lots. Having to drive to the nearest park is about as anti-environmental as one can get and also is counter to trying to achieve the Growth Management Circulation Performance Standard. That conflict needs to be removed by adopting the 5-acre 10-minute walk as the standard.

HARRY PEACOCK

DISTRICT 4 COMMITTEE MEMBER

JULY 25, 2022